



US-OBSERVER

Vindicating the Innocent



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PREDATOR ALERT?

#MeToo Jim Jacks 'Inappropriate Behavior' Caused Abrupt Resignation

By Kathy J. Marshack, Ph.D
US-Observer Exclusive

Vancouver, WA – Amid the flurry of news stories regarding sexual harassment by celebrities, such as Harvey Weinstein, Kevin Spacey, Louis C.K., and others, I was listening to an OPB newscast and heard a familiar name, Jim Jacks. Next, the reporter briefly discussed Jacks' 2011 dismissal from the Washington Legislature for inappropriate behavior. I knew that name. Hearing it made my stomach lurch.

I was dumbstruck when I heard (and read a release from The Associated Press) that Jacks was among the current pack of predators being called out (as published in the LA Times and



Former WA Rep. Jim Jacks (Chicago Tribune). I'd known that he had walked off the job as a Washington State House Representative in 2011 without explanation - except for a handwritten note faxed from an Oregon hotel (to House Majority Leader Pat Sullivan). What I didn't know was that he'd been forced to resign for

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US-OBSERVER VICTORY

Paper Champions the Return of Child Taken by Oregon's DHS

"Oregon Department of Human Services relies on the flawed views of their prejudiced and opinionated caseworkers, which results in a public liability that is paid out more times than most realize."

--Edward Snook, Editor-in-Chief of the US-Observer

By Joseph Snook

Dougllass County, OR - Uudam Bluetear was born premature. According to the Oregon Department of Human Services (DHS), this simple event gave them the right to step in and remove the Bluetear's son from the NICU unit at the hospital. It was incredibly heart wrenching to have their fragile newborn son literally stolen from them by DHS at the hospital when he was only 13 days old. The Bluetears were left

wondering if they could ever take their son home. It was going to be a long hard fight.

THE TERM, "DUE PROCESS" MEANT NOTHING TO DHS

In court, DHS gave this reason; "The parents can't deal with their child's medical needs without 'OUR' (DHS) help, because they are drug addicts, alcoholics, and mentally handicap." How did DHS come to this conclusion? It was simply an excuse used by reportedly out-of-control DHS caseworkers, Cindi Corrie, Kivonna Gleghorn, Sandy



The Bluetears with their son Uudam

Henry, Dan Pierre, Jeri Ruben, and others within the agency. Many years ago, DHS had a experience with Snowwolf Bluetear, which left them prejudiced against him. Corrie's and Gleghorn's accusations against the Bluetears were unfounded but

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Examining the Fallout of Experimental Prosecution

By Traci Eccles

TRENDING NOW: MEDICAL CHILD ABUSE ALLEGATIONS

Medical Child Abuse (MCA), formerly known as Munchausen Syndrome by Proxy (MSbP), is the latest trend in the widespread removal of children from their homes by Child Protective Services (CPS) case workers. These allegations surface when a child is "diagnosed" as having been medically abused by a parent, usually their mother, who is accused of exaggerating, fabricating, and inducing symptoms in their child to manipulate doctors into performing unnecessary



Deputy DA Chuck Mickley

medical procedures, including surgeries. Unlike the old, discredited theory of MSbP, the current MCA allegations are

falling on families with children who have verified special needs and/or complex medical diagnoses. In this scenario, parents are being held accountable for controlling the decisions and actions of highly trained physicians.

Once a parent is suspected of MCA, children are removed from their homes, an aggressive state dependency action is initiated, and in some cases, criminal charges follow. This generally takes place prior to review of the alleged victim's past medical history, interviews with treating physicians, or investigator contact with individuals who have long-term relationships with the family. In direct conflict with the accused's

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Are Grandparents Attempting to Steal Daughter's Youngest Child?

By Joseph Snook
Investigative Reporter

Medford, OR – Christi MacLaren has been fighting her ex, Sean Lenzo, for custody of her eldest daughter for several years. Christi's step-father and mother, John and Linda Henson were initially considered helpful for Christi during this process. According to Christi, they hired an attorney to seek custody of the eldest child, in case Christi lost. Then things changed.

According to Christi, somewhere along the way their so-called help turned into "deceitful actions." And, the allegations against John and Linda Henson are quite shocking.



Grandmother Linda Henson

biological father, Sean Lenzo. Professionals issued supporting reports of the alleged abuse. As crazy as this may sound, DHS caseworker Cori McGovern filed a faulty report claiming Christi was mentally unstable and that Christi had caused her daughter to disclose the abuse, and that it had not occurred. In 2015, Judge Ronald Grensky used these

In their most recent unprovoked attack against Christi, they have filed for "custody/support/visitation" of Christi's other child, against her and her husband's will.

BACKGROUND

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YOUR VINDICATION

If You're in Trouble, We Help

By US-Observer Staff

Many people wonder how a newspaper can help a person facing criminal charges, or those who are being faced with being victimized in a civil issue. People find it difficult to understand that maybe their first stop when they are falsely accused, charged or abused should be the US-Observer.

So... Why the US-Observer? The answer is quite simple. We win your case.

When an innocent person is charged with a crime, or taken advantage of civilly, the US-Observer conducts a thorough investigation. We obtain evidence that attorneys and licensed investigators cannot obtain because of the many licensing rules they must follow. We have no rules. When an innocent person's life, freedom or property are in



jeopardy, we quickly get to the truth and facts, no matter what it takes.

CRIMINAL CASES

Concerning false criminal charges, when we have acquired conclusive evidence of innocence we go to the elected prosecutor responsible for filing those false charges, and give him/her the evidence. Then, we demand that they drop

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MODERN DAY WITCH HUNT?

Sex Crimes - Allegations Alone Get You Convicted

By Ron Lee
Investigative Journalist

There is blood in the water and the public is hungry for the next sex abuser to be ousted. One after the other, powerful people have been taken down, and it seems sex abuse allegations are big business - at the very least high ratings.

Never before have so many influential fallen on so many unsubstantiated claims. It is a witch hunt that frankly has been festering in our society for decades with sex abuse allegations being one of the only crimes not needing any evidence or secondary witnesses for successful prosecution. In some cases, the laws themselves assure punishment. Our society has



Chris Hoover, one of the many victims of false sex abuse allegations the US-Observer has vindicated.

Go on-line to watch his video: usobserver.com

determined that only the allegations matter. If accused, you are guilty. Period. And, you deserve a lifetime of punishment.

By no means am I suggesting that all sex abuse allegations are false. Also, I am not suggesting that those who are factually guilty of those heinous crimes shouldn't be punished -- in many instances I am for stronger punishment than what is currently allowable under law. I simply have no disillusion

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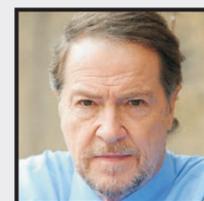
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Articles from our affiliate:

The Free Thought Project.com

exposing corruption and finding enlightenment along the way

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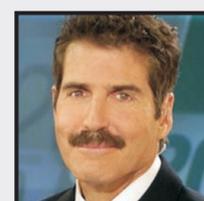
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Public Defenders Fight Against Budget Cuts, Growing Caseloads

By Teresa Wiltz

(Pew Trusts) - Public defenders have complained for decades they've got too many cases and not enough money — or time — to do their clients justice.

Now, more public defense advocates are suing states for more funding. Overwhelmed public defenders also are increasingly trying other tactics: refusing to take on new cases, raising money through crowdfunding, even trying to assign a case to a sitting governor.

"It's been a huge national failure," said William Leahy, New York's chief public defender, of the whole public defense system, which provides legal representation for poor people charged with more serious crimes, a right guaranteed by the U.S. Constitution.

With declining budgets and crushing caseloads, juggling clients has become a Sisyphean task, public defenders say. In New Orleans, for example, 60 public defenders manage roughly 20,000 cases a year. And overburdened public defenders, they argue, can't mount a vigorous defense for their clients.

As poor defendants languish in jails awaiting representation that's months or years away, even some conservatives wonder whether it's time to change the system.

"If the government can bring charges against you and you're unable to have someone represent and defend you, that's the route to totalitarianism. You're stripped of your rights," said Pat Nolan, director of the Center for Criminal Justice Reform at the American Conservative Union Foundation, the advocacy group that hosts the annual Conservative Political Action Conference.

CRUSHING CASELOADS

The Sixth Amendment guarantees anyone facing criminal charges the right to a speedy and public trial by an impartial jury and legal counsel. And with its 1963 decision in *Gideon v. Wainwright*, the U.S. Supreme Court ruled anyone charged with a serious crime had a "fundamental" right to counsel, no matter their ability to pay — but left the matter of funding up to the states.

Today, public defense is typically paid for with a patchwork of state and county funding, with the exception of federal public defenders. The U.S. Department of Justice also provides limited grants for state public defense, many of which go to training.

And across the country, public defenders have been pushing back. Last week, public defenders across Massachusetts demonstrated

against low pay (average base salary is \$47,500 a year) and their lack of collective bargaining power as state employees.

In October, public defenders in Kansas City, Missouri, staged a courtroom protest to decry their staggering caseloads — most handle 80 to 100 cases a week. And in the wake of proposed budget cuts, Amy Campanelli, the Cook County, Illinois, public defender, threatened to stop taking on new cases.

There has been action in the courts, as well. Earlier this month, the American Civil Liberties Union filed a class-action lawsuit against the state of Nevada for allegedly neglecting the constitutional rights of poor defendants in rural counties. In those counties, private contractors who aren't required to have experience or training in criminal defense are hired by the county to defend the poor, the suit alleges.

In recent months, the ACLU also has sued both the state of Missouri and Grays Harbor County in Washington state over systemic problems with their public defender programs. And a case is pending in the Idaho Supreme Court over deficiencies in the state's indigent defense system.

Sometimes, the public defenders themselves are the ones getting sued. In February, the Southern Poverty Law Center sued Louisiana Gov. John Bel Edwards, a Democrat, along with the state Public Defender Board and the state's chief public defender over what the organization calls the state's "broken" system of indigent defense.

And in September, the Missouri Supreme Court disciplined two public defenders, one for taking on too many cases and the other for not asking permission before refusing to take on any more cases.

"It's coming at us from both sides," said Michael Barrett, director of the Missouri State Public Defender System. "The courts are frustrating our efforts to limit our caseloads and at the same time, they're censuring us."

Public defenders are so underfunded and understaffed, Barrett said, that often they're forced to tell clients, "'We're going to work hard on your case, but it's going to be a while before I can get to you.' That tells defendants they have a choice to make. If they want their constitutional defense, they have to sit in jail for a few months."

Or, he said, as happens more often than not, defendants can take a plea even if they're not guilty, just so they can get out of jail and get on with their lives, often not fully understanding the consequences. "Then they can't get jobs or housing," Barrett said.

So what's the solution?

Many legal experts on both sides of the aisle agree that what's needed is a complete overhaul of the system. Some, such as Marc Levin, the vice president of criminal justice at the Texas Public Policy Foundation, a conservative think tank, suggest reducing the number of offenses that carry the potential of jail time.

That way, fewer cases would require the right to counsel provided by the government — and limited indigent defense resources could be spread over a smaller number of cases, Levin said.

Other options: Enact legislation allowing the federal government to bring actions against states and localities that fail to provide poor defendants with adequate representation, said Norman Reimer, executive director of the National Association of Criminal Defense Lawyers, a professional organization based in Washington, D.C.

Or, rather than charging nonviolent offenders with a crime, assign them to a social worker and funnel them into counseling and drug treatment programs. Or increase the use of restorative justice projects, which use mediation between victims and defendants to come up with an agreed-upon solution and restitution, Levin said.

Ultimately, Levin said, he hopes that the shortcomings in the current system will inspire lawmakers to come up with a solution that requires a smaller government footprint — and that protects public safety and the constitutional rights of defendants.

COURT BATTLES

For now, advocates continue to sue to force change.

In court, the battle over indigent representation usually takes one of two tactics, said Stephen Hanlon, general counsel for the National Association for Public Defense: Either public defenders or civil rights advocates sue states over funding, or they end

up in court for refusing to take on any more cases.

Sometimes it works: New York's county-funded public defender system was found to be "severely dysfunctional" in a statewide study in 2006, and a civil liberties group later sued, arguing the system violated the constitutional rights of poor defendants.

The state settled, and this year's budget, signed into law by Democratic Gov. Andrew Cuomo, establishes standards for public defender services and requires the state to refund counties for the costs of meeting those standards.

Next year, New York will begin funding a statewide public defense system, to be fully phased in by 2023 at a projected annual cost of \$250 million.

Meanwhile, some public defenders are working to raise awareness of the problems they face, though the results have been mixed.

In 2016, Missouri's Barrett drew attention to his office's massive workload when he leaned on a provision in state law that allows him to appoint any member of the state bar to a case, assigning then-governor Jay Nixon. (A judge later ruled that Barrett didn't have the authority to appoint Nixon.)

And last year, Derwyn Bunton, who runs the public defenders' office in New Orleans, said his office would no longer accept the most serious felonies; he said he didn't have the staff to handle the workload. (Cases are then put on a waitlist and a judge decides which pro bono attorney to assign them to, which means that defendants can wait weeks before meeting with an attorney.)

Until recently, the city had the highest incarceration rate in the country. And the vast majority of its defendants — 85 percent — rely on public defenders.

New Orleans' public defenders' office is funded by a combination of city and state money along with income from court and traffic fees and fines, which means it can't rely on a set amount each month and, as a result, almost always operates at a deficit.

The year before, when his office was faced with a \$1 million shortfall, Bunton took the unusual step of setting up a crowdfunding page. The campaign raised nearly \$100,000, enough to help the office avoid furloughs.

"I try to avoid drama," Bunton said. "There's not a lot of extreme things that we do. But we try to stand on principle," which is why his office continues to refuse cases officials feel they can't handle.

"Rich justice and poor justice," he said, "should look the same." ***



Public defender explains case to client

Questions Still Need Answers After Exonerations



By Emily Maw and Nina Morrison

A week before Thanksgiving, Wilbert Jones walked out of a Louisiana prison after a staggering 46 years of wrongful imprisonment for a rape he did not commit. The media wanted to know his first meal (a bowl of his niece's gumbo) and how he felt (eagerly reporting he was "not bitter").

Emily Maw was one of Wilbert's lawyers for over a decade and by his side as he walked free, into the arms of his devoted family. Meanwhile, Nina Morrison was hundreds of miles away visiting a client who was arrested just after his 17th birthday and is now on his 30th year of what we believe is his wrongful imprisonment.

Between us over the last 15 years, we have walked more than 40 innocent men from prison to freedom. We have been privileged to be beside them as they've embraced grandchildren for the first time. We've held their hands as they looked up at the sky and took that first, priceless breath of "free air."

But too often, these first publicized moments of freedom obscure the tragic human consequences of wrongful conviction.

Our clients' pain doesn't magically end with that welcome-home party. Nor does the joy absolve us all of the responsibility to ask why these cases keep happening. We've had many clients who flourished after prison — finding love, raising children, building careers, and becoming powerful spokespeople for justice reform.

But we have also lost more clients than we can bear to suicide, heart disease, and depression. Others live in "private prisons" of their own — suffering silently from nightmares, panic attacks, and family estrangement.

Joyful stories of an exonerated person's first day of freedom leave everyone feeling too comfortable, failing to ask the hard questions: why did this happen and what are we doing to stop it? For every news story about an exonerated person's first meal, five more should ask why he was wrongly convicted in the first place.

Jones is black and poor. He was convicted

after a trial lasting a few hours. On one uncertain eyewitness's testimony, he was sent away for the rest of his life. Of Innocence Project New Orleans's 30 freed clients, all but one were — like Jones — young black men when they were arrested and convicted at trials that lasted less than one day. We know African-Americans are disproportionately represented among the exonerated population nationwide. We should be asking: why we accept cursory and inaccurate process for poor, black people?

Police investigated the rape for which Wilbert was convicted by waiting for a name and putting him in a line up. When the victim called police to say she wasn't certain it was him, they did nothing more.

We should be asking why we don't give police resources to conduct thorough investigations. Why, in Louisiana, don't we require law enforcement to use modern best practices in eyewitness identification procedures?

If Louisiana ever compensates Jones, the most he can get is \$25,000 per year for 10 years of imprisonment. That's about \$14 per day — less than half the daily cost to the state of imprisoning him. He'll get nothing for the 35 years and 10 months he spent wrongly

imprisoned.

We should be asking what it says about the value we place on the lives we ruin completely when the most we will pay a person in Louisiana for wrongful imprisonment is \$250,000. And what it says about America that 18 states provide no wrongful conviction compensation whatsoever, and many make it nearly impossible to obtain.

Most prosecutors and police are immune from civil lawsuits — even where they intentionally acted and caused a wrongful conviction. We should be asking why there is no accountability or even job discipline to discourage future misconduct — deliberate or negligent.

Until we stop comforting ourselves with exonerations as happy endings and instead ask the hard questions about who this is happening to, and why, we are burying our heads in the sand. And from there we can continue to avoid the hard questions that lead to real change.

It is wonderful that Wilbert Jones is home for the holidays for the first time in nearly 50 years. But we should not console ourselves with his generosity, or his niece's gumbo.

US~Observer Editor's Note: Read more about Jones on the next page. ***

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DEDICATED to the INNOCENT

Stories of those who overcame the
“justice” system and were freed

Wrongly convicted Craig Coley spent Thanksgiving free with the cop who fought for his release

By Megan Diskin

(VC Star) - After nearly four decades in prison, Craig Coley ate Thanksgiving dinner as a free man alongside the retired Simi Valley police detective who spent years advocating his innocence.

Hours before they gathered around the dinner table, Mike Bender got a call Wednesday afternoon from the warden of the Lancaster prison where Coley had been held after being convicted of a double murder in Simi Valley. It was news he'd been waiting for since 1989.

Coley, who claimed his innocence from the beginning, was free and on Bender's doorstep in Carlsbad by about 9:30 p.m., Bender wrote on a GoFundMe page.

"It was awesome," Bender said after the Thanksgiving holiday.

Gov. Jerry Brown pardoned Coley, 70, on November 22nd and cleared him of the 1978 double-murder of his ex-girlfriend Rhonda Wicht, 24, and her 4-year-old son, Donald Wicht.

Mother and son were found dead in their beds at their apartment on Buyers Street in Simi Valley on Nov. 11, 1978. She had been strangled by an apparent macramé rope and the boy had been suffocated.

Through Bender, Coley declined to comment Friday.

Coley, who was arrested the day the murders were reported, sought appeals and submitted habeas corpus petitions, but the conviction was ultimately upheld.

Brown issued the pardon after Ventura County law enforcement officials notified him this week of DNA evidence that pointed to someone else as the killer. A reopened investigation by Simi Valley Police Department found that a key piece of evidence did not have Coley's DNA on it. That result prompted Ventura County District Attorney Greg Totten to declare Coley "factually innocent" at a news conference on Monday.

Michael Schwartz, special assistant district attorney, said it was the first case in recent Ventura County history in which a conviction has been vacated based on factual innocence.

Totten and Simi Valley Police Chief David Livingstone also sent a letter to Brown on Monday voicing their support for Coley's clemency petition, which was submitted by Bender on Coley's behalf in 2015.

But Bender's fight "to do the right thing" started long before the latest petition.

Bender was reviewing some cases in 1989 while working as a Simi Valley police detective and came across the Wicht murders. It was after Coley had

been convicted during a second trial and sentenced in 1980. The first trial ended in a mistrial.

Upon taking a closer look at the case, he started to doubt the jury's decision.

"There were lots of red flags," Bender said Friday from a barbershop. It was the latest errand for Coley and Bender after buying some new clothes.

At the police department, Bender spoke up about his concerns, but nothing was done.

"People tried to shut me down," Bender said.

It was a theme that continued over the



Craig Coley with former police detective Mike Bender.
Contributed Photo/Mike Bender

next 28 years as he took Coley's case to the Attorney General's Office, the FBI, city attorneys and grand juries.

Bender even approached Livingstone about the case when the current police chief started at the department nearly 30 years ago.

"Mike had told me, 'You ought to take a look at this if you're going to be a police officer,'" Livingstone said. "He had told me at the time that he thought, you know, the evidence was pretty circumstantial."

Livingstone said the entire case came full circle when Coley called him on Thanksgiving.

"It was just a really rewarding conversation. Surreal, in so many ways," Livingstone said. "We weren't sure we were ever going to get to this point."

The police chief said there was "no doubt" that mistakes were made in the initial investigation and if presented to a jury today, it would not hold water.

"There would be no way a jury under the current circumstances would find him guilty. The DNA is not on any of the

physical evidence," Livingstone said.

Although there was a court order that the physical evidence in the Wicht murders be destroyed, Livingstone still assigned cold case Detective Dan Swanson to take another look at the case in October 2016. The hope was that the evidence was misfiled or "sitting in a box somewhere."

It turned out that the evidence hadn't been destroyed, after all.

This investigation was crucial to the District Attorney's Office signing off on Coley's release. As Brown wrote in the pardon letter, the District Attorney's Office had initially opposed clemency but lacked confidence in the conviction once the police investigation turned up new DNA evidence.

Schwartz said Friday that his office reviewed the case a few years ago when Coley's first clemency petition was submitted.

"Before we conducted the investigation, we still believed that he was guilty, so we opposed his release," Schwartz said.

The District Attorney's Office had also reviewed the case when another clemency petition was filed, he said.

"I wish we had found the DNA back then," Schwartz said. "That's something I have to live with, but at the time, we didn't have any real new evidence that would have justified us agreeing that he should get out."

Once the 2015 filing was submitted, Brown stated in the pardon that he directed the parole board to conduct an investigation.

"During that investigation, a former police detective, police captain, and police officer reported that they believed Mr. Coley was wrongfully convicted and opined that the detective who originally investigated the matter mishandled the investigation or framed Mr. Coley," the pardon letter states.

The governor's office would not comment on these allegations Friday.

Livingstone said he was "disappointed" in the wording of the pardon because there is no evidence to support the allegation.

"We don't have any evidence that suggested he was framed," Livingstone said. "We just don't have it."

He said every aspect of the case is being investigated and if evidence of this is found, he will not "tolerate" it.

"We are going to expose that and we are going to be transparent about that," Livingstone said, adding that if evidence is uncovered, those involved will be prosecuted.

Schwartz said the District Attorney's Office is also investigating the claims made in Brown's pardon letter, but he could not comment on them. ★★★

Wrongfully Convicted Man Freed After 46 Years – Doesn't Hold a Grudge



Wilbert Jones (right) with his niece Wajeedah Jones hugs William Aquino, attorney for Innocence Project

By Alexia Fernandez

(People) - After 45 years, Wilbert Jones walked out of a Louisiana prison a free man on Wednesday November 15th.

Now 65, Jones was just 19 when he was arrested and subsequently sentenced to life without parole.

But despite spending the majority of his life in prison for a crime he did not commit, Jones said he harbors no grudges, declaring "God is so good," as he was released, according to the Associated Press.

Jones' rape conviction was overturned by State District Judge Richard Anderson, who said Jones' case was "weak at best."

"Freedom. After more than 45 years and 10 months. That's going through my mind," Jones said, hugging his brother, Plem Jones, outside of East Baton Rouge Parish Prison, the AP reported.

"I forgave. I forgive," he told reporters. "I didn't have control of it. Why should I worry about it? I'm in charge of myself."

Jones told NBC News he had important plans upon his release.

"Some gumbo and some good potato salad and some good dessert," he said. "Enjoy my little life I have left and speak to young kids and tell them to go the right way and not this way."

His niece, Wajeedah Jones, told The Detroit News she already knew of her uncle's request. "We will have the gumbo ready for him when he gets out," she said.

"Most of my life was taken away from me for something I didn't do," Jones said, according to CBS News. "I feel wonderful and I thank God for this opportunity. And I thank God for this legal team."

"It's been very difficult," Jones added, describing his decades in prison. "I mean... very difficult."

Jones was convicted of kidnapping and raping a nurse who was abducted from outside of a Baton Rouge, Louisiana, hospital in October 1971. In 1974, Jones was given a life sentence without the possibility of parole.

The Innocence Project took his case in 2003 and one of their investigators discovered that a serial rapist had committed a nearly identical crime four weeks later. The crime was not shared with Jones' attorneys.

The nurse was the only witness who testified against Jones, according to NBC News. She identified him out of a lineup, but noticed that he was shorter and had a different voice. She died in 2008. ★★★



Many of the exonerees we report on would have never even been convicted in the first place had they utilized the services of the US~Observer.

When hired, the US~Observer works for your vindication. What does that mean? Simply, if you have been charged with crimes or have been maliciously attacked civilly, the US~Observer will investigate your case to achieve the evidence that will be used to prove your factual innocence, or determine your lack of liability. With that evidence in hand, we ensure everyone who needs to see it does.

The power of public opinion is what will ultimately vindicate you, and that is what we utilize by promoting your case through our nationally distributed newspaper and our network of on-line affiliates. Not only does this make the facts of your case public knowledge, something attorneys are barred from doing, it puts an amazing amount of public pressure on those in political positions.

The fact is, attorneys alone rarely win tough cases. In many instances, the odds are so stacked against them the only recourse they have is to suggest a plea deal. It's not all their fault either! The system allows for the prosecution to publicize your case. The local paper runs your picture and soon, your neighbors think you are guilty. The US~Observer combats this one-sided assault and gives you the only real chance you have at vindication.

If you are in trouble, don't roll the dice with just an attorney. Let the US~Observer work for you.

And just in case you are wondering, there are many instances where our clients never even needed to hire an attorney in the first place. Contact us for references.

Contact the US~Observer! 541-474-7885 or editor@usobserver.com

In The News

Ex-Congresswoman sentenced to five years in prison

By Brett Samuels

(The Hill) - Former Rep. Corrine Brown (D-Fla.) was sentenced on Monday to five years in prison for her connection to a fraudulent charity that raised hundreds of thousands of dollars, according to multiple reports from Jacksonville, Fla., news outlets.

Brown was convicted in May on 18 counts of financial crimes including conspiracy, mail fraud, wire fraud, tax crimes and hiding income she should have publicly reported.

Prosecutors argued Brown, who served in Congress for 24 years before losing her reelection bid in 2016, received \$141,000 in cash through the charity One Door for Education and her campaign committee, The Florida Times-Union in Jacksonville reported.

Brown, who was also sentenced to three years of supervised release, will report to prison no earlier than



Former Rep. Corrine Brown

Jan. 8.

Brown's longtime chief of staff was sentenced to four years in prison, and the charity's founder was sentenced to 21 months in prison.

Brown was indicted in 2016 and had been facing a Department of Justice investigation. The House Ethics Committee had voted to formally investigate Brown prior to her indictment.

★★★

No Arrest — But Cops Took and Kept His \$2,035 Anyway

By Evan Carter

(Capcon) - In May 2016, two Michigan State Police troopers conducted a traffic stop in Flint when they suspected a man had made a drug-related transaction at a nearby McDonald's. After searching his SUV and finding no illegal drugs or drug-related materials, the police seized \$2,035 from him but did not charge him with any crime.

The suspicion was based on the man parking his Chevy Trailblazer next to a silver Chevy Malibu in the McDonald's lot. Officers had stopped the man at least twice in the previous two months, and one of those times found he had \$5,000 in his possession. Also, his vehicle did not comply with state law on windows.

After hearing his Miranda rights, the man agreed to an interview and let the officers search his person and his vehicle. According to the official report, the trooper involved says he suspected the man of engaging in drug-dealing activity.

The man had been stopped by the Michigan State Police the previous night, when he gave an inconsistent account of his destination in Flint. Additionally, state police were suspicious of his cache of money, \$2,035, which largely consisted of \$20 bills. Heroin is typically sold in \$20 amounts, an officer stated.

State police records indicate that officers seized the man's \$2,035; he was released at the scene and no criminal charges were filed.

In Michigan, one out of every 10 citizens whose property is seized and then kept by police through a legal process called civil asset forfeiture is never charged with a crime. More than \$15.3 million in cash

and property was forfeited last year according to a state report.

The man mentioned above was one of 523 people in Michigan last year who had seized property forfeited without being charged with a crime. In this particular case, state police records indicate that Michigan State Police Financial Services was able to keep \$1,729.75 of the money forfeited.

According to Kahryn Riley, policy analyst in the criminal justice initiative at the Mackinac Center for Public Policy, the troopers' actions weren't illegal because Michigan doesn't currently have a law requiring a conviction or even an arrest before pursuing a forfeiture action in court.

Riley, though, said this process violates the spirit of the maxim "innocent until proven guilty."

"We want to give police with reasonable suspicion and probable cause the authority to follow up in those instances. But carrying a large amount of cash doesn't amount to either one of those," Riley said. "The police can seize it if they're suspicious. But to forfeit it? There's no reason why you shouldn't need to get a conviction before transferring ownership of thousands of dollars."

Riley added that currently, Michigan law enforcement agencies have a strong incentive to pursue forfeiture because they get to keep 100 percent of the proceeds. Legislation pending in the state House would reform this practice.

The Michigan State Police did not respond to several phone calls and emails requesting comment on the incident.

★★★



Convictions to be tossed for 15 framed by corrupt cop

By Michael Sneed

(Chicago Sun Times) - Cook County State's Attorney Kim Foxx has given the green light to tossing out the convictions of 15 men who claimed a corrupt Chicago cop, Sgt. Ronald Watts, framed them. The 15 men have 18 cases between them that will be dismissed.

The men, who filed a petition with the Cook County Criminal Court in September, seeking to have their convictions overturned and set aside, were just notified their request was granted.

To wit: The conviction integrity unit of the Cook County state's attorney's office just turned a thumbs-up to dismissing and vacating their convictions, which will be made official when they appear Thursday morning before Chief Criminal Court Judge LeRoy Martin.

The petitioners' attorney, Joshua Tepfer, tells Sneed: "I believe this to be the first mass exonerations in the history of Cook County."

"A remarkable moment," Tepfer said. "It is evident the state's attorney's office is showing a demonstrated commitment to ferreting out and not tolerating police corruption."

"This group of police officers led by Sgt. Watts had been doing this for 10 years; corruption on this scale is unlike anything I've

ever seen. It's truly astounding. This represents great hope for the future of our county."



Atty Joshua Tepfer and his client, Leonard Gipson, one of the 15.

The petitioners are: Frank Saunders, Taurus Smith, Shaun James, Lionel White, Henry Thomas, Marcus Gibbs, Andre McNairy, Jamell Sanders, Christopher Scott, Thomas Jefferson, Lee Rainey, Allen Jackson, Jamar

Lewis, Leonard Gipson and Philip Thomas.

"But this is just the tip of the iceberg," said Tepfer, who works for the University of

Chicago's Exoneration Project, which drafted the petitions for the men.

"The officers involved in this corruption were responsible for 1,000 arrests in this decade-long reign of terror," he added.

"Their arrests led to at least 500 convictions. So far 26 convictions have been overturned. That leaves about 474 not accounted for. What is also equally important is why some of these officers involved in this corruption are still on the police force," Tepfer said.

Foxx spokesman Robert Foley said the office is "looking into dozens of other cases and [has] identified a pattern within the cases which suggests corrupt activity involving Sgt.

Watts and members of his crew."

According to court records, Watts was convicted in October 2013 after being found guilty for his role in an FBI sting operation.

Watts was then released from jail after serving a 22-month sentence. Sneed is told he lives out of state.

He and a fellow officer were both recorded stealing \$5,000 from a federal informant and in their guilty plea admitted to routinely extorting money from drug dealers.

For years, the CPD's Internal Affairs Division, as well as the state's attorney's office and the FBI, had been conducting a lengthy probe on Sgt. Watts and suspicious activity — yet he continued to work despite mounting allegations.

In each case, the men say they were shaken down for cash or drugs by the rogue officers, and were arrested on bogus charges if they refused to pay.

Each of the defendants had claimed they had been framed at the time of their arrests, which range from 2003 to 2008 — all dates before Watts was indicted, the petition said.

In one case, petitioner Leonard Gipson said Watts and his fellow tactical team officers arrested him three times after planting drugs on him. Then demanded a payoff. ★★★

Woman Who Filmed Brutal Kidnapping And Torture of Disabled Teen Gets Community Service

(Zero Hedge) - A 19 year old Chicago woman who live-streamed the racially charged kidnapping, torture and mutilation of a mentally disabled teen was given 200 hours of community service and four years of probation on Friday.

Brittany Herring Covington - who went by "Herring" on Social Media before her arrest, and "Covington" in recent reports, avoided a possible 33 years in prison on multiple counts, including a hate crime, aggravated battery and aggravated kidnapping - a charge which was dropped along with several others as part of a plea agreement.

Cook County Circuit Judge William Hooks handed down the slap on the wrist to Covington, who pleaded guilty to a hate crime, aggravated battery and intimidation charges - telling the teen that he could have sent her to prison, but told her "I'm not sure if I did that you'd be coming out any better."

Hooks warned Covington that should she violate the terms of her probation - which includes a ban from social media for four years, she would face prison time. As part of the plea deal, prosecutors agreed to drop additional charges including kidnapping.

"Do not mess this up," Judge Hooks said to Covington, who stood in front of him in a blue jumpsuit. Hooks is notably the first

African-American president of Chicago's Federal Bar Association, a past president of the Cook County Bar Association, and a member of the Muslim Bar Association of Chicago.



Brittany Herring Covington

The brutal attack took place in early January, after four black Chicago teens kidnapped the mentally disabled white teen and held him captive for nearly two days - binding his hands and feet with duct tape and gagging him with a sock, before using a knife to cut and stab the victim while laughing, shouting racial slurs and issuing death threats. In one segment of

the livestreamed attack, one of the females can be seen laughing as she punches the victim. At another point, one of the male attackers wraps a cord around the victim's neck while he groaned in pain, and in another a male approaches the victim with a knife and asks the others "Should I shank his ass?" Other notable quotes include:

"F*** Donald Trump, F*** white people"

"There's gonna be a murder. Pop pop pop"

"We gonna put this b**** in the trunk, put a brick on the gas, like aaaaaaaah"

"Pistol whip his ass, fool." ★★★

After nearly 48 hours, the kidnapped teen escaped after the kidnappers left the apartment to confront a neighbor who had called 911 to complain about the noise coming out of their apartment where the torture was taking place.

The video of the attack, filmed by Brittany Herring Covington, immediately went viral. After the teens were arrested, Chicago PD initially said it was not racially motivated, despite it clearly being a hate crime. Jordan Hill, 18, of Carpentersville; Tesfaye Cooper, 18, of Chicago; and Brittany Herring's sister Tanishia, 24, were each charged with aggravated kidnapping, hate crimes, aggravated unlawful restraint and aggravated battery with a deadly weapon.

After her arrest, Brittany Herring Covington bragged on Facebook from a smart phone she was able to sneak into jail, posting "yall mad?" and "Sittin in dis cell on my celly talking to yall trippin. Erbody got phones in her these day," and typing "Tfse" which stands for "The Funniest Shit Ever."

And for her participation in the brutal crime, Herring-Covington only received 200 hours of community service and four years of probation. Meanwhile, a Broward County, Florida man who vandalized a Mosque and left bacon inside was sentenced to 15 years in prison recently.

The three other kidnappers charged along with Herring-Covington are still awaiting trial. Perhaps Judge Hooks will give them the key to the city. ★★★

Mayor arrested for using dead people's handicapped placards

By Suzie Schottelkotte

(The Ledger) Bartow, FL - Davenport Mayor Teresa Darlene Bradley was arrested Tuesday on allegations she was using dead people's handicapped placards to park in designated spaces at City Hall.



Mayor Bradley

Bradley, 60, faces felony charges of using a deceased person's identification and possessing an altered or counterfeit decal on a handicapped placard, both of which carry a prison term up to five years if she's convicted.

Based on a tip, Polk County sheriff's deputies obtained surveillance video of Bradley parking in a handicapped space at Davenport City Hall on Monday night. She was seen lifting a briefcase from the trunk of her car and walking inside, where she was attending a City Council meeting, according to the arrest affidavit.

During a subsequent search warrant at her home, deputies found a handicapped placard issued to Evelyn Klinger Letterman, who died in August 2012, the affidavit states. The placard expired in October 2013, but had been altered to reflect a 2018 expiration date, records show.

The other placard had been issued to someone who died in 2015, though that person isn't named in the affidavit.

Bradley was booked into the Polk County Jail on Tuesday, and was released after posting \$2,250 bail. ★★★

Anti-terror unit NYPD cop charged with trafficking heroin and having fake cash

By Edgar Sndoval

(NY Daily News) - A crooked NYPD cop assigned to an anti-terror unit tried to bring 3 kilograms of heroin into the city as part of a "shocking crime spree" involving credit card fraud and counterfeit cash, authorities charged at the end of November.

Reynaldo Lopez, 26, was arrested after agreeing to deliver what he believed was a hefty quantity of heroin to a drug dealer in the Bronx, authorities said. He'd been duped by an undercover police officer who handed off "three keys" in a black bag during a meetup in a New Jersey parking lot, according to a criminal complaint.

Lopez, who is assigned to the NYPD Transit Bureau's anti-terror unit, was allegedly carrying his personal Glock handgun during the Wednesday drug deal.

"Reynaldo Lopez, a police officer sworn to serve and protect his community, instead allegedly engaged in a shocking crime spree," said acting Manhattan U.S. Attorney Joon Kim.

Lopez, of Brooklyn, showed up on authorities' radar through a joint NYPD-FBI investigation of a counterfeit credit card ring that began this year, court papers say. He allegedly received stolen credit card information through an unidentified co-conspirator's workplace, according to a

complaint that did not identify the person.

Lopez also took stolen identities from an undercover officer who said he got the information through a car dealership where he worked, prosecutors said.

The alleged bad cop used bogus credit cards to spend \$13,000 at luxury retail stores, the complaint said, adding that since May he allegedly splurged on movie tickets, gift cards, electronics and restaurants around New York and New Jersey.

On Nov. 10, Lopez showed off a fake \$100 bill to an undercover in a "stack" of money that he said included other counterfeit currency, according to the complaint.

And during the staged drug deal preceding his arrest, Lopez allegedly said he'd delivered narcotics before and knew the routine. He thought he would be paid \$2,000 for the service.

"With me it's guaranteed. They know for sure. They just send me out, do your thing, get a address, meet the person, do your thing, and I'm gone," he said, according to the complaint.

The most serious charge against

Lopez, attempted possession of narcotics over 1 kilogram, carries a maximum life sentence. He was also charged with creating bogus credit cards using stolen identities and possession of counterfeit currency.

Lopez appeared before Magistrate Judge Debra Freeman on Wednesday and was released on \$200,000 bond.

His mother, Elvira Lopez, 50, told the Daily News her son grew up wanting to be a cop and would never break the law. He is a father of two, with a third child on the way, she said.

"I don't agree (with the charges)," she said in tears. "I'm a mother. This hurts me a lot ... My son is innocent."

Lopez joined the force in 2015.

"The NYPD works diligently day in and day out to protect the public from those who engage in these types of crimes," FBI Assistant Director William F. Sweeney Jr. said. "As evidenced by the charges today, nobody is exempt from that practice."

Lopez's attorney, Ian Marcus Amelkin, did not return a call seeking comment. ★★★



Wrongful Murder Conviction Costs LA County \$15 Million



By Nathan Solis

(CN) Los Angeles - Frank O'Connell exhaled Tuesday afternoon after the Los Angeles Board of Supervisors agreed to pay \$15 million to settle his wrongful murder conviction, for which he served 27 years in prison.

During that time, O'Connell did not watch his son grow up, who was also named as a plaintiff in the lawsuit filed in 2013.

A judge sentenced O'Connell to 25 years to life in prison in the murder of Jay French, who was shot and killed at an apartment complex in South Pasadena in January 1984.

An eyewitness pointed O'Connell out in a police lineup, despite three people who provided an alibi for him. During the time the victim was in a custody battle with his ex-wife, with whom O'Connell was romantically involved in the year before the murder.

A judge overturned O'Connell's conviction in 2012, finding detectives J.D. Smith and Gilbert Parra never disclosed an eyewitness identified another person in a police lineup, and did not provide all their evidence to defense attorneys at the time, according to the suit. O'Connell also named the two detectives in his lawsuit.

County documents detail several other factors not considered during the murder trial, including an internal memo from the South Pasadena Police Department about an anonymous phone call made in 1984, which was forwarded to the Altadena Sheriff's Office. In that call, a man said French's ex-wife paid him to kill French after she lost custody of her son. The caller offered details about payments exchanged between several people and even provided an address in Pasadena.

Kate Germond, executive director of Centurion Ministries, an investigation group focused on overturning convictions for innocent people in prison, collected information on O'Connell's case for about 12 years.

"It seemed pretty clear, pretty quickly that he was innocent. The man had no prior criminal record ... he is suddenly just out of the blue going to kill a man," said Germond. "When I read the police report, the (eyewitness) gave a very detailed description of the gun, but not of the person."

She added, "Frank O'Connell

was treated very badly by the sheriff's office and prosecutor. This is a fierce, horrible, ugly battle that they had to go through. In a way they have to prove their innocence again, but in the process they learn how much the county knew about his innocence."

O'Connell's attorney Barry Litt, with Kaye McLane Bednarski and Litt, said the case is important for several reasons, most of all the incarceration of an innocent man.

"It laid bare things that are well known: the way people are wrongfully convicted, and the way it happens to them," Litt said in an interview. "Manipulating witnesses and hiding evidence by detectives which is what happened here."

He added: "We've written a large letter to the board of supervisors trying to emphasize that this is not a onetime event."

A phone call to the county counsel's office seeking comment was not immediately returned by press time.

On Tuesday afternoon, O'Connell walked along Colorado Boulevard in Pasadena with a \$15 million settlement in view.

"I have a sense of closure right now about the case itself," O'Connell said in an interview. "It is absolutely over today. I'm a little discouraged that we didn't get an apology from the sheriff's department; I assume we never will."



US-Observer Journalist Joseph Snook (left) with Frank O'Connell (right) after his release in 2015.

He added, "I'm hoping this settlement brings awareness so that they can fix some of these issues with identification issues, the lineup processes. And the way the system treats people that are exonerated."

He said Los Angeles County residents should be outraged that a large settlement came out of the actions of the criminal court system.

"I can't make up for what they took from me, but I can certainly start today with a new beginning and just take one foot forward over the other and just go with it," he said. "Enjoy life best I can."

★★★

Criminal Charges Against NY DA Announced

By Josh Russell

(CN) Albany, NY - New York's attorney general announced criminal charges against an upstate New York county district attorney related to his alleged mishandling of a police shooting that left a drunken-driving suspect dead and the officer off the hook.

In Rennselaer County Court, the county's district attorney Joel Ablove pleaded not guilty on the afternoon of December 1st to two misdemeanor counts of official misconduct and one felony count of perjury related to his handling of the investigation into the April 2016 death of Edson Thevenin. Troy police officer Sgt. Randall French shot and killed Thevenin in the midst of a car chase.

Citing violations of legal and ethical obligations, the New York Attorney General's Office wrote in a statement that Ablove, a first-term Republican DA, withheld material evidence from the grand jury investigation of the incident, "effectively co-opting its ability to make an informed decision about the matter - with the inevitable and intended result that no charges were brought against French."

The misconduct charges accuse Ablove of deliberately failing to secure a waiver of immunity from French as a condition of his testifying before the grand jury, "seeking to protect French from any potential future prosecution in the

Thevenin shooting."

French, who remains on administrative leave, allegedly fired eight shots at the unarmed Thevenin's sedan while the officer was pinned between his cruiser and Thevenin's car.

In his announcement of the indictment, Schneiderman wrote: "My office will continue to work collaboratively with law enforcement agencies across the state, including district attorneys, to ensure fair, comprehensive, and independent investigations of every case within our jurisdiction, so that families like the Thevenins get the answers they deserve."

The indictment comes 10 months after New York Governor Andrew Cuomo issued an executive order giving Schneiderman's office the authority to conduct a public corruption probe of Ablove's conduct, including his decision to hastily present the case to a grand jury that cleared French of wrongdoing less than a week after the shooting.

Prompted by the popular outcry over the deaths of civilians killed by police officers, particularly the nonindictment of police officers involved in the death of Eric Garner, Executive Order No. 147 appointed the New York state attorney general as a special prosecutor in matters relating to the deaths of unarmed civilians caused by law enforcement officers.

"The Governor's Executive

Order was designed to restore public confidence in our criminal justice system - yet the actions we detail today only served to further erode that confidence," Schneiderman said.

Schneiderman, who portrayed the order as a response "to the crisis in confidence related to the investigation of deaths of unarmed civilians at the hands of police," wrote in his announcement: "I can imagine no more important responsibility, and my office will handle these cases with the highest level of care, professionalism, and independence."

In March 2017, Ablove attempted to halt the investigation by filing suit against the attorney general, arguing that Executive Order No. 147 was unconstitutional. The New York Supreme Court rejected Ablove's claims and dismissed the suit in full in an August 2017 ruling. Ablove's attorney, John Bailey, has insisted that his client committed no wrongdoing. "He was told by the AG the morning of the shooting they were not going to assert jurisdiction," Bailey told the Times Union. "He proceeded with his investigation and he presented the matter to a grand jury. ... Randy French was within maybe split seconds of losing his life and he had to make a split-second decision, which he did."

Bailey did not respond to a request for comment.

Special Investigations and Prosecutions Unit Chiefs Jennifer Sommers and Nick Viorst are handling the New York attorney general's investigation. ★★★



DA Joel Ablove



US-OBSERVER NOTE ON FALSE CHARGES:

False prosecutions are getting some well needed mainstream attention these days. Over the past 26 years, the US-Observer had been the lone voice exposing this rampant issue. Our successful vindications have led to the dismissal or acquittal of more than 4,600 charges and resolved many civil issues by using our services - an achievement no other group, lawyer or agency can claim.

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

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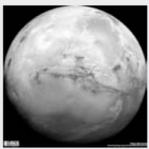
Trump to send astronauts back to the Moon, and eventually Mars



By Dan Merica

(CNN) Washington - President Donald Trump wants to send astronauts where no man has gone before.

During a signing ceremony in the Oval Office on Monday, December 11th, Trump authorized the acting NASA administrator Robert M. Lightfoot Jr. to "lead an innovative space exploration program to send American astronauts back to the moon, and eventually Mars."



Mars

"The President listened to the National Space Council's recommendations and he will change our nation's human spaceflight policy to help America become the driving force for the space industry, gain new knowledge from the cosmos, and spur incredible technology," deputy White House press secretary Hogan Gidley said Monday.



The directive, Gidley said, will push NASA to "refocus ... on its core mission of space exploration" and if Trump does send astronauts back to the moon, they would be the first to visit the lunar landscape since the Apollo 17 mission in 1972.

Trump's pick for NASA administrator -- Jim Bridenstine, a Republican congressman from Oklahoma -- has yet to be confirmed. He has come under withering criticism from Sen. Bill Nelson, a Florida Democrat, who wields considerable power over the space program.

Both Trump and Vice President Mike Pence have made it clear since the 2016 campaign that they would like to send astronauts back to the moon.

During a 2016 campaign event near NASA's Kennedy Space Center in Florida, Trump pledged to "free NASA from the restriction of serving primarily as a logistical agency for low Earth-orbit activities" and "instead refocus on space exploration."

"Under a Trump administration, Florida and America will lead the way into the stars," he said.

Pence, during the first meeting of the National Space Council in October, said the Trump administration "will return American astronauts to the moon, not only to leave behind footprints and flags, but to build the foundation we need to send Americans to Mars and beyond."



Concept art from NASA showing astronauts entering a lunar outpost.

"The moon will be a stepping-stone, a training ground, a venue to strengthen our commercial and international partnerships as we refocus America's space program toward human space exploration," Pence said.

Other Republicans, namely former House Speaker Newt Gingrich, have expressed interest in going back to the moon.

During his 2012 presidential bid, Gingrich advocated for forming colonies on the moon. ★★★

US Sailors Face Grim Diagnoses After Fukushima

By Bianca Bruno

(CN) - To serve in the U.S. Armed Forces, you must meet certain health and fitness requirements: you must be fit to serve. But a healthy group of young service men and women - many in their 20s - have come down with serious health problems since serving on a humanitarian mission to Fukushima, Japan, following the 2011 earthquake and tsunami that led to a nuclear meltdown of the Tokyo Electric Power Co. (TepCo) nuclear power plant.

Service members have faced cancer, brain tumors, birth defects, and other rare health problems since being exposed to radiation from the Fukushima plant. Some have even died.

Courthouse News talked to some of these service members to find out what's happened since they came home from Fukushima and why they believe TepCo needs to take responsibility.

"It was a gray smoke that surrounded you, and you didn't even know what it was"

Naval officer Angel Torres, 47, said he knew his mission to South Korea would be redirected to Fukushima as soon as the earthquake hit. He was aboard the USS Ronald Reagan, the first aircraft carrier deployed by the United States to Fukushima as part of humanitarian mission Operation Tomadachi to render aid and supplies to the Japanese people.

He said when the ship arrived he got "an eerie feeling."

"It was like a cloud I've never seen, a gray smoke that surrounded you and you didn't even know what it was," Torres said.

Torres said once Navy personnel realized they'd directed the aircraft carrier straight through a radiation plume, there was confusion and a sense of panic. People bought up all the Gatorade and water at the ship store in fear there wouldn't be water available.

He said they had to drive back through the plume a second time to render aid, and were issued gas masks to wear.

Helicopters which took supplies to people on land "were completely contaminated," Torres said. Helicopter pilots and personnel were required to throw out their clothes, scrub down and get tested for radiation.

"We all volunteered to join and sometimes you have to do dangerous things, and this was one of them," Torres said.

"It was our turn."

The naval officer said commanders told the service members the amount of radiation they were exposed to was negligible, similar to flying in an airplane or eating a banana. Torres said the executive officer of the ship even told the crew they would be fine unless they licked the flight deck.

"That did well to pacify and stabilize the sentiment and general feeling throughout the ship, but I don't know that I agree with that one bit, because I've eaten a lot of bananas," Torres said.

Twenty-six-year-old Marine Corps veteran Nathan Piekutowski was in Malaysia on a

rest stop when his crew on the USS Essex got word of the tsunami and headed toward Fukushima. He was part of a team that landed to deliver food and supplies and. They wore biological chemical suits.

"Some areas were completely destroyed, it looked like a wall had smashed everything and a hand drew everything back out to sea," Piekutowski said.



USS Ronald Reagan

Torres also suffers from post-traumatic stress disorder, which he manages through therapy and volunteering with veterans organizations in Chicago.

He said he wishes TepCo would have done "the right thing" and told U.S. officials about the nuclear meltdown before sailors were exposed to radiation.

"When I would deploy to the Middle East, I had a team of sailors and I would look at their wives and children and say: 'I'm going to make sure your mom and dad are okay. I wish someone would have done that for me,'" Torres said.

"There are people that are dying from that carrier. They need to know what these people endured and help them get the help that they need."

RADIATION IMPACTS ON SAILORS' HEALTH



Naval officer Angel Torres (right)

Piekutowski left the Marine Corps shortly after his service in Fukushima. He began exhibiting extreme weight loss and limb swelling months later, in November 2012. He experienced eyesight loss and vomited stomach acid before going to the emergency room on Christmas Day.

He was diagnosed with acute myeloid leukemia at the age of 21.

"The type of leukemia I had usually is something you get later in life. Early onset can be caused from being around certain types of chemicals," Piekutowski said.

The following days and months included chemotherapy treatments, but after his leukemia came back less than six months into remission, the Marine received a stem cell transplant. He's since faced day-long doctor appointments with specialists which require him to take time off work and travel out of town.

Piekutowski disputes TepCo's contention the service members who've faced cancer and other health problems since returning from Fukushima were predisposed to those conditions. The utility claims their health problems are not from the radiation exposure.

"If that were the case, TepCo would have disseminated all the information it should have," Piekutowski said, referring to the utility's initial withholding of information after the nuclear meltdown.

"We all volunteered to join and sometimes you have to do dangerous things, and this was one of them," Torres said.

When Torres returned from Fukushima he said he felt weak and tired and didn't feel like being intimate with his significant other, something out of the ordinary given what Torres called the "honeymoon effect" when a service member returns home from deployment.

When working out six months after coming home, Torres got a hernia which required surgery. Two years later, he had another one.

"I thought 'oh my gosh, I'm breaking down here, what's going on?'" Torres said.

He exhibited symptoms of multiple sclerosis and had an MRI scan, but a spinal tap last month showed Torres does not have the disease.



Sailor hoses plane after exposure

SEEKING JUSTICE

Torres and Piekutowski are part of a class action of over 420 sailors suing TepCo and General Electric in San Diego's federal court. While eight of the sailor-plaintiffs have already died - most from cancer - since the first case was filed in 2012, many others have yet to experience any symptoms and want TepCo to foot the bill for medical monitoring and testing and future health care costs over their lifetime.

The class is represented by high-profile attorneys - former Sen. John Edwards and his daughter Cate Edwards with Edwards Kirby out of North Carolina, along with Charles Bonner of Bonner & Bonner in Sausalito, California, and Paul Garner of San Diego.

In a phone interview, Cate Edwards said there are 23 plaintiffs living with cancer, many of whom served in Fukushima in their early 20s and some as young as 18 years old. In addition to the group facing cancer diagnoses, many of the sailors have degenerative diseases, with some losing mobility and use of their arms and legs in addition to experiencing back problems and eyesight loss.



Sailors scrub deck after exposure

A 26-month-old toddler born to a sailor-father who served in Fukushima died from brain and spine cancer. Another female sailor opted to end a pregnancy after finding out the fetus had severe birth defects, Edwards said.

"Why are all these young, healthy, fit people getting cancer? Experiencing thyroid issues? It's too strange to be a coincidence," Edwards said.

"That just doesn't happen absent some external cause. All of these people experienced the same thing and were exposed to radiation at Fukushima. A lot of this is just common sense."

The class has been fighting to get their day in court and get a trial date set. They will inch toward that goal with a motion to dismiss hearing scheduled for Jan. 4. ★★★

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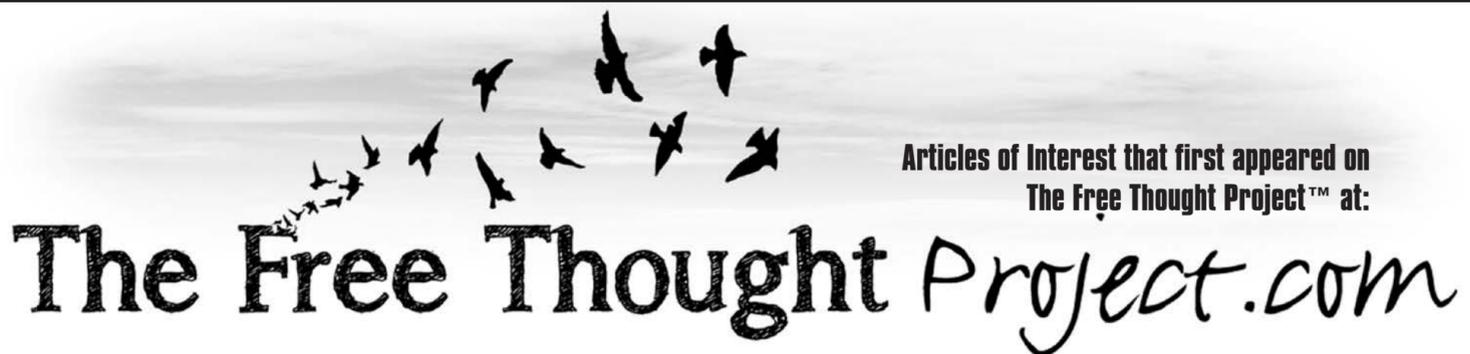
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Welcome to the Free Thought Project — a hub for Free Thinking conversations about the promotion of liberty and the daunting task of government accountability.



Media Silent as Fed Committee Quietly Passes Act Allowing Warrantless Searches

By Rachel Blevins

It has been over one month since the latest dangerous piece of legislation meant to infringe on Americans' constitutional rights was introduced, and Congress is now moving forward with the bill that will have serious ramifications for all Americans by blatantly violating the freedoms guaranteed by the Fourth Amendment if it becomes law.

The USA Liberty Act has passed the House Judiciary Committee by a vote of 27-8, and as Congressman Justin Amash noted, all privacy advocates should be concerned about the overwhelming support the bill is receiving from Congress.

"The Liberty Act passed committee 27-8. It allows the government to search our private data without a warrant—in violation of the 4th Amendment," Amash wrote on Twitter. "It's another bill, like the Freedom Act, that furthers violations of our rights under the guise of protecting our rights."

As Amash implied, the USA Liberty Act provides the opposite of "Liberty" for Americans. Instead, the purpose of the bill is to reauthorize and create additional loopholes for Section 702 of the Foreign Intelligence Surveillance Act (FISA), which is set to expire on Dec. 31, 2017.

Amash also noted that the USA Liberty Act is yet another piece of legislation that "furthers violations of our rights under the guise of protecting our rights." He compared it to the USA Freedom Act, which was passed under similar circumstances in June 2015.

The House Judiciary has also tried to use the USA Freedom Act as a reference to its success, claiming that the bill "ended the bulk collection of data, protected civil liberties and national security, and provided robust oversight and transparency of our vital national security tools."

However, as The Free Thought Project reported in May 2015, the USA Freedom Act "doesn't actually end or suspend the phone records program, but simply requires phone companies to hold onto these records rather than the NSA." It also authorized, for the first time, "the NSA, FBI, and other government agencies to unconstitutionally collect data in bulk on potentially millions of law-abiding Americans," and it let the NSA collect "cell phone records in addition to the landline call records."

Now, as Congress prepares to pass the USA Liberty Act, it claims the bill will "better protect Americans' privacy" by requiring the government to have "a legitimate national security purpose" before searching an

individual's database. But what the bill does not advertise is the fact that it does not actually address the legitimate problems that exist with Section 702. The FBI's "legitimate national security purpose" could be justified by just about any reason the agency chooses to give, and agents will only need supervisory authority in order to search Americans' metadata.

Weeks before the latest vote, more than 40 organizations, including the American Civil Liberties Union and the Freedom of the Press

Foundation, joined together in a letter to the House Judiciary Committee, condemning the USA Liberty Act.

The coalition noted that the bill fails to address concerns with the "backdoor search loophole," which allows the government to "conduct warrantless searches for the information of individuals who are not targets of Section 702, including U.S. citizens and residents."

"The USA Liberty Act departs from the recommendation made by the President's Review Group on Surveillance, appropriations amendments that have previously passed the House, and urgings of civil society organizations, which would have required a probable cause warrant prior to searching the Section 702 database for information about a U.S. citizen or resident absent narrow exceptions. As written, it raises several concerns. First, the bill's most glaring deficiency is that it does not require a warrant to access content in cases where the primary purpose is to return foreign intelligence. This is an exception that threatens to swallow the rule."

A legislative analysis from the Electronic Freedom Foundation noted that the USA Liberty Act does not "institute adequate transparency and oversight measures," it does not "deal with misuse of the state secrets privilege, which has been invoked to stave off lawsuits against mass surveillance," and most importantly, it will not "curtail the NSA's practices of collecting data on innocent people."

The science surrounding the USA Liberty Act is nothing new—from the time the USA Patriot Act was passed on fear-based propaganda in 2001, the United States Government has used trendy names such as "Freedom" and "Liberty" as an appeal, while working with the mainstream media to politicize any and every tragic attack, in order to convince the American public that they must give up their liberties, in order to ensure temporary security.

US Cops Have Killed Over 1,000 in 2017 — Including Pregnant Moms, Innocent Kids, & Disabled People



By Rachel Blevins

Police officers in the United States have now killed more than 1,000 Americans in 2017, according to a database that has been recording deaths at the hands of police since 2013.

As of Nov. 7, the total reported by Killed By Police stands at 1,019 people. While the vast majority were killed by officer-issued firearms, several were killed by police tasers, patrol cars, and restraint or physical force.

In January, 108 people were killed by police. Muhammad Abdul Muhaymin, 43, died in the custody of police officers in Phoenix. He went into "medical distress" when multiple officers

went out of their way to restrain him—even placing two sets of handcuffs on his wrists—after an individual called police because Muhaymin reportedly bumped into him in a doorway.

In February, 113 people were killed by police. Jerome Keith Allen, 22, was shot multiple times and killed by police detectives in Jacksonville, Florida, after he was accused of approaching an undercover officer's car while pointing a gun at its window. The three detectives involved have since been accused of removing evidence and tampering with the crime scene.

In March, 86 people were killed by police. Rodney James Hess, 36, streamed two videos in March as he sat in his parked SUV, which cops said was blocking an off-ramp in Alamo, Tenn. He was shot after police claim they became worried he'd mow them down with his car.

In April, 85 people were killed by police. Jordan Edwards, 15, was shot and killed by police in Balch Springs, Texas after he was a passenger in a car that an officer claimed drove "aggressively toward him." However, after the Body Cam footage was released, it was made clear that the car was not a threat, the officer had no reason to "fear for his life," and an innocent 15-year-old was murdered as a result.

In May, 109 people were killed by police. Jimmie Sanders, of Milwaukee, was fatally wounded after police were called to Jack's Apple Pub in Appleton, Wisconsin in May. Sanders had prevented a murder and disarmed an attacker when police walked in and killed him.

In June, 104 people were killed by police. Charleena Lyles, 30, was shot and killed by police in Seattle, in front of her three children. The mother, who was pregnant with a fourth child, called police to report an attempted burglary. When they arrived to find her with a knife, they shot and killed her instead.



Minneapolis cop shoots and kills unarmed woman
An unarmed Justine Damond was shot and killed by Minneapolis Police officer Mohamed Noor on July 15. Damond had called police reporting a disturbance. Wearing her pajama pants, she approached police when they arrived. She was shot while talking to them.

In July, 114 people were killed by police. Eurie Martin, 58, went into respiratory distress and died after he was confronted by police in Deepstep, Georgia, who were looking for a "suspicious person." The three sheriff's deputies responsible for the man's death were fired as a result.

In August, 96 people were killed by police. Anthony Antonio Ford, 27, was shot and killed by police in Miami, Florida. Officers tried to arrest him after they stopped Ford on the side of the road and found that he had violated his probation. When Ford took off running, the officers claimed they feared for their lives after Ford reached for a gun—but it turns out that he was not armed.

In September, 85 people were killed by police. Oklahoma City Police shot and killed Magdiel Sanchez, 35, after they claimed he matched the description of a suspect in a hit-and-run, was holding a stick, and did not immediately respond to their commands. The only problem was that the man was deaf, and neighbors who knew him said they desperately tried to warn police that Sanchez could not hear them before police opened fire and killed him.



Cop shoots unarmed man

when a local game warden approached him. The official story claims that Bohinski was shot and killed after he began to attack the officer. However, witnesses claim the man was not violent, and was shot from a distance of at least 50 yards away.

The cases listed above are just a few of the incidents in which Americans have been killed by police in 2017, but they serve as a reminder that the individuals who are killed by police include innocent teenagers, pregnant women, and the mentally ill.

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COMMENTARY Your Right to Speak Out



By John W. Whitehead

Nervous About Traffic Stops? I Am. You Should Be, Too

(Rutherford Institute) - “Quit resisting.” — Cops yell at compliant young man who was thrown to the ground, beaten, arrested and hospitalized with severe injuries to his face and arm, allegedly in retaliation for “resisting arrest” by driving to a safe, well-lit area before submitting to a traffic stop for a broken tail light

We’ve all been there before. You’re driving along and you see a pair of flashing blue lights in your rearview mirror. Whether or not you’ve done anything wrong, you get a sinking feeling in your stomach.

You’ve read enough news stories, seen enough headlines, and lived in the American police state long enough to be anxious about any encounter with a cop that takes place on the side of the road.

For better or worse, from the moment you’re pulled over, you’re at the mercy of law enforcement officers who have almost absolute discretion to decide who is a threat, what constitutes resistance, and how harshly they can deal with the citizens they were appointed to “serve and protect.”

This is what I call “blank check policing,” in which the police get to call all of the shots.

So if you’re nervous about traffic stops, you have every reason to be.

Trying to predict the outcome of any encounter with the police is a bit like playing Russian roulette: most of the time you will emerge relatively unscathed, although decidedly poorer and less secure about your rights, but there’s always the chance that an encounter will turn deadly.

For instance, it was just a year ago, in the early morning hours of Dec. 1, 2016, when Gregory Tucker, a young African-American man, was pulled over by Louisiana police for a broken taillight. Because he did not feel safe stopping immediately, Tucker drove calmly and slowly to a safe, well-lit area a few minutes away before stopping in front of his cousin’s house.

That’s when what should have been a routine traffic stop became yet another example of police brutality in America and another reason why Americans are justified in their fear of cops.

According to the lawsuit that was just filed in federal court by The Rutherford Institute, police ordered Tucker out of his vehicle, and after he had stepped out, immediately placed him under arrest for “resisting” (in this case, not immediately stopping) and searched his person and his vehicle. Tucker was then ordered to move to the front of the police vehicle and place his hands on its hood.

Two more police officers arrived on the scene, walked up behind Tucker, and grabbed his arms to restrain and handcuffed him.

Then the fourth police officer arrived on the scene. According to police dash cam footage, Tucker was thrown to the ground and punched numerous times in the head and body. The police also yelled repeatedly at Tucker to “quit resisting.” Tucker, bleeding with injuries to his face, head and arm, was then placed into the back of a police vehicle and EMTs were called to treat him. He was eventually taken to the hospital for severe injuries to his face and arm.

Mind you, this young man complied with police. He just didn’t do it fast enough to suit their purposes.

This young man submitted to police. He didn’t challenge police authority when they frisked him, searched his car, handcuffed him, and beat him to a pulp.

If this young man is “guilty” of anything, he’s guilty of ticking off the cops by being cautious, concerned for his safety, and all too aware of the dangers faced by young black men during encounters with the police.

Frankly, you don’t even have to be young or black or a man to fear for your life during an encounter with the police.

Just consider the growing numbers of unarmed people are who being shot and killed just for standing a certain way, or moving a certain way, or holding something — anything — that police could misinterpret to be a gun, or igniting some trigger-centric fear in a police officer’s mind that has nothing to do with an actual threat to their safety.

At a time when police can do no wrong—at least in the eyes of the courts, police unions and politicians dependent on their votes—and a

“fear” for officer safety is used to justify all manner of police misconduct, “we the people” are at a severe disadvantage.

Add a traffic stop to the mix, and that disadvantage increases dramatically.

According to the Justice Department, the most common reason for a citizen to come into contact with the police is being a driver in a traffic stop.

On average, one in 10 Americans gets pulled over by police.

Black drivers are 31 percent more likely to be pulled over than white drivers, or about 23 percent more likely than Hispanic drivers. As the Washington Post concludes, “Driving while black’ is, indeed, a measurable phenomenon.”

Indeed, police officers have been given free range to pull anyone over for a variety of reasons.

This free-handed approach to traffic stops has resulted in drivers being stopped for windows that are too heavily tinted, for driving too fast, driving too slow, failing to maintain speed, following too closely, improper lane changes, distracted driving, screeching a car’s tires, and leaving a parked car door open for too long.

Motorists can also be stopped by police for driving near a bar or on a road that has large amounts of drunk driving, driving a certain make of car (Mercedes, Grand Prix and Hummers are among the most ticketed vehicles), having anything dangling from the rearview mirror (air fresheners, handicap parking permits, troll transponders or rosaries), and displaying pro-police bumper stickers.

Incredibly, a federal appeals court actually ruled unanimously in 2014 that acne scars and driving with a stiff upright posture are reasonable grounds for being pulled over. The Fifth Circuit Court of Appeals ruled that driving a vehicle that has a couple air fresheners, rosaries and pro-police bumper stickers at 2 MPH over the speed limit is suspicious, meriting a traffic stop.

Equally appalling, in *Heien v. North Carolina*, the U.S. Supreme Court—which has largely paved the way for the police and other government agents to probe, poke, pinch, taser, search, seize, strip and generally manhandle anyone they

see fit in almost any circumstance—allowed police officers to stop drivers who appear nervous, provided they provide a palatable pretext for doing so.

Justice Sonia Sotomayor was the lone objector in the case. Dissenting in *Heien*, Sotomayor warned, “Giving officers license to effect seizures so long as they can attach to their reasonable view of the facts some reasonable legal interpretation (or misinterpretation) that suggests a law has been violated significantly expands this authority...”

One wonders how a citizen seeking to be law-abiding and to structure his or her behavior to avoid these invasive, frightening, and humiliating encounters could do so.”

In other words, drivers beware. Traffic stops aren’t just dangerous. They can be downright deadly.

Remember Walter L. Scott? Reportedly pulled over for a broken taillight, Scott—unarmed—ran away from the police officer, who pursued and shot him from behind, first with a Taser, then with a gun. Scott was struck five times, “three times in the back, once in the upper buttocks and once in the ear — with at least one bullet entering his heart.”

Samuel Dubose, also unarmed, was pulled over for a missing front license plate. He was reportedly shot in the head after a brief struggle in which his car began rolling forward.

Levar Jones was stopped for a seatbelt offense, just as he was getting out of his car to enter a convenience store. Directed to show his license, Jones leaned into his car to get his wallet, only to be shot four times by the “fearful” officer. Jones was also unarmed.

Bobby Canipe was pulled over for having an expired registration. When the 70-year-old reached into the back of his truck for his walking cane, the officer fired several shots at him, hitting him once in the abdomen.

Sandra Bland, pulled over for allegedly failing to use her turn signal, was arrested after refusing to comply with the police officer’s order to extinguish her cigarette and exit her vehicle. The encounter escalated, with the officer threatening to “light” Bland up with his taser. Three days later, Bland was

found dead in her jail cell. “You’re doing all of this for a failure to signal?” Bland asked as she got out of her car, after having been yelled at and threatened repeatedly.

Keep in mind, from the moment those lights start flashing and that siren goes off, we’re all in the same boat. However, it’s what happens after you’ve been pulled over that’s critical.

Survival is the key. Technically, you have the right to remain silent (beyond the basic requirement to identify yourself and show your registration). You have the right to refuse to have your vehicle searched. You have the right to film your interaction with police. You have the right to ask to leave. You also have the right to resist an unlawful order such as a police officer directing you to extinguish your cigarette, put away your phone or stop recording them.

However, there is a price for asserting one’s rights. That price grows more costly with every passing day.

If you ask cops and their enablers what Americans should do to stay alive during encounters with police, they will tell you to comply, cooperate, obey, not resist, not argue, not make threatening gestures or statements, avoid sudden movements, and submit to a search of their person and belongings.

The problem, of course, is what to do when compliance is not enough.

After all, every day we hear about situations in which unarmed Americans complied and still died.

Now you can make all kinds of excuses to justify these shootings, and in fact that’s exactly what you’ll hear from politicians, police unions, law enforcement officials and individuals who are more than happy to march in lockstep with the police.

However, to suggest that a good citizen is a compliant citizen and that obedience will save us from the police state is not only recklessly irresponsible, but it is also deluded and out of touch with reality.

As I make clear in my book *Battlefield America: The War on the American People*, in the American police state, compliance is no longer enough. Frankly, the only truly compliant, submissive and obedient citizen in a police state is a dead one.

If you’re starting to feel somewhat overwhelmed, intimidated and fearful for your life and the lives of your loved ones, you should be.

You should be very afraid. I am. ★★★



By Suja A. Thomas

Has Plea Bargaining Destroyed the Jury Trial?

to avoid a longer sentence, which will be imposed, if they insist on a jury trial and are convicted by a jury.

The plea with the better sentence may be available for only a short period of time—and only before the defendant has significant information about the prosecutor’s case against him. The plea may even require the defendant to waive seeing the prosecution’s evidence and waive the indictment by a grand jury (in places where grand juries are required).

Although this system is widely accepted today, is it constitutional?

The statistics tell a disconcerting story. Ten percent of those who have been found innocent pled guilty—many times because of the severe difference in the sentence if convicted before a jury versus if pleading guilty.

What about those who are guilty? Plea bargaining is equally troublesome in those circumstances.

Whether a defendant is guilty or innocent, the constitutional issue is whether the defendant freely chose to plead guilty and forego a jury trial. To understand this choice, we can look to history. The provision for trial by jury in our Constitution was based on the English jury in the late 18th century.

Although historically a defendant could plead guilty in England, it rarely happened. Back then, almost everyone took the jury trial. Even if the accused pled guilty, the judge imposed the same sentence for a plea and for a conviction by a jury.

In the past, the Supreme Court recognized the possible constitutional problem with significant sentence incentives for pleas over



Photo by Robert Couse Baker via Flickr

jury trials. However, later, the Court sealed the fate of the jury trial and thus criminal defendants.

In *Bordenkircher v. Hayes*, the prosecutor asked the defendant to take a plea offer of five years for an alleged forged check for around \$90. He threatened the defendant with a new indictment subjecting him to life in prison, if he would not take the plea. The defendant refused to plead guilty, was subsequently indicted by a grand jury on a new life imprisonment charge, was convicted by a jury, and sentenced to life in prison.

The defendant argued this was unfair. His right to due process was violated when the prosecutor punished him for insisting on a jury. But the Supreme Court decided that the defendant’s constitutional rights were not infringed.

Plea bargaining was an important part of the criminal justice system.

The Court has laid aside the Constitution and defendants’ rights in favor of efficiency. However, the jury is enshrined in the Constitution, and defendants do not freely

choose pleas over jury trials when facing much stiffer sentences if convicted by juries.

I have argued elsewhere for jury reform including “the plea offer” and “sentence” requirements. The basic idea is if a prosecutor offers a plea bargain and the defendant decides to go to trial, the plea offer as well as the sentence associated with the plea can be placed into evidence at trial for the jury to consider.

The jury then has multiple options. It can convict on the original charge, convict on the plea charge, or not convict. In deciding on what, if any, charge to convict, the jury can consider the sentence associated with the plea charge and the sentence associated with the original charge.

This practice of considering the sentences would be consistent with historical convention. English juries knew the sentences and often acquitted or gave partial verdicts for lesser offenses based on the sentence.

The plea bargaining system is direly in need of reform. The public should play its intended role to oversee the decisions of prosecutors and police—and be the ultimate deciders of innocence or guilt.

Suja A. Thomas is the Peer and Sarah Pedersen Professor of Law at the University of Illinois College of Law. She has authored The Missing American Jury: Restoring the Fundamental Constitutional Role of the Criminal, Civil, and Grand Juries (Cambridge Univ. Press 2016) and co-authored Unequal: How America’s Courts Undermine Discrimination Law with Sandra Sperino (Oxford Univ. Press 2017).

★★★

"Our lives begin to end the day we become silent about things that matter." --Martin Luther King, Jr.

COMMENTARY



By Judge Andrew Napolitano

(Townhall) - What if the government doesn't really deliver for us? What if its failures to protect our lives, liberties and property are glaring? What if nothing changes after these failures?

What if the National Security Agency -- the federal government's domestic spying apparatus -- has convinced Congress that it needs to cut constitutional corners in order to spy on as many people in America as possible? What if Congress has bought that argument and passed a statute that put a secret court between the NSA and its appetite for all electronically transmitted data in America? What if that secret court -- called the Foreign Intelligence Surveillance Court -- is supposed to protect personal liberty but instead

has become a wall behind which the NSA hides?

What if the Constitution only permits warrants for searches and seizures that are based on probable cause of crime? What if the Constitution requires that all warrants for searches and seizures specifically describe the place to be searched or the person or thing to be seized? What if the courts have ruled that electronic surveillance constitutes a search and seizure within the meaning of the Constitution?

What if the FISC issues warrants based on a lesser standard than probable cause of crime? What if its standard is probable cause of speaking with or knowing someone who has spoken with a foreign person? What if this is such an absurd and loose standard that it violates the Constitution and ends up protecting no one except the spies who pretend to employ it?

What if the FISC is a facade? What if the NSA spies on all people all the time while hiding behind FISC-issued warrants? What if the stated

purpose of spying on everyone all the time is to keep us safe from terrorist acts by trading liberty for security? What if that trade has never worked?

What if the NSA has convinced President Donald Trump and his immediate two predecessors that it needs to spy on everyone in America to keep us safe, no matter what the Constitution says? What if those three presidents have bought that argument?

What if NSA spying is really done without any warrants? What if this spying captures in real time every keystroke on every computer and hand-held device -- as well as the content of every email, text message, telephone call and fiber-optic cable transmission -- in the United States 24/7?

What if NSA computers have direct and unimpeded access to all mainframe computers of all telecoms and computer service providers in the U.S.? What if the acquisition of all this data is known in the intelligence community as bulk surveillance?

What if the Constitution is the supreme law of the land? What if the Constitution, with its requirement of warrants based on probable cause and specifically identifying targets, expressly prohibits bulk surveillance? What if bulk surveillance is not only unconstitutional but also useless because it

produces information overload -- too much data to sift through in a timely manner?

What if President Trump and his immediate two predecessors have

cannot be taken away by government without a jury trial? What if the NSA's allies in government wrongly and foolishly think that the surrender of privacy to

America's 60,000 domestic spies somehow keeps us safe?

What if the genius of the Constitution -- if followed -- is not only its protection of privacy but also its requirement that the government focuses its searches and seizures on people who it has

reason to suspect are engaged in criminal activity and about whom judges have ratified the evidence to support those suspicions? What if the Constitution requires the government to leave the rest of us alone?

What if the government stinks at keeping us safe but is very good at invading our privacy?

What if this bulk surveillance is about power and control and not about safety? What if the NSA has selectively leaked what it knows about some folks for political purposes? What if President Trump himself and his former national security adviser have been victims of those leaks?

What if the use of intelligence data for political purposes and not for safety is a profound danger to democracy? What if government can't keep us safe? What if we falsely think that it does keep us safe? What if that delusion makes us less safe? What if government's bulk acquisition of private data makes us less free? What if government works not for us but for itself? What do we do about it? ★★★



National Security Agency headquarters, Fort Meade, Maryland

unleashed the NSA to acquire all communications data about everyone in America even though it's obvious that the NSA cannot possibly sift through it all in a timely enough manner to keep us safe?

What if the Islamic State-inspired extremist who drove a rental truck on a New York City bicycle and pedestrian path and killed eight people did a dry run of his killing plans the week before? What if one of his own cellphones recorded portions of the dry run? What if the NSA had that recording but did not notice it until after the attack?

What if the same killer who drove the rental truck stored 90 video clips of other Islamic State-inspired killings on a cellphone? What if the NSA had those videos but did not notice them until after the attack?

What if the same killer who drove that rental truck also stored nearly 4,000 photos of Islamic State atrocities on a cellphone and the NSA, which has had the repellant photos since the killer first stored them, did not notice them until after the attack? What if liberty is our birthright and

The Evil Rich



By John Stossel

(Townhall) - As Republicans struggle to agree on a tax plan, Democrats and much of the media label each attempt at reform a "gift" to rich people.

In one sense, they are right. Any tax cut disproportionately favors rich people since the rich pay much more tax.

But the media and Democrats (is there a difference?) are wrong because they routinely portray rich people as parasites who take from other people.

Flying Dog Brewery owner Jim Caruso objects to that kind of thinking.

He took over a bankrupt brewery and made it successful by inventing new craft beers. I won't buy his beers -- with varieties like blood orange ale -- but enough people like them that Caruso has become relatively rich.

He's the kind of person Sen. Bernie Sanders rails about. "The top 1 percent," complains Sanders, "earned 85 percent of all new income."

That sounds unfair. But Caruso doesn't see it that way.

"My goal in life is to be the best part of your day," he told me. "You will have unequal outcomes (but) we all benefit from that."

He's right. Caruso provided consumers new choices and created more than 100 jobs.

But for my YouTube video this week, I pushed back: "The top fraction of earners has half the assets in this country. This ticks people off. They view it as evil."

"Think about it this way," responded Caruso. "Apple was the first company to be worth \$800 billion dollars. I was curious, how much was (Apple founder) Steve Jobs worth in 2011 when he passed away? ... Ten billion dollars! I did some quick calculations..."

His calculations revealed that because about 2 billion Apple devices were sold, Jobs collected about \$5 for each device. ★★★

Isn't your cellphone worth much more to you than \$5? Mine is. It must be, since I just paid \$800 for a new one. I got a machine worth hundreds of dollars to me, but the inventor got only \$5.

"Steve might have been underpaid," said Caruso. "The feeling tends to be that somebody like Steve Jobs took something away from everybody else ... (but) what did Jobs take? ... (H)e had this idea: Wouldn't it be great to have a thousand songs in your pocket? (He created) one of the most massively important tools for productivity and communication in life!"

Generally, Jobs got a pass when the media attacked rich people, maybe because reporters liked Apple's products. But other rich Americans are routinely labeled "parasites." Sanders suggests that if some people have billions, the rest of us must have billions less.

But that's not true, Caruso points out. "It's that zero-sum game mentality: that somehow people who create stuff are taking it from other people. That's simply inaccurate. It's not a zero-sum game. They're creating stuff that didn't exist before."

He's right. It's not as if there's one pie and when rich people take a big piece, less is left for the rest of us. Billionaires like Steve Jobs, Jeff Bezos, Mark Zuckerberg, the Koch brothers, etc. got rich only by baking thousands of new pies.

Entrepreneurs create things; they don't take from others.

Well, they do take if they conspire with government to get special deals - subsidies, bailouts, regulations that protect them from competition. But without government force, businesspeople get rich only by selling us things we willingly purchase.

We get to decide if we'd be better off with the products that creators offer to sell. Producers get to decide whether they can make enough money from those sales to make their efforts worth their while.

This mutually beneficial exchange is the heart of a market economy.

Government, on the other hand, only knows how to do two things: make you engage in exchanges you don't want, and prevent you from engaging in exchanges you do want. With every order it issues, government makes the pie a little smaller.

As long as rich people don't collude with government, they make our lives better. ★★★



Brewery owner Jim Caruso



By Ben Shapiro

(Townhall) - Republicans in the Senate finally passed their long-awaited tax reform plan. It lowers individual income tax rates across the board, although it does claw back some government revenue in the form of elimination of state and local tax deductions. It drops corporate tax rates as well. It is, in other words, a significant but not atypical Republican tax cut designed to boost economic growth by allowing Americans to keep more of their own money.

The tax cut will almost certainly increase the deficit, however. Even with dynamic scoring -- the assumption that the economy will grow at a faster clip thanks to tax cuts -- the tax cuts could lead to \$1 trillion in lower revenue through 2027. This has led some conservatives to sour on tax reform altogether, rightly saying that Republicans were, until a few months ago, complaining incessantly about former President Obama's

Fiscal Responsibility or Lower Taxes?



which are slated to bring the debt to some \$70 to 75 trillion in coming decades.

So, which is more important: cutting deficits or cutting taxes?

The answer, in the long run, is obvious: cutting deficits. Deficits impoverish future generations; they undermine the credibility of our financial commitments; they prevent us from fulfilling promises we have already made to our own citizens. There are already millions of Americans who will never receive Social Security in the amount they have been promised; there are already millions of Americans unborn who will spend their lives paying off the commitments made by others for political gain.

At the same time, were we to raise taxes to pay off our debts, we would enervate our population and inure citizens to high taxes. Citizens of European states are used to insanely high tax rates; the impetus for

are used to the very social programs that continue to bankrupt them despite high tax rates; they're not clamoring to cut programs based on their distaste for those tax rates.

This puts American politicians in somewhat of a Catch-22. If they stump for spending cuts, they're cast as uncaring and cruel; if they stump for tax increases to pay for those spending cuts, they're cast as uncaring and cruel. Thus, the deficit continues to grow.

So, what should Republicans do about it? They ought to cut taxes, and then they ought to acknowledge that cuts are necessary to keep taxes low. Let Americans get used to keeping their own money. Let them understand that services aren't free. Then, be honest about the costs associated with big government programs.

In the end, both Democrats and Republicans will have to face a simple truth: It's either government cuts or bust. There's no reason for Republicans to give away their only leverage -- the taste of the public for a dynamic economy based on individuals retaining their earnings -- in order to shore up programs Democrats will only work to expand. ★★★



blowout deficits and the burgeoning national debt, which now stands at a cool \$20.5 trillion. That doesn't include long-term unfunded liabilities,

spending cuts based on desire for lower taxes disappears after years of habituation to those tax rates and unsustainable government benefits. Europeans

Continued from page 1 • Are Grandparents Attempting to Steal Daughter's Youngest Child?

reports to take custody away from Christi. Gresnsky gave custody of the daughter to her alleged abuser and biological father – Sean Lenzo.

In separate cases, McGovern has been successfully sued before for failing to protect children while working for DHS. McGovern cost Oregon taxpayers more than one million dollars according to an attorney who sued her. Multiple online articles from different sources confirm McGovern's troubled past.

As if this story couldn't get more unbelievable, after custody was taken from Christi, McGovern's faulty DHS reports were then overturned by DHS supervisors. However, the ruling responsible for taking the child was not. Cori McGovern was not held liable and is still employed by DHS.

dependable daycare while working has been an issue. Mistakenly, the court believed that Linda could, and was providing the care which she reportedly was not.



John and Linda Henson

ABUSE?

Linda and John Henson let Christi and her family live in a double-wide trailer on their property. That trailer became infested with rats. With nowhere else to go, Christi often felt hopeless. She was constantly looking for a new home, while caring for her family and fighting for custody. Funds were tight for Christi. She was trying to pay expensive court costs. Additionally, she had to constantly screw kitchen drawers shut to keep rats from coming inside the living area. Eventually, Christi raised the money to fix the rat problem. Unfortunately, a new problem arose when Christi received the pest control inspector's report. In the report, it was stated that, "If we were to trap, they (rats) would return. I do not think this home is habitable at all." This writer personally talked to the pest inspector. The inspector stated there were too many rats, big rats – more than the pest controller had ever seen!

EVICTING THEIR OWN DAUGHTER AND GRANDCHILDREN

According to statements, instead of helping Christi by providing a truly healthy environment for their grandchildren to live in, John and Linda Henson "evicted" Christi. Christi stated Linda gave her verbal notice to move on several occasions. "72 hour notice, 48 hour notice, and a 24 hour notice" as Christi recalled. They apparently knew she had limited resources and seemingly took advantage of the situation. Luckily, Christi found help to move. When the eviction happened, Christi and other witnesses became

very concerned. Linda and John Henson's actions caused Christi to revisit her past – a past she prayed would never return.

ESTRANGED RELATIONSHIP

Upon meeting John and Linda Henson, one would find it very difficult to think they could be bad people. They portray themselves as honest and friendly. John really seems to be a nice guy. He also seems to be a little naive. Linda is the quiet type, constantly smiling. But face-values can sometimes be deceiving.

Christi was previously estranged from her mother and step-father for nearly ten years. In particular, abuse claims against Linda surfaced as this writer began asking important questions. Attempting to seek clarification, I emailed Linda Henson. She never responded to several requests to confirm or deny the allegations. The allegations were reported by several witnesses who personally know Linda and John Henson.

Allegations against Linda and John Henson:

1. Linda dropped Christi and her brother off on her Father's doorstep without reason. She dropped them off to live with him shortly before Christmas when they were just children. Furthermore, Linda did this without informing her children or their father.
2. Christi and her only known brother were neglected by Linda at an early age.
3. Linda Henson had Christi admitted to a mental institution when she was a teenager. The institution ended up clearing Christi of mental defect, stating that the real concern was her own mother, Linda.
4. When Christi turned sixteen, Linda put her on a train without notice and sent her off to live with her father. Christi's father had no knowledge she was coming to live with him until she arrived.
5. Linda has another son, aside from Christi's only known brother. She has kept this from Christi and her sibling. Court records reflect the name, Richard.
6. Linda is deceitful. Those who know her say she displays deep control issues.
7. John Henson helped Christi's ex gain custody by testifying he would trust him around his own children if he had any. This testimony was provided after professionals claimed the child should not be around the biological father – not even supervised.
8. Both John and Linda denied or downplayed the alleged abuse of Christi's

eldest daughter. Sean Lenzo (father) failed two separate polygraph exams. The results show he lied about telling his daughter he, "had a special bullet for her mother (Christi)." Other questions were asked about cigarette burns on the child... pulling the young child's hair... suffocating the child... Bottom line, Sean Lenzo failed two polygraph tests. Both tests were about abuse.

9. Linda Henson cheated on her ex-husband.
10. She (Linda) filed a lawsuit or claim against an insurance company, stating she was disabled, when she was not.
11. Linda has recently attempted to keep Christi from seeing her eldest daughter when the child is with Linda.
12. Linda has kept Christi and her family away from her personal home, even when she knew they were cold, and without heat in their trailer for a short period of time.
13. She (Linda) would tell the court/attorney's she could watch the children, while not doing so adequately.
14. Linda would treat Christi poorly, knowing that Christi was dependent upon her for a place to stay.
15. John and Linda Henson knowingly allowed Christi and her family to live in a rat infested home that was deemed not habitable.
16. John and Linda Henson evicted Christi, leaving her and her children without a home.
17. Linda and John are now seeking custody/support/visitation of Christi's youngest child.

A GOOD MOTHER

Christi has never been convicted of any crimes. She has won a Presidential award for her humanitarian work. She is one of the most loving and caring parents this writer has ever met. Christi has also endured a life that most could not. She continues to fight for the safety of her daughters. Additionally, she maintains one of the most positive attitudes despite what life hands her. Christi's husband Gabe has no prior criminal history. He is a Veteran of the U.S. Army.

Christi and Gabe hope to get custody of Christi's daughter, while also keeping Christi's mother from interfering in their lives.

Editor's Note: If you have any information regarding John and Linda Henson, please contact the US-Observer by calling 541-474-7885. For more case history, please log-on to usobserver.com and search, "Christi MacLaren." Also, donate to Christi and Gabe on GoFundMe! ★★★

The Disappearing Right to Earn a Living

By Conor Friedersdorf

(The Atlantic) - In most states, a person who desires to install home-entertainment systems for a living, or as a part-time gig for extra cash, faces relatively few barriers to entry. This is work teenagers routinely do for grandparents after they make a technology purchase. But in Connecticut, a home-entertainment installer is required to obtain a license from the state before serving customers. It costs applicants \$185. To qualify, they must have a 12th-grade education, complete a test, and accumulate one year of apprenticeship experience in the field. A typical aspirant can expect the licensing process to delay them 575 days.

These figures are drawn from License to Work, a report released this week by the Institute for Justice, a public-interest law firm that has sued state governments on behalf of numerous small-business owners and members of the working class who've faced unduly onerous obstacles while trying to earn a living.

Occupational-licensing obstacles are much more common than they once were. "In the 1950s, about one in 20 American workers needed an occupational license before they could work in the occupation of their choice," the report states. "Today, that figure stands at about one in four." These requirements are at their most reasonable when regulating occupations such as anesthesiologist or airline pilot, as in those instances, they can mostly

affect a privileged class.

They are at their most pernicious when they are both needless and most burdensome to the middle class, the working class, and recent immigrants to a society. The IJ report focuses its attention on these cases, surveying 102 lower-income occupations across all 50 states and the District of Columbia. It concludes that "most of the 102 occupations are practiced in at least one state without state licensing and apparently without widespread harm." In other words, dropping many of those requirements likely wouldn't do any harm. Just 23 of the occupations surveyed are licensed in at least 40 states. Their online dataset helpfully allows anyone to search occupations per their interests. I learned that all 50 states license barbers while just 13 license bartenders.

To be a florist in Louisiana, the only state to regulate them, one must take an exam and pay \$189. Seven different jurisdictions require a license to be a tree trimmer. California demands that tree trimmers have four years experience, pay \$529, and take two exams; Maryland requires two years of training and one year of experience.

To underscore the irrationality of various requirements, IJ compares them to people charged with saving the lives of their fellow humans during emergencies:

EMTs hold lives in their hands, yet 73 other occupations have greater average licensure burdens: barbers and cosmetologists, home

entertainment installers, interior designers, log scalers, manicurists and numerous contractor designations ... while the average cosmetologist must complete 386 days of training, the average EMT must complete a mere 34. Even the average tree trimmer must complete more than 16 times the amount of education and experience.



Photo: Brian Snyder / Reuters

Texas requires licenses for 37 occupations studied in the report. Said Texas Supreme Court Justice Don Willett, concurring in a 2015 case that struck down occupational licensing requirements for people engaged in eyebrow threading:

As today's case shows, the Texas occupational licensure regime, predominantly impeding Texans of modest means, can seem a hodge-podge of disjointed, logic-defying irrationalities, where the burdens imposed seem almost farcical, forcing many lower-income Texans to face a choice: submit to illogical bureaucracy or operate an illegal business? Licensure absurdities become apparent when you compare the wildly disparate education/experience burdens visited on various professions. The disconnect between the strictness of some licensing rules and their alleged public-welfare rationale is patently bizarre.

Too often, occupational-licensing laws are less about protecting workers or consumers as a class than they are about protecting the interests of incumbents. What to compete with me? Good luck, now that I've lobbied for a law that requires you to shell out cash and work toward a certificate before you can begin.

How to withdraw the undue status that incumbent interests are

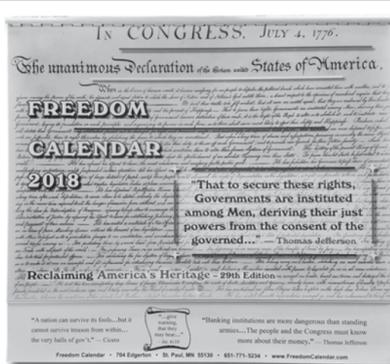
exploiting? Among several worthwhile reforms advanced in the report's conclusion, I was taken by the call to make it easier for aspiring workers and entrepreneurs to bring legal challenges against licensing laws. "The U.S. Constitution protects the right to earn an honest living free from unreasonable government interference, yet courts have often been reluctant to enforce this right by striking down arbitrary or irrational licensing laws," it notes. "Under the prevailing legal standard, licensing laws are presumed valid when challenged in court, and individuals must prove that they are unconstitutional. This gets it exactly backward. Governments should have to prove that licensing laws advance legitimate health and safety concerns to justify restrictions on the right to earn a living." A central plank of the American dream is at stake. ★★★

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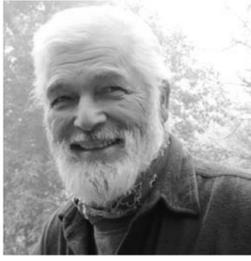
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Property Dispute Turns Into Attack of Character?

By Joseph Snook
Investigative Reporter

Selma, OR – Ken Legaux and Arthur (Art) Olsen became neighbors around 2011. Art had relocated to Selma from California, purchasing land that adjoined Ken's property. Art's new home had an easement that was shared by both Ken and Art. After Art purchased his land, another 70 acre property was purchased which shared the same easement. According to one Selma property owner, Art wanted the 70 acres and was upset when he didn't get it. Others also stated that Art did not want more people to use the easement if he could prevent it. That's when the problems began. The once "friendly" neighbor Art, sued Ken "multiple times" over a property line dispute. Horrific claims against Ken's character ensued. The legal battles lasted years. As time passed, tens of thousands of dollars in attorney's fees were reportedly spent, without sufficient resolution.



Ken Legaux

He did electrical work for Art. Ken also supplied Art with two cords of fire wood; not the usual actions of a bad neighbor. He not only helped Art, he reportedly did it all for free. In fact, as Ken and several others tell it, they got along quite well in the beginning.

Things worsened after the new neighbor arrived. Art's dislike of the new neighbor is reportedly what severed his relationship with Ken. "The dispute between those two neighbors was not good," Ken stated. He continued, "I tried to keep the peace" for as long as possible. Simply put, witnesses said Art didn't want more people driving down the legal easement – their shared driveway. An easement is defined as "a nonpossessory property interest that allows the holder of the easement to use property that he or she does not own or possess." Still, Art was, "fuming mad" over the shared driveway according to Ken.

BACKGROUND

Ken Legaux built his home eleven years ago. Prior to buying that land, Ken lived not far off the same dirt road for over 30 years. Listening to him speak, one realizes that Ken has deep Cajun roots, something he is proud of. Ken has been a sheriff's deputy and city police officer. He has worked as an electrician most of his adult life. He has a reputation for being a "top notch" guy who would literally give a friend the shirt off his back. Ken is also known in the community for his ability to tell stories. He's always the life of the party according to some of his close friends. Family is important to him. He helped raise eight children and has been married for thirty-one years.

Art Olsen is reportedly a wealthy man who sold property in California and moved to Oregon for retirement. Several people in the small community think highly of Art. He's also known as friendly by some, and, a "liar" by others. One thing is certain, Art lied to a national newspaper by providing extremely harmful and false information about another person without knowing the truth. That person is Ken Legaux.

FRIENDSHIP

Once Art became Ken's neighbor, they "began hanging out," according to Ken. It wasn't long before they were enjoying a few beers together like buddies often do. Ken would help grade (smooth out) Art's part of the driveway with his own heavy equipment. He also helped make roof repairs to Art's home.

THE GATE

The gate which is located at the beginning of Ken and Art's driveway has been there for over thirty-years, according to court documents. The power company originally installed the gate, which was supported by the information etched onto the old locks that were found on the gate. Over many years the gate became dilapidated. Being the friendly neighbor that Ken was, he took it upon himself to go ahead and fix the gate. It was nothing more than a friendly gesture – that's all. Ken stated he installed a new post exactly where the old post went.

When Art saw the new post, he became upset with Ken. At first, Ken stated he would help move the gate when Art made claims that the gate was inappropriately placed. Ken then found out why Art wanted to move that post. Art reportedly didn't want the newest neighbor using the legally shared easement. When the gate wasn't moved, Art's frustrations came to a



2004 (above); 2014 (below) in same location. Still has the original lock provided by Pacificorp (right).



head, and Ken was sued by Art over the property line dispute. Ken was accused of trespassing and destruction of property.

Ken said he was sued by Art three times. Two of the suits were dropped. The property dispute case ended, however the damage was not quite done. The friendship was over, but the accusations had just begun.

STORIES BECOME FALSE ACCUSATIONS

As the friendship exhausted, stories about Ken by Art turned into seriously false accusations with damaging effects. Ken started losing business. When he'd walk into a bar, or restaurant, some of the usual friendly patrons began giving him the cold shoulder.

It wasn't long before Art's words caught up to Ken. Edward Snook, Editor-in-Chief of the US-Observer, eventually met with Art. Ken owed Snook some money for an ad in the US-Observer Newspaper. Snook wanted to know what kind of person Ken was according to Art. It wasn't long before Art began making false statements about Ken. According to a deposition, Art told Snook, "Ken was operating his business illegally... he's borrowed a bunch of money from other people and hasn't paid them back." Art mentioned specific names according to the deposition. Was all of this true? Essentially, Art stated that Ken was a liar and could not be trusted. According to Snook, Art, "was obviously trying to get me to dislike Ken."

DAMAGE DONE

As Snook continued to communicate with Art, the character attacks against Ken increased. According to depositions, Art told Snook, "...he's (Ken) molested (sexually) his daughters and had felonies..." Not only did Art openly make these remarks to Snook, he did so knowing that he was speaking with the publisher of a national newspaper. Perhaps Art was telling others in the community similar stories? Not the type of stories Ken is known for telling. These were serious allegations, which were completely

unfounded. Ken has NEVER been convicted of a felony crime. Ken has never been arrested or convicted of sexually molesting anyone, especially his own daughters. Why would someone make such false and damning statements about another person?

Ken was left with no other option than to sue Art for the defamatory comments. It was believed at this point that Art was telling these horrible lies to others. How else was Ken losing reputable business, while getting the cold shoulder from those who were once the friendly type?

Ken filed suit against Art and the costly legal battle between the once friendly neighbors continued.

As anyone who has ever needed an attorney knows, the costs are not cheap. Trying to convince Ken to drop the suit, Art said that every time they (the attorneys) do anything it is costing us. Art continued, "It's killing us." But, Ken was damaged. The lies were public. And, Ken deserved to, at very least, have his name cleared in the community where he lives. As he recalls, "I couldn't just up and quit" at that point.

THE TRIAL

Ken stated, "Serious evidence... recorded calls that proved Art was lying," were never played for the jury. Serious objections were not made by Ken's attorney as he looked back. "I was raked over the coals," Ken explained while describing his experience in court. The case resulted in a no money award for damages. And, the damages for Ken reportedly continued long after the case.

Misinformation is rampant in this day and age. People are so quick to judge without having the facts. Art's false claims about Ken were just that – FALSE. "There are still those in the community which I live who probably believe these horrible lies," explained Ken. He continued, "I certainly pray that they now know my true character."

Ken and the other neighbor are still friends. He's finally moved on with life. He's pleased that his name is cleared of the horrifically false accusation(s) by Art Olsen. If you want to know the truth about a person – do a background check. Don't believe false and defamatory comments made by others.

Art is reportedly a bitter man who hates his close neighbors. According to witnesses, Art hates them because he has a legal obligation to let them use his driveway.

Editor's Note: Word travels fast in a small community like Selma. If anyone has information regarding Art Olsen or Ken Legaux, we ask that you contact the US-Observer. Have other false accusations been made? Write editor@usobserver.com or call 541-474-7885. ★★★

Continued from page 1 • If You're in Trouble, We Help

the false charges they have filed. If they refuse, we take them into our court – the court of public opinion. Here, the two things they are protective of, or are always concerned with, their reputation and career, become vulnerable.

When we publish about them and the specific abuse they have leveled at an innocent person the game changes. Publicly, they must face their friends, family and community – our court is where accountability begins.

The prosecutor soon finds that the one and only thing that he/she fears is exposure. When they are faced with losing their career and/or reputation they usually do the right thing and dismiss the false charges. If they don't we escalate our exposure until they are forced to accept the truth – the facts!

Keep in mind that as we escalate our efforts publicly, any possible future jury pool is becoming aware of the false charge(s) as they read the facts on the front page of a national newspaper.

When prosecutors file charges they send press releases to the media. We do the exact same thing that prosecutors do except we publish absolute facts, obtained by conducting our thorough investigation; they often rush to judgment and release lies to the jury pool. They do this because it works and ensures them a conviction. We do this because it works and ensures the innocent person a dropped charge or an acquittal.

Again, at the end of the day the prosecutor either drops the false charge(s) or their reputation and career are demolished and they lose at trial. They lose because we were

able to obtain crucial evidence that no one else could.

CIVIL CASES

We handle civil cases in much the same manner as our criminal cases. If someone has stolen from you, whether it be your money, property, child or other, we give that person, agency or other the chance to return your property. Often, they comply because they cannot stand exposure – exposure can lead to possible criminal charges and huge civil damages payouts. Before long, they all either do the right thing and comply or they are ruined – ruined by the truth and facts.

If you are in trouble, don't roll the dice with just an attorney.

CRIMES UNANSWERED

Given the US-Observer's track record of defeating false criminal charges, it stands to reason that the US-Observer is definitely the "Go To" when someone is getting away with a crime or dishonest action.

Do you know someone who should be in prison? Did they harm you? Steal from you? Abuse you or someone you know?

Did the justice system turn a blind eye? Were they seemingly above the law?

Contact the US-Observer – We will help ensure justice is served!

★★★

Go to usobserver.com for references. Call 541-474-7885 if you need help.

★★★

House approves concealed-carry reciprocity, gun bill faces challenge in Senate

By Joseph Weber

(Fox News) - House Republicans on Wednesday, December 6th, voted in favor of making concealed-carry permits valid across state lines, scoring a major victory for gun-rights supporters.

But similar Senate legislation still faces an uncertain future, with top Democrats and other gun-control advocates rallying in opposition on Capitol Hill.

The Concealed Carry Reciprocity Act passed 231-198 in the GOP-controlled House, with six Democrats voting in support.

"For the millions of law-abiding citizens who lawfully carry concealed to protect themselves, for conservatives who want to strengthen our Second Amendment rights, and for the overwhelming majority of Americans who support concealed carry reciprocity, Christmas came early," Rep. Richard Hudson, R-N.C., the bill's sponsor, reacted.

Hudson had tried unsuccessfully for years to pass such legislation, which he says simply attempts to clarify the patchwork of state laws



that confuse citizens who might unwittingly be arrested while going from state to state.

The three-term congressman has garnered strong support for his bipartisan legislation -- including 213 co-sponsors as well as 24 state attorneys general and the National Rifle Association.

"Despite scare tactics by the bill's opponents, concealed-carry licensees as a group have proven to be more law-abiding than the general population and even the police," the NRA said before balloting. "We are on the eve of passing the most expansive piece of self-defense legislation in the history of Congress."

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Continued from page 1 • Examining the Fallout of Experimental Prosecution

right to be considered innocent until proven guilty, MCA investigators generally disregard evidence supporting their innocence, thus denying them due process.

Prosecutors and members of law enforcement are in the business of securing convictions. Like privately owned companies whose productivity, funding and future is dependent upon "making the sale," the criminal justice system also relies on "closing the deal" as a measure of success. Unlike the private sector, State actors hold two superpowers that escalate the odds of success and invite misconduct—the presumption of truth, and the shield of immunity.

THE PRESUMPTION OF TRUTH

Statements made by law enforcement and prosecutors are presumed, by the court, to be true. While other parties and witnesses are subject to scrutiny in determining credibility, members of the criminal justice system are assumed credible despite powerful monetary motives to abuse authority for the sake of conviction.

In 2014, the Honorable Judge Alex Kozinski of the 9th Circuit Court of Appeals publicly stated, "There is an epidemic of Brady violations abroad in the land." According to *Brady v. Maryland* (1963), a Brady violation includes the withholding of evidence by law enforcement and prosecutors that is favorable to the defendant. This condemning recognition of a widespread propensity for dishonesty in prosecuting cases opened the door for a conversation, but has yet to be addressed in a way that curbs the bad behavior.

THE SHIELD OF IMMUNITY

Prosecutors in the United States are granted absolute immunity in initiating a prosecution and presenting the State's case. This protection shields them from criminal prosecution and civil lawsuits if they are acting within the scope of their duties.

Law enforcement officers and CPS case workers share the similar, but less all-encompassing, protection of qualified immunity. Qualified immunity is designed to guard against government actors' liability "insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).

Disobedience isn't curbed by the fear of getting caught, but by the likelihood of facing punishment. Due to the rarity with which perjury by government actors in court proceedings is addressed, fear of getting caught is inconsequential. Because of the protections of absolute and qualified immunity, the likelihood that prosecutors, law enforcement officers and CPS case workers will face punishment for making false accusations, fabricating evidence, and lying during litigation is slim to none.

2014: OREGON'S FIRST MCA CRIMINAL PROSECUTION



Katherine Parker

On April 1, 2014, Katherine (Kate or KP) Parker was arrested while sitting down to dinner with her family in their Grants Pass, Oregon home. She would later learn she was facing 43 criminal charges, most of which alleged Medical Child Abuse of her two youngest children, Joshua and Bethany Parker. Joshua had been diagnosed and treated for serious genetic conditions from the day of his birth in 2006. Bethany began receiving consistent care for pre-existing medical problems at 3 years of age following her arrival to the United States after being adopted by Kate and Charley Parker in 2010. Joshua's and Bethany's medical care was being managed under the supervision of highly qualified medical teams in Oregon. Astonishingly, a parent who follows the treatment orders of their child's physicians can be accused of Medical Child Abuse.

In late March 2014, prior to Kate Parker's arrest, the Multnomah County Grand Jury met in a marathon, secret session to hear testimony. Several who testified knew Kate only as followers of her online blog through CaringBridge, a non-profit organization that offers personalized websites to people facing various medical conditions, hospitalizations and medical treatments. Additional testimony was given by Dr. Cathleen Lang, a CARES NW pediatrician who had not met nor spoken to either Joshua Parker or Bethany Parker. Lang had not been involved in the medical treatment of either Parker child prior to determining they were victims of Medical Child Abuse.

A laundry list of hearsay allegations were brought forth by Multnomah County District Attorney Charles Mickley and were subsequently accepted by the Grand Jury for indictment. Mickley would later admit that, in his rush to indict on 43 charges, he had not thoroughly reviewed all state statutes identified in his allegations. However, the overcharging by Mickley was the force behind the \$1.2 million bail request that he was granted.

POLITICALLY-CHARGED MEDIA RESPONSE

Within hours of Kate Parker's arrest, news media swarmed to the story. With the headline, "Mother of 8 arrested in medical child abuse case," Portland, Oregon's KOIN 6 News released the following statement: "A Josephine County mother is in jail, accused of being the mastermind behind an elaborate scheme to medically abuse her children."

As the high-profile case unfolded, the media focus shifted to the potential political impact the case could have on the US Senate candidacy of accomplished neurosurgeon and GOP front runner, Dr. Monica Wehby, who had been significantly involved in the treatment of several Parker children.

With the story breaking weeks before the Primary election and remaining in the political spotlight throughout Dr. Wehby's candidacy, reporters offered broad speculation as to the reflection of the allegations against Kate Parker on candidate Wehby's judgement, and whether the neurosurgeon would be facing charges as well. While such statements undoubtedly had a negative impact on Monica Wehby's political career, according to Dr. Cathleen Lang, and then-Detective Erica Hurley of the Portland Police Bureau's Child Abuse Team, the surgeries performed on the Parker children were not a subject of concern, indicating the State knew Dr. Wehby's medical treatment for the Parker children had been medically necessary and appropriate.

THE TRUTH ABOUT KP ... BASED ON SOCIAL MEDIA & HEARSAY

Portland mother and self-proclaimed "close friend" of Kate Parker, Tiffany Reed, acted as State's witness for the prosecution in the secret Grand Jury indictment, and was scheduled to testify in the pending criminal trial against Parker. Reed's claims were quoted in multiple news stories and she was featured in a television news interview with Portland, Oregon's Fox 12 reporter, Kaitlyn Bolduc.

In the interview, Reed stated, "The Kate I originally knew and the Kate that is now, I feel in my heart, is two different people." Kate Parker's relationship with Reed existed primarily through Reed's comments on Parker's CaringBridge website. In 2012, Reed made one visit to the Parker home in Grants Pass, Oregon, upon her own insistence. Due to the reported strange behavior exhibited by Reed during that visit, Kate Parker would later block Reed on Facebook and discontinue online communications with her. Nearly two years later, it was this visit upon which Reed based her claim of "close friendship" with Kate Parker, and her personal knowledge of the Parker family during her Grand Jury testimony. Reed also said in the FOX 12 interview, "The doctors very much rely on us parents to accurately report our children's symptoms, and to be honest about them."

In June of 2015, more than a year after the FOX 12 interview, Tiffany Reed was also subject to allegations of Medical Child Abuse by pediatrician Cathleen Lang and DDA Charles Mickley. During the second day of her CPS trial in November 2015, Reed admitted guilt and the trial abruptly ended. The same Multnomah County DDA, Charles Mickley, who was actively prosecuting the Parker case at that time, agreed to an extraordinarily generous deal that involved the same-day return of Reed's son from foster care back into her custody, and no criminal charges despite Tiffany Reed's reported admission that she intentionally lied to doctors for the purpose of medically abusing her son. Local media also deferred to a blog titled, "The Truth about KP Mom of 7, 8, 9" for supposed facts regarding the charges against Kate Parker. The blog, authored by an anonymous source who published detailed information about the ongoing criminal investigation against Kate Parker, began with a mission statement about non-harassing content, protecting the Parker children, and getting to the truth.

As the high-profile case gathered state-wide media attention, "The Truth About KP..." blog took on a public-lynching attitude toward Kate

Parker and her supporters. This movement spawned other online discussion groups dedicated to following the Parker case and condemning the accused. Despite the online mob mentality perpetrated by individuals who anonymously claimed intimate knowledge of the Parker family and the case against Kate Parker, the evidence on file with both defense and prosecution did not support the details and speculation that leaked into news stories about the case.

THE MEDILL JUSTICE PROJECT INTERVENES

With steadfast belief in their client's innocence, Kate Parker's attorneys, Lisa Ludwig and Tiffany Harris, submitted a case summary to Northwestern University School of Journalism's prestigious Medill Justice



Dr. Monica Wehby

Project for consideration, and the case was selected for investigation. The Northwestern journalists spent 11 weeks poring over case-specific materials. They flew from Chicago, Illinois to Portland, Oregon multiple times to interview doctors, nurses, therapists and others who knew and had been involved with Kate Parker and her children. While in Oregon, they also drove to

Parker's hometown of Grants Pass, 250 miles south of Portland, to conduct interviews.

In December of 2015, after concluding their investigation, Medill Justice Project published their findings, causing the State's case against Kate Parker to fall apart. In the report, the public was made aware that Dr. Lang and Detective Hurley had admitted to Dr. Wehby that no one was concerned about the surgeries she had performed on Joshua, despite the case against Parker being based largely on Dr. Wehby's surgeries. Days later, the Multnomah County DA began a steady process of dropping charges from the original 43 count indictment, beginning with all claims associated with surgeries performed by Dr. Wehby. The Medill Justice Project was the first to announce the news of the State's intent to drop charges.

THE PARKER FAMILY NOW

The Parkers have been irrevocably impacted by their four-year ordeal at the hands of Dr.



Tiffany Reed (left) interview with KPTV's Kaitlyn Bolduc (right)

Cathleen Lang from CARES NW, Multnomah County DDA Charles Mickley, and Josephine County DHS. It would be impossible for a family which defines the word "functional" in terms of healthy familial relationships to survive the experience unscathed. The Parkers have scars caused by the actions and misdeeds of others whose damage cannot be undone.

The Parker family is grieving their loss of Bethany, who remains in State custody and whose health has declined substantially since being taken away from her home. Kate Parker was informed in February 2016 via an email written by DDA Mickley that doctors had given Bethany a life expectancy of 1-3 years. The rest of the Parker family hadn't been told of Bethany's prognosis because DHS failed to follow court orders to keep the Parkers informed about her medical problems. Now dependent on a ventilator to breathe through a tracheostomy (opening in her throat), Bethany is reliant upon the g-tube for which Kate Parker had been criminally charged with the claim that it was medically unnecessary.

While in State custody, Bethany has had numerous surgeries, including the release of the tethered spinal cord that Dr. Lang claimed was a condition Kate Parker had fabricated, and a cardiac-related procedure that Lang claimed was not going to be necessary. A long list of new and ongoing medical problems demonstrates that Bethany Parker has not been "thriving" after being removed from Kate's care, despite what law enforcement, DHS, and the foster provider reported. Joshua Parker, whose doctors allowed his family to believe was terminally ill, still holds the same medical and chromosomal diagnoses he had when this ordeal began. His doctors now label his needs as "chronic," and they are utilizing a different approach to Joshua's medical care because of this reclassification. Evidence shows Kate Parker told the truth about Joshua's symptoms and physician-determined prognosis, both online via her blog, and to the specialists she entrusted with her son's care.

Emily, David, Sarah and Isaac Parker loathe DHS and the foster parents who abused them verbally, emotionally and, in the case of one

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6,000 More Cases May Be Dismissed After Former State Chemist Misconduct

By Deborah Becker

(WBUR) - For the second time this year, Massachusetts prosecutors are dismissing thousands of criminal drug convictions because of misconduct by a former state chemist.

On Thursday, most of the state's district attorneys notified the Supreme Judicial Court that some 6,000 cases may be dismissed because of the misconduct by Sonja Farak. She pleaded guilty in 2014 to charges of stealing and using drugs from the Amherst lab where she worked for almost a decade.

"She corrupted thousands of cases. She stole drug standards, seized drug samples she was supposed to test, and used the stolen drugs while she was on the job," said Randy Gioia, deputy chief counsel for the Committee for Public Counsel Services.

CPCS, the American Civilian Liberties Union and the Boston law firm Fick & Marx filed suit on behalf of two women whose drug convictions were based on evidence tested by Farak. The suits say that prosecutors never notified defendants of Farak's misconduct, or of apparent efforts by prosecutors in the Massachusetts attorney general's office to hide her misconduct.

A Superior Court judge in June ruled that two former assistant attorneys general committed fraud by not disclosing the extent of Farak's misconduct.

Both the DAs and the AG had until Thursday to tell the high court how many so-called "Farak cases" would be dismissed. Because the cases happened years ago, it's not believed that any of the defendants are still incarcerated.

"This shameful history of misconduct keeps repeating itself," said Carol Rose, executive director of the ACLU of Massachusetts. "Except this time around it's at the highest levels of the criminal legal system. When the evidence tampering came to light, the DAs failed to notify thousands of people until we filed suit."

These suits are in large part the result of work by Luke Ryan, a criminal defense attorney in Northampton. Ryan questioned whether the evidence in his clients' drug cases was solid because it had been tested by Farak. He says the assistant attorneys generals first indicated that Farak was arrested just days after her misconduct began. But Ryan discovered that the prosecutors were well aware that Farak had struggled with drugs for a long time.

"As [the former assistant AGs] were resisting and disputing the possibility that the misconduct was longstanding, they were withholding

documentation showing conclusively that Farak was engaged in misconduct, and they identified third parties providing treatment for her drug addiction," Ryan said.

Ryan's cases resulted in the judge ruling that the two former assistant AGs — Kris Foster and



Former State Chemist, Sonja Farak

Anne Kaczmarek — committed fraud by not disclosing the scope of Farak's evidence tampering. Foster and Kaczmarek did not work under current Attorney General Maura Healey and no longer work in the AG's office.

"We need a justice system that reserves its harshest judgement not for poor people who have struggled with addiction like our clients, but instead for powerful people who commit misconduct, like the egregious misconduct of the attorney general's office," said Matt Segal, legal director for the ACLU of Massachusetts.

A statement from Healey's office said: "It's unfortunate that the ACLU chose to stage a press conference without reading the AG's brief filed in this case, which calls for speedy relief for these defendants. For the ACLU to suggest otherwise is false and irresponsible." The response also points out the attorney general did not bring criminal charges against any of the Farak defendants.

But many legal observers say how prosecutors reacted to Farak's misconduct is just as damaging to the criminal justice system as wrongful convictions, and they should face consequences.

Scott Harshbarger -- a former Massachusetts attorney general and former district attorney who is now with the law firm Casner & Edwards -- says those former prosecutors should be held responsible.

"If the case shows that these assistant attorneys general knew about this, wrongfully withheld it, then that's an appropriate criticism and subject to the appropriate misconduct charges," he said. "That does not necessarily mean the AG's office

itself — which was not bringing these cases but reviewing them — is responsible for that."

District attorneys filed both a joint response and separate responses with the high court Thursday. A rundown:

The Hampden district attorney's office agreed to dismiss nearly 4,000 cases related to Farak.

The Northwestern district attorney's office emailed a statement saying it is seeking to dismiss "every single drug conviction" tainted by Farak, which comes to nearly 1,500 cases.

Middlesex County agreed to dismiss all of its Farak cases — 245 cases.

Essex County indicated that it will dismiss all juvenile and

district court cases, which it says is less than 500 cases.

Plymouth County will dismiss approximately 100 cases, Worcester County will dismiss more than 200, Suffolk County will dismiss all of its 134 Farak cases, and Norfolk County will dismiss convictions for 76 defendants, according to emailed statements.

The Cape and Islands district attorney did not respond to the court but emailed a statement saying, "We have relatively few affected cases, and are working diligently to comply with the Court's directives."

In their joint response, the district attorneys say they carefully reviewed all affected cases. They also said the attorney general's office is a separate government agency over which the district attorneys have no control, so the DAs do not bear responsibility for any prosecutorial misconduct.

The district attorneys and the AG say the Farak cases should be handled the way the high court handled the cases tainted by another former chemist, Annie Dookhan. She was arrested in 2012 for widespread evidence tampering at the former Hinton state drug lab in Boston. This summer, after years of litigation, prosecutors agreed to dismiss more than 20,000 cases that were based on evidence tested by Dookhan.

This may not be the end of the litigation over Farak's misconduct. The SJC must move to formally dismiss the 6,000 cases. And the ACLU wants the SJC to address some of the issues raised in this case, particularly prosecutorial misconduct and the role of the attorney general.★

Continued from page 12 • Examining the Fallout of Experimental Prosecution

child, physically, without any reprisal from DHS or law enforcement. Megan Parker, the oldest child in the family who is now 26, shared the following thoughts, "People are more likely to believe something bad, or glamorized, than to believe the truth, because the truth doesn't entertain them as much." Then, after appearing to debate whether to say more, she added, "And I no longer look at people as potential friends so much as eventual betrayers."

The children's father, Charley Parker, is now in charge of navigating the children's medical care. He deals with doctors having preconceived ideas based on Joshua's medical record erroneously stating he was a victim of MCA. Because Kate was fraudulently prosecuted for MCA, Charley now ensures the doctors document everything in writing. He insists that doctors communicate directly with each other, a reasonable request that frequently results in a slowing-down of care for Joshua. With any new symptom a child experiences, Charley feels a pang of worry that seeking appropriate care could result in false accusations against him, especially if he follows treatment orders that turn out to be wrong, as Kate did in good faith. He does not let fear of false accusations stop

him from taking proper care of his children, but says the thought still crosses his mind.

Despite the pain each Parker family member still experiences, they are committed to putting their lives back together and moving

their warm, inviting home. While every Parker would agree that their life was shattered by the lies told about their mother and the hell they each subsequently endured, it is apparent to even a casual observer that the deep love and faith shared

Oregon mom seeking care from AMA accredited physicians for her sick children. DDA Mickley originally sought indictment on 43 counts relating to the newly-identified criminal allegation, Medical Child Abuse (MCA). The State's unsupported allegations could have resulted in a 30-year prison sentence for Kate Parker, an individual with no prior instances of abuse or neglect, no criminal background, and no adverse mental health history.

In addition, the series will examine the short and long-term effects of this ordeal on the Parker children, as well as the resiliency with which the family put their lives back together to move forward since Kate Parker was cleared of all felony charges. She was reunited with her husband and children in early 2016 following a 99-week separation.

What happened to Kate Parker could happen to any parent who seeks professional medical care for their children, particularly for those with special needs and/or complicated medically-diagnosed conditions. No family should have to endure such a reckless act of government intrusion; by telling Kate's story, it is the author's intent to create public awareness in the hope that fewer families will.

★★★



The Parker family from left to right back row: Charley, Isaac, Adam, Faith, Megan, David holding Olivia — Front row from left to right: Kate, Joshua, Emily and Sarah

forward. Four adult family members attend college, and the younger kids speak with enthusiasm about their individual educational and career plans. There is spirited discussion about favorite activities, outings with friends, boyfriends and girlfriends, movies, music, books, art, and video games, and frequent laughter rings through

by the family will prevail as they rebuild what was broken and torn apart.

★★★

An upcoming series of articles will focus on the facts regarding the experimental prosecution launched by Multnomah County DDA Charles R. Mickley, Jr. against an

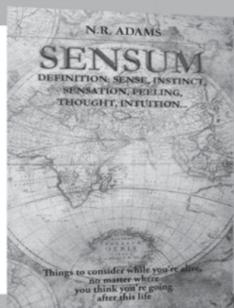


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Continued from page 1 • Paper Champions the Return of Child Taken ...

became DHS's official position. Nothing DHS said about the Bluetears was substantiated with hard facts. No drug screening. No proof of the horrific allegations. There was no home assessment, and no investigation into their abilities to care for their newborn son.

After Anna Bluetear gave birth to her son, the NICU unit took her breast milk and gave it to him while she was in recovery at a different hospital from Preeclampsia. Later, DHS deliberately denied their son his mother's milk. According to medical professionals, her milk quite possibly could have prevented some of his medical issues. So why would DHS do this? According to Anna, DHS claimed her milk was a drug-contaminated biohazard. It was a claim DHS had no proof of. DHS never tested her milk.

VISITATION

The Bluetears were only allowed to see their son for one hour a week after DHS took him. The visits were supervised. Thus, in their son's first six months of life, they were only allowed to see him for a grand total of seventeen hours.

Uudam was born with a condition known as Plagiocephaly, which is a misshapen head. This alone typically doesn't have any serious effects on a child's health, but Uudam reportedly suffered greatly under the care of the foster family DHS had placed him with. While in their care Uudam had several life threatening events. Luckily, Uudam survived these "near-death" experiences. When DHS caseworker Kivonna Gleghorn called to inform them of this, they were told, "not to get upset, remain calm and no, you're not allowed to visit your dying son in the hospital."

Every subsequent trip that their son made to the hospital resulted in the same denial. The first set of foster parents eventually "abandoned Uudam" at the hospital. Instead of returning Uudam to the Bluetears, DHS located a new set of foster parents with some medical training.

DHS has this "transition home slowly policy," however, when they "ruthlessly kidnapped" (legally aided by the court) their

son, there was no slow process about it.

The Bluetears went from seeing their son one hour a week to two days a week for a total of four hours a week via the use of Southern Oregon Goodwill Industries (SOGI). Now, seventeen months into this battle the Bluetears have their son at home for five hours, two days a week.

US-OBSERVER CHAMPIONS THE BLUETEAR FAMILY

It's been an arduous battle. As the Bluetears explained, "its difficult dealing with state appointed attorneys who only make a little bit of an effort as long as you constantly remind them of your case and the importance of moving forward on your case." They continued, "So, when a friend told us about the US-Observer and how they could possibly help, we contacted them ASAP. It is a welcome feeling knowing that you're not alone in your battle. Ed Snook listened to our case and took the time to show up to the court hearings with us.

The US-Observer applied pressure to the Oregon Department of Human Services, and the caseworkers on our case, which has helped. They published the truth about our injustice. So, with the US-Observer we are fighting to terminate DHS's wrongful hold upon our lives."

OREGON DEPARTMENT OF HUMAN SERVICES RETURNS CHILD

Before Cindi Corrie wrote up the transition home plan she conducted an in-home assessment. She sat in the living room with the Bluetears and Uudam's Grandfather talking about the pro's and con's of Uudam's coming home. Some of the con's she mentioned where that Mrs. Bluetear was already caring for her



DHS Caseworker Cindi Corrie

disabled Father, so how could she care for a medically fragile child as well? This affected Uudam's Grandpa negatively. Cindi's words made him feel that it would be better for his grandson's return home if he just wasn't around anymore.

Now, the plan is a few more overnight visits before the Oregon Department of Human Services returns Uudam home on December 20, 2017 (nineteen months later). Ironically this is Uudam's Grandfather's birthday. His Grandfather constantly asked, "where is my grandson?" Grandpa was a World War II U.S. Navy Veteran, who eventually died waiting for his grandson to come home.

The Bluetears have been through more than most parents could ever endure. They have successfully fought to bring their young son home. Finally, that day has come. Taking the facts of their case and making them public was instrumental in forcing DHS to do the right thing and return their son.

It will be a bitter-sweet Christmas this year for the Bluetears. They will finally have their son at home where he belongs. However, the horrific shock of having him taken without justification will forever haunt them. Not being able to have the child's grandfather there will also hurt. Happily, the relief of knowing they are finally able to parent their child without wrongfully being under a DHS microscope will bring peace to the Bluetears.

Editor's Note: If you, or someone you know is facing unwarranted accusations by DHS, contact the US-Observer. Investigating and exposing the facts of a wrongful abduction could be the best choice a deserving and loving family could ever make. Email: editor@usobserver.com, or call 541-474-7885. To read more about the Bluetear case, logon to usobserver.com and search, "Bluetear."

★★★

Continued from page 1 • #MeToo Jim Jacks ...

"inappropriate behavior" toward a young female staffer (verified this week by the Washington State Democratic House Majority Leader Pat Sullivan).

A month after Jacks' inexplicable departure, an unremarkable tidbit had been published in Scott Campbell's Vancouver newspaper, The Columbian. Interviewed by The Columbian's Editor Lou Brancaccio, Jacks supposedly admitted to alcoholism and said he was taking time off from politics to resolve his personal problems.

Rumors had surfaced among the Vancouver locals who knew Jacks: They'd suspected he was canned for sexual misconduct; especially since they saw him drinking in local establishments. None of this was reported at the time. In fact, Brancaccio reported that Jacks was not guilty of any misconduct, and he encouraged readers to support Jacks on his journey to recovery.

This week (six years later), Sullivan confessed to hiding this truth for those many years. His excuse: The female staffer involved was reluctant to go public at the time. If that was true, why did Sullivan think it timely to reveal this secret now? Could it be that Jacks' improprieties were about to surface anyway, and it would be politically expedient to admit the truth first? (But that is another story).

GOSSIP? OR IS THERE MORE?

Before you write me off as pedaling salacious gossip, let me remind you that back in 2004 Jacks was part of a ring of three Vancouver government employees, who set out to destroy me with a defaming memo defining me as a "functional sociopath" who'd been diagnosed by psychologist Frank Colistro, Ed.D. At the prompting of Vancouver's then City Prosecutor Josephine Townsend and Code Enforcement Officer Richard Landis, Jacks had been the one to write that damaging and untrue memo. He sent this libelous memo to the Vancouver City Manager, Mayor, and City Council . . . but neglected to inform me of his action. Thus I had no recourse to protect myself.

Not only had he lied to the others about my diagnosis, he'd declared that I had no respect for the authority of the court and believed that the state's laws did not apply to me. He suggested that Dr. Colistro had found me to be an angry and abusive person. According to Jacks, I was destined to lose my license as a psychologist for all of my supposed and absolutely fabricated wrongdoings.

None of this was true, and Jacks' lies about me were categorically denied by Dr. Colistro. Still, his single untruthful memo set off a decade-plus witch hunt that cost me half a million dollars in legal fees; many emotionally frightening nights; and the loss of my children. I was able to sue the City of

Vancouver for this malicious defamation (and won a small settlement), but I will never be able to reclaim the life I had as a mother to my children. Jim Jacks stole that from me just as he stole peace of mind from his more recent victim.

WHAT DOES THE #METOO PHENOMENON HAVE TO DO WITH IT?

What does the #MeToo phenomenon have to do with me and my encounter with Jim Jacks? When the stories started to tumble out about the sexual exploitation of women by powerful men in Hollywood and business, the #MeToo Tweet went viral on Twitter, Facebook, and other social media. I could relate. Like most women, I have had many an encounter with a male boss who crossed the line. Some would call these micro-aggressions, but they nevertheless left me speechless and afraid.

There was:

- The elementary school principal I worked for as a school social worker, who would stand and watch me walk up the stairs.
- The eighth grade teacher who kept me after school so that, once alone, he could stroke my hair.
- The boss who stared down my shirt and asked if I was wearing a bra.
- The grad school professor who singled me out in public for "driving him wild."
- The groping and leering I endured on the subways and trains of Europe.
- The times that men exposed themselves to me in public, going so far as to offer me money for sexual acts.
- The time a strange man followed me to my hotel on the beach at Waikiki and tried to get into my room.
- Even my first encounter with a sexual predator was frightening. I was only five when a man offered me candy, and asked me to climb into his car.

Jim Jacks is not guilty of sexual misconduct with me; nonetheless, he damaged me badly with his unconscionable lies. Hearing the new and appalling stories of others who have suffered predation, a floodgate of emotion about betrayal and destruction overcame me. Not only is Jacks guilty of defamation, he's guilty of never giving me a chance to defend myself (just as many women suffer in silence about their sexual assaults).

Jacks' abusive memo was kept secret for five years until I discovered it in a public records request I made of the City of Vancouver in 2009. I was shocked and overwhelmed to find that

exonerating piece of evidence. I imagine Sullivan, coming forward six years after Jacks' "inappropriate" behavior with a State Capitol staffer, is feeling shock waves of his own. He covered for Jacks and contributed to harming the young woman he assaulted by silencing her complaint.

It is the silence that kills one's spirit. As for me, I won't be silenced anymore about Jacks or the rest of the scoundrels in Vancouver, Washington. Victims shouldn't have to stand by watching their abusers and others cover up these injustices.

HOW TO STOP THOSE HELL-BENT ON DESTROYING YOU

I have written about people like Jim Jacks in my soon-to-be-published book, "WHEN EMPATHY FAILS: How to stop those hell-bent on destroying you." In fact, Jacks is one of the two people figuring most prominently in the stories I tell. But I think I have been too easy on Jacks. Like so many survivors of abuse, I've tried to see him as less despicable than he really is.

Why? Because it somehow makes me feel a little safer in the world. That is, if it wasn't that bad, or if it was just a mistake (even a terrible mistake), or if there had been something I could have done differently. . . then I could feel just a bit safer in an unpredictable world where there really are people hell-bent on destroying you, just like Jacks did to me.

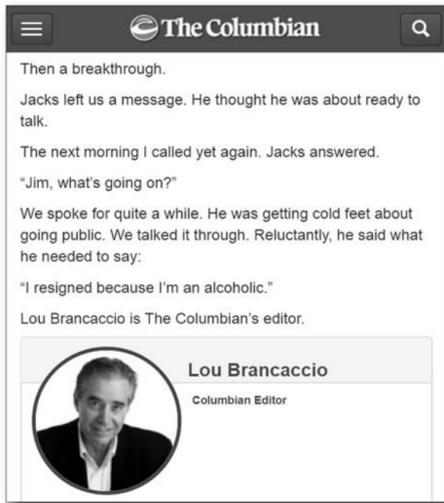
It really is even worse than that actually. Sometimes there is a mob of conscienceless people who are working together to destroy you. Think about how it worked in my case. As Vancouver Citizen Advocate, Jacks set me up to lose my freedom, my property, and my children with his malicious memo. The next year, he was elected to the Washington State House of Representatives. As a newly-minted legislator, he did the bidding of Vancouver's power brokers and helped to pass legislation for a Train Horn Noise Quiet Zone (THNQZ) in our neighborhood.

Because of my so-called sociopathy (a completely unfounded rumor that had spread like wildfire through political crowds, civil servants, and neighbors), no one would listen to me about safety at the train crossing near my house. Without the train horn, cyclers, motorists, and pedestrians using the railroad crossing would have little warning of an approaching train; hence, be in great danger of being hit by the train.

The greedy neighbors also felt justified filing false complaints against me with Code Enforcement in order to push forward the revocation of my business and professional licenses. Without my ability to work, I would have been totally crushed and eventually been forced out of their way. That was just what the heartless land developers wanted; then they could make millions on waterfront real estate development. There's more to this story, but I think you get the picture (and it is more fully explained in my book).

I WON'T BE SILENCED

In light of the breaking news of Jacks' story, I can now let go of my self-deception and be more clear-eyed about who Jacks really is, a man fully without empathy and dangerous to others. Clearly, Jacks abused his power as a legislator. He lied to the



Continued on page 15



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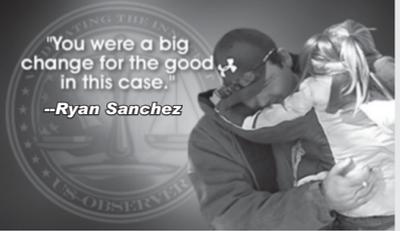
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--Amber Parker



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--Chris J.

Continued from page 1 • Sex Crimes - Allegations Alone Get You Convicted

regarding the existence of false accusations; that even though someone may be convicted, they might not have actually been guilty.

Let's face it, the court of public opinion can be a cruel judge, jury and executioner. Even more, it can be an irrational and powerful constituent, pounding legislators to create law that would assuage their constituency's current emotional dilemma.

On the surface these seem to be welcome pieces of legislation that seek to punish criminals and protect victims. However, many of these laws are used by prosecutors for an easier conviction, as they were crafted to make a defense almost, if not completely, impossible.

For instance, in Oregon you can be charged with crimes that have literally been defined as having no defense. The crimes themselves are simply abhorrent - adults attempting to, or having sex with a child under 16, or engaging in any manner of sexual deviancy with a child under 16.

According to Oregon Revised Statute 163.325, "In any prosecution under ORS 163.355 (Rape in the third degree) to 163.445 (Sexual misconduct) in which the criminality of conduct depends on a child's being under the age of 16, it is no defense that the defendant did not know the child's age or that the defendant reasonably believed the child to be older than the age of 16."

But, in today's age children often don't act like kids, nor do they look their age. In fact, they can disguise themselves digitally as any age they want, and they often do. They can have profiles on adult sites, creating completely fabricated lives, and troll for older individuals for any manner of behavior.

Under the letter of the law, these young predators are considered victims - even if they have done this on more than one occasion; behavior which would most assuredly be withheld from the jury because of rape shield laws.

Why aren't kids considered victims when they choose to kill another person - often resulting in being prosecuted as an adult? Why aren't they victims when they skip school, or vandalize? In fact in Oregon, nearly 15,000 kids are referred into the justice system for criminal offenses per

year. Why is it that if their deceptive behavior results in sex, they are instantly classified as a victim? In essence, what the law says, is they should know right from wrong when vandalizing, but not when they bed an older person. It is this type of blanket law that allows young predators to victimize older individuals. I'm not even really talking about huge disparities in age either! You can have just turned 18, meet someone who you think is your same age, because that is what they purport to being, and what all of their social media states.

While it is important to protect innocent lives, it is abhorrent to deny an individual a defense to an allegation. Remember, "innocent until proven guilty?"

Rape shield laws are a prime example of a well intended law that is used to deny an adequate defense. An individual's previous deceitful behavior should be allowable to be heard by a jury. Just because they can be telling the truth doesn't mean they are. However, it seems like any conversation about sex abuse, the alleged victim's word is the final one, especially when supported by a bought-and-paid-for expert witness for the prosecution.

Many argue that there are few false allegations when it comes to sex abuse claims - around 2-10%. They use the high percentage of convictions and lack of evidence of innocence as the basis for their conclusion. Their logic is, however, flawed. When prosecutors have upward of a 97% conviction rate when a case lands in their lap, you can bet that not every one of those individuals is guilty.

We should craft laws that protect the innocent while also guarding those who are innocent victims of false allegations and prosecution. We should also hand over criminal investigations to an independent agency that isn't bound to the prosecutor's office. If we were to do that, I am sure convictions of sex crimes would be based on fact, not on allegations alone, as it is today. And, then we'd truly be protecting everyone equally.

Editor's Note: If you are wrongfully charged with a sex crime, you may not find justice in our court system without the assistance of the US~Observer. Be like the hundreds we have helped - be vindicated. Call 541-474-7885. ★★★

Seventh Circuit Denies New Trial for 'Making a Murderer' Subject

By Kevin Lessmiller

(CN) - A divided en banc Seventh Circuit ruled Friday that Brendan Dassey of "Making a Murderer" fame is not entitled to a new murder trial, finding that his controversial confession as a teenager was not coerced.

Dassey, a 16-year-old with "intellectual deficits" at the time of his interrogation and arrest, was convicted of assisting his uncle, Steven Avery, in the brutal rape and murder of Theresa Halbach in 2005. Halbach's bones were found charred in a burn pit near Avery's home.

There was no DNA or other physical evidence linking Dassey to the crime, and his conviction rested solely on his confession.

A documentary series called "Making a Murderer" released on Netflix's streaming service strongly suggests the pair were wrongfully convicted so that rural Manitowoc County could avoid paying a large settlement following Avery's exoneration for a different crime.

The series generated new interest in the 11-year-old case, including harsh criticism of the investigators who questioned Dassey without a parent or lawyer present and allegedly promised lenience that never came. Dassey was sentenced to life in prison with no possibility of parole until 2048.

U.S. Magistrate Judge William E. Duffin reversed his conviction last year, finding the interrogator's "false promises" and suggestive interrogation techniques, combined with Dassey's age, inexperience and intellectual disabilities, rendered his confession involuntary.

On appeal, a Seventh Circuit panel consisting of U.S. Circuit Judges Illana Rovner, Anne Claire Williams, and David Hamilton affirmed the reversal, with Hamilton dissenting. The court then vacated that decision and decided to rehear the case with the full court.

On Friday, the Chicago-based appeals court ruled 4-3 that Dassey's conviction should stand.

"The state courts' finding that Dassey's confession was voluntary was not beyond fair debate, but we conclude it was reasonable. We reverse the grant of Dassey's petition for a writ of habeas corpus," Judge Hamilton wrote for the majority.

Hamilton said that Dassey was not subjected to threats or intimidation and investigators stayed calming while interviewing him.

"When Dassey's story did not make sense, seemed incomplete, or seemed to conflict with other evidence, the questioners pressed Dassey with further questions. Those techniques are not coercive," the majority's ruling states. "Dassey responded to such questioning by modifying his story on some points, but he stuck to his story on others. Those passages support the view that he was not being pushed to provide a false story against his will. For example, Dassey resisted repeated suggestions that he had

participated in shooting Teresa. He denied repeated suggestions that he and Avery had used wires and cables in the garage to restrain or harm her. In one telling instance, the questioners tested Dassey by falsely telling him that Teresa had a tattoo on her stomach and asking him if he had seen it. He told them no. When the questioners pushed harder, he was not willing to say he knew they were



In this April 16, 2007, file photo, Brendan Dassey appears in court at the Manitowoc County Courthouse in Manitowoc, Wis. Dassey is a Wisconsin inmate who was featured in the "Making a Murderer" series. He was sentenced to life in prison in 2007 after he told detectives he helped his uncle, Steven Avery, rape and kill photographer Teresa Halbach. (Photo: Dan Powers/The Post-Crescent, Pool, File)

wrong, but he stuck to his recollection that he had not seen a tattoo."

Chief Judge Diane Wood, who was highly critical of Dassey's interrogation during oral arguments in September, penned a scathing dissent. She was joined by U.S. Circuit Judges Ilana Rovner and Ann Williams.

Wood slammed the majority's decision as "a profound miscarriage of justice."

"Psychological coercion, questions to which the police furnished the answers, and ghoulish games of '20 Questions,' in which Brendan Dassey guessed over and over again before he landed on the 'correct' story (i.e., the one the police wanted), led to the 'confession' that furnished the only serious evidence supporting his murder conviction in the Wisconsin courts," Wood wrote. (Parentheses in original.)

The Seventh Circuit's chief judge said Dassey's confession was clearly coerced and should not have been admitted into evidence.

"Dassey will spend the rest of his life in prison because of the injustice this court has decided to leave unredressed," Wood wrote.

Dassey's attorneys, Laura Nirider and Steven Drizin with the Center on Wrongful Convictions of Youth, said in a statement that they "are profoundly disappointed by the decision of four judges...to reverse two prior decisions and deny relief to Brendan Dassey."

"Like many around the globe, we share the view of the three judges who wrote, in dissent, that today's ruling represents a 'profound miscarriage of justice.' We intend to continue pursuing relief for Brendan, including through a petition for certiorari to the United States Supreme Court," the attorneys said. "Today's ruling contravenes a fundamental and time-honored position of the United States Supreme Court: interrogation tactics that may not be coercive when applied to adults are coercive when applied to children and the mentally impaired."

US~Observer Note: If you are charged with a crime you didn't commit, call the US~Observer now - 541-474-7885! It's easier to handle the situation before you are convicted! ★★★

Continued from page 14 • #MeToo Jim Jacks ...

press when he resigned. Plus, he has done nothing to correct the grave damage he caused me by writing the defaming memo.

He'd had a chance to come clean when he was deposed by my attorney in 2013. At that time, Jacks was asked if he actually believed what he had written about me (considering he'd never actually investigated the lies, instead, trusting what others had said). He'd been shamefully cool. Without so much as an embarrassed downward glance, he'd said, "I had no reason to believe it was untrue."

When empathy fails, and power is in the hands of those without a conscience, they plow a wide swath of destruction. Even after all of my study of and experience with real-life scoundrels, I'd given Jacks too much credit. I'd let him silence me and I'd been fooled by yet another unredeemable person with severe Empathy Dysfunction. Don't let this be you.

US~Observer Editor-in-Chief's Note: We at the US~Observer recognize that there is a great deal more to investigate on this breaking news story. For example, we have questions about why the Democratic Majority Leader chose this moment to reveal the truth about Jim Jacks? Why Jacks was replaced at the state legislature by the wife of Vancouver's Chief City Attorney? Why the city of Vancouver suppressed the defaming memo about Dr. Marshack in the first place and still tries to cover it up? Why former City Prosecutor Josephine Townsend was fired and then inexplicably offered a financial settlement to leave quietly? With all of the outrageous evidence against Jacks and the others, why did Dr. Marshack's attorneys settle her case for a pittance instead of going to trial? We have a great many more questions that will be investigated because like Dr. Marshack we don't believe victims should be silenced. — Edward Snook.

If you've had similar experiences with Jim Jacks, who now works at Portland State University in Oregon, I'd welcome hearing from you at editor@usobserver.com. ★★★

When Empathy Fails
How to stop those hell-bent on destroying you

By Kathy Marshack, Ph.D.

ARE YOU A VICTIM OF:
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• Wrongful Prosecution?
• Assault?
• Frivolous Lawsuits?
• Stalking?
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Life Lessons on Empathy Dysfunction (EmD)

Kathy Marshack, Ph.D. is a Portland Psychologist, and investigative journalist for the US~Observer. Her forthcoming book "WHEN EMPATHY FAILS: How to stop those hell-bent on destroying you" will soon be featured by the US~Observer.

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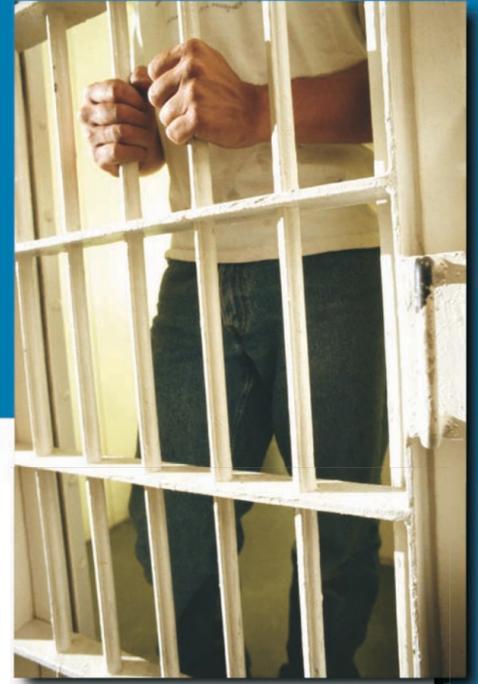
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The US~Observer's services have defeated over 4,600 false charges to-date.

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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 \$200.00 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 prosecuting 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.

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Faces of the US~Observer's VINDICATED

Case Type: Felony Firearms Crimes **Jose Velasco-Vero**

Status: Dismissed

"My case was the first of its kind. You absolutely defeated these unwarranted charges!"



Dean Muchow **Charge: Gov't Abuse**

Status: Cleared

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



Jimmy Rodgers **Charge: Grand Theft, RICO**

Status: Dismissed

"...My charges carried a 90 year sentence - the US~Observer proved my innocence beyond a shadow of a doubt..."



Victim: Employment Discrimination **Shawn Yoakum**

Status: Compensated

"You changed my life forever, and made me want to help others. You did what you said you would."



Convicted: Murder **Reno Francis**

Status: Released/Free

"I'm proud of what you (US~Observer) are doing. You have all my respect. Ed has all my respect. I love him very much.."



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

Status: Dismissed

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



Jessica Morton **Charge: Sex Abuse**

Status: Dismissed

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