

## Attorney Claud Ingram Stalks US~Observer and Loses

By Edward Snook  
Investigative Reporter

Grants Pass, Oregon – For the past three years Attorney Claud Ingram of Eugene, Oregon has been stalking the Observer. We published public record in the Ole Turnbow case out of Deschutes County and corrupted attorney Ingram thought he could shut us up as he has many he has filed

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## Tribune and Judge Tag-Team Outstanding Police Dept.



Gold Hill Police  
Chief Michow

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## The Lariat Group Another Debt Elimination Scam?

By Edward Snook  
Investigative Reporter

In a variation of multilevel marketing concepts and programs, three enterprising Southern Oregon men dreamed up the concepts behind the Lariat Group, whose motto is "rounding up great solutions." Using the internet web site www.lariatgroup.com and the latest in electronic

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## “Woman shows sign of trouble”

*Linda Acosta says she was lied to and damaged by Harris & Taylor (Century 21) Real Estate Company; real estate company says lies were “honest mistake”*

By Edward Snook  
Investigative Reporter

Gold Hill, Oregon – Linda Acosta and her late husband Bob purchased their home in November of 2001. They were assured by their real estate agent Jeannie Moore that their property was backed by Bureau of Land Management (BLM) property. This supposed fact gave them the assurance no one would be building behind them. This is what they wanted and believed it was what they purchased until they found out, after spending considerable time and money on the property that Harris and Taylor Century 21 Realty had lied to them. Their property actually was backed by private land.

There were other lies told to the Acosta's such as that the roof was



Linda Acosta trying to stay positive

in good shape when it wasn't, bad drainage problems, etc. As the Acosta's were in California they trusted that Jeannie Moore was telling them the truth about the conditions.

### Daily Courier Damage Control!

In October of 2005, Linda Acosta was contacted by reporter

Howard Huntington of the Daily Courier. Huntington wanted to do a story on the sign Acosta had placed on her property and the reasons for the sign. The entire story had already been covered months prior by the US~Observer, so why did the Courier need to do an article. A prudent guess would be that someone from the real estate company contacted someone at the Courier to do damage control for them. Huntington's article was published by the Courier on November 4, 2005 and as expected it contains

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## Medford Police Department; the Good, the Bad and the Ugly

By US~Observer  
Investigative Reporters  
Jeanne Wollman &  
Curt Chanler

Medford, Oregon - Over the last few months we have reported on the causes and effects of bad law enforcement on the citizens of any community when police abuse is allowed to go unchallenged. In our eight-year study of law enforcement the vast majority of the rank and file police officers have been dedicated, honest, hardworking men and women that are doing the best they can with the tools they have. These men and women are asked to do an almost impossible job that is often thankless, dangerous and too often, very frustrating.

Of those interviewed the vast majority have stated that one of the greatest frustrations they endure is the contempt, mistrust, and hatred for police officers that exists in our society. It is our opinion that as long as a police department's hierarchy and a small number of police officers



Douglas Blagg in hospital after his run-in with Medford Police

are allowed to act as though they are above the law these feelings will continue.

In our two previous articles on law enforcement, we have attempted to show the need for civilian review of ALL complaints involving a police department. Questions that arise are: Is there a pattern of bad police behavior? How does the

department address those problems? Are they open to public scrutiny? Is there an independent citizen's review board?

In looking at our own Medford, Oregon Police Department (MPD) the first thing that jumps out is the lack of accountability to

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## Idaho Man Finally Sees Justice

By Ron Lee  
Investigative Reporter

Preston, ID - Recently, Preston, Idaho ex-police chief Scott Shaw was indicted and convicted to serve one to five years in prison on charges of misusing public funds and perjury. To many this was just a



Corrupt Franklin County Sheriff Don Beckstead demonstrating a "restraint chair" for the Observer's Paul Kraxberger. Beckstead has circumvented the corruption drag-net so far...

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communications, telemarketing techniques, coupled with telephone seminars, Robert Chamberlain, Gary Douglas Holmes and Butch McIntyre have reportedly recruited many hundreds of members across this country and some from foreign countries as well.

### A lariat can be a tool in the hands of a cowboy, or a snare or a noose.

With a small contingent of ancillary associates (some of whom have already been charged with violating federal law) this hardy band has saddled up to single-handedly rectify the insidious injustices of the "bankster/gangsters" in mortgage banking, automobile loans, the credit card industry and other areas of debt. In short the Lariat Group and its founders believe they are God's servants, out to fight evil.

When someone "joins" the non-membership-fee Lariat Group, he/she is introduced to a variety of services, such as the elimination of home mortgages, auto mortgages, credit card debts, school loans, hospital bills, and other debts. Members can also avail themselves of credit restoration services and overseas investment opportunities.

• **Who could resist the lure of buying a house with no money down, and the owner making the payments?**

• **Who could resist the suggestion to max. out their credit cards, because that debt can be erased in 4-6 months?**

• **Who could resist the lure of buying the most expensive auto or truck that he/she can afford, knowing that obligation can be negated in 6-9 months, "kind of like having a baby."**

• **Who wouldn't jump at the opportunity to wipe out old medical**

Lariat Group

### bills or college tuition bills?

Each service has a sliding scale of fees, depending upon the amount of debt to be forgiven, or the number of credit cards to be forgiven. The fees are sent to Lariat Group and after the "broker fees" or referral fees (some of which may be double or more of the vendors' fees) are extracted, they are sent on to the "vendors." Many of the "vendors" have been shut down by court injunctions and other legal proceedings. Some are currently incarcerated. Lariat Group collects its fee, whether the "vendor" can provide the requested service or not. Those who have not had satisfactory results (this number would include each and every client we interviewed) are told that Lariat Group is only a referral service and not responsible for results. We are told it is a full time job handling the complaint department.

Members are encouraged to recruit their family and friends to utilize these services, as they receive a "blessing" (commission) on the front end, and another "blessing," which is a percentage of the total dollars involved, on the back end when the service is completed. Lariat Group obviously partakes in this "blessings" program, both front and back.

According to some partakers in the programs the Lariat Group offers, they have been encouraged to "run their credit card balances to the limit, because they can be reversed or excused in 4-6 months." When that has not happened, some have had to declare bankruptcy, or be summoned to the courtroom over such advice.

Everything is couched in religious terminology, (they even tithe the money

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numerous lies, making the real estate company look much better than they should.

First off Huntington gives the sale price of \$395,000 and states that the "sale included two adjacent, three-bedroom homes." There is only one three bedroom home. The other is a two bedroom apartment that was built over an existing barn/garage. Huntington's intentions are all too obvious.

Huntington's article continues, "Century 21's attorney, Mark Clarke of Medford, said in a letter to the Daily Courier that the sale price was consistent with the local market." What in the world does this statement have to do with anything? The Acosta's purchased a property that had been on the market for a long time and it was sold to them as backing up to BLM land. They had poured well over \$125,000 into the property when they discovered they hadn't purchased what they were sold. Ms. Acosta has continued improving the property to this very day simply because she has no other choice. After the death of her husband Robert Acosta, Linda is now on her own and in no shape for the enormous task of finding another property, moving and having to start all over again. And what in the world is attorney Mark Clarke doing writing a letter to the Courier when his Oregon State Bar rules state that he cannot use the media to enhance a case. So much for rules...

The lies continue... "Another Century 21 attorney, Arne Cherkoss of Medford denied all of Acosta's allegations. He said Acosta did not use the procedures in her contract for resolving disputes and rejected Century 21's offer to deed to her a strip of land connecting her property with the BLM's. No offer has ever been made to Ms. Acosta and apparently Ms. Acosta has followed proper procedures

because the issue has already been ruled on in court. In fact, Century 21 conveniently came up with paperwork after a Medford judge had ruled against them. When they asked the judge to reconsider based on the "newly discovered document" the judge denied them and stated that he wouldn't rule on possible fraud because he didn't have to.

Huntington should donate some time to the US~Observer in exchange for us teaching him to properly investigate and print facts as opposed to lies. As for Ms. Acosta she recently informed us that she intends to keep her sign up until Harris & Taylor Century 21 Real Estate Company is held accountable. Acosta stated, "if this sign isn't large enough I'll purchase one that is." As for threats from the company of them filing a law suit against Ms. Acosta for posting the sign she says she is quite ready.

Since the Observer began publishing articles on the Acosta case we have had numerous horror stories reported by people who claim to have been lied to by Harris & Taylor Century 21 Real Estate Company. The following is one such case.

## A New Case of Severe Abuse

In December of 2004, David and Paula Knobloch purchased their home on Cloverlawn Drive in Grants Pass, Oregon. Harris & Taylor Century 21 Real Estate was the company selling the property and Toni Epperson was their agent.

Paula Knobloch, who had just been diagnosed with cancer, would soon experience problems nearly equaling her bout with the cancer.

On the week-end the family moved into their home they ran out of water and

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slap on the wrist and far too short a sentence for his crimes. For Neil Butler, owner of Butler Trailers it was a day of vindication as Scott Shaw was one of several local Preston officials who maliciously pursued him from 1994 through 1997 over a trumped-up felony charge of sales tax evasion.

Instead of bowing to the will of the establishment and paying an initial \$150.00 fine illegitimately levied against him, Butler instead chose to stand-up against the corrupt Franklin County, Idaho infrastructure that included, along with Shaw, Mayor Jay Heusser, Franklin County Prosecutor Jay McKenzie, police officers Mark Beckstead and Ned Burton, Franklin County Sheriff Don Beckstead, and Eric Elle an Idaho Transportation Inspector.

Spending hundreds of thousands of dollars on his defense, Butler, with the help of the US~Observer (then the Oregon Observer) saw his case dismissed on the grounds that there was perjury and a lack of evidence, even though they had rifled through his entire home for 4-5 hours as they conducted an illegal and unwarranted search and seizure. Corrupt law enforcement searched Butler's exemplary premises because Butler refused to be patsy and he refused to stand for the corruption occurring in his county. When he spoke out they attacked him, expecting to stop his voice. Using hindsight, they picked on the wrong man. Today Butler relates the illegal search and seizure conducted by 13 officers to being "forcibly raped."



Neil Butler receiving his community appreciation award.

Needless to say, nothing illegal was found on Neil Butler's property.

After Franklin County District Judge Don L. Harding rightfully threw out Butler's criminal charges in 1997, Butler pursued those named above who were responsible for violating his First, Fourth and Fifth Amendment rights. Unfortunately, Shaw was among those ruled immune from suit because of his "official" position. Those who got away with their corruption go away because of "immunity." Immunity is a legal premise that allows bad public officials to get away with perjury, knowingly charging citizens with false charges and much more. Immunity is wrong and according to Neil Butler, "it is undermining our system of justice."

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the public. This is confirmed by the lack of an independent review board and the use of secretive measures to hide police wrongdoing. Most recently it involves their efforts to join CALEA, (Commission on Accreditation for Law Enforcement Agencies) an international organization sponsored by the World Trade Organization. This organization appears to further diminish local control of police departments (simply type in "CALEA" online for more information on this group).

In our investigation of MPD it became apparent that it did not matter whether the complaint of bad police behavior was made by a citizen or a fellow police officer. It would appear that MPD's polices on dealing with these matters has been to lie, deny, cover-up, blame someone else, attack the victim, release misinformation, or just refuse to discuss the problem. The news media has aided and abetted this behavior by not covering these issues nor asking pertinent questions and insisting on definitive answers.

## Examples of how MPD Deals With Police Abuse and Misbehavior

### Douglas Blagg Case:

In December 1989, MPD answered a 911 call involving Douglas Blagg, a 26 year old, father of two. When MPD arrived Mr. Blagg was semi-conscious

due to a head injury received in an altercation in the OK Market parking lot in Medford. Due to his confused state of mind Mr. Blagg declined medical help when questioned by the MPD responding officer. The MPD officer, smelling beer on Mr. Blagg's breath and observing his confused behavior, assumed he was drunk. Mr. Blagg was then transported to MPD where he was put in a holding cell for the next eight hours without medical attention.

We think it is important for our readers to know that we have a tape that contains graphic images of the eight hours of neglect, abuse, and humiliation that Doug Blagg endured while in the custody of MPD.

The images caught by a Medford Police Department camera shows that within minutes of Mr. Blagg's arrival at MPD he became confused; his nose began to bleed, followed by vomiting. These are all symptoms of a head injury.

At this point a female officer called her superior and informed him of Mr. Blagg's condition. She reported that she thought Mr. Bragg could be the victim of a crime, and that he needed monitoring.

The MPD tape clearly shows that for the next eight hours Doug Blagg's cries for help were ignored. He begged for help until he finally lapsed into a coma.

The response to Mr. Blagg's pleas for help were an MPD officer entering the room, calling him a "Weenie" and telling him to "shut up." This officer also stated that Mr. Blagg was a "pain in the ass to the City of Medford."

Several other officers came in and out

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# ARE YOU A VICTIM OF FALSE PROSECUTION?

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

You then rush to an attorney, pay him a retainer to cover the usual \$150.00 per hour (if not higher), which he/she charges, to supposedly defend your innocence. The attorney usually files some motions, writes some worthless letters and makes countless, unproductive (unless they pertain to you accepting a plea bargain) phone calls until you are broke. Generally you haven't even started your trial and 99% of the time the attorney hasn't completed any investigation.

All of a sudden your attorney is telling you that you can't win your

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

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

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

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

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

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

If you are innocent and there is conclusive evidence of your innocence, *The US~Observer* provides a 100% money-back guarantee on criminal cases should we fail to prove your innocence and achieve your total vindication. *The US~Observer* investigates cases for news and therefore we don't print that which can't be resolved. We want to win, just as you want to prove your innocence.

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

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

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that they bring in) insinuating that God has placed His blessing upon these endeavors. The latest incarnation is "Almighty's Abundance Remedy Ministry (AARM)," with the scriptural motto, "The arm of the Lord is our strength."

Members are encouraged to refinance their homes, so that the new mortgage can be forgiven, and the equity money can be invested in one of Lariat Group's recommended programs, such as Divinus Opulentia International, (there's the religious terminology, again) headquartered in Australia. We have been informed by highly credible sources that untold hundreds of thousands of dollars are cycled through the Gold Hill and Hugo offices and the local banks; requiring in house courier services. At times money is wired to various parts of the world from local trust accounts.

Another stream of income is the generation of common law trusts, of the irrevocable Massachusetts-type business trust. These run about \$5000 and are personalized boiler plate issues. Two local banks requested that the Lariat Group take their trust accounts elsewhere.

### Is the Lariat Group Nothing More Than a Scam Perpetrating Fraud?

After interviewing numerous clients

(actually victims) of the Lariat Group the US~Observer has easily concluded that this group is simply involved in defrauding "little old ladies" out of their life savings. One member stated, "I don't know what I'm going to do. They have most of my savings and nothing has worked." Another stated, "I just get the run-around and excuses every time I contact them. They have my money, their programs don't work and I would like it back."

Yet another victim of the Lariat Group states she was instructed to run her credit cards up, to purchase a new truck and that the Group would eliminate the debts within a few months. This victim nearly lost her marriage because of the fraudulent advice. We spoke with other victims, all with the same story; the Lariat Group got their money and their "programs" haven't worked.

While questioning Gary Holmes, one of the Groups leaders and promoters, I was quite surprised when he started telling me he is fighting the injustice of the banking/finance industry. Holmes made it clear that the job of the Lariat Group was sanctioned by God, but added that the "Group" was only an intermediary between the clients and vendors. He stated that clients are told of the chance they are taking; something none of the clients would confirm.

As we go to press we are informed that some clients have already filed complaints with the Attorney General of the State of Oregon. ■■

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sediment began coming through the pipes in the house. They immediately called their realtor and according to the Knoblochs they were told that it was probably a temporary problem from the pump etc., not being used. The water did return, however they still ran out of it in short order over the next few weeks. They then contacted a local water service and were informed that they should have the well tested and they should also test the water. Paula had been sick during her time at the new (to them) home and had attributed the illness to her cancer treatments. As soon as the water test results came in the family was informed that the well was contaminated and that it was producing less than two gallons of water per-minute. They started drinking bottled water and immediately Paula started feeling better. Her doctor later informed her that she was fortunate to have found the problem when she did. As for the low gallons-per-minute issue the Knoblochs state that they were told by both Toni Epperson and the sellers that the well produced at least 5 gallons-per-minute or better.

The Knoblochs had no idea that their problems were only beginning. They found carpenter ants, yet they were informed on a walk-through prior to closing that this was normal to have some ants come into a home once it was vacant. Their realtor assured them by

stating in front of several witnesses that there had been a pest inspection on the house.

Next, the Knoblochs began having septic and electrical problems and they recently found that there was flooding going on in a portion of the basement when they had a heat pump system installed. As soon as the heat pump began working Paula once again became ill and it was soon discovered that there was mold in the basement that was caused by the moisture.

When the problems with the septic continued the Knoblochs decided to attempt to find the company that had worked on the system for the previous owners. They located the company and were informed that the previous owners were told they would need a new system before long. Like all the other severe problems this was never disclosed to the Knoblochs.

Just like the Acostas, the Knoblochs inform us that they were either ignored or lied to when they attempted to get Harris & Taylor Reality to address their problems. As a result they are currently looking for legal counsel to represent them against the obviously unethical realtors.

**Editor's Note: Don't miss our next edition wherein we will address this tragedy in more detail. Anyone having problems with Harris & Taylor Real Estate is urged to contact Edward Snook at 541-474-7885.** ■■

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## Medford Mail Tribune & Judge Tag-Team Outstanding Police Dept.

By Edward Snook  
Investigative Reporter

**Gold Hill, Oregon** – Gold Hill Chief of Police Dean Muchow was appointed to his office by the Gold Hill City Council in December of 2004. Muchow, a third generation officer brought high qualities to Gold Hill along with many well known attributes. Muchow's keen sense of honesty, dedication to fairness and dedication to upholding the law have recently been wrongfully attacked

by Sanne Specht, a lap-dog reporter for the Medford Mail Tribune and Gold Hill Municipal Judge Don Leahan. Specht and Leahan, with the help of third parties have created a state of confusion, mistrust and false allegations, both publicly and within the usually peaceful government in Gold Hill.

Acting on complaints from the public regarding motorists speeding in school zones and other populated areas the Gold Hill Police conducted traffic

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Gold Hill Chief of Police Dean Muchow standing next to one of his agency's police vehicles he and his staff were responsible for getting donated parts and service for, saving hundreds of tax-payer dollars.

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of the room, but offered no help other than to make rude remarks about the way Mr. Blagg smelled.

Over the hours Mr. Blagg's cries for help faded into an un-hinging silence. During this time he lost control of his body functions and lapsed into a coma. Approximately eight hours after Mr. Blagg's ordeal began an officer returned to release him.

For twenty minutes the MPD officer attempted to revive Mr. Blagg by stamping his foot on the floor next to Mr. Blagg's head while shouting his name. Next the officer put his foot on Mr. Blagg's chest and began shaking and pushing him. With no response to that he took his foot and lifted Mr. Blagg's head and let it drop against the floor. When that did not work the officer began to pull on Mr. Blagg's mustache.

The officer then steps out of camera view, you hear the cell toilet flush, and the officer returns holding two water soaked towels which the officer held over Mr. Blagg's face and let the water drip into his eyes, ears, and mouth with almost no response from Mr. Blagg other than a weak moan.

At this point the obviously frustrated MPD officer calls his superior officer and advises him of the problem. Moments later Sergeant Mike Moran (now Lt. Moran, Chief of Detectives) enters the room.

Sergeant Moran states to the other officer, "Blagg? Douglas Blagg? I think I know this guy. He is a real Prick! Are you sure this guy doesn't have diabetes or some sh\*\* like that?"

Sgt. Moran and the other officer return to Mr. Blagg's cell where they use ammonia sticks and other means in an effort to bring him around. While this was going on a third man came in and tells Sgt. Moran that "this guy" did not get this way from just alcohol. He also told Sgt. Moran "One thing is for sure, he looks like he is freezing to death." He also commented that it was probably too

late anyway.

Did any one of the three men in Mr. Blagg's cell even cover him with a blanket? No, they just walked away with Sgt. Mike Moran muttering something to the affect that he didn't need this crap to happen on his shift. They then closed the door and left Mr. Blagg lying unconscious on a cold concrete floor, soaked in his own waste.

The record shows that an ambulance was called a short time later.

Even though the MPD tapes were available to the City Council nothing was done by the Council or Chief Ray Shipley to reprimand the officers. Chief Shipley later stated emphatically that his officers had done nothing wrong or broken any rules.

Today Mr. Blagg is severely disabled and must have 24 hour care. A settlement was made with the Blagg family and all records have been sealed.

The public has an absolute right to know of this severe abuse and the officers involved have absolutely no right to hypocritically "serve and protect" the public. They should have been charged with crimes, prosecuted and then sent straight to jail where they belong. And no records should ever be deceitfully withheld from the public! These acts and all like them are acts of pure immorality and corruption.

### Shirley Peters Case:

Medford Police Officer Shirley Peters was hired in 1975, and holds the distinction of being the first woman hired by that department. However on Nov. 14 1996, after twenty years of service, Peters filed a lawsuit in U.S. District Court against her employer, Medford Police Department.

Officer Peter's lawsuit paints a very ugly picture of the Medford Police Department. "A department where sexist and racist comments were tolerated by management. A department

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Medford Mail Tribune & ...**

surveillance during the months of June, July, and August of 2005. These surveillances were conducted in response to not only many traffic complaints, but contacts made by officers through enforcement action as well. Typically, warnings exceeded citations by about 4-5 to 1.

The Gold Hill Chief of Police announced during a council meeting, enforcement would be increased with emphasis on Hwy 234 (a residential area with a sports park) and in the city's school zones. This announcement reportedly brought "good nods" from the city council.

During an August city council meeting Chief Muchow sent a few proposals for raising revenue to the city council. They covered raising the rates on vehicle impound fees, using monies from citations to finance the dept in part (as requested by a council member), supplies and the employment of a third officer. Other previous proposals were to surcharge the water meters, channel rental of city property to the police, and a tax levy. Reporter Specht and Judge Leahan would have the public believe this improper when nothing could be further from the truth. People either violate the law or they don't. The council only took action with regard to the levy. All other proposals were not regarded or implemented.

A questionnaire is being formulated to see if the public accepts the idea of a levy. Currently, one officer is supported from the general fund and another through a levy. There are five reserve officers who act as free volunteers. The council has expressed the idea of having a third officer for better coverage. With a population which has recently grown from 1,000 to 1,115 and counting the foresight of the council and Chief Muchow should be commended, not condemned.

The Gold Hill Police were informed in early September there were traffic enforcement funds available to enforce speed zone compliance and safety belt compliance. The money had to be used up by October. Officers turned out and provided more coverage for the town and 81 citations were issued. In my phone interview with Judge Leahan, he informed me, "I didn't see unreasonable tickets in front of me; they plead guilty." The judge continued, "Since I've been there revenues have went up 200% and I believe we have about a 95% conviction rate. With comments like these one has to wonder a bit why there is any controversy in Gold Hill. A judge's job is to simply apply the law in traffic court; it is not to question the amount of tickets written. Given the fact that Judge Leahan knows that portions of all citations go to fund police functions, it makes no sense to question the amount of tickets written as long as they are written in an ethical and honest manner.

Municipal Judge Donald Leahan held court in Gold Hill on the second Monday of October. On October 15th an article in the Mail Tribune entitled "Driver Beware" came out with quotes from Leahan stating the police/city was pursuing the increase in citations as a means of funding. As "evidence" Leahan used the disregarded proposal to fund a third officer through citations, in part (this proposal by Muchow was one he had been asked to provide the council). He announced he'd dismiss all citations if he saw 55 people in his courtroom because, he'd "smell a rat." It seems the only "rat" to be smelled would be reporter Sanne Specht, however Leahan used the excuse that his court

"would not be used by the city or its police department to help resolve its funding crises through overaggressive ticketing." Leahan has informed us that he believes in law enforcement, however he stated, "a person who has to attend traffic school on Monday night has been punished enough by missing Monday Night Football." Again, the people who received tickets deserved them especially in light of the fairness exhibited by all members of the police department. Tickets were not issued for speeds barely over the limit, etc. Leahan reportedly reduced a "driving while revoked" ticket from \$2,500 to \$1,875 and greatly reduced the sentence of a person driving while suspended and without insurance.

Subsequent to the media blitz in Gold Hill Mayor Young contacted Judge Leahan and tried to arrange an informational meeting with Chief Muchow, a councilman, herself, and the judge. He refused. Leahan informed us that such a meeting would "reek of a deal." Regarding the funding of a third officer through citations, Chief Muchow responded by stating, on the radio, that there is no provision or action by the city to do such a thing. A levy is the only consideration being discussed. A letter was also sent to the editor of the Medford Mail Tribune, but not published for approximately three weeks.

The following week the Tribune published an "editorial" re-stating this story and using the same disregarded proposal as supposed substantiation of the increase in citations.

Judge Leahan wrote a lengthy letter to Mayor Young and the city council on December 7, 2005. Leahan states, "It is apparent some members of the council feel my integrity and professionalism should be questioned. As a seated Municipal Court Judge I feel this is highly inappropriate. The reasons why a small minority of council members would support such an inquiry are suspect as to motive in light of recent unflattering publicity." Let's be frank; Judge Leahan is the one who started the questioning. He was absolutely wrong and now that his charade has gone public he should quit whining and reap what he has sown.

Many citizens have applauded the police effort to slow traffic down in the residential and school zones. According to Muchow, "Many of the school zone citations were for over double the speed limit. It's a zone with many flashing yellow lights at its crosswalks."

Citizens have written letters to the editor and sent copies to the city supporting the police effort and asking the council to get a new judge. They were critical of the Tribune's story. These letters were reportedly never published by the Tribune.

Cpl. Nunez, of the Gold Hill Police, wrote a letter to the editor which was printed. It stated the police in Gold Hill write citations that are both deserving and appropriate. He stated, "If anyone thinks otherwise, they should go to court and see for themselves and decide what the facts are."

Court in November was worse. Judge Leahan prepared a written statement articulating it's not the legislative intent to write citations to make money; that the Chief has stated he's justifying the citations because he's been denied funding and sees this as a means to accomplish that end (not a quote but a paraphrase from the unaccepted proposal). That the city council is part of this "scheme" and that he'll decide what tickets are being written justifiably or not and treat them accordingly. The

judge stated to certain individuals who were ticketed, "If you want a deal, you got one." (See November 15, 2005 Mail Tribune article) He also said he was elected. He was not. He was appointed by the council on his present term. The statements against Chief Muchow are totally unfounded, besides being false.

Reporter Sanne Specht from the Mail Tribune contacted the Gold Hill Police. She was advised there is no substantiation to the allegation money is being transferred from the general fund citation revenue back to the police or for a "third officer. She was asked to check it out for herself. She did not and persisted in writing the article of November 15th rather than investigate the issue and report the truth.

The US~Observer finds that a disregarded proposal has no relevance to traffic safety and is coincidental to the increase in traffic citations. The city council has not responded as a group as of this date and time. They should respond and Chief Muchow should continue doing a fine job. Judge Leahan

should not only meet with the chief and council, he should apply the law and back the police when they do their jobs properly as they have. A clean and ethical police department is hard to come by these days. The Gold Hill Police Department is one such department and both Chief Muchow and his department should be commended.

**Editors Note: Next edition we will cover Chief Muchow's highly successful efforts in rebuilding his Department on a shoestring budget and our readership will also learn who is behind the trouble in Gold Hill and who wants to get rid of the police department. Gold Hill needs the police department they have according to many in the community such as school personnel, businesses and citizens in high traffic areas. The Observer will do its part in seeing that this happens, just as we will expose all the sources of this un-needed and un-warranted "sensation" created in part by Sanne Specht, writer for the Mail Tribune and her renegade judge buddy...** ■■■

**Continued from page 4  
Medford Police Department ...**

where, for two decades harassment, sexual discrimination and racist comments by superiors and fellow officers were commonplace." Filings by Peter's attorneys included these allegations about her superiors in the department.

It was reported in 1985, that Officer Roy Skinner allegedly stated in Officer Shirley Peter's presence, "We got rid of our niggers and Mexicans and now we are working on getting rid of our women."

In the mid-80s, Sgt. Ron Norris, now deputy chief, allegedly made unwanted sexual advances to two subordinate dispatchers. One dispatcher claimed that Sgt. Norris threatened to fire her if she disclosed the advances.

In the early 1990's, Lt. Ed Moss allegedly told a dispatcher, "You're a bitch" in front of another employee.

In the mid-1990's when Officer Susan Campbell was promoted to Detective she was allegedly told by Detective Larry Johnson, "We don't want any women here."

The Peters lawsuit also contained serious allegations against then Chief Ray Shipley and then Sgt. Mike Moran.

In rebuttal the MPD defense denied some of the allegations, declared others were unfounded and stated that the two-year statute of limitations on some had run out at the time Officer Peters filed her complaint.

Sadly, the almost one foot-high pile of documents at the U.S. District Court

would never be heard by the Court or the public. Just one day before the court case was to be heard the Medford Police Department settled out of court and the records were sealed. Officer Peters was to receive \$125,000. However, it has been reported that only \$50,000 went to Officer Peters and \$75,000 went to her attorneys.

The new police chief, Eric Mellgren, commenting on the Peters case, stated he did not think the City of Medford admitted to any wrongdoing in settling out of court.

**Cole Younger Smith Case:**

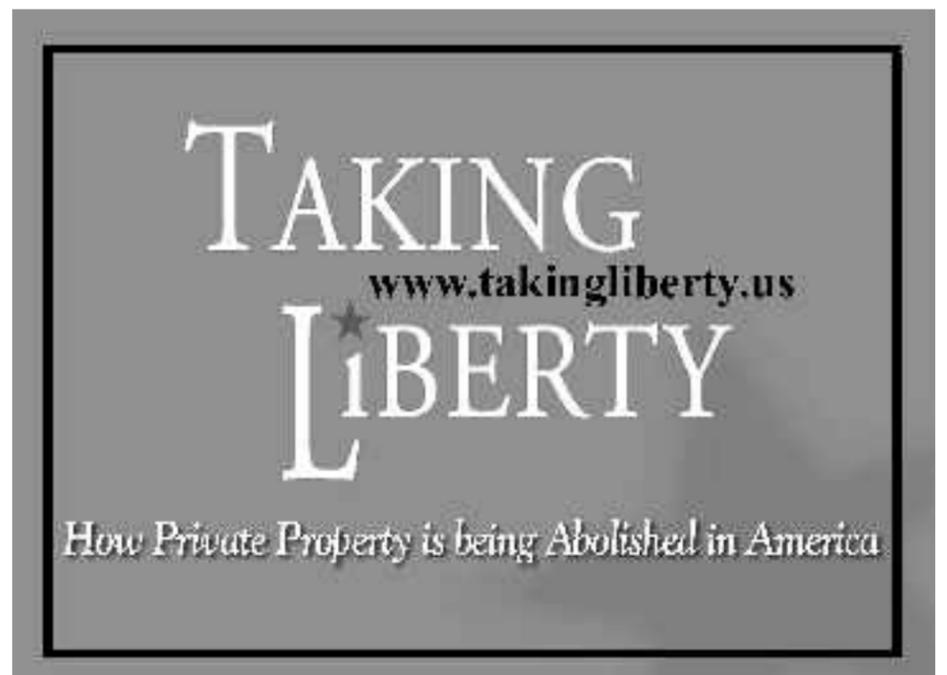
The next case occurred on December 28, 1999 at approximately 7:20 pm when Cole Younger Smith arrived at the Oregon State Police parking lot located just outside of Central Point, Oregon. His wife later said that Cole Smith, 25 years old, married and father of two had a long history of mental and marital problems when he was off his medication.

Mr. Smith, using a telephone outside the OSP building, spoke with dispatcher Donna Arens. Smith told her he wanted to speak with an officer. After a brief question and answer game with dispatch the man crying, told the dispatcher he was going to get back into his vehicle because he was going to kill somebody.

At 8:53 pm Mr. Smith lay unarmed and dead, shot 21 times in the back by three MPD officers. What could have gone so wrong in just 1 hr. and 32 minutes?

Approximately a year after Cole

*Continued on page 10*



# Oregon News

By John Taft  
Investigative Reporter

## Activist Oregon Judge Betrays a Million Votes

**GRANTS PASS, Oregon** -- An activist judge in Oregon threatens Constitutional property rights. Oregon judges past and present have no intention of allowing voter approved measures to constrain illegal land use laws. The courts, sympathetic to the radical environmental movement, are euthanizing both the state and federal Constitution to accomplish their political agenda of land control without payment.

### Brief History of Land Use Laws

Oregon's Senate Bill 10 enacted in 1969 was one of the early land use laws leading up to SB 100. Next came Senate Bill 100 which was run through a conscience-numbed legislature on May 29, 1973, without a vote of the people. This further placed the state's iron fist around private property rights and property owners' throats. Here was a powerful environmental agenda that bent and distorted the Oregon and US Constitutions. Three times initiative petitions tried to overturn SB 100, and the third attempt was disqualified by the Oregon Supreme Court after being approved by voters. Twenty-one years later, using the initiative petition process begun by Oregonians in Action (OIA), Oregonians passed Measure 37, a property rights measure, on November 4th, 2004. This measure would compensate property owners who owned property prior to the land use laws being enacted to develop their property or be paid by the state for the loss of use of their land. This was immediately attacked by 1,000 Friends and their allies in Oregon's venal court system. SB 100 has leaked into all 36 Oregon counties and Josephine County is presently under siege with riparian land setbacks along rivers and streams to be appropriated by the state without compensation. An exposé appears on the US Observer's website called Josephine County Planning Department Ignores Constitution.

### SB 100 Iceberg Exposed

Past Governor Tom McCall and Henry Richmond created 1,000 Friends of Oregon in 1975 to monitor implementation of SB 100. Admittedly, SB 100 does have some advantages in protecting the land and scenic beauty of the state, but there are other legal and constitutional ways to handle this issue. SB 100 is like using a knife to commit rape. SB 100 takes private property by force, using the knife of illegal state law. The price is too high for obtaining SB100 results in terms of Constitutional violations and pilfering. The US Constitution and the Oregon Constitution both plainly state for anyone's reading that there shall be no taking of private property without compensation. It does not say government can't take private property for public use, but it can't do so without providing compensation. The fact is, SB 100 does condone and has done so in the taking of private property without compensation. Judges can and do rule this is in the public's best interest, but to

do so is not in compliance with the Constitution. SB100 has altered the landscape of Oregon by thieving and is built with its pillars sunk in quicksand legislation. SB 100 parallels the theft of land from white farmers in Zimbabwe. In Zimbabwe the theft of farms by government is faster, while SB 100 practices gradualism in the taking of property rights.

In an interview with Brainstorm NW, Executive Director of Oregonians In Action Dave Hunnicutt said, "There is a fair amount of talk about getting rid of SB 100. It is time for planning decisions to be made by people in their own communities. Portland can plan for Portland and can make their own wacky decisions just for Portland. And John Day can plan for John Day. What kind of planning system is it where decisions are made by a seven-member commission of political appointees (LCDC)?" And it does appear to be time to strike back at 1,000 Friends and dismantle Senate Bill 100. 1,000 Friends opened the door, and 1,000,000 voters may very well boot them off their lofty throne of lordliness.

### Judge Mary James: All Power is Inherent in the Judges

The voters approved Measure 37 by a positive majority of 61 percent that represents 1,054,000 people. Rooty, toot, toot, along comes a Circuit Court Judge Mary Mertens James and overturns the vote of over a million people on the recommendations of 1,000 Friends of Oregon. This decision is being appealed to the Oregon Supreme Court. In making her decision James ignored Article One of the Oregon Bill of Rights reads, "... that all power is inherent in the people and all free governments are founded on their authority ..." It can quickly be resolved as to who has the authority, the people or the judges, by simply substituting the word judges for people in Article One. The Constitution doesn't say all power is inherent in the judges and, "all free governments are founded on their authority." Nor does it say that all power is inherent in the legislators, governor, and police. Since that power is inherent in the people, the people wield that power with their vote. In this case the people voted 61 percent (1,054,000 votes) in favor of measure 37. The people have spoken through their Constitution and vote. Even an 11-year old child can understand this constitutional concept, why can't Mary James and a 1,000 Friends? Chief recall petitioner Tom Steffen tells this story on Newswithviews.com, "When I got to the section [on page 11] where Judge James said Measure 37 was unconstitutional because it limited the power of the government, my 11-year-old said, 'Dad, I thought the whole purpose of the Constitution was to limit the power of the government.'"

### Criminal Misconduct?

Why did Judge Mary James rule that

we the people can't exercise our constitutional rights? It would seem that Mary James took something that didn't belong to her, and that's called stealing. Will Mary James be prosecuted in Oregon for criminal misconduct? Of course not, Oregon Attorney General Hardy Myers would never allow such a thing to happen. Judges are rarely held accountable for their ignorance and misconduct. Measure 37 should never have gone to her courtroom or any other court, it's beyond their reach. It should have been implemented with no interference from the courts. What we see is absolute arrogance and contempt for Constitutional law. If the judges and those in government wish to ignore the Constitution, then the only other means available to reclaim the "power inherent in the people" is for the people who have the legal right to rise up against a corrupt silent government that believes it's beyond the reach of the Constitution. Is this what the judges and public officials want? The Oregon Constitution reads, "And they (people) have at all times a right to alter, reform, or abolish the government in such manner as they may think proper." The Constitution clearly indicates that the people are in charge, not the judges, and the people, not the judges, have Constitutional authority to act when government fails to follow the Constitution.

The government and its courts regard the people as the wild Okefenokee Swamp hogs in the story of the trapper who was able to fence and contain the stupid hogs with the bait of free corn. Big government and corrupt courts are not your friends, never have been, and never will be. Judge James and her ilk are not only stealing the people's votes, but also they are stealing the people's inalienable rights.

### Tom McCall, a Man Without a Conscience

Governor Tom McCall (1967-1975), a two term governor, was more a pirate on the sea of life plundering the property of others rather than a supporter of constitutional rule. I say this because McCall violated his oath of office to

uphold the Oregon Constitution (Section 18, OR Bill of Rights) and US Constitution (Fourth Amendment) after he became governor, for he went on to violate both Constitutions in the taking of private property without compensation. An educated man, Tom McCall was in a trusted position of power, and he violated that trust when he willingly and knowingly became an opportunist seeking to fulfill a personal agenda for land use.

The individuals in the state legislature and its agencies remain mute and neither acknowledges nor offer a solution to the wrong that has been perpetrated upon property rights for the past 32 years in Oregon. They appear to be as unethical as former Gov. Tom McCall and his friends in their failure to uphold the rule of law. An illegal act that violates the Constitutions is a law without moral authority, but it is still enforced by a willing state government with statutes, police with guns, courts, fines, and prisons, to carry out their political agenda. The same illegal acts used to control private property can be used on any issue to control the people and carry out a liberal socialist agenda in America. There appears to be no one to stop them, as there has been no one to stop the land grab agenda. However, with James ruling on Measure 37, new ingredients have been added to the cooking pot for 1,000 Friends' to stew on.

### Recall Fitting for Bad Judge

Tom Steffen, a Marion County resident who knows his constitutional law, wasn't putting up with Mary James' ruling on Measure 37 and became the chief petitioner for her recall. Here's a link to his Steffen's website.

The seating of an elected or appointed Judge always opens the door to venal political opportunism. Man has an inherent weakness in his nature to ignore Constitutional law when it doesn't agree with his political goals. Mary James seems to be no exception to this. In one of five reasons that she gave for declaring Measure 37 unconstitutional she wrote: "The question raised by Measure 37 is

*Continued on page 7*

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# PRA Files Amicus Supporting Property Rights 13 Organizations Join in Support of Measure 37

# Oregon News

WASHINGTON, U.S. Newswire -- The Property Rights Alliance (PRA) filed an amicus brief in Oregon State Supreme Court, challenging a Marion County Circuit Court judge's decision declaring Measure 37 unconstitutional under both the Oregon and federal constitutions. In the court decision, the judge wrongfully overturned the property rights measure, particularly in the case of the plaintiffs possessing a Fourteenth Amendment procedural due process claim.

Measure 37, passed by over sixty percent of voters in 2004, put in place protections for property owners from regulations that restrict their ability to use their property and increase its fair market value. The measure simply states that if a property owner can justify that a land regulation has impaired the use of the property and lowers its value, then the property owner should be fairly compensated for the property value lost or modify, change or not apply the regulation to the owner's property.

"Measure 37 not only restored property rights for Oregonians; but peace of mind for residents around the country," said Scott A. LaGanga, Executive Director of the PRA. "Unfortunately, following the passage of this measure by over one million Oregonians, an activist judge overturned the decision, stripping residents of their fundamental right and leaving America wondering once

again."

PRA, along with thirteen organizations: American Association of Small Property Owners; Americans for Tax Reform; American Land Rights Association; Bluegrass Institute for Public Policy Solutions; Citizens Against Government Waste; Citizens' Alliance for Property Rights; Defenders of Property Rights; Illinois Policy Institute; National Center for Public Policy Research; National Taxpayers Union; Oregon Livestock Producers Association; Small Business and Entrepreneurship Council; and The American Family Business Institute submitted the brief in support of those parties appealing, including Oregonians in Action.

"Property rights organizations, no matter their size or representation, will not allow any court system to defy the rule of law," continues LaGanga. "Based on the briefs from PRA and others, the Oregon State

Supreme Court is justified in overturning the Circuit Court judge's decision and allowing the voters of 2004 to be heard once again."

The brief and summary of argument can be viewed on the Property Rights Alliance (PRA) Web site at <http://www.propertyrightsalliance.org>.  
Property Rights Alliance (PRA) stands

as an advocacy organization dedicated to the protection of physical and intellectual property rights. PRA is a special project of Americans for Tax Reform.

For more information or to arrange an interview, please contact Scott A. LaGanga at 202-390-6978 or at [slaganga@propertyrightsalliance.org](mailto:slaganga@propertyrightsalliance.org).



## Continued from page 6 Activist Oregon Judge ...

whether... the people acting through the initiative process may impose limits on the legislative body... There is no provision in the Oregon Constitution that would permit such a limitation... [Measure 37] is an unconstitutional curtailment of legislative power."

James wants no limits on state government and ignores that the Oregon Constitution reads, "Power is inherent in the people," meaning the legislature derives its power from the people. Her ruling would, if allowed to stand, mean power is inherent in the legislature, and the people are then subservient to the legislature. The initiative process would be quite dead as a means of the people making law if the legislature didn't like the vote of the people.

Steffen is to be commended for taking the initiative to recall Judge Mary James and show other judges what could happen to them when they burn votes and trash the Constitution.

## Revolution

The French Revolution 1789-1799 has an interesting parallel to Judge Mary James' decision on Measure 37. Prior to the French revolution the social structure had several classes of people: the nobility, clergy, bourgeoisie, (middle class) and the proletariat. (manual laborers). The nobles claimed all the power, and the others classes were subservient to them. There was no constitution such as we have. The people rebelled, resulting in the nobles losing their heads to the guillotine. Judge James, in an ill advised decision has made herself a noble usurping the people's rights outlined in the Oregon and US Constitutions. She won't meet

the guillotine, but a successful recall will serve the purpose and perhaps be a warning to other activist judges.

The American Revolution began 23 years before the French Revolution ended. These two revolutions began because of oppression. The Declaration of Independence describes in detail the complaints the colonists had against British rule. On August 2, 1776, patriots began signing this historical document. They placed their lives, families, homes, and possessions in jeopardy with their signatures. What these men endured afterwards for freedom is thought provoking. Would the American people do this today?

Thanks to Mark Dixon for the following two excerpts from a list of several on his web site. His researched comments are in green. To view the other entries of the 56 visit his site Declaration of Independence.

Nine of the 56 [I count at least ten: Heyward (wounded), Rutledge, Walton (wounded), Middleton, Whipple (lost leg), Wolcott, Nelson, Ross, M'Kean, and Rodney, were all military leaders in the war] fought and died from wounds or hardships of the Revolutionary War. [They all suffered great hardships, but I can't find any who died in action. The earliest to die, Ross, died from complications of gout. M'Kean lived until 1817.]

John Hart was driven from his wife's bedside as she was dying. [Ill at the time of the attack (winter of 1776-77), she died while he was in hiding.] Their 13 children fled for their lives. His fields and his gristmill were laid to waste. [True] For more than a year he lived in forests and caves, returning home to find his wife dead and his children vanished. [True] A few weeks later he died from exhaustion and a broken heart. [He died in 1779, from ill health he contracted

during his exile].

These 56 patriots laid the foundation for the Revolutionary War and a Constitution to come when they signed the Declaration of Independence. Some of the wording of the Constitution was taken directly from the Declaration of Independence. For example, Thomas Jefferson writes: "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

## One or the Other: Callousness or Ignorance

Judge Mary Mertens James, Tom McCall, and all of Oregon's governors since 1973, members of the Oregon legislature for the past 32-years, 1,000 Friends, those in charge of the LCDC, DEQ, Oregon Department of Fish and Wildlife and many other public employees appear to have no knowledge of the Constitution and what the founding fathers gave this Republic. If these people wish to change the Constitution then let them attempt to do so legally and be honest men about it. They shouldn't sell their character and resort to theft, deception, and subverting the courts to criminal misconduct. The Declaration of Independence reads, "Governments are instituted among

Men, deriving their just powers from the consent of the governed..." The US Constitution and Oregon Constitution contain similar words as discussed earlier in this article. The people and agencies mentioned either show callousness towards constitutional law or wanton ignorance of a great depth. When the reader understands where the power of the government, including judges, originates, then it is easy to see why government and the courts are absolutely corrupt when they heedlessly or ignorantly refuse to follow the Constitution and ignore the vote of the people. One can only wonder where in America they obtained their education.

## Spirits Awakened

We don't need a revolution; we need judges and public servants who follow and believe in the US Constitution and Oregon Constitution to the letter. Had those patriots existed now, there would have been no need for a Measure 37. Our founding fathers paid for the Revolution of 1776 in blood, misery, and often their lives. They gave posterity to the Declaration of Independence and the Constitution. Judge Mary James and 1,000 Friends have disturbed the sleeping spirits of the 56 signers of the Declaration of Independence and awakened the spirit of freedom in some of the living.

To contact John Taft please e-mail [joconewsline@hotmail.com](mailto:joconewsline@hotmail.com). ■■■

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# COMMENTARY

## Your Right to Speak Out

### The Imperial Judiciary

By Larry Pratt  
NewsWithViews.com

Does the Constitution provide for judicial supremacy through the process of judicial review? Attorney Edwin Vieira, J.D. answers with an emphatic "No!" in his book *Imperial Judiciary*.

Vieira makes a convincing argument that the Supreme Court (and other courts as well) have pulled off the equivalent of a coup d'etat. They believe, and too many Americans believe with them, that an opinion of the Supreme Court is a part of the Constitution. If the opinion contradicts the Constitution, then the Constitution, according to this view, has been amended. Overlooked is the simple fact that an unconstitutional decision of the Supreme Court is not worthy of respect and should be ignored by all other officials who have taken the same oath of office taken by the judges.

If there are competing interpretations of the Constitution among officials in different branches of government, "We the People" are to decide the issue at the ballot box.

Consider that the Supreme Court has the authority to make decisions only in those areas We the People have delegated. A look at Article III of the Constitution does not reveal a heavy work load for the Supremes: the court has original jurisdiction in cases involving states as well as diplomats. All other cases are brought on appeals, and if the lower courts are eliminated by Congress which has that authority, that ends the discussion.

The Congress does not need to send a constitutional amendment to the states when the Court makes an unconstitutional decision. There is nothing to amend, just correct by legislation (or impeachment) removing jurisdiction.

No jurisdiction, no cases, no bad decisions. What is stopping that from happening? The Congress. They have not used the power they have. Why? Well, two reasons. One is that "We the People" have not demanded that the members of Congress act. A second reason is that until We the People act, the

Congress enjoys passing the buck to the Supreme Court saying, "We have to do this because the Court said so." This charade will continue until We the People make it happen.

If the Court can indeed amend the Constitution with a five-to-four majority, are we to believe that the Court can re-amend by the same vote of five judges on the court? You have to agree that, even though this is not in the Constitution, such power is more efficient than getting two-thirds of the Congress and three-fourths of the state legislatures to concur. The only problem seems to be that the Supremes are acting outside the law. No wonder they want us to believe in an evolving Constitution (as long as they are the agents of evolution).

One of the excuses for the audacious claim to amending the Constitution by judicial fiat is reference to foreign law and international morality. This, of course, can mean anything a judge wishes to say it means. Who is to interpret what foreign law? That of Cuba? France? Iran? Whose morality? Kofi Anan and the UN kleptocrats? Or perhaps the thugs ruling China? Yet the Supreme Court has used this fiction to attack the capital punishment laws of the states with absolutely no authority to rule in this area. Again, the Congress needs to strip the ability to bring such cases to the lower courts (if not eliminating those courts altogether!).

If foreign law can be used to legalize sexual behavior that has been illegal in the states and progressively eliminate capital punishment, it is only a matter of time until the Court decides that:

- euthanasia is legal (after all, the Dutch think it's great),
- search and seizure protections are replaced by the greater interests of the state to invade our privacy (works for the Chinese Communists),
- political dissent is stifled (Castro tolerates none of that), and
- firearms ownership is reserved for those working for the government or who belong to select hunting clubs (just like England and most other countries of the world).

Second Amendment supporters should be aware that the 1997 Brady Law decision by the Supreme Court (*Printz v. U.S.*) includes a minority opinion by Justice Stephen Breyer. He argued that the Court should have decided the case by looking at the comparative experiences of other countries. In other words, the thought that foreign law could trump the Second Amendment is already being polished by the foreign-law loving members of the Court.

Vieira puts gun control in an interesting perspective by comparing the notion that "gun control" is permitted by the Second Amendment the same way as "occupational control" is permitted by the Thirteenth Amendment which abolishes slavery.

I interviewed Edwin Vieira on my Live Fire radio show (archived at <http://gunowners.org/radio.htm>).

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

## A Notion for Survival Things Your Attorney Won't Tell You

By R. S. Errol

Judicial notices are weapons that can be used to protect you from the corruption that can be found lurking in the court system in this country. Unbeknownst to many in this country the court system is not what it appears to be as depicted in courtroom dramas in film and television. Most people think, wrongly I might add, that they have Constitutional protections when indicted and tried in the federal court system. This notion is far from the truth. For their information the Constitution provides for two types of courts. Article I section 8 states that, "The Congress shall have the Power – To constitute Tribunals inferior to the supreme Court." In addition, Article III section 2 of the document further states, "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the laws of the United States, and Treaties made, or which shall be made under their Authority..."

Article III section 2 pertains to higher issues of dispute before a court as opposed to common law that is covered in the VII Amendment; "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of common law." The value of the controversy must exceed twenty dollars before a plaintiff may take his case to court. This is most interesting since the twenty-dollar figure pertains to the gold clause that was mandatory in all contracts prior to 1938. We will delve into this clause at another time where I will explain the evolution of contracts in our country.

In the meantime let's explore the meaning of Equity. Black's Law 6th Edition states that Equity is "Justice administered according to fairness as contrasted with the strictly formulated rules of common law. It is based on a system of rules and principles which originated in England as an alternative to the harsh rules of common law and which were based on what was fair in a particular situation...The term "equity" denotes the spirit and habit of fairness, justness, and right dealing which would regulate the intercourse of men with men." Furthermore, "Equity is a body of jurisprudence, or field of jurisdiction, differing in its origin, theory, and methods from the common law; though procedurally, in the federal courts and most state courts, equitable and legal rights and remedies are administered in the same court."

Our Constitution supposedly guarantees the right belonging to the people to settle their differences in a common law forum. Does this happen today? The answer is a resounding "No"! What really happens in our

country is that when someone is aggrieved they immediately run to an attorney and demand he file a lawsuit and represent them in court. The attorney collects a retainer and presents the client with his contract or a boilerplate contract drawn up, in many instances, by his local bar association that is biased toward the attorney, thereby springing the trap for the client's financial ruin. It is financially draining unless you are wealthy or have corporate attorneys on your team. The same happens on the reverse side of a lawsuit or criminal indictment. The defendant retains an attorney and presto the doors of the equity Court are opened for business. But the Constitution says that I have a right to trial by a common law jury. Again, what makes you think you have any rights guaranteed by the Constitution in equity Court? Read Article IV section 3 of the Constitution, "The congress shall have Power to dispose of and make all needed Rules and Regulations respecting the Territory..." (Emphasis added) There are no such guarantees and only the spirit of the Constitution can be found in such a court. U.S. District Courts are situated in territories belonging to the federal government of the District of Columbia. If you doubt this statement just gaze around a courtroom or a federal office and notice the yellow-fringed flag that closely resembles the American flag but signifies martial law that is found in the Territories, e.g. Puerto Rico, Virgin Islands etc. Fact is there haven't been common law courts in this country since the 1938 decision of *Erie Railroad v Tompkins*. In addition prosecutors have been known to file "Motions in Limine" to exclude any reference to the Constitution and judges have ruled that the Constitution does not apply in many cases, e.g. the Constitution does not apply in tax cases because one is required to pay taxes through adhesion contracts and not the XVI Amendment.

Simply put if you have an attorney you are in Equity. You will soon learn that you cannot talk unless asked a direct question by the judge or other officers of

Continued on page 11

More Commentary on Page 9



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# More COMMENTARY

Verbal Assassination

## Spirit of Christmas or the loss thereof ...

Here it is, the yuletide season rearing its materialistic head. Shoppers running to-and-fro scrambling, fighting, for the best parking spots outside the store with the day's "hottest" sale. Inside, fierce competition erupts in a mad dash to grab the latest craze off the shelf before they are all gone which sometimes results in bitter words or physical assault. It's unfortunate that giving has spawned such a massive corporate-driven nightmare of frantic consumerism. Worse yet, people freakin' buy into it.

The true spirit of Christmas is now cheapened by a drive to exorcize its religious origins. "Politically correct" now becomes a fight against God in any form or indoctrination, and some corporate giants lead the way wanting to keep any religious tones out of their stores as to not alienate anyone. How sad that our forefathers established freedom of religion only for it to be used as a weapon for those seeking to excise any religious moral fundamentals from their daily existence.

It seems the mainstream American Christmas is now no more than a gift exchange which is shopped for and advertised for months beforehand. Lost for many is the acknowledgment of its founding purpose. And, it's now a day that exists, not to give for the sake of celebration of family, or friends, love, or even the undeniable bond of humanity, but rather to placate those in our lives with a purchase.

Well, I say "Ba-Frickin'-Humbug" on this new Christmas! True gifts don't

come wrapped in paper.

Giving can come in the form of kind words, hugs, moments of uninterrupted attention, a smile, and perhaps even sitting in silence and for once taking the time to truly listen. It's these moments of sharing that matter most - that last beyond broken toys and worn-out clothing. It's also these gifts that honor and celebrate those in our lives and shares with them the true meaning of the spirit of Christmas.

During your hectic "celebration" on Christmas Day, remember those who might be alone, those that don't have homes, those who might be sad, those separated from their loved ones like those in the desert fighting for a peaceful democracy, or those here who daily shield us against crime, fire, and injury. And, think about giving the gift of your smile to everyone you pass.

Religious or not, we shouldn't let the spirit of true giving disappear from a day that came from the ultimate sacrifice of love for all mankind.

My wish is that each of you be touched by another's warmth of heart this year and that you take a moment before you give your gifts, to truly impress upon the recipient how much they really mean to you. Because really, who knows if you'll ever get the chance again.

From me and mine to you and yours ...

**Merry Christmas &  
Happy New Year!**

*Ron Lee - The Verbal Assassin*

## Pusillanimous Senate Protects Rogue Fed. Judges

By Devvy Kidd  
NewsWithViews.com

"The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." - James Madison, "Federalist No. 45," Jan. 26, 1788

On Dec. 2, 2005, U.S. District Court Judge Matthew Kennelly ruled that Illinois restrictions on the sale of sexually explicit, violent video games to minors is unconstitutional and barred the state from enforcing a law passed by their Legislature. Opponents of this law, which would have gone into effect Jan. 1, 2006, declared it a restriction on free speech.

Judge Kennelly agreed by ruling "the law would interfere with the First Amendment and there wasn't a compelling enough reason, such as preventing imminent violence, to allow that." Kennelly further went on to say, "In this country, the state lacks the authority to ban protected speech on the ground that it affects the listener's or observer's thoughts and attitudes."

These retailers who complained so loudly about this law have not had their free-speech rights abridged. They can still sell to anyone over the age of 18. The 50 state legislatures in this republic are part of a union, but they are also separate, sovereign republics unto themselves. State legislatures routinely pass legislation that restricts the sale or consumption of certain products by minors. For example, states pass legislation that prohibits minors from purchasing and consuming alcohol and tobacco. The key word here is minors.

The retailers of these videos displaying violence and sexually explicit material operate within the states of the Union and are therefore under the control of the state just like any other retail enterprise. The Illinois State Legislature passed this law, not to violate the free speech of retailers who sell this garbage, but to restrict sales to minors. This is their right under the 10th Amendment.

The First Amendment to the U.S. Constitution reads: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

How, pray tell, is restricting the sale of any video to minors by a local retailer a

violation of free speech? Congress isn't in Illinois attempting to abridge free speech. Selling a video is now considered an act of free speech? How absurd, and yet here we have another federal judge stomping on the rights of the states under some flimsy and silly ruling. Of course, Judge Kennelly isn't worried about any rotten decisions he makes because he knows there is no oversight of federal judges by the counterfeit U.S. Senate.

Another controversy is playing itself out with the usual characters parroting their ignorance. The other night on a cable show, Ellen Johnson, president of American Atheists, outlined how her organization went to federal court last week to stop the Utah Highway Patrol and the Utah Department of Transportation from putting up Christian crosses on state property to honor state troopers killed in the line of duty. Ms. Johnson, looking ever so serious said that putting up these crosses violates the U.S. Constitution and the Utah State Constitution. Really?

Americans are born with the freedom to express themselves and practice the religion of their choice or not worship any religion. Naturalized citizens also enjoy this birthright which is reinforced for them when they become a citizen of this republic. When the framers of the Constitution were creating our magnificent form of government, geniuses like Patrick Henry wanted to make absolutely sure that it was understood by the new federal government that the Bill of Rights did not grant the government any powers over the people, but rather these rights were listed to seal in concrete that we are born with these rights, here they are and no government can violate them. Again, let us compare the First Amendment with Ms. Johnson's position:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Congress is not in the State of Utah attempting to establish any religion or pass any law establishing a religion in the State of Utah. Congress is not in the State of Utah attempting to prohibit anyone from exercising religious freedom. In this instance, the Utah Highway Patrol and Utah Department of Transportation, both under the control of the legislature, have determined that

*Continued on page 11*

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**Message from Executive  
Director Kevin Starrett**

OFF has one overriding principle, the belief that citizens of Oregon and the United States have the right to own and carry the firearm of their choice for any reason other than to commit a crime.

To that end we have worked to ensure that the rights of gun owners are not compromised by elected officials, anti-gun activists or those who masquerade as gun-rights supporters while they work behind the scenes to erode your liberties.

We oppose any attempt to chip away at your God-given, Constitutionally-guaranteed right to defend yourself and your family.

It is our sincere belief that **any** compromise on these rights will only lead to more attacks on liberty in the future. We believe in personal accountability and responsible gun ownership and we believe those goals are achieved by individuals, not by bureaucratic mandates.

Furthermore we believe that change is effected by grassroots activists and the pressure they can put on elected officials, not by back room deals cut by lobbyists who have no real interest in the issue, only their next paycheck.

As a result of our positions we have angered many politicians who would like people to believe that they support gun rights even when they vote against them, but we are far more concerned with votes than popularity.

As a result of the actions of OFF supporters we have demonstrated that grassroots activism works. "Willamette Week", Portland's "alternative" newspaper said "...the members of OFF are reputed to be particularly venomous and intimidating. When Starrett told his members that state Senator Veral Tarno was wavering on the original gun show bill, the senator received messages so vile and vicious that he blew up at Starrett during a committee hearing. Ultimately however Tarno voted AGAINST THE BILL....."

Vile? Vicious? I doubt it, but there is no question that OFF supporters are committed and passionate. It is that passion and commitment that we rely on to alter the course of legislation in this state.

***If you would like to be a part of Oregon's only no compromise gun lobby, we welcome you.***

**Oregon Firearms Federation • PO Box 556, Canby, OR, 97013 • 503-263-5830**

**Continued from page 5  
Medford Police Department ...**

Smith's death OSP released their 1000 plus page report on the incident. The report states that over 30 Officers from five different Police departments were at the scene.

The film and report we obtained makes what happened that evening very clear. The first thing that becomes apparent is that there were far too many officers present who were unclear about any plan of action.

They not only did not know what was going on but they did not know who was in charge.

It was reported in the Medford Mail Tribune that at least 12 MPD officers showed up despite senior officer, Sgt. Roy Skinner, telling an MPD dispatcher that patrol units should stay away unless their presence was requested.

The Oregon State Police (OSP) report indicates that there were two factions of thought. One involved OSP negotiator Tanya Henderson and Jackson County Deputy Sheriff Joe Puckett intent on negotiating with Smith. They contacted Smith's wife and had put in a call for a social service negotiator.

Others, including an OSP officer and several MPD officers, wanted to use a "flash bang grenade" in an attempt to end the standoff. Those negotiating could not hear Smith and wanted to give him a phone but before the phone could be located OSP Lt. Terry Simons authorized MPD Detective Tim Lytel to utilize the flash bang grenade which was thrown into the back of Smith's pickup

over the objections of the negotiators.

The grenade did not stun Smith as expected but caused him to accelerate and crash into two patrol cars. At that point Smith exited the pickup causing MPD Officer Lt. Mike Moran and Central Point Officer Sgt. Steven McGee to fire non-lethal bean bag rounds striking Smith in the back. Almost simultaneously MPD Officers Birchfield and Schwab using their service handguns, and Officer First, using an H & K MP5 sub-machine gun, opened fire killing Mr. Smith.

It is interesting to note that with 30 officers present representing 5 different agencies--OSP, MPD, Central Point Police, Jackson County Sheriff's Department and Ashland police--that the first weapon fired was fired by an MPD officer and all subsequent shots striking Mr. Smith were fired by three other MPD officers.

The final report by OSP was very forthcoming regarding the shooting. MPD, however, has still not released their internal investigation of the incident. Originally Chief Melgrin stated he could not speak about the case because of a possible lawsuit brought by the Smith family. Later, Lt. Tim George stated that the case would not be re-opened for additional review even if the Smith family decides not to file a suit against the city. "We are done with it," he exclaimed. What an arrogant and dictatorial attitude by George who wants to be elected Sheriff of Jackson County in the next election. God help that department should he pull it off.

It is interesting to note that in August 1998, when the Medford Mail Tribune reported on Eric Mellgren becoming the new Medford Chief of Police, Chief Mellgren stated that the department "will be open about things when controversies do arise." Also at that interview he thought an open policy "is one of the best ways to make sure officers stay in line" and "If you know that you are going to be held accountable, that changes behavior."

Whatever became of that philosophy? Today the department is still withholding information from the public.

***Editor's Note: Chief of Detectives Lt. Mike Moran and his buddy Lt. Tim George were right in the mix while the above intentional tragedies took place and they are still on the public payroll. This is not only alarming, it is unacceptable. For Tim George to have the gall to run for the Jackson County Sheriff position shows the US~Observer that he has no conscience whatsoever. We can only wonder how many more cases of severe abuse have occurred and have been swept under the carpet by Moran, George and others of their ilk within the ranks of the MPD.*** ■■■

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**Continued from page 1  
Attorney Claud Ingram ...**

frivolous suits against. To date Ingram has filed 4 separate lawsuits against this reporter and the Observer.

In August 2005, Ingram attempted to have me held in contempt for not providing discovery. In a hearing held in Deschutes County Circuit Court Ingram lost and I returned to my job of exposing corruption. In October 2005, Ingram once again had me summoned to court in Grants Pass on a motion to compel. Ingram didn't show up for the hearing.

On November 29th 2005, Ingram appeared in Josephine County Circuit Court with the Observer on an Observer motion to dismiss his 4th and most frivolous case. After many questions regarding Ingram's poorly written and almost laughable lawsuit Circuit Court Judge Thomas W. Kolberg granted the Observer's motion to dismiss.

The US~Observer has had numerous calls from people claiming that Ingram has used the Oregon court system and his position as an attorney to destroy them financially. They all say that he files as much paperwork as he can and that he makes every attempt to cost them money. Ingram has obviously had many years to polish his "craft" as he has been "practicing law" since 1961. A prudent person would think that Ingram would have at least learned how to file a proper lawsuit by now, but apparently he has not. It could be that old age is setting in or a better guess might just be that he has become addicted to filing frivolous suits containing few if any facts.

Ingram, who stands about 6'6" has

been extremely disconnected in the cases attended by Observer reporters. In 3 of 4 cases against the Observer he is suing for the Observer publishing public record. In his last suit he is claiming the Observer didn't provide any results for a Wolf Creek resident who had hired the Observer. Old Claud obviously didn't look very far or he would have found an order signed by Jackson County Circuit Court Judge Rebecca Orf giving our client the win.

In another frivolous case Ingram filed against Sunny Valley, Oregon protestors, he stood in court and told the judge that the protestors had violated his client's constitutional rights to peacefully operate his strip club. Any person who has practiced law certainly knows that citizens can't violate other citizen's civil rights. Only government can violate a citizen's civil right. Ingram continued his rantings, claiming that the protestors were bad people, trying to destroy his client's legal business. Ingram sure seems to like to associate with smut as well as abusive people.

One of Claud's other plaintiffs who he is using to sue the Observer spent time in prison for assaulting his wife in Deschutes County, Oregon. Ingram is currently attempting to help this criminal take his ex's property from her.

The Observer's opinion on Ingram's is simple; He is ignorant, corrupt and he will lose when he has to go to court with us. Claud loves to beat up on innocent women and the elderly who have disabilities. We will all see how this disgusting human being fares with the US~Observer. ■■

**Continued from page 9  
Pusillanimous Senate ...**

it is appropriate to put up a cross along the road where an officer has died. This property is the domain of the State of Utah. I can find no where in my research where the State of Utah intends to pass any law to establish any religion as a result of putting up this Christian marker honoring a fallen law enforcement officer nor can I find any intention by the State of Utah to force atheists in their state to worship any religion.

According to Ms. Johnson, "The crosses are intentionally erected by the (Utah Highway Patrol) Association in prominent places visible to the general public," notes the court affidavit. "They are visible to motorists using the adjacent roads and highways owned by the State of Utah. It's a growing problem across the country. We end up with these little Christian shrines everywhere."

Gee, that's such a hardship, isn't it? Several of these Christian crosses mentioned in the lawsuit by these Christianity haters were actually put up way back in the early 1990s by the Utah Highway Patrol Association. Funny that Ms. Johnson is just now getting her knickers in a twist over the issue. If putting up these few crosses here and there is a violation of some state regulation, then that should be addressed by the legislature and the bureaucracies involved. Then the legislature can decide to change the law

if they want or make any corrections to adhere to existing law. However, none of this represents any effort to prohibit or interfere with Ms. Johnson's right to believe in nothing nor is it any effort to force any religion upon her. This lawsuit by the American Atheists is just more of the same and will no doubt be backed up by some federal judge who will hallucinate another version of the worn out decision of "violation of church and state." Of course, this judge will have nothing to fear from the U.S. Senate because there is no oversight from that cowardly body.

Understandably, Utah's law enforcement are upset about this lawsuit: "Our statement right now without seeing (the lawsuit) is we stand behind our troopers and the sacrifice they made, which is the ultimate sacrifice for the citizens of Utah. Obviously we're going to try to keep those crosses there in their memory," said Trooper Jeff Nigbur, Utah Highway Patrol spokesman.

I am wondering if these same law enforcement folks have rallied to support those who have stood the front lines against the ACLU and their massive anti - Christianity lawsuits because their brothers in other states have not. Down in Alabama, law enforcement were out in huge force to side against the people when the Ten Commandments monument was removed from their State Supreme

*Continued on page 21*

**Continued from page 8  
A Notion for Survival ...**

the court. The attorney therefore "represents" you to the court on the pretense that it is in your best interest. The officers of the court negotiate behind your back, have sidebars out of earshot of both you and the jury, and basically decide your guilt, innocence or culpability without including the jury or you. On top of these sleights the judge will ensure the desired outcome with damning jury instructions that sways the uninformed jury to render an unsavory verdict against the defendant.

If you are a defendant in a civil or criminal court action you are at the mercy of your lawyer and the judge. I know of cases where the defendant is aware of certain evidence that can prove his innocence but due to a meddling judge, an incompetent attorney and well-honed rules of evidence, this evidence is deemed inadmissible in a trial. How can this be possible? Refer back to the last paragraph and you will find your answer. There was a trial in Texas in January of 2004, concerning a man who had the audacity to question the authority of the IRS regarding payroll withholding. Throughout the legal process the defendant's motions were denied, defense witnesses were not allowed to testify, defense attorneys were not allowed to cross examine certain government witnesses, and when the jury asked to see the law that this citizen was charged with violating the district judge told them they didn't need to see the law and directed them through jury instructions and intimidation to find the defendant guilty of the charges contained in the indictment. In fact there is no law mandating withholding but the uninformed jury complied with the instructions, and unless there is a favorable outcome from the appeal, this honest soul will possibly die in prison, a broken man.

There is, however, a movement afoot that could remedy the corruption in the system that railroads political targets into bondage. The process is one that takes great courage to initiate and dedication to understanding the process by which courts manipulate the proceedings. This tool is called "Judicial Notice" and may be researched on the Internet. Black's Law 6th Edition definition: "The act by which a court, in conducting a trial, or framing its decision, will, of its own motion or on request of a party, and without the production of evidence, recognize the existence and the truth of certain facts, having a bearing on the controversy at bar, which, from their nature, are not properly the subject of testimony, or which are universally regarded as established by common notoriety. (Emphasis added) Examples could be public records, state or federal laws and historical events. Below you can read Article II the Rules of Evidence pertaining to Judicial Notices and see for yourself how they apply.

**Rule 201. Judicial Notice** (Attach the following to the Judicial Notice as an exhibit)

(a) Kinds of facts. A court may take

judicial notice of a fact. A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

(b) Kinds of law. A court may take judicial notice of law. Law includes (1) the decisional, constitutional, and public statutory law, (2) rules of court, (3) regulations of governmental agencies, and (4) ordinances of municipalities and other governmental subdivisions of the United States or of any state, territory or other jurisdiction of the United States.

(c) When discretionary. A court may take judicial notice, whether requested or not.

(d) When mandatory. A court shall take judicial notice if requested by a party and supplied with the necessary information.

(e) Opportunity to be heard. A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.

(f) Time of taking notice. Judicial notice may be taken at any stage of the proceeding. (Emphasis added)

(g) Instructing jury. In a civil action or proceeding, the court shall instruct the jury to accept as conclusive any fact judicially noticed. In a criminal case, the court shall instruct the jury that it may, but is not required to, accept as conclusive any fact judicially noticed.

Last month I wrote about the Code of Ethics for judges. (www.newshare.com) The code mandates that judges are in violation of this code if they find themselves in a "conflict of interest." What greater conflict could a judge have than to rule in favor of his employer, the state or federal government? In the case of our imprisoned Texan the United States was prosecuting a citizen. Rhetorically, for whom does a district court judge work? Since the judge is an employee of the United States Corporation there must be a conflict of interest that should bar the judge from doing what he did, and that was to instruct the jury to find the defendant guilty. Why was this travesty of justice allowed to stand? Not being a lawyer I can only surmise that the defendant's crackerjack attorney wouldn't dare rub the judge's nose in this blatant "conflict of interest" mud hole. Understand one thing, the prosecutor, your attorney and the judge belongs to the same club. They often play racquetball, golf, and games of chance together. They are not unlike the chicken but very much the antithesis of the pig when we think of eggs and ham for breakfast. They contribute but are not committed to the so-called "cause" of justice. There is no skin off their collective noses if the case goes south and the defendant is remanded into custody or raped financially.

Since this conflict of interest is

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# Judge Clears Way for City to Sue Gun Companies

By William K. Rashbaum  
NY Times

A federal judge in Brooklyn ruled recently that New York City's lawsuit against gun manufacturers and distributors can go forward, despite new federal legislation devised to protect gun makers from such lawsuits.

The ruling, by Judge Jack B. Weinstein of United States District Court, was a significant victory for the city, which has argued that some gun makers and sellers know about the flood of handguns into the underground market, and have the power to minimize it by relatively simple means, but refuse to do so.

In his ruling, Judge Weinstein postponed a trial so the gun manufacturers could appeal.

Gun makers named in the suit include Beretta U.S.A., Browning Arms, Colt Manufacturing, Glock and Smith & Wesson.

The judge ruled that the new law, the Protection of Lawful Commerce in Arms Act, does not apply to the city's lawsuit because it falls under a narrow exception that allows lawsuits against the gun makers if their sales or marketing practices violate state or federal statutes.

The ruling contained one victory for the gunmakers: the judge rejected the city's argument that the new law was unconstitutional.

The city argues that the firearms makers and distributors, by failing to monitor retail dealers closely enough, allow guns to end up in the hands of criminals. As result, the gun makers, under the city's argument, have created "a condition that negatively affects the public health or safety," and thus have violated the state's nuisance law.

The city also argues that the manufacturers sell excess guns in states other than New York with laws that are more lax, thus allowing them to be more easily bought and smuggled to New York City.

John Renzulli, a lawyer for Glock, Browning and several gun distributors, contended that it was clear that under the legislation that the lawsuit should be dismissed. "There is just no 'there' there," he said.

Lawrence G. Keane, a lawyer for National Shooting Sports Foundation and a spokesman for the firearms industry, dismissed the city's arguments and called the ruling "yet another example of Judge Weinstein's blatant bias," a claim the group has repeated since 1995, citing his rulings in earlier cases. "He couldn't be more incorrect if he tried."

Mr. Keane said the New York case was exactly the type of lawsuit the new law was devised to stop. In fact, he said, the case was referred to Congress by the sponsors of the new legislation during debate on the law.

Mayor Michael R. Bloomberg yesterday praised the ruling, saying in a statement that the killing of Police Officer Dillon Stewart, who was shot on Monday with a gun bought legally and later stolen in Florida, was "deadly evidence that the scourge of guns in New York City is ever present."

He said the lawsuit was devised to stop the flow of illegal guns because the firearms industry is "completely unwilling" to take steps to control their own dealers. He called the new legislation "shameful," and said it should be called "Protection of Lethal Commerce in Arms Act."

Before the legislation was passed by Congress and signed by President Bush in October, the case had been scheduled for trial before Judge Weinstein on Nov. 28.

Now, any possible trial will be delayed for at least six months, a city lawyer said.

Michael S. Elkin, who is serving as the city's chief trial counsel, said the gun industry had believed that the case would be derailed by the new law. But he said that city lawyers had believed all along that it would not be affected.

"Probably the most sweeping lawsuit against the gun industry is now poised to go to trial," Mr. Elkin said, "and if we're successful it will have wide-reaching effects on how guns are marketed and sold."

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Continued from page 11  
A Notion for Survival ...

transparent on its face the defense attorney should Notice the court regarding the conflict. This will only happen when pigs learn to fly! What to do about this quandary is simple. Before you retain an attorney or after you fire the one you currently have, file the judicial notice along with a motion to dismiss in the court. Once the judge is informed of your awareness to his Code of Ethics the chances that he will dismiss the case are enhanced, although not guaranteed due to the government's agenda. In fairness, to some good people who happen to be judges, there are times when the judge cannot dismiss a trial because of fear of reprisals by government agencies, which, I will not bother to name.

There can, however, be no conflict of interest in a common law court because the judge cannot make rulings from the bench pertaining to finding of fact or conclusions of law. Judges are there to be a referee and not an active participant directing the final outcome. This is definitely not the case in equity Courts. As previously presented the judge is very much involved in the outcome of the proceedings. His preferences lay with the prosecution, especially in cases regarding the tax laws, child protective services and family law. The defendant is usually prepared for the slaughter and is financially bled to death by the system that demands blood money to finance certain agendas fostered against good people.

Do your own search regarding Code of Ethics, and Judicial Notices and determine for yourself if this is the avenue you should take to free yourself from the bondage of corrupt defense attorneys in particular and corrupt courts in general. Next time I will embark on the fascinating subject of contract and how contracts can be your friend or your worst enemy depending on your level of comprehension. ■■

changed his life and deserves a second chance."

The nation's top courts disagreed. On Monday, the U.S. Supreme Court as well as the 9th Circuit Court of Appeals rejected final appeals to reconsider the case. ■■



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## Ex-Crips leader Williams executed

By Adam Tanner

**SAN QUENTIN, California (Reuters)** - California prison officials executed Stanley Tookie Williams, the ex-leader of the Crips gang who brutally killed four people in 1979, early on Tuesday after Gov. Arnold Schwarzenegger and top courts rejected appeals to spare his life.

The time of death was 12:35 a.m. PST (0835 GMT) Tuesday.

Some 2,000 opponents of the death penalty gathered outside the gates of San Quentin, where civil rights leader Rev. Jesse Jackson addressed the crowd and folk singer Joan Baez sang spirituals.

The execution by lethal injection at San Quentin State Prison north of San Francisco followed a frenzied but failed effort to reopen the case by supporters of Williams, 51, who repudiated gang life during his 24 years on death row.

The case generated fierce debate over the death penalty in the United States because Williams has written a series of books warning young people against gangs.

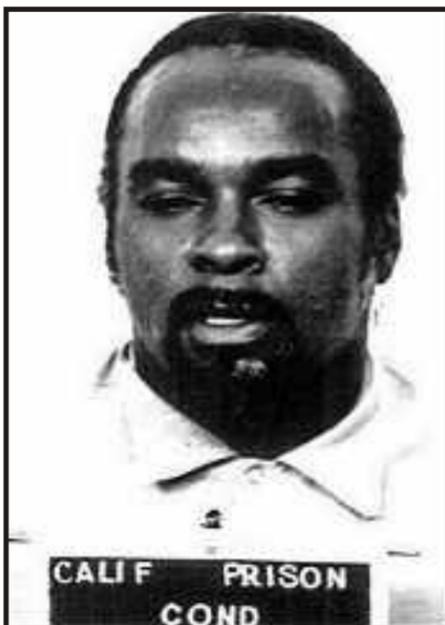
Witnesses said guards struggled for about 12 minutes to place the needle in a vein in his left arm, frustrating Williams who occasionally spoke with the guards preparing his death, asking at one point: "Still can't find it?"

After he was strapped down, he raised his head often, especially to look at Barbara Becnel, the editor of his books and foremost supporter who helped bring broad publicity to his case. After his death, Becnel and two other supporters broke the silence in the witness room, saying: "The state of California just killed an innocent man."

A relative of one of the victims wept as

the prisoner's supporters made their defiant statement.

Becnel and other supporters said Williams' anti-gang work showed the inmate had changed fundamentally in the half of his life he has spent in prison. But Schwarzenegger and others said his continued protestations of innocence negated any claim that he had redeemed himself.



Stanley "Tookie" Williams

"Stanley Williams insists he is innocent, and that he will not and should not apologize or otherwise atone for the murders of the four victims in this case," Schwarzenegger wrote on Monday in denying clemency.

"Without an apology and atonement for these senseless and brutal killings there can be no redemption."

"Based on the cumulative weight of the evidence, there is no reason to second guess the jury's decision of guilt

or raise significant doubts or serious reservations about Williams' convictions and death sentence."

### CROWDS PROTEST AT PRISON

Jackson said he broke the news on Monday afternoon that Schwarzenegger had denied clemency as Williams met several supporters in prison.

"He said 'Don't cry, let's remain strong,'" Jackson told Reuters. "He smiled, you know, with a certain strength, a certain resolve."

"I think he feels a comfort in his new legacy as a social transformer," Jackson said.

"I am not the kind of person to sit around and worry about being executed," Williams told Reuters last month. "I have faith and if it doesn't go my way, it doesn't go my way."

Williams was convicted in 1981 of killing Albert Owens as he lay face down on the floor of a 7-Eleven convenience store in a \$120 robbery. Two weeks later, Williams shot dead an elderly Taiwanese immigrant couple running a motel, as well as their visiting daughter.

At the Vatican, Pope Benedict's advisor for justice issues, Cardinal Renato Martino, condemned the execution and called the death penalty "the negation of human dignity."

Prison officials said Williams was composed and cooperative and said he did not request a final meal after eating oatmeal and drinking milk earlier in the day.

Among the throng gathered outside the prison was Christina Williams, 23, who said: "I wanted to show them we oppose the death penalty even if you are a murderer." She held hands with her two young children and wore a "Save Tookie" button on his jacket. "He

# Web of Preston power abuse claimed

BBy Kelly Hafen  
The Herald Journal

## False-prosecution case involves long list of accusations

Court records in the Bart Pitcher wrongful-prosecution case reveal a number of previously unreported accusations against former Preston Police Chief Scott Shaw and other city and county officials.

These include that Shaw illegally used Pitcher, who was on probation for methamphetamine use, as a confidential informant, busted him for drugs used in a police-sanctioned "controlled buy," then seized property unrelated to the drug bust — even property belonging to his parents.

Court depositions in the case also accuse the police chief and Pitcher's probation officer, former Preston Mayor Jay Heusser, of using their positions to gain sexual favors from Pitcher's girlfriend and coercing Pitcher into pleading guilty.

The Preston case was back in the news this week with the filing of a lawsuit by Pitcher seeking redress for his drug conviction and imprisonment, which were overturned by an Idaho court in July after he'd served two and a half years.

Shaw is currently serving prison time on charges stemming from, but not directly related to, the Pitcher fiasco. Heusser also has had his own legal problems, with a recent criminal charge of misusing public funds while he was mayor.



Ex-Preston Police Chief Scott Shaw showing-off his jail jumpsuit.

Preston city and Franklin County officials have declined comment on the suit, and Heusser did not return a phone call from The Herald Journal on Saturday inviting his response to Pitcher's allegations.

Pitcher's lawsuit details a web of alleged power abuses by Shaw, Heusser and others.

One of these, according to Pitcher's conviction appeal, was that Heusser threatened to send Pitcher to jail if he didn't agree to work as a confidential drug informant.

Pitcher had violated his probation in the spring of 2002. His lawyer claims Heusser permitted Pitcher to work as a confidential informant with Shaw and the Idaho State Police, despite a Department of reactions directive which "specifically forbids the use of a probationer as a confidential informant without a written agreement between the law enforcement agency and the sentencing judge."

Pitcher claims Heusser offered to forgive the violation if he'd do a single "controlled buy," but this led to more informant work. However, Pitcher "refused to continue to work as a confidential informant and specifically

requested help with his addiction," according to the appeal.

Thereafter, Pitcher received a court order for violating his probation. As Pitcher's lawyer tells it, Heusser instructed Pitcher to speak with Shaw about the violation. Pitcher met with Shaw, who presented Pitcher "with a list of people Shaw wanted (Pitcher) to 'take care of' as a confidential informant."

Pitcher was reportedly told if he would work regularly as an informant, Shaw would attempt to dismiss the violation. When Pitcher agreed, the violation charge was dismissed through former Franklin County Prosecuting Attorney Jay McKenzie, advised by Shaw.

Pitcher began to work regularly as a confidential informant, using and selling drugs to gain the trust of certain individuals. Pitcher claims working as an informant rekindled his drug addiction, but Heusser and Shaw forced him to continue his work.

The civil suit filed by David Penrod, Pitcher's attorney, states, "Bart informed Shaw on numerous occasions and in great detail that he wanted to kick his methamphetamine habit. Shaw knew Bart's addiction had become gravely worse as a result of his forced work as a confidential informant, he failed to get Bart any help whatsoever with his addiction ... Bart, on a number of occasions, requested help with his addiction from Heusser. Bart even requested getting into a treatment center. Shaw and Heusser were acutely aware of Bart's drug use, yet did nothing to help Bart."

The appeal claims Pitcher "was in a position where Heusser and Shaw had nearly complete control over him."

After Pitcher completed his last controlled buy, on Jan. 16, 2003, Shaw obtained a search warrant for Pitcher's residence. Penrod charges that Shaw obtained the warrant under false pretenses, claiming he had been personally contacted by a reliable confidential informant, who gave information concerning drug manufacturing activity at Pitcher's home. Shaw conducted a search at Pitcher's residence, where methamphetamine, a pipe and other drug paraphernalia were found in the purse of Pitcher's live-in girlfriend. Shaw claimed the items belonged to Pitcher, so the woman wasn't arrested.

The civil suit states Shaw began having sexual relations with the girlfriend approximately three days after the search of the residence. The suit also claims Heusser had been having an inappropriate sexual relationship with her during the Fall of 2002 "while Bart was on probation with Heusser."

Shaw's records of the bust claim he seized a .9-caliber pistol, a 16-gauge sawed off shotgun, a 12-gauge Remington shotgun and ammunition from Pitcher's home. However, Pitcher claims the guns were not seized from his home, but were actually found in a hotel room and another location.

Shaw threatened to file a federal firearm charge against Pitcher if he did not plead guilty to the drug charges, claims Pitcher.

"The three guns reportedly seized by Shaw could have been used in any criminal prosecution, state or federal, because they had been illegally seized and/or there was not probable connection to petition," stated court documents. "If the United States Attorney's Office, the FBI and the ATF knew that the weapons were not legally seized, they would not have prosecuted



Ex-Preston Police Chief Scott Shaw on his way to court.

Pitcher) on federal gun charges."

Pitcher eventually pleaded guilty to the drug charges against him in exchange for prosecutors dropping threatened firearm charges. But he now says that plea was coerced.

"Bart was fearful of the welfare of his family and felt that he had no choice but to enter into the ... agreement. Through a concerted effort by Shaw, McKenzie and Heusser, Bart was coerced into pleading guilty," the suit states. "Shaw and McKenzie engaged in conduct to coerce Bart into pleading guilty and to coerce Bart's family members into signing away their rights to property by way of forfeiture."

"Throughout the prosecution of Bart, Shaw and McKenzie maliciously threatened Bart with unsubstantiated criminal charges, including racketeering, rape and federal firearm violations," the suit claims.

Pitcher could not have knowingly entered a guilty plea because his former attorney, Trevor Castleton, did not adequately advise Pitcher concerning the charges against him, according to the appeal.

During the 2003 drug raid, Pitcher's residence (belonging to his parents), vehicles, a trailer, two dragsters, a big screen television, a sound system and a motorcycle were seized. The home of Pitcher's ex-wife, her business, business records and computers were also seized. Other seized items belonging to his parents included a vehicle, a gold teeth retainer and deeds for two burial plots.

"Many items of personal property and some real property owned by Bart's family would be returned conditioned on Bart pleading guilty," the suit claims. "The items to be conditionally returned were improperly seized and were being maliciously used as leverage against Bart to obtain a guilty plea."

Shaw felt the assets retrieved from Pitcher's case would yield almost \$750,000 for the Drug Enforcement Fund, enough to build a new police station in Preston, according to the appeal.

"Shaw and McKenzie both knew that the majority of the property forfeitures were completely improper and without legal basis," the suit claims.

The suit also points blame at McKenzie and Castleton for allegedly condoning Shaw's inappropriate conduct.

"Both Castleton and McKenzie's respective case files in this matter clearly contained information that could and ... should have prompted additional discovery and the filing of appropriate evidentiary motions," the suit said. "... McKenzie knew or should have known of Shaw's improper and coercive conduct in this matter."

On top of it all, the suit claims Pitcher was not permitted to post "a reasonable bond" and was inexplicably held in solitary confinement for almost six weeks, unable to speak with family or friends.

## Earth's Magnetic Pole Drifting Quickly

By ALICIA CHANG  
AP Science Writer

**SAN FRANCISCO** - Earth's north magnetic pole is drifting away from North America and toward Siberia at such a clip that Alaska might lose its spectacular Northern Lights in the next 50 years, scientists said Thursday.

Despite accelerated movement over the past century, the possibility that Earth's modestly fading magnetic field will collapse is remote. But the shift could mean Alaska may no longer see the sky lights known as auroras, which might then be more visible in more southerly areas of Siberia and Europe.

The magnetic poles are part of the magnetic field generated by liquid iron in Earth's core and are different from the geographic poles, the surface points marking the axis of the planet's rotation.

Scientists have long known that magnetic poles migrate and in rare cases, swap places. Exactly why this happens is a mystery.

"This may be part of a normal oscillation and it will eventually migrate back toward Canada," Joseph Stoner, a paleomagnetist at Oregon State University, said Thursday at an American Geophysical Union meeting.

Previous studies have shown that the strength of the Earth's magnetic shield has decreased 10 percent over the past 150 years. During the same period, the north magnetic pole wandered about 685 miles out into the Arctic, according to a new analysis by Stoner.

The rate of the magnetic pole's movement has increased in the last century compared to fairly steady movement in the previous four centuries, the Oregon researchers said.

At the present rate, the north magnetic pole could swing out of northern Canada into Siberia. If that happens, Alaska could lose its Northern Lights, which occur when charged particles streaming away from the sun interact with different gases in Earth's atmosphere.

The north magnetic pole was first discovered in 1831 and when it was revisited in 1904, explorers found that the pole had moved 31 miles.

For centuries, navigators using compasses had to learn to deal with the difference between magnetic and geographic north. A compass needle points to the north magnetic pole, not the geographic North Pole. For example, a compass reading of north in Oregon is about 17 degrees east of geographic north.

In the study, Stoner examined the sediment record from several Arctic lakes. Since the sediments record the Earth's magnetic field at the time, scientists used carbon dating to track changes in the magnetic field.

They found that the north magnetic field shifted significantly in the last thousand years. It generally migrated between northern Canada and Siberia, but it sometimes moved in other directions, too.

# Club 71 "Kicked to the Curb" in Court

By US~Observer Staff

On November 29, 2005 Josephine County courtroom #3 was packed with individuals named in a lawsuit, filed by Club 71 owner Richard Larry Lacey, and those who supported them. Lacey stood alone with only his lawyer Claud Ingram for support in his cause as his case stood under a motion by the Sunny Valley Group for dismissal.

Several months earlier Lacey had filed suit against protestors of his nude dancing establishment seeking monetary damages in the sum of \$800,000.00 as his suit maintains that the protestors conspired to bring him economic and mental duress. Lacey asserts that the protestors have acted in violation of their first amendment rights and alleges that they have blocked traffic and physically intervened in the operations of his establishment.

The Sunny Valley Group is represented by the American Family Association (AFA), a non-profit organization that protects the rights of free speech, who, in response to Claud Ingram's court filings submitted a petition for dismissal. In arguing their

position they cited numerous cases which debunked Lacey's assertions and Lacey's attorney Ingram switched from a legal plea to an emotional one in what became a defense of his client, who is the plaintiff in the case, and the lawsuit. Ingram stressed that while the protestors are exercising their 1st amendment rights, they are trampling on the Constitutional rights of his client, as nude dancing is a protected form of entertainment under the Oregon and U.S. Constitutions. Countering the claim that the Sunny Valley Group was violating Lacey's rights the AFA maintained that, constitutionally, Lacey did have a right to operate a nude dancing business, but that individuals can not violate another's Constitutional rights, that is something only a government agency can do and that the Sunny Valley Group's legitimacy in exercising their right to protest is paramount.

When all arguments were heard, an obviously attentive Judge Coon stated that he would have to read the case law citations and make his determination on the dismissal within 7 to 10 days.

On December 12, 2005 Judge Coon



Richard Larry Lacey parks his "pimp" ride in front of the Josephine County Courthouse during a recent hearing.

ruled in favor of the Sunny Valley Group thereby dismissing this attack against a group that is so obviously operating under its Constitutional rights.

If Lacey's case would have been victorious it would have had serious implications in all first amendment

cases where an individual or a group peacefully demonstrates against any business.

Judge Coon demonstrated character during the proceedings and projected a mirror image of justice in his ruling.

■ ■ ■

## After a night out at a local strip club, They were looking for drugs

By Luis Perez  
NY Newsday

The two Yonkers men accused of fatally shooting a Bronx cop in his driveway were looking to steal Valium from a home next door after a night out at a local strip club, a high-ranking police official said.

Steven Armento, 48, and Lillo Brancato Jr., 29 - who starred in the movie "A Bronx Tale" and appeared on "The Sopranos" - face charges including first- and second-degree murder, respectively, along with weapons possession and second-degree burglary, according to Steven Reed, a spokesman for the Bronx District Attorney's Office. Armento is believed to have fired the shots that killed Officer Daniel Enchautegui, 28, the second city cop shot to death this year.

Armento and Brancato, both with long arrest records, were wounded when Enchautegui returned fire. They were in stable condition last night in Jacobi Medical Center, awaiting arraignment.

The street in the Pelham Bay section where they encountered Enchautegui was familiar to both men, according to the police official. They were headed

there early Saturday morning, intent on obtaining Valium from an apartment where they had scored the prescription tranquilizer before, according to the police official. Authorities had originally thought they were planning to rob a different address on Arnow Place.

The apartment at 3119 Arnow Place, which is empty, was once occupied by Gabriel Scovotti, 94, who owned the building, and his son, Kenneth, both deceased. The police official said a bottle of Valium prescribed to Kenneth Scovotti was found at Armento's Yonkers home.

"This was a return mission," said the police official, who requested anonymity.

In the hours before the shooting, the pair drank at the Crazy Horse Cabaret, a Boston Road strip club and bar, leaving about 4 a.m., according to the police official.

Enchautegui, a three-year veteran of the force, was asleep inside his rented basement apartment next door, at 3117 Arnow Place, when he heard the sound of broken glass and went outside to investigate, police said.

Armento and Brancato had briefly

entered 3119 Arnow Place and were leaving through an alleyway when they confronted Enchautegui.

In a close-range shootout, Armento fired first, police said, letting off two rounds from a .357 Magnum. Enchautegui was shot once in the chest, police said. He died a short time later at Jacobi.

The off-duty cop was able to empty his registered, off-duty .25-caliber semiautomatic, striking Armento six times and Brancato twice. Brancato was not armed, police said.

Enchautegui, who called 911 and told an operator of his intentions before he came out to the street, apparently acted appropriately, police said. He walked out with his badge around his neck, and shouted "Police - don't shoot," at Armento and Brancato, police said.

A police source said Enchautegui's accuracy with all eight of his shots,

given the pressure of a shootout, was "pretty amazing."

Brancato has six previous arrests on his record, including four this year for disorderly conduct and drug charges. Armento has a criminal history dating back to 1976 for drug, robbery and weapons charges, officials said. Their lawyers could not be reached for comment yesterday.

At the strip club yesterday, Joe Bingo, the manager, said he saw the two men on Friday night. The club was packed, and in the haze of blue, red and yellow lights, Bingo briefly saw them walking from the dancers' room to the bar room. They weren't regulars, he said, adding that he is unimpressed by Brancato's minor fame.

"Anybody who shoots a cop," Bingo said, "should fry."

Staff Writers Ashley Harrell and Melanie Lefkowitz contributed. ■ ■ ■

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# Cell Phone Evidence Becomes Key Law Enforcement Tool

By Chuck McCutcheon  
Newhouse News Service

Police are foiling criminals' efforts to cover their tracks with evidence the culprits often overlook -- their cell phone use.

Law enforcement officials say mobile telephone records have become a vital tool in solving crimes, not only revealing numbers suspects have called, but pinpointing their whereabouts in ways that can substitute for eyewitnesses. Investigators also make use of software that can extract the phones' stored photos, text messages, contact lists and other evidence.

"People might be a little more circumspect about how they use cell phones if they were aware how much information they have about your activities," said Bill Moylan, a former Nassau County, N.Y., detective and founding director of the John Jay College of Criminal Justice's cyber crime center in New York. "We always say, 'Thank God they (criminals) are stupid.'"

In August, British and Italian police helped arrest a suspect in the London subway bombings by tracing his cell phone use following the explosions.

Cell phone records were used in California to trace the whereabouts of Scott Peterson in the high-profile investigation into the 2002 slaying of his pregnant wife Laci. Peterson was found guilty of murder and sentenced to death last December.

Investigators in Pennsylvania used cell phone records to establish a timeline in the Nov. 13 slayings of Michael and Cathryn Borden at their home in Warwick Township. David Ludwig, 18, is accused of shooting the

couple after spending the night with their daughter, Kara Beth.

In Arkansas, authorities said a cell phone belonging to college student April Love, 20, linked Brandon Dwayne Sanders, 20, to her murder. Sanders was arrested Sept. 16 with Love's phone, which he allegedly had been using to answer messages.

"Technology has become the best friend of law enforcement ... and we know now that the phone is our friend," said John Firman, research director for the International Association of Chiefs of Police in Alexandria, Va.

Each cell phone call is received and logged at one of 175,000 relay sites, providing a rough indication of the caller's location. Many new handsets also use global positioning system chips, which determine a caller's coordinates via signals beamed down by satellite.

In most cases, law enforcement officials must obtain a warrant, subpoena or other court order before accessing cell phone records.

Al Gidari, a Seattle attorney who represents several wireless telephone providers, said requests for records have skyrocketed in recent years, reaching as many as 4,500 per month at the top five companies. "It's a huge burden," Gidari said.

At Cingular Wireless, spokesman Mark Siegel said the volume has grown so much that the company has set up a 24-hour-a-day processing center.

"We will respond and are helpful to all legitimate requests," Siegel said. "Legitimacy is conferred by a subpoena or court order, or when there's life or limb at stake. The tricky thing here is that we have to, on one hand, be responsive and helpful to law



enforcement and balance that with the need to protect the privacy of customer records."

Some privacy advocates have grown wary about the spread of cell phone evidence into divorce cases and other civil legal matters.

"It's an issue that is really crying out for attention," said David Sobel, general counsel of the non-profit Electronic Privacy Information Center in Washington.

Although Congress looked into ensuring cell phone privacy several years ago, the issue "got short-circuited" by Sept. 11 and a subsequent push for increased electronic eavesdropping on suspected terrorists, Sobel said.

Moylan, the retired detective, opposes curbs on use of cell phone information. "Where it might look simple to say, 'No one should have the right to know who

I'm calling,' that's actually going to cover a whole area of business records involving communications and the Internet."

Meantime, the trend has sparked business opportunities.

For the past year and a half, Paraben Corp. of Pleasant Grove, Utah, has sold specialized data retrieval software kits and training to hundreds of police departments.

"There's such a massive amount of handsets out there that it's difficult for the law enforcement community to keep up," said Amber Schroader, Paraben's chief executive officer. "Each one will communicate ever so slightly differently. We release new versions of our software almost every month, which is almost unheard of."

■ ■ ■

## Hacker attacks in US linked to Chinese military: researchers

WASHINGTON (AFP) - A systematic effort by hackers to penetrate US government and industry computer networks stems most likely from the Chinese military, the head of a leading security institute said.

The attacks have been traced to the Chinese province of Guangdong, and the techniques used make it appear unlikely to come from any other source than the military, said Alan Paller, the director of the SANS Institute, an education and research organization focusing on cybersecurity.

"These attacks come from someone with intense discipline. No other organization could do this if they were not a military organization," Paller said in a conference call to announce a new cybersecurity education program.

In the attacks, Paller said, the perpetrators "were in and out ... and left no fingerprints ... in less than 30 minutes. How can this be done by anyone other than a military organization?"

Paller said that despite what appears to be a systematic effort to target government agencies and defense contractors, defenses have remained weak in many areas.

"We know about major penetrations of defense contractors," he said.

Security among private-sector Pentagon contractors may not be as robust, said Paller, because "they are less willing to make it hard for mobile people to get their work done."

Paller said the US government strategy appears to be to downplay the

attacks.

"We have a problem that our computer networks have been terribly and deeply penetrated throughout the United States ... and we've been keeping it secret," he said.

"The people who benefit from keeping it secret are the attackers."

Although Paller said the hackers probably have not obtained classified documents from the Pentagon, which uses a more secure network, it is possible they stole "extremely sensitive" information.

He said it has been documented that US military flight planning software from its Redstone Arsenal was stolen.

Pentagon officials confirmed earlier this year that US Defense Department websites are probed hundreds of times a day by hackers, but maintained that no classified site is known to have been penetrated by hackers.

The US military has code-named the recent hacker effort "Titan Rain" and has made some strides in counter-hacking to identify the attackers, Paller said. This was first reported by Time magazine.

Paller said a series of attacks on British computer networks reported earlier this year may have similar goals, but seems to use different techniques.

In the United States, he said there are some areas of improvement such as the case of the Air Force, which has been insisting on better security from its IT vendors. But he argued that "the fundamental error is that America's security strategy relies on writing reports rather than hardening systems." ■



## Articles and Opinions

To the Editor letters for publication are encouraged – they must be typed, a maximum of 1,000 words or less in length. Please submit photographs or artwork. Contact Editor for permission to submit in-depth articles up to 1,750 words, plus graphics. Opposition opinions are welcome.

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

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# Letters to the Editor

## Coddling Commissioners?

To the Editor:

I see from reading your last edition that you are supporting the current Josephine County Board of Commissioners. Your reporter John Taft states that Daily Courier reporter Shaun Hall is “allowing Sheriff Daniel and Sgt. Stephen Clarke to pound on the County Commissioners whose hands are tied behind their backs.” I hardly think this fair play as Mr. Taft has done plenty of pounding himself on many issues without the need for third party involvement. I don’t necessarily support the commissioners from what I’ve read so far. The jury is still out on the subject;

While I love reading the Observer for information and news that other media won’t touch I can’t understand why you would lighten up on public officials. They all become corrupt at some point after being elected and I think it best to not coddle them at all.

Don’t take me wrong. I agree with you 99% of the time, I just have got used to you exposing these devils and your public dissemination of the truth. Please get back to hammering and leave the coddling to the Grants Pass Daily Courier and other papers like it.

Thank You

Gary Whitmore  
Medford, Oregon

*Editor’s Note: Gary – We don’t coddle anyone and when a public official has some good coming we gladly give it to them. Our commissioners are attempting to prepare for the devastation that will come from the probable loss of our O&C funds. Two of them have made some huge mistakes, so I guess the jury is out with us as well. Keep reading the Observer and please realize that we are here to promote good government and therefore should reward the good with good press. P.S. They aren’t all devils!*

## Drunk Driving in Medford, Oregon

Dear Editor:

Thanks for the Citizen Review Board article on the Medford Police Department.

Curt Chancler hit the nail right on the head with this one. We had a bad run-in with a couple very rude and unprofessional officers recently. We went to a party with another couple and we all had a few drinks this fall, except for their daughter who was acting as our designated driver. We were leaving a

pretty much public party and I believe the police were just waiting for people to leave so they could pull them over.

They pulled her over on Barnett Rd. and gave her a field sobriety test, after which they arrested her for drunk driving. We told them she hadn’t had anything to drink and the only response was an angry, “shut-up.”

After she received further testing she was released without any charges, however it ruined everyone’s evening. The cops were rude and they were wrong, not to even mention the money they cost us that night.

Curt Chancler is right!! We need a Citizen Review Board.

Cathy Bennette  
Ashland, Oregon

## Thank You, Thank You

To the Editor:

We have been following your articles on the corrupt Club 71 meat market and we appreciate your courage when you expose these scum.

Southern Oregon doesn’t need strip bars and we sure don’t need a Supreme Court that condones them as well as live sex acts.

Oregon’s courts are becoming a laughing stock and many of us are actually embarrassed over them. They judge what is constitutional and what is not when most of them have no morals or character. This is seen in the perverse rulings they make.

We have enclosed subscriptions for two friends and plan to do the same each month.

Please—keep up the excellent work all of you do at the US~Observer.

Bill and Carol Price  
Josephine County

## Doggone Discrimination

To The Editor:

In September, I spent four days in a motel in your fair city of Grants Pass, Or. During that time I called ALL the Property Management places in your fair city. I also answered ads in the local newspapers.

NOT ONE PERSON WOULD RENT ME ADUPLEX OR A SMALL HOUSE BECAUSE I HAVE TWO SMALL OLDDOGS.

I ALSO HAVE FOUR GOOD REFERENCES, BUT THAT WAS NOT TAKEN INTO CONSIDERATION.

I have traveled quite extensively since

I retired with my small dogs and I have NEVER come across discrimination against dogs like I did in the city of Grants Pass, OR.

I had hoped to live close to my daughter and family who live in Coos Bay, Or.

Sincerely,  
Irene Shields

## Dam It

Editor:

President Bush pleaded for lessor important projects like Savage Rapids Dam to be pulled (30 million dollars plus) to help New Orleans, all of Louisiana, Texas and Mississippi, coastal communities devastated by three hurricanes. Thirteen thousand five hundred local signers knew Savage Rapids Dam was not a fish killer like Senators Wyden and Smith have stated time and again. National Marine Fisheries have concluded (in a press release) that Columbia River dams do not jeopardize, threaten, or endanger runs of salmon. Doesn't this eliminate the removal of the dams as an option in salmon recovery or discrimination against the clean hydro small dams?

We the people, must ask in writing, E-mail or by calling Congressman Greg Walden (541-776-4646) to speak for us to President Bush. We, as Americans, have God given duties to help other Americans. Our present brilliant leadership (in my opinion) has wasted millions of fire killed trees in the Biscuit fire while nit-picking about this and that. The same goes with Savage Rapids Dam and Elk Creek dams in the middle of a drought and a looming energy gridlock crisis. Please don't follow their leadership, protest like the enviro's.

Endangered Species Act, fish and owls are more important than suffering Americans to politicians, VOTE THEM OUT!

Lyle Woodcock  
Josephine County

## \$400 a Day for a County Treasurer

Editor:

I am appalled that Josephine County Treasurer John Harelson is making \$400.00 per day as reported in the Observer. I haven’t stopped thinking about the issue since reading the article a couple weeks ago.

What are our commissioners doing about this? What are they doing about

*Continued on page 17*

DIAMOND



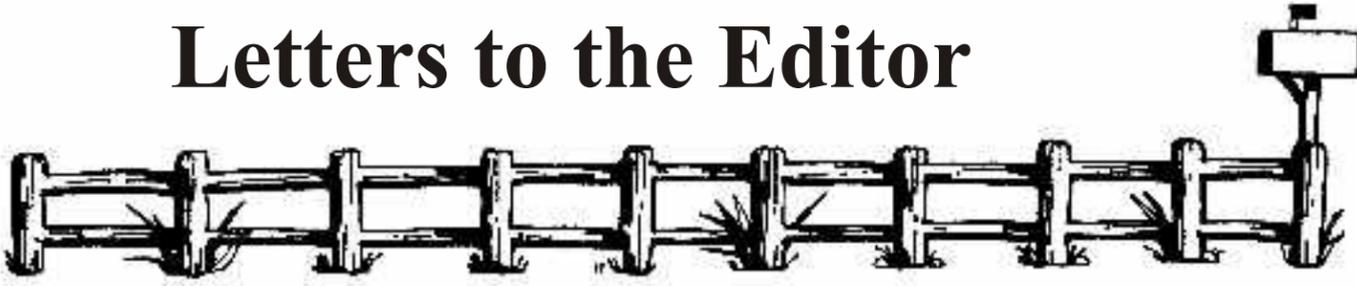
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# Letters to the Editor



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the other officials who are being paid like they were Kings and Queens? I for one am sick of hearing about all the problems over money shortages in Josephine County. In light of the wages and perks being paid I must assume that no one is really doing anything to remedy anything.

Voters need to start acting on the big issues and it seems that the Observer is the only paper here that is willing to take on such issues. What can we do to stop giving the farm away to the few who act like they are running things when they are really just running things into the ground.

I for one am willing to take action. I am tired of useless rhetoric. Do our commissioners plan to correct the absurdities or don't they.

**Jeri Hart  
Josephine County**

## The Great Farce

To the Editor;

I was a somewhat disinterested bystander nearly 40 years of age, but I do remember the temper of the times around 1965. The well established city businesses were losing trade to new suburbs, largely formed without zoning regulations. Street cars that had been used to keep business down-town were being scrapped. Not to just wither away, the prominent city businesses expanded to the suburbs.

The United States Congress didn't have a remedy, but they thought they did. That was to zone the entire nation and put a lid on development, rather than allow natural market forces to determine development. The attempt to find a constitutional means took considerable energy. If only there had been a precedent. Zoning in municipalities

wasn't a precedent, because persons entering municipalities yielded some of their property rights to that municipality upon entering. A municipality normally owns all rights to regulation, including rights of eminent domain. But, to zone outlying areas wasn't a trade, so it was an outright seizure; obviously unconstitutional unless "just compensation" had been paid. But, States have the responsibility for the safety of business ingress and egress on the property. To expand definitions arbitrarily would have been unconstitutional (which may have been done, although I am uncertain). But, the Congress had "discovered" a precedent for such zoning (a "taking") without "just compensation". The unlikelihood that there could have been such a thing made it look like an "invention" by Congress. The normal likelihood of such a precedent is so unheard of and remote, it is very likely that more than 99% of those effected had never heard of such a precedent. If that isn't a FARCE, what could be? It certainly isn't INTEGRITY. (DID THEY MAKE IT SO JUST BY PRETENDING IT WAS?) It seems that "making it Constitutional" should be more complicated than that.

**Charles McManama  
Estacada, Oregon**

## Alzheimer Claud

Editor;

I have never spoken with you. I am in California. Claud's client is my brother, who is a federal fugitive, living in Argentina. Claud represented my brother on a case 3 years ago. My brother fled the country and left a lot of his belongings to me, which were stolen in a robbery. Now I am being sued for more than 600,000 for this junk. My husband is also named in the suit (he's a

dentist and has his own successful practice, which means dollar signs to Claud and my brother).

My brother and Claud go way back. They have sued many, many people together. The whole matter is disgusting. No other attorney would touch this bogus case.

Any signs of Alzheimer's? I have never met Claud in person. I keep checking the obits to see if he's gone yet. No such luck.

I'll check for updates on your website. Thanks!

**Kelly  
California**

## A Message From OFFPAC

Dear Friend of Gun Rights,

The upcoming election season will determine who will be making laws for gun owners in Oregon, and there is still time for you to make your voice heard at no cost.

As you may know, contributions to political action committees qualify for an actual tax credit. That means that you can contribute up to \$100.00 and take that amount off any taxes you'll owe the State of Oregon for 2005.

That's quite a deal. But you have to act before the end of the year and that time is fast approaching.

If you have not already made a donation to OFFPAC, would you consider doing so now, while you can still take advantage of the credit for this year?

We hope so, because your donation to OFFPAC will help us elect ethical men and women to office, and expose those who will attack your gun rights.

For complete information on taking advantage of the Oregon political tax credit, and convenient and secure on-line donations, please use this link: <http://oregonfirearms.org/offpac/index.html>

Thank you for your support for gun owner's rights in Oregon, and best wishes for a joyous Christmas season from OFFPAC.

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# News With Views.com

WHERE REALITY SHATTERS ILLUSION

## Children in Katrina zone have hard questions for Santa

By Emily Kaiser

**CHICAGO (Reuters)** - John Vollenweider -- aka Santa Claus -- is used to kids asking him for stuffed animals or remote control cars, but after Hurricane Katrina ripped apart New Orleans, the questions got much tougher.

"How will Santa find me? I'm not in my house any more," one child said.

"There's no fireplace in the trailer where we live. How will you get in?" another asked.

"Can Santa make sure no more hurricanes get here?"

Vollenweider, who has played Santa for about 10 years and currently works at Lakeside Shopping Center in Metairie, Louisiana, answers as best he can.

"I tell them, 'Santa is magic. He'll find you wherever you are. He won't forget you,'" Vollenweider said, taking a break from listening to children's Christmas wishes on Monday.

To children who asked him to prevent future hurricanes, he said: "Santa will do his best, but some things even Santa can't control."

Lakeside Shopping Center, on the south shore of Lake Pontchartrain, was damaged when Katrina ravaged New Orleans in late August, but it reopened to huge crowds on October 28.

While Santas in other parts of the country marveled over sometimes extravagant requests -- like kids as young as 6 asking for laptop computers -- those in the hurricane zone were struck by the children's poignant appeals: a house for their parents, or all their old toys back.

"Santa has been very good and explains that he may not be able to get them all back," said Anne Mialaret, marketing director for The Esplanade mall in Kenner, Louisiana, about 15 miles from downtown New Orleans.

That shopping center was also badly damaged when Hurricane Katrina ripped off sections of the roof. It reopened on October 28 -- except for Federated Department Stores Inc.'s Macy's store, which suffered such severe damage that it probably won't reopen until next year.

Mills Corp., which operates Esplanade along with many other malls across the country, said the top Santa requests in the hurricane-ravaged region included beds and pillows. Elsewhere in the United States, the wishes were more along the lines of Barbie dolls or trips to Disney World.

Both Lakeside and Esplanade reported brisk customer traffic when they reopened, as people searched for some degree of normalcy after Katrina's



devastation.

Indeed, retailers across the region -- at least those that were able to repair their stores -- have reported strong demand as New Orleans rebuilds.

Wal-Mart Stores Inc., the world's biggest retailer, has listed the U.S. South among its top sales regions in recent weeks. Vice Chairman John Menzer

visited Wal-Mart's New Orleans-area stores last week and said customers were focusing first on replacing their wardrobes, and then on toys.

"People certainly are starting with apparel, but toys are very strong as many people lost everything," he said in a recent interview. "They're starting back with the basics, with their favorite toys."



**From all of us here  
with the US~Observer,  
to you and yours ...**

**Merry**



**CHRISTmas!**

**Continued from page 2  
Idaho Man Finally Sees ...**

Someday soon immunity might just be the much warranted downfall of a justice system run-amuck in America. Butler, however, did settle with one offender for a sum far smaller than what was expended in standing up against his false prosecution.

Of those who falsely targeted Butler several, along with Shaw, have been exposed to have been corrupt, including Mayor Jay Heusser who has been charged with felony fraud and stands with Shaw in a civil rights lawsuit in regard to an illegal search performed on the home of one of Shaw's own confidential informants. **(Please read "Web of Preston power abuse claimed" on page 13 of this edition)**

Hearing of Shaw's conviction Butler simply said, "I wasn't surprised ... A lot of injustices were done and not just to me ... It's about time."

Butler equates much of his cases

success to the help provided him by the Observer and he remains a staunch supporter of their cause.

*Editor's Note: After defeating his false criminal charges, Neil Butler decided he couldn't live in the Preston area any longer due to the entrenched corruption. Butler moved his major trailer manufacturing plant across the State of Idaho to Orofino where he now produces his trailers. In a recent conversation with Butler he informed us that he still believes in holding government accountable and plans to continue his involvement with local government in Orofino when he witnesses public officials lying or involved in acts of corruption. The US~Observer is a better paper today because of men like Neil Butler and the opportunity we had 8 years ago in helping vindicate this dedicated and responsible American.*

■■■

## Nevada high court ruling favors convicted slayer

CARSON CITY, Nev. (AP) - A Las Vegas judge who rejected six petitions from Desmond Fleming, sentenced to life in prison for the fatal stabbing of his girlfriend, was ordered Friday by the Nevada Supreme Court to conduct a proper review of Fleming's claims.

The high court ordered Clark County District Judge Jackie Glass to review the claims and issue written rulings supported by "specific findings of fact and conclusions of law."

Justices added that court records indicate that none of the claims in Fleming's petitions has "ever been adequately reviewed and resolved by the district court."

No written orders were issued by Glass when she denied five petitions filed between March and September 2004. Last April, the judge issued a written

denial of the sixth petition but that order lacked specific findings, the high court said.

Fleming was found guilty in January 2001 of stabbing Priscilla Garvin to death at their home in February 2000, and was sentenced to life in prison with possible parole after 20 years.

During his trial, Fleming claimed that Garvin attacked him and that the stabbing was the result of a "rash and impulsive act." He also claimed the two had started arguing because he thought Garvin had struck their 1-year-old child in the face.

Fleming also was convicted of one count of perjury, and Glass sentenced him to 19 to 48 months in prison to run concurrently with the life sentence she gave him for the murder.

■■■

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# Immigration

## Why Bush's border scheme won't work

By Clarence Page  
Chicago Tribune

On the day before President Bush launched his new border security/guest worker proposal, he was almost upstaged by a timely and telling U.S. Border Patrol complaint: The labels on the agents uniforms read, "Made in Mexico."

It's "embarrassing" to wear a uniform made in Mexico while protecting the country's border with Mexico," T.J. Bonner, president of the National Border Patrol Council, the border cops' 6,500-member union, told the Associated Press.

Outsourced government uniforms also symbolize the real world with which President Bush must reckon. Borders, artifacts of the political world, crumble these days before the relentless pressures of the money world. The President, a businessman who happens to occupy the world's most powerful political office, has come up with an immigration plan that tries to satisfy both worlds - and fails.

For one thing, his plan is not new. It's the same temporary guest worker proposal he unveiled in January 2004 at the beginning of his second term. It has only been repackaged with more emphasis on border security, much less on the guest worker plan, which sounds

to many in Bush's own conservative base like another amnesty, similar to others passed since the 1980s. To critics, amnesties only reward lawbreakers.

His 2004 speech was headlined on the White House Web site as, "President Bush Proposes New Temporary Worker Program." His new push, launched earlier this week (Monday, Nov. 28) was headlined, "President Discusses Border Security and Immigration Reform in Arizona." Temporary workers? He didn't discuss them until the final quarter of his speech.

But, he's not flip-flopping. He's merely trying to calm the rising political storm that he helped to generate. Over the past year or so, the issue has erupted in an anti-immigrant backlash highlighted by a Minuteman Movement of volunteer civilian border patrollers.

The issue tells us a lot about Bush. Immigration has been one of his signature issues, although from a decidedly pro-business point of view. Since his days as Texas governor, he has seen win-win benefits in immigration policies that would supply employers with cheap immigrant labor and lure immigrant voters, particularly Hispanics, to the Republican Party.

But these days, immigration divides his conservative base more deeply than any issue since Harriet Miers' doomed Supreme Court nomination. His border-

security/guest-worker scheme could easily meet that same unhappy end. Some of his most outspoken fellow conservatives are calling for a range of anti-immigrant measures. Some proposals are as radical as a wall along the entire 2,000-mile Mexican border, using military forces to patrol the border and creating a volunteer marshal program to help patrols.

One bill sponsored by Rep. Nathan Deal (R-Ga.) would go so far as to end this nation's time-honored practice of granting automatic citizenship to children born here of undocumented immigrants. Deal's suggestion is sad, unnecessary and, I am confident, far outside the mainstream of how fair-minded Americans really feel about immigration. For example, a Fox News/Opinion Dynamics survey in April found that 67 per cent of respondents favored using the military to guard the Mexican border, but sixty-two percent favored allowing undocumented immigrants now working in the United States to apply for legal, temporary worker status.

That's what Bush wants and he cautions that his plan is not another "amnesty." But, on closer examination, one wonders: If Bush's guest-worker plan is not an amnesty, what is? His program would allow immigrants now illegally in the U.S. to obtain legal status

for three years, with the possibility of another three-year extension if they have a job and their employer vouches for them. The workers would be required to go home after their time is up, but the president has been vague about what is to be done about those who decide they don't want to go home.

What's missing from his proposal is a serious crackdown on the biggest magnet that draws illegal immigrants: jobs. Employers love cheap labor. So do consumers, as long as it leads to cheaper prices and does not compete directly for their own jobs. Bush shows no desire to get in the way of that cozy relationship.

We don't need tougher penalties for employers who knowingly hire illegals; we only need to enforce the tough penalties that already have been legislated. Instead, employer sanctions have been so poorly enforced that actual prosecutions of employers have plummeted in recent decades. When the law lacks teeth, it is ignored.

The result has been a make-believe immigration policy: The president pretends that undocumented workers will police themselves and the rest of us pretend to believe him.

We need something more sensible than that. America thrives on immigration. It is part of our national character. But we also need some semblance of order - and fairness! ■■

## Study: Illegal Immigrants Not Drawn by Jobs

By Darryl Fears  
Washington Post Staff Writer

A majority of Mexican nationals who crossed into the United States illegally in the past two years left behind paying jobs that, in some cases, are similar to the agriculture, construction and manufacturing work they find north of the border, according to a study of Mexican immigrants released yesterday by the Pew Hispanic Center.

The study seemed to explode widely held beliefs that Mexicans risk deadly trips across the Rio Grande and through broiling Arizona and New Mexico deserts solely to find work. But the Pew Center's director, Roberto Suro, said he could not say that definitively.

"There's one very clear finding and that's that unemployment per se is not a very large factor in determining whether people migrate or not," Suro said. "This is not a flow of people without jobs. Unemployment is not pushing people out..."

More often, he said, the decision to migrate involve a variety of reasons, such as "improvement of earnings" in Mexico, even though immigrants earn very low wages in the United States.

The study's author, Rakesh Kochhar, associate director of research for the center, said that, based on estimates, undocumented Mexican immigrants earn about twice as much in construction, manufacturing and hospitality jobs as they did working south of the border.

Other factors that contributed to Mexican migration include rejoining families and improved working conditions, Suro and Kochhar said.

The Pew Center study comes as Congress prepares to debate a number of immigration bills meant to check what appears at times to be an unimpeded flow of illegal border crossings. President Bush urged Congress to create

a temporary guest worker program for immigrants, but many lawmakers are reluctant to do so without asking immigrants already in the country illegally to return home immediately or slowly over time.

The study, "The Economic Transition to America," is part of a series of reports culled from a survey of more than 4,000 Mexican nationals at consulate offices in Los Angeles, New York, Chicago, Atlanta, Dallas and Fresno, Calif., between July 2004 and January 2005.

Thirty-two percent of men questioned said they worked in agriculture in Mexico, followed by 15 percent who were employed by manufacturers and 13 percent in commerce and sales. Women -- 19 percent -- mostly worked in commerce and sales, followed by manufacturing and domestic service.

After arriving in the United States, 82 percent of the illegal immigrants lived with relatives. "The strong family ties, and the social network they comprise, are clearly important to the economic assimilation of respondents," the study stated.

Unemployment is a fact of life in the transition from Mexico. A high percentage, 38, said they were unemployed for at least a month in the previous year. Women in particular, 48 percent, had trouble finding work, and 40 percent of people without a high-school education were jobless for a significant period.

Forty-five percent eventually found jobs by "talking with people" in the United States, the study said. Others visited job sites, talked to people in Mexico or consulted want ads in U.S. newspapers.

About half of illegal immigrants entered the same industries that employ most workers in Mexico. An additional 17 percent took jobs in the hospitality industry, according to the study. ■■

## Powerful Republican proposes tough immigrant bill

By Alan Elsner

WASHINGTON (Reuters) - The powerful chairman of the House of Representatives Judiciary Committee put forward a tough bill on Tuesday designed to curb illegal immigration, punish those who employ illegal aliens and give the government more powers to detain and deport them.

Wisconsin Representative James Sensenbrenner's bill was the latest to tackle the issue of the estimated 10-12 million illegal foreigners in the United States. Unlike the others, his contained no provisions for a guest worker program or measures that might help these people legalize their status.

"It's my hope this legislative effort will not only help regain control of our borders and prevent illegal immigration, but will also help strengthen and promote our compassionate and welcoming legal immigration system," Sensenbrenner said in a statement.

"Everyone recognizes our current immigration system is broken, plagued by insufficient immigration enforcement and border security resources, and a wholesale disregard for our immigration laws."

President George W. Bush has identified immigration reform as one of his major goals for next year. He spent part of last week visiting towns along the Mexican border pushing his plan for tougher enforcement combined with a guest worker program to match legal immigrants with employers.

"The American people should not have to choose between a welcoming society and a lawful society," Bush said in Tucson, Arizona. "We can have both at

the same time."

Nobody knows exactly how many people are in the United States illegally. The 2000 Census estimated the number at 8.7 million and said it was growing by half a million a year. Others put the number much higher. But the fact that hundreds of thousands of people continue to cross the Mexican border each year is fast becoming a major political and security issue.

Sensenbrenner's bill would vastly expand an employer verification system designed to weed illegal immigrants out of the workforce. It would also increase civil and criminal penalties for knowingly hiring or employing an illegal worker.

Another provision would declare street gang members from foreign countries inadmissible and subject to deportation. It would authorize the attorney general to designate groups or associations as criminal gangs if they met certain criteria.

Other clauses would enhance the Department of Homeland Security's powers to detain aliens considered dangerous indefinitely, with review of their detention to take place every six months, and even make drunken driving by illegal immigrants grounds for deportation after the third offense.

"This is a half-hearted and half-baked solution to the problem of illegal immigration," said Angela Kelley of the National Immigration Forum, a pro-immigrant group.

"All of the Senate bills have advocated sound reform but this is just a Christmas package of all the tough measures that have been kicking around in the past," she said. ■■



# Immigration Hits Five-Year High

By Stephen Ohlemacher  
Associated Press Writer

WASHINGTON - Immigration — both legal and illegal — continues to boom as Congress grapples with how to better control America's borders.

A new report by the Center for Immigration Studies found that 7.9 million people moved to the United States in the past five years, the highest five-year period of immigration on record.

The report, released Monday, comes as the House prepares to take up a bill to curb illegal immigration by boosting border security and requiring workplace enforcement of immigration laws.

There are 35.2 million foreign-born people living in the United States, according to the report, which is based on the Census Bureau's Current Population Survey from March. The report said an estimated 9 million to 13 million are here illegally.

"The 35.2 million immigrants living in the country in March 2005 is the highest number ever recorded — two-and-a-half times the 13.5 million during the peak of the last great immigration wave in 1910," said the report by Steven Camarota, director of research for the Center for Immigration Studies, which advocates tougher policies on illegal immigration and favors attracting immigrants with needed job skills.

About 12.1 percent of the current U.S. population was born in another country, the highest percentage since 1920, according to Census figures.

The report's estimate of the overall number of immigrants living in the United States is consistent with other analyses. But experts warn that it is difficult to accurately measure the number of people entering the country each year.

A recent study by the Pew Hispanic Center found that immigration levels peaked around 2000, then dipped in 2002 and 2003. Nevertheless, Jeffrey Passel, a research associate at the Pew Hispanic Center, said immigration levels remained high, compared with historic levels.

Audrey Singer, an immigration fellow at the Brookings Institution, said, "There's no doubt that we are at a high in immigration to the United States." Singer said immigrants are attracted by economic opportunities and social ties to people already living in the United States.

"Look at places where people come from, these are places with very limited economic opportunities," Singer said.

Mexico is the largest supplier of immigrants to the United States, followed by East Asia, Europe, the Caribbean, Central America and South America, according to the report.

A divided House Judiciary Committee

approved a bill last week that would enlist military support in border surveillance and set new mandatory minimum sentences on smugglers and people convicted of re-entry after removal. Illegal presence in the country, now a civil offense, would become a federal crime.

The full House is expected to take up the measure this week, before it adjourns for the year.

President Bush has proposed a guest worker program that could allow illegal immigrants to stay in the country temporarily to fill jobs unwanted by Americans.

The guest worker provision is not part of the House bill.

Activists have been arguing for years that America needs to better secure its borders against illegal immigrants, while others argue that the American economy would collapse without the cheap labor provided by undocumented workers.

The Center for Immigration Studies report says that immigrants, on average, are less educated and more likely to live in poverty than people born in the United States.

The Pew Hispanic Center, however, says that education levels are improving among recent immigrants.

Camarota said the U.S. should work harder to expel people who are in the United States illegally.

"The obvious thing is to enforce the law, at the border and at the work site, and to deny access to bank accounts and driver licenses," Camarota said.

But Angela Kelley, deputy director of the National Immigration Forum, said it would be impossible to deport as many as 11 million illegally immigrants, who make up about 5 percent of the U.S. work force.

"There isn't fairy dust that is going to make the 11 million people go away," Kelley said. "It would be far more sensible to have them come out into the light of day ... and give them a chance to join the American family on a permanent basis."

■ ■ ■

## Judge Clears Way for Border Fence

By ELLIOT SPAGAT  
Associated Press Writer

SAN DIEGO - A federal judge on Monday lifted the final legal barrier to completing a border fence meant to thwart illegal immigrants in the southwestern corner of the U.S.

The project comprises 14 miles of additional fencing in San Diego. In September, Homeland Security Secretary Michael Chertoff waived all laws and legal challenges to building the final 3 1/2-mile leg through coastal wetlands to the Pacific Ocean.

The Sierra Club and other environmental groups had argued that Chertoff lacked the authority to do what he did.

But U.S. District Judge Larry Burns said Congress delegated such authority to Chertoff in June. He noted that the executive branch already had significant jurisdiction over national security and immigration.

Cory Briggs, an attorney representing the environmental groups, said he was undecided whether to appeal.

Litigation has stalled the project since it was approved by Congress in 1996.

In a lawsuit in 2004, the Sierra Club said the project threatened the Tijuana River estuary, home to more than 370 migratory and native birds, six of them endangered.

The proposal calls for adding two fences to an existing barrier made of Navy landing mats. A maintenance road would be built between the primary and secondary fences, along with lights, sensors and cameras.

The 2006 Homeland Security budget includes \$35 million to cover most of the work.

The final leg of the fence would cross steep, rugged canyons including "Smuggler's Gulch," a maze of trails once overrun by illegal border crossers. The federal government launched a crackdown in the area in 1994, forcing migrants to cross in more remote areas.

■ ■ ■



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Continued from page 11  
Pusillanimous Senate ...

Court, even though the Ten Commandments are on display over the front entrance and carved on the doors of the the U.S. Supreme Court and on display inside the Library of Congress.

Oh, by the way, just an interesting note here: This lawsuit filed on behalf of the American Atheists lists the attorney for their camp as Utah Legal Clinic, Brian M. Barnard, attorney at law. If you do some research on Brian M. Barnard of the Utah Legal Clinic - surprise, surprise! - Barnard is a cooperating attorney for the ACLU in Utah.

Another ruling by a federal judge that has received no media attention is the latest one in the Bill Benson case I covered in my column, "Checkmate," a few weeks ago. This very important First Amendment case has taken another twist by a compromised federal judge. Benson's attorney filed a brief that backed the U.S. attorneys into a hole so deep, they should have disappeared. Instead of finding in favor of Benson, federal magistrate Judge Keys simply ignored a prevailing Seventh Circuit ruling in favor of the hand that feeds him.

Benson's legal team has filed their latest brief in opposition to this latest

travesty. So far, not one single conservative radio talk-show host, cable show or mainstream media has covered one minute of this critical case. Judge Keys should be removed from the bench, but he knows that won't happen.

Every day we hear from conservative leaders in Congress, talk radio, cable shows and on conservative websites all about how the ACLU — backed up by federal judges — is running amok over the First Amendment and its massive effort to erase Christ from America. There is and always has been a remedy that the Republican-controlled Congress (since January 1995) have refused to execute: Abolish the unconstitutional Civil Rights Attorney's Fees Awards Act of 1976. All this talk, but never any action to permanently fix the problem.

This issue is monumental in this country because these out-of-control federal judges are ruining people's lives, e.g., the Kelo decision. Right now there is a huge battle going on down in Rivera Beach, Florida. We all knew this was coming because of the Kelo abomination by the U.S. Supreme Court and it's spreading like wildfire. City officials of this predominantly, poor town where a large percentage of the residents are black Americans, have

begun the process to kick them out of their homes - approximately 6,000 of our fellow Americans - in order to build a billion-dollar yachting and housing complex.

I have watched the interviews on the tube with the mayor who has taken the position that without new tax revenues the town will die. The people who live in this waterfront community - some for 30, 40 years in their little homes- they don't want to be forced out and are determined to fight a battle that never should be taking place. The Kelo decision flies in the face of the most important tenets of our republic: the right to be secure in our homes and not have them snatched out from under us without a very compelling need by the state. Remember: the first plank of the communist manifesto is the abolition of property in land and the application of all rents of land to public purposes. I say boot these U.S. Supreme Court justices who voted for communism.

Instead of getting tough with federal judges who ignore the Constitution and are legislating from the bench, what do these jokers in the U.S. Senate spend their time doing? Last week, the Herald Tribune and other media outlets carried this earth-shattering story: "U.S. Sens. Jon Corzine and Frank Lautenberg, both

Democrats, recently proposed that the Senate recognize the release of the album that catapulted their fellow New Jerseyite, Springsteen, into stardom three decades ago. The GOP leadership in the Senate didn't give the resolution a hearing."

The U.S. Senate will waste time on bickering over a resolution to honor some rock singer, but they sit back and allow these federal judges — including U.S. Supreme Court justices — to continue destroying the rights of Americans and stomping on states' rights with their unconstitutional and convoluted decisions. Thirty-three U.S. Senate seats are unlawfully up for re-election in 2006. If the voters once again reward these ineffective slackers by voting them back into office, the destruction of everything we hold dear will continue at hyper speed.

■ ■ ■

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# Health

## Moderate Drinking May Lower Obesity Risk

By Steven Reinberg  
HealthDay Reporter

**MONDAY (HealthDay News)** -- The benefits of light to moderate drinking when it comes to heart disease have been touted for years, but new research suggests it may also help you stay svelte.

Regular drinkers who consume one or two drinks a few times a week are less likely to be obese compared with people who do not drink. However, having four or more drinks per day increases the risk of being obese by 46 percent, researchers report.

The report appears in the Dec. 4 online issue of BMC Public Health.

"We were surprised to find that people who were moderate drinkers were less likely to be obese," said study co-author Dr. James Rohrer, from the department of family medicine at the Mayo Clinic.

"We don't want to give the wrong impression," Rohrer continued. "We certainly don't want to recommend that nondrinkers become drinkers just to try to control their weight."

However, Rohrer said there is no

reason to be worried about an occasional drink when it comes to gaining weight. "There may well be a protective effect," he said.

In their study, Rohrer and his colleague, Ahmed Arif, from Texas Tech University Health Sciences Center, collected data on 8,236 nonsmokers who participated in the National Health and Nutrition Examination Survey (NHANES) III. These people had also answered questions about their drinking habits and their body mass index was measured.

They found that current drinkers had a 0.73 lower chance of being obese when compared with nondrinkers. People who regularly drank less than five drinks per week were less likely to be obese than nondrinkers and heavy drinkers.

Why drinking is associated with a lower risk of obesity is not known, Rohrer said.

Rohrer thinks drinking should not be

done to excess. "Moderation is the best policy," he said. "Moderate drinking is probably a reasonably healthy behavior. We cannot show any benefits from the complete abstention from alcohol."

One expert thinks the findings have no basis in biology.

"Alcohol is very energy-dense, providing 7 kcal (kilocalories) per gram of ethanol," said Dr. David L. Katz, director of the Prevention Research Center at Yale University School of Medicine. "And its disinhibiting effects can induce greater consumption of calories from other sources."

Katz thinks the link between alcohol and weight loss is likely due to other healthy behaviors. "Many health-conscious people have a daily drink because of the widely touted health benefits; it may be a constellation of behaviors in such people that lead to weight control."

In addition, overweight people stop drinking as a way of cutting calories,



Katz said. "This would produce the appearance of a weight-control benefit from moderate drinking, but it would be illusory," he suggested.

"The bottom line is that alcohol should not be invoked as a weight-loss aid," Katz said. "Rather, moderate alcohol intake as part of an overall pattern of health-promoting behaviors is likely to be associated with weight control." ■■

## U.S. Urges States to Prepare for Bird Flu

By Ricardo Alonso-Zaldívar  
Times Staff Writer

**WASHINGTON** — Health and Human Services Secretary Mike Leavitt urged each state on Monday to prepare for the possibility of a deadly bird flu pandemic by holding its own planning summit within the next four months.

During a daylong meeting of about 200 state and federal health and emergency planning officials, Leavitt said it was time to move "from ethereal plans to community action" that would include local policies for distributing lifesaving medicines, closing schools, restricting travel and giving accurate information to the public to head off panic.

Leavitt acknowledged that the feared worldwide contagion might not occur soon, but said it was better to be prepared. He noted that even if no pandemic emerged, the nation would gain by modernizing its vaccine industry, the cornerstone of President Bush's \$7-billion pandemic preparedness plan.

Some state officials at the meeting were skeptical about added costs and shifting priorities. Dr. Susan Allan, Oregon's public health director, cautioned against what she called "the

disease-of-the-month plan."

"I do have a concern about the focus on a single disease, when other diseases may pose an equally severe risk," she said. "I'm afraid that everybody will drop what they're doing on other [health issues] and a lot of good activity will be undercut."

Iowa health director Mary Mincer Hansen criticized a feature of Bush's plan that calls on the states to bear a substantial share of the cost for purchasing antiviral drugs. These medicines are not vaccines, but can help ease severe flu symptoms and, in some cases, prevent infection.

Calling on the states to buy antiviral drugs "is doing a disservice to us," Hansen said. "We need a national stockpile."

Arizona and Minnesota will be the first to hold state summits later this month. California has not scheduled a meeting, a Health and Human Services official said.

Federal officials also distributed, to a mixed reception, a 63-item checklist to guide state health planners. Some welcomed guidelines from Washington, but others said they would prefer to set their own priorities.

Leavitt said mobilizing state and local governments was crucial to the success



of any national plan. Without them, federal health officials can't "put pills in the palms" of patients, he said.

A virulent strain of flu among wild and domestic birds in Asia has recently emerged among birds in Europe, but the H5N1 virus has not developed the ability to pass easily from one human being to another. The Centers for Disease Control and Prevention says the human cases involving that virus — more than 100 since 1997 — have occurred among individuals who were in direct contact with infected birds or contaminated surfaces.

Dr. Julie Gerberding, head of the CDC, told the gathering that it was "probably more likely than not that [the H5N1 virus] won't evolve into a pandemic."

Leavitt said "there is a better than 50% chance" that there will be no pandemic. ■■

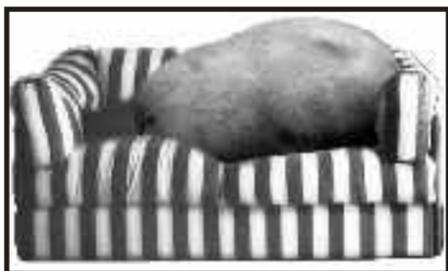
But if it did happen, 90 million Americans could get sick and 209,000 to 1.9 million could die, according to federal estimates. "Society is going to hold us responsible for what we did during this time," Leavitt said.

Despite the administration's sense of urgency, Bush's pandemic plan has run into controversy in Congress. Some fiscal conservatives are insisting that the president's request for emergency funding be paid for with cuts in other programs. Meanwhile, provisions to exempt the vaccine industry from liability in lawsuits are gaining ground, but lawmakers have neglected the issue of a compensation fund for those harmed by vaccines.

HHS officials say they are hoping to get the controversies resolved before Congress breaks for Christmas.

If the H5N1 virus emerges in the U.S., officials said it might be in the West, as migratory bird routes from Asia and North America intersect near Alaska. But John Clifford, a senior Agriculture Department veterinarian, said that wouldn't necessarily be a cause for alarm about human health. Any infected birds and flocks that came into contact with humans would be killed, he told the meeting. ■■

## Many Americans choose couch over treadmill



By Paul Simao

**ATLANTA (Reuters)** - They may be among the world's hardest workers but a new study shows most Americans don't break enough of a sweat when it comes to exercise.

Most U.S. adults failed to exercise at

the minimum recommended level in 2003, according to a federal government study released on Thursday that suggested America's "couch potatoes" are still in recline.

Only 45.9 percent of those aged 18 and over met the U.S. government's recommendation of at least 30 minutes of brisk walking or other moderate exercise five days a week or at least 20 minutes of vigorous exercise three days a week, the Centers for Disease Control and Prevention said in the report.

Running, aerobics and heavy yard work are examples of vigorous activity.

Almost one-fifth of those who responded to the CDC telephone survey

were classified as inactive -- they had not exercised at a moderate or vigorous level for at least 10 minutes per week.

The levels of activity were little changed from those reported in 2001, said the Atlanta-based CDC, which hopes to raise the proportion of adults who engage in regular exercise to at least 50 percent by 2010.

Some health experts worry an indifferent attitude toward physical activity is helping fuel a rise in obesity and related health problems in the United States. About one half of U.S. adults are considered overweight and about one-fifth obese.

Americans work hundreds of hours

more each year than Austrians, Belgians, Danes, Germans, Italians and Norwegians, according to the Organization for Economic Cooperation and Development.

Dr. Sanjeeb Sapkota, a CDC epidemiologist and one of the study's authors, said the data highlighted a lack of knowledge about the importance of physical activity and breaking out of a sedentary lifestyle.

He added that it was important for people to understand the links between physical inactivity and increased risks of heart disease, diabetes and some types of cancer. ■■

## Experts Urge Less Focus on Antioxidants

By J.M. Hirsch  
Associated Press Writer

Tired of trying to keep track of all the so-called superfoods you're supposed to eat? You know, oregano that packs 42 times more antioxidants than apples, cooked tomatoes that may prevent prostate cancer, and chocolate and wine that may or may not be health foods? Then here's the good news — you can stop trying.

Leading researchers say all those breathless headlines, food packaging claims and seemingly contradictory studies about what antioxidants can and can't do have fostered a faulty silver bullet mind-set that can hinder health more than help.

Instead, experts advise focusing on balance, moderation and variety, and leaving the phytochemicals, flavanols and phenolic acids to scientists.

Researcher Jeffrey Blumberg acknowledges that "doesn't seem to be a very sexy message. People would rather be told there is a superfood, a term I hate because in fact there is no such thing."

Foods labeled as antioxidant-rich — everything from bottled tea to bags of frozen berries — have become a \$526 million industry that continues to grow.

Even foods that otherwise have seen sales slump are getting a boost from antioxidant claims, says Phil Lempert, a food industry analyst and editor of SupermarketGuru.com. Sales of blueberry preserves, for example, are up, though overall jam sales are down.

"It's clear that regardless of whether or not people understand what 'rich in antioxidants' means, it is certainly a logo or a stamp that says 'Buy me! I'm going to help you live forever,'" Lempert says.

Maybe. Maybe not. Experts aren't suggesting antioxidants aren't important or that people shouldn't eat foods that contain them. Instead, they're saying not enough is known about how they work to justify focusing one's diet on any particular antioxidant or food.

It's all about quashing free radicals, harmful chemicals produced by the body and found in the environment that damage cells. That damage has been linked to a host of chronic conditions, from heart problems to cancer, even aging.

Diets rich in antioxidants — which are in countless foods — seem to minimize this damage. What's not clear is whether that benefit is due to the antioxidants themselves or to the overall diet and the way the antioxidants and other nutrients in it interact.

The evidence increasingly suggests the latter, says Howard Sesso, a professor of medicine at Brigham and Women's Hospital in Boston. That means eating patterns make a difference, but probably not eating particular foods or taking supplements.

Diets rich in beta carotene, for example, have been found to help prevent heart disease and cancer, but studies of beta carotene supplements alone have been mostly disappointing. And there is little evidence that one antioxidant is better than



another.

Also unknown is whether quantity counts. Manufacturers brag about the amount of antioxidants in their products, but studies have yet to establish that more is better, or whether the body can even absorb the amounts contained in most foods.

Blumberg, a scientist at Tufts University's Friedman School of Nutrition, worries that the hype about antioxidants creates a false sense of security. Eating a daily handful of almonds — believed good for heart health — won't make up for a diet otherwise laden with saturated fat and cholesterol.

So how should people work antioxidants into their diets? Think big picture.

Healthy diets are like healthy investment portfolios — diversified, says John Erdman Jr., a professor of internal medicine at the University of Illinois at Urbana-Champaign. Eating a variety of produce and whole grains ensures the best mix of all nutrients.

There's probably not much harm in eating a lot of blueberries, but that can't be said of all antioxidant-rich foods. The calories in fruit juice and alcohol, for example, add up quickly and obesity negates the benefits of even the healthiest foods.

Even people trying to address specific health problems would do better to eat a broad mix of foods than to tailor their diets around certain ingredients, the experts say.

"When people get prostate cancer, all of the sudden they make all the changes in their diet," Erdman says. "We don't even know if those changes make a difference then. But we know that if people eat that diet before getting cancer, you don't tend to get it."

Consumers also must be critical of companies' health claims about antioxidants, many of which are unregulated and unsupported by science. And studies often are funded by the industries that benefit when products are dubbed superfoods.

Bottom line — eat a balanced diet and don't get hung up on the particulars. ■■■



# Health

## U.S. Life Expectancy Hits All-Time High

By MIKE STOBBE  
Associated Press Writer

ATLANTA - After a century of nearly uninterrupted medical improvements and longer lives, it looks like the baby boomers could screw things up.

A new government study shows deaths from heart disease, cancer and stroke continue to drop, but it also shows that half of Americans ages 55 to 64 — including the oldest of the baby boomers — have high blood pressure, and two in five are obese.

This means that this large group of aging Americans is in worse shape in some respects than those born a decade earlier were when they were the same age.

Medical improvements in coming years might offset these problems before they affect life expectancy, but there are no promises, health officials said.

"The late 50s and early 60s are a crucial time to focus on disease prevention," said Dr. Julie Gerberding, director of the federal Centers for Disease Control and Prevention in Atlanta. "It's never too late to adopt a healthy lifestyle to enjoy a longer, healthier life."

The report presents the latest data collected by the National Center for Health Statistics and dozens of other health agencies and organizations.

Among the findings: Deaths from heart disease, cancer and stroke, the nation's three leading killers, all dropped in 2003. They were down between 2 percent and 5 percent.

Americans' life expectancy also increased again. According to the government's calculations, a child born in 2003 can expect to live 77.6 years on average, up from 77.3 the year before. In 1990, life expectancy was 75.4 years.

U.S. life expectancy has been rising almost without interruption since 1900, thanks to several factors, including extraordinary advances in medicine and sanitation, and declines in some types of unhealthy behavior, such as smoking.

Still, health officials are trying to draw attention to unhealthy behavior, and this

year chose to break out data on people 55 to 64.

The 55-to-64 age group is expected to rise from 29 million Americans in 2004 to 40 million in 2014. That is because of the baby boom, the explosion of births during the prosperous postwar period between 1946 and 1964.

The report looked back at data on people who were in the 55-to-64 bracket around the early 1990s — basically, people born in the 1930s. Researchers compared them to people in that age range today — essentially people born in the 1940s.

"What happens to this group is very important because it's going to affect every other group," said Amy Bernstein of the National Center for Health Statistics, which put out the new report. Among other things, this group will be drawing on Social Security and Medicare, financed by U.S. taxpayers.

The center found that rates of hypertension and obesity were higher for the current group of 55-to-64-year-olds.

When the 1930s group was tested around 1990, 42 percent had high blood pressure. That compares with 50 percent for the 1940s group. The older group's rate of obesity was 31 percent back then, compared with 39 percent for the 1940s babies now. Because of the advent of cholesterol-lowering drugs, the prevalence of high cholesterol actually went down, from 35 percent for the 1930s group to 23 percent among the 1940s babies.

Also noted in the report:

- Infant mortality in 2003 dropped slightly to 6.9 deaths per 1,000 live births. Infant mortality has been on a general decline since 1958.

- Spending on health care rose 7.7 percent in 2003, to \$1.7 trillion. Health expenditures as a percentage of gross domestic product rose to 15.3 percent in 2003, up from 14.9 percent in 2002.

- Prescription drugs were the fastest-growing expenditure. Spending on prescriptions rose 11 percent in 2003.

- Twenty-eight percent of all adults reported recent low back pain. ■■■

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# US~Observer *Demanding Accountability*

## Incompetent Sheriff Daniel Wants to be Commissioner

**Josephine County, Oregon** – Josephine County Sheriff Dave Daniel announced on December 9, 2005, his intention to run against current Commissioner Jim Riddle in the next election. Daniel reportedly charged, “The biggest problem facing the county is lack of leadership.” Daniel continued, “I feel I can provide that.” Given the Sheriff’s track record, nothing could be further from the truth. Realizing that Daniel has done a miserable job running the Sheriff’s Office, does he really think he can fool Josephine County voters for a third time and buffalo them into thinking he can run the entire county?

Recently Daniel announced that he wouldn’t run for a third term because he was tired of politics. Upon hearing of his intention to run for commissioner those of us at the US~Observer began laughing out loud. We are once again hearing empty words from this “double-minded” man and soon we will hear all of Dave’s promises just as we did when he ran for Sheriff ... all of which turned out to be outright lies.

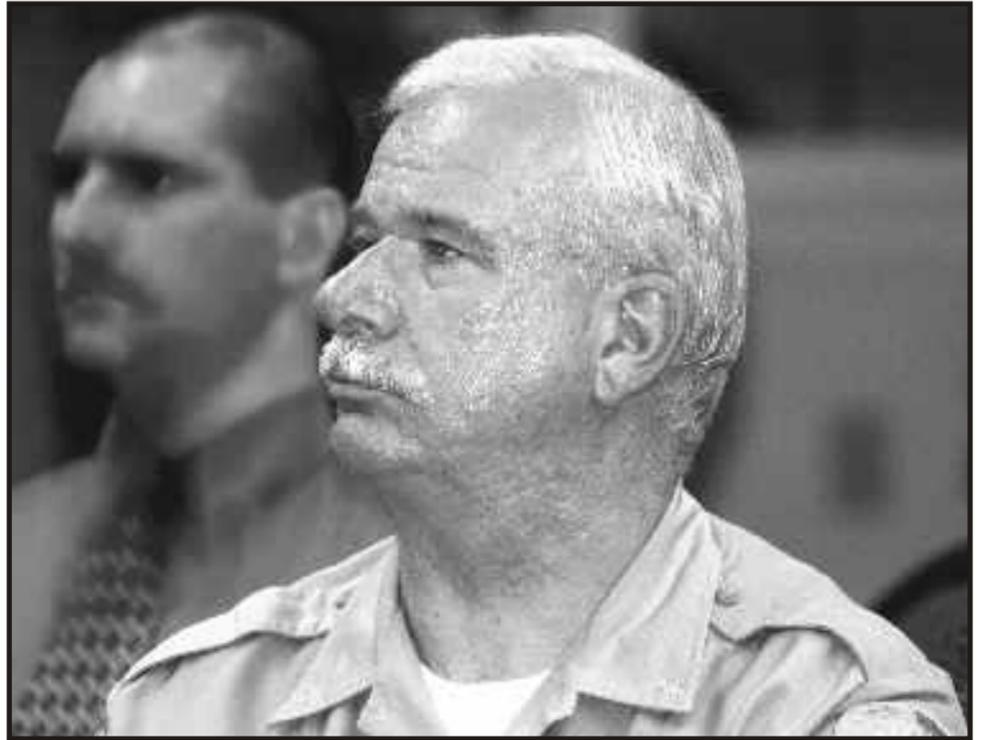
Daniel has factually cost Josephine County taxpayers hundreds of thousands of hard earned tax dollars because of lawsuits filed against him by his own deputies and we are informed that there are more coming ... And now he expects voters to elect him as a commissioner. During his second term as Sheriff his own deputies gave him a vote of no confidence.

The Observer has published many articles regarding Daniel squandering his budget, to his making ridiculous and prejudicial decisions. We won’t rehash all the valid charges against Daniel at this time; however they can be viewed on the web at usobserver.com.

Daniel started his new campaign by telling the Courier, “We need to keep our current employees whole because they will be doing more work with less people.” Good advice from a Sheriff who abused so many of his own employees, fired several of them wrongfully and threatened them publicly that they had better be loyal to him or else.

Closer to election time the Observer will dig up old bones and new ones on Daniel in an effort to assist voters in seeing that this guy is not an administrator and has no business running anything in Josephine County, Oregon. Don’t miss our up-coming editions wherein we will publish everything from Daniel sending deputies to the Olympics for security, to sending 5 officers out at mid-night to arrest an alleged chicken thief ... all while his office was supposedly under financial crises and while he was screaming to the public for more tax dollars.

Citizens need to begin talking and informing others about our incompetent Sheriff and the dire consequences should he become a commissioner here in Josephine County, Oregon. ■■■



Sheriff Dave Daniel now wanting to be known as “the Commish”?

## Un-Employed Woman Loses Home over Code Violations

**Deschutes County, Oregon** – In June of 1986, Delilah Starr moved into a home she had purchased with her children. The home is located 5 miles southwest of Sun River, Oregon and had no indoor plumbing, toilet facilities or electrical wiring. Her toilet facility was a porta-potty and for heat she used a portable wood stove. She carried water from a well located on the property to her home.

On November 21, 1990, Deschutes County Code Enforcement Officer Glyndon Scott issued her six code violation citations. They included, installing a wood burning appliance without a permit, erecting a structure without a permit, unauthorized disposal of solid waste which included car parts and wood products that created a condition of unsightliness, conducting an on-sight sewage disposal without a permit, installation of electrical wiring without a permit and installation of plumbing fixtures without a permit. Each citation carried a maximum \$500.00 fine.

On November 10, 1993, Scott issued Star six more citations for the same offences, calling them “continuing violations.” These new citations carried a maximum fine of \$600.00 each.

On June 29, 1995, code enforcer Dale Trink issued four additional citations, three being for the same violations contained in those previously filed and the fourth for placing a travel trailer on her property without a permit. These new citations carried a maximum fine of \$1,000.00 each.

The used cars “solid waste” Starr was charged with were cars she used for spare parts. The wood products “solid waste” citation was for wood she used during the winter to heat her home with.

Deschutes County ran the fines up to \$111, 815.00 on this unemployed mother and then ran her through “legal” proceedings where her statements that her home had no electrical wiring or plumbing and only a portable stove were callously ignored by all involved, as were her statements that the “solid waste” cars were used for parts and the “wood products” for fire wood.

Judges Stephen Tiktin and Alta Brady reportedly then signed judgments foreclosing Starr’s interest in her property and the county subsequently sent her a check for \$25,000 to cover her homestead exemption.

Starr received the following notice: Your property located at 56095 Savage Drive Bend, Oregon 97707 has been sold at Sheriff’s Sale. The property was sold on December 1, 2005 to satisfy a court judgment against you. The purchaser’s name and address are: Deschutes County. The purchaser paid \$111,815.00 for defendants’ right, interest in the property. Oregon Law gives you the right to buy back the property from the purchaser by paying the purchaser the amount paid at the sale plus taxes, expenses and interest. YOU WILL LOSE THE RIGHT TO BUY BACK YOUR PROPERTY ON MAY 30, 2006. If you do not do so the County will deed your property over to the purchaser on that date. The notice was signed by Deschutes County Sheriff Les Stiles.

The US~Observer is outraged at the high-handed and ruthless treatment of Delilah Starr by Deschutes County government. Who was Ms. Starr hurting and did she ever really own her property in the first place? When government resorts to stealing from innocent little old ladies it is time for all citizens to start raising hell with that government.

Those who have experienced the same treatment from Deschutes County or who want to support Delilah Starr can contact her at 541-420-8490. ■■■



Delilah Starr after having her property absconded