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Vindicating the Innocent



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IDaho GOVERNMENT CORRUPTION?

Is Corporate Corruption Being Aided By Local Attorneys, While Watch Dog Agency Doesn't Do Its Job?

By Edward Snook
Investigative Reporter



How can a citizen expect to have fair treatment by government if local attorneys get away with aiding in the alleged corruption of public agencies? I was asked this question by a resident of Idaho Falls, Idaho, who is currently being sued by a collection agency who was not licensed even though they engaged in collection efforts (a felony under Idaho law?) against him.

The US~Observer has begun an investigation into the dealings between the Idaho Department of



Gavin Gee

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9th Circuit Judge Richard C. Tallman is Above the Law and Congressman Bob Goodlatte Ignores Justice

By Edward Snook
Investigative Reporter

In early December, 2014, Independent News International published an article about Ninth Circuit Court of Appeals Judge Richard C. Tallman titled, "Veteran Falsely Convicted by a Lying Judge." Overwhelmed with the factual veracity achieved in the article by its author, Investigative Journalist Pat Shannan (iniworldreport.com), the US~Observer carried the article nationwide.

I was left shaking my head in disgust after reading Shannan's expose of the actual crimes that



Judge Richard C. Tallman

Tallman committed in the process of helping the Department of Justice send

David Hinkson, an innocent Veteran and entrepreneur, to prison in 2005.

On December 22, 2014, I wrote to Bob Goodlatte (R-VA), Chairman of the Judiciary Committee in the U.S. House of Representatives as it is his responsibility to investigate a member of the Judiciary when they have been accused of committing perjury from the bench. Congressman Goodlatte has refused to respond to the US~Observer. I should note that the accusations contained in Shannan's article went well beyond perjury, listing the actual crimes committed by Judge Tallman in open court; in

about accusations of wrongdoing against some 3,000 NYPD officers, and is being used regularly by Legal Aid lawyers. The ambition behind

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BOOMING BUSINESS



9 Surprising Industries Profiting from America's Prison System

By Alex Henderson

(Alternet) - It's no coincidence that the United States now imprisons more of its people than any other country in the world: mass incarceration has become a giant industry in the U.S., resulting in huge profits not only for private prison companies, but also, for everything from food companies and telecoms to all the businesses that are using prison labor to cut their manufacturing costs. The prison-industrial complex even has its own lobbyists: according to a 2011 report from

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POLICE CORRUPTION

America's Dirtiest Cops: Cash, Cocaine and Corruption on the Texas Border



Illustration by John Ritter, Image of Alexis Espinoza in illustration by Gabe Hernandez/The Monitor/AP usobserver.com for the link to the full article... It is well worth it.

By Josh Eells

(Rolling Stone) - The temperature was nearing triple digits when Jonathan Treviño strapped on his bulletproof vest, slipped his

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the Justice Policy Institute (JPI), the U.S.' largest private prison company, the Corrections Corporation of America (CCA), and their competitor the GEO Group have both spent hundreds of thousands of dollars lobbying for longer prison sentences. And the American Bail Coalition has been lobbying for the bail bond industry for 23 years.

One of the main reasons so many people are imprisoned in the U.S. (which now has 25% of the world's prisoners even though it comprises only 5% of the world's population) is the war on drugs, which has brought with it draconian sentences for nonviolent drug offenses. In a 2013 report on Americans serving life without parole for nonviolent offenses, the American Civil Liberties Union found that 79% were incarcerated for drug-related convictions. Three-strikes laws, which mandate life without the possibility of parole after a third felony conviction, have also done a lot to expand the prison-industrial complex.

Reform is at odds with the agenda of many powerful industries. It's well-known that private prison companies draw their profits from mass incarceration, but they're not the only ones. Here are nine industries that are profiting quite handsomely from the prison-industrial complex and mass incarceration in the U.S.:

1. FOOD SUPPLY COMPANIES: Supplying food for prisons can be extremely profitable. Just ask the Philadelphia-based Aramark Corporation, which brings in millions of dollars bringing food to around 600 prisons in North America. Aramark's profits continue to roll in even when the company does a terrible job. In 2014, Aramark received fines of \$98,000 and \$200,000 from the state of Michigan for a long list of infractions, including meal shortages, unsanitary conditions (maggots found in the food, for example) and Aramark employees smuggling contraband into prisons. But such fines were a small price to pay in light of the fact that, in December 2013, Aramark signed a three-year, \$145-million contract with the state of Michigan. Aramark has had problems in other states as well, including Kentucky (where corrections officers said poor food service led to a prison riot in 2009), Florida (where state officials ended a contract with Aramark after accusing the company of boosting corporate profits by skimping on meals) and Ohio (where Aramark employees have been fired for having sex with inmates).

2. TELECOMMUNICATIONS: Although corporatists love to describe themselves as believers in free-market competition, the reality is that many of them do everything they can to rig the game, avoid competition and become monopolies. One telecom company that operates as a monopoly in many prisons is Global Tel*Link (GTL). The company has been making \$500 million annually in profits thanks to its exclusive contracts with a long list of prisons. When prisoners make collect calls via GTL, the person accepting the call pays inflated rates of up to \$1.13 per minute. GTL can get away with charging those rates because it doesn't have to compete with other telecom companies in the prisons where it has exclusive contracts.

3. HEALTHCARE COMPANIES: Inside American prisons, decent healthcare is hard to come by. Corizon, a company that specializes in prison healthcare, is making an estimated \$1.4 billion annually despite doing an abysmal job caring for those they are paid to treat. In 2012, seven sick prisoners died in a Louisville, Kentucky jail where Corizon was in charge of healthcare; the city of Louisville later canceled its contract with Corizon. In the video, *Prison Profiteers*, a Tucson, Arizona woman whose incarcerated son had hepatitis C was told by Corizon employees that they had "no protocol for treating" the disease, which is rampant in prisons.

4. TELEMARKETING AND CALL CENTERS:

Many American corporations have moved their call centers to India, the Philippines, Honduras and other countries where they can get away with paying slave wages. But some American corporations in need of call centers have found an even cheaper source of labor: American inmates. USA Today reported in 2004 that 2,000 or more prisoners in the U.S. were working in call centers. About 80 of them were in Snake River Prison in Oregon, where inmates were being paid around \$120-\$185 a month for working full-time. When companies can get people to sell and promote products, handle customer service or make hotel reservations for 75 cents an hour, there is much incentive for keeping the prison-industrial complex alive.

5. CLOTHING MANUFACTURERS: Prisoners are making a lot more than license plates these days. A wide variety of products are being manufactured in U.S. prisons, from office furniture and bedding to sinks, toilets and clothing. All kinds of clothing is made in American prisons: shirts, hats, pants, shoes, jackets, you name it. Even Victoria's Secret has profited from the prison-industrial complex: in the 1990s, Victoria's Secret subcontractor Third Generation hired 35 female inmates in North Carolina to sew lingerie.

6. THE TECHNOLOGY SECTOR: Back in the 1950s, '60s and '70s, unionized manufacturing and packaging jobs were great for the American middle class. But that was before so many of those jobs were outsourced to Pakistan, Bangladesh, China and other countries with ultra-low wages and terrible working conditions. Some corporations, however, have found a source of ultra-cheap labor right in the U.S.: inmates, whose pay can be as low as 35 cents an hour. The technology sector has been willing to make use of prison labor. Exmark (a Microsoft subcontractor) used prisoners in Washington State for shrinkwrapping Microsoft products (including mouses and software) in the 1990s, and in 2003, Dell used federal prisoners for recycling desktop computers.

7. THE BAIL INDUSTRY: According to research by the ACLU and the Nation, the bail industry now pulls in \$2 billion in revenue annually. They described the practices of bail bondsmen like Eric Amparan, who keeps 10% of a bail amount as a non-refundable fee even if the person is found innocent. The higher the bail amounts set by judges, the more bail bondsmen stand to make—and Prison Profiteers reported that between 2002 and 2011, the American Bail Coalition (a lobbying group for the bail industry) spent \$3.1 million lobbying for judges to set higher bail amounts. Prison Profiteers also noted that average bail amounts increased substantially with the growth of the prison-industrial complex, going from \$39,800 in 1992 (the year ABC was founded) to \$89,900 in 2006.

8. FOOD PROCESSING AND PACKAGING: The prison-industrial complex not only uses companies like Aramark that bring food to prisoners, it can also use prison labor to process food for people on the outside. In 2008, Mother Jones' Caroline Winter reported that in California alone, prisoners were processing "more than 680,000 pounds of beef, 400,000 pounds of chicken products, 450,000 gallons of milk, 280,000 loaves of bread, and 2.9 million eggs." Winter reported that Signature Packaging Solutions, a Starbucks subcontractor, was using prisoners to package holiday coffees.

9. AGRICULTURE: With more states fining farmers for hiring undocumented workers and fewer agricultural workers coming in from Mexico, the prison-industrial complex has been using more prisoners as a source of farm labor. This is happening everywhere from Georgia to Arizona to Idaho, where in 2014, State Sen. Patti Anne Lodge (a Republican) sponsored a bill allowing agricultural employers to hire prisoners. The bill was quickly signed into law by Idaho's Republican governor C.L. Otter.

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Finance (IDF) and Value Recovery Group, L.P., which, according to one legal source, blatantly committed a felony in the summer of 2014 and then was given a "pass" by the IDF. So far there has been no consequences for Value Recovery Group because the IDF failed to investigate. This accusation alone creates "red flags" concerning integrity in the upper echelons of Idaho government!

Further, the law firm that helped Value Recovery Group, L.P. "illegally" collect this money may have allegedly committed the separate crime of either accessory to a felony or at least Misprision of a Felony (i.e., knowingly failing to report a crime). To date, neither the attorneys nor their client has been investigated for alleged crimes. In fact, although under the supposed scrutiny of an IDF pending "investigation," Value Recovery Group, L.P. was given a newly issued license as a collection agency in the State of Idaho in September 2014, when their so-called investigation did not close until October. Hmmm, who is minding the store?

That means, the Department of Finance has licensed Value Recovery Group, L.P. so that it can allegedly break the law again - a condition that most citizens would think is unacceptable (i.e., licensing an alleged criminal that has allegedly broken the law because the government agency failed to complete its investigation is not what our government should be doing, is it?).

What the US~Observer wants to know is this: do the laws only apply to individual citizens, and will allegedly corrupt private entities be allowed to violate Idaho's statutes? If the US~Observer's investigation proves right, and the law was broken, then the corruption potentially goes all the way to the Office of the Governor of the Great State of Idaho. That is, 'the buck stops there.'

Specifically, there was a complaint filed and an investigation was supposedly in progress against Value Recovery Group, L.P., an out of state entity, while it was applying for licensure as a collection agency under the State of Idaho Department of Finance in August 2014. While the complaint was pending, IDF approved Value Recovery Group, L.P. for licensure in September 2014, without properly investigating it for crimes it had already allegedly committed in Idaho.

Let's see, does this sound right: the license was issued while a Complaint was open and the investigation missed the fact that Value Recovery Group, L.P. had already allegedly committed a

felony in Idaho? Then, the IDF, after having issued a license to Value Recovery Group, L.P. in September 2014, closed its complaint file in October 2014, failing to address a very serious financial crime allegedly committed by Value Recovery Group, L.P. in July 2014; is that what is called a 'cover up'?

Sources close to the US~Observer say that the only way the approval for licensure of Value Recovery Group, L.P. could have been given, before the Complaint was resolved, is if the agency-head appointed by Governor Butch Otter to be the 'watch-dog' over alleged financial criminals, Mr. Gavin Gee, the Director of the Department of Finance, gave his okay to the September 2014 approval.

According to one Observer source, "The closeness of the relationship between Gavin Gee and the attorneys for Value Recovery Group, L.P. has apparently been single handedly responsible for unmercifully evicting hundreds of homeowners from their residences, when in fact there was a government sponsored solution to allow the individuals to stay in their homes."

Also, the banks, which are considered "too big to fail" are receiving our tax dollars in the form of government bailout money on the back side, while foreclosing on innocent homeowners and making huge profits selling homes and suing the homeowner for unpaid balances called deficiencies, as is the case with the Idaho Falls man mentioned at the beginning of this article.

What is beginning to appear at first blush, is the operation of a Corporateocracy (or corporate run government) destroying individuals financially; and there is no accountability, even from the 'Watch Dog' agencies charged with that responsibility. In fact, if what allegedly happened last summer was a felony by Value Recovery Group, L.P., and it was swept under the proverbial "rug," then, this is strong evidence that the corporate entities are being given immunity as they are destroying the citizens of Idaho with impunity.

In a future article we will let our readers know how the Idaho Governor's Office responds to allegations of applying a 'double standard' that is, selectively enforcing the law because of alleged political influence of a governmental regulatory body, which should have the trust of the citizens not to allow corruption and certainly, not to allow alleged felons to be licensed as collection agencies, until the accusations of corruption are adequately investigated and dealt with, one way or the other.

This question must be answered: Is the Idaho Watch Dog doing its Job?

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By Leon Neyfakh

(SLATE) - Criminal justice reform is a contentious political issue, but there's one point on which pretty much everyone agrees: America's prison population is way too high. It's possible that a decline has already begun, with the number of state and federal inmates dropping for three years straight starting in 2010, from an all-time high of 1.62 million in 2009 to about 1.57 million in 2012. But change has been slow: Even if the downward trend continues, which is far from guaranteed, it could take almost 90 years for the country's prison population to get down to where it was in 1980 unless the rate of decline speeds up significantly.

What can be done to make the population drop faster? Many reformers, operating under the assumption that mass incarceration is first and foremost the result of the war on drugs, have focused on making drug laws less punitive and getting rid of draconian sentencing laws that require judges to impose impossibly harsh punishments on people who have committed relatively minor crimes. But according to John Pfaff, a professor at Fordham Law School, neither of those efforts will make a significant dent in the problem, because they are based on a false understanding of why the prison boom happened in the first place.* Having analyzed statistics on who goes to prison, why, and for how long, Pfaff has emerged with a new and provocative account of how the problem of mass incarceration came to be. If he's right, the implications for the prison reform movement are huge and suggest the work needed to achieve real progress will be much harder than most people realize.

In a conversation with Slate, Pfaff explains his theory.

The U.S. prison population increased fivefold between 1980 and 2009—from approximately 320,000 inmates to 1.62 million. When you look at the work of scholars and the policymakers who are influenced by them, what do you see as the dominant explanations for why this happened?

One is that we're sending people to prison for more and more and more time. The other is the war on drugs—that we've made this concerted effort to target people for drug dealing and drug possession, and we're filling up our prisons with all of these drug-related offenses. The dominant view is that those two changes have transformed the size of the prison population in the United States.

What do you think of those two explanations?

I understand where they come from. It's true that legislators have passed a lot of new,

Why Are So Many Americans in Prison? A Provocative New Theory...



tougher sentencing laws over the past 30 or 40 years. And it's true that we have increased the attention paid to drugs. But in the end, there are other things that play a much, much bigger role in explaining prison growth. The fact of the matter is in today's state prisons, which hold about 90 percent of all of our prisoners, only 17 percent of the inmates are there primarily for drug charges. And about two-thirds are there for either property or violent crimes.

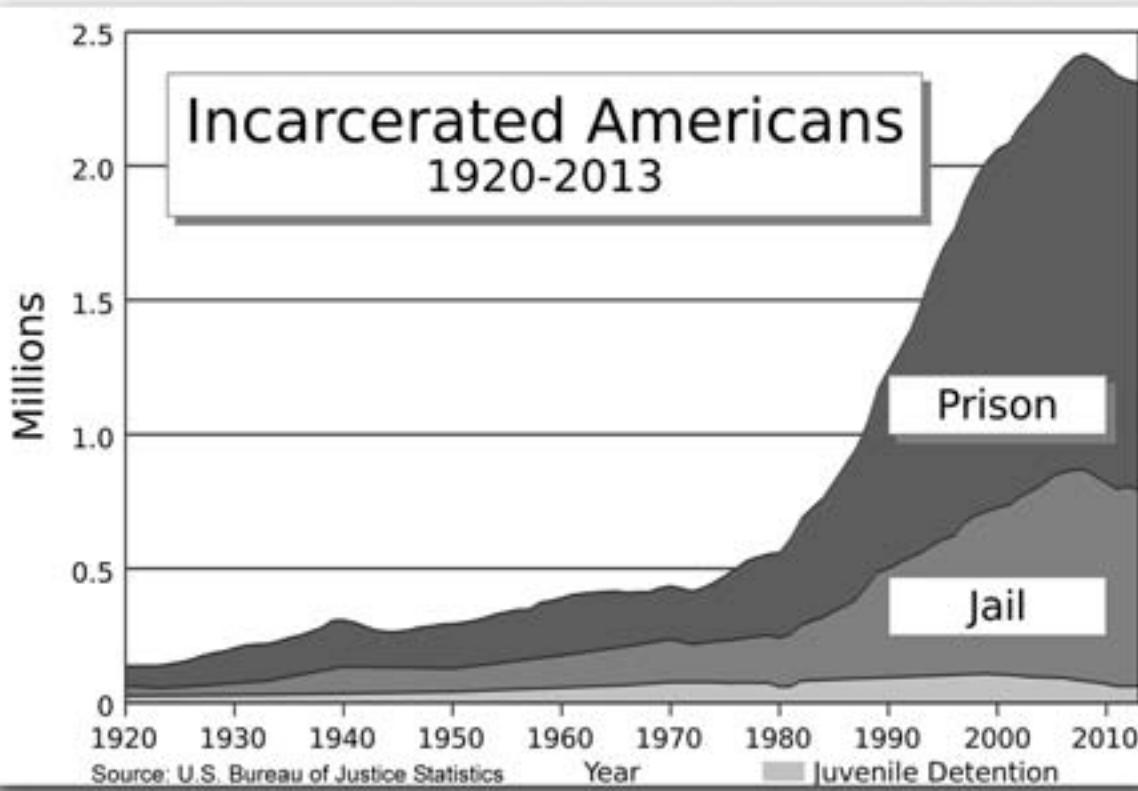
Has the percentage of drug offenders among the prison population been higher in the past?

It peaked in 1990 at 22 percent and then steadily declined. So even when the percentage of drug offenders among the state prison population was at its peak, about four out of every five people were there for a nondrug offense.

Why are you skeptical of the idea that longer sentences have been a significant driver of the prison boom?

steadily declined, yet prison populations kept going up. So, between '75 and '91, it's almost certain that the increase in crime had to play at least some significant role in increasing the prison population. The scale of the crime boom that took place was dramatic: From 1960 to 1991, violent crime rose by 400 percent, and property crime rose by 200 percent. Figuring out how much of prison growth can be attributed to the crime boom is actually statistically quite difficult, but the best estimate that's out there—which is not a perfect estimate, but it's the best we have—suggests that about half of prison growth during that period was due to rising crime. Clearly other stuff mattered, but rising crime played a very big role during the first phase.

So why did the prison population keep on rising after 1991, when the crime wave ended? It seems like if your theory is right, that the increase in violent crime and property crime caused the prison boom, the end of the crime wave should have been accompanied by decreasing incarceration rates.



Because while it's true that legislators have passed a lot of longer sentences, if you actually look at time served by inmates in prison, it doesn't appear to have changed that much. We have good data going back approximately 20 years or so, and at least in northern and northwestern states where we have better data, about half of all prisoners who get admitted in a given year only spend about two or three years in prison. And only about 10 percent serve more than about seven or eight years in prison. These laws look incredibly punitive—25 years for a class B felony—but you just don't see people serving that amount of time.

OK. So if it's not the drug war, and it's not harsh sentencing laws, what is it? What do you think caused the prison boom?

You need to break the question into two periods. Because there's a time between 1975 and 1991 when you see this dramatic rise in crime, and the prison population went up as well. And then there's a more interesting period, between 1991 and 2010, when crime

Three things could have happened. One, police just got much more efficient—they're just arresting more and more people, with new policing technologies, new policing approaches—maybe they're just arresting a bigger share of offenders. But we don't actually see that. Arrests tend to drop with the crime rate. So the total number of people being arrested has fallen. The other thing it could be is we're just locking people up for longer—but like I said, it's not that. So clearly what's happening is we're just admitting more people to prison. Though we have a smaller pool of people being arrested, we're sending a larger and larger number of them to prison.

Why would that be?

What appears to happen during this time—the years I look at are 1994 to 2008, just based on the data that's available—is that the probability that a district attorneys file a felony charge against an arrestee goes from about 1 in 3, to 2 in 3. So over the course of the '90s and 2000s, district attorneys just got much more

pretty regularly. So, when Joe Hynes was defeated in the Democratic primary in Brooklyn, New York, in 2012, he was the first sitting Brooklyn DA to run for re-election and lose in more than a century. But that's not to say that politics don't matter. Maybe it's that next election they're looking at, that they remain tough on crime because they want to become attorney general or governor. There's no clear data on this. We're only just starting to look at this question. But that strikes me as a possible story. What might have happened is the crime boom made being a prosecutor more of a launch-pad position—it elevated the status of prosecutors, and perhaps elevated their political ambitions, and they remained tough on crime even as crime started going down.

OK. So why does any of this matter? Why is it important for reformers to have the right theory for why mass incarceration happened?

The reason it's important to get it right is that if we're trying to reduce the prison population, we want to make sure we do it correctly—and if you focus on the wrong thing, you won't solve the problem. So if you think it's the war on drugs, you might think, 'OK, if we just decriminalize drugs, that will solve the problem.' And, you know, it's true that if we shift away from punishment to treatment that could be a huge improvement. But just letting people out of prison—decarcerating drug offenders—will not reduce the prison population by as much as people think. If you released every person in prison on a drug charge today, our state prison population would drop from about 1.5 million to 1.2 million. So we'd still be the world's largest incarcerating country; we'd still have an enormous prison population.

And if we focused on cutting back sentence lengths, maybe that would weaken DAs' bargaining power at plea bargaining, but since people aren't serving the massively long sentences anyway, it probably won't have that big an effect on prison population either.

What would?

Well, the real growth in the prison population comes from county-level district attorneys sending violent people to prison. And there's a lot to be said for nonprison approaches to a lot of people who are in prison for violent crimes. But that's a political issue that we haven't even begun to address, in part because it's politically scary.

Where does that leave reformers who want to see the prison population drop significantly?

What makes it very hard is that the person we really need to target now—whose behavior we



aggressive in how they filed charges. Defendants who they would not have filed felony charges against before, they now are charging with felonies. I can't tell you why they're doing that. No one's really got an answer to that yet. But it does seem that the number of felony cases filed shoots up very strongly, even as the number of arrests goes down.

Isn't the traditional explanation for why prosecutors tend to be overzealous is that their political careers depend on it?

The political question is interesting because generally the district attorney election is not very difficult to win. DAs tend to win elections

need to regulate—is the district attorney, and the district attorney is a very politically independent figure. He's directly elected, and he's directly elected at the county level. So there's no big centralized fix. You can't necessarily go to Washington and say, 'Here's the law that's going to control what the DAs do,' because they don't have to listen to the federal government at all. So you have to figure out how to go county by county and either elect DAs who have less punitive attitudes, or you can try to sort of change the incentives DAs face at the state level. But it's very tricky. ***

US~Observer's Note: One way to decrease the prison population is to not even wind up there! Call us if you are facing false charges!

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In The News

WHAT THE?! SPOTLIGHTS

Threat from right-wing groups could be "greater" than from foreign terrorists

SOVEREIGN CITIZEN EXTREMIST VIOLENCE 2010-2014



By Bradford Thomas

(Truth Revolt) - A new intelligence report from the Department of Homeland Security warns of the imminent danger posed by domestic anti-government terrorist groups. In its report on the study, CNN suggests that the real terrorist threat in America is not posed by Islamic terrorists, but anti-government right-wingers.

CNN reports:

"They're carrying out sporadic terror attacks on police, have threatened attacks on government buildings and reject government authority."

A new intelligence assessment, circulated by the Department of Homeland Security this month and reviewed by CNN, focuses on the domestic terror threat from right-wing sovereign citizen extremists and comes as the Obama administration holds a White House conference to focus efforts to fight violent extremism."

The DHS report found that some in federal and local law enforcement view the threat posed by right-wing domestic terrorists as "equal to" or "in some cases greater than" foreign-born Islamic terrorists, such as ISIS.

Offering a graphic (above) showing the "24 violent sovereign citizen-related attacks" since 2010, CNN describes this "greater" threat to American security as "extremists who believe that they can ignore laws and that their individual rights are under attack in routine daily instances such as a traffic stop or being required to obey a court order."

The attacks, the report says, will likely be directed at law enforcement and occur "during routine law enforcement encounters":

"Among the findings from the Homeland Security intelligence assessment: "(Sovereign citizen) violence during 2015 will occur most frequently during routine law enforcement encounters at a suspect's home, during enforcement stops and at government offices."

Judge rules you cannot sue the NSA for secretly spying on you unless you can prove they are spying on you

By Zach McAuliffe

(Ben Swann) - A California district judge ruled on Tuesday, February 10th, U.S. citizens cannot sue the National Security Agency for invading their privacy covertly unless the citizen can prove, without a doubt, the NSA was spying secretly on the citizen.

District Judge Jeffrey White ruled in Jewel v. NSA, the plaintiff could not sue the NSA because they did not obtain and provide for the courts any evidence showing their personal information was collected by the agency. Because of Jewel's failure to provide such information, White wrote, according to Mother Jones, "even if Plaintiffs could establish standing, a potential Fourth Amendment Claim would have to be dismissed on the basis that any possible defenses would require impermissible disclosure of state secret information."

What this means is even though the NSA has said in the past they are

responsible for spying on American citizens, the NSA has not disclosed exactly how they spy on citizens. Because they have not disclosed the extent to which, or even how, they spy on citizens, it is therefore illegal to sue them for an invasion of privacy. However, once the methods are known, which the NSA has kept secret under the premise of national security, then citizens will be able to sue the NSA for an invasion of privacy.

The Electronic Frontier Foundation, who represented the plaintiff in court, released a statement after the ruling, which reads the "ruling in Jewel v. NSA was not a declaration that NSA spying is legal. The judge decided instead that 'state secrets' prevented him from ruling whether the program is constitutional."

The EFF has also said they will continue to fight to bring an end to the mass surveillance or citizen's data despite this ruling.

FDA fails to report fraud in clinical trials – study

(RT.com) - The Food and Drug Administration (FDA) routinely fails to report evidence of fraud or misconduct when it inspects the way researchers conduct clinical trials, leaving the public unaware of which research is credible and which isn't.

Researchers at New York University found that in dozens of published papers where the FDA had uncovered faults in clinical trials, only three ever indicated that violations occurred. In a stem cell trial, for example, all patients were said to have experienced improvement—despite one having a foot amputated.

The New York University study examined 57 clinical trials that received a notice of violation from the FDA for poor record keeping, false information, and poor patient study. Researchers found that findings from those clinical trials were used in 78 published papers—but only in three instances were the faults in the clinical trials mentioned in the papers.

In the other cases, none of the published papers containing data from faulty trials were corrected or retracted.

"These are major things," Professor Charles Seife, the study's author, told Reuters. "No one really knows unless you go through these documents that anyone is questioning the integrity of the trials."

In one case, an entire clinical trial was considered unreliable by the FDA, but the published paper didn't mention the violation at all. In another trial, researchers covered up a patient's death.

Of the 57 published clinical trials, 39 percent had evidence of false information, 25 percent reported adverse events, 61 percent had record keeping problems, and 35 percent failed to protect the safety of the patient or had issues with oversight or informed consent.

"The FDA has repeatedly hidden evidence of scientific fraud not just from the public, but also from its most trusted scientific advisers, even as they were deciding whether or not a new drug should be allowed on the market," Seife wrote at Slate. "For an agency



devoted to protecting the public from bogus medical science, the FDA seems to be spending an awful lot of effort protecting the perpetrators of bogus science from the public."

Seife said his team could have uncovered even more instances from the 600 clinical trials mentioned in the documents, but most of the documents obtained from the FDA were heavily redacted. "In some cases, you can't even tell which drug is being tested," he said.

Every year, the FDA inspects several hundred clinical sites performing biomedical research on human participants and occasionally finds evidence of violations of good clinical practices and misconduct. The study said, however, that the FDA has no systematic method for communicating these findings to the scientific community, and its findings go unremarked in peer-reviewed literature.

In a statement to Reuters, the FDA said it is "committed to increasing the transparency of compliance and enforcement activities with the goal of enhancing the public's understanding of the FDA's decision, promoting the accountability of the FDA, and fostering an understanding among regulated industry about the need for consistently safe and high-quality products."

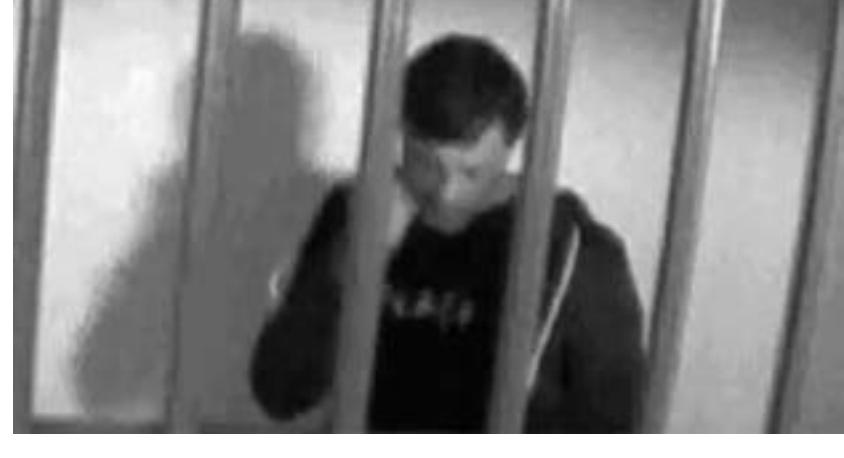
CA man who claimed police brutality caught on video punching himself

By Arturo Garcia

(RawStory) - Newly-released footage shows a 33-year-old California man punching himself in the face while in an Oregon jail, undermining his claim that he was attacked by detectives, the Eugene Register-Guard reported on Tuesday.

The video, taken from surveillance footage, shows Aleksander Robin Tomaszewski in the Lane County Jail last month after being charged with sexual abuse and stalking. Throughout the video, Tomaszewski walks to the back of the cell and hits himself. The Register-Guard reported that he punched himself more than 40 times in the 4-minute video.

According to the Associated Press, Tomaszewski later filed a complaint accusing local detectives of assaulting him while interviewing him.



After being told about the video, Tomaszewski reportedly told officials that he filed the false claim in the hopes that it would help him get released. Instead, he was found guilty of additional charges of attempted coercion and initiating a false report. He was fined \$500 and sentenced to 20 days in jail.

America's 'Youngest' Killers Will Soon Be Free

By Brittany Greenquist

(RYOT) - It was almost exactly 16 years ago in Port St. John, Florida, when Catherine Jones and her brother Curtis became the youngest children in U.S. history to be charged as adults for first-degree murder. Before they were out of middle school, they were in prison—a place that was, in many ways, safer than their actual home.

As children, both Curtis and Catherine were victims of constant sexual abuse at the hands of a family member. "He would make me perform oral sex to the point where I would throw up," Catherine said in a 2009 interview with Florida Today's John A. Torres.

Catherine told Torres that her mother left her father after years of domestic abuse. Soon afterward, the relative who would become their attacker moved in. A man who was previously convicted of having sex with a 14-year-old girl was now sharing a bed with young Curtis.

The abuse didn't go unnoticed by authorities. Just four months before the murder, an organization that is now called the Department of Children and Families documented proof that the children were being attacked. However, the reports were never investigated and the truth was laid to rest.

And so the children took matters into their own hands, plotting to kill their abuser as well as the adults who didn't protect them: their father and his girlfriend, Nicole Speights. In January 1999, a 12-year-old Curtis used his dad's shotgun to kill Nicole. Catherine, then 13, wiped the fingerprints off the gun. The siblings then fled to the woods, where they hid until authorities found them.

Without trial, they pled guilty to first-degree murder, and were sentenced to 18 years and life probation.

Fast-forward to 2015, and if she continues on her 16-year streak of good behavior, Catherine will emerge into the real world on July 28th. She's a 30-year-old woman who's never experienced the things most of us



Catherine Jones and her brother Curtis Jones consider a part of daily life — like sending a text message.

As Catherine approaches her release, she reflects on life outside of prison. She told Torres, "Of course there are fears, mainly because there's so much I must learn to function like a normal person: how to drive, fill out job applications, text dress for a job interview, build my credit, obtain life, dental, medical insurance. I'm completely clueless. The idea of being 30 and completely dependent on others to teach me how to do these basic things isn't appealing. I'll leave prison just as clueless as I was at 13."

But she won't be alone.

Two years ago, Catherine married a man who read about her plight in Torres' original 2009 article. Senior Chief Ramous K. Fleming of the U.S. Navy reached out to Catherine; the two became pen pals, and eventually lovers.

They were wed on November 27, 2013 in a chapel at the Hernando Correctional Institution.

Catherine's husband has since retired from the Navy so that he can help her adjust to the 21st century. "I'm prepared for life after. There is a lot she has to learn but it's very exciting at the same time. I look forward to it and I think my training in the military has prepared me for it. There will certainly be a lot of adjusting to do."

Curtis will be out soon, too, but he had a year added to his sentence back in 2004 when he tried to escape after a hurricane.

Judge authorizes ‘personal ruin’ of Christian florist

(WND) - A judge in Washington on Wednesday authorized the “personal ruin” of a florist whose Christian faith prevented her from promoting a same-sex wedding and who was sued by both the state and the homosexual couple.

Officials with the Alliance Defending Freedom confirmed that Benton County Superior Court Judge Alex Ekstrom granted a summary judgment in the case against Barronelle Stutzman, so the case won’t proceed to trial now. It had been scheduled for March 23.

It was Ekstrom who said last month that Stutzman personally was liable for the claims against her, placing both her business assets and her home and personal savings at risk.

The judge ordered that the state and the homosexual plaintiffs, each of whom filed lawsuits, could collect damages and attorneys’ fees from Stutzman.

“The message of these rulings is unmistakable: The government will bring about your personal and professional ruin if you don’t help celebrate same-sex marriage,” said ADF Senior Counsel Kristen Waggoner.

“The two men had no problem getting the flowers they wanted,” she said. “They received several offers for free flowers, and the marketplace gives them plenty of options. Laws that are supposed to prohibit discrimination might sound good, but the government has begun to use these laws to hurt people – to force them to conform and to silence and punish them if they don’t violate their religious

beliefs on marriage.” Stutzman said, “America would be a better place if citizens respected each others’ differences and the government still protected the freedom to have those differences. Instead, the

business, and your life savings at risk by daring to defy a government mandate that forces you to promote views you believe are wrong.”

With a summary judgment, the judge simply decides the case one way or another without having witnesses testify.

Ekstrom adopted Ferguson’s claim that Stutzman violated the state’s Law Against Discrimination and its Consumer Protection Act.

“The court somehow concluded that forcing Barronelle to create

expression against her will does not violate her free speech and free exercise rights under the state and federal constitutions,” said ADF Legal Counsel Jonathan Scruggs. “To the contrary, this ruling ignores the pre-eminent civil right law of our nation – the First Amendment – and allows the state to force citizens to choose between conforming their beliefs to the state’s ideology and suffering severe consequences.”

Stutzman operated under the name Arlene’s Flowers, of Richland, Washington.

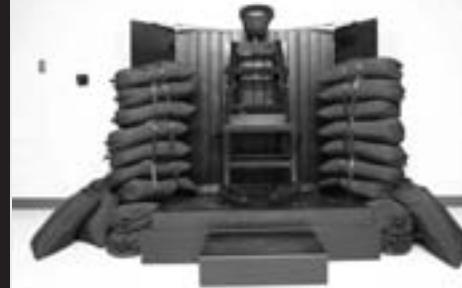
According to arguments in the case, Washington officials believe the state’s statutory protections for homosexuals trump the Constitution’s protection of religious liberty.

The ADF had argued that the flower corporation was set up under a Washington law that protects personal assets except in cases of knowing fraud, deception or theft, none of which is alleged in the case. ***

Barronelle Stutzman



Utah lawmakers approve bill allowing execution by firing squad



By William Helbling

(JURIST) - The Utah House of Representatives on Friday narrowly approved House Bill 11, which would allow for executions by firing squad. The goal of the legislation is to provide an alternative execution method to lethal injection, as supplies of the traditional drugs have become scarce. HB 11, which was sponsored by Utah representative Paul Ray, passed by six votes with two representatives abstaining. The bill now moves to the Utah Senate for further consideration.

Throughout the US, the death penalty remains a controversial issue with many states seeking to end the practice or institute reforms. In January the Washington state legislature proposed bills to eliminate the death penalty. Also in January the US Supreme Court granted certiorari to determine whether Oklahoma’s lethal injection protocol is unconstitutional under the Eighth Amendment. Last month an Indiana state senator introduced legislation to end the death penalty in the state. Four Ohio death row inmates filed a complaint in December challenging a measure providing for the confidentiality of entities involved in the manufacture of drugs for use in capital punishment by lethal injection, and of the persons involved in executing a sentence of capital punishment. ★

Utah bill would prevent police from abusing substance abuse database

By Jennie Christensen

(Cache Valley Daily) - Republican Senator Todd Weiler of Woods Cross has a bill before the Utah Legislature that would create a new substance abuse control database. On KVNU’s For the People program recently, Weiler said the state has had a database in place for 19 years.



Senator Todd Weiler

When it was created, then-governor Mike Leavitt expressed the fear that it would be abused and Weiler said it has definitely been abused. He said if you go to your doctor for a prescription for oxytocin or other controlled substance your prescription goes into this database.

Your doctor can check it to make sure you are not doctor-shopping and also law enforcement can check it and that’s where abuse has come in.

“We’ve had incident after incident of abuse,” Weiler explained. “I’m basically running a bill to say that law enforcement would have to go to court and show probable cause in order to look inside your electronic medicine cabinet, which is the same standard they would have to do to look inside your actual medicine cabinet.”

Weiler said that the adjustment to the law protects people’s privacy and holds law enforcement to the same standards they would need to go through for any other type of search. But Weiler’s bill does emphasize the need to stop prescription drug abuse. ★★

Sheriff Stands Up to IRS, Cancels Land Sale

(Ben Swann) WASHINGTON - New Mexico’s Eddy County Sheriff Scott London notified the Internal Revenue Service (IRS) via letter that the sale of county resident Kent Carter’s property is canceled until Carter receives due process of law and his appeal is heard. The certified letter dated February 4 received an immediate response from the Undersecretary of the Treasury’s office. According to the Treasury’s website, however, the public auction is still slated for February 19.

“Many officers have stood up over the years for the rights of citizens being victimized by the federal government,” said Sheriff Mack, founder of the Constitutional Sheriffs and Peace Officers Association, “But Sheriff London is the first one to stand up to the IRS since the early 1990s.” Mack said, “His actions show courage and humility. London is setting a good example for the rest of our sheriffs.”

Approximately ten days before Christmas, U.S. Marshals broke in the door of Carter’s rental property with their guns drawn. The tenant was a young mother with a new baby—home alone while her husband was at work. Sheriff London was called to the property to intervene. He advised the Marshals that Carter’s case was in appeal and he deserved due process. They threatened to arrest London, but he stood his ground and they backed off.

Carter has battled the IRS for decades over taxes on the earnings of his modest construction business. One court document listed his debt at \$145,000, a figure Carter says an assessing agent “pulled out of thin air.” Every time he challenged them, his bill would shoot up a few hundred thousand dollars. His legal complaints state that the IRS failed to adhere to its own tax code, did not use proper accounting methods, and that the collection activity was unlawful because no notices of deficiency were given. Carter says his private and confidential information, including his social security number, was filed in public records and given to third parties. The IRS countered that it can publish and disperse the private information of Americans if it is trying to collect their money

or property. A judge agreed.

Carter says the IRS is currently claiming he owes \$890,000, a figure that “doubled with the stroke of a pen.”

The Taxation & Revenue Department ordered Carter to cease “engaging in business in New Mexico” until his arbitrary tax debt was paid. Carter appealed this injunction on the grounds that it was both unconstitutional and vague, as it deprived him of his right to make a living and also prohibited him from, “carrying on or causing to be carried on any activity with the purpose of direct or indirect benefit.”

“The IRS fabricates evidence

against citizens by pulling numbers out of a hat and adding fees,” said Mack, “They wear people down emotionally and financially until they can’t take it anymore. No citizen should ever have to fight the IRS for decades in order to keep his land.”

“The IRS is a lie. The income tax is a lie,” said Carter. “Why should they be able to take anything? They’re worse than the mafia.”

The Carter properties have liens placed against them. A locksmith was instructed to change the locks. The IRS authorized the United States Marshal Service to arrest/evict anyone found on the premises. London, however, physically stood in front of Carter’s gate until the Marshals backed down. A public auction on the front steps of the Eddy County Courthouse is scheduled, but the local county sheriff—trained in the Constitution—resisted.

Carter voluntarily vacated his property and relocated his mobile home to an undisclosed location. “I chose to leave to keep it from escalating to something ugly—like Ruby Ridge,



New Mexico’s Eddy County Sheriff Scott London

Idaho,” he said. Carter said he advised the Marshals and IRS Agents who publicly claimed he had armed friends on his land, “If there is going to be any violence, it is going to be you who starts it.”

Carter says 100% of his Social Security benefits is seized each month by the IRS, in addition to \$2,800 the agency drained from his bank account. Legally, the IRS can take no more than 15% of Social Security benefits.

Mack says banking institutions quiver when faced with the IRS’ gestapo tactics and generally hand over customers’ personal banking information, including access to accounts, without requiring a warrant or even any documentation. He encourages county sheriffs to brief every bank in their jurisdiction to refer inquiries from IRS agents to them.

Sheriff Mack is calling for the IRS to start following the law, including no “random” audits without probable cause, as they violate the Fourth Amendment. He asks them to stop committing crimes and rewarding IRS employees with bonuses for cheating on their personal taxes. “I agree with Senator Ted Cruz and others who say the IRS should be abolished,” said Mack. “It’s time they got off the backs of the American people.”

Carter says he prays daily for wisdom, and that he is surviving to be able to look into his grandchildren’s eyes and tell them he fought for their future and for America.

London is the first Republican to ever be elected sheriff in Eddy County. He distributes Bibles on behalf of Gideon International and met his wife in choir practice. ★★

Iraq Vet: The IRS Extorted Me

(FOX) - An Iraq War veteran says the IRS extorted him and left him no money to run his small business.

Navy veteran Andrew Clyde, owner of Clyde Armory in Georgia, explained on “On The Record” that the IRS seized nearly \$1 million from him back in April 2013 due to a federal program which allows the IRS to seize assets over suspected criminal activity.

Clyde said two IRS agents showed up with a seizure warrant and took \$940,313 from the company bank account. They accused him of “structuring,” or frequently depositing sums under \$10,000, since deposits above \$10,000 must be reported to the federal government.

Clyde told Greta Van Susteren that he had no idea what structuring was. He



Andrew Clyde

explained that his lawyers showed the IRS that the money was properly earned and reported, but the IRS still wouldn’t return it. Three weeks later, Clyde said the IRS offered to give back \$600,000 if he forfeited \$325,000 to the feds, but Clyde rejected the offer.

Three-and-a-half months later, a judge forced the IRS to return \$440,000 and gave Clyde an expedited trial. Still, Clyde said he ended up forfeiting \$50,000 to get the remaining \$450,000 back.

Clyde testified to Congress about the ordeal Wednesday.

“I did not serve three combat terms in Iraq only to come home and be extorted by my government’s use of civil forfeiture laws, but that is what I feel they have done to me, and I need you to stop it from happening to anyone else,” he said. ***

US~OBSERVER NOTE ON FALSE CHARGES:

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

In many cases, our clients haven’t needed the use of expensive attorneys, as our investigations and publication are used to expose the truth to the world. It is this exposure that this otherwise beyond reproach system fears, and it works well.

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

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LIBERTARIAN • li-b?r-'ter-ē-?n

1 : an advocate of the doctrine of free will
2 a : a person who upholds the principles of individual liberty especially of thought and action

~Merriam-Webster

YOUR PERSONAL LIBERTY

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

Martin Luther King Jr. was right



Hi. I'm Wayne Allyn Root for Personal Liberty. Martin Luther King Jr. "was fascinated by the idea of refusing to cooperate with an evil system." King believed that "the Christian doctrine of love operating through the Gandhian method of nonviolence was one of the most potent weapons available to oppressed people in their struggle for freedom."

It is time to adopt MLK's "doctrine" to defeat Obama. Our nation is upside down. A lie is called the truth. The truth is called intolerant or racist. A Great Depression is a "recovering economy." Record cold and snow are signs of global warming. Low gas prices are attributed to the man whose stated goals and policies are to drive energy prices ever higher. The way to "save" the middle class is by taxing it more. Illegal aliens have the same rights as any American-born citizen. And, of course, we can't use "Muslim" and "terrorist" in the same sentence, even if every terrorist attack is conducted by Muslims.

America's future is going bad... fast. We have to fight back. We have to act now to take back the country from the evil destroying it.

How bad are things? We have a president who described the attack by a radical Muslim who murdered four Jews in a kosher deli as "random folks shot in a deli."

We have a president who described 21 Coptic Christians beheaded on a beach in Libya by Muslim terrorists because they were Christians as "Egyptian citizens."

We have an administration that, as ISIS beheads and burns to death prisoners, proposes the solution is finding "jobs for

jihadis."

We have a president who has set up a hotline for illegal aliens to complain about border agents "violating their rights."

We have a president more concerned about the rights of Muslim terrorists, Gitmo detainees and illegal aliens than you and me.

We have a president more willing to negotiate with murdering mullahs in Iran than negotiate with Republicans in Congress.

We have a president who orders the release of tens of thousands of illegal alien felons, putting them back on the streets to rob, rape and murder.

We have a president who orders the IRS to audit honest businessmen... but gives \$24,000 checks to illegal aliens.

Thanks to Obamacare architect Jonathan Gruber, we know we have a president who committed fraud to sell Obamacare and bankrupt the middle class he thinks of as "too stupid to understand."

He told lies, including "If you like your insurance, you can keep it." and "The average middle class consumer's cost will go down." All lies, fraud and misrepresentation.

King advocated nonviolent resistance to fight evil. Here are four nonviolent actions we can take to slow or stop the evil that is



Martin Luther King Jr.

destroying America and our children's future:

Action 1: The New York City police showed us the first way. Mayor Bill de Blasio made clear his distaste and disrespect for the police, the same way Obama has made clear his distaste for the military, law enforcement, border agents, business owners and the U.S.

Constitution.

Just as police stood with their backs to de Blasio, concerned citizens and patriots—especially Republican senators and congressmen—need to turn their backs to Obama wherever he appears.

King knew visual images like this change public opinion. Turning our backs on the individual perpetrating the evil can paint a picture that independent and "undecided" citizens need to see. They need to know it's deadly serious and it's time to stop worrying about political correctness.

GOP political leaders need to stop making believe we don't have a Muslim sympathizer in the

White House, a fraud willing to lie and illegally target, persecute and intimidate his critics. They need to stop making believe he isn't a criminal willing to violate the U.S. Constitution. They need to stop making believe Obama isn't consciously implementing a purposeful plan to destroy

America by bankrupting taxpayers under a blizzard of taxes, regulations and debt and by showering illegal aliens with amnesty, massive entitlements, free healthcare and, of course, the right to vote without being citizens.

Stand up, America. We must all admit the truth and show our anger by standing with our backs to the president. What Obama is doing to America is no different than what de Blasio is doing to the New York City police. Standing with our back to Obama is a perfect example of King's nonviolent resistance.

Action 2: We must use the courts, filing lawsuit after lawsuit against Obama's illegal actions. On Monday, a federal judge blocked Obama's amnesty for millions of illegal aliens. We must use the liberal trick of "law-suiting" Obama to death. How do you eat an elephant? One bite at a time! Another perfect example of King's nonviolent resistance.

Action 3: We must use states' rights to destroy Obama's plans. Exhibit A: Each state, at least those led by GOP governors, should pass a law making it a crime for noncitizens to attempt to register to vote with a mandatory five years in prison, \$100,000 fine and deportation after prison. Then start a PR campaign in Spanish and conduct high-profile prosecutions. Democrats will find it very difficult to get illegal volunteers to the voting booth. Another perfect example of King's nonviolent resistance.

Action 4: Our GOP Congress must find the courage to impeach Obama. Simple. There are so many obvious and clear charges. Lead with Obama's use of fraud to pass Obamacare. Charge Gruber and force him to give evidence and roll over on Obama to avoid life in prison for being the architect of the first trillion-dollar fraud in world history.

This is how we stop evil in America. Without resorting to violence. King would be proud.

I'm Wayne Allyn Root for Personal Liberty. See you next time. God bless America. ***

Google warns of potential new Justice Department spying scheme



By Sam Rolley

Google is warning against a government plan to expand the FBI's ability to access computer files remotely. According to the tech giant, the changes could give the U.S. government the ability to hack any computer in the world.

Google's concerns stem from the Department of Justice's attempt to rewrite Rule 41, a provision that regulates how judges are able to grant warrants for remote computer searches. Currently, a computer tap must be authorized by a judge whose jurisdiction covers the place of the computer under investigation.

The Department of Justice initiated a plan last year to allow judges to approve search warrants for remote snooping on computers outside their districts. DOJ officials claim the change is needed because investigators don't always know where a computer is located.



"The serious and complex constitutional concerns implicated by the proposed amendment are numerous and, because of the nature of Fourth Amendment case law development, are unlikely to be addressed by courts in a timely fashion," Salgado wrote.

The American Civil Liberties Union has also weighed in on the plan, saying DOJ officials are attempting to make a major change by disguising it as a minor update to an existing regulation.

"The government is seeking a troubling expansion of its power to surreptitiously hack into computers, including using malware," ACLU technologist, Christopher Soghoian told the Guardian. "Although this proposal is cloaked in the garb of a minor procedural update, in reality it would be a major and substantive change that would be better addressed by Congress."

Government officials, meanwhile, are accusing critics of the plan of "misreading the text of the proposal or misunderstanding current law."



Richard Salgado

But Google law enforcement and information security expert Richard Salgado told Justice Department officials in recent comments on the proposal that the plan would substantially expand government search capabilities.

Nationwide concealed carry 'reciprocity bill' gains momentum



By Ben Bullard

Momentum is building for the passage of a "reciprocity" bill that aims to require each state to recognize concealed carry permits from visiting residents of other states, regardless of whether the visitors' concealed carry permits fulfill the host state's permitting requirements.

Introduced by Sen. John Cornyn (R-Texas) in the Senate and Rep. Marlin Stutzman (R-Ind.) in the House, the Constitutional Concealed Carry Reciprocity Act (CCCRA) has rapidly garnered the support of the major players in the pro-2nd Amendment lobby, including the National Rifle Association (NRA) and the National Shooting Sports Foundation (NSSF).

The NRA's Chris Cox told The Hill recently that a nationwide concealed carry standard would remedy a "patchwork of state and local laws... confusing for even the most conscientious and well-informed concealed carry permit holders," while emphasizing that concealed carry is a "fundamental right" that no state has the authority to undermine.

GOP control of both houses of Congress gives the bill a strong chance of passing; Democratic control of the White House gives it a strong chance of being vetoed.

But simply moving the bill through Congress could be a significant momentum-builder for the Republican Party in the run-up to the 2016 presidential race, as each of the two major parties vies to define and publicize issues that appeal to American voters'

sensibilities.

"While Obama is unlikely to sign the bill, given his support for stricter gun controls, getting the legislation through Congress would give Second Amendment advocates a significant victory," The Hill observed. "Gun-control groups are planning to fight back hard, setting the stage for what promises to be a contentious battle over Second Amendment rights ahead of the 2016 elections."

Whether the bill becomes law during Obama's presidency or thereafter, it would bring uniformity to the byzantine patchwork of incompatible state laws that require concealed carry holders to thoroughly plan their interstate travel—or face the prospect of some very unpleasant outcomes.

Until then, the U.S. Concealed Carry Association offers a handy Web device to help determine whether your permit will be recognized in another state. As always,



Sen. John Cornyn (R-Texas) and Rep. Marlin Stutzman (R-Ind.)

though, verify the accuracy of any information for yourself—and be aware that in the absence of a coast-to-coast standard, your experience with police on the ground may deviate from your expectation of what each state's law actually says.

Finally, look out for states that allow municipalities to add layers of prohibition to statewide gun laws. Bringing an otherwise-permitted concealed weapon into the city limits of municipalities in such states can put you in a bad place with the local police.

PERSONAL LIBERTY CONTINUED

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

Poison your child or go to jail... in the public interest

By Bob Livingston

An increase in measles cases likely stemming from an illegal alien who visited California Disney theme parks has sent the pharmaceutical crowd into a tizzy and exposed its true agenda.

In a recent column in USA Today, Alex Berezow opined that "Parents who do not vaccinate their children should go to jail." The piece is a mishmash of clichés, argle-bargle, half-truths, mistruths, outright lies and bullying about the efficacy of vaccines and their dangers.

In a fascist state like modern America, there is a marriage between big government and big industry. The government uses its propaganda and police power to get the crowd to conform.

The propaganda of the corporate state always manipulates the public mind to believe that "public policy" is good for them, when, in fact, the people are always manipulated against their best interest.

And Berezow uses all the typical catch phrases and intimidation techniques of the pharmaceutical crowd that cause people to doubt their own common sense and create for them a sort of cognitive dissonance. "Ignorant 'anti-vaxxers'" he says, are causing measles to stage a comeback. It's "ludicrous" for "anti-vaxxers" to claim a right to not to put "poison" in their bodies because vaccines are "safe and effective." Other media reports blaming "anti-vaxxers" have called them selfish and dots.

Let's come to our senses. These medical Satanists are illegally assaulting our children and even infants with all manner of poisons and toxins in the name of "public policy." And now that they see that in some quarters their intimidation and lie techniques are not working, they're suggesting police power and jail time. Already, a parent is being threatened to have her children removed if she doesn't submit to forced medication.

NOT SO FAST

Of the nearly 80 people linked to the Disney outbreak, reports say 28 had not received the measles vaccine. That means that 52 (give or take, the total number of reported infected vary) were vaccinated. But wait, Berezow said vaccines are effective. Not so much for the 52.

How effective is it, really? The Centers for Disease Control and Prevention claims it's 90 percent to 95 percent effective. But in 2009, two fully vaccinated physicians treating measles patients during an outbreak in Pennsylvania and Virginia came down with the measles.

During a mumps outbreak in Orthodox Jewish communities in 2009-10, 97 percent of the infected teenagers had received the measles-mumps-rubella (MMR) vaccine. During a mumps outbreak in Iowa in 2006, 79 percent of the 219 reported cases had been vaccinated. During a 2006 mumps outbreak at a summer camp in New York, 96 percent of the 31 people infected were vaccinated with the MMR.

In 1988-89 in Douglas County, Kansas, 269 cases of the mumps broke out. Of those infected, 97.6 percent were vaccinated. There were similar stories and similar percentages during outbreaks in 1984 and 1985 across the country.

Last April, the New Jersey Department of Health confirmed eight cases of mumps among students at the Stevens Institution of Technology. All eight students had been vaccinated twice with a mumps vaccine, according to multiple media reports. Attendance at the university requires student have "full vaccinations," including the MMR. There were similar outbreaks earlier this year at Fordham University and Ohio State University, which also require proof of MMR vaccination prior to admittance.

SO MUCH FOR EFFECTIVE. WHAT ABOUT SAFE?

The insert that comes with the vaccine (ask your physician for it or check a "Physician's Desk Reference") lists an extensive array of warnings, contraindications and adverse reactions associated with the shot. Among them are afflictions affecting nearly every body system — blood, lymphatic, digestive, cardiovascular, immune, nervous, respiratory and sensory — that have been reported following receipt of the MMR shot. Others are encephalitis, encephalopathy, neurological disorders, seizure disorders, convulsions, learning disabilities, subacute sclerosing panencephalitis (SSPE), demyelination of



the nerve sheaths, Guillain-Barré syndrome (paralysis), muscle incoordination, deafness, panniculitis, vasculitis, optic neuritis (including partial or total blindness), retinitis, otitis media, bronchial spasms, fever, headache, joint pain, arthritis (acute and chronic), transverse myelitis, thrombocytopenia (blood clotting disorders and spontaneous bleeding), anaphylaxis (severe allergic reactions), lymphadenopathy, leukocytosis, pneumonitis, Stevens-Johnson syndrome, erythema multiforme, urticaria, pancreatitis, parotitis, inflammatory bowel disease, Crohn's disease, ulcerative colitis, meningitis, diabetes, autism, immune system disorders, and death.

The MMR vaccine has also been linked to autism. Last August, a CDC researcher admitted that he and fellow researchers falsified data in order to hide the fact that the MMR vaccine increases the rates of autism spectrum disorder in black children by 340 percent when administered before age 36 months.

There is probably no poison pushed harder and more expensively promoted by the Satanist drug pushers than the annual flu vaccine. It's also the most deadly "approved" drug in the U.S., according to the Department of Justice Vaccine Court.

The court was established to provide compensation for victims of "approved" medications after Congress absolved all the pharmaceutical makers of liability for the poison cocktails they produce and the government approves and forces on the public. The greatest percentage of payouts from the vaccine court went to victims (or families of dead victims) of the flu vaccines.

Of the 70 cases compensated in 2013, 42 were for the flu vaccine. Most of those developed Guillain-Barré Syndrome. The other cases were for reactions to Hep B, Tetanus, HPV, DTaP, MMR, IPV, PCV, Hib, Meningococcal, Varicella, TD. By the way, even getting a case before the drug court is expensive, time-consuming and terribly burdensome.

The CDC claims 36,000 people die in the U.S. each year from the flu. But those numbers can charitably be called a sack of hooey. According to a report published in the British Medical Journal in 2005, actual annual flu deaths are measured in the dozens — not in the tens of thousands, as reported by the CDC. When researcher Peter Doshi, Ph.D., studied actual flu deaths, he learned, "[I]nfluenza and pneumonia" took 62,034 lives in 2001 — 61,777 of which were attributable to pneumonia and 257 to flu, and in only 18 cases was the flu virus positively identified." In other words, the influenza virus was actually present in only 18 of 62,034 deaths attributed to both influenza and pneumonia.

And as I have previously told you, flu has little to do with influenza. Doshi published research in the BMJ in 2013 in which he found that in the hundreds of thousands of respiratory samples taken each year from flu patients in the United States and tested in labs, only 16 percent test positive for the influenza virus. It turns out that most flu cases are actually caused by bacteria or fungus or any of a number of other things except the influenza virus being blamed.

And it turns out that you're far more likely to die if you do get the flu vaccine. But the mainstream prostitutes in the media won't tell you this.

There are 316 million people in America. According to the CDC, 45 percent got the shot in 2013. That means that 174 million did not. According to the National Vital Statistics System in the U.S., annual flu deaths amounted to just 500 per year. If 500 people died from the flu and if we assume that none of the 500 had the vaccine (not likely), then the death rate from not taking the shot is 0.00028735632183908046 percent.

According to National Vaccine Information Center, only 1.5 percent of all adverse drug reactions are reported. In 2013, there were 76 deaths reported to NVIC that resulted from the flu shot. If 1.5 percent of all adverse reactions are reported, we multiply 76 by 98.5 and we learn that approximately 7,486 people (or almost 15 times as many) may have died from the flu shot. So more people died from the shot than died from not taking the

shot. That's a death rate of 0.005271830985915493 percent.

For seniors it's worse. In clinical trials for Flu-Zone High Dose (the recommended vaccine by Big Pharma) 23 seniors of 3,833 died in the trial from the flu vaccine. For seniors, that's a 0.6000521784503 percent chance of dying from the flu shot.

All drugs violate nature and natural body chemistry. Drugs will kill you — if not immediately, then over time, as drugs are toxic and they accumulate in the body. We don't innocently take drugs with impunity.

Vaccinations and the health consequences are often separated by time. This confuses cause and effect. This is the perfect crime. That is, the vaccination does not appear to be linked to illness years later or even a few months later. What's more, even when death or injury occurs following a vaccination, the official line is that no causative relationship can be proved. After all, why wouldn't anybody want their child vaccinated against disease?

Why do big pharmaceuticals engage in this murder by injection? It's money! It's a multibillion-dollar annual industry. And it supports the medical system, which the drug companies own.

Why does the federal government support universal vaccinations, even paying bonuses and kickbacks, and the damages caused by them? Here goes: Governments are all on a paper money system. Paper money moves wealth and production into the hands of government. All is fine with this mass theft until there comes along an aging population.

An aging population means non-producing consumers. This reverses consumption from the government to the non-producing, aging consumers. Governments can't afford this, and they have to reverse consumption back to government. They want young people to produce and fight wars created with paper money.

What to do? Kill off the aging population, benevolently of course. Down the road there is euthanasia; but for now, we put them under the tender care of the medical establishment. Everybody gets rich except the aging victims killed with drugs, operations and "medical care."

Does anybody ever find out about it? Nope. Only a few find out who have the capacity to look beneath and discover the perfect crime... and a very profitable one.

BUT, BUT... POLIO?

Anytime I write about the deadly nature of vaccines, which are a toxic amalgam of neurotoxins and hormone disruptors including formaldehyde, mercury (as thimerosal) — the third most deadly toxin known and banned by FDA in over-the-counter-drugs in 1998 — and aluminum, people bring up the polio vaccine as having eradicated polio.

Bah! That's one of the greatest myths ever promulgated on mankind. The truth is polio's rise in the United States coincided with an increased use of pesticides in the 1950s, many of which were byproducts of chemical weapons manufactured during World War II.

The pharmaceutical companies — which benefitted financially from the polio outbreak — funded the writings on the history of polio and its treatment. As such, the pharmaceutical companies were presented in the best possible light. Americans were not told about the many people who developed paralysis after being vaccinated against polio. Nor were they told about David Bodian, M.D., Ph.D., from the Poliomyelitis Laboratory at Johns Hopkins University. Bodian told the International Poliomyelitis Conference in 1954 — the year before the polio vaccine was introduced — injections and other vaccines, such as the DTP vaccine, "may be causing polio."

Food and Drug Administration-approved drugs kill many more people than guns, which the statists work continually to ban. There are more than 2 million adverse drug reactions annually. And more than 100,000 people die each year from adverse drug reactions, according to the FDA. But it's public policy and in the public interest so no one notices.

US~Observer's Note: Please Google, "Merck Has Some Explaining To Do Over Its MMR Vaccine Claims" and read the Huff Post article on the whistleblowers outing vaccines, saying Merck, in particular, "fraudulently misled the government and omitted, concealed, and adulterated material information regarding the efficacy of its mumps vaccine in violation of the FCA/False Claims Act."

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COMMENTARY



By Judge Andrew Napolitano

(FOX News) - President George W. Bush was fond of saying that "9/11 changed everything." He used that one-liner often as a purported moral basis to justify the radical restructuring of federal law and the federal assault on personal liberties over which he presided. He cast aside his oath to preserve, protect and defend the Constitution; he rejected his oath to enforce all federal laws faithfully; and he moved the government decidedly in the direction of secret laws, secret procedures and secret courts.

During his presidency, Congress enacted the Patriot Act. This legislation permits federal agents to write their own search warrants when those warrants are served on custodians of records -- like doctors, lawyers, telecoms, computer servers, banks and even the Post Office.

Such purported statutory authority directly violates the Fourth Amendment to the U.S. Constitution, which guarantees the right to privacy in our "persons, houses, papers and effects." That includes just about everything held by the custodians of our records. Privacy is not only a constitutional right protected by the document; it is also a natural right. We

possess the right to privacy by virtue of our humanity. Our rights come from within us -- whether you believe we are the highest progression of biological forces or the intended creations of an Almighty God -- they do not come from the government.

If the terms and meaning of the Constitution could be changed by the secret whims of those in the executive branch into whose hands they have been reposed for safekeeping, of what value are they?

This is not an academic argument. If our rights come from within us, the government cannot take them away, whether by executive fiat, popular legislation or judicial ruling, unless we individually have waived them. If our rights come from the government, then they are not rights, but permission slips.

The terms of the Patriot Act were made public, and those of us who follow the government's misdeeds could report on them. After all, this is America. We are a democracy. The government is supposed to work for us.

We have the right to know what it is doing in our names as it is doing it, and we have the right to reveal what the government does. Yet, under this law, the feds punished many efforts at revelation. That's because the Patriot Act prohibits those who receive these agent-written search warrants from telling anyone about them. This violates our constitutionally protected and natural right to free speech. All of this has been publicly known since 2001.

Then, in June 2013, Edward Snowden, the uber-courageous former CIA and NSA official, dropped a still smoldering bombshell of truth upon us when he revealed that the Bush administration had dispatched the NSA to spy on all Americans all the time and the Obama administration had attempted to make the spying appear legal by asking judges to authorize it.

Snowden went on to reveal that the NSA, pursuant to President Obama's orders and the authorization of these judges meeting in secret (so secret that the judges themselves are not permitted to keep records of their own rulings), was actually capturing and storing the content of all emails, text messages, telephone calls, utility and credit card bills, and bank statements of everyone in America. They did this without a search warrant based on probable cause -- a very high level of individualized suspicion -- as required by the Constitution.

Snowden revealed that Obama's lawyers had persuaded these secret judges, without any opposition from lawyers representing the victims of this surveillance, that somehow Congress had authorized this and somehow it was constitutional and somehow it was not un-American to spy on all of us all the time. These judges actually did the unthinkable: They issued what are known as general warrants. General warrants were used against the colonists by the British and are expressly prohibited by the Fourth Amendment. They permit the bearer to search wherever he wishes and seize whatever he finds. That's what the NSA does to all of us today.

Recently, we learned how deep the disrespect for the Constitution runs in the government and how tortured is the logic that underlies it. In a little-noted speech at Washington and Lee Law School, Gen. Michael Hayden, the former director of both

the CIA and the NSA, told us. In a remarkable public confession, he revealed that somehow he received from some source he did not name the authority to reinterpret the Fourth Amendment's protection of privacy so as to obliterate it. He argued that the line between privacy and unbridled government surveillance is a flexible and movable one, and that he -- as the head of the NSA -- could move it.

This is an astounding audacity by a former high-ranking government official who swore numerous times to uphold the Constitution. He has claimed powers for himself that are nowhere in the Constitution or federal

statutes, powers that no president or Congress has claimed, powers that no Supreme Court decision has articulated, powers that are antithetical to the plain meaning and supremacy of the Constitution, powers that any non-secret judge anywhere would deny him.

If the terms and meaning of the Constitution could be changed by the secret whims of those in the executive branch into whose hands they have been reposed for safekeeping, of what value are they? No value. In such a world, our Constitution has become a worthless piece of paper.

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

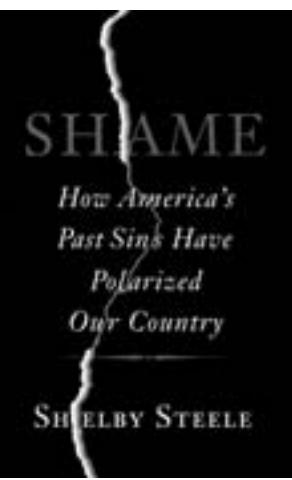


By Walter Williams

(WND) - Today's liberals are not racists, but they often behave that way. They would benefit immensely from considering some of the arguments in award-winning scholar Dr. Shelby Steele's forthcoming book, "Shame: How America's Past Sins Have Polarized Our Country."

Steele, a senior fellow at the Hoover Institution, explains that in matters of race, there is an ideological vision that completely ignores truth -- a vision he calls "poetic truth." In literature, poetic license takes liberties with grammatical rules, as well as realities, in order to create a more beautiful or powerful effect than would be otherwise possible. Liberals have a poetic commitment to black victimization as the explanation for the many problems affecting a large segment of the black community. The truth that blacks have now achieved a level of freedom comparable to that of others has to be seen as a lie. People who accept the truth about that freedom are seen as aligning themselves with America's terrible history of racism. Accepting that racism is still the greatest barrier to black achievement is the only way liberals can prove themselves innocent of racism. Thus, "modern liberalism is grounded in a paradox: it tries to be 'progressive' and forward looking by fixing its gaze backward. It insists that America's shameful past is the best explanation of its current social problems. It looks at the present, but it sees only the past."

Liberals believe that black people's fate is determined by the beneficence of white people and government programs. Steele points out that despite the handicaps of past racism and segregation, our fate was left in our own hands. In the face of more government opposition than assistance, black Americans created the most articulate and effective movement for human freedom that the world has ever seen -- the civil rights movement. This was done without any government grants and in a society that ran the gamut from a cool



Progressives' paradox on race

indifference toward blacks to murderous terrorism.

Though not politically correct to acknowledge, there are cultural patterns within the black community that keep blacks from achieving true parity with whites. Sociologist Daniel Patrick Moynihan identified these patterns in his 1965 report, titled "The Negro Family: The Case for National Action." Moynihan, who later became a Democratic senator, was condemned as a racist by much of America's academic establishment for "blaming the victim." Worse than that, Moynihan's experience became an object lesson for other social scientists that any research that implies black responsibility for black problems is forbidden.

Moynihan's conclusions were no less than prophetic. Steele says that family breakdown is the single worst problem black America faces. It spawned countless other problems in black America, including gang violence, drug abuse, low academic achievement, high dropout and unemployment rates, and high crime and incarceration rates.

Liberalism is a moral manipulation that exaggerates inequity and unfairness in American life to justify overreaching public policies and programs. Liberalism undermines the spirit of self-help and individual responsibility. For liberals in academia, the fact that black college students earn lower grades and have a higher dropout rate than any group besides reservation Indians means that blacks remain stymied and victimized by white racism. Thus, their push for affirmative action and other race-based programs is to assuage their guilt and shame for America's past by having people around with black skin color. The heck with the human being inside that skin.

Shelby Steele argues that the civil rights movement's goal was a free society -- one not necessarily free of all bigotry but free of illegal discrimination. After that, we minorities should be simply left alone, as opposed to being smothered by the paternalism, inspired by white guilt, that has emerged since the 1960s. On that note, I just cannot resist the temptation to refer readers to my Proclamation of Amnesty and Pardon, which grants Americans of European ancestry amnesty and pardon for their own grievances and those of their forebears against my people so that they stop feeling guilty and stop acting like fools in their relationship with Americans of African ancestry. ***

Your Right to Speak Out

Is our Constitution just a worthless piece of paper?

Snowden went on to reveal that the NSA, pursuant to President Obama's orders and the authorization of these judges meeting in secret (so secret that the judges themselves are not permitted to keep records of their own rulings), was actually capturing and storing the content of all emails, text messages, telephone calls, utility and credit card bills, and bank statements of everyone in America. They did this without a search warrant based on probable cause -- a very high level of individualized suspicion -- as required by the Constitution.

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Vince Vaughn Talks Libertarianism With Playboy



PLAYBOY: Would you ever consider running for office?

VAUGHN: No. But let's say I did. I'm going to have a lot of people with a lot of money becoming my friends, aren't I? Because I can write laws to benefit you. Let's say you're a major corporation, and I'm the politician and I can write laws. I can say which race gets a benefit and which doesn't. That could get me some votes. Or I write laws that help your business and limit other businesses from being able to compete with you because they can't survive all the new programs I'm putting in place. What is it they can't afford? The health care act? Okay, I'll vote for that and they can never reach you. But you have to vote for me.

You have to understand that America today is not capitalistic. The problem is corporatism. The government has too much authority, and it's dangerous. It stifles productivity and freedom and prosperity and peace. I find most people nowadays are more complacent or accepting that the government can successfully do everything for us. It can't. It can't!

PLAYBOY: You're very passionate about these issues.

VAUGHN: How can you not be? The Patriot Act? Let's get rid of it. Undeclared wars, doing away with personal liberties -- let's understand how that has worked out historically to see that it has led to some horrible things. Once our personal liberties are gone, when an American citizen can be pulled out of his house and detained for six months without a trial, where is our country? Once those rights are gone, how do you get them back? Once the government is allowed to listen to you, how do you get that privacy back?



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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



By Dr. Ben Carson

(WND) - The graphic pictures of a Jordanian pilot being burned alive by militants from the Islamic State, or ISIS, were chilling and raised doubts about the humanity of the Islamic terrorists capable of such barbarism. This coupled with beheadings and crucifixions gives us a better understanding of the evil we, along with the rest of the world, are facing.

These terrorists have stated their intention to annihilate Israel and to destroy the American way of life, which they consider corrupt and evil. Undoubtedly, we in America have our faults like every other country inhabited by human beings, but it requires the suspension of knowledge of accurate American history to believe, as some do, that we are the source of much of the trouble in the world. Conditions in the world have improved more dramatically since the advent of the United States than at any other

time in human history. Our innovation and compassion have provided one of the highest standards of living in the world while lifting conditions in many other nations.

Understanding that we are not evil makes it easier to identify evil elsewhere and to combat it effectively. When we accept the falsehood



that everyone is equally bad, and, therefore, we have no right or obligation to interfere with atrocities occurring elsewhere in the world, we facilitate the development and growth of groups such as ISIS, which are not dissimilar

to the adherents of Adolf Hitler, who also aspired to world domination. An objective analysis of American history will demonstrate that we were late in joining the efforts of others to combat evil during both World War I and World War II. Hopefully, we have learned from these mistakes that it is better to fight enemies while they are in their adolescent stages than to wait until they have fully matured and pose a much greater threat.

I certainly do not believe that we need to involve ourselves in every conflict on the planet, and I believe we involved ourselves in the Vietnam conflict without clear goals or strategies. Hopefully, we learned from that experience that it is neither wise nor correct to try to impose our way of life on others. I also believe that there were better ways to handle Saddam Hussein than a full-fledged military confrontation. Those better ways would have involved a plan for Iraqi leadership over the long term. These unfortunate experiences have made some gun-shy to the point that they probably would rather be invaded than adopt an offensive war posture.

This is a critical time in the history of the world, and we must clear our heads and think

logically about the consequences of underestimating the threat posed by a host of Islamic terrorist groups. It is clear that they have a plan that they believe will yield a victory in their quest for world domination. Some in our country are arrogant enough to believe that such a goal is preposterous. Others believe our time has come and gone and resistance is useless.

Both of these beliefs are absolutely wrong and do not take into account the strength and resolve inherent in the American character. The battle we are entering will be difficult and fraught with surprises, but as Winston Churchill said, *"You ask, what is our aim? I can answer in one word. It is victory. Victory at all costs. Victory in spite of all terrors. Victory, however long and hard the road may be, for without victory, there is no survival."*

★★★



Creepy, Calculating and Controlling: All the Ways Big Brother Is Watching You



By John Whitehead
The Rutherford Institute

None of us are perfect. All of us bend the rules occasionally. Even before the age of overcriminalization, when the most upstanding citizen could be counted on to break at least three laws a day without knowing it, most of us have knowingly flouted the law from time to time.

Today, however, there's little room for indiscretions, imperfections, or acts of independence—especially not when the government can listen in on your phone calls, monitor your driving habits, track your movements, scrutinize your purchases and peer through the walls of your home.

That's because technology—specifically the technology employed by the government against the American citizenry—has upped the stakes dramatically so that there's little we do that is not known by the government.

In such an environment, you're either a paragon of virtue, or you're a criminal.

If you haven't figured it out yet, we're all criminals. This is the creepy, calculating yet diabolical genius of the American police state: the very technology we hailed as revolutionary and liberating has become our prison, jailer, probation officer, Big Brother and Father Knows Best all rolled into one.

As I point out in my book, "A Government of Wolves: The Emerging American Police

State," on any given day, the average American going about his daily business will be monitored, surveilled, spied on and tracked in more than 20 different ways, by both government and corporate eyes and ears.

For example, police have been using Stingray devices mounted on their cruisers to intercept cell phone calls and text messages without court-issued search warrants.

Doppler radar devices, which can detect human breathing and movement within a

partnership that gives government officials access to all manner of surveillance cameras, on sidewalks, on buildings, on buses, even those installed on private property.

Couple these surveillance cameras with facial recognition and behavior-sensing technology and you have the makings of "pre-crime" cameras, which scan your mannerisms, compare you to pre-set parameters for "normal" behavior, and alert the police if you trigger any computerized alarms as being

need to spy on you using your smart TV when the FBI can remotely activate the microphone on your cellphone and record your conversations. The FBI can also do the same thing to laptop computers without the owner knowing any better.

Drones, which will begin to take to the skies en masse this year, will be the converging point for all of the weapons and technology already available to law enforcement agencies. This means drones that can listen in on your phone calls, see through the walls of your home, scan your biometrics, photograph you and track your movements, and even corral you with sophisticated weaponry.

And then there's the Internet and cell phone kill switch, which enables the government to shut down Internet and cell phone communications without Americans being given any warning. It's a practice that has been used before in the U.S., albeit in a limited fashion.

Apart from the obvious dangers posed by a government that feels justified and empowered to spy on its people and use its ever-expanding arsenal of weapons and technology to monitor and control them, we're approaching a time in which we will be forced to choose between obeying the dictates of the government—i.e., the law, or whatever a government official deems the law to be—and maintaining our individuality, integrity and independence.

Unfortunately, privacy as we once knew it is dead.

We now find ourselves in the unenviable position of being monitored, managed and controlled by our technology, which answers not to us but to our government and corporate rulers. This is the fact-is-stranger-than-fiction lesson that is being pounded into us on a daily basis.

Thus, to be an individual today, to not conform, to have even a shred of privacy, and to live beyond the reach of the government's roaming eyes and technological spies, one must not only be a rebel but rebel. Even when you rebel and take your stand, there is rarely a happy ending awaiting you. You are rendered an outlaw. So how do you survive in the American police state?

As Philip K. Dick, the visionary who gave us "Minority Report" and "Blade Runner," advised:

"If, as it seems, we are in the process of becoming a totalitarian society in which the state apparatus is all-powerful, the ethics most important for the survival of the true, free, human individual would be: cheat, lie, evade, fake it, be elsewhere, forge documents, build improved electronic gadgets in your garage that'll outwit the gadgets used by the authorities."

★★★

COMMENTARY

We have met the enemy, and he is not us



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★★★



home, are already being employed by the police to deliver arrest warrants.

License plate readers can record up to 1,800 license plates per minute. However, it seems these surveillance cameras can also photograph those inside a moving car. The Drug Enforcement Agency has been using the cameras in conjunction with facial recognition software to build a "vehicle surveillance database" of the nation's cars, drivers and passengers.

Sidewalk and "public space" cameras, sold to gullible communities as a sure-fire means of fighting crime, is part of a public-private

"suspicious."

Technology is already available that allows the government to collect biometrics such as fingerprints from a distance, without a person's cooperation or knowledge. One system can actually scan and identify a fingerprint from nearly 20 feet away.

Developers are hard at work on a radar gun that can actually show if you or someone in your car is texting. No word yet on whether the technology will also be able to detect the contents of that text message.

Hailed as the easy fix solution to police abuses, police body cameras will turn police officers into roving surveillance cameras. Of course, if you try to request access to that footage, you'll find yourself being led a merry and costly chase through miles of red tape, bureaucratic footmen and unhelpful courts.

There's a price to pay for "smart" appliances and electronic devices connected to the internet and capable of interacting with each other and being controlled remotely. That price amounts to relinquishing ultimate control of and access to your home to the government and its corporate partners. For example, while Samsung's Smart TVs are capable of "listening" to what you say, thereby allowing users to control the TV using voice commands, it also records everything you say and relays it to a third party.

Then again, the government doesn't really

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Continued from page 1 • Utah: 'Let's Deal' - NuSkin Co-founder's Case Dismissed, Husband's Trial Upcoming

bargain" was facilitated by new attorneys who had stepped in to represent Nedra.

One thing is sure, had the state really had such great evidence of crimes being committed by Nedra McKell, they wouldn't have cut such an overwhelmingly pro-defense deal. Still, it smacks of being patently extortionate, being that one of the requirements has to do with paying for the insurance. It doesn't matter that she was going to be carrying health coverage on her daughter anyway. The state is just lucky that Nedra had already opted to take a deal and not fight the obviously weak charges, for the sake of her family.

After receiving the previous offer from the state by Petro, Nedra talked with individuals close to the US~Observer and made it clear that her intentions were to take a plea in abeyance if it meant that she could be an effective witness on behalf of her husband in his upcoming trial – had she been considered a felon, her testimony would have been discredited. Nedra also stated she wanted to do what was best for her family and thought that taking her charges to trial would put undue stress on everyone involved. Nedra was especially fearful that her daughter Summer would be forced to recall events that just never took place, all in an attempt to prosecute her and, ultimately, her husband Rob. It's something Nedra feared would further harm Summer's psyche.

ROB MCKELL'S UPCOMING TRIAL, FEATURING 'NO LEGITIMATE EVIDENCE' OF GUILT



Rob McKell

Nedra McKell's fears aren't unfounded. Rob McKell is facing an upcoming trial, charged with multiple counts of sexual misconduct with Summer - something both Rob and Nedra maintain never happened. During Rob McKell's preliminary hearing, Whitnie Tate, the detective assigned to the case, admitted under oath that during an initial interview she had laid-out ideas for Summer as to the chronology of events, how many times things may have happened, and even to the finer details of those encounters. So, in essence, Summer was led to recall events that were influenced by someone else. Furthermore, it's been suggested that there was a plan by several of the children to get Rob out of the home, because they thought he was "mean and controlling" and they wanted direct access to Nedra's wealth. This was covered extensively in the US~Observer's last article, "\$10-million and this goes away" - Accuser's 'Brother' Orchestrates False Sex Allegations? - <http://www.usobserver.com/archive/april-14/10million-utah.html>.

According to a psychological assessment, Summer needs to act out and she desperately wants attention - perhaps even going so far as reportedly sending nude pictures of herself to others on the internet. It is something Summer found herself in the center of an investigation for. Utah County Deputy Jeff Wabel was involved in investigating her unwanted solicitations and was later called as a witness in Rob McKell's preliminary hearing. Due to laws protecting the "victim" he was not allowed to testify to the events that took place in that previous case, but he

was allowed to state his opinion on whether or not Summer was capable of lying, saying, "at the time I interviewed her ... I didn't feel she was completely truthful."

Also during the preliminary hearing, even Detective Tate claimed that Summer told her that she wasn't always truthful. And, then again in more court proceedings, it comes to light that Summer McKell, herself, admits to not always telling the truth. Yet, here we have a case where the word of this one person can literally seal another's fate, and the jury will most likely never be allowed to hear an accurate portrayal of a young woman who obfuscates the truth in order to get what she wants.

And, it could just be that she wanted to mirror her sister Cheyenne's stated wants on the day she made the accusations. While they were all about to leave for a trip, Cheyenne had suggested a way to call the police and get Rob McKell out of the house by claiming he was a felon in possession of firearms (according to criminal records, Rob McKell has never been a felon). It was then when Summer spoke up and, from witness statements, said that she knew something that would get him in trouble. The next stop was the Sheriff's Department where the accusations were formalized. One has to wonder about the integrity of the "witness" statements, as they were allowed to write their statements while sitting in their car together. A logical assumption can be had that they all discussed what to say, but that would be mere speculation. I would hope that Brooke McKell (who was present during this apparent conspiracy), Nedra's biological son, would come forward and tell the truth about this and make things right.

You can bet that Utah County Attorney Jeff R. Buhman doesn't want the jury to hear about Cheyenne conspiring. Nor does he want the jury to ever hear how troubled Summer is and has been - long before the abuse was alleged to have occurred; that without "controlling" (caring) parents or guardians she allegedly gets into drugs, sex, and reportedly winds up hospitalized after overdosing and being found naked, as was recently told to the US~Observer.

While Buhman isn't prosecuting the case himself, he is the elected official who signs-off on all the prosecutions moving forward. This is one case of "he said she said" that should be causing him a little heartburn as more statements of the alleged victim saying nothing ever happened are coming to light. You can rest assured that Buhman will want these witnesses barred from testifying, too.

We'd like to thank the responsible members within the Utah County Bureaucracy who have stepped forward with information on this case. True victims' advocacy might not be about blindly believing the accusations of one person against

another, but rather letting fact and material evidence determine who is and isn't a victim; we thank you for recognizing that and knowing that justice can and will be had.

As the trial approaches, it has been reported that Rob McKell has fired his attorney Ron Yengich for ineffective assistance of counsel, as his concerns have been for his own well-being, as he is purportedly fighting cancer, and not the case of his client, and it is expected and highly likely that the trial will be pushed back, yet again.

People close to the McKell family are shocked that these charges have gone as far as they have, as there is no physical evidence of, or admission to, any wrong doing on the part of Rob McKell.

A long-time family friend even saying, "I know that Summer has a problem telling the truth. I know that she can be manipulated. I also know that if I thought for one second that Rob had molested her sexually, I

would have called the police myself." This potential witness had a personal relationship with Summer that pre-dates Rob's marriage to Nedra. As a trusted friend, she had a conversation with Summer about her problems during which time the alleged abuse was occurring. She maintains that she, "... asked [Summer] point blank if Rob had ever, ever been inappropriate with her. She adamantly said no."

The US~Observer investigates each case on the evidence. From what we have found, Utah County Attorney Buhman has no proof of McKell's guilt other than the word of the alleged victim, who is on the record admitting that she lies and who has reportedly denied her own allegations. It's a little unsettling to think that one person would be allowed to pursue the incarceration of another on such baseless grounds. But then again, any way the government can get its man, they usually try to do it, especially when they are being pressured by overtly biased victim's advocates.

Still, we here at the US~Observer hold out hope that Buhman just might grow a conscience, do what is right and just, and instruct his assistants to drop this case.

Editor's Note: Jeff Buhman has to understand by now that his office is conducting a false prosecution. The fine people of Utah County should contact his office immediately and demand that 'witch hunts' not be tolerated; that to incarcerate someone for a crime should be dependent upon physical and/or conclusive evidence, not off of one person's say so. He may be reached at 801-851-8026. It will be interesting to see if Buhman is indeed interested in a just outcome, or if he is the same as many other prosecuting attorneys, whose interest is a conviction, at all cost - blind to true justice.

Don't forget to log on to www.usobserver.com and read the first article on the McKell nightmare, "\$10-million and this goes away" - Accuser's 'Brother' Orchestrates False Sex Allegations?" - <http://www.usobserver.com/archive/april-14/10million-utah.html>.



Cheyenne and Summer

Continued from page 1 • 9th Circuit Judge ...

fact, it is said: "Judge Tallman turned his courtroom into a crime scene" in order to convict Hinkson and Tallman was one of the criminals. Congressman Goodlatte and the Ninth Circuit Court of Appeals have now both, factually turned their backs on Justice and the public they purportedly serve.

JUSTICE SCREAMS FOR INFORMATION

The US~Observer intends to hold both Goodlatte and Judge Tallman accountable; however, we need the public's assistance to accomplish this. Do you know Judge Richard Tallman? Do you know someone who knows someone who knows him? How about Congressman Goodlatte? Please realize this fact; If Tallman was brazen enough to commit actual crimes in the process of helping prosecute an outstanding citizen like David Hinkson, he has most likely done other things in his past, which are either unethical or illegal or both. If Bob Goodlatte can ignore Tallman, then he is no better. Did you go to college with Tallman or Goodlatte, were you married to one of them or one of their relatives? Did either of these worthless human beings abuse you or someone you know?

Also, if there is any person who is a resident of the Virginia Congressional District that Goodlatte represents, please make contact, because he and his staff refuse to take calls, emails or letters from anyone who is not a constituent. He is violating his oath to the citizens of the United States because he does not simply represent constituents, he is the chairman of the House Judiciary Committee, and thus, represents all Americans. How can he even pretend to be fair minded if he consistently refuses to hear about judges who violate their oath of office and "commit high crimes and misdemeanors in their courtrooms?"

Please be responsible and help the US~Observer obtain Justice for David Hinkson. Call 541-474-7885 or send an email to editor@usobserver.com. All calls and emails will be confidential.



Congressman Goodlatte

RED'S CORNER Good Cops Do Exist



Editor's Note: In upcoming editions of the US~Observer we will be featuring stories from the career of Red Smith. In our opinion, Red is one of the most ethical individuals to have ever worn a badge. Besides, he has some real good stories.

The One About the Fast Defense Attorney

By Red Smith

Jackson County, Oregon - I was working swing shift out



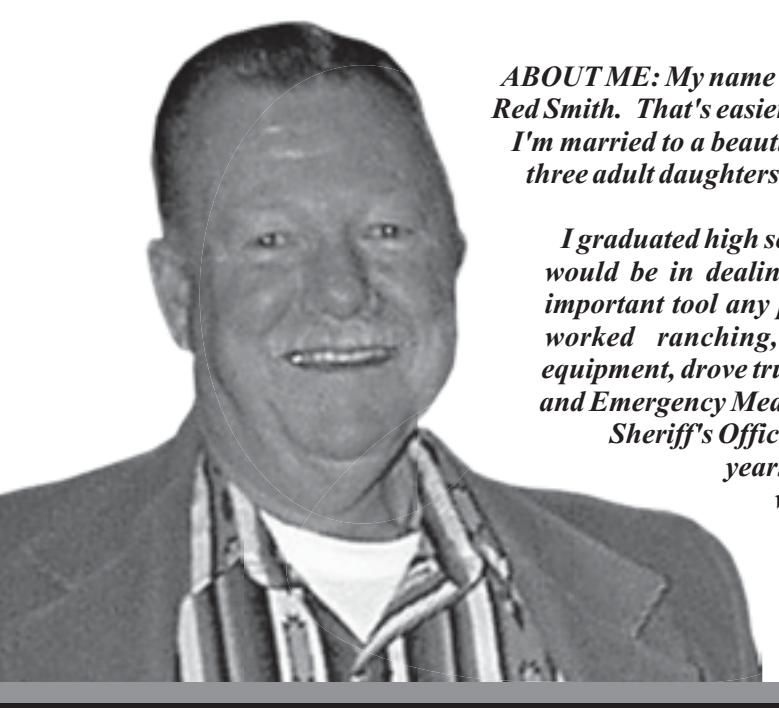
of the Gold Hill Sub-Station, driving East bound on Highway 234 in Sam's Valley when I observed a vehicle coming toward me. The vehicle appeared to be hopping up and down, which usually indicates a very fast moving vehicle. When it was nearer to my patrol car, the moving radar started beeping, locked and indicated a speed of 97 mph. I unlocked the radar to get a second speed reading and again it locked on the same speed. The third time it locked on 99mph. I slowed and waited until the vehicle was near. I turned on my overhead warning lights and made my turn-around in preparation of stopping the vehicle. The operator pulled over and I stopped behind it. As I got out of my patrol car, the operator also got out. As he walked back to me, I recognized him as a local defense attorney. He began to speak telling me, "The only reason I was going that fast is I had read

in the newspaper there was not going to be any cops on the roads due to all the layoffs." I turned his ticket over and after writing (unsolicited statement of citizen violator on the back)

I wrote down his statement verbatim. He asked me, "Are you writing down what I said?" I responded, "Yes," completed the ticket, thanked him for his time, suggested he slow down and drive safely and served him with the ticket.

The following day I had the opportunity to contact the Justice Court Judge on another case. On contact, the Justice of the Peace

told me a story. He told me, "I was in my office yesterday when an attorney came in and threw his speeding ticket you wrote him on my desk and asked, 'did you see what that red headed SOB did?'" The judge picked up the ticket, read it and leaned his chair back and tapped on the bulletin board behind him saying, "Don't feel like the Lone Ranger, he got me, too."



ABOUT ME: My name is William Holden Smith, but most people know me as Red Smith. That's easier for people to remember, especially the young people. I'm married to a beautiful woman who was also a deputy sheriff, and I have three adult daughters and three adult stepsons. I'm proud of them all.

I graduated high school as well as have some college; if I had a degree, it would be in dealing with people. I think communication is the most important tool any person can have and especially a police officer. I've worked ranching, farming, manufacturing, construction, heavy equipment, drove truck and school bus. I've also worked as a Fire Fighter and Emergency Medical Technician, as well as a Cop. I'm retired from the Sheriff's Office after being a reserve for years and then twenty-eight years full-time. In retirement, I drove armored truck, worked for three different Municipal Police Departments and a Constable's Office. Now I'm trying the retirement thing again. Fair warning though, I like to stay busy.

Ron Paul is Right: Nullification Movement is Happening

By Mike Maharrey

(Voices of Liberty) - I would like to start off by talking about the subject and the subject is secession and nullification, the breaking up of government, and the good news is it's gonna happen. It's happening.

Unsurprisingly, the establishment on both the left and the right threw an apoplectic fit. One progressive website called Dr. Paul "a moron" for even daring to suggest that states can nullify unconstitutional federal acts or regions might want to secede from centralized, monopoly government. And the Sean Hannity, Sarah Palin, Glenn Beck supported Convention of States Project used Paul's comments to attack the principles of nullification.

Despite legitimate secession movements in Scotland, Italy and Canada, the idea remains primarily theoretical in the United States—an option for the future if things continue to deteriorate, as Paul put it. But a robust nullification movement continues to grow and gain momentum across the country today.

Less than two months into the 2015 state legislative season, the Tenth Amendment Center counts more than 250 nullification bills introduced in state legislatures across the United States.

Sponsored by both Democrats and Republicans, these bills range from narrowly focused legislation that would allow terminally-ill people access to experimental drugs and medical treatments despite FDA regulations, to bills that would deny resources and assistance from states to the NSA. Other legislation addresses the federal violations of the Second Amendment, the federal



Dr. Ron Paul

prohibition of hemp and marijuana, common core, the use of drones for surveillance, the Affordable Care Act, and even federal grant programs that arm local police with battlefield-ready military equipment.

Despite the number of states considering nullification legislation, the attacks from both the establishment left and right continue. Aside from the ridiculous name-calling and accusations of racism, opponents most often challenge the legality and legitimacy of nullification. But these attacks on the modern nullification movement focus on just one mode of nullification seldom used today, ignoring the widely applied, Supreme Court sanctioned, strategy employed in the vast majority of nullification efforts across the country today.

James Madison provided the blueprint for the modern nullification movement in Federalist 46. During the ratification debates, the founding generation wrestled with the question: what will we do if the federal government oversteps its bounds? Madison wrote that the "means of opposition is powerful and at hand." He went on to list several action states could take to thwart unwarranted actions – and even unpopular "warranted" actions. Among the steps Madison recommended was "refusal to cooperate with officers of the union." He argued that even a single state employing this strategy would present serious impediments, "and were the sentiments of several adjoining States happen to be in Union, would present obstructions which the federal government would hardly be willing to encounter."

Nearly all modern nullification efforts today rely on refusal to cooperate with the federal government. This strategy does indeed create obstructions because the feds rely on state assistance and resources for almost everything they do. When states withdraw support, the

federal government finds itself in a position where it simply can't implement its programs or enforce its mandates. Its lacks the resources and manpower to do so. This leads to nullification in practice and effect.

And nullification through non-cooperation is absolutely legal.

The strategy rests on the well-established anti-commandeering doctrine, resting primarily on four SCOTUS cases. Justice Scalia summed up the anti-commandeering doctrine in the Printz v. US majority opinion.

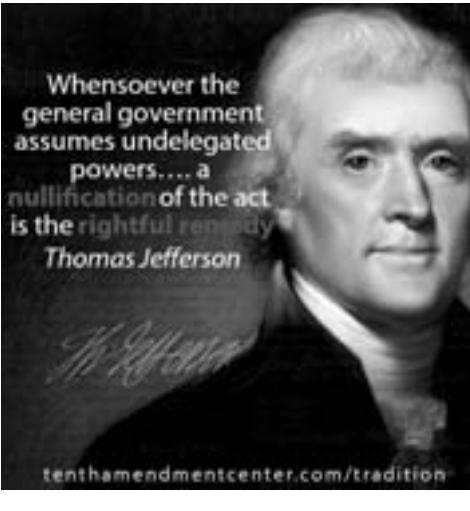
We held in New York that Congress cannot compel the States to enact or enforce a federal regulatory program. Today we hold that Congress cannot circumvent that prohibition by conscripting the States' officers directly. The Federal Government may neither issue directives requiring the States to

address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty.

Opponents fixate on the more radical mode of nullification advance by Sen. John C. Calhoun and other South Carolina politicians during the "Nullification Crisis" of the late 1820s and early 1830s. This strategy involves declaring a law unconstitutional and therefore void, and then physically impeding the feds from enforcing it within the borders of a state. While we can debate the constitutional legitimacy of such actions, in practice it will likely end up in a legal battle that states will lose in federal court. And there likely isn't a state that would defy a federal court in practice.

But the fact is, of the more than 250 nullification bills introduced in state legislatures this year, only a handful employ this approach. The vast majority rely on non-cooperation based on the legally sound anti-commandeering doctrine.

Ron Paul is right: the nullification movement is happening. And it is a good thing!



Continued from page 1 • America's Dirtiest Cops ...

.40-caliber Glock into his ankle holster and got ready to go to work. It was Thursday, July 26th, 2012, one of those summers in South Texas when the hot air settles on the Rio Grande Valley like a blanket. The Gulf breeze was already sticky as Treviño climbed into his unmarked Chevy Tahoe and started it up.

Treviño was a police officer in Mission, a bustling city of 80,000 on the Texas-Mexico border. Part of a flourishing bilingual metropolitan region with five international bridges, Mission also sits firmly in one of the Office of National Drug Control Policy's 28 HIDTAs, or High Intensity Drug Trafficking Areas – smuggling hot spots where the federal government spends an extra \$240 million a year battling narcotics. Nearly 800,000 pounds of marijuana and several tons of cocaine are seized there every year, on their way to street corners and living rooms all over the country – and that's not counting the stuff that does get through. As the leader of an elite street-level narcotics squad, Treviño was in the middle of the action.

At 28, Treviño was young to be heading up his own narcotics unit. Five feet 10 and built like a second baseman, he had a boyish goatee, a baby face and a habit of rubbing his head when he got confused. But he had good street connections and a solid pedigree, plus a knack for sniffing out drugs. His supervisor joked that they didn't even need a K-9 – they had Treviño.

He was driving to work when the call came in. An inmate in the county jail had tipped two of his guys to a suspected cocaine stash two towns over, in a little peach-colored house with cactuses in the yard and a vacant lot next door. Treviño turned the truck around and went to meet his deputies, plainclothes cops in T-shirts and wraparound shades, all SWAT-trained and hand-picked by Treviño himself. They were part of a special task force that drew from the county sheriff's office and Mission PD, meaning they had jurisdiction to operate in the city and county alike. Their official name was an interagency jumble (Hidalgo County Sheriff's Office – Mission Police Department Local Level Drug Unit) – but everyone called them the Panama Unit.

When they got to the house, no one was home, so Treviño parked nearby and waited. In his sneakers and khakis, with his silver badge tucked into his shirt, the only indication that he was a cop was his olive-green tactical bulletproof vest, which said police on the front in big block letters. Treviño loved that vest: He'd paid \$120 for it at a military-supply store

called Green Beret. He could have gotten a police-issue vest for free, but police-issue vests didn't look as cool. "I'd rather spend \$120 to at least look halfway decent," he later said.

Still, even without the vest, he wasn't exactly undercover. He also wore a yellow T-shirt – the jersey from the Panama Unit's softball team – with the number 7 and Treviño on the back, and on the front: TEAM JUSTICE.

Around 2 p.m., a black Buick eased into the driveway, and two deputies came whipping up behind in a maroon SUV and leapt out, weapons drawn. "Hands up, motherfuckers!" one shouted. Treviño followed in his Tahoe, the hidden red-and-blue grille lights flashing.

The owner of the house was José Perez, a 62-year-old retired auto mechanic. "Where's the coke?" Treviño demanded. Perez said he had no idea what he was talking about. As one deputy stood watch over Perez and his wife, Treviño retrieved three semiautomatics and took the other deputies inside to toss the house.

Accounts differ about what they found, but in Treviño's telling, one officer noticed something funny about the bedroom floor and uncovered a secret compartment containing a scale and seven baggies of cocaine. (Perez denies this, though federal investigators corroborated it.) Treviño sat Perez on the bed. "You're going to jail," he said, "unless you tell me where some drugs are."

This is standard practice in narcotics work – flipping a small-timer to get a bigger fish. Perez called a guy he knew and said he needed two "workers" – slang for kilograms of cocaine. They set up a 4 p.m. meeting outside Matt's Cash & Carry, a hardware store near the freeway, and Treviño let Perez go.

When the alleged dealer showed up, the Panama Unit arrested him – not for the two kilos, but for the small baggies they'd allegedly found at Perez's house. The kilos they kept and later sold to a connection for around \$15,000 each. They also pocketed \$25,000 of the

suspect's cash, according to the FBI. All in all, \$55,000 – not bad for an afternoon's work.

For the past year, Treviño and the Panama Unit had been operating one of the most efficient drug-robbery rings in Texas, taking money from some dealers and traffickers while using their police weapons and police cars to rob others. "These guys were outlaws," one former Hidalgo County deputy says. Adds another, "They were running around like that movie Training Day." They started off stealing ounces of weed and eventually stole so much they attracted the attention of the FBI, the DEA, Homeland Security and the Texas

Rangers, not to mention at least one revenge-seeking gang.

The Panama Unit's crimes were a black eye on border law enforcement – especially the majority of officers who are honest cops. The case also raised questions about who is being enlisted and what resources are being devoted to fighting the nation's drug war. Until it was exposed, the unit was seen as an example of what local drug enforcement was doing right. Most incredibly, its crimes were all happening on the watch of one of the

most powerful lawmen in Texas and one of the U.S. government's most trusted border advisers: the popular Hidalgo County Sheriff Lupe Treviño, a.k.a. Jonathan's father.

On April 25th, 2014, Jonathan Treviño celebrated his 30th birthday. Four days later, he and the rest of the Panama Unit arrived in federal court for sentencing on drug conspiracy charges. The right side of the gallery was filled with family and friends, including Treviño's girlfriend, a middle-school vice principal. The left side was filled with federal agents.

The proceedings stretched over two days, with most sentences ranging between 10 and 14 years. Treviño, who was sentenced last, was represented by a defense attorney named Bobby Joe Yza-guirre, whose previous clients included two ex-chiefs of the Gulf Cartel. The

\$120 bulletproof vest that Treviño had been so proud of ended up coming back to haunt him: The judge imposed an extra penalty for using body armor in a drug-trafficking crime. In the end, he got 17 years.

On a crisp autumn day at the beginning of November, Treviño shuffled into the visiting room of a federal prison in an Eastern state that he requested not be named. He wore Nike sneakers and a khaki jacket and work pants – sheriff's colors – and his thick black beard was flecked with gray. He sat at a small table, a little hunched, and asked for some snacks from the vending machine: a tuna sandwich, potato chips and a can of Dr Pepper.

Treviño wanted to make it clear that he never informed on anyone outside the unit, on either side of the law, partly out of concern for the safety of his family. He noted with pride how he stood up in court and took his punishment like a man. He said he was grateful to the feds who arrested him – "as weird as it sounds" – for stepping in before anyone got hurt or killed. And he forgave the people he says ratted on him, including the rest of the Panama Unit. "Even though they turned on me in open court, I would still take a bullet for these guys."

Chris thinks if his brother had come clean earlier, he might have been able to work out a deal. "My dad would have turned him in immediately to the feds and said, 'My son will cooperate,'" he says. "He had plenty of outs, and he didn't take any of them." But he says the sheriff also bears some responsibility. "The unit didn't have any supervision whatsoever," says Chris. "And to be honest, I blame my dad for that."

But according to Jonathan, the thought of confessing never crossed his mind. "I couldn't," he says. "My dad would have been so disappointed."

Prison could be worse for Treviño. He has a fantasy football team and can use the bathroom without permission. With good behavior, he could get out in his early forties. And though the government seized the cash he had hidden in his safe, he says, he also had two more hiding places they don't know about.

In the meantime, he misses being a cop. "I enjoyed my job so much," he says. "I loved waking up, going to work, getting busts. Even doing crooked stuff, I was proud. Five-thousand-pound dope busts? Some narcotics officers will never get that in their careers. So I felt accomplished knowing we got 4,000 pounds off the street – even when we put 1,000 back on it."

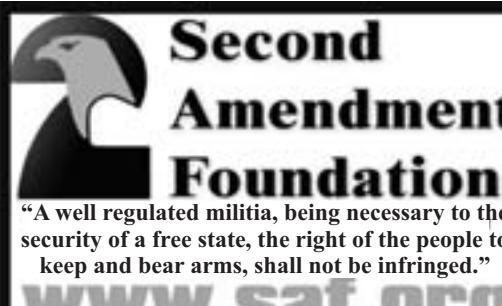


Treviño and another Panama member

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541•474•7885**The Case Against Cheating Prosecutors****Judges Kim Wardlaw, Alex Kozinski, and William Fletcher****By The Times Editorial Board**

(LA Times) - It should go without saying that cheating criminal prosecutors who lie or hide evidence to bolster their cases, and cowardly state judges who cover for them, should be identified and punished. It should go without saying — but we say it in light of last month's extraordinary remarks from a panel of U.S. 9th Circuit Court of Appeals judges at a hearing for convicted murderer Johnny Baca. A lower court had determined that a Riverside County prosecutor lied on the witness stand to back up the lies of a jailhouse informant, but the conviction was repeatedly upheld anyway until it got to the federal appeals panel on a habeas corpus petition.

Judges Alex Kozinski, Kim Wardlaw and William Fletcher lit into the state deputy attorney general who was in front of them to defend the convictions, and a video of the exchange went viral. It sparked news stories and spirited exchanges on legal blogs about what Kozinski had previously called an "epidemic" of prosecutorial misconduct and assertions that too many California state trial judges are unwilling to do anything about it.

It is tempting to see prosecutorial misconduct as a less urgent problem than the front end of the justice system — the encounters between suspects and police that have become the subject of nationwide soul searching and reexamination in the wake of high-profile police killings in Ferguson, Mo.; New York; and Los Angeles, among other places.

But lives are also at stake in the criminal courtroom. A sentence of 10 years or 20 years or even more — or of death — should not be rendered without absolute assurance that the trials were fair and that the prosecutors were honest. An argument could be made that prosecutorial misconduct is far more egregious and unforgivable than a police officer's deadly error, because police officers must react in an instant to a potentially deadly threat to themselves or the public. A prosecutor's misdeed comes with ample time to reflect.

In Baca's case, Kozinski in effect directed the state's lawyer to get his boss, Atty. Gen.

Kamala Harris, to drop the case. She did. It remains to be seen whether Riverside County will retry Baca. But Kozinski also made it clear that he wanted to see disciplinary action against the prosecutor who took the stand and the prosecutor who put him there.

Keep in mind that criminal prosecutors have duties that defense lawyers don't. The prosecutor's goal is not, or rather should not be, merely to win, but to ensure that proceedings are fair and verdicts are just. Prosecutors must disclose any evidence that could tend to undermine their own cases. They may not — again, it should go without saying — lie, encourage others to lie, or present witnesses they know or suspect to be lying.

California trial judges and appellate justices who encounter such misconduct have to determine whether it was so egregious — and so material to the conviction — that the verdict must be reversed. But then what?

Cheating prosecutors should be reported to their superiors for discipline, including possible firing; to the State Bar of California for further discipline, including loss of their license to practice law; and perhaps to other prosecutors, to face criminal charges for perjury. But that rarely happens, even though studies of prosecutorial misconduct or scoldings from the federal bench come far too frequently. Several studies show that judges rarely report lawyers to the state bar in the event of prejudicial misconduct. The judge ought to report the lawyer even when the misconduct doesn't result in the case being overturned. If that ever happens, the public almost never finds out.

In the hearing on Baca's case, Kozinski complained that state prosecutors will keep committing misconduct "because they have state judges who are willing to look the other way." Wardlaw noted that California state

judges "are elected judges. They are not going to be reversing these things."

The legal community has latched on to those comments and is involved in a debate over whether the essential enabling factor of prosecutorial misconduct is the fact that, unlike their federal counterparts, who are appointed for life, California judges must face the electorate. The argument goes that no judge wants to overturn a conviction or nail a prosecutor for fear of being branded soft on crime at election time.

"A sentence of 10 years or 20 years or even more -- or of death -- should not be rendered without absolute assurance that the trials were fair and that the prosecutors were honest."

But before becoming comfortable with the assertion that the problem is state judges and elections, let's recall that Kozinski's remark about an "epidemic" of misconduct or error came not in the Baca case but in a 2013 dissent — in a federal case.

In January, environmental activist Eric McDavid left prison after serving nine years following an admission by the prosecutors' office — a U.S. attorney's office in California — that it withheld exculpatory evidence in the 2007 trial.

If violations of the prosecutor's duty to turn over potentially exculpatory evidence, as required under the 1963 case of Brady vs. Maryland, are indeed "epidemic," it appears to be a disease that can spring up in any courtroom in which prosecutors believe they will be rewarded for convictions and judges, whether elected or with lifetime appointments, believe there is little point in reporting cheaters.

The 9th Circuit panel's outrage at the Riverside County prosecutors serves as a reminder of this serious problem. It is incumbent upon state and federal judges and prosecutors, the state bar and others involved in the justice system to acknowledge it, and to present a solution.

How to Force Prosecutors to Play Fair**By The Editorial Board**

(New York Times) - When prosecutors cheat and lie repeatedly to win convictions, should their office be held accountable?

When a man spends years, or decades, in prison as a result of such prosecutorial misconduct, should he be compensated?

These are not trick questions.

And yet in a bizarre 2011 ruling, five justices of the Supreme Court managed to answer no to both, essentially closing off one of the only ways to hold prosecutors and their offices liable for wrongdoing.

In a new petition before the court, two Louisiana men who were exonerated after 27 years behind bars are asking the justices to review their case and allow them to sue the New Orleans prosecutor's office for money damages for violating their constitutional rights. If the justices agree to hear the petition, they could undo some of the harm they did in 2011 and help cure what one federal appellate judge has called an "epidemic" of prosecutorial misconduct across the country.

Earl Truvia and Gregory Bright were convicted of a 1975 murder in New Orleans and sentenced to life. Their conviction was based on the testimony of a single eyewitness, a schizophrenic heroin addict who testified under a false name to hide her criminal history. Local prosecutors did not turn over this and other key evidence to the defendants. In 2002, both men were exonerated largely for this reason. After their release, they sued the office of the longtime New Orleans district attorney, Harry Connick, for letting his prosecutors railroad them into prison.

**Gregory Bright and Earl Truvia**

Under a landmark Supreme Court decision, *Brady v. Maryland*, prosecutors must disclose any material evidence that could exonerate a defendant. But because individual prosecutors are immune from being sued, the only way to hold them accountable is if a court finds a systemic failure to train prosecutors properly on the *Brady* rule.

This would seem to be an easy bar to clear in New Orleans, where, as Mr. Truvia and Mr. Bright argue, Mr. Connick effectively had a policy of not turning over exculpatory evidence. He consistently neglected to provide any such training to his staff, even though the office's failure to disclose exculpatory evidence led to the exoneration of at least 12 people since 1990. A former assistant prosecutor, they say, described the office's unwritten policy as "when in doubt, don't give it up."

Yet, the United States Court of Appeals for the Fifth Circuit threw out the lawsuit, saying the men had not proved that Mr. Connick's

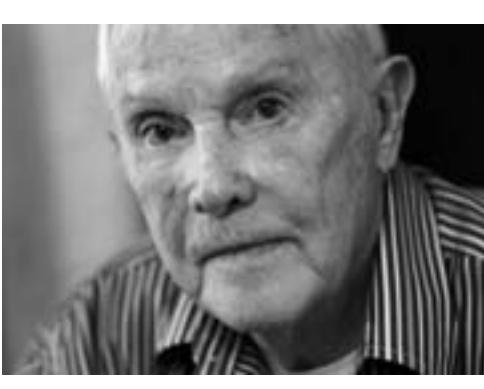
office had any policy to withhold evidence or that he had failed to train his prosecutors. Nor, it said, had they proved there were any *Brady* violations before their convictions.

The behavior of Mr. Connick's office was also at issue in the 2011 Supreme Court case. John Thompson, convicted of murder and armed robbery, spent 18 years behind bars, 14 of those on death row, before a private investigator discovered that several prosecutors in Mr. Connick's office had lied for years about a crime-lab report that ultimately led to Mr. Thompson's exoneration.

After Mr. Thompson won a \$14 million jury verdict for his suffering, the Supreme Court tossed it out. Justice Clarence Thomas, writing for the majority, said Mr. Thompson had shown only a single *Brady* violation, not a pattern of misconduct. But as Justice Ruth Bader Ginsburg pointed out in her dissent, the violation was part of the office's larger culture of disregard for defendants' basic constitutional rights. Mr. Connick misunderstood the *Brady* rule so profoundly that he was once indicted himself for suppressing evidence, and he never disciplined a prosecutor for violating the *Brady* rule.

While New Orleans is among the worst, it's not alone in violating defendants' right to exculpatory evidence. Federal and state prosecutors nationwide often fail to honor the *Brady* rule and are virtually never punished for it. Because *Brady* violations are by their nature often hidden, one partial fix would be to require prosecutors to turn over their criminal case files to the defense. Ohio and North Carolina have adopted versions of this approach.

The Supreme Court could help Mr. Truvia and Mr. Bright get a measure of justice by giving them a chance to prove their case, and make the government pay when prosecutors ignore the Constitution.

**Ex-New Orleans DA, Harry Connick**

Articles and Opinions

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

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

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New prison policy punishes investigators who speak out

By Mary Ellen Klas and Julie Brown
Herald/Times Tallahassee Bureau

TALLAHASSEE - Two days after Florida legislators asked a series of probing questions of the top inspector at the Department of Corrections, the agency has banned inspectors from discussing any investigations, releasing any public records relating to agency probes, or even voluntarily bringing information to outsiders—including legislators.

The virtual gag order requires all employees of the Office of Inspector General to sign a confidentiality agreement and three other documents pledging they will not use the department database for unauthorized use, will not release information on open or closed cases to anyone, and will not compromise their independence while they are working in the department.

Any violation could result in "immediate termination."

The Office of Inspector General is charged with investigating criminal wrongdoing or policy violations in the state's prison system.

Agency spokesman McKinley Lewis said the change was implemented Thursday by new DOC Secretary Julie Jones because she wanted to impose a standard used by most law enforcement agencies. He described the documents as "basic, normal forms that tell people to follow the law" and said it is part of Jones' effort to "fix many things in the department."

But the timing of the gag order raised questions and drew immediate criticism from lawmakers. This week, two Senate committees asked for data on agency investigations and grilled DOC Inspector General Jeffery Beasley about the complaints of current and former inspectors who have been denied whistle-blower status.

"This right here is a slap in my face," said Sen. Greg Evers, R-Baker, chairman of the Senate Criminal Justice Committee, which has been looking into

agency practices in the wake of suspicious inmate deaths, reports of medical neglect, contraband rings and budget issues.

Evers asked Beasley on Tuesday to provide specifics about department policies and employee retribution, and even asked whether he used certain terms in conversation with his employees.

Sen. Arthenia Joyner, D-Tampa, asked Jones to provide her with a list of all open and closed investigations, as well as a list of investigations that involved contraband, employee misconduct and sexual misconduct between inmates and guards, and how many of them resulted in disciplinary charges.

Evers warned that if the new policy prevents access to that information, the DOC could be violating the state's public records law.

"I have not asked the IG for a copy of anything that should not be a public record and I am repulsed to think he would send out a letter to his staff not to release information that would be in the sunshine otherwise," he said.

He also questioned the need for the change. The DOC has used sworn law enforcement officers for years and they sign confidentiality agreements when they work on criminal

cases. State law prohibits the release of information on pending investigations but, in



Julie Jones



DOC Inspector General Jeffery Beasley

most cases, the records are made public when they are closed.

Ron McAndrew, a former warden who has worked as a prison consultant for more than 10 years, said he has never seen anything so thorough or threatening by the DOC. He speculated that it is designed to intimidate anyone who might want to talk about corruption or abuse in the prison system.

"This is a scare technique, that they are saying 'We will put the fear of God in everybody and threaten their jobs,'" he said. "They may as well say we have a firing squad waiting for anyone who doesn't heed the word."

McAndrew said the agency may be reacting to what it perceives as leaks in the media, including a series of reports in the Miami Herald detailing suspicious inmate deaths and alleged cover-ups of abuse.

"They don't want anybody telling them what's wrong," McAndrew said. "They would rather wait until the house burns down."

Lewis, the DOC spokesman, said the policies are not designed to gag employees or keep crucial records from lawmakers.

"It's not to silence anybody or anything crazy like that," he said. "It's just to make sure everyone is following the law." State law already prohibits current and former employees from releasing information that is not a public record, he said.

But Stephen R. Andrews, the Tallahassee lawyer representing four DOC investigators who were denied whistle-blower status after warning Beasley about alleged corruption in the agency, said he fears it could interfere with his ability to talk to his clients.

"I believe that these documents would prohibit my clients from discussing their case with me and would also impede my ability to interview current or even former IG employees," he wrote in a letter to Attorney General Pam Bondi. He requested that Bondi ask the DOC to clarify whether his clients can still discuss such matters with him if they sign the document.

Rep. Dan Raulerson, R-Plant City, who has worked to strengthen the state's inspector general laws, said he wants inspector general offices to become more transparent, not less.

"Why is there all of a sudden this gag order?" he asked. "What is it that you don't want people to know about?"

The judge who exonerated the Friendship 9 is the nephew of the judge who sentenced them 54 years ago

By Devon M. Sayers and Elliott C. McLaughlin

(CNN) Rock Hill, South Carolina - A South Carolina judge on Wednesday threw out the convictions of the Friendship Nine, who were jailed in 1961 after a sit-in protest in Rock Hill, South Carolina, during the civil rights movement.

"Today is a victory in race relations in America," said Bernice King, daughter of the Rev. Martin Luther King Jr., said in a news conference following the ruling. "It is a new day."

The prosecutor who pushed for this momentous day, 16th Circuit Solicitor Kevin Brackett of Rock Hill, cited King's father when explaining to CNN on Tuesday why he was motivated to take up the cause of the Friendship Nine: "The arc of the moral universe is long, but it bends towards justice."

HOW FRIENDSHIP NINE ENDED UP BACK IN COURT

The proceedings began at the Rock Hill Law Center with Municipal Judge Jane Pittman Modla reading from the original court record for each of the men. She asked each of the seven men in attendance -- one has since died, while another had transportation issues -- to stand as their names were called.

"Offense: trespassing. Disposition: guilty. Sentence: \$100 or 30 days. Condition: sent to the chain gang," she said for each of them, reading from the 1961 docket.



Judge John Hayes

Retired state Supreme Court Justice Ernest Finney, who was the men's defense attorney in 1961, entered the motion to have the sentences tossed out. The 83-year-old required help standing and propped himself on the table in front of him as he spoke.

"May it please the court, today I'm honored and proud to move this honorable court to vacate the conviction of my clients. These courageous and determined South Carolinians have shown by their conduct and their faith that the relief that they seek should be granted. I move for the convictions entered in 1961 to be vacated."

Brackett joked that he would probably be best served letting Finney's

moving argument stand, but he was compelled to say why he agreed with him. One of the reasons is that the Friendship Nine deserved a "heartfelt apology," which Brackett delivered on behalf of the state.

He went on to say, "The record is abundantly clear: There's only one reason these men were arrested. There was only one reason that they were charged and convicted for trespassing, and that is because they were black. This could not happen today. It was wrong then. It was wrong today. These convictions, if they are allowed to stand, would be an offense to justice, and they must be vacated."

Brackett closed by calling the men "my heroes" and extended his appreciation for their bravery: "Our community here and our country is a better place because of what y'all did. ... It's a better place for me, and it's a better place for my daughter, and for that, I owe you my thanks."

When Circuit Court Judge John C. Hayes III, the nephew of the judge who sentenced these largely unsung civil rights heroes almost 5½ decades ago, announced that the convictions and sentences were officially vacated, the 250 people in the courtroom broke into a 20-second standing ovation. Another 250 spectators looked on in two overflow rooms within the courthouse.

Many of those in attendance were old enough to have lived through the civil rights movement.

Prior to the proceedings, Rock Hill Mayor Doug Echols told the crowd that the actions of the Friendship Nine that day "is what courage looks like when good people step forward to lead."

Leaning on a quote from Robert F. Kennedy, who was attorney general at the time of the protests and arrests, Echols said, "Few of us will have the greatness to be in history, as the Friendship Nine have done, but each of us can work to change a small portion of events within our own actions and, by example, touch the lives of others so that in the total of all of those acts, it will be confirmed and recorded that justice is for all people, and that injustice must not be tolerated in any place at any time."

The men, named after the Rock Hill, South Carolina, college that eight of them attended, were looking to make a statement about the plight of the segregated South.

And that's just what they did.

Lunch-counter protests had become the cause célèbre the year before, in 1960, just two hours up the road in Greensboro, North Carolina. African-Americans, many of them students, sought to break the barrier of segregated lunch counters by sitting in "white-only" sections.

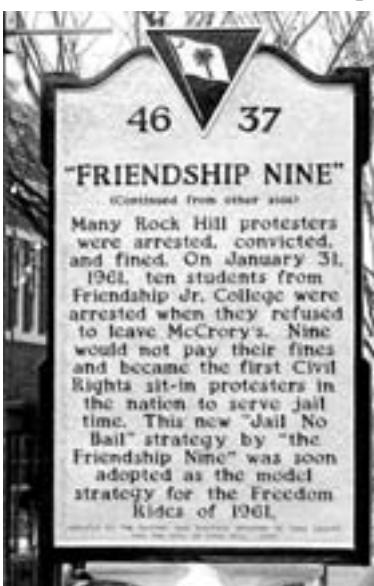
On the morning of January 31, 1961, just after 11 a.m., the Friendship Nine arrived at McCrory's 5-10-25 Cent Variety Store in downtown Rock Hill. They took their seat at the lunch counter and were promptly arrested for

trespassing by police who had caught wind of the men's plan and were already at the store waiting for them.

As the lunch-counter sit-ins spread from Greensboro to other parts of the South, protesters were arrested and charged. Civil rights groups had to pay the mounting bails and fines that the protesters were incurring.

The men of Friendship College wondered whether paying fines and bail -- to the very people who were oppressing them, no less -- was the best course of action. Rather than pay the \$100 for their release, the men felt they could make a more profound statement by accepting the full punishment for trespassing: 30 days of hard labor.

The strategy, known as "jail, no bail," would become a popular strategy in the civil rights movement.



Continued from page 1 • The Bad Cop Database ...



bold attempt to systematically track officers with a history of civil rights violations and other kinds of misbehavior, and thereby force judges, prosecutors, and juries to take the officers' past actions into consideration when adjudicating cases. If a defense attorney can successfully call into question the credibility of an arresting officer, she might be able to convince a judge to let a defendant out of jail without bail, or maybe even to dismiss the case entirely. Information about an officer's past misconduct can also serve as a bargaining chip during plea negotiations with prosecutors.

Take someone like Detective Sekou Bourne, for instance, who is currently being prosecuted in the NYPD's administrative court for allegedly frisking a woman improperly in East New York and unlawfully entering her home in April, 2013 after concluding, mistakenly, that she had crack cocaine in her hand. According to Justine Luongo, the attorney-in-charge of the Legal Aid Society's criminal practice, a search for Bourne's name in the Legal Aid database brings up reports on this incident, along with records of seven civil rights lawsuits that have been filed against him. The fact that all of those cases ended in settlements, Luongo said, could be useful information for defense attorneys next time prosecutors try to build a case against someone based on Bourne's testimony. (A call to Bourne's attorney was not returned.)

Cynthia Conti-Cook, a former civil rights lawyer, joined the Legal Aid Society last spring with the idea for the database, officially known as the Cop Accountability Program, already in mind. The reason she wanted to build it, she said, is that typically, when a criminal case begins, there's a "big red arrow that says 'criminal' pointing to the defendant" and not much a defense lawyer can say other than "my client denies the charges." With



Justine Luongo

the database, a lawyer can quickly discover records of past misconduct by the accusing officer—if they exist—and with that information in hand, can "start shifting that red arrow toward the police officer, by showing that they've also been engaged in activity that deteriorates their credibility."

"It takes the judge's attention away from what your client did wrong to get here, and puts more of a burden on the police officer to prove that your client actually did something," Conti-Cook said. That matters, she added, because "more and more, in this broken-windows climate, the main and sometimes only witness in a case will be a police officer."

According to Luongo, lawyers at Legal Aid are encouraged to be comprehensive in uploading information to the system, which means including complaints that ended up being dismissed or that could not be substantiated, and making note of those outcomes. It's up to the lawyers who use the database to determine whether and how to present the information they find in the database in court.

The contents of the Legal Aid database have been harvested from a variety of sources, including documents known as Brady letters that are submitted by prosecutors before trial as part of their obligation to disclose exculpatory material to the defense. Prosecutors usually submit Brady letters at the "eleventh hour," said Conti-Cook, meaning right before trial is set to start, and often defense attorneys put them in their file, maybe use them once during the proceedings, and then never think about them again. The database, Conti-Cook said, is about "taking that institutional knowledge and figuring out a systematic way of sharing it with everyone."

Other sources of information include civil lawsuits filed against the city, criminal trials in which a police witness was deemed not credible by a judge, and news reports about police wrongdoing. Information also comes from grievances that New Yorkers have filed against individual officers with the Civilian Complaint Review Board, a city agency that investigates and prosecutes police misconduct. Once a week, interns from the Legal Aid Society are dispatched to take notes on public hearings at the CCRB, then incorporate any valuable tidbits they hear into the database.

★★★

Senior Citizen Says Guardianship Left Her 'Absolutely Broke'

By Susannah Frame

(NBC KING 5 News) - Some people call it the "silver tsunami." America's population is aging and with it more and more of our parents and grandparents are falling victim to exploitation.

Seventy-four-year-old Lin McDowell believes she's one of those senior citizens. McDowell lived old school – she never rang up credit card debt. She paid cash for her cars, and consistently saved as she worked for decades in different careers, including as a project manager position at NASA, a real estate agent, and an art gallery owner.

"I had a \$100,000 CD, I had a very good stock portfolio. I had investments," said McDowell.

In 2012 McDowell, divorced and estranged from her children, lived in a quaint rambler with pretty gardens in the backyard, on a nice street in Vancouver, Wash. By then, she'd managed to bank nearly \$250,000 in cash and cash equivalents.

Two-and-a half years later, the bank account's been drained to roughly \$20,000. The home's been sold.

"I've sold my wedding rings (to buy groceries)," said McDowell.

She and her dog Sam live in a motor home in an RV park just a few feet from noisy Interstate 5, with a Subway sandwich shop in the backyard. And that's where the RV stays put. McDowell can't afford the gas to take it out on the road.

"I am absolutely broke, yeah," said McDowell. "You don't realize that everything you've earned and worked for your whole lifetime can be taken away."

McDowell didn't get robbed or taken by an illegal pyramid scheme. She lost her life savings right underneath the noses of at least four different Clark County Superior Court judges who oversaw a perfectly legal professional guardianship that was put in place to manage McDowell's affairs.

Three years ago after a series of health problems, a psychologist diagnosed McDowell with "cognitive impairment" and "psychotic delusions." A judge ruled she was an "incapacitated person" in need of a professional guardian.



Lin McDowell

"You have no rights. Here's a piece of paper from the court that says you have no rights. I couldn't sign my own name," said McDowell.

So where did all the money go? Records show once a guardian started on the case, so did the spending. The first guardian spent nearly every penny of Lin's cash in under two years. Most of the money paid for attorneys, a caregiver service and guardian fees.

Some of the charges reviewed by KING include:

- \$342 for a three hour breakfast with her client at Biscuits Cafe.
- \$95 for visiting Lin to drop off a birthday present.
- \$47.50 for a phone call on Thanksgiving.

Diana Kretzschmar is a well-known community advocate for seniors in Clark County.

"So where are these fees going? Legal fees, administrative fees, guardianship fees. Fees, fees, fees....My radar goes up," said Kretzschmar.

Against McDowell's will the guardian also sold her home. She also moved McDowell into a swanky retirement complex where the monthly rent -- \$3,500 -- was more than her

client's estate could sustain. That rent was more than three times the amount of the mortgage McDowell was paying on her home.

"I think the thing that disturbs me the most is that she was under a guardianship, and she was supposed to be protected by people who had her best interests at heart, and who were being paid to have her best interests at heart. To have this happen under legal circumstances, there are no words for that," said Tiffany Couch, a forensic accountant working pro-bono for McDowell as she seeks answers to what happened to her savings.

A second guardian billed McDowell in a way no professional KING 5 consulted has ever heard of -- by the second. Records show the guardian appeared to charge her client every time she left a voicemail for McDowell or touched a piece of mail.

"This doesn't look to me as if we're in the business to care for people. This looks to me like if I pick up a piece of paper and I'm billing it by the second or every 30 seconds, I'm in it for the money," said Couch.

The guardians in this case wouldn't agree to an interview with KING 5. But in court filings they wrote that the case had a "contentious nature" from the start and that the guardianship was "complicated by information received from Ms. McDowell."

In addition, a guardian wrote that McDowell had personal and professional relationships with outsiders that "created unnecessary confusion" and "increased work for the Guardians."

Asked if McDowell was served well in the guardianship, one of the professionals responded: "absolutely."

Elder care experts say we'll see a lot more "Lin McDowell's" as more and more Baby Boomers age into their 70s, 80s and beyond. One problem the experts identify is that in Washington state, there is very little oversight of professional guardianships. Judges authorize a guardian's actions, but advocates say no one is taking a hard look at the where the money's going.

"There's no real reconciliation or oversight over these billings. (It's a) rubber stamp," said

Couch.

Adding salt to the wound, it's quite possible Lin McDowell never should have been in a guardianship in the first place.

In September 2014, a court appointed investigator found McDowell "has demonstrated remarkable independence with regard to her daily living activities." The investigator also wrote, "There is no need to continue the ... guardianships."

The investigator relied on the input of medical professionals working with McDowell who found she is not an incapacitated individual.

"(McDowell) has been labeled with dementia by her caretakers and the court. Ms. McDowell was seen by the undersigned (doctor) for eleven one-hour sessions and her level of functioning was never impaired."

After that detailed report, a judge terminated the guardianship on September 26, 2014.

During her 29 months of living under a court-appointed guardian who oversaw every aspect of her life, McDowell said she experienced extreme depression and at times lost the will to live.

"(It was) almost too tough. Almost too hard to get up. Almost too hard to keep pushing," said McDowell.

With McDowell back in charge of her own life, the guardian issued her a check in September for the remaining balance of her life savings: \$24,251.90.

"I've got (my dog) Sam, that's it. I've got Sam and enough money to, well, I've already paid my rent here for the month."

"These are the people who have built this nation on their back and don't they deserve at least safety and security as they age? Don't they deserve a voice?" said Kretzschmar.

It's unclear if there is any financial recourse for Lin McDowell. She has professionals working pro-bono to explore options.

The KING 5 Investigators have been in communication with lawmakers working on legislation to tighten up loopholes in the professional guardianship process. State Sen. Ann Rivers (R-Vancouver) has introduced a bill that would hold guardians more accountable in the state.

"Washington leads the way in a lot of things like the health exchange and marijuana. Why can't we be a model for how we treat seniors?" said Rivers.

★★★

Rand Paul returns \$1.8 million in unused Senate office money

By Paul Bedard

Just because he has it, doesn't mean Kentucky Sen. Rand Paul feels compelled to spend every cent Uncle Sam gives him to run his Senate office.

Following past practice, Paul recently said he returned \$480,000 in unused money to the Treasury, bringing his total sent back to \$1.8 million, certainly a point he will cheer in his 2016 campaign for the Republican nomination.

Here's the release his office just sent out:



Rand Paul

— \$170,000 more through sequester cuts in 2013
— 17% of his total budget to taxpayers

"Washington has put out-of-control and reckless spending on autopilot and I have pledged to Kentuckians that I will do everything I can to stop it," said Sen. Paul. "I will continue to lead the fight to rein in government spending, both in my own office budget and my votes in the U.S. Senate."

Sen. Paul has achieved the savings by asking his staff to do more with less and by taking advantage of technology. Even with the savings, he maintains one of the most active offices on Capitol Hill.

★★★

Police dog fired after doughnut shop attack

(RT.com) - A police



Giuttari, 26, suffered leg injuries.

It was a far more serious incident earlier this month, however, that cost Renzo his job, the South Florida Sun-Sentinel daily reports.

As DiBlasi and several other officers met at a Dunkin' Donuts parking lot in the nearby town of Margate, Renzo leaped out of the police cruiser and attacked doughnut shop employee Robert Doherty. Coconut Creek Police Chief Michael J. Mann decided to "retire" the dog from law enforcement. Renzo will move in with Officer DiBlasi.

★★★

How to Protect Your Aging Parents From Financial Scams

By Chuck Saletta

(Motley Fool) - Worrying about your parents getting taken in by financial scams may not be the first concern that comes to mind as they approach their senior years -- but keeping an eye out for such scams should definitely be high on that list. According to new research by True Link Financial, seniors lose nearly \$37 billion a year due to financial abuse. The three major classes of that abuse are:

- \$17 billion lost to exploitation. Technically legal but deceptive financial practices based on confusing language and unwarranted social pressures targeted at seniors that bilk them out of their money via incredibly poor deals.
- \$13 billion lost to fraud. Explicitly illegal scams like the "grandparent scam," where someone calls pretending to be the grandchild asking for money to get out of a jam.
- \$7 billion lost to caregiver abuse. Money lost to people whom seniors trust to take care of them and their needs.

WHY IT'S SUCH A HUGE PROBLEM

Why is such financial abuse more prevalent among seniors? For one thing, as we age, our senses start to dull. Hearing is particularly affected, with about half of those older than 75 finding it difficult to hear. That's one reason the "grandparent scam" is so successful. As your sense of hearing diminishes, it gets hard to distinguish voices on the phone, which makes it easier for fraudsters with just a little bit of research to impersonate grandkids and scam grandparents out of money.

Another reason seniors are so susceptible to financial scams is that our ability to pay attention and concentrate also tends to wane as we age. That makes it easier for scammers to exploit seniors with deceptive practices based on confusing language. It gets harder as we age to hold all the pieces of a presentation together, so if it sounds good and is delivered nicely, it's harder to understand the parts that may make it a bad deal. That makes seniors more susceptible to exploitation through awful, though technically legal, deals.

HOW CAN YOU TELL IF IT'S HAPPENING TO YOUR PARENTS?

Unfortunately, people don't often catch the signs that their parents are susceptible to scams until someone has already taken advantage of them. While these scams might not always be preventable, here are some things you can look out for:

Past-due bill notices. If your parents start missing payments, it suggests that either their memory might be slipping or their finances are getting stretched too thin. Either way, it's a sign you should consider stepping up your vigilance of their financial situation, as they could be more susceptible to getting taken advantage of due to financial worry or memory loss.

Sudden changes in purchase behavior. Even if they're still covering their costs, if they start buying things that are out of character for them, you might want to step in and help get things under control. Strange purchase behavior is a sign that your parents are becoming



more susceptible to sales pitches -- and at greater risk of getting taken advantage of.

Calls and junk mail offering sweepstakes and prizes (with some investment required). If your parents get lots of junk mail and phone calls offering them easy money or "winnings" if they send in fees or prepay taxes, then it's very likely they've been scammed before. Scam victims often wind up on a "suckers list," and their names and contact information get out to many such scammers, each looking for a cut of their money.

A sudden interest in reverse mortgages or other ways to raise cash. If your parents start considering a reverse mortgage, it's likely a sign that either their finances have become very tight or they're already under the influence of a scammer looking to make a huge score. Either way, you'll want to step in and understand the underlying issue to help them get back on track.

WHAT CAN YOU DO ABOUT IT?

If your parents are already showing signs of dementia or other serious mental decline, you may need to petition a court to name you their conservator. That will get you the authority to take over their finances for them. Still, that can be an expensive and time-consuming process, so it's better to take steps in advance of that need.

To avoid those headaches, talk to your parents while they're still mentally sound and ask them to set you up as a durable power of attorney. With this legal document, you get the authority

to manage their finances before their mental state declines, and because it's durable, the authority stays with you even as they decline.

You can also offer to help your parents manage their finances in today's digital age with online access to their bank accounts. If they're willing to let you see their accounts, you can monitor their activity and check for strange purchases, sudden declines in balances, or other indications of a potential scam.

Another great idea is to help them sign up for the National Do Not Call Registry to opt out of telemarketer calls. Not only does that cut down on legitimate telemarketer calls, but it makes it easy to tell which calls are scams. Honest telemarketers will respect the list (with the exception of calls from nonprofits and noncommercial entities, which are exempted), but criminals won't -- which makes it easier to identify those calls as scams.

IT CAN BE TOUGH TO STEP IN -- BUT IT'S WORTH IT

If your parents are at risk of or are already actively being scammed, it can be embarrassing as well as expensive for them. And stepping in to help them may be one of the toughest things you'll ever have to do as their child. However, such scams can also put your entire family at financial risk, depending on what personally identifying information your parents might reveal to the scammers.

As tough as it might be, know that everything you do to help your parents avoid such situations assures their senior years are as comfortable as they can be. Helping them avoid or recover from scams may very well be one of the most important gifts you can give them.

Sheldon Silver is Indicted on Fraud and Extortion Charges

By William K. Rashbaum

(New York Times) - A federal grand jury in Manhattan voted on Feb. 19th to indict Assemblyman Sheldon Silver on the fraud and extortion charges that were the basis of his arrest last month, and led to his ouster as speaker of the State Assembly.

Mr. Silver was arrested on Jan. 22 on a five-count criminal complaint that detailed two alleged bribery and kickback schemes in a case that has upended Albany. The three-count indictment handed up in the United States District Courthouse in Manhattan charged Mr. Silver with mail fraud, wire fraud and extortion under the color of official right.

Two charges included in the complaint — a mail fraud conspiracy count and an extortion conspiracy count — were not in the



Assemblyman Sheldon Silver

indictment. The reason was not immediately clear.

The indictment of Mr. Silver, a Lower East Side Democrat who remains a member of the Assembly, suggests there is little prospect of plea discussions at this stage in the case, and moves the matter toward a possible trial. He will be formally arraigned on the indictment in the coming days.

His lawyers, Joel Cohen and Steven Molo, said in a brief statement that their client was not guilty. "We can now begin to fight for his total vindication," the statement said. "We will do our fighting

where it should be done: in court."

An arraignment on the indictment has not been scheduled, but the case has been assigned to Judge Valerie E. Caproni of Federal District Court in Manhattan.

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Payout to Madoff victims tops \$7.2 billion

By Jonathan Stempel

(REUTERS) - The trustee liquidating Bernard Madoff's firm said he is distributing \$355.8 million more to the swindler's victims, bringing the total payout to more than \$7.2 billion.

Irving Picard, the trustee, said the payout began on Feb. 6, and covers claims by fraud victims with 1,077 accounts at the former Bernard L. Madoff Investment Securities LLC. Claimants will receive between \$431 to \$67.1 million.



Bernard Madoff

Most of the payout comes from November settlements with the Herald, Primeo and Senator "feeder funds," which Picard accused of sending customer money to Madoff to further his Ponzi scheme.

The trustee said claimants on 1,160, or 52 percent, of the 2,216 accounts where he found valid claims have been fully paid.

Madoff, 76, is serving a 150-year prison term after pleading guilty to running a decades-long fraud that was uncovered in December 2008.

The \$7.2 billion payout includes \$823.7 million advanced by the Securities Investor Protection Corp, which helps liquidate failed brokerages.

Picard has recouped roughly \$10.55 billion for Madoff victims, or about 60 percent of the estimated \$17.5 billion of principal he estimates they lost.

Some of that money has been held back because of pending litigation, including by former Madoff customers who challenge Picard's authority to block their competing claims.

Picard has filed more than 1,000 lawsuits against feeder funds, and former customers he has labeled "net winners" because they took out more from Madoff's firm than they put in.

Through Sept. 30, 2014, law firms, consultants and other professionals had billed \$1.01 billion in fees and expenses to recoup money for Madoff's victims, court papers show.

Federal bankruptcy judges have so far approved more than \$601 million of payments, largely comprising fees, to Picard's law firm Baker & Hostetler.

Former U.S. Securities and Exchange Commission Chairman Richard Breeden oversees a separate \$4.05 billion fund to compensate customers and third parties who lost money because of Madoff.

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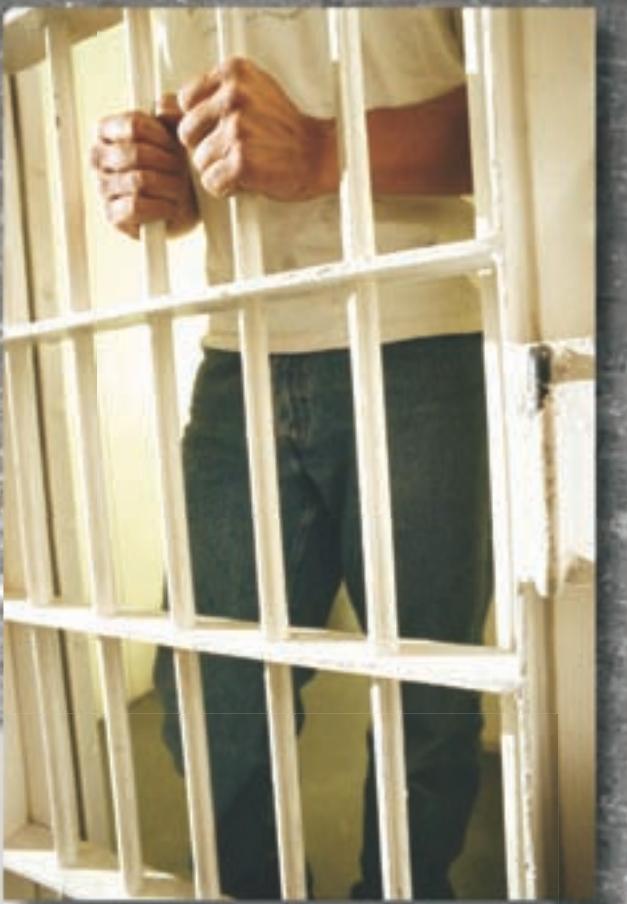
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All The News You Need To Know

Are You Facing False Criminal Charges?

Have You Been a Victim of False Prosecution?



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

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

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

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

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

frantically rushed to retain, became your worst enemy.

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

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?

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

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

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

**Call Us Today!
541-474-7885**

If you prefer email:
editor@usobserver.com

The US~Observer's services have

VINDICATED



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

Ryan Sanchez

Victim: Custody

Status: Full Custody

“You were a big change for the good in this case.”



James Roberts

Charges: Three Misdemeanor's

Status: Acquitted

“(The US~Observer was) pivotal in my defense. I was going down if I hadn’t contacted Edward Snook.”



Reno Francis

Conviction: Murder

Status: Released

“I’m proud of what you (the US~Observer) are doing. You have all of my respect. Ed (investigative reporter) has all of my respect. I love him very much.”



Sarah Walker

Victim: DHS Abuse

Status: Dismissed

“Thank you. Thank you so much. We can finally move on with life.”



Michael Young

Charges: Felony Sex Abuse

Status: Dismissed

“Without the US~Observer’s help, the outcome would not have been what it is today. Jen and I are more appreciative than you could imagine.”



Armando Garcia

Charges: Felony Rape

Status: Acquitted

“Not many people would’ve been on the side of someone who was being accused of such charges. I really appreciate what the US~Observer did for me.”



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