Promoting Excellence in Investigative Journalism

US OBSERVER
Vindicating the Innocent

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VICTORY SPOTLIGHT

As If It Never Was...

"I am Finally Vindicated!"

The Final Chapter in the Jessica Morton Story

By Joseph Snook
Investigative Reporter

Grants Pass, OR - After several agonizing years facing 6 serious criminal charges, and 10 years in prison, Jessica Morton has finally been vindicated. All records related to her arrest, are finally ready to be purged.

Jessica Morton is intelligent, attractive, healthy, active and is extremely caring of others. In 2014, she had her whole life ahead of her. Her family was happy and healthy – her daughter being the light in her eyes. Jessica was a role model to hundreds in her local community where she was somewhat of a sports star, having been a local softball-playing hero and coach. She earned a BA in psychology and a minor in sociology and business while attending the University of Hawaii.

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PROPERTY RIGHTS

One Brave American Lady!

Survey Fraud & Shattered Justice in The Great State of Idaho

Dorothy Walker

By Edward Snook
Investigative Reporter

Idaho County, ID – Seven long, stressful years have come and gone since the Walkers filed suit, believing the Idaho legal system would provide justice for them. Sydney's death on September 3, 2015 and Dorothy's stroke on April 9, 2016 can only be attributed to the "shattered justice in the great State of Idaho" and it is vividly clear that the cost for that "justice" comes at a very high price. Psychologists have stated that the extreme stress resulting from their experience with Idaho's legal system certainly contributed to Sydney's death and to Dorothy's stroke.

In 2009, Dorothy and her now deceased husband Sydney Butch Walker filed a lawsuit against Bessie Harmon, Etta Harmon, Ellen Hoiland,

Judge John R. Stegner

Dean Hoiland, and Elvin Harmon (Harmon/Hoilands) who were allegedly encroaching on Walkers' land. According to Idaho surveyors

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Disabled Woman Seeks Justice

Fed. Judge Michael Simon Recused

By Joseph Snook
Investigative Reporter

Portland, OR - Andrea Olson lost her job after several years of employment Bonneville Power Administration (BPA). She is alone, disabled and has been completely removed from her only source of income. Even still, Andrea Olson is standing up for her rights the best she can.

Judge Michael Simon

In January 2016, Andrea Olson's civil attorney, claiming a potential conflict of interest, removed himself from a lawsuit he filed against MBO Partners, Inc. (MBO), a large federal contractor. MBO appears to be a third party 'payroll' company that purports to help others, "make the most of your independent business." Since January, Andrea has found herself consumed with the overwhelming obstacle of trying to find adequate legal counsel for a case too complex for any layperson to litigate themselves, much less a disabled person. Andrea claims she was manipulated, discriminated against, and retaliated jointly against by BPA and MBO. She claims she was a victim of employee misclassification. In addition, she

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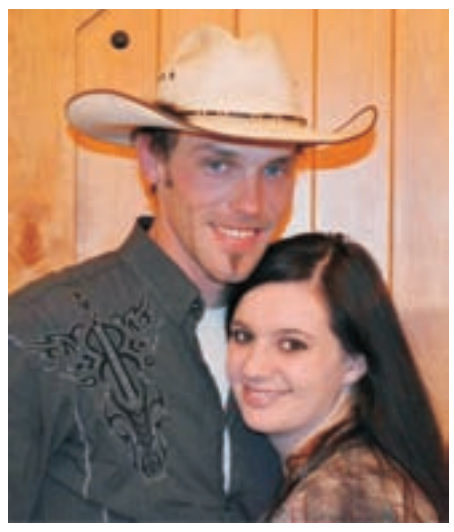
Oregon District Attorney Ryan Mulkins Disarming Law-Abiding Citizens?

By NewsWithViews.com

Grants Pass, OR - Charles Daniel Olds, or Dan as he is known to his friends and his wife Maranda moved to Southern Oregon early in 2015. They had both moved here from the oil fields of North Dakota. Once Maranda discovered she was pregnant, the young couple decided the harsh weather of North Dakota was not for them.



Charles and Maranda Olds

Dan grew up in Utah with many siblings and Maranda grew up in Wyoming on a working ranch. They are both very familiar with firearms, used them for sport as well as defending cattle against predators.

Dan and Maranda had visited Oregon on vacation and thought that Josephine County would be a very wonderful place to live and raise a family. One of the reasons they chose Oregon were the gun laws here. Little did they know, Oregon has some prosecutors and police officers who act like they are "gods", and the Olds' moved right into the jurisdiction of a couple of them.

THE NIGHTMARE BEGINS

On January 28, 2016, the Old's had gone to the Cave Junction area. Their daughter Felicity was now 7 months old and the couple wanted to take a hiking trip and look at some property for sale in that area.

As they were heading home, Maranda was driving their car on Hwy 199 and Baby Felicity was in her car seat in the back where she was screaming because she was tired and hungry. Dan had turned around, trying to sooth his daughter, when Oregon State Police (OSP) Officer Brian Ziegler, who

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DHS Oregon Department of Human Services | SPOTLIGHT ON MALFEASANCE

Precious Little Girl Destroyed by Judge, DHS

By Edward Snook
Investigative Reporter

Jackson County, OR – On May 19, 2016, Jackson County Circuit Court Judge Ronald D. Grensky, working hand in hand with Department of Human Services (DHS) caseworker Cori McGovern, allowed Sean Lenzo to walk out of court with physical custody of his 5 year-old daughter (Name Withheld). No hearing (trial), only instructions from Grensky that Lenzo and the child's mother, Christi MacLaren, "work things out." The daughter had accused Lenzo of sexually abusing her to health professionals and numerous others, and Grensky was absolutely aware of this.

Sean Lenzo

We are informed that the attorneys involved in this case were intimidated by Grensky, who reportedly made it clear that he didn't want to hear the case. According to one eye-witness, Grensky stated, "I don't want to spend all day

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Victimized Siblings Ordered to Live with an Abuser?

By Kelly Stone
Investigative Reporter

Anne was a newborn and Josh was 7 months old when they were adopted (Anne and Josh's names have been changed to protect their identity). Anne and Josh are not biological siblings. Their adoptive parents, Jim Greeninger and Judith Laitinen would initially shower these two with all their love, without doubt, but over time Jim says he, "noticed Judith was becoming increasingly aggressive with the children and I wanted her to get counseling: Instead she left with the children and filed a restraining order with false information on me, and began divorce proceedings."

Both Anne and Josh were left vulnerable and unwilling participants in what has evolved

Judith Laitinen

into over a decade-long battle for custody. Involuntarily thrown into court hearings, doctor visits, therapists, specialists, counselors, special education programs, and

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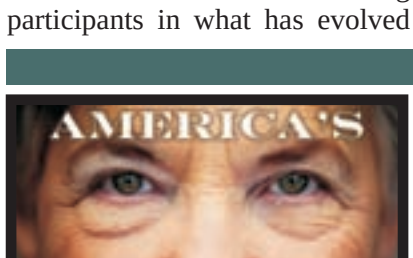

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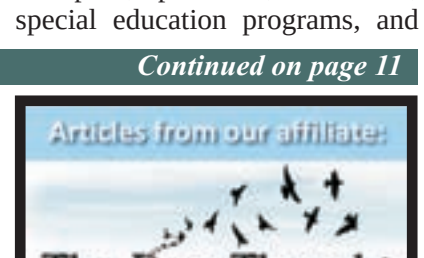

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Attorney Dennis Charney

Pete Ketchum and Matt Mayberry and nationally recognized surveying expert Jeff Lucas out of Alabama, the Defendants in this case are indeed attempting to take Walker property and it seems that surveyors changing boundaries and monuments may be the cause.

The US~Observer has covered the surveying issues regarding this case in prior articles, which can be found at usobserver.com. We reported how the Walkers' original Attorney Dennis Charney out of Boise, Idaho charged Walkers exorbitant fees for work that can only be described as incompetent. We informed the public that the Walkers first two surveyors, Chad Erickson and Steve Wellington charged the Walkers $37,856.00 and $30,059.36 respectively for surveys that were factually wrong, never understanding the truth of the situation, performing surveys that were of no use to them. Erickson was subsequently charged with "Ethics Violations" by the Idaho Survey Board as the Walkers continued to pay and pay and pay.

SURVEYOR CARL EDWARDS

Carl Edwards was the original mastermind of this seven year dispute when he relocated the original SW Corner of Section 24 (Walker property) in 1977, which is proven by the surveying brass cap he set with his 1977 stamp on it. According to a number of surveying experts, Edwards set a new corner, while the original cornerstone was still in place, moving the SW Corner approximately 325 feet to the North and approximately 234 feet to the East of its original position contrary to all the evidence available at the time, including the original corners and boundaries set in the late 1800s by the US Government. This was done secretly; 9 years after the Walkers bought their property. Edwards' reasons for this move are elusive but have been summed up by one surveyor who calls it "absolute fraud". One very telling thing is that Edwards, at the time he did the survey work, failed to record nine corner perpetuations in 1977 as required by law. Edwards knew very well that he was required by Idaho Code Section 55-1604 to record them within 90 days. He did finally record them in 1996, some 19 years later - a clear law violation, making these "illegal" surveys. We can conclude at this time that Edwards had a reason(s) for moving the original corners in 1977 and he had a reason for delaying the recording and finally recording it in 1996.

Chad Erickson

Steve Wellington

MANUFACTURING CORNER STONES

On May 4, 2016 a licensed Idaho surveyor submitted the following facts in a Declaration he signed under the penalty of perjury:

"In … a prior survey by Carl Edwards, in 2010….. I located what I believe to be a fabricated basalt stone at what Carl Edwards described as the SW Corner of Section 24, T30N, R3E,B.M. (herein referred to as "Stone B"). The volume of Stone B was about half the volume of the original stone as those measurements were reported by the original GLO surveyor, David Thompson. Stone B was mostly square (rather than having a length at least twice its width) and the volume of the stone was 50% smaller than the pillar shaped stone called for by the Thompson (prior surveyor) notes. As I examined the region immediately adjacent to where Stone B was located, I observed a nearby field which I learned through aerial photos had a history of cultivation of over 40 years. Further, I became aware that a rock pit with rock crusher previously operated in the vicinity. Further, Stone B had only two notches with nothing on what should have been the East corner. It appeared to me that the two notches were caused by agricultural equipment, such as a disc, marking the rock or by a rock crusher scarring.

After discovering Stone B, I had occasion to visit the office of Carl Edwards in Grangeville, Idaho and found that he had on display original stones and other memorabilia obtained from the field. It is apparent from the display and other facts and circumstances that Mr. Edwards was familiar with original evidence, thus he should have known that Stone B was not authentic. He should have known this because it was a freshly marked basalt stone without oxide or lichen in the notches; and, it was of the wrong size, shape, volume, dimensions and location as called for by the original surveyor. These facts make it apparent that the stone found by Carl Edwards in 1977 was not the original stone set by the GLO in the late 1800s at the SW corner of Sec. 24.

Prior to July 25, 2011, in an email, I recorded the following information: (While in the office of Hunter Edwards, I observed what appeared to be an original GLO stone.) It was lying on the front counter, to the right, as you enter the front door. Hunter Edwards said that someone gave him the stone and he was going to return it to its proper place. He did not say where its proper place was located nor when he planned to return it."

SURVEYOR HUNTER EDWARDS

Hunter Edwards

Surveyor Hunter Edwards, son of Carl Edwards has had his hands in this dispute from day one.

In 2001, Hunter did a survey for the Harmon/Hoiland landowners, which started this dispute. Hunter didn't use the original corners, as per law, instead declaring the General Land Office (GLO) plat in error and then "setting corners where he wanted, which violates the Federal Manual of Surveying Laws, which has been adopted by the State of Idaho". This violates the bona fide rights that landowners, such as the Walkers have acquired, which lock in

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Kairos Facility, Grants Pass, OR

Jessica was being continually praised and promoted in her chosen career field in behavioral health at a state-licensed private youth facility called Kairos, where she attained the role of supervisor. The same month she was awarded employee of the month (for the fourth time) allegations raised by a misbegotten young man named Tyler Watson had her fired and facing criminal charges. Her life started falling apart...

Tyler Watson (now 20 years old) originally made sexual abuse accusations against Jessica Morton while she was one of his supervisors at a Kairos facility in Grants Pass, Oregon in 2014. Watson was referred to by other staff and residents at Kairos treatment facility as a "sociopath" and a "pathological liar." One witness stated, "Tyler is a very dangerous young man. His intentional actions are sophisticated and those who reject him should watch their backs closely." Jessica Morton rejected Watson's sexual advances; in fact, she reported (in her written reports) that he refused to respect the boundaries of female residents, herself and others. Watson was eventually placed on a Behavioral Support Plan by Supervisors at Kairos due to his continued inappropriate and indecent advances toward females at the facility.

Tyler Watson

Watson was housed at Kairos treatment facility by the Oregon Youth Authority, where he had been a ward of the state for committing various crimes. He was also reportedly under medical treatment for diagnosed mental disorders.

After the allegations were made in 2014, Jessica was immediately put on leave from work. She was eventually forced to take her clothes off in front of a police officer, so her nude body could be photographed, to help verify the allegations made by Tyler, a "mentally disturbed convicted criminal."

Evidence of Jessica's innocence was obtained, and offered to prosecuting attorney Matthew Corey, and District Attorney, Ryan Mulkins. After first agreeing to receive the evidence, they both claimed during a meeting that all they wanted was a lie detector test, with one catch; the test would be administered by a cop, Dan Evans, who works with the same department that falsely arrested Jessica.

Jessica took the test; according to Evans, she failed. But, did this have anything to do with her not telling the truth? Her legal representation at the time took lengthy notes on the abuse Jessica suffered at Evans' hands - thereby completely calling into question the validity of this test. As an example, during her questioning, Evans asked about her, "sexual desires," and also inquired about her "sexual fantasies." These were questions designed to fluster, not ferret out the truth. Furthermore, the blood pressure cuff had been put on her arm so tightly, there were impressions in her skin that remained several hours after the "interview" took place - over tightening can cause errors in pressure readings.

Jessica Morton's arm after test

For those who believe in lie detectors, you should know that they are often used in the common practice of getting a defendant to accept a deal for a lesser crime, in order for the prosecutor to avoid trial, and maintain a conviction. Lie detector tests ARE NOT admissible as evidence in court.

Truly abused, Jessica found relief amongst her family, friends, and the US~Observer. The evidence was truly an offer of proof to the District Attorney that there were serious mistakes made by the police, and his department. D.A. Ryan Mulkins was absent when it came to seeking the truth - absent from seeking justice.

Instead, knowing that Jessica would be found innocent at trial, D.A. Mulkins and Prosecutor Matt Corey, concocted a deal that left Jessica Morton vindicated in 180 days - should she not violate the law in the meantime.

Jessica complied and as of June 17, 2016, she was finally free from prosecution! She recently submitted her required paperwork to have this part of her life completely erased from her record.

Jessica recently stated, "I used to wake up not even wanting to get out of bed, fearing what my future held for myself and my family. I now wake up ready for the day more driven than ever. I CHOOSE not to let what Kairos, the DA's office, Prosecutor Matt Corey and others that had any kind of negative thoughts or words to say about me, affect me. I am a good person and am better than all those people. I'm currently working two jobs and seeking a new career path at Asante Hospital and happy to be part of this company. I'm happy and I feel like I'm finally waking up from this nightmare."

What a beautiful day, and long overdue for Jessica Morton. Although her record is soon to be erased, the actions by some may never be.

For people who wear a badge, who are to, "pursue justice for all with skill, honor and integrity," D.A. Mulkins, Prosecutor Matthew Corey, and a few Grants Pass Police Officers - you have greatly contributed to the disapproval rating of law enforcement. For this writer, it is truly sad that those we entrust to uphold the law are sometimes the very ones who break our trust. Dr. Martin Luther King Jr. said it best, "Injustice anywhere is a threat to justice everywhere." Shame on those in law enforcement who violate their oath of office, and contribute to the public distrust of all police and the judicial process - honest police and prosecutors suffer because of your actions, too.

Editor's Note: If you have information about DA Ryan Mulkins, Officer Dan Evans or Prosecutor Matthew Corey, please contact the US~Observer immediately by emailing: editor@usobserver.com, or calling: 541-474-7885. ★★★

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those boundaries. The law specifically prohibits later surveyors, such as the Edwardses from relocating boundaries - but, in this case, the law has been disregarded.

In 2014, Hunter did another "illegal" survey of the Harmon/Hoilands neighbor's property. He reportedly moved their corners and placed roads where he wanted them to be for his clients' benefit. This survey was done without the permission or knowledge of the Walkers or other landowners.

Court records and affidavits filed by Hunter show that in 2014, he "committed fraud on the court" by asserting that a path he designated on his "illegal survey" was an ancient "Wagon Road". This deception created the false impression that this "path" was a public access road across Walker property, which could then be claimed as an access road by the Harmon/Hoilands. Numerous surveyors have stated, if we were to accept Hunter's survey on this "path," we find that it actually falls off a "900 foot" cliff at one point; hardly a road used by wagons before the turn of the last century.

In 2014, Hunter Edwards was caught trespassing onto the Walker's property. When Dorothy Walker found out that Hunter was on her property for a second time without permission, she had him escorted off their land by an Idaho County Deputy Sheriff. Hunter Edwards later stated in one of his Declarations, under the penalty of perjury, that Ms. Walker did not know he intended to move a permanent corner monument (in place and relied upon since 1902) 143 feet to the east and 60 feet to the North. According to witnesses, Hunter Edwards was supposedly forming an expert's opinion as to the correct location of the south line of Section 24 (Dorothy's land). Instead, he had gone at least a mile north of the south line when he was allegedly caught trespassing and was in the act of moving an ancient, permanent survey monument that had nothing to do with the south line.

Trespassing is a crime in Idaho, as this state has no "Right of Entry Law." Further, his entry on Walker property violated ethics rules set by the Idaho Board of Professional Engineers and Professional Land Surveyors (Idaho Board).

Several participants in this case have claimed that Hunter Edwards is a compulsive liar. In reviewing the record, we find evidence that Hunter Edwards does indeed lie and that he has no problem doing so in official recorded surveys and in Declarations filed in court for this case. In his November 17, 2015 Declaration, Hunter claims, "I have been ordered by the Board to complete my field work to enable the Board to evaluate my survey work; which is also necessary to meet the requirements and instructions of my client". In a subsequent Declaration signed by Executive Director of the Idaho Board Keith Simila on January 28, 2016, "under the penalty of perjury," Simila states, "I have caused a search of the records of the Board to be made and I have determined that the Board has not issued an order to Hunter Edwards and specifically, the Board has not issued any order to Hunter Edwards to "complete" survey work on the Dorothy Walker property in Sec. 24, T30N, R3E, B.M."

Unfortunately, it appears that it is okay with the "shattered justice system" in Idaho for a licensed surveyor to commit perjury and commit fraud on the Court and there are no consequences for the perjurer. Apparently, the Board is unconcerned that one of their surveyors "commits perjury (lies)" in recorded surveys and in a Declaration filed in court. In this instance, the Board can't say they didn't have knowledge as their Director is the one who exposed Edward's lie when he stated in his Declaration, "I am aware that Hunter Edwards, in his Declaration dated November 17, 2015 stated: 'I have been ordered by the Board….'"

Hunter was a speaker at the Idaho Society of Professional Land Surveyors Annual Conference held in Coeur d' Alene, Idaho in March of 2016. Amazingly, on March 4, 2016, Hunter spoke on "**Monumentation**" and in his Bio he described himself in the following manner, "**Gadgets & Gizmos Geek ~ Surveying Guru ~ Master of Monumented Corners - You can call me Hunter; Wizard in the land we know as Idaho**."

Hunter Edwards recently "found" what he called the "original stone", which he claims was exactly 184 feet from his father's monument on the west line of Section 25, immediately below the Walker section. For almost 100 years, surveyors have reported that this stone was lost. With Hunter Edwards having an original GLO stone in his office as reported above, the concern has been raised that he recently placed the stone in the field himself; especially since he had previously underreported the length of that portion of the west line by exactly 184 feet. Is there reason to believe that the Wizard of Idaho actually put this stone in place to save himself from being held accountable or responsible for lying about this distance - a distance which has a major impact on Dorothy's case?

I'm certain that Hunter, who considers himself a *"**Wizard**,"* wouldn't have incriminated himself like he has, had he known ahead of time that the US~Observer would be publishing this piece!

Enough said!

John Elle

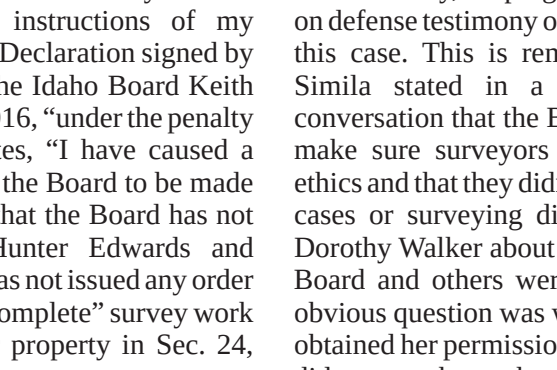
Keith Simila

IDAHO BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

The Board is very aware that a surveyor is required to obtain permission before entering someone's property and it stands to reason that this law would apply equally to the Board. But apparently not – According to John Elle's written report, "on April 7, 2016, Idaho Professional Land Surveyor and Board member John Elle, accompanied by Executive Director Keith Simila, Hunter Edwards, Attorney for the Hoilands David Risley, and Thayne Hoiland son of Ellen Hoiland…. went into the field (on Walker property) so Hoiland could show us the location of where the stone and pile of rocks marking the S ¼ corner monument had been prior to the early 1990's… Keith went out into the field where the corner had been and positioned himself on a N-S line marked by the remnants of an old fence running through the volcanic vent area. Hoiland then positioned Keith on the intersection of this fence line and her sight line at the point where she had seen the old survey monument."

Okay, so we have two members of the Board trespassing onto Walker property with two of the defendants in this case and their attorney, helping establish and working on defense testimony or evidence that is part of this case. This is remarkable in that Keith Simila stated in a December 23, 2015 conversation that the Board was only there to make sure surveyors followed the rules of ethics and that they didn't get involved in court cases or surveying disputes. In questioning Dorothy Walker about this incident where the Board and others were on her property, the obvious question was whether or not they had obtained her permission. Ms. Walker stated, "I did not even know they went onto the property. No one spoke to me about this and they didn't get any permission." It is noteworthy that the Board was allegedly trespassing onto the Walker's property, as were Hunter Edwards, Attorney David Risley and the Hoilands. Walker land is clearly posted and the punishment for a trespass in Idaho includes a fine and a jail sentence. Of course, as we are quickly realizing, even though it is illegal, it is okay in Idaho for people to trespass. Just as it's perfectly acceptable that the Board, who is only there "to govern ethics," is assisting the defendants in the Walker case with their defense.

Atty. David R. Risley



Judge John R. Stegner

JUDGE JOHN R. STEGNER

A close look at the records in the Walker case shows that Judge Stegner has contributed to the stress that Dorothy Walker has experienced. During a hearing held on December 14, 2015 Stegner stated, "Well, I think I can control this litigation in a way that enables Mr. Edwards (Hunter Edwards - the surveyor who caused the boundary disputes with Dorothy's neighbors) to do what he seeks to do at Mr. Risley's (the Harmon/Hoilands attorney) instigation." Stegner continues at the same hearing, "I control the litigation. If

Dorothy Walker is being **obstreperous** in allowing Mr. Edwards to do his contractual duty with regard to Mr. Risley's clients (as the hired expert of the Harmon/Hoilands - locating the south line did not involve moving the northwest corner monument, unless Edwards had an ulterior motive), I think I can fix that problem." **The Dictionary definition of obstreperous is: unruly, disorderly, undisciplined, uncontrollable, rowdy, disruptive, truculent, difficult refractory, rebellious, mutinous, riotous, out of control, wild, turbulent, uproarious and boisterous.**

Having worked diligently on the Walker case for three years now, it was shocking when – during a hearing on July 23, 2014, that I attended, Judge Stegner ruled that Dorothy Walker could not testify as an "expert" in her own case. Stegner's ruling occurred when another Attorney objected to Dorothy's affidavit and the supporting documents, which pretty much proved her case.

Idaho law allows knowledgeable landowners to testify as to the location of their boundaries; which could be considered an expert opinion. The court is to measure the weight to be given such testimony given the parties direct interest in the litigation, but not exclude it entirely. There is a question whether Judge Stegner will use some technicality to prevent Dorothy from testifying, even though her expertise as to her boundary locations goes back almost 50 years. As far as the name calling is concerned, Dorothy is anything but "obstreperous", in fact, she is an intelligent and brave woman who is standing up for what is right!

Atty. Wes Hoyt

Following up on the obstreperous comment, in a hearing of June 20, 2016 the official Court Minutes reflect that after Judge Stegner ordered that Hunter Edwards would be allowed to place "impermanent" markers on Dorothy's property, he again verbally attacked Dorothy: "Court stated that if it has any question that Mrs. Walker has moved those survey markers, then that will be a real problem for Mrs. Walker". Judge Stegner is implying that Mrs. Walker is the one who has moved markers in the past, when the record and reports establish it was Hunter Edwards and his Father Carl Edwards and their clients the Harmon/Hoilands who have moved and even destroyed markers. Stegner's threats against this lady are much more than unsettling, in fact, he owes Dorothy Walker an apology for his comments and for the absolute prejudice and disrespect he showed when he made these comments. Obviously, Attorney David R. Risley has garnered the judge's ear, or better yet his favoritism, as any suggestion of Ms. Walker "moving survey markers" had to have come from his side of the case, and they appear to have been manipulating both the Board and Judge Stegner.

Stegner has done plenty more to Ms. Walker; including the $5,000.00 fine he leveled against her Attorney Wes Hoyt for not asking permission to amend Dorothy's Complaint (such a fine is enough to dissuade any lawyer from continuing to represent a client). The controversy occurred during a fairly convoluted hearing where the judge specifically instructed Attorney Hoyt to file an Amended Complaint and then later told him to first "seek leave" to file the Amended Complaint. From an objective observer's standpoint, one would think that Judge Stegner had already granted "leave;" but, it seems since he has been villainizing Dorothy, he already has his mind made up about this case before hearing the evidence; or maybe this is just how the "legal" system works in Idaho. I recently asked Attorney Hoyt for his take on the $5,000.00 fine and he refused to comment.

At this juncture, this writer is left with some quite serious questions about motives and relationships involved in this case, as evidenced by rulings and statements Stegner has made to date.

Will Stegner provide justice or just more "shattered justice"? We will report!

Editor's Note: Due to motions filed by the defense in this case an additional eleven people have been named as Defendants, compared to seven when the suit was filed.

The citizens of Idaho should start demanding much more from their government. Give Judge Stegner's office a call at (208) 883-2255 and let him know that Dorothy Walker deserves justice.

Anyone with information on anyone involved in this case is urged to contact Edward Snook at 541-474-7885 or by email to editor@usobserver.com.

★★★

In The News

New MTV documentary on questionable convictions

(Kansas City.com) - His name — and his story — are well known throughout Missouri.

Ryan Ferguson served almost a decade of a 40-year prison term for the 2001 murder of Columbia Tribune editor Kent Heitholt before his charges were famously vacated in 2013 by a state appellate court. A teenager at the time of the crime, Ferguson consistently maintained his innocence after high school friend Charles Erickson told police he had dreamed the pair had been involved. Erickson would later say prosecutors coerced him into implicating Ferguson.

Ryan Ferguson

Now, Ferguson is teaming up with an Exoneration Project investigator to tell similar stories of defendants fighting questionable convictions in an MTV documentary series that is set to debut this August.

Ferguson and investigator Eva Nagao's series "Unlocking the Truth" depicts their own efforts to reopen three criminal cases, two out of Missouri and one in North Carolina. The first episode is scheduled for Aug. 17.

"Ten years was taken from me," Ferguson says in the trailer on the MTV website. "If I can stop them from putting innocent people in prison, that 10 years will have meant something."

Ferguson's father, Bill, who led a tireless crusade for his son's release during Ferguson's incarceration, told the Columbia Tribune newspaper this week that the show began shooting in the spring and took about 15 weeks to produce.

"There are so many people that have been innocently put in prison, and most of them don't have the money, the resources or the support to resurrect them from the prison system," Bill Ferguson said in that interview. "Hopefully, this will open the eyes of the public that this happens." ★★★

Olympic champions will owe taxes on their medals, bonuses

By Jay Busbee

(Yahoo Sports) - When Americans win at the Olympic Games, we all win. But some of us win a little more than others.

This is your periodic reminder that the Olympic medals, and the bonuses that the athletes win for snaring a gold, silver or bronze, continue to be taxed as income. You probably already know that prizes, such as lottery, casino or game show winnings, are taxable. Medals and prize bonuses fall under that same umbrella, even if winning an Olympic medal requires a bit more effort than, say, scratching off a card.

In addition to a priceless memento, U.S. athletes also win bonuses of $25,000 for a gold-medal performance, $15,000 for silver and $10,000 for bronze. All of that is taxable.

If there's good news to this, it's that the medals' actual monetary value, the basis on which they are taxed, is surprisingly cheap. Forbes pegs the value of a gold medal at about $564, give or take depending on the price of gold. (A completely gold medal, rather than a gold-plated one, would be about $22,000.) Silver medals are worth about $305, while bronze medals, with their mixture of copper and zinc, possess "little intrinsic value."

Any athlete with a halfway decent accountant ought to be able to offset at least a portion of potential tax with expenses racked up for training and traveling, provided the athlete is treating their sport as a profession.

The idea of taxing Olympians strikes some as a bit unsavory, or at least seems an opportunity to score some easy political points. Sen. Marco Rubio proposed a bill in 2012 to exempt Olympians from the tax, saying at the time, "We can all agree that these Olympians who dedicate their lives to athletic excellence should not be punished when they achieve it." That bill failed to pass, but another awaits action in the House of Representatives after passing the Senate, and President Obama has said he is in favor of an exemption. ★★★

America's Deadliest Prosecutors: Five Lawyers, 440 Death Sentences

Harvard report highlights the lion-sized role in modern death penalty of just four men and a woman, and how capital punishment is a 'personality-driven system'

By Ed Pilkington

One had a poster from the movie Tombstone on his office wall with "Justice is coming" emblazoned on it; another used a miniature model of an electric chair as a paperweight; a third, dubbed the "Queen of death", said she was "passionate" about judicially killing people and described the emotion of watching an execution as a "non-event".

What they all had in common was a vast appetite for putting men and women to death. What additionally made them special was that they all had the power to turn such unusual tastes into sentences.

As head prosecutors in their counties, just five individuals have been responsible for putting no fewer than 440 prisoners onto death row. If you compare that number to the 2,943 who are currently awaiting execution in the US, it is equivalent to one out of every seven.

Or express the figure another way: of the 8,038 death sentences handed down since the death penalty was restarted in the modern era 40 years ago this week, some one in 20 of them have been the responsibility of those five district attorneys alone.

The five are profiled in a new report from Harvard Law School's Fair Punishment Project. Titled America's Top Five Deadliest Prosecutors, the report highlights the lion-sized role in the modern death penalty of just four men and one woman. They are: Joe Freeman Britt of Robeson County, North Carolina; Donnie Myers of Lexington, South Carolina; Bob Macy of Oklahoma County; Lynne Abraham of Philadelphia County; and Johnny Holmes of Harris County, Texas.

Just how extraordinary this elite club of lawyers is can be seen in the biography of Bob Macy. Until his death in 2011, he was known as Cowboy Bob because of his traditional frontier dress sense: he always wore cowboy boots, a large cowboy hat, a black string tie, a black suit and a white shirt.

Over the course of 21 years as the top prosecutor in Oklahoma County, Macy put 54 people on death row. That gave him the distinction of sending more people to their potential deaths than any other district attorney in the nation.

And many did actually go to their deaths. According to records compiled by the Fair Punishment Project, 30 of those prisoners were executed.

That might have presented an ethical burden to some, but not to Macy. As he sat beneath his Tombstone poster, he ruminated on the "patriotic duty" of prosecutors to aggressively pursue death sentences. He was proud of having sent a 16-year-old, Sean Sellers, to the death chamber before the US supreme court banned the execution of juveniles in 2005.

The problem is that Macy's sense of legal propriety was not as honed as his sense of patriotic duty. The Harvard report notes that about a third of the 54 capital sentences he secured were later challenged and misconduct uncovered; three death-row prisoners were exonerated.

A similarly disturbing pattern of misconduct and error is recorded by the other deadliest prosecutors. Britt, who died in April, obtained 38 death sentences in the course of his 14-year career.

He once said that "within the breast of each of us burns a flame that constantly whispers in our ear 'preserve life at any cost'. It is the prosecutor's job to extinguish that flame."

Which is all very well, were it not for the fact that in more than a third of his cases ending in death sentences he was later found to have committed misconduct. Two of his death row inmates were exonerated: Leon Brown and Henry McCollum, two intellectually disabled brothers who were 15 and 19 respectively when they were set up for murder.

Lynne Abraham, known as the 'Queen of death', saw 108 capital sentences returned during her time as chief prosecutor.

Myers is the only one of the five who is still in office, with plans to retire at the end of the year. The lawyer, the one with the electric chair paperweight on his desk, did not respond to the Guardian's questions about his inclusion in the top five club of deadliest prosecutors.

He achieved 39 death sentences in the course of his 38 years in practice but labored under a 46% rate of misconduct that was later discovered. Six of his death sentences were overturned due to problems in the way he had secured a capital sentence – often involving discriminatory exclusions of jurors based on race.

The report notes that Myers once rolled a baby's crib draped in black cloth in front of a capital jury and, crying profusely, told them that a failure to return a death sentence would be like declaring "open season on babies in Lexington County". In another death penalty case, he referred to the black defendant as "King Kong", a "monster", "caveman" and "beast of burden".

The grossly disproportionate impact of these district attorneys in just five of America's 3,100 counties gives the lie to the US supreme court opinion, issued on 2 July 1976 in Gregg v Georgia, that reopened the death penalty in America. That ruling said that capital punishment could be practiced in such a way that it was neither arbitrary nor capricious.

But the past 40 years have shown it to be highly arbitrary. In a spirited dissent issued last year, Justice Stephen Breyer argued that it was time for the supreme court to consider whether the ultimate punishment should be ruled unconstitutional and banned outright.

Breyer found that "40 years of experience make it increasingly clear that the death penalty is imposed arbitrarily, without the reasonable consistency legally necessary to reconcile its use with the constitution's commands". One of the examples he gave of inconsistency was that not only do some states allow the death penalty while others do not, but also "within a death penalty state, the imposition of the death penalty heavily depends on the county in which a defendant is tried".

The remaining two of the five most deadly prosecutors did not personally secure all their own death sentences but did preside over teams of lawyers who put astonishing numbers of people onto death row. Lynne Abraham, known as the "Queen of death", saw 108 capital sentences returned during her time as chief prosecutor in Philadelphia County.

Asked whether she had ever doubted the outcome of a capital case, she said categorically that she never had. Yet two of her cases ended in exonerations.

Johnny Holmes was the top prosecutor in Harris County, Texas, which covers Houston. During his 21 years in charge until his retirement in 2000, 201 people were sent to death row.

As the Harvard team points out, as soon as Holmes retired, the number of death sentences secured in Harris County plummeted from an average of 12 a year during his heyday to just one a year now. That suggests that capital punishment in America is what the authors call a "personality-driven system".

They point out that despite the gradual decline of new death sentences across the country, the syndrome of overzealous prosecutors remains a problem today. The enduring distortion of the numbers, they say, is evidence that the application of the death penalty has always been less about the crime and the criminal, "and more a function of the personality and predilections of local prosecutors entrusted with the power to seek the ultimate punishment". ★★★

Six Weeks Later, Sheriff's Department Admits They Killed an Innocent in SWAT Raid

(Reason) - After six weeks of insisting the man killed in a pre-dawn raid was a suspect in a carjacking, the Los Angeles County Sheriff's Department this week reversed course and admitted they gunned down an innocent man.

On July 28, the department was using armored vehicles and a SWAT team armed with assault weapons to search a neighborhood in Compton, Calif., for a man who had stolen a car and exchanged gunfire with police officers before going on the run. They found and arrested the suspect, but then received a 911 call from a resident of the neighborhood who reported seeing an unknown man lying in his front yard.

The department responded in force.

When the unknown man didn't respond to verbal commands, deputies set off flash bang grenades and fired rubber bullets at him. When he rose from the ground and allegedly ran towards the deputies, a deputy sitting in the turret of one of the heavily armored cars fired, killing Donnell Thompson.

Thompson, a 27-year old man, suffered from mental disabilities. He had nothing to do with the carjacking. He wasn't armed and had not committed a crime.

Even so, the Sheriff's Department spent weeks saying they had reason to believe Thompson was a second suspect in the carjacking incident. After an internal investigation and facing pressure from Thompson's family, the department admitted their mistake this week.

A statement issued by the Sheriff's Department on Tuesday said there was "no evidence that Mr. Thompson was in the carjacked vehicle, nor that he was involved in the assault on the deputies."

At a press conference, Capt. Steve Katz called the incident a "terribly devastating event."

According to the Los Angeles Times, the department conducted an internal review of the shooting after Thompson's family protested the shooting at a Los Angeles County Board of Supervisors meeting. His family described him as a "harmless man who had never been in legal trouble," and wanted charges filed against the officer who pulled the trigger, the paper reported.

"I wouldn't treat an animal this bad," his sister Matrice Stanley told the board, according to the AP. "How is this justifiable?"

Brian Dunn, an attorney representing the Thompson family, told the Huffington Post that the Sheriff's Department's response to the incident was inappropriate.

"In a civilian neighborhood, they bring an urban assault vehicle," Dunn said. "The BearCat, it's like a tank. Their response to this situation was so aggressive. Their tactics were so aggressive."

The department says an investigation into the shooting is still ongoing and the officer who killed Thompson—who has not been identified publically—has been reassigned to non-field duty.

Thompson is not the first person to be killed by a misinformed SWAT team or overly aggressive police tactics. Sadly, but without a doubt, he also won't be the last. ★★★

When DNA Implicates the Innocent

The criminal justice system's reliance on DNA evidence, often treated as infallible, carries significant risks

By Peter Andrey Smith

(Scientific American) - In December 2012 a homeless man named Lukis Anderson was charged with the murder of Raveesh Kumra, a Silicon Valley multimillionaire, based on DNA evidence. The charge carried a possible death sentence. But Anderson was not guilty. He had a rock-solid alibi: drunk and nearly comatose, Anderson had been hospitalized—and under constant medical supervision—the night of the murder in November. Later his legal team learned his DNA made its way to the crime scene by way of the paramedics who had arrived at Kumra's residence. They had treated Anderson earlier on the same day—inadvertently "planting" the evidence at the crime scene more than three hours later. The case, presented in February at the annual American Academy of Forensic Sciences meeting in Las Vegas, provides one of the few definitive examples of a DNA transfer implicating an innocent person and illustrates a growing opinion that the criminal justice system's reliance on DNA evidence, often treated as infallible, actually carries significant risks.

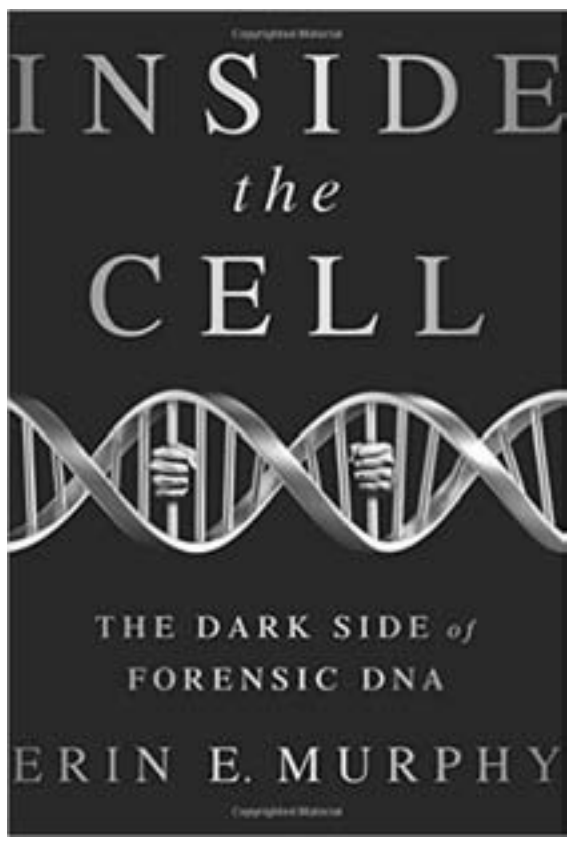
As virtually every field in forensics has come under increased scientific scrutiny in recent years, especially those relying on comparisons such as bite-mark and microscopic hair analysis, the power of DNA evidence has grown—and for good reason. DNA analysis is more definitive and less subjective than other forensic techniques because it is predicated on statistical models. By examining specific regions, or loci, on the human genome, analysts can determine the likelihood that a given piece of evidence does or does not match a known genetic profile, from a victim, suspect or alleged perpetrator; moreover, analysts can predict how powerful or probative the match is by checking a pattern's frequency against population databases. Since the mid-1990s the Innocence Project, a nonprofit legal organization based in New York City, has analyzed or reanalyzed available DNA to examine convictions, winning nearly 200 exonerations and spurring calls for reform of the criminal justice system.

Like any piece of evidence, however, DNA is just one part of a larger picture. "We're desperately hoping that DNA will come in to save the day, but it's still fitting into a flawed system," says Erin E. Murphy, a professor of law at New York University and author of the 2015 book Inside the Cell: The Dark Side of Forensic DNA. "If you don't bring in the appropriate amount of skepticism and restraint in using the method, there are going to be miscarriages of justice." For example, biological samples can degrade or be contaminated; judges and juries can misinterpret statistical probabilities. And as the Anderson case brought to light, skin cells can move.

Since 1997, when researchers first showed that it was possible to gather genetic information about a person based on skin cells they had left on an object, this type of trace evidence, also known as touch DNA, has been increasingly collected from surfaces such as door and gun handles. (In some jurisdictions, such as Harris County, Texas, the number of touch DNA cases submitted for laboratory analysis increased more than threefold between 2009 and 2013, often as a means of identifying possible perpetrators for burglaries and thefts.) Commercial companies now sell kits to law-enforcement agencies that can generate a full genetic profile of an individual from as few as three to five cells. Independent labs and scientists working on such projects as identifying long-deceased individuals also employ the kits.

> **"...there are going to be miscarriages of justice."**

Until recently, this type of DNA has been regarded as incontrovertible proof of direct contact. But a growing number of studies show that DNA does not always stay put. For example, a person who merely carried a cloth that had been wiped across someone else's neck could then transfer that person's DNA onto an object he or she never touched, according to a study published earlier this year in the International Journal of Legal Medicine. Similarly, Cynthia M. Cale, a master's candidate in human biology at the University of Indianapolis, recently reported in the Journal of Forensic Sciences that a person who uses a steak knife after shaking hands with another person transfers that person's DNA onto the handle. In fact, in a fifth of the samples she collected, the person identified as the main contributor of DNA never touched the knife. Cale and her colleagues are among several groups now working to establish how easily and how quickly cells can be transferred—and how long they persist. "What we get is what we get," Cale says, "but it's how that profile is used and presented that we need to be cautious about."



At the forensics meeting in Las Vegas, Kelley Kulick, a public defender for the County of Santa Clara, presented the idea that Anderson's DNA hitched a ride on the medics' uniforms. Just how often transferred DNA ends in a wrongful accusation is unknown. "Although clear cases appear to be quite uncommon, I think it's probably more prevalent than we think," says Jennifer Friedman, a public defender in Los Angeles and DNA specialist. "The problem is that what we don't see frequently is the ability to definitely prove that transfer occurred."

The erroneous interpretation of touch DNA for Anderson has now also become a contentious issue for two co-defendants on trial for the Kumra murder, Kulick says. No doubt DNA evidence remains an invaluable investigative tool, but forensic scientists and legal scholars alike emphasize that additional corroborating facts should be required to determine guilt or innocence. Like all forms of evidence, DNA is only one circumstantial clue. As such, Anderson's case serves as a warning that a handful of wayward skin cells should not come to mean too much.

★★★

'Home Free': How a WrongfullyConvicted Man Taught Himself Law and Won His Freedom

Derrick Hamilton carried his daughter as he left State Supreme Court in Brooklyn after his 1991 murder conviction was overturned.

Credit Anthony Lanzilote for The New York Times

(Innocence Project) - For more than 20 years, Derrick Hamilton struggled to survive in prison, bouncing from one correctional facility to another and enduring lengthy stays in solitary confinement.

As a man who claimed innocence despite his conviction, Hamilton was also forced to navigate the complicated waters of the legal system, one tortuous appeal at a time. He resorted to the only person who could effectively and tirelessly champion his cause in the courts: himself.

"The law saved my life," Hamilton explains in a new profile piece written by Jennifer Gonnerman and out in the latest New Yorker. "That was the one thing I could become fixated upon every day when I woke up and when I went to sleep."

During an initial stint in prison in his teens, Hamilton became a so-called "jailhouse lawyer" which, notes Gonnerman, is "an occupation born of desperation" as most prisoners "cannot afford lawyers, and are eligible for a free attorney only for their first appeal."

"After that," she adds, "they have to either learn the law themselves or find a jailhouse lawyer to help them."

Derrick Hamilton did just that.

After earning his high-school equivalency diploma and taking a class on legal research during his time at the Elmira Correctional Facility, Hamilton began studying in the prison's law library, eventually teaching himself enough criminal law to become "one of the most skilled jailhouse lawyers in the country." When he wasn't embedded in the details of his own case, however, Hamilton would also lend help to his fellow inmates, guiding them to passages in legal texts that were relevant to their own cases.

"I would show the guy how to go to the point that relates to his case, so he didn't have to read the whole thing," he explains. "This way, he could get his answer and keep it moving."

Hamilton always maintained he was in New Haven, Connecticut, when Nathaniel Cash was killed in the 1991 Brooklyn shooting for which he was convicted. His claim to innocence was compelling but he was ultimately sentenced to 25 years to life despite his assertion that he had been framed by notorious former NYPD detective Louis Scarcella.

In 2013, Scarcella—a detective who handled some of Brooklyn's most notorious crimes in the 1980s and 1990s–finally became the focus of a review conducted by the Brooklyn District Attorney's Conviction Integrity Unit (CIU), thanks, in part, to Hamilton's own legal advocacy. According to the New York Post, the CIU has since investigated more than 50 cases in which Scarcella had been involved for "alleged malpractice."

Hamilton was eventually paroled and his case has since been vacated and dismissed after the CIU concluded that he was innocent of all charges. Today, he has taken up work as a paralegal and continues to help out in wrongful conviction cases but his journey from wrongful conviction to freedom is well-worth reading.

★★★

Trial by Jury, a Hallowed American Right, Is Vanishing

By Benjamin Weiser

(NY Times) - The criminal trial ended more than two and a half years ago, but Judge Jesse M. Furman can still vividly recall the case. It stands out, not because of the defendant or the subject matter, but because of its rarity: In his four-plus years on the bench in Federal District Court in Manhattan, it was his only criminal jury trial.

He is far from alone.

Judge J. Paul Oetken, in half a decade on that bench, has had four criminal trials, including one that was repeated after a jury deadlocked. For Judge Lewis A. Kaplan, who has handled some of the nation's most important terrorism cases, it has been 18 months since his last criminal jury trial.

"It's a loss," Judge Kaplan said, "because when one thinks of the American system of justice, one thinks of justice being administered by juries of our peers. And to the extent that there's a decline in criminal jury trials, that is happening less frequently."

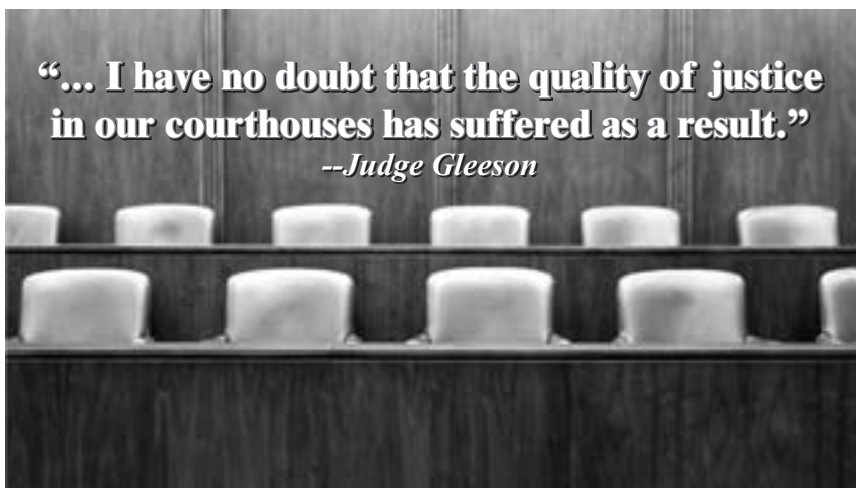
The national decline in trials, both criminal and civil, has been noted in law journal articles, bar association studies and judicial opinions. But recently, in the two federal courthouses in Manhattan and a third in White Plains (known collectively as the Southern District of New York), the vanishing of criminal jury trials has never seemed so pronounced.

The Southern District held only 50 criminal jury trials last year, the lowest since 2004, according to data provided by the court. The pace remains slow this year.

In 2005, records show, there were more than double the number of trials: 106. And decades ago, legal experts said, the numbers were much higher.

"It's hugely disappointing," said Judge Jed S. Rakoff, a 20-year veteran of the Manhattan federal bench. "A trial is the one place where the system really gets tested. Everything else is done behind closed doors."

Legal experts attribute the decline primarily to the advent of the congressional sentencing guidelines and the increased use of mandatory minimum sentences, which transferred power to prosecutors, and discouraged defendants from going to trial, where, if convicted, they might face harsher sentences.



"This is what jury trials were supposed to be a check against — the potential abuse of the use of prosecutorial power," said Frederick P. Hafetz, a defense lawyer and a former chief of the criminal division of the United States attorney's office in Manhattan, who is researching the issue of declining trials.

Julia L. Gatto, a federal public defender, recalled the case of Oumar Issa, a Malian arrested in Africa in a 2009 sting operation on charges of narco-terrorism conspiracy, which carried a mandatory minimum 20-year sentence, and conspiring to support a terrorist organization, which had no minimum.

Although Ms. Gatto and her client believed that elements of the case were weak and that there were strongly mitigating circumstances, Mr. Issa concluded that the risk of going to trial was too high. He pleaded guilty in 2012 to material support, with prosecutors dropping the other charge. He received 57 months in prison. "It was the only thing he could do," Ms. Gatto said. "His hands were tied."

In 1997, according to federal courts data nationwide, 3,200 of 63,000 federal defendants were convicted in jury trials; in 2015, there were only 1,650 jury convictions, out of 81,000 defendants.

Former Judge John Gleeson, who in March stepped down from the federal bench in Brooklyn to enter private practice, noted in a 2013 court opinion that 81 percent of federal convictions in 1980 were the product of guilty pleas; in one recent year, the figure was 97 percent.

Judge Gleeson wrote that because most pleas are negotiated before a prosecutor prepares a case for trial, the "thin presentation" of evidence needed for indictment "is hardly ever subjected to closer scrutiny by prosecutors, defense counsel, judges or juries."

"The entire system loses an edge," he added, "and I have no doubt that the quality of justice in our courthouses has suffered as a result."

While the decline in jury trials in federal court has been felt by judges, lawyers and defendants, it has also disrupted the rhythm of the courthouse ecosystem and those who depend on it.

Young lawyers typically become clerks for Southern District judges to gain valuable trial experience; now, some clerks depart without having worked a single trial.

Even the court's stenographers, whose incomes depend partially on the number of transcript pages they produce, feel the impact.

"It's been awful," said Rebecca Forman, who said she transcribed her last criminal jury trial in November 2015. "I didn't send my kids to camp this summer. I didn't have the money."

New York State Court data also shows a striking decline in felony jury trials. In 1984, there were over 4,000 jury verdicts; in 2015, there were fewer than half of that.

Preet Bharara, the United States attorney in Manhattan, speaking to a lawyers group in 2012, cited another effect of the decline: fewer Americans serving on juries. "When trials vanish, citizenship also suffers," Mr. Bharara said, according to his prepared remarks.

Beyond the statistics, though, the decline in trials in the Southern District has become a frequent topic of discussion, even among judges themselves.

"We'd love to have more trials; most of us enjoy trials," said Judge Alvin K. Hellerstein, who joined the bench in 1998.

In April, when Judge Shira A. Scheindlin resigned from the bench after more than two decades, she said the decrease in trials was one consideration for her departure. "Trials are way, way down," she said. "The building's quite dead."

Judge P. Kevin Castel, who helped to organize the court's 225th anniversary celebration in 2014, recalled taking a friend, Mary Noe, a legal studies professor at St. John's University, to see an exhibit of courtroom illustrations documenting Southern District trial scenes of past decades. But as they reached the end, Professor Noe observed that the sketches of more recent defendants, like Bernard L. Madoff and the would-be Times Square bomber Faisal Shahzad showed them pleading guilty.

"I was like, what happened to the trials?" she recalled.

Judge Analisa Torres said she had felt the difference ever since joining the federal bench in 2013. Judge Torres, a former state court judge who handled about two dozen criminal trials a year in Manhattan and the Bronx, said she has since had just a few such trials. "It's day and night," she said.

On the state bench, she said, she spent her entire day in the courtroom but for the lunch hour. "Now, I am in chambers all day long."

The hallowed jury trial is a right enshrined in the Constitution and immortalized in American culture. But these days, said Daniel C. Richman, a professor at Columbia Law School, "'12 Angry Men' is more a cultural concept than a regular happening."

To be sure, federal judges are not exactly sitting on their hands. They maintain dockets filled with civil and criminal cases that wend their way through the process — even if most are resolved without a trial.

As for Judge Furman, he is still waiting for his second criminal jury trial since becoming a judge in 2012. He almost had one earlier this year, but a scheduling conflict with a civil trial meant he had to pass it to another judge.

Another criminal trial loomed this summer. Then it, too, disappeared from the calendar, as the defendant pleaded guilty.

It meant he would have more time to get other work done in chambers, Judge Furman recalled, and there was plenty of that to do.

"But there's a tinge," he added wistfully, "of what might have been, that we thought we had one, but it got away." ★★★

North Carolina man freed after 28 years in prison

(BBC) - A North Carolina man who spent 28 years in prison on murder charges has been released after a judge ruled his trial was unfair.

Authorities will now consider whether Johnny Small, 43, should face a second trial in the 1988 murder of Pam Dreher.

Judge W Douglas Parsons ruled that there was not enough evidence to convict Small.

He also found that during the 1989 trial witnesses lied and police withheld key evidence.

On his first night in nearly 30 years outside of prison, Small slept on a cousin's sofa.

After years of sleeping in cell, he preferred sleeping in the open living room, rather than a smaller private bedroom.

"There's a lot I've got to adapt to," said Small who was first jailed when he was 16 years old.

"I don't know how to function. I mean, when I came into it (prison) I was still a kid and in a way I still got a kid's state of mind."

Small will be under electronic house arrest until prosecutors either press for a new trial, or drop the charges.

Johnny Small

Judge Parsons' decision came after a friend of Small recanted the testimony he gave against him during the 1989 murder trial.

David Bollinger claimed that he has been pressured by a homicide investigator and family member to lie about driving Small to the scene of the murder.

Dreher was found dead in her tropical fish store. Police had said that Small shot and killed Dreher during a robbery. Small has always maintained his innocence.

Another witness account was also proven inaccurate.

Nina Raiford claimed to have been walking past Dreher's shop and witnessed Small leaving the store.

However her work timecards showed she was elsewhere.

She also had not come forward with her claim until after a cash reward had been offered, and she learned about the crime through news reports. ★★★

EXONERATED IN 2016

According to the ***National Registry of Exonerations***, there have been 89 exonerations this year alone.

They are: Christopher Rojo, Dion Harrell, Paul Marcucci, Ingmar Guandique, Les Burns, Salaam Moore, Jose Montanez, Armando Serrano, Amy Albritton, Konrad Montgomery, Davontae Sanford, Jesse Jones, Leon McDonald, Michael McKelvey, Esau Rodgers, Wandra Jacobs, Eddie Johnson, Duquene Pierre, Justin Chapman, Carl Dukes, Lavell Jones, William Richards, Crystal Weimer, Colin Smith, Casey Ehrlick, Dahn Clary, Jr., Demontre Jones, Willie Durall, George Cortez, Calvin Harris, Jerome Morgan, Joel Alcox, David Barrientos, Willam Handy-Buford, William Haughey, Carlos Hernandez, Jasmyn Hines, Da Vontae McCardle, Amber Ricks, Richard Roberson, Jerome Rubin, Mariah Simmons, Kent Titus, Amber Upchurch, Eric Von Krueger, J'Avarus Winston, Cathy Kruppa, Lorinda Swain, Vanessa Perez, Nicole Copeland, Elisa Dunn, Dwight Gates, Clint Hadley, Juan Landin, Carlos Matamoros, Howard Dudley, Malcolm Bryant, Paul Gatling, Jack McCullough, Darryl Pinkins, Jermaine Walker, Eddie Bolden, Aubrey Shomo, Keith Harward, Antonio West, Mario Casciaro, G'Cobra Smith, Ben Baker, Clarissa Glenn, Randolph Williams, Heidi Haischer, Johnny Adams, Tommy Emerson, Idris Fahra, Andrew Kayachith, Yassin Yusuf, Andre Hatchett, Jesus Vela, Cleaven Clark, Jerome Petty, Timothy Bridges, Joseph Crochon, Derrick Bunkley, Vanessa Gathers, Gene Graham, Luther Jones, Jr., Teshome Campbell, Willie Donald, and Ben Baker. ★★★

Articles of Interest that first appeared on The Free Thought Project™ at:

The Free Thought Project.com

Welcome to the Free Thought Project — a hub for Free Thinking conversations about the promotion of liberty and the daunting task of government accountability.

Death Blow to Accountabilty:
State Bans Public from Seeing Police Body Cam or Dashcam Video

By Claire Bernish

As if holding police accountable for acts of brutality, killings, and other wrongdoing weren't difficult enough already, one state just made the effort significantly more cumbersome — by banning public accessibility to footage recorded by police.

North Carolina Gov. Pat McCrory signed the law, which says all footage — dash camera video, body cam recordings, both audio and video — will no longer be a matter of public record, making it unavailable even to those appearing in it who may need it to prove police misconduct.

Even worse, the law effectively solidifies the notorious Blue Wall between possible victims of police misconduct and the cops who misbehave.

"The law allows people who are recorded, or their representatives, to see footage if law enforcement agencies agree," reported the News & Observer, emphasis added. "The police chief or sheriff would decide whether to grant access. The law enforcement agency can consider a number of factors in making the decision, including whether disclosure may harm someone's reputation or jeopardize someone's safety, or if confidentiality is 'necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.'"

Susanna Birdsong of the ACLU in North Carolina summarized ominously:

"A police chief can deny them access for any reason."

Meaning, McCrory's putative effort to 'protect' law enforcement just permanently cemented in place the already-formidable Thin Blue Line favoring law enforcement protections over the rights of the people — even in cases where the cops might have acted criminally.

"Body cameras should be a tool to make law enforcement more transparent and accountable to the communities they serve," Birdsong continued, "but this shameful law will make it nearly impossible to achieve those goals."

Should people or their representatives be denied access to footage — which, history would prove an altogether likely occurrence — their sole recourse will be to seek a court order. Even then, questions concerning police possession of footage possibly showing them in unfavorable light must be raised — no guarantees are provided by the law against manipulation of recordings, or what would happen in the event footage goes missing or sections are deleted. And without ready access, there would be no way to determine if recordings have been altered — making cases effectively a matter of public citizen said versus public servant said.

N.C. Gov. Pat McCrory

Worse still, if you can believe it, a "court order will be required for the general release of police camera footage. Even law enforcement agencies that want to release the footage must obtain a Superior Court judge's order," the Observer explained.

Though McCrory declined to answer questions after signing what amounts to a police protection and secrecy act into law, the Observer said he stated in a ceremony that legislators debated how technology "can help us and how we can work with it, so it doesn't also work against our police officers and public safety officials."

"Technology like dashboard and body cameras can be very helpful," he added, "but when used by itself, technology can also mislead and misinform, which also causes other issues and problems within our community. What we need to do is walk that fine line."

McCrory, apparently, missed the entire point and jumped that line — the whole purpose of recording police activity is to provide transparency for the public, particularly in cases where officers' actions need to be questioned and scrutinized. By legally removing footage from both public and personnel records, the law allows officers to act under a cloak of quasi-impunity — even more so than what many would say they already do.

Also intimated in McCrory's comments and the law is an understanding that officers' actions might put them in jeopardy — as if the public knowledge of wrongdoing is somehow more of a threat than actual police wrongdoing.

It's a thin veil of an excuse for law enforcement to continue bad behavior without being forced into reform, much less accountability or responsibility for violent, excessive force or any other mistakes on the job.

In effect, the law says police lives matter — but anyone else's lives, ruined or lost to misconduct or worse, don't.

Known as the "Law Enforcement Recordings/No Public Record" law, introduced as HB 972, the contentious legislation goes into effect on October 1 this year. ★★★

State Claims It Owns the Wind: Taxing Renewable Energy "Out of Existence"

By Matt Agorist

Wyoming — Shortly after they realized the potential for wind energy creation in Wyoming, renewable energy companies began constructing turbines on private property and then selling the clean power they generated to the residents. However, shortly after their ventures began, Wyoming government officials, acting on behalf of fossil fuel interests, moved in for the kill.

The state legislature asked the question, "Who owns the wind?"

Without much debate, the Wyoming legislature quickly determined that the state does.

Unlike any other resource derived from the use of private property, which the property owner maintains from surface ownership, the state of Wyoming claims wind is different.

So, lawmakers decided to tax it. For the last several years, Wyoming has been taxing the power generated by wind turbines at $1 per megawatt.

Do not mistake this tax as part of the regular taxes that already apply to businesses like income tax and employment taxes. No, this is an entirely new tax based solely on the assertion by Wyoming officials that they own the wind.

"Wind is different than anything else. It's not like a mineral, which is something that sits there in the ground until you go after it," says Bob Whitton, chairman of the Renewable Energy Association of Landowners (REAL). "It's not like water that can be put in a lake or pond. The wind blows in and blows out and you can't put it in a pond, pipeline, truck or train and send it somewhere."

"The question is if wind rights should be severable from surface ownership," says UW Law Professor Dennis Stickley, who has worked on the issue along with a group of graduate students that gave their findings at the recent Wind Energy Task Force meeting in Casper, as reported by WYLR.

"As a general principle, all rights in property are assignable and transferrable and alienable, and you can transfer title," says Stickley. "Moreover, anecdotally there are situations already where landowners have severed wind rights."

However, thanks to Wyoming officials, these rights no longer apply.

This move by the state is not in the interest of the people, nor it is even in the interest of raising funds for the government. In the four years that it's been law, the state has only raised $15 million from taxing the wind.

This move is purely retaliatory and meant to stifle new businesses who threaten the dinosaur coal and fossil fuel industry's grip on energy production.

"Just about every legislator we've met with asks us, 'You tell us how much we can tax you before we put you out of business,'" said Bill Miller, chief executive of the Power Co. of Wyoming, which is planning the wind farm. "I just shake my head and say, 'Zero.'"

He said the state was at risk of "taxing this project out of existence." And this is by design.

There is a current tax of $1 per megawatt hour of wind produced in Wyoming. However, other bills could require setting this amount at perhaps as much as $12 per megawatt hour.

Of course, the wind industry isn't completely innocent in this debacle either. For years, many of these companies have flourished thanks largely in part to federal and state subsidies. These subsidies created an artificial boom which sent not only wind technology prices through the roof but also solar. However, as we see now, as the government begins turning off the faucet of subsidies, prices go down.

One of the reasons Wyoming is levying this tax is because of these very subsidies. However, like Miller said earlier this year, if they wouldn't be forced to pay higher taxes on the wind, they wouldn't even need the federal money.

The cessation of the flow of federal money to startup companies isn't stopping the big energy companies from using their influence over government to wage war on their renewable competition.

As the Free Thought Project reported earlier this year, while Nevadans were celebrating the holidays under solar-powered lights, the Nevada Public Utilities Commission (PUC) voted unanimously to increase a monthly fee on solar customers by 40% while reducing the amount they get paid for excess power sold to the grid. Adding insult to injury, they made the rate changes retroactive, sabotaging consumer investments in solar energy.

This single move by government regulators is effectively killing the solar industry in Nevada and has put an end to the surge of people seeking to detach from the grid by harnessing their own energy from the sun. Just as importantly, it serves to protect the profits of Nevada's public utility company, NV Energy.

NV Energy—a regulated monopoly with an "authorized rate of return"—is unabashed in saying that the surge in renewable energy is cutting into their profits. Last year the company, owned by Warren Buffett's Berkshire Hathaway, got Sen. Patricia Farley to draft the amendment that shifted the state's net metering over to the PUC. In their view, solar customers "don't pay their fair share to maintain the grid."

As the energy monopolies of the 1900's attempt to prop up their soon-to-be obsolete industry, the smart and ethical ones will figure out ways to adapt. However, as is the case the majority of the time, those with access to the state will prop themselves up the only way they know how — with government.

★★★

COMMENTARY

Your Right to Speak Out

Politicians and the Lies They Tell

By John Stossel

I don't want Hillary Clinton to be President. She's a liar.

But I can't vote for Donald Trump. He lies almost as often.

Trump denies he ever said things, claiming he never used terms like "fat pig" to describe women, that he never was open to using nuclear weapons against ISIS, that he never mocked Jon Stewart for changing his name. Smears big and small — Trump just denies he said them.

He's also a bully. He intimidates weaker people by suing them. In business deals, he refuses to pay some of what he owes and then tells creditors: Go ahead and sue me! Creditors often take partial payment because they can't afford to fight Trump in court.

Trump even filed a $5 million lawsuit against a Miss USA contestant who criticized his pageant. She can't afford to pay defense lawyers, so she has to shut up.

Trump's supporters are convinced he'll shake up the system, but they ignore the evidence that Trump is just one more manipulative member of the rich political class. Plenty of photos show Trump proudly golfing alongside George W. Bush, Bill Clinton and other political insiders whom he now mocks.

But all that matters less than the policies he proposes — it's the policies that will hurt us.

Trump's tariffs, sold as protecting the American little guy, actually help big businesses by protecting them from overseas competition. Then they can jack up prices, making life harder for poor American customers.

The Obama administration tried tariffs on tires from China like the 45 percent ones Trump wants to impose, and the results were higher prices — Americans had to spend about $1 billion more to buy tires. Favored (usually unionized) businesses got protection from competition, but other businesses died or never started because imported supplies were suddenly much more expensive.

Of course, we don't really know what Trump's positions are. He's for gun control, then against it. He was against the minimum wage but now wants to raise it.

Hillary Clinton flip-flops, too. She was for trade pacts, but she's now against them; against gay marriage, now for it; for the Iraq war, now against it.

Clinton lies even more than Trump. She lies about her emails, running from sniper fire, making $100,000 from a $1,000 investment in cattle futures, etc. This column doesn't have room for all her lies.

But with Clinton, too, it's not the lies that will do the most damage, it's the policies she'll push — higher taxes, involvement in more foreign wars, endless regulation that will stop innovation.

Most of the time, the danger isn't politicians' personal corruption. The real cost to our prosperity and freedom comes from what the politicians do legally.

Though President Barack Obama is a paragon of honesty compared with Trump and Clinton, he has done sleazy things, like secretly sending $400 million in cash to Iran and lying to people about details of Obamacare.

But even when he tells us the truth, Obama does plenty of damage.

His FCC has imposed new rules that will stifle internet innovation. His overtime rules will limit employer flexibility and stunt job growth. Obama's "stimulus" spending diverted trillions of dollars from better investments the marketplace would have chosen. His limits on internships hurt business and deprive young people of opportunities. His doubling of our debt will burden us forever.

Donald Trump and Hillary Clinton may be more corrupt than Obama, but it's not the corruption that hurts us most. It's the political culture of buying votes by spending taxpayers' money on special interests. That culture grows when government spends $4 trillion every year and makes so many rules that almost any regulator can crush a disfavored industry or help a favored one.

As the old joke goes, it's not the corruption that matters. "The real crime is what's legal." How do we improve a system like that?

Here's one solution: Shrink government — limit its power. Then there will be less reason for politicians' cronies to bribe them, for politicians to lie about it and for all of us to fear the State.

The smaller government is, the less we need to fear the bad things it will do.

John Stossel is host of "Stossel" on Fox News and author of "No They Can't! Why Government Fails —But Individuals Succeed." ★★★

Policing and Justice in a Time of Dissent

By Jay Dobyns

(Townhall) - Being corrupt or illegal and then hiding behind a badge is never acceptable. The people who fit that characterization need to be removed from our departments and agencies. They are few and far between. The good lawmen and women - nearly every single one of us – agree.

Yet, it is possible to detest brutality, to be intolerant of unwarranted violence and still support our police. I know this because that is how I feel.

I have investigated suspects in some of America's worst ghettos and I have pursued criminals whose lives have unimaginable affluence. Evil doesn't care what neighborhood he resides and he comes in all colors. Living with his drugs, guns, bombs, home invasions and murder-for-hire schemes are where I thrived, and survived, unseen and unknown to most. As a lawman I broke bread with Evil. I was on the streets as the AK-47 became the new kilo and our border with Mexico became the new South Florida.

I have both protected, and targeted whites, blacks, Latinos, LGBTQ, women and children; whoever needed it, whenever needed, on both sides of the defend/investigate equation. I never looked at color or lifestyle. I did look at good vs. wicked, innocent vs. predator. Your color, ethnicity or lifestyle preference never mattered to me. If you had designs on hurting someone you had my attention. If you were a victim, I had your back.

After four days on the job I was shot through the chest by a white man. I nearly died in the dirt and garbage of a white-trash trailer park, blood spewing from my chest as I looked up at a rusted out swing set and wheel-less cars on cinder blocks. Most of the people who lived there were good.

I was proposed a large cash reward and a full retirement. I declined it. My goal was not money. I only wanted to get as close to the violence as I could on behalf of people I did not know so the weak and blameless wouldn't have to themselves be victims to it.

A year later and now in "the 'hood" I was shot at and run over by a vehicle driven by two juvenile African Americans. I shot the driver as he intentionally plowed his vehicle into me, his partner wildly firing a pistol out of the passenger side window. I lay on the ground incapacitated with no one coming to help because I was white and blue. Most of the people who lived there were good too.

The politically correct, internal affairs answer was that I was attempting to "halt the threat." The truth is that they were trying to kill me and I was trying to kill them. Life, death and survival on the streets. I was neither a hero, an enemy nor a crusader. No job causes a person to extend great compassion and sometimes bring great violence like that of a cop. This is simply life in policing.

Both the white suspect and the black suspects wanted me dead for the same reasons: I was the police and I was trying to place them under arrest. I don't believe either of them saw the color of my skin. As someone who's life was at risk, I assure you I did not take notice of theirs.

Once the bodies are removed, whether they be a slain suspect or cop, when all that is left is the blood, no one can tell the color of the body it came from. I saw officers make mistakes. I saw suspects make mistakes. I made mistakes. I saw very little corruption or racism. I extended respect to people who did not deserve it. I treated all people fairly. Police work is always dangerous and often violent. Regardless of how a situation might appear on a cell phone video, some criminals are a legitimate threat to life and must be subdued.

> **"... it is possible to detest brutality, to be intolerant of unwarranted violence and still support our police."**

No matter where I worked, no matter how bad the conditions of a neighborhood or the influence of crime, there were always honest, God-fearing, hard-working people living there who followed the law. There were kids trying move upward with the odds stacked against them. When hope is gone we only have faith. When faith is gone we have nothing.

A single and stand-alone common denominator was universal. It bound us together. We wanted their kids to have a chance, to have peace and be safe. We shared hope and faith we could change things.

These are the people who know all lives matter and don't feel the need to define themselves as white, black or blue. These are the people, the common man, I worked for. Police officers are the "common man" as well. Most are underpaid, over-worked with no thought of fame or fortune.

But, the law does not treat the common man equally.

From my earliest days on the job I admired what Lady Justice symbolized. Blindfolded, she was unable to see who stood before her. Her sword in one hand was accountability. Her scales of balance in the other represented fairness. I have found that youthful idealism to be more myth that truth.

A deeper look at the Black Lives Matter movement is ironically similar to the Blue Lives Matter argument; an unfair application of justice. Both sides share the complaint that Lady Justice is allowed to peak beneath her blindfold to see who she is judging. Trust in her is gone. Why?

Today, politicians escape their crimes with impunity and laugh at us when they get away with it. Wealthy executives, like some Wall Street Bankers, steal our money and crash our economy… and get bailed out. Law Enforcement Executives break the rules but receive free passes and promotions, then mock us like they are deserving. Beside a very select few in this category, name one who you knew to be guilty and was not provided a soft landing by their peers or the courts? They protect and insulate each other. They scratch each other's backs. Cheating and favors preside, not judges and the law.

The lowly common man gets body slammed because Justice cares more about who your friends are, what your politics are, who you can help or who can help you down the road, how much money you have or where you live. Those are not elements of the law. They are elements of influence. Those who hold it win. If you don't (re. the common man) you will be crushed. Its rigged.

Our nation will soon vote. Our leaders and their philosophies will be elected. My personal politics are very unimportant. What is of extreme importance is that we each look at what affects us, what we want for our country, our kids, our world, and who can get us there. The choice is ours and we will live, sometimes die, with who we place in office. I choose law and order because that is important to me.

People often ask me, "After the shootings, all the violence, the death threats, would you do it again?" My answer is both simple and quick, "Yes!" I absolutely loved being a warrior for the people.

If not for me, for those of us in copland, then who? Who is going to do this job? Your dentist? Your children's school principle? They guy who fixes your car? Your neighbor? Your elected official?

White, Black, Latino, Asian, American Indian, gay, lesbian, Christian and Muslim law officers from every local, state and federal department in every corner of America have an alarm clock that goes off each day. They put their feet on the ground and head to work. They voluntarily go to places far from their own homes and encounter people that many of us try to avoid. They are confronted by situations that would buckle the knees of most. They go knowing they may never see their loved ones again, yet, they still go. They serve Justice, whether she is black or white, perfect or flawed. They don't ask or even look to see. They just go.

Mark 12:31: "'Love your neighbor as yourself. There is no commandment greater than this."

Jay Dobyns is a retired ATF agent and author of No Angel, My Harrowing Undercover Journey to the Inner Circle of the Hells Angels. He has received two ATF Gold Star awards for injuries received in the line of duty and the Attorney General's Medal of Valor. ★★★

"Injustice anywhere is a threat to Justice everywhere."
--Martin Luther King, Jr.

COMMENTARY

Topic: Justice

Killer Instincts: When Police Become Judge, Jury and Executioner

By John W. Whitehead

(Rutherford.org) - Any police officer who shoots to kill is playing with fire.

In that split second of deciding whether to shoot and where to aim, that officer has appointed himself judge, jury and executioner over a fellow citizen. And when an officer fires a killing shot at a fellow citizen not once or twice but three and four and five times, he is no longer a guardian of the people but is acting as a paid assassin. In so doing, he has short-circuited a legal system that was long ago established to protect against such abuses by government agents.

These are hard words, I know, but hard times call for straight talking.

We've been dancing around the issue of police shootings for too long now, but we're about to crash headlong into some harsh realities if we don't do something to ward off disaster.

You'd better get ready.

It's easy to get outraged when police wrongfully shoot children, old people and unarmed citizens watering their lawns or tending to autistic patients. It's harder to rouse the public's ire when the people getting shot and killed by police are suspected of criminal activities or armed with guns and knives. Yet both scenarios should be equally reprehensible to anyone who values human life, due process and the rule of law.

For instance, Paul O'Neal was shot in the back and killed by police as he fled after allegedly sideswiping a police car during a chase. The 18-year-old was suspected of stealing a car.

Korryn Gaines was shot and killed—and her 5-year-old son was shot—by police after Gaines resisted arrest for a traffic warrant and allegedly threatened to shoot police. Police first shot at Gaines and then opened fire when she reportedly shot back at them.

Loreal Tsingine was shot and killed by a police officer after she approached him holding a small pair of medical scissors. The 27-year-old Native American woman was suspected of shoplifting.

None of these individuals will ever have the chance to stand trial, be found guilty or serve a sentence for their alleged crimes because a police officer—in a split second—had already tried them, found them guilty and sentenced them to death.

In every one of these scenarios, police could have resorted to less lethal tactics.

They could have attempted to de-escalate and defuse the situation.

They could have acted with reason and calculation instead of reacting with a killer instinct.

That police instead chose to fatally resolve these encounters by using their guns on fellow citizens speaks volumes about what is wrong with policing in America today, where police officers are being dressed in the trappings of war, drilled in the deadly art of combat, and trained to look upon "every individual they interact with as an armed threat and every situation as a deadly force encounter in the making."

We're approaching a breaking point.

This policing crisis is far more immediate and concerning than the government's so-called war on terror or drugs.

So why isn't more being done to address it?

As I make clear in my book Battlefield America: The War on the American People, there's too much money at stake, for one, and too much power.

Those responsible for this policing crisis are none other than the police unions that are helping police officers evade accountability for wrongdoing; the police academies that are teaching police officers that their lives are more valuable than the lives of those they serve; a corporate military sector that is making a killing by selling military-grade weapons, equipment, technology and tactical training to domestic police agencies; a political establishment that is dependent on campaign support and funding from the powerful police unions; and a police state that is transforming police officers into extensions of the military in order to extend its reach and power.

This is no longer a debate over good cops and bad cops.

It's a tug-of-war between the constitutional republic America's founders intended and the police state we are fast becoming.

So where do we go from here?

For starters, stop with the scare tactics. In much the same way that American citizens are being cocooned in a climate of fear by a government that knows exactly which buttons to push in order to gain the public's cooperation and compliance, police officers are also being indoctrinated with the psychology of fear. Despite the propaganda being peddled by the government and police unions, police today experience less on-the-job fatalities than they ever have historically.

Second, level the playing field. Police are no more or less special than you or me. Their lives are no more valuable than any other citizen's. While police are entitled to every protection afforded under the law, the same as any other citizen, they should not be afforded any special privileges. Most Americans, oblivious about their own rights, aren't even aware that police officers have their own Law Enforcement Officers' Bill of Rights, which grants them special due process rights and privileges not afforded to the average citizen.

Third, require that police officers be trained in non-lethal tactics. According to the New York Times, a survey of 281 police agencies found that the average young officer received 58 hours of firearms training and 49 hours of defensive tactical training, but only eight hours of de-escalation training. If police officers are taking classes in how to shoot, maim and kill, shouldn't they also be required to take part in annual seminars teaching de-escalation techniques and educating them about how to respect their fellow citizens' constitutional rights, especially under the First and Fourth Amendments?

> **"This is no longer a debate over good cops and bad cops. It's a tug-of-war between the constitutional republic America's founders intended and the police state we are fast becoming."**

Fourth, ditch the quasi-military obsession. Police forces were never intended to be standing armies. Yet with police agencies dressing like the military in camouflage and armor, training with the military, using military weapons, riding around in armored vehicles, recruiting military veterans, and even boasting military titles, one would be hard pressed to distinguish between the two. Still, it's our job to make sure that we can distinguish between the two, and that means keeping the police in their place as civilians—non-military citizens—who are entrusted with protecting our rights.

Fifth, demilitarize. There are many examples of countries where police are not armed and dangerous, and they are no worse off for it. Indeed, their crime rates are low and their police officers are trained to view every citizen as precious. For all of the talk among politicians about gun violence and the need to enact legislation to make it more difficult for Americans to acquire weapons, little is being done to demilitarize and de-weaponize police.

Sixth, stop making taxpayers pay for police abuses. Some communities are trying to require police to carry their own professional liability insurance. The logic is that if police had to pay out of pocket for their own wrongdoing, they might be more cautious and less inclined to shoot first and ask questions later.

Seventh, stop relying on technology to fix what's wrong with the country. The body cameras haven't stopped the police shootings, and they won't as long the cameras can be turned on and off at will while the footage remains inaccessible to the public.

Eighth, stop being busybodies and snitches. Overcriminalization has partially fueled the drive to "police" everything from kids walking to the playground alone and backyard chicken coops to front yard vegetable gardens. But let's start taking some responsibility for our own communities and stop turning every minor incident into a reason to call the police.

Finally, support due process for everyone, not just the people in your circle. Remember that you no longer have to be poor, black or guilty to be treated like a criminal in America. All that is required is that you belong to the suspect class—a.k.a. the citizenry—of the American police state. As a de facto member of this so-called criminal class, every U.S. citizen is now guilty until proven innocent.

Unfortunately, Americans have been so propagandized, politicized and polarized that many feel compelled to choose sides between defending the police at all costs or painting them as dangerously out-of-control.

Nothing is ever that black and white, but there are a few things that we can be sure of: America is not a battlefield. American citizens are not enemy combatants. And police officers—no matter how courageous—are not soldiers.

Therein lies the problem: we've allowed the government to create an alternate reality in which freedom is secondary to security, and the rights of the citizenry are less important than the authority of the government. This way lies madness.

The longer we wait to burst the bubble on this false chimera, the harder it will be to return to a time when police were public servants and freedom actually meant something, and the greater the risks to both police officers and the rest of the citizenry.

Something must be done and soon.

The police state wants the us vs. them dichotomy. It wants us to turn each other in, distrust each other and be at each other's throats, while it continues amassing power. It wants police officers who act like the military, and citizens who cower in fear. It wants a suspect society. It wants us to play by its rules instead of holding it accountable to the rule of law.

The best way to beat the police state: don't play by their rules.

Make them play by ours instead.

★★★

Mercy in the Age of Mandatory Minimums

By Erik Luna and Mark Osler

(CATO Institute) - Recently, we stood in a backyard eating barbecue with a man named Weldon Angelos. He was only a few weeks out of federal prison, having been freed some four decades early from a 55-year sentence for selling a small amount of marijuana while possessing firearms. Weldon was not among the 562 inmates whose sentences were commuted by President Obama, including Wednesday's historic grant of commutation for 214 nonviolent prisoners. Instead, Weldon's release was made possible through a negotiated motion by the government that, alas, cannot be replicated in other cases.

For a dozen years, Weldon had been the poster boy of criminal justice reform for liberals and conservatives alike. His liberation is cause for celebration for those who believed the punishment did not fit the crime. Nonetheless, the Angelos case remains a cautionary tale about both the inherent ruthlessness of "mandatory minimum" terms of imprisonment and the ineffectiveness of the Obama administration's clemency initiative.

We need to fix the cruel structural issues in our criminal justice sentencing system rather than relying on presidential clemency.

Mandatory minimum laws bar the consideration of facts upon which a sentencing judge would normally rely. In Weldon's case, the law compelled a 55-year sentence. It didn't matter that Weldon was a first-time offender with no adult record or that he was the father of three young children. Nor did it matter that he never brandished or used the firearms and never caused or threatened any violence or injury. It was also irrelevant that no other jurisdiction would have imposed a 55-year sentence for the crimes in question, or that Weldon might have received a short prison term, at most, had he been prosecuted in local state court. Nor did it matter that his sentence was longer than those imposed on far more serious criminals, including aircraft hijackers, terrorists, rapists and murderers.

Most of all, it did not matter that the sentencing judge — a conservative Bush appointee known for being tough on crime — believed that the punishment was "unjust, cruel, and irrational." Ultimately, the judge was bound not only by the mandatory minimum statute but also the Supreme Court's jurisprudence, which largely acquiesces to prosecutors' charging decisions while providing almost no check on excessive prison terms.

Absent a doctrinal reversal by the Supreme Court (don't hold your breath), any meaningful safeguard against misapplication of mandatory minimums will have to come in the form of legislation from Congress or from the president through the application of the clemency power. As for the former, lawmakers are considering several bills that would, among other things: lower some mandatory minimums involving guns and drugs; make retroactive those changes and also a previous reduction in crack cocaine sentencing; expand the so-called "safety valve" exception for nonviolent drug offenders; and allow some inmates who complete rehabilitation programs to be eligible for early release to an alternative form of supervision, such as a halfway house.

Weldon Angelos
Photo: Rick Egan | The Salt Lake Tribune

These reforms are entirely laudable, but they are also quite modest. Indeed, the Senate bill passed in April expands some mandatory minimum provisions and adds a couple of new ones to the federal code. Moreover, the bill does not reduce the mandatory minimums applied to about half of all drug offenders sentenced each year; it does not change liability-expanding rules that let low-level offenders receive mandatory minimums because of drug crimes committed by co-defendants; and it does not allow judges to sentence below a mandatory minimum term when a defendant suffers from addiction, mental illness or combat-related trauma, for instance, or when a defendant is pressured into drug crime due to threats of violence or domestic abuse.

The positive aspects of the reform bills should be supported all the same. Sadly, legislative efforts appear to be mired in an intramural fight among Republicans, as well as hindered by Democratic intransigence toward another worthy reform, namely, a requirement that law enforcement prove a culpable mental state rather than holding defendants strictly liable. Until lawmakers can agree on a means to prevent draconian sentences, clemency will remain the only remedy for such miscarriages of justice.

Unfortunately, the federal clemency system

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listening to all of the mother's witness's trash DHS and Lenzo". Grensky should have listened to the mother's 9 witnesses, four of which were experts. He really should have taken time to listen to the facts, as he will soon realize, simply because a precious little girl's life was and is hanging in the balance.

Now, three months later, the young girl is allowed to spend very limited time with the mother she was ripped away from! She spends the bulk of her time in child care and alone with Lenzo, who admits to "currently using drugs".

DHS caseworker Cori McGovern

PERSONAL HISTORIES – SEAN LENZO THE FATHER

Sean Richard Lenzo, a 32 year-old from Jamestown, CA and more recently from Medford, Oregon has obtained custody of his daughter with the assistance of Cori McGovern, a "dysfunctional" and "dangerous" Department of Human Services (DHS) caseworker who was recently relocated to DHS's Medford Office.

On May 10, 2016 Lenzo took part in a legal Deposition. When questioned under oath Lenzo admitted to his extensive use of drugs. He stated, "I was addicted to meth and cocaine." When asked if he had used other drugs, Lenzo stated, "I did them all, but those were the only two that I was extremely addicted to." When asked if he had used Heroin, his response was, "I couldn't stand the stuff." Sean Lenzo admits to currently smoking marijuana weekly – "maybe two, three times a week in the evenings." Lenzo's criminal activity, dating back to when he turned 18, is quite extensive, showing that he has received numerous drug related charges, including manufacturing and possession. Lenzo has spent time living in Chinook Park and the Grants Pass Homeless Shelter. Much of the time that Lenzo was using drugs and basically a vagrant, Christi MacLaren was caring for and loving their daughter.

Sean Lenzo

One statement that Lenzo made during his Deposition is quite telling – "When I was in Grants Pass in Drug Court things were great. My daughter was doing awesome. There was not an ounce of hate in that little girl's heart and it was good." What are we to make of Lenzo going from good, while he was in Drug Court, to now having his five-year-old daughter accuse him of sex abuse?

CHRISTI MACLAREN THE MOTHER

MacLaren met Lenzo in the summer of 2008, at moaning caverns in Calaveras County, CA where they were both outdoor adventure guides. Their summertime relationship was on-again off-again for about a year, according to MacLaren. Just after the 2010 earthquake hit Haiti, MacLaren was getting ready to be deployed as an aid worker. In her pre-physical she found out that she was pregnant. When she told Lenzo about the pregnancy, MacLaren states that Lenzo didn't want a child in their relationship so she decided to move to Oregon to start her new life, raising the child with her family's help.

MacLaren had previously worked for the Red Cross as an AmeriCorps grant recipient, and as a volunteer with the American Red Cross, where she received an award from President Bush. Christi worked for many non-profit agencies, helping underprivileged citizens such as low income seniors. She was deployed on many disasters and worked as a Community Education Coordinator with the Ventura County, CA chapter of the Red Cross educating senior citizens on disaster preparation. She was a flight attendant with Alaska Airlines for 5 years and worked extensively in the medical field as she continued her education geared at obtaining her Bachelors of Science Degree, so she could obtain her Registered Nursing license. Christi MacLaren has no criminal record and according to numerous witnesses, she is a responsible, loving mother, who is extremely close to her two daughters.

DHS CASEWORKER CORI MCGOVERN

Seemingly, overnight, Lenzo gained the assistance of DHS caseworker Cori McGovern and started making false claims that MacLaren had Psychological problems, that she was not a good mother. McGovern began claiming that Christi coached her daughter into making false sex abuse allegations against Lenzo.

Lenzo agreed to take a polygraph test and DHS (McGovern) was allowed to provide questions being asked, even though McGovern is as far from being a "professional" as a person can get. He passed the polygraph, which is factually nothing more than a "modern day witch hunt" and inadmissible in court. Further, the police checked his phone and computer and didn't find any naked pictures. This is all that McGovern needed to start attacking Christi with a vengeance.

At this juncture, McGovern starts building her groundless, yet highly deceptive case against Christi in an effort to make sure she could influence the court if needed. She stated in one of her reports, "The child has been seen at Children's Advocacy Center since June of 2015 and has made significant progress since placement with her father. She can manipulate situations based on her behavior. She continues to disclose she and her mother have secrets and is aligned with her mother. Her behavior was escalating if she believed adults were documenting to report to the judge deciding custody". McGovern continued, "It is believed the girl's behaviors are driven by her mother Christi who does not want Sean to have any contact with his daughter. Although child is very articulate, her statements heard while behaving badly clearly are adult driven." It is clear that McGovern hears things that others don't.

I have read many manufactured "reports" in my day, however, none more contrived than McGovern's. It is clear that McGovern has used and professionally manipulated others within DHS, the District Attorney's Office and the police force in her attempt to destroy Christi MacLaren. The US~Observer has obtained information regarding the prior conduct of Cori McGovern, before she was relocated to Medford by DHS. In one such reported case McGovern was "personally sued for her negligence in failing to protect a four year old girl from repeated rape and sexual assault. The perpetrator admitted to the sexual assault."

In another case involving a four year old little girl, McGovern was reportedly "able to keep the child away from her mother for 4 years." According to a Roseburg Beacon article published on May 15, 2013, Cori McGovern stated in court, while trying to take the 4-year-old girl from her mother, Ajay Pichette, that she "observed Ajay pinch Kota's leg when trying to snap her into her car seat" The Beacon article also reported, "McGovern stated in court that she didn't want Kota returned to her mother." It was only after the Oregon Court of Appeals stepped into that case that the child was returned to the mother. Sounds exactly like the time McGovern heard Christi's daughter say things that others didn't hear?

Backing up in time a bit, it is important to note that when Christi's daughter began acting out, often in severe ways, when she was being forced to go to visitations with Lenzo, Christi had no idea what was causing these "outbursts." She took her daughter to many professionals over a long period of time, seeking answers. It has been reported that the girl ultimately disclosed that her father had molested her on one of these visits. This scenario alone completely dispels McGovern's dreamt-up story about the child being coached by her mother. The professional's reports don't claim the child was ever coached and why would Christi take her child to numerous professionals prior to the sex abuse disclosure. She wouldn't.

THE PROFESSIONAL'S

Grensky appointed Expert Licensed Clinical Social Worker (LCSW) Victoria Bones to evaluate the child and the parents to "get insight into the girl's behavior." After spending time with the parents and

Continued on page 11

Continued from page 1 • Disabled Woman Seeks Justice ...

claims to have been coerced into signing documents with MBO that conflicted with her previously entered contract with BPA, ultimately changing the terms of her employment, making her an MBO employee, not BPA, who was her original contract employer. Aside from the trauma of being without legal representation, Andrea, who has severe hearing loss is struggling to manage symptoms of PTSD, only making matters worse.

U.S. Rep Susan Bonamici

Recently, Andrea applied for court appointed counsel while attempting to keep her case alive. According to Andrea, she has limited knowledge of how to proceed in an extremely confusing court system. Several deadlines have come and gone, having filed several motions, all without the surety of someone who practices law. Her hopes of court-appointed counsel recently came to a screeching halt, when Judge Michael Simon, who presided over Andrea's case, "DENIED" her request for help. In his denial dated July 5, 2016, Judge Simon stated, "Even assuming, however, that Plaintiff (Andrea) can demonstrate that she is indigent, her motion is denied. The facts and legal issues involved in this case are not of substantial complexity and there is no indication that Plaintiff does not have the ability to sufficiently articulate her claims... DENIED."

Andrea Olson

Why would Judge Simon deny with such bias toward a disabled woman who is not a practicing attorney? Is it expected that a layperson should know the law when Judge Simon is presiding? Are attorneys of no use in certain cases to this Judge - a Federally Appointed Judge, by President Obama?

In response to his denial for court-appointed counsel, Andrea filed a motion to recuse Judge Simon. According to recently discovered information, Judge Simon has some highly questionable connections to BPA, who is at the heart of this story, which could help explain why his denial for court appointed counsel could easily be perceived as biased. You see, Judge Simon is married to U.S. Representative Susan Bonamici. According to Andrea's motion for recusal, Rep. Bonamici has supported BPA through the, "Energy and Water Development and Related Agencies Appropriations Act, which provides appropriations for the Power Marketing Administrations, including the Bonneville Power Administration (BPA) fund." Bonamici's ties to BPA didn't stop there. The recent motion to recuse Judge Simon also states, "she (Bonamici) personally participated in a reenactment of President Franklin D. Roosevelt signing the Bonneville Project Act that created BPA, which was part of a 75th year celebration..." Although this may not appear as such a blatant connection, it further supports the connection Judge Simon's wife has to the very people Andrea has claimed violated her rights. Furthermore, in support of the motion to recuse Judge Simon, the motion stated, "Judge Simon serves on the board of Directors for Classroom Law Project (a private organization) along with the Defendant's (MBO)law firm, Davis, Wright and Tremaine LLP. Judge Simon's previous employer, Perkins Coie LLP is also listed as a board member and sponsor", posing further conflicts of interest with Judge Simon's involvement in this case.

In response to Andrea's motion for recusal, Judge Simon abandoned ship and honored her motion on July 28, 2016, officially removing himself from presiding on her case. While the case now has to be seen in its entirety by a new judge, Andrea continues her desperate search for adequate legal representation.

Editor's Note: If you know of any attorney practicing in federal employment and labor laws including misclassification, please contact the US~Observer at: editor@usobserver.com, or call 541-474-7885. Please help disabled people have the same rights as non-disabled people.

Dana Hoffman, Legal Researcher, contributed to this article. ★★★

Continued from page 1 • Victimized Siblings Ordered to Live with an Abuser?

two parents at odds, Anne and Josh amazingly grew into very resilient young adults. Anne, now 17 years old and Josh, now 14 years of age are finally able to demand their voices come first.

Both Josh and Anne consider their adoptive mother, Judith, a liar. They call her a "liar", a "manipulator", and someone who "makes things up to get more support from the state" - all in an effort to keep Josh and Anne in Judith's custody - even though they want to live with their father Jim, and stepmother Lori (married to Jim for almost eleven years now).

Early on in their childhood, an expert appointed by the court, reportedly figured out what was really happening but "failed to expose the deception and abuse by Judith before her involvement ended". According to one witness, this same expert has been involved a few times since, and always notes the same complaints from the children but never does enough to expose Judith's reported abuse. According to an eye-witness, "This same expert described Judith as a chameleon." Judith acts one way when alone with them and quite another way in public. When they were young the children referred to her as "Cruella de Vil" (101 Dalmatians). Judith became very resourceful at getting the cooperation and sympathy of professionals with her ability to paint 'alternative stories' for the dysfunction between her and the children.

Jim Greeninger tells us, "When the children continued to act out in her home and started trying to speak out about the abuse, Judith began to claim they were mentally defective, and unable to 'bond' properly because they were 'adopted'. From that time on, the children were trapped in an unending barrage of tests: new doctors, counselors, mental health experts, special education programs, special bonding therapy, highly questionable diagnoses, unnecessary psyche medications and even unnecessary chemotherapy for Josh. Every new angle ultimately aimed at distracting from the real abuse, while keeping Anne and Josh away from me." The Department of Human Services (DHS) became involved more than once, "but have been consistently misled about the true nature of the situation, only making things worse."

At one point Lori tried to show the caseworker and CASA (Court Appointed Special Advocate) the many false and misleading things in the children's medical and school records but they would not listen and instead recommended discontinuing all contact between Lori and Josh for more than 2 years. This was very hard on Josh who has always had a loving and trusting relationship with her.

Jim and Lori commented: "What Judith has done is nothing short of criminal fraud and extended child abuse. We are appalled the court has not launched a full scale investigation, especially since she has cost the state over a million dollars with unnecessary services, resulting from her fraudulent claims."

According to documents we have obtained, Judith was diagnosed by two experts with "Histrionic Personality Disorder", a mental condition that some say could predispose her to be particularly good at manipulating others. Unfortunately, most of the experts involved have not been trained to recognize how this could play out in the family's complicated dynamics, nor have most of them been made aware of Judith's diagnosis. According to Mr. Greeninger: "Whenever one of the experts would start to question Judith, she would just move on to another - 'Over thirty' professionals involved to date, with her usual success."

Josh also suffers from a learning disability that has been largely misunderstood. Experts were given misinformation and he was kept on unnecessary medications for four years. Later, his learning disability worsened during prolonged chemotherapy treatments, when his IQ dropped from 114 to 70 according to his father and verified by test scores from the school district. Jim continued, "We have found no cases where non-malignant lesions have ever been treated with chemotherapy."

Today, Josh is preparing for high-school, but he can barely read or write. After having mostly been in Judith's custody, he has been in "Special Education" classes throughout his prior schooling. According to one source, "One of Josh's teachers at school finally said that Josh was going into a regular class this next year. He shouldn't be in, 'Special Ed'." His father and stepmother have always felt he could learn and catch up with his peers. His reading skills went up 2 grade levels in one month with a skilled Tutor they hired before the Individual Education Plan (IEP) program that Josh was already involved in interfered with their efforts.

Marion County Circuit Court Judge Thomas Hart

I recently had the opportunity to visit with these fine children without any parents present and I was literally amazed at what I heard.

Anne stated, "I don't want to live with my mother any longer" She continued, "She always threatens to call the police if there is a problem between us. She is always threatening Josh with calling the police on him if he doesn't do what she tells him to. I am old enough to decide where I want to live". I asked Anne if Judith ever lied to DHS and/or the courts and she responded, "She lies about everything."

When I focused on Josh I could tell he was very reserved, however, he warmed up in no time. I asked Josh where he wanted to live and he stated, "I want to live with my Dad. I have never been happy with my mother (Judith Laitinen)." Josh confirmed that Judith has called the police on him numerous times when they would get into arguments and he more than confirmed that he is afraid of her. Clearly, both children are much more comfortable with their Dad and Josh was sure to let me know that his Dad is working with him on his reading and writing whenever they are together.

In a perfect world, I would have loaded these wonderful children into my vehicle and taken them home with me. In the dysfunctional world we have all inherited, Jim Greeninger, Josh and Anne's Dad, would be a much better choice than the dysfunctional existence with their adoptive mother, Judith.

At this time Marion County Circuit Court Judge Thomas Hart has jurisdiction over this case. Josh and Anne both say he didn't treat them fairly when he granted Judith custody at an April, 2016 court hearing, however, after having examined all of the records in this case, it is clear that Judge Hart never heard the entire truth. This is very common in cases where the Department of Human Services (DHS) are involved.

Editor's Note: Anyone with information on Judith Laitinen is urged to contact Edward Snook at 541-474-7885 or by email to editor@usobserver.com.

★★★

Continued from page 10 • Precious Little Girl Destroyed by Judge, DHS

the young girl and extensively looking into most all aspects of this issue, Ms. Bones found that, "it is highly unlikely that child could be coached to react the way she does so consistently and repeatedly." Bones recommended, "Based on the data I have read the girl's extreme negative reactions to seeing her father, Sean, I recommend that all contact, stop immediately, including supervised visits…"

Another report we have obtained states, "Mother (Christi) is a disaster relief worker with a record of distinguished service. Father is an admitted drug addict (he admits that with regards to drugs he 'did them all' but was only extremely addicted to meth (methamphetamine) and cocaine but claims he is recovered. Father has a criminal history spanning two states and over a decade. Father admits he continues to consume alcohol and regularly uses marijuana, now with a medical card. During the first 3 years of the child's life, Father drifted between jail, homeless encampments, various trailers, shelters and missions and so many jobs he was unable to recount them during deposition. Father provided no child support."

Director of DHS Clyde Saiki

DHS must sure be proud of Caseworker Cori McGovern – It's certainly no wonder that they have such a horrific reputation today!

During the May 19th hearing McGovern made it known that she wanted MacLaren to take another Psychological Exam at the tune of $1,200.00-plus and Judge Grensky followed suit, even though Christi had already taken one. You see, the following results just didn't fit into the foregone conclusion that McGovern had decided for this case. Let's look at the Exam that Christi underwent just six months prior to the May hearing.

On December 7, 2015 Dr. Jerry Larson MD, Psychiatrist, gave Christi a Psychological Exam. Larson concluded, "Christi MacLaren is a 40-year-old, bright, well educated, married, mother of two children who displays no evidence of a mental defect. She, working for the Red Cross, was exposed to some difficult situations which bothered her for a period of time. She was evaluated by her primary physician and admittedly had some depression, disturbed thoughts and feelings about what she's experienced, was treated with Prozac then Wellbutrin and perhaps other medication. She improved and all such medications have been discontinued. Based upon my evaluation and psychometric testing, I can find nothing to suggest that she suffers from any form of mental disease or defect. She expresses legitimate concern about her child and given the history of the two parents, I find the DHS action puzzling at best. I will look forward to the PAI inventory and I will also review the hopefully, professional DHS evaluations done regarding this situation."

It's no wonder that DHS's Cori McGovern didn't want to accept Dr. Larsen's evaluation as he completely exposes McGovern's underhanded motives in his report.

One of the most shocking things about this case is the fact that Judge Grensky hasn't held a trial. Even though Christi came to court in May with 9 witnesses, Grensky and McGovern made sure the professionals and others were never allowed to testify. Again, you really should step in and protect this little girl Mr. Grensky – this matter isn't going to just disappear…

This reporter has attempted to contact McGovern and those who have assisted her within DHS and they have ALL refused to return the calls. Director of DHS Clyde Saiki and other DHS officials in Salem, OR are well aware of this tragedy and to our knowledge they have refused to act. Director Saiki would be wise to stop McGovern's abuse, as we are ultimately going to hold this Bureaucrat responsible and DHS already knows from past experiences with the US~Observer that we aren't going away…

Christi has spent approximately $30,000.00 in the past two years attempting to protect her daughter. Some of this money is on credit cards that MacLaren is struggling to repay. Christi has no money to provide another Psychological evaluation as she is doing everything possible to feed, clothe and house her abused daughter's little sister. Anyone who wishes to assist this mother in obtaining justice can do so by contributing to her GoFundMe account online, under the name Christi MacLaren.

Editor's Note: We are currently digging into Cori McGovern's past in regards to abuse and dishonesty. We are also seeking information on Sean Lenzo; his Grandmother Rose Marie Lenzo, who lives in Jamestown, CA; DHS Caseworker Matthew Brody, as well as others involved in this story. Anyone with information is urged to contact the US~Observer at 541-474-7885 or by emailing editor@usobserver.com.

★★★

Continued from page 9 • Mercy in the Age of Mandatory Minimums

is also dysfunctional. Weldon's petition for clemency was filed in November 2012 — and it then sat, unresolved one way or another, for three-and-a-half years. The support for the petition was unprecedented, spanning activists, academics and experts from every political camp imaginable. While Weldon is not wealthy and could not afford high-priced lobbyists or attorneys, the facts of his case drove the story onto the pages of leading news outlets. Yet nothing happened. Even when the Obama administration launched the "Clemency Project 2014" and Weldon's case was accepted into that program, he languished in prison as the petition slogged through the seven vertical levels of review any successful clemency case must navigate.

Clemency is meant for cases like Weldon's, where the requirements of the law exceed the imperatives of justice. The fact that a case like his cannot receive clemency from an administration dedicated to expanding the use of this presidential prerogative lays bare the root problem we face — too much process and bureaucracy coursing through a Department of Justice that bears a built-in conflict of interest. The formula for solving the problem is simple: Take the process out of the Justice Department and have the pardon attorney or a clemency board report directly to the president.

It was thrilling to see Weldon free, eating off of a paper plate in the light of a Utah evening. He is just one of many, though, and systemic reform of both mandatory minimums and the clemency process should be an imperative for this and the next administration.

Erik Luna is Foundation Professor of Law at Arizona State University and an adjunct scholar with the Cato Institute. Mark Osler is the Robert and Marion Short Professor of Law at the University of St. Thomas (MN) and is co-founder of the Clemency Resource Center at New York University. ★★★

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America's Institutionalized Racism: A Product of Government

By Ryan Mohr

(The Libertarian Republic) - Is America institutionally racist? A lot of people seem to think so. We're constantly inundated, day in and day out, with how the black community has gotten the shaft, whether it's our President telling us that racism is "in our DNA" or leftists shouting about the "White Patriarchy" conspiring to "keep the black man down" and berating people on social media for their "White Privilege." We hear that "unfettered capitalism" allows blacks to be discriminated against and marginalized. Meanwhile, conservatives are usually befuddled or uncomfortable with the race issue and largely just throw their hands up and speak of "personal responsibility," or how the black community tends not to have "respect for the law." We often hear from them about "Meritocracy"; that in America, a supposed free society, everyone can make something of him or herself if he or she just pulls up his or her bootstraps and put in the work.

So where should libertarians stand on these issues? Many of us often make the mistake of choosing between the narratives put forward by the politically-motivated. Of course personal responsibility and meritocracy are ideas we can get on board with, but can we really just ignore what seems to be an obvious problem? Blacks are on average much poorer than whites. If America is the land of equal opportunity, how can this be? There is no evidence that suggests disparities in drug use among blacks compared to whites, and yet blacks are arrested and convicted at a much higher rate than whites. We abhor police abuse, so certainly we can get on board with those seeking justice in the face of police violence; but can we explain why blacks are disproportionately affected? We rail against the War on Drugs and we see that it has torn Black America asunder; but why is it that minorities in particular have been affected so heavily? Are cops really just a bunch of racists? Is bigotry really just that ingrained in American culture? The answer, as usual, lies much deeper than the platitudes and talking points you keep getting bombarded with from the Left and Right.

Now, popular opinion is riddled with all sorts of unsubstantiated conjecture with respect to the plight of the African-American community, the chief one being the infamous "Legacy of Slavery." The gist is that blacks are still living with the cultural repercussions of slavery to this day, and this can explain the racial disparities in income, family structure, crime statistics, etc. Academics point to the oppressive nature of slavery that aimed to humble black males, as well as slave families being constantly separated by the slave trade, as the chief reasons for the instability of the black family unit in modern times. But a study conducted in 1989 by Erol Ricketts, a researcher with the Rockefeller Foundation, puts an epic kibosh on that claim. After examining the national data, Ricketts found that going back to 1890, "black females married at higher rates than white females of native parentage until 1950." Moreover, the data showed that "rates of black female-headed families declined to their lowest level in 1950, only to rise sharply thereafter."

So contrary to popular opinion, the black family was on the rise from Reconstruction all the way up to the middle of the 20th century, before it took a turn for the worse. So if not slavery, what can account for the aforementioned disparities? Let's take a look at U.S. economic policy in the early-to-mid 20th century. We had FDR's New Deal which, as Jim Powell of the CATO Institute pointed out in an article in 2003, unilaterally banned low-skill workers from the workplace via the minimum wage, forcing an estimated 500,000 blacks, particularly in the South, out of jobs. Just when American blacks were starting to climb the economic ladder, post-Reconstruction, here came the Federal Government to "save" them from their own success. Job opportunity was further driven down by a barrage of payroll taxes that were imposed on employers, making employment opportunities for blacks even more scarce. The Agricultural Adjustment Act of 1933 aimed to help farmers by cutting farm production and forcing up food prices. Less production meant less work for thousands of poor black sharecroppers. Perhaps the most devastating effects of The New Deal came in the form of The Wagner Act of 1935, which not only legalized union monopolization, but encouraged it. The massive takeover by the unions resulted in thousands of blacks muscled out of the workplace due to the blatant discriminatory practices of the labor unions in that time. While there was initially a provision in the legislation to prevent these sorts of practices, political pressure led to it being dropped from the bill. These economic forces, driving black men out of work en masse, in tandem with the subsidies that would be offered to single mothers as a result of New Deal legislation, are a toxic combination that would create the exact sort of perverse incentive that began tearing at the fabric of the black family.

Now there's nothing exactly new about "well-intended" legislation having unintended consequences, especially to libertarians, but does that make the policy racist, per se? Well, when the policy was championed by the unabashed racialists and eugenicists of its day, then yes, I think it's fair to say that many of the policies of The New Deal are indeed racist. The minimum wage was something advocated for vociferously by economists and socialists of all stripes as a means of ridding society of "unclean breeds." As Jeff Tucker pointed out in an article at Fee.org last year entitled "The Eugenics Plot of The Minimum Wage", these weren't "marginal figures" or "radicals" either, but "the leaders of the profession, the authors of the great textbooks, and the opinion leaders who shaped public policy." He cites the economist, Thomas Leonard: "Progressive economists, like their neoclassical critics," Leonard explains, "believed that binding minimum wages would cause job losses. However, the progressive economists also believed that the job loss induced by minimum wages was a social benefit, as it performed the eugenic service ridding the labor force of the 'unemployable.'" Academic elites at renowned institutions from Princeton to Columbia University argued vehemently for the adoption of price floors on a national level on these same sinister grounds, to eradicate so-called "impure breeds" from society. Bigotry and racism, in and of themselves, are dangerous attitudes that infect the soul; but their impact on society are far more consequential when they are backed by government force. These miscreants got much of what they wanted in the form of the New Deal, and while their genocidal goals were not achieved, they did plenty of damage. These policies would be doubled down on 30 years later with Lyndon B. Johnson's "War on Poverty" initiative, expanding the welfare state to even greater proportions, which would ironically only perpetuate and worsen impoverishment in urban black communities. These policies, as the data show, would deal a devastating blow to the black family unit that was already holding on by its fingertips.

So when we view the state of affairs of the black community today, we must understand that however far it has come since abolition, it has gone the course facing overwhelming odds. When you hear talk of the system being rigged in favor of whites, don't roll your eyes, but take time to inform those who will listen to the truth in those words. I should reiterate that we as libertarians must be careful who we align ourselves with politically. If we truly wish to affect positive change and communicate truth, we must reject the narratives put forth by those who seek to only tighten the chains that bind through further expansion of the state. For those who would blame capitalism for these disasters, it would be pertinent to channel Ron Paul: "Capitalism should not be condemned, since we haven't had capitalism." The African-American family had plenty of upward mobility until the State stepped in. It must be said that the racial disparities we see today are inexorably linked to the progressive economic policies of the 20th century. Edmund Burke once wrote that "Men little think how immorally they act in rashly meddling with what they do not understand. Their delusive good intention is no sort of excuse for their presumption. They who truly mean well must be fearful of acting ill." This should give the statists and progressives of today pause, as they reflect on the institutionalized racism they've engineered. ★★★

Unreasonable Searches Are Unconstitutional—and Common

By Steve Chapman

(Reason) - If there is anything on which Americans across the political spectrum agree, it is the inviolability of the Constitution. It is our national scripture, invoked by all and rejected by none.

Conservatives attending the first tea party rallies in 2009 often waved copies of the document. The most memorable moment of the recent Democratic National Convention was when the father of a Muslim U.S. Army captain killed in Iraq demanded of Donald Trump, "Have you even read the United States Constitution?"

But one portion of our national charter has eroded to the point of invisibility: the Fourth Amendment. It says, "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated." In much of America, that guarantee is an empty promise.

The latest evidence came in a report on police practices in Baltimore, issued on Aug. 10 by the U.S. Department of Justice after an investigation spurred by the 2015 death of Freddie Gray. It documents that the city's law enforcement officers operate with virtually no regard for the Fourth Amendment.

In 1968, the Supreme Court ruled that cops may stop someone when they have reasonable grounds to suspect criminal activity and, if they have reasonable grounds to think the person is armed, may frisk him lightly to detect weapons. They may not stop anyone they please, and they may not vigorously search a citizen's clothing and body without a good reason.

The court intended to empower police only within strict limits. It emphasized, "No right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law."

But the Justice Department found that in Baltimore, police routinely stop people on the street without reasonable suspicion, conduct physical searches that lack adequate grounds and exceed legal limits, and arrest people without justification. Each of these practices is more than a mistake: It is a violation of fundamental liberties at the heart of what it means to be an American.

The usual assumption is that cops can be trusted to know who's a bad guy and who's not. But of the more than 300,000 pedestrian stops that occurred over a 5 1/2-year span, the report notes, only 3.7 percent led to an arrest or citation—and many of those were later dropped.

They expose some victims to grievous indignities. After one adolescent filed a complaint alleging that a cop pulled down his pants on the street, he told investigators, the same cop later "pushed the teenager against a wall, pulled down his pants and grabbed his genitals."

The Justice Department confirmed that one driver had to remove her shirt in public—and "the officer then pulled down the woman's underwear and searched her anal cavity." She was not charged.

All this would be bad enough if it were unique to Maryland. But similar abuses have been documented in city after city. In 2013, a federal judge found that unconstitutional police stops were "a fact of daily life in some New York City neighborhoods" and that the department exhibited "deliberate indifference" to these violations.

A 2011 Justice Department investigation found cops in New Orleans "engage in a pattern of stops, searches, and arrests that violate the Fourth Amendment." In 2014, it found Cleveland police guilty of regularly "using unreasonable force in violation of the Fourth Amendment." Last year, the same type of conduct was documented in Ferguson, Missouri.

These systematic abuses go on partly because their biggest effect is on blacks and Hispanics, whose treatment often gets little attention. Another reason they persist is that there is no simple remedy when cops trample on the Fourth Amendment rights of innocent people. Evidence gathered through illegal searches can be thrown out in court—but that helps only victims who are prosecuted, which most are not.

The Fourth Amendment is just one of the provisions the framers devised to keep Americans free. But they seem to have written it in disappearing ink.

★★★

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America's Electronic Voting Machines Are Scarily Easy Targets

By Brian Barrett

(WIRED) - Recently, GOP presidential candidate Donald Trump openly speculated that this election would be "rigged." Last month, Russia decided to take an active role in our election. There's no basis for questioning the results of a vote that's still months away. But the interference and aspersions do merit a fresh look at the woeful state of our outdated, insecure electronic voting machines.

We've previously discussed the sad state of electronic voting machines in America, but it's worth a closer look as we approach election day itself, and within the context of increased cyber-hostilities between the US and Russia. Besides, by now states have had plenty of warning since a damning report by the Brennan Center for Justice about our voting machine vulnerabilities came out last September. Surely matters must have improved since then.

Well, not exactly. In fact, not really at all.

RISE OF THE MACHINES

Most people remember the vote-counting debacle of the 2000 election, the dangling chads that resulted in the Supreme Court breaking a Bush-Gore deadlock. What people may not remember is the resulting Help America Vote Act (HAVA), passed in 2002, which among other objectives worked to phase out the use of the punchcard voting systems that had caused millions of ballots to be tossed.

In many cases, those dated machines were replaced with electronic voting systems. The intentions were pure. The consequences were a technological train wreck.

"People weren't thinking about voting system security or all the additional challenges that come with electronic voting systems," says the Brennan Center's Lawrence Norden. "Moving to electronic voting systems solved a lot of problems, but created a lot of new ones."

The list of those problems is what you'd expect from any computer or, more specifically, any computer that's a decade or older. Most of these machines are running Windows XP, for which Microsoft hasn't released a security patch since April 2014. Though there's no evidence of direct voting machine interference to date, researchers have demonstrated that many of them are susceptible to malware or, equally if not more alarming, a well-timed denial of service attack.

"When people think that people think about doing something major to impact our election results at the voting machine, they think they'd try to switch results," says Norden, referring to potential software tampering. "But you can do a lot less than that and do a lot of damage… If you have machines not working, or working slowly, that could create lots of problems too, preventing people from voting at all."

The extent of vulnerability isn't just hypothetical; late last summer, Virginia decertified thousands of insecure WinVote machines. As one security researcher described it, "anyone within a half mile could have modified every vote, undetected" without "any technical expertise." The vendor had gone out of business years prior.

The WinVote systems are an extreme case, but not an isolated one. Other voting machine models have potentially vulnerable wireless components; Virginia's just the only one where a test proved how bad the situation was.

The worst part about the current state of voting machines is that they don't even require outside interference to undo an election. "They're all computers. They run on tens of thousands of lines of code," says Norden. "It's impossible to have a perfectly secure, perfectly reliable computer."

That's true, but in fairness, most computers aren't quite this imperfect, either.

A GOOD KIND OF AUDIT

So electronic voting machines aren't ideal. The good news is, it's entirely possible to mitigate any potential harm they might cause, either by malice or mistake.

First, it's important to realize that electronic voting machines aren't as commonplace as one might assume. Three-quarters of the country will vote on a paper ballot this fall, says Pamela Smith, president of Verified Voting, a group that promotes best practices at the polls. Only five states—Delaware, Georgia, Louisiana, South Carolina, and New Jersey—use "direct recording electronic" (DRE) machines exclusively. But lots of other states use electronic machines in some capacity. Verified Voting also has a handy map of who votes using what equipment, which lets you drill down both to specific counties and machine brands, so you can see what's in use at your polling station.

More than half of the states conduct post-election auditing, by checking vote totals against paper records, to ensure that the votes are accurate. Both Smith and Norden agree that this sort of auditing is the single best way to guarantee confidence in election results, as does MIT computer scientist Ronald Rivest, who has written extensively [PDF] on voting machine issues.

The problem is that not every state does post-election audits. And even some that require them by law, namely Pennsylvania and Kentucky, don't actually use voter-verifiable paper trails, meaning they have no way to complete an audit. And progress toward more and better auditing is slow; Maryland just put an auditable system in place this year, Smith says, and will pilot it during the fall election. Over a dozen states still have no audit procedure at all.

The problem with putting these auditing systems in place is the same one keeping more reliable voting machines from the booths in the first place: a lack of money and political will. There's new voting equipment out there that's much more secure than the machines states purchased in bulk a decade or more ago, but only a handful of states and municipalities—Rhode Island, DC, and parts of Wisconsin among them—have upgraded in the past year.

"The money's not there right now," says Norden. "We interviewed election officials who told us what they were hearing from their state legislators and others who would be funding this type of equipment, and they say come back to us after there's some kind of crisis."

Which, if they wait long enough, is exactly what they're going to get.

RIGGING THE VOTE

For what it's worth, electronic voting machines have been this hackable in previous elections as well, and there's no indication—even in Virginia—that there's ever been any interference.

This year feels different though, in no small measure because of Russia's alleged responsibility for the DNC hack. If Putin would go so far as release those emails, would he pursue a direct assault on our vulnerable voting machines as well?

The short answer? Nyet.

"Putin's not very nice, but he's not stupid," says Ryan Maness, a visiting fellow at Northeastern University who specializes in international cyber conflict and Russian foreign policy. "If they were going to mess with the voting machines and the vote-counting software, they wouldn't have done the DNC hack."

Maness argues that the DNC hack and subsequent email release has put a spotlight on Russia. The blowback from such direct interference in a United States election would be too severe. Besides, Maness says, Putin's main objective was likely to embarrass Hillary Clinton, rather than elevate Trump. And he's certainly achieved that much already.

But even if Maness is wrong, the even better news is that the three states that will likely decide the election—Florida, Ohio, and Pennsylvania—have voting machines that are in relatively good shape. Florida has an audit requirement in place, while Ohio not only conducts audits, Smith says, it has an "automatic recount provision," where close races trigger a manual recount without requiring a candidate to request one. "Pennsylvania is of the most concern" among those three, says Smith, "based on the fact they have so many paperless DREs in use." Even there, though, election officials will actively deploy paper ballots in the event that those machines fail.

Still, unlikelihood that Russia would tamper with our voting machines hasn't lifted the sense of unease around the election. When Donald Trump suggests the election might be "rigged," he's referring to a host of potential disruptions, from the times and dates of scheduled debates to whatever else he might bend to his narrative. In November, should he lose, he'll find the voting machines to be an easy target.

That suspicion is the real danger of electronic voting systems, and especially of those that can't be easily or effectively audited. If you can't guarantee that there was no tampering—which not every state can—it might not matter if any actually took place. In the wrong hands, the doubt itself is damaging enough.

Google "Hacking Democracy" and watch the documentary filmed in 2006. ★★★

Ex-Prisoner Legal Victory Against Big Bank Makes Sense

A class action lawsuit against JP Morgan Chase shows why banks should not profit from prisons

BY RONALD SIMPSON-BEY

(Ebony) - Last week, justice was served when thousands of formerly incarcerated people prevailed in a case against banking giant JP Morgan Chase and Co. The bank will pay nearly a half million dollars to the plaintiffs to settle the federal class-action lawsuit. The 50,000 people who are eligible to split the settlement will each walk away with a paltry sum, but this is a big moral victory nonetheless.

JP Morgan—the same institution bailed out by taxpayers in 2008— won a government contract with the Federal Bureau of Prisons to provide federal parolees with prepaid, non-reloadable debit cards. The cards were intended to help the former prisoners access their earnings or the cash that family members deposited in their accounts.

Incarcerated workers in federal prisons earn 59 cents an hour. So, as you can imagine, most people do not walk out of prison with much money. But that didn't stop JP Morgan from robbing them. Bloomberg reports that the bank charged "$10 fees to withdraw money from a teller window and $2 charges for using non-network ATMs." One plaintiff reported leaving prison with $120 and only being able to access $70 after he paid the bank's predatory fees. Because the Federal Bureau of Prisons does not offer checks or cash, the men and women leaving prison had no other way to access their money except with the debit cards.

The stigma, isolation and trauma associated with incarceration impact every aspect of life for someone who is reentering society. For JP Morgan, a bank responsible for the 2008 financial collapse on Wall Street, to engage in such predatory behavior is criminal. Monetizing reentry in this manner further dehumanizes formerly incarcerated people because it unfairly forces them to remain under a different, yet equally pernicious, form of supervised control and oppression. Doing so increases hardship and makes successful reentry much less likely.

Unfortunately, our prison system is designed with revolving doors. There are systems and policies in place that make it hard for the formerly incarcerated to stay out of prison. The JP Morgan debit card rip-off is only one example. When you put someone in a position where he or she cannot vote, get a job, enroll in college, apply for benefits or be eligible for public housing, society is providing individuals with few legal options for survival. The absence of opportunity to sustain oneself directly increases the likelihood that people will turn to illegal means of generating income in order to survive.

We have to take the profit out of prisons and instead invest in programs that help formerly incarcerated people. While Wall Street predators such as JP Morgan won't benefit from such programs, taxpayers will save money in the long run and communities will be stronger and safer. Isn't it time to reform the prison system so that it works to rehabilitate rather than continue to funnel funds to greedy profiteers? Let's invest in expanding opportunities in our communities, not expanding prisons. ★★★

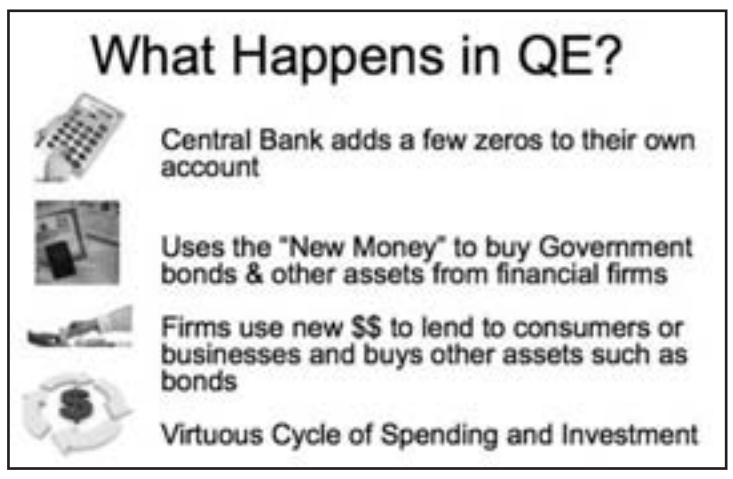
4 Stages of Monetary Madness

By Michael Pento
Pento Portfolio Strategies

(24hgold.com) - There are four stages of fiat money printing that have been used by central banks throughout their horrific history of usurping the market-based value of money and borrowing costs. It is a destructive path that began with going off the gold standard and historically ends in hyperinflation and economic chaos.

Stage one is the most benign of the four, but it sets the stage for the baneful effects of the remaining three. The first level of monetary credit creation uses the central banks' artificial savings to set short-term interest rates through the buying and selling of short-duration government debt. This stage appears innocuous to most at first but is insidiously destructive because it prevents the market from determining the cost of money. This is crucially important because all assets are priced off of the so called "risk-free" rate of return. A gold standard keeps the monetary base from rising more than a few percentage points per annum and thus restrains bank lending. However, having a fiat currency also means a nation has a fiat monetary base. This leads to unfettered bank lending and the creation of asset bubbles.

The second stage of monetary madness has been around for decades but is now commonly known as Quantitative Easing (QE). After several cycles of lower and lower short-term interest rates that are intended to bring the economy out of successive recessions, the central bank (CB) ends up pegging rates at zero percent or below. Once CBs run out of room on the downside of short-term rates they go out along the yield curve and begin to artificially push down borrowing costs for long-term debt. It is important to note that at this stage CBs only purchase assets on private banks' balance sheets and at least pretend they will someday liquidate these holdings.



The third level of monetary madness is now being threatened to be imposed upon the population by central banks across the globe. This stage is called "Helicopter Money" and is the brainchild of noted economist Milton Friedman. But in reality, versions of it have been used many times prior to Mr. Friedman's appellation of central bank money drops. Friedman argued the use of Helicopter Money to combat deflation, but it has been traditionally used to help an insolvent government service its debt.

At its core, Helicopter Money is defined to be the issuance of non-maturing government debt or the direct issuance of credit to the public that is financed by the central bank. Both forms of money drops operate most efficiently by circumventing the private banking system. This is because CBs and governments don't have to worry about private banks deciding to forgo buying more government debt if favor of holding the fiat credit as excess reserves. Helicopter Money allows citizens the direct access to new credit without the threat of having it unwound from the CB. The main difference between non-maturing debt issuance and direct public credit is the former allows the government to direct who gets the new money, and the latter gives the CB that discretion. But in either case, Helicopter Money amounts to a direct increase in the broad money supply and inflation.

As I mentioned in last week's commentary, The Bank of Japan and perhaps even The European Central Bank are seriously contemplating saying "get to the chopper" very soon. Alas, once you get to level 3 there will be an inexorable march towards the next level. This is because there is no calling in the helicopters without causing a devastating plunge in asset prices and a bond market collapse, which results in massive economic chaos.

This brings us to the final stage of central bank intervention, which is the interminable and direct purchase of sovereign debt by a central bank for the sole purpose of keeping interest rates from spiraling out of control. Hence, the 4th stage of Monetary Madness occurs once inflation becomes fully entrenched in the economy.

It would be pure folly to assume that central banks can achieve their 2% inflation targets with impeccable precision. Years' worth of deficit spending, surging debt to GDP ratios and a gargantuan increase in central banks' balance sheets will eventually lead to a significant erosion in the confidence of central bankers to maintain the purchasing power of fiat money. Therefore, inflation won't just magically stop at 2%; it will eclipse that level and continue to rise.

But that's only half of the issue. Sovereign bond yields have been slammed so far down by CBs that nearly 30% of the entire supply of government-issued debt now trades below zero percent. The return of inflation must surely cause a mass exodus of longs from the bond market, just as short sellers begin to pile on top. The bond market will also respond in violent fashion -- taking yields up 100's of basis points rather quickly -- due to the anticipation of waning bond bids from central bankers.

Of course, surging debt service payments will render debt-saturated governments completely insolvent, which forces central banks into stage 4. Sadly, this is the conclusion that lies ahead for the developed world. Investors should not become complacent with the current innocuous state of global bond yields. In reality, they have become incendiary bombs that will inevitably explode with baneful implications for those that are not fully prepared.

Mr. Michael Pento is the President of Pento Portfolio Strategies and serves as Senior Market Analyst for Baltimore-based research firm Agora Financial. Pento Portfolio Strategies provides strategic advice and research for institutional clients. Agora Financial publishes award-winning newsletters, critically acclaimed feature documentaries and international best-selling books. Mr. Pento is a well-established specialist in the Austrian School of economics and a regular guest on CNBC, Bloomberg, FOX Business News and other national media outlets. ★★★

Prescription Drugs Are Killing Us – Meet One of The Doctors Who Just Published A Paper About It

Arnold Seymour Relman (1923-2014)

By True Activist

Many might say that a doctor saves lives and helps increase the average life span, but this is not true. Sure, they save a life here and there, but do they really relieve suffering? Patients extrapolate what doctors say, but they don't realize that, while doctors do know about the diseases in depth, they know very little about the drugs they prescribe.

Arnold Seymour Relman (1923-2014), Harvard Professor of Medicine and Former Editor-in-Chief of the New England Medical Journal says:

"The medical profession is being bought by the pharmaceutical industry, not only in terms of practice of medicine, but also in terms of teaching and research. The academic institutions of this country are allowing themselves to be the paid agents of the pharmaceutical industry. I think it's disgraceful."

The pharmaceutical industry is the most prevalent medicine industry worldwide, as it is hypothesized that the medicines provided by it quickly gives respite from ailments and treats a person, despite of the fact that thousands of people die every year from prescription drug use.

According to a new study, almost 80 percent of meta–analyses had some sort of industry tie-up, either through sponsorship or speaking fees, research grants and things like that, which again leads to the fact that drugs may help someone by giving some sort of relief or lowering pain, but they can also cause a large amount of harm.

These drugs can instantly relieve acute pain and distress. But the treatment of chronic diseases poses a grave problem. Thus, in relieving a diseased condition, other abnormal physiological and pathological problems may develop. The side effects from these drugs can range from mild side effects like fatigue and constipation, to strong side effects like suicidal thoughts, insomnia, coma, severe infection and so on.

"Any drug causing more side effects than benefits will not be called a medicine. It would rather be called a poison."

Here, we are talking about antidepressants. Dr. Peter Gotzsche, co-founder of Cochrane Collaboration (the world's foremost body in assessing medical evidence), is currently working to make the world aware of the fact that the side effects associated with the several pharmaceutical grade drugs are actually killing people all over the world. According to his research, 100,000 people in the United States alone die each year from the side effects of correctly-used prescription drugs. He published many papers reasoning the fact that antidepressants are making people suffer with its harmful effects to a large extent.

THE COCHRANE COLLABORATION

In context of antidepressants, recent example is a study published in the British Medical Journal by researchers at the Nordic Cochrane Centre in Copenhagen. It states that the pharmaceutical companies are not disclosing all information regarding the results of their drug trials.

Tamang Sharma, a PhD student at Cochrane and lead author of the study, said:

"We found that a lot of appendices were often only available upon request to the authorities, and the authorities had never requested them. I'm actually kind of scared about how bad the actual situation would be if we had the complete data."

This is not the first time that the pharmaceutical companies are portraying only the half truth of their drug trials to get the antidepressants on to the shelves. There are many other examples where we can see that the drug companies are selling their drugs on the basis of a bunch of lies and half-told truths. ★★★

Has a New, Fifth Force of Nature Been Found?

By Mike Wall

(Space.com) - There may be a fifth force of nature, a new study suggests.

"If true, it's revolutionary," study lead author Jonathan Feng, a professor of physics and astronomy at the University of California, Irvine, said in a statement.

"For decades, we've known of four fundamental forces: gravitation, electromagnetism, and the strong and weak nuclear forces," Feng added. "If confirmed by further experiments, this discovery of a possible fifth force would completely change our understanding of the universe, with consequences for the unification of forces and dark matter."

Jonathan Feng

Feng and his colleagues analyzed data gathered recently by experimental nuclear physicists at the Hungarian Academy of Sciences, who were trying to find "dark photons" — hypothetical indicators of mysterious dark matter. Dark matter is thought to make up about 85 percent of all matter in the universe, but it neither absorbs nor emits light, so it's impossible to detect directly. (Scientists have inferred its existence from its gravitational effects on "normal" matter.)

The Hungarians detected tantalizing evidence of a previously unknown particle just 30 times heavier than an electron — a result they published early this year.

"The experimentalists weren't able to claim that it was a new force," Feng said. "They simply saw an excess of events that indicated a new particle, but it was not clear to them whether it was a matter particle or a force-carrying particle."

The new work by Feng and his team suggests that the Hungarians found not a "dark photon" but rather a "protophobic X boson" — a strange particle whose existence could indicate a fifth force of nature. The known electromagnetic force acts on protons and electrons, but this newfound particle apparently interacts only with protons and neutrons, and then only at very short distances, researchers said.

"There's no other boson that we've observed that has this same characteristic," co-author Timothy Tait, also a professor of physics and astronomy at UC-Irvine, said in the same statement. "Sometimes we also just call it the 'X boson,' where 'X' means unknown."

The potential fifth force may be linked to the electromagnetic and strong and weak nuclear forces, as "manifestations of one grander, more fundamental force," Feng said.

It's also possible that the universe of "normal" matter and forces has a parallel "dark" sector, with its own matter and forces, Feng added.

"It's possible that these two sectors talk to each other and interact with one another through somewhat veiled but fundamental interactions," Feng said. "This dark-sector force may manifest itself as this protophobic force we're seeing as a result of the Hungarian experiment. In a broader sense, it fits in with our original research to understand the nature of dark matter."

While such speculation is intriguing, the researchers stressed that their interpretations are preliminary, and that further study and experiments are needed. Indeed, particles supposedly observed in accelerators sometimes turn out to be statistical flukes.

The good news is that many scientists should be able to do the required follow-up work, Feng said.

"Because the new particle is so light, there are many experimental groups working in small labs around the world that can follow up the initial claims, now that they know where to look," he said.

The new paper has been published in the journal Physical Review Letters. ★★★

Continued from page 1 • Oregon District Attorney Ryan Mulkins Disarming Law-Abiding Citizens?

District Attorney Ryan Mulkins

was traveling the opposite direction, made a U-turn in the highway and eventually pulled them over for a broken tail light.

Officer Ziegler came to their car on the passenger side and asked for Maranda's driver's license, insurance etc. It was at this time that Officer Ziegler told them they were being audio recorded.

Looking into the vehicle, Officer Ziegler asked Dan if that was a weapon he was looking at between them near the consol. Dan responded yes it was and according to Maranda, she volunteered to Officer Ziegler that it was her gun. Officer Ziegler walked back to his vehicle to run a background check on them and did not seem concerned about leaving the gun with Dan or Maranda.

The Old's vehicle has bucket seats with a console between. The gun was muzzle down between the seat and the console with the butt showing. The gun was holstered and visible as a firearm.

When Officer Ziegler returned to the vehicle he asked Dan if he had any other weapons and Dan responded that yes, he always wore a knife. It was then that Officer Ziegler instructed Dan to get out of the vehicle. Ziegler then took possession of the gun and the knife.

Dan was issued a citation for carrying a concealed weapon and the gun was confiscated. When Dan asked Officer Ziegler why he was being issued the citation instead of the gun owner, Officer Ziegler stated that the gun was closer in proximity to Dan, which was why he was issued the citation.

When Dan went to the courthouse to see how to handle the citation, he was told that he could plead guilty and pay a $500.00 fine or fight the charge. Pleading guilty would mean that Dan would lose his gun and his gun rights. Knowing he was innocent, Dan stated he wanted to fight the citation. He was given a court date and obtained Rebecca Peterson as his defense attorney.

Many times over Dan was warned that pleading innocent and being found guilty by the jury would land him in jail where he would most likely serve a maximum sentence. He was told that he could spend up to a year in jail.

According to Dan, his Attorney Rebecca Peterson warned him before trial about going to jail but Dan stood firm and quickly rejected all attempts.

THE TRIAL

Fast forward 8 months, Felicity just turned one year and her daddy is on trial and could possibly go to jail until she is two.

Assistant District Attorney Kate Williams prosecuted this case for Josephine County District Attorney Ryan Mulkins. According to one witness, during opening statements, Williams used the analogy that, "if a husband and wife both owned a television set in their home, it would belong to both of them". She of course was supporting the fact that Dan was issued a citation for his wife's gun.

Remember, there was an audio taping of the traffic stop – it was ruled inadmissible in court. Sources have informed us that the time-line of events presented to the jury by Officer Ziegler differed very much from what the audio tape showed. According to Officer Ziegler, he first saw the knife and went on high alert for other weapons. He stated the stop was not because of a broken tail light but because he thought the license plate was home-made. But how does Officer Ziegler see a broken tail light or a home-made license plate from the rear of Olds' vehicle when he is traveling in oncoming traffic?

According to information received, there was an agreement between Ms. Williams and Defense Attorney Rebecca Peterson to not bring before the jury the knife issue at all, because it could prejudice the jury against the defendant, however, Josephine County Circuit Court Judge Wolke stated that since the knife was not illegal he could see no reason why any jury would become prejudiced and he allowed the knife testimony. When Williams introduced the knife issue to the jury, she attempted to make Dan look menacing. The jury obviously didn't buy what she was selling. They were intelligent enough to realize that the gun was visible by Officer Ziegler or he wouldn't have asked for it, therefore making it impossible to be concealed.

The jury was only out for approximately 20 minutes when they decided unanimously that Olds was innocent. According to witnesses, upon hearing the innocent verdict, the prosecutor was "visibly upset." The jury in this case should be highly commended in that they protected an innocent man from an attempted false prosecution initiated by Officer Brian Ziegler and conducted by Josephine County District Attorney Ryan Mulkins via his assistant. Defense Attorney Rebecca Peterson should also be commended for getting the truth to this jury.

Editor's Note: If you are outraged by District Attorney Ryan Mulkins wasting hard-earned tax dollars, and attempting to falsely prosecute yet another innocent person, please call your Josephine County DA's Office and file a complaint at 541-474-5200 or email: da@co.josephine.or.us ★★★

This trend tells you everything you need to know about America's future

By Simon Black

(sovereignman.com) - Long ago in the Land of the Free, if you wanted to start a saloon, you rented a space and started serving booze.

You didn't have to go through years of petitioning a bunch of bureaucrats for permits and licenses.

If you weren't qualified or good enough at your job, your reputation would suffer and you'd go out of business.

This is the way it used to be for just about every industry and profession.

It wasn't until 1889 that the US Supreme Court ruled in Dent v. West Virginia that states had the right to impose "reasonable" certifications or licenses for various professions.

At first, most states only licensed physicians, dentists, and lawyers.

In fact, by 1920, only about 30 occupations in the US required any sort of licensing.

By the 1950s, about 5% of US workers required a license to perform his/her job.

Today that number has risen to 30%, and climbing.

Some of our modern examples are completely insane.

According to the Brookings Institute, the state of Nevada requires 733 days of training and a $1,500 fee for a license… just to become a tour guide.

Over in Michigan, it takes 1,460 days of education to become an athletic trainer.

45 other states have license or certification requirements for athletic trainers. All fifty states have licenses for barbers and cosmetologists.

36 states require licenses for make-up artists. 34 states license milk samplers. And a mere 33 states license auctioneers.

These license requirements continue to grow, along with the overall level of rules and regulations in the Land of the Free.

Just this morning the US government published an extra 227 pages of rules, regulations, and proposals.

This happens every single business day in America.

Last week the government published over 2,000 pages of new rules, many of which border on absurdity.

To give you an idea, USDA's Agricultural Marketing Service proposed a rule about minimum and maximum diameters of potatoes that are sold in the State of Colorado.

Yes I'm serious.

This is the sort of madness that government bureaucrats churn out on a daily basis: more rules, more licenses.

Needless to say, the more of these rules they create, the more difficult it becomes for people and businesses to produce.

So it wasn't exactly a big surprise when the US Labor Department released statistics a few days ago showing that, for the third straight quarter in a row, productivity in the Land of the Free declined.

In other words, US workers are producing less than they did before.

We haven't seen this trend since 1979. And it's the exact opposite of what's supposed to happen.

As workers get more experienced and technologically advanced, productivity should grow.

But it's not. US production is buried under countless pages of regulations and licensing requirements. And the trend has been negative for quite some time.

From 2000 through 2007, US productivity was about 2.6%.

Between 2007 and 2015, it shrank by half to about 1.3%, barely keeping up with population growth.

Now productivity is actually shrinking. America is going backward.

But there's another side to this story.

Because while US economic growth has practically halted and productivity is shrinking, DEBT CONSUMPTION is up. Way up.

Americans are once again indebting themselves, often to buy useless things they don't really need.

Auto loans and credit card debt are just two categories registering significant upticks.

(Not to be left out, the US government is leading with way with an absolute explosion in federal debt…)

So what we're basically seeing now in the Land of the Free is people going into debt to consume more, while simultaneously producing less.

This is a pretty dangerous trend.

Human beings realized 10,000 years ago that if they wanted to survive, they had to produce more than they consumed.

During the Agricultural Revolution our early ancestors learned that, instead of constantly hunting for game, they could plant seeds in the ground and produce more food than they could possibly eat.

You and I wouldn't be here if they hadn't figured out this simple principle.

I call it the Universal Law of Prosperity, and it applies to governments, businesses, and individuals alike.

Any nation that fails to produce more than it consumes is in for serious trouble. And the government's own data is showing that this is happening.

They create countless rules, regulations, and licensing requirements to make it more difficult to produce… and we can already see the results with (lack of) GDP growth.

Meanwhile they've slashed interest rates down to zero to incentivize people to consume.

It's not hard to see where this trend is going.

★★★

Are You Facing False Criminal Charges?

Have You Been a Victim of False Prosecution?

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

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

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

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

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

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

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

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

The US~Observer's services have

VINDICATED

over 4,400 cases to-date. Here are a few:

Chris Hoover — **Charge: Sex Abuse**

Status: Dismissed

"I was shocked, in disbelief. My whole world fell apart. My only support came from the US~Observer."

Al Perelstein — **Victim: Investment Scam**

Status: Compensated

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

Sierra Brownlow — **Charge: Assault**

Status: Dismissed

"Thankfully, my Dad found the US~Observer."

Charges: Federal Tax Evasion, Money Laundering, Wire Fraud — **The Parkers**

Status: Dismissed

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

Sheila Rodgers — **Charges: Felony Grand Theft/RICO**

Status: Dismissed

"My false charges were dropped when the US~Observer exposed the self-serving, crooked thugs who abused their authority and destroyed my company."

Kevin Driscoll — **Charges: Felony Rape**

Status: Acquitted

"The US~Observer fought and won my freedom, and cost the District Attorney and Prosecutor their jobs."

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