Promoting Excellence in Investigative Journalism

US OBSERVER
Vindicating the Innocent

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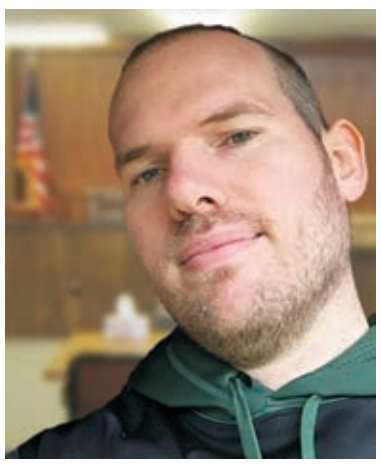
FALSE PROSECUTION

# Desperate Prosecutor Intentionally Denies Justice

***Okanogan Prosecutor Branden Platter "recognizes – and understands – claim of self-defense," but pushes life sentence anyway. Says Faire did not act in a reasonable manner.***

**By Ron Lee**
**Investigative Journalist**



**Prosecutor Branden Platter**

**Okanogan County, WA** – Ever since June of 2015 James and Angela (Nobilis) Faire have been vilified by a government that is supposed to protect innocent victims of crime. The Okanogan Sheriff's Department, their investigators, and the Prosecutor's office all share culpability in the continued victimization of the Faires. These agencies, along with the true perpetrators of crimes against the Faires, continue to collude in pressing charges based on fabricated accounts, false reports and prejudiced investigations. Yet, the evidence, and the one-and-only impartial eye witness

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INJUSTICE SPOTLIGHT

# Malicious Sex Abuse Prosecution Headed for 3rd Trial

***Eyewitness Testimony Ignored by Clackamas County Assistant District Attorney Sarah Dumont, Right Under the Not So Watchful Eye of District Attorney John Foote.***

**By Edward Snook**
**Investigative Reporter**

**Clackamas County, OR** – Executive Chef Timothy Tignor finished work at the Courtyard Marriott in Portland, Oregon on March 29, 2016, at 5:15 p.m. While traveling to his home in Milwaukie, Timothy began his yearly ritual of mourning his best friend's death. Tignor's father and closest friend passed away on March 29, 2011.

Tignor arrived at home and had a long conversation with an instructor from his former culinary school. They spoke about different culinary topics for about an hour or so. Afterwards, Timothy started walking to a Restaurant near his home, as his fiancé – now wife – Kasi wouldn't get home from work that day until about 9:45 in the evening.

Tignor left the Restaurant and was headed home, listening to his head phones and thinking about the loss of his father when he was startled by a "strange woman" he didn't know. According to Tignor, the woman, Dianna Bennett, began saying things to him. Mr. Tignor took his head phones off and heard her state, "You can't talk to women that way, I'm calling the police." Tignor was very confused as he listened to her talk to the 911 dispatcher. Timothy heard, as Bennett stated, "He's – I don't know what's wrong with him but he's

**District Attorney John Foote**

like went to go grab me and he's saying that you're this and you're whatever." Within moments the police arrived. After speaking with Bennett alone, they arrested Timothy and charged him with Sex Abuse III.

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# Lawsuit Filed Against Florida's Indian River County Sheriff's Department

**By Joseph Snook**
**Investigative Reporter**

**Vero Beach, FL** - On December 11, 2017, Indian River County (IRC) Sheriff Deryl Loar was named in a lawsuit. The suit, filed by local Minister Fred Luongo also named IRC Sheriff Lieutenant Kent Campbell and Deputy Todd Cleveland. The lawsuit alleges that the Minister sustained serious injuries as he was wrongfully arrested on Dec. 18, 2013.

The suit further claimed, "the law enforcement officer (Kent Campbell) rapidly accosted the plaintiff, Frederick F. Luongo, and without uttering a word, lurched open the door to the Plaintiff's vehicle and attempted to snatch him out of the vehicle." Although Minister Luongo was "fully compliant" with commands given by Lieutenant Kent Campbell, he was, "abruptly and viciously ambushed" by Lieutenant Campbell. Minister Luongo was, "smashed into his vehicle" by Kent Campbell. The lawsuit further claimed, "Upon impact, the Plaintiff, FREDERICK F. LUONGO, was knocked unconscious..." The claims against IRC Sheriff's Department should cause law-abiding citizens to question these abusive practices. Claims of abuse by law enforcement have literally become status quo. This raises a serious question: Has police

**Minister Fred Luongo**

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# Walker "Land Theft" Case Set for Trial

**By Edward Snook**
**Investigative Reporter**

**Idaho County, ID** - After nine long years of battling neighbors in an attempt to protect her property lines, Dorothy Walker of Grangeville, Idaho is finally getting her day(s) in court. The trial has been set to begin on April 2, 2018 at the Idaho County Courthouse in Grangeville, Idaho.

What began as a simple boundary dispute with one neighbor has now evolved into a major property dispute involving several neighbors and multiple attorneys. In 2009, Walker sued neighbors of hers who were building a house on property that she had "owned and controlled" since 1968. Judge John Stegner ruled that Walker's lawsuit must include all property owners who could be affected by this case as Defendants.

Dorothy and her husband Butch (now deceased) originally hired an attorney out of Boise, Idaho, confident she could get this issue straightened out in short order. After years of wasted efforts, her attorney filed a Motion for Summary Judgment and the Walkers realized "their

**Dorothy Walker**

attorney was giving away their property and opening them up to liability." They immediately fired him and hired Attorney Wes Hoyt,

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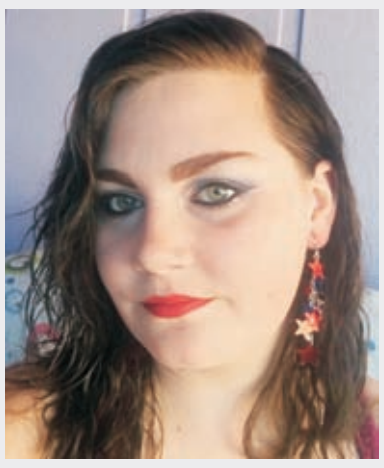
FABRICATED ALLEGATION?

# False Sex Abuse Claims *#MeToo's Worst Enemy*

**By US~Observer Staff**



**Amanda Thomas**

**Yamhill County, OR** – In 2008 and early 2009, then 13-year-old Amanda Thomas, aka Amanda Adair of Yamhill County, Oregon began accusing her Step Dad Michael Brown of molesting her.

In 2015, a person associated with the Brown case contacted the US~Observer and we agreed to investigate. According to one witness, "Mike wasn't even with Amanda when some of her accusations were made."

Brown was arrested and jailed on June 26, 2009 and according to witnesses, "he spent well over a year behind bars, while his attorney Eric Hanson brow beat him into accepting a plea bargain." Threatened with spending 25-45 years in prison if he didn't accept the plea, Brown finally gave in, even though he remained steadfast that he was innocent.

Subsequent to his accepting the plea, Brown contacted Judge Ronald Stone asking to withdraw his plea, as his

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COURT ORDER ENFORCEMENT

# US~Observer Helps Settle Contentious Divorce

**By Joseph Snook**
**Investigative Reporter**

**David Coley**

**Latah County, ID** – A forty-one-year marriage between David Coley and Lara Mallory (formerly Coley) ended on Oct. 19, 2009. David found himself deeply saddened by the impact of the horrific actions that led to his divorce. David and Lara had three children during what David initially thought to be a great marriage. Unfortunately, the person David thought he was spending the rest of his life with was no longer the person he'd fallen for. Lara had done the unthinkable, according to multiple witnesses - she'd had "multiple affairs. She lied about David to get a fraudulent protection order. She got into fights at bars. She started taking drugs and more... Much more."

Perhaps the most shocking of all is the time taken to enforce the divorce decree. Going on nine years since being separated, the court has yet to enforce its order.

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# How to Make an Innocent Client Plead Guilty

## Imagine you're a public defender in a criminal justice system that penalizes people who want their day in court. What do you do?


**By Jeffrey D. Stein**

**(Washington Post)** - The conversation almost always begins in jail. Sitting with your client in the visitation room, you start preparing them for the most important decision the person has ever made. Though the case is just a few days old, the prosecution has already extended a plea offer that will expire within the week. And, because local laws might require detention for certain charges at the prosecutor's request, or because criminal justice systems punish those unable to pay bail, your client will have to make that decision while sitting in a cage.

Your client is desperate, stripped of freedom and isolated from family. Such circumstances make those accused of crimes more likely to claim responsibility, even for crimes they did not commit. A 2016 paper analyzing more than 420,000 cases determined that those who gained pretrial release were 15.6 percentage points less likely to be found guilty. Not surprisingly, prosecutors commonly condition plea offers on postponing hearings where defendants may challenge their arrests and request release.

In what little time exists before the plea expires, you dispatch your overworked investigator to identify, find and interview witnesses. In federal and in many local courts, the prosecution is not obligated to reveal its witnesses before trial. You and your investigator do your best to assess whether the case rests on unreliable eyewitnesses, faulty assumptions or witnesses with reasons to fabricate an account, which you cannot fully explore because — remember — the prosecution has not even disclosed who they are.

Why not ask your client for leads? That might work if the person were guilty. Innocent clients are generally the least helpful, because they often cannot tell you what they don't know.

You lay out options for your client. You could go to trial, but that might mean waiting in jail for months, if not years, before a jury hears the case.

The idealist in you — the one who enrolled in law school to "change the system" and to fight for justice on behalf of those who need it most — hopes your client will proclaim a decision to go to trial. But a wary voice in the back of your head reminds you of the risk and life-altering consequences of losing.

You think back to a man who once visited your office for help getting the record of his sole conviction sealed. Before the conviction, he had a job, a girlfriend and a newborn daughter. Then he lost a drug case in which a pistol was found nearby. At sentencing, the judge acknowledged the inappropriateness of the five-year mandatory minimum and even asked the prosecution to consider dismissing the charge that carried the mandatory time. It didn't. When he eventually got out, you couldn't even help him seal his record so he could move forward with his life because, in your jurisdiction, felonies can never be sealed.

The other option, you explain to your client, is to accept the plea offer. In some cases, the sentencing difference between accepting a plea and losing at trial can be a matter of decades. It's no wonder 95 percent of all defendants accept plea offers. Or that, according to the National Registry of Exonerations, 15 percent of all exonerees — people convicted of crimes later proved to be innocent — originally pleaded guilty. That share rises to 49 percent for people exonerated of manslaughter and 66 percent for those exonerated of drug crimes.

You tell your client that they would probably win at trial, but if they lose, they will go to prison. The plea promises some meaningful benefit: getting out of jail sooner, avoiding deportation, not losing a job, seeing a daughter before her next birthday. But your client would have to accept responsibility for a crime they may not have committed.

The final stage happens in court. Your client has signed the paperwork admitting to something you believe in your gut they did not do. Maybe they acted in self-defense. Maybe they were standing near the actual perpetrator and were presumed guilty by association because of the color of their skin. Maybe they were the victim of an honest misidentification.

The judge turns to you and asks, "Does either counsel know of any reason that I should not accept the defendant's guilty plea?" You hesitate. You want to shout: "Yes, your honor! This plea is the product of an extortive system of devastating mandatory minimums and lopsided access to evidence. My client faced an impossible choice and is just trying to avoid losing his life to prison."

But you stand by your client's decision, which was made based on experiences and emotions only they can know. You reply: "No, your honor."

The marshals lead your shackled client to a cage behind the courtroom. And the judge moves on to the next case.

***Jeffrey D. Stein is a public defender in Washington, D.C.***

★★★

# How the Government Is Gutting the Right to Trial by Jury

## What the 2nd Circuit's opinion in U.S. v. Tigano reveals about the state of our criminal justice system

**By Damon Root**

**(Reason.com)** - Federal authorities arrested Joseph Tigano III in 2008 and charged him with running a marijuana-growing operation. Tigano entered a plea of not guilty and insisted that his case move quickly to trial. Instead he languished in pretrial detention—jail—for nearly seven years before he finally appeared before a jury, which convicted him in 2015. In an opinion issued this week, the U.S. Court of Appeals for the 2nd Circuit dismissed Tigano's indictment "with prejudice" on the grounds that his "oppressive period of pretrial incarceration" violated his constitutional right to a speedy trial under the Sixth Amendment.

The criminal justice system's treatment of Tigano is appalling. During his nearly seven-year pretrial incarceration, Tigano loudly and repeatedly invoked his Sixth Amendment right to a speedy trial. Because Tigano kept bringing up the Sixth Amendment, he was forced to undergo three separate court-ordered examinations to determine whether he was competent to be tried. According to one of the prosecutors involved in the case, "Mr. Tigano III had been sort of demanding his speedy trial, which is part of the prompting for the Court sending him out for this evaluation." Tigano passed all three exams with flying colors.

The 2nd Circuit was correct to toss out Tigano's conviction. The framers and ratifiers of the Constitution viewed trial by jury as a fundamental right. Article III, Section 2 of the Constitution says "the Trial of all Crimes, except in cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed." Because that language was not strong enough to satisfy the Anti-Federalists, the Sixth Amendment was added to the Constitution as an extra safeguard in 1791. "In all criminal prosecutions," it reads, "the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed." In a 1789 letter to Thomas Paine, Thomas Jefferson expressed the opinion of many in the founding generation when he praised the right to trial by jury as "the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

It was this bedrock constitutional right that Joseph Tigano III invoked again and again during his pretrial incarceration. And it was because Tigano kept invoking this right that he was made to suffer the punishment—there is no other word for it—of being left to rot in a cell without trial for 6 years, 9 months, and 26 days. As the 2nd Circuit observed, Tigano's detention "appears to be the longest ever experienced by a defendant in a speedy trial case in the Second Circuit." If that doesn't violate the Sixth Amendment, what does?

Tigano's ordeal illuminates a much bigger problem. Consider what Assistant U.S. Attorney Thomas Duszkiewicz had to say about the third competency examination that Tigano was forced to undergo. It was sparked "not necessarily [by] the competency question," Duszkiewicz said, "but [by] whether there is some other psychological problem that's going to prevent [Tigano] from understanding the difference between what he potentially looks at as far as a conviction as well as what's being offered by way of this plea."

Translation: Federal prosecutors piled on the charges expecting Tigano to plead guilty to a lesser offense and save everybody the trouble of going to trial. The prosecutors also let it be known that if Tigano rejected their deal, they would throw the book at him and he would forfeit his shot at "what's being offered by way of this plea." In short, sacrifice your Sixth Amendment rights and you'll do less time.

That coercive approach is standard operating procedure among prosecutors in criminal cases. According to the Justice Department, 97 percent of federal criminal convictions result from guilty pleas. At the state level, the figure is roughly 94 percent. In other words, only a tiny number of criminal suspects ever go to trial. For all practical purposes, the Sixth Amendment right "to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed," has been largely abolished.

The criminal justice system has become "almost exclusively a system of plea bargaining, negotiated behind closed doors and with no judicial oversight," Judge Jed S. Rakoff wrote in 2014. "The outcome is very largely determined by the prosecutor alone." Rakoff's description of the phenomenom is worth quoting at length:

[W]hat really puts the prosecutor in the driver's seat is the fact that he—because of mandatory minimums, sentencing guidelines (which, though no longer mandatory in the federal system, are still widely followed by most judges), and simply his ability to shape whatever charges are brought—can effectively dictate the sentence by how he publicly describes the offense. For example, the prosecutor can agree with the defense counsel in a federal narcotics case that, if there is a plea bargain, the defendant will only have to plead guilty to the personal sale of a few ounces of heroin, which carries no mandatory minimum and a guidelines range of less than two years; but if the defendant does not plead guilty, he will be charged with the drug conspiracy of which his sale was a small part, a conspiracy involving many kilograms of heroin, which could mean a ten-year mandatory minimum and a guidelines range of twenty years or more. Put another way, it is the prosecutor, not the judge, who effectively exercises the sentencing power, albeit cloaked as a charging decision.

Now recall the words of Assistant U.S. Attorney Duszkiewicz in the Tigano case. He said the judge ordered the third competency exam to make sure that Tigano understood "the difference between what he potentially looks at as far as a conviction as well as what's being offered by way of this plea." Put more bluntly: In a system that has gutted the right to trial by jury and given vast and virtually unaccountable power to prosecutors, only the "crazy" would dare to exercise their Sixth Amendment rights. ★★★

# DEDICATED to the INNOCENT

## Stories of those who overcame the "justice" system and were freed

# Murder Charges Tossed for Chicago Man After More Than 2 Decades in Prison

**By Matt Masterson**

**(Chicago Tonight)** - Thomas Sierra has become used to waiting.

The 41-year-old Chicago native spent more than half his life in prison, convicted of a murder he has claimed from the beginning he didn't commit. His attorneys say he was framed by a retired Chicago Police detective who has since kept quiet about his alleged misconduct in multiple cases.

**Thomas Sierra**
*(Photo: Matt Masterson / Chicago Tonight)*

On Tuesday, a couple months after his release, Sierra found himself inside the George N. Leighton Criminal Courthouse, waiting the better part of two hours for a hearing that was scheduled for 10 a.m.

It was getting close to noon.

Sporting a close-cropped hairstyle and black shoes, dark grey pants and a grey shirt, Sierra spent most of that time seated in the front row of the gallery. He was hunched over, either with his hands clenched as if in prayer or rubbing his restless legs, chatting with his brother and waiting for his name to be called inside a sixth-floor courtroom.

"After 20 years, what's a few more minutes?" one of his attorneys joked, hoping to keep his spirits up.

When the time finally came, Sierra joined his attorneys before Judge William Lacy to hear an assistant Cook County state's attorney announce that her office was formally dropping all charges against him for the 1995 shooting death of Noel Andujar.

He could barely force out a "thank you" before leaving the courtroom, wiping away tears from behind his dark-rimmed glasses.

"It's a bittersweet situation, you know?" he said later, when asked what the exoneration means to him, coming after he served his time. "What can I do? All I did was keep my faith, keep fighting … I can't go back 22 1/2 years. It's a bittersweet situation, but I'm here now and got to just move on."

Sierra's legal team, made up of attorneys from the University of Chicago-based Exoneration Project, claim their client's conviction was based solely on a pair of eyewitness IDs fabricated by former Chicago Detective Reynaldo Guevara.

The 24-year-old Anduja was in a vehicle traveling on North Kedzie Avenue in Logan Square when he was killed in what police believed to be a gang-related shooting in May 1995.

At trial, one witnesses reportedly admitted Guevara had told him to identify Sierra as Anduja's killer, and both testified they couldn't have identified who was responsible. Sierra was sentenced to 45 years and placed on parole in November. He had remained under mandatory supervised release, but the state's attorney on Tuesday asked for that to be terminated.

A judge last year tossed the murder convictions of Gabriel Solache and Arturo DeLeon-Reyes under similar circumstances, accusing Guevara of coercing their confessions and determining he had "eliminated the possibility of being considered a credible witness in any proceeding."

Guevara himself made headlines last fall when he refused to testify under oath, opting instead to invoke the Fifth Amendment at a hearing in that case.

"There is no evidence in Thomas Sierra's case that isn't fabricated by Reynaldo Guevara," Exoneration Project attorney Steven Art said Tuesday. "I think that's obvious from the investigative file, I think it's obvious from his criminal trial and unless police officers are willing to come stand by their work, these convictions should not stand."

The Exoneration Project has investigated several wrongful convictions stemming from police misconduct. Last year they were behind possibly the largest mass exoneration in Cook County history when 15 men had their drug convictions vacated after attorneys argued they were based on falsified testimony and planted evidence.

Sierra's attorneys say his conviction marks the 10th that has been thrown out due to allegations of misconduct against Guevara.

Asked about his thoughts on the former detective and his decision to plead the Fifth last fall, Sierra said: "It's disgusting. You had a lot to say when you were interviewing and putting a case on that's bogus, now you don't have nothing to say defending us?"

A Chicago Police Department spokesman did not respond to a request for comment. A statement from the state's attorney's office on Tuesday said simply: "We were unable to meet our burden so we dismissed the case."

As for Sierra, he is still adjusting to life outside of prison, but hopes his experience can be a light to others who have been wrongfully convicted.

"It's like a kid learning how to walk again," he said. "I did everything I had to do in there, but now it's just being with my family and those I know that care and love me."

★★★

# Exonerated man sues County for not disclosing evidence

**By Connor Brown**

**(American-Statesman)** - For more than two decades, Troy Mansfield was a registered sex offender for a crime he did not commit.

And all that time, the prosecutors' case file notes in the Williamson County district attorney's office raised doubts about his guilt and pointed to evidence that could exonerate him.

**Amy and Troy Mansfield**
*(Mansfield Family Photo)*

After he and his attorney discovered that evidence a few years ago, Mansfield got his 1992 child molestation conviction overturned in 2016. Now, he's filed a lawsuit against Williamson County alleging that then-District Attorney Ken Anderson and his staff failed to turn over key evidence in the case.

*"Instead of acknowledging that the evidence showed I was innocent, the prosecutors hid it from me and threatened me with life in prison,"* Mansfield told the Statesman. *"I owe it to my family to hold accountable the people who did this to us and who knows how many others."*

The outlines of his case bear striking resemblance to the wrongful conviction of Michael Morton in 1987. Anderson also failed to disclose evidence in that case that would have helped the defense, resulting in Morton being convicted and spending 25 years in prison for the murder of his wife. He was exonerated in 2011 after DNA evidence pointed to another man as the killer.

Anderson was found guilty of contempt of court in 2013 for his mishandling of the Morton case and was sentenced to 10 days in jail in addition to surrendering his law license.

Mansfield's lawsuit seeks an undisclosed amount in damages.

As a registered sex offender, the lawsuit says, Mansfield "faced unspeakable horrors, from being shamed, threatened and humiliated, to being run out of towns, communities and churches, to not being able to participate in his two children's lives fully, to being deported at gunpoint from Mexico because he is a registered sex offender."

The district attorney's office had no comment on the lawsuit. But court filings show that the office in 2015 acknowledged that prosecutors in 1992 had failed to turn over evidence that could have cleared Mansfield, violating his right to due process.

The lawsuit says Anderson, First Assistant DA Paul Womack and at least two other assistant DAs, Richard Branson and Michael Jergens, purposefully withheld "concrete evidence proving that Mansfield was innocent of the crime for which the Williamson County District Attorney's Office was prosecuting him."

Mansfield had been accused of molesting a 4-year-old girl. The only evidence in the case was the child's word.

Facing the possibility of life in prison if convicted, Mansfield took a plea deal on a lesser charge of indecency with a child and received a 120-day jail sentence plus 10 years of probation.

But in 2013, after Morton's exoneration put a spotlight on the practices of the Williamson district attorney's office, Mansfield contacted attorney Kristin Etter and asked for help to clear his name. Etter requested copies of prosecutors' files on the case.

The lawsuit said those files showed that the child "provided inconsistent stories and ultimately recanted her earlier accusation" — evidence that was not shared with Mansfield and his attorney before he took the plea deal.

Handwritten notes in the case jacket suggested that prosecutors had serious reservations about Mansfield's guilt due to inconsistencies in the child's story, the lawsuit says. The notes also detail the child's suggestion that it might have been another child, not Mansfield, who assaulted her.

Etter's investigation also found that prosecutors lied to Mansfield's attorney at the time, claiming they had video testimony of the child describing in detail what Mansfield did to her and a forensic examination of the child that corroborated her story.

The lawsuit says prosecutors had no evidence to support the claims and probably used deceptive tactics to induce a guilty plea from Mansfield.

After reviewing the new evidence, Senior Judge Doug Shaver in 2016 set aside Mansfield's guilty plea, finding that his rights had been violated.

The district attorney's office used to have a closed file policy that relied on prosecutors to hand over any evidence that might help the defense, as they are required by law to do. Williamson County ended the closed file policy in 2013, and now defense attorneys can review all of the evidence in their clients' case files.

"The reason closed file policies are so dangerous is that they enable prosecutors to hide evidence of potential innocence from people accused of crimes and their attorneys, which is exactly what happened to Mr. Mansfield," said Jeff Edwards, one of the attorneys now representing Mansfield. "Instead of deterring fraud and dishonesty, they reward it. They were just as wrong in 1992 as they are today."

★★★

# In The News

## California Considers $1,000 Fine for Waiters Offering Unsolicited Plastic Straws ... *Wait, What?!*

**By Christian Britschgi**

**(Reason.com)** - Ian Calderon wants restaurateurs to think long and hard before giving you a straw.

Calderon, the Democratic majority leader in California's lower house, has introduced a bill to stop sit-down restaurants from offering customers straws with their beverages unless they specifically request one. Under Calderon's law, a waiter who serves a drink with an unrequested straw in it would face up to 6 months in jail and a fine of up to $1,000.

"We need to create awareness around the issue of one-time use plastic straws and its detrimental effects on our landfills, waterways, and oceans," Calderon explained in a press release.

This isn't just Calderon's crusade. The California cities of San Luis Obispo and Davis both passed straws-on-request laws last year, and Manhattan Beach maintains a prohibition on all disposable plastics. And up in Seattle, food service businesses won't be allowed to offer plastic straws or utensils as of July.

The Los Angeles Times has gotten behind the movement, endorsing straws-on-request policies in an editorial that also warned that "repetitive sucking may cause or exacerbate wrinkles on the lips or around the mouth." Celebrity astronomer Neil DeGrasse Tyson (always up for a little chiding) and Entourage star Adrian Grenier have appeared in videos where an octopus slaps them in the face for using a plastic straw.

The actual number of straws being used is unclear. Calderon, along with news outlets writing about this issue - from CNN to the San Francisco Chronicle - unfailingly state that Americans use 500 million plastic straws a day, many of them ending up in waterways and oceans. The 500 million figure is often attributed to the National Park Service; it in turn got it from the recycling company Eco-Cycle.

Eco-Cycle is unable to provide any data to back up this number, telling Reason that it was relying on the research of one Milo Cress. Cress—whose Be Straw Free Campaign is hosted on Eco-Cycle's website—tells Reason that he arrived at the 500 million straws a day figure from phone surveys he conducted of straw manufacturers in 2011, when he was just 9 years old.

Cress, who is now 16, says that the National Restaurant Association has endorsed his estimates in private correspondence. This may well be true, but the only references to the 500 million figure on the association's website again points back to the work done by Cress.

More important than how many straws Americans use each day is how many wind up in waterways. We don't know that figure either. The closest we have is the number of straws collected by the California Costal Commission during its annual Coastal Cleanup Day: a total of 835,425 straws and stirrers since 1988, or about 4.1 percent of debris collected.

Squishy moderates on the straw issue have pushed paper straws, which come compostable at only eight times the price. Eco-Cycle skews a bit more radical, with their "Be Straw Free" campaign - sponsored in part by reusable straw makers - that urges the adoption of glass or steel straws. Because we all know how good steel smelting is for the environment.

In any case, criminalizing unsolicited straws seems like a rather heavy-handed approach to the problem, especially since we don't actually know how big a problem it is. But don't take my word for that. Ask Milo Cress.

"If people are forced not to use straws, then they won't necessarily see that it's for the environment," he tells Reason. "They'll just think it's just another inconvenience imposed on them by government."

★★★

## 5-year-old's death investigation: children's services provider accepted $10,000 in food stamps as bribe

**By Jen Steer and Ed Gallek**

**(Fox 8) Cleveland, OH** – The Cuyahoga County Prosecutor's Office discussed new details recently in the murder of a 5-year-old boy, who was buried in a backyard.

Investigators found the remains of 5-year-old Jordan Rodriguez behind a house on West 80th Street on Dec. 19. Court documents said the body showed signs of abuse, including broken ribs.

His mother, 34-year-old Larissa Rodriguez, was charged with murder, felonious assault, endangering children and offenses against a human corpse. She pleaded not guilty and her bond was set at $1 million.

On Wednesday, Cuyahoga County Prosecutor Michael O'Malley said 36-year-old Christopher Rodriguez, the mother's boyfriend, was indicted for murder, felonious assault, endangering children and gross abuse of a corpse. He was already being held at the Medina County Jail on unrelated charges.

Investigators also announced Larissa Rodriguez and children's services provider Nancy Caraballo were indicted on trafficking in food stamps.

**Larissa Rodriguez**

Caraballo worked for Catholic Charities and was contracted by Bright Beginnings, which is funded by Cuyahoga County and the state of Ohio. O'Malley said she bought more than $10,000 in food stamps from Rodriguez for .50 cents to the $1. It lasted from July 2015 to December 2017.

Catholic Charities says it fired Caraballo after the investigation came to light.

Caraballo was assigned to the family to make home visitations. She should have been making regular visits

**Children's Services Provider Nancy Caraballo**

to the home, but investigators found many times she lied about going there. O'Malley said Caraballo ignored her obligation to report the abuse and neglect because she was receiving the food stamps as a bribe.

"Selfish criminal acts such as these, take the food from the children who cannot provide for themselves, making them the true victims of these crimes," said Agent-in-Charge Greg Croft, of the Ohio Department. of Public Safety's Ohio Investigative Unit

Caraballo could be sentenced to 50 years in prison. According to O'Malley, if it's determined that malnutrition played a role in Jordan's death, she would face additional charges.

The Cleveland Division of Police began investigating the case after receiving a call from Pakistan. The caller said Larissa Rodriguez and her boyfriend, Christopher Rodriguez, buried the boy in the backyard, according to the police report.

Jordan had not been seen alive since September. Prosecutors said he suffered from multiple ailments and his mother failed to get him medical attention.

Larissa Rodriguez has nine children and is pregnant. A Cuyahoga County spokeswoman said child welfare case workers have dealt with Rodriguez since 1999. Complaints ranged from neglect to physical abuse.★★★

## New California bill aims to protect citizens from gun suicides

**(Fox News)** - A California lawmaker introduced legislation Wednesday that aims to protect Californians from gun suicides, the San Francisco Chronicle reported.

Assemblyman Rob Bonta, D-Oakland, introduced AB1927, in order to bar people from buying a gun if they are struggling with suicidal thoughts or fear they are a danger to themselves.

According to Bonta, Californians who commit suicide after purchasing a gun most often do so within a week of purchase.

Under the proposed bill, individuals struggling with suicidal thoughts can voluntarily submit their name to the state office

responsible for background checks.

The office would then alert licensed arms dealers that the person is prohibited from buying a gun. If the person could prove they were no longer suicidal, they could remove their name from the list, the report said.

Bonta citited a report from the federal Centers for Disease Control and Prevention which claimed that more than 1,000 people died from gun suicides in California in 2015.

"We know suicide can be an impulsive decision that most survivors regret," Bonta said in a statement. "Guns are lethal and, unfortunately, rarely allow for second chances."

According to The Chronicle, his bill has found support among gun-control advocates.

***US~Observer Editor's Note: What may seem as well intended legislation, in this case it is egregious since you will not be afforded due process as guaranteed by the Fourteenth Amendment. It also violates the Second Amendment.*** ★★★

## Supremes Join Trump to Dismantle Obama Power Grab

### *'A victory for the rule of law and for accountability in government'*

**(WND)** - The Trump administration has worked virtually nonstop since the inauguration to dismantle some of the environmental campaigns launched by Barack Obama, and on Monday the U.S. Supreme Court joined in.

The justices ruled that the Environmental Protection Agency cannot provide a hedge of protection preventing courts from reviewing its actions by requiring such appeals be heard only in some courts.

"Today's ruling is a victory for the rule of law and for accountability in government," said James S. Burling of the Pacific Legal Foundation.

His organization worked with farmers, ranchers and other landowners nationwide fighting the Obama-era "Waters of the United States" rule.

The policy vastly expanded the federal government's claim to authority over any water, even ditches and puddles.

"The EPA's 'waters of the United States' rule may be the most brazen – and lawless – expansion of bureaucratic power in American history. The regulators who imposed it tried to shield it from review by limiting opportunities for the public to bring challenges. The Supreme Court struck a blow for liberty by rejecting this ploy and guaranteeing access to justice for the EPA's victims," Burling said.

The decision came in the National Association of Manufacturers v. U.S. Department of Defense case.

Explained PLF: "Under the terms of the Clean Water Act, people who are harmed by EPA rules like the WOTUS regulation can sue in any federal district court, within six years of the rule's issuance. But the EPA unilaterally rewrote that provision, decreeing that lawsuits could be filed only in federal courts of appeal. This twisting of the law allowed just 120 days to file WOTUS challenges and concentrated all cases in a single appellate court."


Burling said that if the EPA "had succeeded in blocking victims of the WOTUS rule from seeking redress, other agencies would have tried similar ploys.'

"The Supreme Court's rejection of the EPA's power play strengthens everyone's right to challenge bureaucratic abuses, all across the governmental landscape," he said.

Under the "waters" rule, the federal government claimed the right to regulate control "nearly every pond, ditch and puddle in the nation."

It asserted that "every tributary of a 'navigable water,' isolated pools and potholes, the 100-year flood plain covering millions of stream miles, and, on a case-by-case basis, any water within 4,000 feet of a tributary" were subject to government control.

The plan gave the federal government authority to impose $37,500 a day fines on offenders.

Hal Quinn, a spokesman for the manufacturers, said, "Today's unanimous Supreme Court decision provides much needed clarity and affirms our longstanding position that the Clean Water Act empowers the federal district courts, not the courts of appeals, to initially review legal challenges to the Waters of the U.S. Rule."

He said the victory, "coupled with the administration's actions in proposing to repeal the rule and seek input on how to properly define 'waters of the U.S.,' puts us one step closer to addressing this deeply problematic rule and the confusion it has created."

The court ruling almost was unneeded.

WND reported last year that under President Trump's instructions, the EPA began rolling back the Waters of the United States rule.

EPA Administrator Scott Pruitt made the policy shift official, saying, "We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses."

He added: "This is the first step in the two-step process to redefine 'waters of the U.S.,' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty in a way that is thoughtful, transparent and collaborative with other agencies and the public."

Robert J. Smith, a senior fellow in environmental policy at the National Center for Public Policy Research, said the Obama power grab was a distortion of what Congress intended. ★★★

## NY Gov. Cuomo wants Dreamers to attend college for free

*Photo: Zack Seward/flickr*

**By Carl Campanile**

**(New York Post)** - Gov. Andrew Cuomo wants to give another break to immigrant Dreamers by extending free public college tuition to students who were brought into the United States illegally as kids.

Cuomo tucked a provision in his $168 billion budget plan that would amend state education law to make the undocumented students eligible for the Excelsior Scholarship program, which covers tuition costs for students from families with incomes of up to $125,000.

Recently, he said the state would continue providing Medicaid to Dreamers regardless of any federal changes to the Deferred Action for Childhood Arrivals program, or DACA.

But Republicans in the state Senate said they won't go along with Cuomo's latest idea.

"We don't support giving free college tuition to people who are here illegally," said Senate GOP spokesman Scott Reif. ★★★

# Judge rules California can't force Christian baker to make same-sex wedding cakes

**By Alex Swoyer**

**(The Washington Times)** - A California judge refused this week to order a baker to make a wedding cake for a same-sex couple, ruling that to do otherwise would be to trample on the baker's free speech rights.

Superior Court Judge David R. Lampe said in his Monday ruling that wedding cakes run to the core of the First Amendment.

"It is an artistic expression by the person making it that is to be used traditionally as a centerpiece in the celebration of a marriage. There could not be a greater form of expressive conduct," the judge wrote.

His decision contrasts with a ruling out of Colorado, where a court ruled that a baker could not refuse to bake for a same-sex couple, arguing the state's public accommodation law trumped that baker's First Amendment claims. That case is now before the U.S. Supreme Court.

California has a public accommodation law similar to Colorado.

When Cathy Miller, a devout Christian and owner of "Tastries" bakeshop in Bakersfield, refused to make a cake for Eileen and Mireya Rodriguez-De Rio, the state pursued legal action.

The judge said that if the couple had bought a premade cake, they could not be refused service. But by asking the baker to make a cake specifically for them, the couple was implicating Ms. Miller's expression — even if they didn't ask for a message to be added to the cake.

"No baker may place their wares in a public display case, open their shop, and then refuse to sell because of race, religion, gender, or gender identification," Judge Lampe wrote in his order.

"The difference here is that the cake in question is not yet baked," he added.

Last year, the couple met with an employee at Tastries and described how they wanted their wedding cake to look, selecting one of Ms. Miller's display cakes. They did not want anything written on the cake.

But when they were scheduled to return to the bakeshop for their tasting, Ms. Miller canceled and directed them to "Gimme Some Sugar," another bakery, explaining she does not support same-sex weddings.

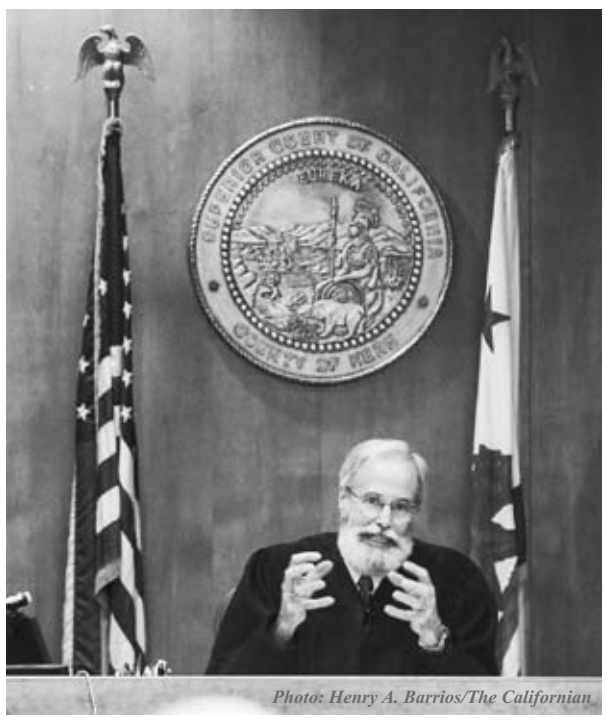

Photo: Henry A. Barrios/The Californian

**Judge David R. Lampe**

Judge Lampe said California's interest in preserving an open, public marketplace cannot compel an individual to endorse or communicate a message by which he or she disagrees, saying a wedding cake is not just a cake when it comes to free speech.

★★★

# Settlement forces college that jailed student for passing out Constitutions to ditch policies

**By Greg Piper**

**JUDGE COMPARED ITS POLICIES TO '1984'**

**(College Fix)** - Kellogg Community College in Michigan jailed a student for passing out pocket copies of the Constitution on campus.

An administrator said that students from "rural farm areas … might not feel like they have the choice to ignore" the supposed solicitation by the nascent Young Americans for Liberty chapter.

A year after chapter leaders sued the public institution for violating their First Amendment rights – during which the school refused to change its policies and drew the public ire of Attorney General Jeff Sessions – Kellogg has finally capitulated.

In a settlement made public Wednesday, Kellogg agreed to ditch the policies under which it arrested and jailed YAL leader Michelle Gregoire and threatened to arrest fellow leader Brandon Withers.

It also pledged to grant a 12-month "provisional recognition" to the chapter and pay Gregoire $7,000 in damages and $48,000 to her lawyers at the Alliance Defending Freedom.

The alliance wasn't happy with what it called "insufficient" changes Kellogg made after a federal judge indicated he thought its policies were unconstitutional.

**Michelle Gregoire being arrested**

U.S. District Judge Robert Jonker blew threw the college's meager defense at the Aug. 10 hearing, comparing its policies to "the Orwellian 1984":

*Well, tell me — unless you can tell me there's something that compels me to — you know, like a controlling authority, don't talk too much about other cases right now. How do you defend that? I mean, do you really want to be in the paper saying "Yeah, we arrest people who pass out Constitutions on our campus without our prior permission"? I mean, that's your optics. That's a terrible optical position for you to be in, isn't it? ...*

*They were passing out Constitutions without your prior permission and they got arrested for it.*

In an exhibit to the settlement, the version of the policy was changed from this:

**[Kellogg] shall not consider or regulate the content of speech or viewpoint of speakers in the application of this policy.**

To this:

**[Kellogg] shall not consider or regulate the content or viewpoint of expressive activities when enforcing this policy, including by restricting students' expression based on concerns about other person(s)' negative reaction to that expression.**

The new policy will also limit Kellogg's intervention in students' expression to situations that "substantially and materially" disrupt "the learning environment" or threaten campus safety.

A new section reads:

**For purposes of this policy, the peaceful distribution of informational materials in the indoor and outdoor common areas does not, without more, represent a substantial or material disruption to the learning environment at the College.**

According to the alliance, the amended policy is ditching a requirement that students must get prior permission to engage in "expressive activity" on campus. It's also excising a ban on speech that does not "support" the mission of the college or any college entity.

"It's a shame that it took this much time and a federal court's rebuke for Kellogg Community College to come to its senses, realize that these arrests were wrong, and finally agree to respect students' constitutionally protected freedoms," alliance lawyer Travis Barham said in the alliance statement.

★★★


# 57.9% of Illegals Caught at U.S.-Mexico Border in FY17 Not Mexican; 111 Countries

**(CNSNews.com)** - Only 42.1 percent of the "deportable aliens" that the U.S. Border Patrol apprehended along the U.S.-Mexico border in fiscal 2017 were citizens of Mexico, according to data collected by U.S. Customs and Border Protection.

A significant majority—57.9 percent—came from 111 other countries.

In fact, during fiscal year 2017, the Border Patrol apprehended deportable aliens along the U.S.-Mexico border who came from 84 countries that are not in the Americas.

In fiscal 2017, according to U.S. Customs and Border Protection, the Border Patrol apprehended a total of 310,531 "deportable aliens" in all 20 Border Patrol sectors. (These include nine sectors along the Southwest Border with Mexico, eight along the Northern Border with Canada, and three along the nation's Coastal Border.)

Of the total 310,531 "deportable aliens" the Border Patrol apprehended, 303,916 (or about 97.9 percent) were apprehended in the nine sectors along the Southwest Border with Mexico.

Of these 303,916 deportable aliens apprehended along the Southwest Border, 175,978 (or 57.9 percent) were citizens of countries other than Mexico and 127,938 (or 42.1 percent) were citizens of Mexico.

The top three countries that ranked after Mexico for having their citizens apprehended as deportable aliens along the U.S.-Mexico border were Central American countries. These were Guatemala (65,871), El Salvador (49,760) and Honduras (47,260), which ranked second, third and fourth.

But India ranked fifth.

In fiscal 2017, the Border Patrol apprehended along the Southwest Border 2,963 deportable aliens who were citizens of India.

In fact, the Border Patrol apprehended more citizens of India in its nine sectors along the U.S.-Mexico border than citizens of Brazil (2,621) or Ecuador (1,429), which ranked sixth and seventh for having deportable aliens apprehended on the Southwest Border.

The Peoples Republic of China ranked eighth, with the Border Patrol apprehending 1,364 Chinese citizens along the Southwest Border in fiscal 2017.

That put China ahead of Nicaragua, which ranked ninth. The Border Patrol apprehended 1,057 Nicaraguans along the Southwest Border in fiscal 2017.

Among the Top 41 countries whose citizens were apprehended by the Border Patrol along the Southwest Border, 21 were not in the Americas.

In addition to India (2,943) and China (1,364), these included Nepal (647), Bangladesh (564), Romania (433), Pakistan (224), Albania (49), Vietnam (49), Somalia (48), Sri Lanka (48), Kosovo (45), Turkey (35), Nigeria (28), Ghana (14), Afghanistan (14), Saudi Arabia (14), Israel (11), Jordan (10), South Korea (10), France (9), and Hungary (9).

Notably, the deportable aliens from Nepal (647), Bangladesh (564), Romania (433) and Pakistan (224) that the Border Patrol apprehended along the Southwest border in fiscal 2017 exceeded those apprehended from Colombia (196), Dominican Republic (181), Cuba (147), Venezuela (73) and Haiti (57).

Additionally, the Border Patrol apprehended deportable aliens who are citizens of nations outside the Americas more often at the U.S.-Mexico border than at the Northern Border or the Coastal Border.

For example, while the Border Patrol apprehended 2,943 Indian citizens at the Southwest Border, it apprehended only 168 at the Northern Border, and 24 at the Coastal Border. Similarly, the Border Patrol apprehended 1,364 Chinese citizens at the Southwest Border, but only 32 at the Northern Border and 17 at the Coastal Border.

The Border Patrol apprehended 647 Nepalese at the Southwest Border, but only 1 at the Northern Border and none at the Coastal Border. It apprehended 564 Bangladeshis at the Southwest Border, but only 9 at the Northern Border, and 1 at the Coastal Border.

The Border Patrol apprehended 433 Romanians at the Southwest Border, but only 13 at the Northern Border and only 4 at the Coastal Border. It apprehended 224 Pakistanis at the Southwest Border, but only 9 at the Northern Border and none at the Coastal Border.

According to the Department of Homeland Security an apprehension is: "The arrest of a removable alien by the Department of Homeland Security. Each apprehension of the same alien in a fiscal year is counted separately."

According to DHS, the term "deportable aliens" includes "any alien illegally in the United States, regardless of whether the alien entered the country by fraud or misrepresentation or entered legally but subsequently lost legal status."

★★★

# State admits recording jail conversations between defense lawyers and clients

**By Lisa Demer**

**(Anchorage Daily News)** - For four years, a tucked-away monitoring system in a certain visitation room at the Anchorage jail recorded conversations between attorneys and their clients — defendants in criminal court – without anyone knowing.

Now defense attorneys are concerned — some are livid — about what they say is a striking violation of basic constitutional rights.

Quinlan Steiner, the state public defender, in December learned from the state that the recordings were secretly and routinely made from 2012 to 2016. The files were automatically recorded over every 30 days. The new information was circulated last month to about 120 Alaska criminal defense lawyers.

"It's not a close call. It's not permissible," Steiner said of the recorded conversations between lawyers and defendants. "They have to be confidential so they can be candid."

State corrections officials say the recordings generally were not listened to or provided to law enforcement, though in one case, that did happen. And defense lawyers suspect the problem may be prevalent.

The recordings began in 2012 when suspected serial killer Israel Keyes was arrested and held at the Anchorage Correctional Complex, said Clare Sullivan, deputy commissioner of the state Department of Corrections. The FBI asked the department to add an audio recording element into a visiting room where Keyes met with his girlfriend, according to the U.S. attorney's office.

The audio recordings are no longer done, Sullivan said in an interview.

"At this time there are no recordings in existence in ACC from this visiting area, and the capability to monitor/record has been disabled," Sullivan wrote in a Dec. 6 email to Steiner, who had heard rumors of recorded conversations and asked her for information.

The particular room was a secure spot for Keyes, a high-profile, high-risk inmate, said department spokeswoman Megan Edge.

Federal investigators hoped Keyes would tell more about what he had done, Sullivan said.

"They were thinking there might be more bodies," she said. "Perhaps they might get that information from Keyes at the time."

Keyes, jailed in the killing of Anchorage barista Samantha Koenig, was talking directly to investigators and told them he had killed at least eight people, including her, then-U.S. Attorney Karen Loeffler told reporters in December 2012. The public revelation that Keyes was a suspected serial killer came after he committed suicide in jail, damaging efforts of investigators to learn more about his victims.

After the suicide, the staff did not turn off the recording equipment until the jail "rediscovered" it in November 2016, Sullivan said.

"They just simply forgot about it," she said. The Anchorage jail got a new superintendent. A senior sergeant retired. The recording system wasn't on the new command's radar, nor on Sullivan's when she became deputy commissioner, she said.

When Keyes was jailed in Anchorage, Sullivan was in Seward at Spring Creek Correctional Center, where she worked for 18 years, including as superintendent.

"It really wasn't in my wheelhouse," she said.

Federal investigators and prosecutors didn't know the audio recordings were continuing either, the U.S. attorney's office said. The office said it takes the attorney-client privilege seriously.

Anchorage District Attorney Rick Allen said he was unaware of any recordings between lawyers and clients used in state cases.

Jail visitation rooms are monitored, and sometimes visits are recorded on cameras that don't record audio, Edge said. For Keyes, the jail added a separate audio recorder, she said.

Both the camera and the voice recorder fed into the same server, which recorded over older files every 30 days. The special room is in the former Cook Inlet Pre-Trial Facility, now called Anchorage Correctional Complex West.

The system was recording 24-7 until it was shut off in November 2016, Sullivan said.

She said jail security Sgt. Thomas Elmore stumbled across the audio recordings in reviewing video footage.

**Quinlan Steiner** - *Photo: Skip Gray/360 North*

"I don't know if we would call it dumb luck or otherwise," Sullivan said. "He said 'That's no good. That's an attorney visiting room.'"

The discovery in 2016 of the audio recordings came during a federal drug investigation involving Anchorage defense lawyer Kit Karjala, said the U.S. attorney's office. Investigators asked for video surveillance of that same visiting room that had been used for Keyes, said Frank Russo, the criminal chief for the U.S. attorney's office. By then it was used both for personal visits as well as those between lawyers and jailed clients.

Investigators received seven recordings – the only time they have asked for recordings from that room since the Keyes case in 2012, the U.S. attorney's office said. They did not get a warrant from a judge because that is not necessary for visual recordings, only for audio, Russo said Monday.

"Once it was discovered that the recordings potentially contained audio, the criminal investigators immediately segregated those recordings, did not listen to them, and the U.S. Attorney's Office immediately alerted counsel for the Department of Corrections, who removed that capability," federal prosecutors said in an email.

**The Cook Inlet Pretrial facility** - *Photo: Anchorage Daily News*

A special federal review team now has the recordings. Prosecutors and investigators on the Karjala case don't have access to them, Russo said.

Along with inmate Christopher Miller, Karjala faces federal drug charges in what prosecutors call a scheme to smuggle drugs into jail, including a heroin mixture as well as a narcotic used to treat heroin addition.

Seattle attorney Peter Camiel, who is representing Karjala, said he could not discuss the case or the matter of the recordings. Chester Gilmore, the Anchorage attorney for Miller, said he couldn't comment either.

A criminal complaint against Karjala and Miller details video recordings of their meetings in a jail visiting room. It said the camera captured visuals "but no audio." It also says he was being held in the east-side building, not the west-side one where the Keyes room was.

Russo said that Miller moved back and forth, and was on the west side for a time, but those videos remain segregated.

Steiner, the public defender, called the need for confidential conversations "critical to the criminal justice system."

Still, nothing has emerged to counter the department's assertion that it didn't misuse the audio recordings, he said.

He said he let other defense lawyers know about the secret recordings so they could examine their own cases for troublesome elements.

"People are concerned that it existed at all, unknown even. And that it could have been exploited. There is just no indication that has occurred," Steiner said.

Some defense lawyers are outraged, including Erin Gonzalez-Powell.

She filed a motion in one Anchorage criminal case to force the Department of Corrections "to provide materials related to the illegal recordings of attorney-client communications during attorney-client visits held at Anchorage Correctional Center West and East."

Defendants have the right under the Fifth Amendment not to incriminate themselves and to remain silent, and also a right under the Sixth Amendment to effective counsel, Cindy Strout, president of the Alaska Association of Criminal Defense Lawyers, said in an interview.

Private conversations between lawyers and defendants are essential to those rights, Strout said.

Gonzalez-Powell remains skeptical of the corrections department explanation. She said she doubts the recording took place in only one room, and doubts that it has stopped. Some of her clients are afraid to talk to her in the jail and pass notes instead.

Defense strategies may well be compromised, she said. She wants confirmation from someone outside the department that no corrections employees, law enforcement officers or prosecutors were allowed to review the recordings. She wants to know where recording devices were installed and why. She wants proof that the recordings have been destroyed.

"If they are permitted to go unsanctioned for this conduct, then the foundation of our constitutional rights will be eviscerated," she said in the recent court filing.

Like Gonzalez-Powell, Strout is concerned that surveillance is more prevalent than has been revealed.

The prison system also records inmate phone calls but isn't supposed to record calls with their attorneys. In 2014, the Corrections Department discovered some attorney calls were being recorded, Edge said. Strout called it an "ongoing problem."

Attorneys now register their phone numbers, and the numbers are entered into the phone system run by contractor Securus Technologies, Edge said in an email. That blocks the recording capability. But if an attorney switches phones, the block won't work, according to corrections officials.

A suspect cannot invoke a right to silence if the government is listening, Gonzalez-Powell said.

She is seeking a judicial finding that defendants' constitutional rights were violated.

★★★

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## Cops Whisper to Turn Off Body Cams as They Beat and Rob Man

**By Matt Agorist**

**Augusta, GA** — Two Richmond County Sheriff's deputies recorded themselves beating a man and breaking department policy to cover it up—yet neither of them were fired. Their disturbing actions were captured on both of their body cams, that is, until they turned them off to hide their crimes.

Deputy Charlie Walker and Deputy Christopher Moores were shaking down a man on his bicycle last October when the brutality and subsequent cover-up was captured on film.

"I'm not going to tell you again, get on the f***ing ground!" one deputy yells at the non-violent man who can't seem to comply fast enough with the officers who then began beating him.

"Get on the f***ing ground," the cop yells at the man who is apparently confused as to why he is being stopped. As the officers beat the man with their batons and put him in handcuffs, that's when they made sure not to catch any more of their misconduct on film.

"Turn it off," the deputy whispers, letting each other know that they did not want to record what was going to happen next.

The man was then kidnapped by police who had robbed him of his phone and bicycle and he was then dropped off far across town, miles from home with no means of getting back or calling someone for a ride.

WRDW's Kelly Wiley confronted RCSO Chief Patrick Clayton about the incident who stood by his choice not to fire these two cops.

"What's your reaction to that? That's obviously unacceptable," Willey asked.

"Yes ma'am. That's why we have policies, and we did take pretty severe disciplinary action against both individuals," said Clayton.

According to RCSO's own policy, what the officers did is punishable by severe sanctions and termination. However, they received nothing severe and were certainly not fired despite a captain in the department recommending their termination.

As WDRW reported, violation reports show both deputies were ordered seven days suspension without pay, 12 months' probation to write an essay and to pay the man back for the bike and phone he lost after they dropped him off miles away from his home.

They had to write an essay, got a vacation, and were forced to repay the man for belongings they took from him and lost—for beating him, kidnapping him, dumping him off far from home, and covering the entire incident up. Sounds fair, right?

When asked if he felt the punishment fit the crime in this instance, the chief was absolutely sure it did.

"Yes absolutely," said Clayton. "I think what the sheriff and colonel looked at were these were two young, inexperienced deputies. We call them all the time to deal with highly volatile, quickly developing

*Continued on page 10*

## US Gov't Experimented on Hundreds of Poor Pregnant Women

**By John Vibes**

Between the years of 1945 and 1947, researchers at Vanderbilt University conducted a twisted experiment in which hundreds of pregnant women were exposed to radiation intentionally for the purpose of testing how it affected both the child and mother.

The study was funded by the U.S. Public Health Service and overseen by the Tennessee State Department of Health. All of these women were poor and had no knowledge of the experiment, and were never informed that they were a part of a study.

Somewhere between 750 and 850 women were given trace amounts of radioactive iron in a "cocktail" drink during their pregnancies by health officials they trusted. Dr. Paul Hahn, the lead researcher behind the experiments, claimed that the study was intended to record the absorption of iron during pregnancy.

However, in the years since, many pundits and journalists have theorized that these experiments were a part of a military study to learn about radiation exposure. When the university was finally investigated for these experiments in the early 1990s, Department of Energy Spokesperson Mary Ann Freeman revealed that Vanderbilt University conducted research experiments involving radiation for the US military during the Cold War.

The story broke into the news after decades when three women—Emma Craft, Helen Hutchison and her daughter, Barbara—filed a lawsuit against the university for exposing them to radiation.

According to the NY Times, "Mrs. Craft, 72, said at a Senate hearing on Jan. 25 that the experiments caused the cancer death of her 11-year-old daughter, Carolyn, in 1959."

The other women reported symptoms and ailments that coincide with radiation poisoning.

Vanderbilt spokesman Wayne Wood told the Washington Post that all of the files were destroyed by the research team in the 1970s.

*"The researchers who were working on that maintained their own files. They were not Vanderbilt property. They belonged to the researchers themselves,"* Wood said.

Dr. Joseph C. Ross, Vanderbilt's associate vice chancellor for health affairs, admitted that this study would be unethical today, but still attempted to play damage control.

*"While it would not be acceptable today to give radioactive isotopes to pregnant women. it is also clear that this was carefully evaluated at the time, and there was a feeling then it was safe. We want to be as helpful as we can, but to create the feeling that we've done something wrong, we don't want to do that,"* Ross said.

Oddly enough, Vanderbilt University claimed that their studies had no adverse effects on the test subjects. However, the Advisory Committee on Human Radiation Experiments, which oversaw the Vanderbilt investigation, claimed that the studies did, in fact, have an extremely negative impact.

The Advisory Committee discovered that at least 27 experiments exposed pregnant women and their babies to radiation between 1944–1974.

After the committee's findings were published, the Clinton administration was forced to publicly apologize for the US government's actions during the radiation studies.

★★★

## Cops Charge Businesses Thousands to Provide Them Police 'Protection' — Just Like the Mafia


**By Matt Agorist**

**Detroit, MI** — Everyone who's ever watched a Hollywood mob film has seen the scenarios in which the mobsters offer "protection" to local businesses in exchange for money. The scheme is called a protection racket and is usually conducted by criminals. However, as a case in Detroit illustrates, police officers have recently gotten in on the game.

Sadek Kaid, who owns a Marathon gas station in northwest Detroit called police last month to report a crime in progress which was taking place inside his store. An irate customer, who was upset with the price of an item, lost it and began smashing up the store and throwing items off the shelves.

Kaid called 911.

Several minutes passed and Kaid never received a response, so, he hit redial and called back. Still, nothing.

The customer smashed up Kaid's store for nearly an hour and police never showed up.

"The dispatcher said, 'It's because you don't have the Green Light,'" Kaid said, according to Detroit News. "The customer was in here destroying the store, throwing everything off the shelves. He was here for almost an hour before he left. When the police finally came, they told us the Green Light locations get priority."

Although police tout the 'Project Green Light' system as a means of preventing crime, in essence, it is merely a hi-tech version of the mafia's protection racket with ominous police state undertones.

**Jesus Hernandez, owner of Abby's Party Store**
*(Photo: Clarence Tabb Jr. / The Detroit News)*

As the Detroit News reports, "businesses pay between $4,000 and $6,000 to join Project Green Light, a program that allows police to monitor businesses' video surveillance feeds in real time. The cost covers installation of high-definition cameras and lighting. There also is a monthly fee of up to $150 for cloud-based video storage."

For paying the cops the exorbitant fees to essentially let police spy on them 24/7, businesses get Priority 1 status on calls to 911. Now, the businesses who can't afford to pay the m?a?f?i?a? police for protection are getting left out in the cold.

"It's not fair," said Abdo Nagi, owner of a 76 gas station on Grand River on Detroit's west side that is not part of the program, according to the News. "We should all be equal. I pay high taxes already. Now I have to pay extra to get the police to come?

"Don't get me wrong: If someone has a weapon and we call the police, they get here fast," Nagi said. "But with other things, it takes a long time. There were kids in here beating up another kid last year, and by the time the cops got here, they were gone."

According to Detroit News, Priority 1 runs are given precedence over other emergency calls, although Police Chief James Craig said Green Light runs don't trump violent crimes. But per the agreement with the city, if there are simultaneous calls from two business owners reporting similar crimes, police prioritize calls from the Green Light locations.

On top of the mafia-esque tone of this program is the fact that business owners are essentially constructing their own police state—and they are paying for it.

Likely salivating over the idea of having cameras recording everything in the city, city officials are now considering making the Green Light Program mandatory. However, that won't happen until at least next year, according to Mayor Mike Duggan.

Duggan says everyone loves the program and if you don't like it you're a criminal.

"The level of enthusiasm is so high," he said. "Our resistance comes almost entirely from people who appear to have a relationship with the people up to no good in their parking lots."

However, not all businesses can simply shell out thousands of dollars to the cops for protection and they aren't criminals at all.

"It sounds like a great idea, but I just can't afford it," said Jesus Hernandez, owner of Abby's Party Store. "If the city makes it mandatory, I'll just have to close at 10. That won't make a big difference during the week, but on the weekends I'll lose money."

Perhaps the Detroit police would do well to study the model of Dale Brown who owns and operates his own 'private' police force.

Dale Brown of Detroit's "threat management center" has shown that crime can be stopped and lives can be saved by independent people using non-lethal tactics and without creating a police state.

In areas of Detroit where police don't answer 911 calls, Dale Brown took matters into his own hands and started taking those calls himself, and because Dale was not "above the law" as police officers claim to be, he had to solve these crimes without hurting people, because he would actually be held accountable for his actions.

Yes, businesses pay for these services. However, as a side effect of providing businesses with security, Dale has also been able to provide service in poor neighborhoods for free, by financing his business through providing security for high-income areas.

★★★

# COMMENTARY Your Right to Speak Out

## Things Are Getting Worse, Not Better: Round Ups, Checkpoints and National ID Cards

By John W. Whitehead

**(Rutherford Institute)** - No one is safe.

No one is immune.

No one gets spared the anguish, fear and heartache of living under the shadow of an authoritarian police state.

That's the message being broadcast 24/7 to the citizens and residents of the American police state with every new piece of government propaganda, every new law that criminalizes otherwise lawful activity, every new policeman on the beat, every new surveillance camera casting a watchful eye, every sensationalist news story that titillates and distracts, every new prison or detention center built to house troublemakers and other undesirables, every new court ruling that gives government agents a green light to strip and steal and rape and ravage the citizenry, every school that opts to indoctrinate rather than educate, and every new justification for why Americans should comply with the government's attempts to trample the Constitution underfoot.

Here in Amerika, things are getting worse—not better—as the nation inches ever closer towards totalitarianism, that goose-stepping form of tyranny in which the government has all of the power and "we the people" have none.

Take what happened recently in Ft. Lauderdale, Florida.

On Friday, Jan. 19, 2018, immigration agents boarded a Greyhound bus heading to downtown Miami from Orlando and demanded that all passengers provide proof of residence or citizenship. One grandmother, traveling by bus to meet her granddaughter for the first time, was arrested and taken off the bus when she couldn't provide proof of residency.

No word on whether that grandmother was actually in the country illegally.

All we know is that the woman didn't have proof of identification or residency on her, which is common for many older people who don't happen to drive and have no reason to walk around with a photo ID. According to a study by the Brennan Center for Justice, more than three million Americans don't actually own a government-issued picture ID. That group includes the elderly, the poor, city dwellers, young people, college students, and some rural residents who might not live near a DMV.

This isn't is a new occurrence.

A year ago, passengers arriving in New York's JFK Airport on a domestic flight from San Francisco were ordered to show their "documents" to border patrol agents in order to get off the plane.

With the government empowered to carry out transportation checks to question people about their immigration status within a 100-mile border zone that wraps around the country, you're going to see a rise in these "show your papers" incidents.

That's a problem, and I'll tell you why.

We are not supposed to be living in a "show me your papers" society.

Despite this, the U.S. government has recently introduced measures allowing police and other law enforcement officials to stop individuals (citizens and noncitizens alike), demand they identify themselves, and subject them to patdowns, warrantless searches, and interrogations.

These actions fly in the face of longstanding constitutional safeguards forbidding such police state tactics.

Set aside the debate over illegal immigration for a moment and think long and hard about what it means when government agents start demanding that people show their papers on penalty of arrest.


Agent on board Miami-bound Greyhound

The problem with allowing government agents to demand identification from anyone they suspect might be an illegal immigrant — the current scheme being employed by the Trump administration to ferret out and cleanse the country of illegal immigrants — is that it lays the groundwork for a society in which you are required to identify yourself to any government worker who demands it.

Such tactics quickly lead one down a slippery slope that ends with government agents empowered to subject anyone — citizen and noncitizen alike — to increasingly intrusive demands that they prove not only that they are legally in the country, but also that they are in compliance with every statute and regulation on the books.

This flies in the face of the provisions of the Fourth Amendment, which protects the American people from undue government interference with their movement and from baseless interrogation about their identities or activities. The Rutherford Institute has issued a Constitutional Q&A on "The Legality of Stop and ID Procedures" that provides some guidance on one's rights if stopped and asked by police to show identification.

Unfortunately, even with legal protections on the books, it's becoming increasingly difficult for the average American to avoid falling in line with a national identification system.

We're almost at that point already.

Passed by Congress in 2005 and scheduled to take effect nationwide by October 2020, the Real ID Act, which imposes federal standards on identity documents such as state drivers' licenses, is the prelude to this national identification system.

Fast forward to the Trump administration's war on illegal immigration, and you have the perfect storm necessary for the adoption of a national ID card, the ultimate human tracking device, which would make the police state's task of monitoring, tracking and singling out individual suspects — citizen and noncitizen alike — far simpler.

Granted, in the absence of a national ID card, "we the people" are already tracked in a myriad of ways: through our state driver's licenses, Social Security numbers, bank accounts, purchases and electronic transactions; by way of our correspondence and communication devices — email, phone calls and mobile phones; through chips implanted in our vehicles, identification documents, even our clothing.


Add to this the fact that businesses, schools and other facilities are relying more and more on fingerprints and facial recognition to identify us.

This informational glut — used to great advantage by both the government and corporate sectors — is converging into a mandate for "an internal passport," a.k.a., a national ID card that would store information as basic as a person's name, birth date and place of birth, as well as private information, including a Social Security number, fingerprint, retinal scan and personal, criminal and financial records.

Americans have always resisted adopting a national ID card for good reason: it gives the government and its agents the ultimate power to target, track and terrorize the populace according to the government's own nefarious purposes.

You see, it's a short hop, skip and a jump from allowing government agents to stop and demand identification from someone suspected of being an illegal immigrant to empowering government agents to subject anyone — citizen and noncitizen alike — to increasingly intrusive demands that they prove not only that they are legally in the country, but that they are also lawful, in compliance with every statute and regulation on the books, and not suspected of having committed some crime or other.

It's no longer a matter of if, but when.

You may be innocent of wrongdoing now, but when the standard for innocence is set by the government, no one is safe. Everyone is a suspect. And anyone can be a criminal when it's the government determining what is a crime.

Remember, the police state does not discriminate.

At some point, it will not matter whether your skin is black or yellow or brown or white. It will not matter whether you're an immigrant or a citizen. It will not matter whether you're rich or poor. It won't even matter whether you're driving, flying or walking.

Eventually, when the police state has turned that final screw and slammed that final door, all that will matter is whether some government agent—poorly trained, utterly ignorant of the Constitution, way too hyped up on the power of their badges, and authorized to detain, search, interrogate, threaten and generally harass anyone they see fit—chooses to single you out for special treatment.

We've been having this same debate about the perils of government overreach for the past 50-plus years, and still we don't seem to learn, or if we learn, we learn too late.

All of the excessive, abusive tactics employed by the government today — warrantless surveillance, stop and frisk searches, SWAT team raids, roadside strip searches, asset forfeiture schemes, private prisons, indefinite detention, militarized police, etc.—started out as a seemingly well-meaning plan to address some problem in society that needed a little extra help.

In the case of a national identification system, it might start off as a means of curtailing illegal immigration, but it will end up as a means of controlling the American people.

As I make clear in my book Battlefield America: The War on the American People, whatever dangerous practices you allow the government to carry out now—whether it's in the name of national security or protecting America's borders or making America great again—rest assured, these same practices can and will be used against you when the government decides to set its sights on you.

★★★

## An Unqualified Injustice

By Clark Neily

**(Cato Institute)** - One of the most important tools we have for holding police and other public officials accountable is the ability to sue them when they violate our rights. But the Supreme Court has undermined this vital accountability mechanism with a legal fiction called "qualified immunity." The court will have an opportunity to change course by agreeing to hear a case involving a tragic miscarriage of justice.

Andrew Scott was home playing video games with his girlfriend after midnight on June 15, 2015, when someone began pounding on the door to his apartment. The frightened couple retreated to Scott's bedroom, where he retrieved his pistol and then made his way back to the living room. Carefully opening his front door, Scott saw an armed man and started to back up. The man immediately fired six shots, striking Scott three times and killing him.

The shooter was Lake County, Florida, Sheriff's Deputy Richard Sylvester, who was investigating an assault and battery involving a dark-colored motorcycle several miles away. Seeing a dark-colored motorcycle in the parking lot outside Scott's apartment - but making no effort to connect the motorcycle to the assault or to Mr. Scott - deputies surrounded the unit, drew their weapons, and banged on the door without identifying themselves. When Mr. Scott answered the door with a gun in his hand, as he had a constitutional right to do, Mr. Sylvester shot him dead.

Andrew Scott

Qualified immunity was invented by the Supreme Court out of whole cloth and has no basis statutory text, legislative intent, or sound public policy.

Mr. Scott's parents filed a lawsuit, and the deputies moved to dismiss on the grounds that they had not violated any "clearly established" right and were therefore entitled to qualified immunity. The trial judge and the court of appeals agreed. The Supreme Court should take the case and dial back qualified immunity for three reasons.

First, qualified immunity was invented by the Supreme Court out of whole cloth and has no basis statutory text, legislative intent, or sound public policy. Federal law provides that police and other state actors are liable for the deprivation of "any rights."

But the Supreme Court has qualified that standard (hence the term qualified immunity) by substituting the phrase "clearly established" for "any." That was a blatant act of judicial policymaking, as University of Chicago law professor Will Baude demonstrates in a recent law review article that utterly destroys the originalist pretensions of qualified immunity.

Second, the clearly established standard is both malleable and perverse. It is malleable because it asks whether existing case law was sufficiently analogous to put officers on notice that their conduct was illegal. But the answer to that question nearly always be gamed simply by dialing the level of generality up or down.

For example, the Sixth U.S. Circuit Court of Appeals issued a recent decision, *Latits v. Phillips*, in which the judges unanimously agreed that a police officer violated the Constitution by shooting a fleeing suspect, but disagreed as to whether the violation was sufficiently clear to overcome qualified immunity. It all came down to their perception of whether existing case law placed the fact of the violation "beyond debate." One judge said yes, two said no: case dismissed.


The clearly established standard is not just malleable but also perverse because it provides the greatest protection for the worst conduct. Thus, the more outrageous an officer's actions, the less likely it will be that anyone else has behaved similarly and the harder it will be to find a case on point. Pity the Georgia man who was recently ordered to cut the head off of his own dog by deputies who shot it for being aggressive. If he sues, the deputies might well win precisely because their conduct was so far beyond the pale.

Finally and most importantly, qualified immunity sends police officers false signals about the constitutionality of their actions. Think about it from a cop's perspective: *The law says I'm liable for the deprivation of any right; this guy sued me for violating his rights, but the judge tossed the case; ergo, I must not have violated any of his rights.* That is a grave mistake for one officer to make in a single case; the consequences when countless officers commit the same fallacy in hundreds of qualified immunity cases across the nation are horrendous. Just ask the parents of Andrew Scott.

***Clark Neily is vice president for criminal justice at the Cato Institute. His areas of interest include constitutional law, overcriminalization, civil forfeiture, police accountability, and gun rights.*** ★★★

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

# COMMENTARY

## A Conspiracy of Silence Assaults Privacy

**By Judge Andrew Napolitno**

**(Townhall)** - At the beginning of the year, Congress passed and President Donald Trump signed into law vast new powers for the NSA and the FBI to spy on innocent Americans and selectively to pass on to law enforcement the fruits of that spying.

Those fruits can now lawfully include all fiber-optic data transmitted to or in the United States, such as digital recordings of all landline and mobile telephone calls and copies in real time of all text messages and emails and banking, medical and legal records electronically stored or transmitted.

All this bulk surveillance had come about because the National Security Agency convinced federal judges meeting in secret that they should authorize it. Now Congress and the president have made it the law of the land.

This enactment came about notwithstanding the guarantee of the right to privacy -- the right to be left alone -- articulated in the Fourth Amendment to the Constitution and elsewhere. Though the surveillance expansion passed the Senate by just one vote, it apparently marks a public policy determination that the Constitution can be ignored or evaded by majority consent whenever it poses an obstacle to the government's purposes.

The language of the Fourth Amendment is an intentional obstacle to the government in deference to human dignity and personal liberty. It reads: *"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."*

This specific language was expressly written to prevent the bulk suspicionless surveillance that the British government had used against the colonists. British courts in London issued general warrants to British soldiers in America, authorizing them to search wherever they wished and seize whatever they found. These warrants were not based on probable cause, and they did not describe the place to be searched or the people or things to be seized.

The Colonial reaction to the British use of general warrants was to take up arms and fight the American Revolution.

Last week, Congress and the president chose to ignore our history and the human values underlying the right to privacy. Those values recognize that the individual pursuit of happiness is best actualized in an atmosphere free from the government's prying eyes. Stated differently, the authors and ratifiers of the Fourth Amendment recognized that a person is not fully happy when being watched all the time by the government.

Yet the constitutional values and timeless lessons of history were not only rejected by Congress but also rejected in ignorance, and the ignorance was knowingly facilitated by the members of the House Intelligence Committee.

Here is the back story.

The recent behavior of the leadership of the House Intelligence Committee constitutes incompetence at best and misconduct in office at worst. The leadership sat on knowledge of NSA and FBI surveillance abuses that some committee members have characterized as "career-ending," "jaw-dropping" and "KGB-like," while both houses of Congress -- ignorant of what their 22 House Intelligence Committee colleagues knew -- voted to expand NSA and FBI surveillance authorities.

Stated differently, the 22 members of the committee knowingly kept from their 500 or so congressional colleagues incendiary information that, had it been revealed in a timely manner, would certainly have affected the outcome of the vote -- particularly in the Senate, where a switch of just one vote would have prevented passage of this expansion of bulk surveillance authorization.


Why were all members of Congress but the 22 on this committee kept in the dark about NSA and FBI lawlessness? Why didn't the committee reveal to Congress what it claims is too shocking to discuss publicly before Congress voted on surveillance expansion? Where is the outrage that this information was known to a few in the House and kept from the remainder of Congress while it ignorantly voted to assault the right to privacy?

The new law places too much power in the hands of folks who even the drafters of it have now acknowledged are inherently unworthy of this trust. I argued last week that House Intelligence Committee Chairman Devin Nunes was up to something when he publicly attacked the trustworthiness of the NSA and FBI folks whose secret powers he later inexplicably voted to expand. Now we know what he was talking about.

**Devin Nunes**

What can be done about this?

The House Intelligence Committee should publicly reveal the contents of its four-page report that summarizes the NSA and FBI abuses. If that fails, a courageous member of the committee should go to the floor of the House -- as Sen. Dianne Feinstein once took the CIA torture report to the floor of the Senate -- and reveal not just the four-page report but also the underlying data upon which the report is based. Members of Congress enjoy full immunity for anything said on the House or Senate floor, yet personal courage is often in short supply.

But there is a bigger picture here than House Intelligence Committee members sitting on valuable intelligence and keeping it from their colleagues. The American people are entitled to know how the government in whose hands we have reposed the Constitution for safekeeping has used and abused the powers we have given to it. The American people are also entitled to know who abused power and who knew about it and remained silent.

Does the government work for us, or do we work for the government? In theory, of course, the government works for us. In practice, it treats us as children. Why do we accept this from a government to which we have consented? Democracy dies in darkness. So does personal freedom.

***Judge Andrew P. Napolitano is the youngest life-tenured Superior Court judge in the history of the State of New Jersey.***

***Napolitano joined Fox News Channel (FNC) in January 1998 and currently serves as the senior judicial analyst where he provides legal analysis.***

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## SPLC Southern Poverty Law Center — Selling Hate

**By John Stossel**

**(Townhall)** - Who will warn Americans about hate groups? The media know: the Southern Poverty Law Center.

SPLC, based in Alabama, calls itself "the premier" group monitoring hate. Give us money, they say, and they will "fight the hate that thrives in our country."

I once believed in the center's mission. Well-meaning people still do. Apple just gave them a million dollars. So did actor George Clooney.

They shouldn't.

Ayaan Hirsi Ali grew up in Somalia, where she suffered female genital mutilation. So now she speaks out against radical Islam. For that, SPLC put her on its list of dangerous "extremists."

Maajid Nawaz was once an Islamic extremist. Then he started criticizing the radicals. SPLC labels him an "anti-Muslim extremist," too.

While launching hateful smears like these, SPLC invites you to donate to them to "join the fight against hatred and bigotry."

SPLC once fought useful fights. They took on the Ku Klux Klan. But now they go after people on the right with whom they disagree.

They call the Family Research Council a hate group because it says gay men are more likely to sexually abuse children.

That's their belief. There is some evidence that supports it. Do they belong on a "hate map," like the Ku Klux Klan, because they believe that evidence and worry about it?

I often disagree with the council, but calling them a hate group is unfair. In my YouTube video this week, the group's vice president, Jerry Boykin, tells me, "I don't hate gay people. And I know gay people, and I have worked with gay people."

But once you're labeled a hate group, you are a target.

One man went to the Family Research Council headquarters to kill people, shooting a security guard in the arm before he was stopped.

The shooter told investigators that he attacked the FRC because he found them on SPLC's hate list.

Calling the council a "hate group" made its employees the target of real hate.

SPLC also smears the Ruth Institute, a Christian group that believes gays should not have an equal right to adopt children. The institute's president, Jennifer Roback Morse, says they're not haters.

"I like gay people. I have no problem with gay people. That's not the issue. The issue is, what are we doing with kids and the definition of who counts as a parent."

The institute doesn't argue that gays should never adopt. "There could be cases where the best person for a particular child would be their Uncle Harry and his boyfriend," Morse told me. But the institute wants preference given to "a married mother and father."

For that, SPLC put the Ruth Institute on its hate map. That led the institute's credit card processor to stop working with them. In a letter to the institute, the processor company said that it had learned that the "Ruth Institute ... promotes hate, violence, harassment and/or abuse."

"We went and checked our website," Morse told me, "and we were already down."

I suspect SPLC labels lots of groups "haters" because crying "hate" brings in money.

Years ago, Harper's Magazine reported that SPLC was "the wealthiest civil rights group in America, one that now spends most of its time -- and money -- on a fund-raising campaign." People in Montgomery, Alabama, where SPLC is based, call its elegant new headquarters "the Poverty Palace."

"Morris Dees' salary is more than my entire annual budget," says Morse. "Whatever they're doing, it pays."

Dees, SPLC's co-founder, promised to stop fundraising once his endowment hit $55 million. But when he reached $55 million, he upped the bar to $100 million, saying that would allow them "to cease costly fundraising."

But again, when they reached $100 million, they didn't stop. Now they have $320 million -- a large chunk of which is kept in offshore accounts. Really. It's on their tax forms.

In return for those donations to SPLC, the world gets a group that now lists people like Ben Carson and Fox commentators Laura Ingraham, Judge Andrew Napolitano and Jeanine Pirro as extremists -- but doesn't list the leftist militant hate groups known as antifa.

SPLC is now a hate group itself. It's a money-grabbing slander machine. ★

## Can a Flawed Man Be a Good President?

**By Ben Shapiro**

**(Townhall)** - FBI deputy director Andrew McCabe -- a man who certainly should have stepped down months ago -- finally resigned from his active role at the agency. McCabe had been under President Trump's fire for months given his failure to recuse himself from the Hillary Clinton email investigation despite his wife having received nearly $700,000 in campaign donations from Clinton associates during her failed Virginia state senatorial race.

Shortly after his resignation hit the headlines, another story broke from NBC News: The day after Trump fired then-FBI Director James Comey, Trump was astonished and angered to learn that Comey had been offered a flight home on an FBI airplane. He allegedly called up McCabe and reamed him for allowing it. When McCabe dissented from Trump's diatribe, Trump told McCabe that he ought to "ask his wife how it feels to be a loser," apparently referring to her election loss.

This is, to put it mildly, gross.

But Trump isn't exactly shy about his grossness. "Loser" is one of his favorite terms of art.

All of this has been brushed off by conservatives. After all, Trump is providing some of the most conservative policy of the last half-century. Not only has he signed a massive tax cut into law but he has also slashed regulations, repealed the individual mandate, nominated conservative judges, moved the American embassy in Israel to Jerusalem, supported the anti-Iranian alliance in the Middle East and moved to box in Russia.

*Photo: Michael Vadon/Flickr*

He has presided over massive economic growth at home and the collapse of the Islamic State group in Syria and Iraq.

Trump's list of accomplishments should seemingly answer a question with which conservatives have been struggling: Can a bad man make a good president? The answer, obviously, should be yes.

What's more, the answer should have been obvious: Machiavelli suggested back in the 16th century that perhaps only a bad man can be a good politician. Machiavelli stated that virtue is an unrealistic and counterproductive standard for a statesman -- what is needed is virtu, a capacity to use virtue and vice for the achievement of a specific end. Even Aristotle, a devotee of virtue, suggested that good citizens need not be good men.

All of which makes sense. Bad men make great artists. Bad men make great athletes. Saints often die in penury; sinners often die in riches.

But Trump's list of accomplishments is only half the story. That's because the office of the presidency is about more than mere accomplishments: It's about modeling particular behavior. Bill Clinton was a successful president, but he was not a good one: He drove the country apart, degraded our political discourse and brought dishonor to the White House. The same was true for President Richard Nixon. Doing good things as president does not mean being a good president. Being a good president requires a certain element of character.

And Trump's character is still lacking. Perhaps in the end, conservatives should ignore Trump's character defects and take the wins; I certainly cheer those wins. Perhaps in the end, Trump's character will poison the wins themselves; we won't know that for years. We do know, however, that if we believe the president has two roles -- one as a policymaker, the other as a moral model -- then President Trump can only be half-successful so long as he refuses to change himself. ★★★

# Outrageous Prosecutorial Misconduct Comes Home to Roost in the Cliven Bundy Case

**By Bob Barr**

**(Townhall) -** There is an old Latin proverb, *"Fiat justitia, ruat caelum,"* which means, roughly translated, *"Let justice be done, though the heavens may fall."* On Monday, January 8, 2018, the heavens fell on the United States Department of Justice. More specifically, on that day a United States District Court Judge, Gloria Navarro, dismissed the criminal charges that had been pending against Nevada rancher Cliven Bundy, two of his sons, and a third defendant, for nearly four years.

What made this action especially significant is not simply that the judge dismissed the charges, but that she did so with prejudice, meaning the federal government cannot later retry the defendants.

Such steps by a federal judge – dismissing charges and doing so with prejudice – are not routine, but they are unusual; not so significant, perhaps, as to warrant special attention by persons not directly involved. What happened in the Bundy case, however, is that important.

Monday's announcement in the federal courtroom in Las Vegas should concern every American who carries with him or her an understanding of, and appreciation for, the rule of law. The judge's findings should frighten every American. Why? Because they document and confirm how easily any one of us could wind up like Cliven Bundy -- the victim of overzealous, dishonest and vindictive government employees; including, most disturbing, those within the Department of Justice.

**Cliven Bundy -** ***Photo: Gage Skidmore***

What makes the Judge's ruling so important, are the reasons underlying the decision. In her ruling, Judge Navarro found that the government (including the United States Attorney's office in Nevada and the FBI, among others) not only had withheld evidence from the defendants and their lawyers – evidence that was potentially exculpatory and could establish their innocence – but that it had done so repeatedly and willfully; that is, deliberately and maliciously.

A fair question might be posed, as to "why" the government had behaved in such a despicable manner; what was at stake that drove federal lawyers and law enforcement officers to engage in what the Judge noted was "outrageous" and "unconstitutional" behavior?

Was it money? After all, the federal Bureau of Land Management (a subsidiary of the Interior Department) was seeking over a million dollars from the Bundys; which, it claimed, was owed Uncle Sam because the ranchers' cattle grazed on land claimed to be owned by the U.S. government. But is there a dollar amount beyond which the Bill of Rights does not apply?

**The Bundy standoff near Bunkerville, Nevada April 12, 2014.**
***Photo: REUTERS/Jim Urquhart***

Was it an egregious violation of the Endangered Species Act as claimed by the feds; grazing that threatened the very existence of a tortoise that inhabited this particular patch of sagebrush? But is a tortoise more important in the eyes of our Constitution, that human beings; does it, too, trump the Bill of Rights?

Was it because the government had conducted a fair and objective "threat analysis" of the Bundys and their activities leading up to the stand-off that took place (and ended peaceably) on April 12, 2014, and found credible evidence that the family and its supporters posed a clear and present threat to federal officials? Is it now impermissible to peaceably assemble on any plot of soil claimed by the government to belong to the government?

The Judge noted that the Bundys' fear of federal surveillance and snipers, which preceded the 2014 stand-off, were in fact justified and well-founded; even though the government deliberately hid evidence of such actions and derided such assertions as fictions and "urban myths" conjured up by over-imaginative defendants.

The government claimed repeatedly that its agents "feared" for their lives in part because a "threat analysis" concluded that the Bundys and their supporters posed a very real and imminent danger of violent opposition. In fact, as the Judge found, the so-called "threat analyses" were based on nothing factual; and actually concluded just the opposite.

What appears to have been at the heart of the Justice Department's unconscionable behavior was sheer hubris; the arrogance that comes from a superior sense of status and power, built on decades of legislative and judicial decisions concluding that the federal government can do whatever it wants, whenever it wants, to whoever it wants and that its actions are not to be questioned.

A thorough investigation of this sorry incident is due by the Attorney General, the Secretary of the Interior, the head of the FBI, and perhaps most important, by those in the Congress responsible for ensuring that our Constitution and laws are carried out with a far higher degree of integrity and respect than that which has been afforded the Bundy family. Moreover, unless those responsible are punished appropriately, surely other American citizens will find themselves the targets of future witch hunts.

And, incidentally, why is this case largely being downplayed, if not ignored, by most media outlets?

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# After police killed LaVoy Finicum, His wife, Jeanette, takes up his cause and work

**Jeanette Finicum** - ***Photo: KOIN 6 Video Grab***

**By Matt Pearce**

**(Los Angeles Times) -** Before the police shot and killed her husband, Jeanette Finicum didn't know anything about ranching.

Since then, she's learned how to castrate cattle, drive a backhoe and a forklift — the kind of work her husband, Robert "LaVoy" Finicum, used to do, before he joined the ill-fated armed occupation of the Malheur National Wildlife Refuge in Oregon in January 2016.

She now oversees 80 head of cattle on her family's 16,000-acre allotment of federal grazing land, called "Tuckup," in remote northern Arizona.

Perhaps 16,000 acres sounds like a lot. (It's 25 square miles, slightly larger than Manhattan, or triple the size of Santa Monica.) But Finicum, 57, calls herself a "very small rancher" — not some big shot.

"It's actually quite a lot of fun, and I enjoy being out on horseback up on the mountains," Finicum said in an interview on Friday, the two-year anniversary of her husband's death. "It's peaceful. You can just feel God's hand in nature up there."

**'WE ARE NOT LEAVING': THE FINAL DAYS OF AN OREGON OCCUPIER**

Finicum sounded at ease on the phone. But she had just filed a wrongful-death lawsuit seeking at least $5 million in damages on behalf of her family against huge swaths of government — specifically, the United States; the FBI; the Bureau of Land Management; Sen. Ron Wyden (D-Ore.); the Oregon State Police; the governor of Oregon; Harney County, Ore.; a variety of other officials; an ecological activist group; and "John Does 1-100."

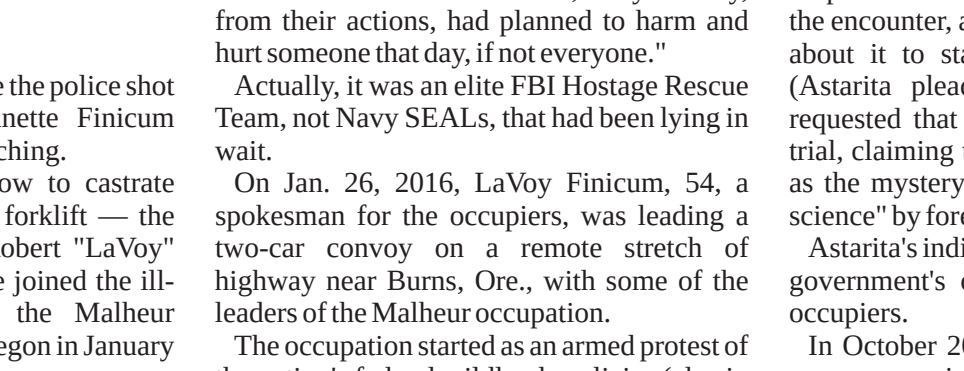
Like LaVoy Finicum, Jeanette Finicum has gotten a taste for fighting the system.

"We want justice and accountability for the death of my husband, LaVoy," Finicum said. "Our government planned a kill stop out on a remote piece of road where there was no cellphone access; they had planned many days in advance; they had called in a special unit team from D.C., a SEAL team; they had snipers in the trees; they clearly, from their actions, had planned to harm and hurt someone that day, if not everyone."

Actually, it was an elite FBI Hostage Rescue Team, not Navy SEALs, that had been lying in wait.

On Jan. 26, 2016, LaVoy Finicum, 54, a spokesman for the occupiers, was leading a two-car convoy on a remote stretch of highway near Burns, Ore., with some of the leaders of the Malheur occupation.

The occupation started as an armed protest of the nation's federal wildlands policies (also in support of the Hammond Family). No violence had broken out, but the protesters had occupied the refuge's facilities with pistols and rifles, alarming many observers and government officials. And on that day, after waiting more than three weeks, officials decided to put an end to the affair.



**LaVoy Finicum's final moments**

Police pulled up from behind and pulled over Finicum and the driver of the vehicle behind him. Soon, Finicum, driving the lead vehicle, raced away from the traffic stop. But waiting around a curve in the road ahead was a roadblock with armed Oregon State Police and FBI special agents.

One Oregon State Police trooper fired three shots at Finicum's truck as the rancher sped toward a law enforcement roadblock at 70 mph and crashed into a snowbank on a rural Oregon highway.

Then, after Finicum got out of the truck, the rancher reached for a loaded gun in his jacket, and two state troopers shot him three times, according to investigators who reviewed the shooting, which was deemed justifiable "and, in fact, necessary," by Malheur County Dist. Atty. Dan Norris.

The chase and the shooting were also captured by aerial footage that officials soon released, which did little to mollify Finicum's supporters, who were angered by the trap and the fact that Finicum was shot in the back, without a gun in his hand.

Their skepticism only grew when a federal grand jury indicted a member of the FBI's Hostage Rescue Team, W. Joseph Astarita, on suspicion of shooting twice at Finicum during the encounter, and missing him, but then lying about it to state and federal investigators. (Astarita pleaded not guilty and recently requested that the case be dismissed before trial, claiming the allegations identifying him as the mystery shooter were based on "junk science" by forensic experts.)

Astarita's indictment was far from the federal government's only black eye involving the occupiers.

In October 2016, an Oregon jury acquitted seven occupiers of weapons charges and conspiracy to intimidate federal workers. Three had represented themselves. A year later, a Nevada jury acquitted four supporters of the Bundy family, which was involved in a similar armed standoff near Bunkerville, Nev., in 2014.

**WHY CAN'T THE FEDERAL GOVERNMENT WIN CONVICTIONS AGAINST CLIVEN BUNDY AND HIS FAMILY?**

Then, a month ago, a federal judge declared a mistrial in a case against ranch patriarch Cliven Bundy and two of his sons after she found that prosecutors "willfully" failed to turn over evidence involving the Nevada standoff.

**LaVoy Finicum**

So given the government's track record, when Jeannette Finicum files a lawsuit against seemingly everybody on the other side, it's hard to say that the case doesn't have a shot, even though the law often gives ample protections to law enforcement officials accused of wrongful shootings — and even though her complaint starts by comparing the U.S. to North Korea.

"I don't believe he was 'repeatedly' reaching for a gun," Jeannette Finicum said, responding to the government's account of why Oregon state police shot Finicum. "My husband didn't carry his weapons recklessly like that. He was responsible. He always had been; so I don't believe that theory."

An FBI spokeswoman declined to comment on the pending litigation.

Finicum was far from alone after her husband's death. The couple had 12 children, and her advocacy on his behalf — which includes traveling to speaking engagements with ideological supporters — has also attracted an army of well-meaning strangers into her life.

"I had these two young boys come all the way down from Washington state, stayed two weeks and built three miles of fence," Finicum said. Another "gentleman" helped her fix her truck. "A couple spent their honeymoon with me, just wanted to come out and meet us, went looking for cows. It was just really wonderful."

She lost a husband, but, Finicum said, "I feel like my family has grown by thousands."

★★★

**Continued from page 7 • Cops Whisper to Turn Off Body Cams ...**

situations."

WRDW found out that just in the last two years that the department has worn body cameras, RCSO deputies violated policy 47 times. Not a single cop was fired for it either.

As to why the cops weren't fired, the chief says it is to teach cops to change their behavior. Although they committed a fireable offense, according to the department, the tiny little slap on the wrist likely serves as a deterrent from future criminal behavior.

"It's about changing behavior, and I think what you will find our complaints and incidents like that have gone down and down more, and if we can change a deputy's behavior without terminating them we don't want to have to do that unless it's intentional," Clayton said.

However, a vacation is hardly motivation to prevent a cop from committing a crime. Arguably, it acts more as an incentive to do so. Beat and rob a man, get a vacation. ★★★

# Slow Down, Officer: An Experiment in 'Building a Better Cop'


Photo: D.C.Atty/Flickr

**By TCR Staff**

**(The Crime Report)** - Police officers who took part in training designed to help them apply the principles of procedural justice to their daily routines were involved in fewer use-of-force incidents, and made fewer arrests than their peers, researchers found.

In a study released Wednesday in Criminology & Public Policy, a journal published by the American Society of Criminology, randomly selected officers were trained in what researchers termed a "slow-thinking" approach that encouraged them to modify how they gathered, processed and responded to information in areas with high incidences of crime.

The experiment was conducted in Seattle between May and November 2013, during a time when the local police department was experiencing a high turnover in leadership and was under a federal monitor. A group of officers were randomly selected to participate from among a pool of those who worked in high-risk "hot spots."

"The goal of the program was to influence the way that officers think about even the most mundane aspects of their job, potentially reducing the frequency with which officers engaged in behavior that could be perceived by the public as unjust," the study said.

During program meetings, officers were prompted to reflect on their thought processes and actions during relatively benign encounters, and supervisors were trained to engage the officers in the concept of procedural justice, which is based on the principle of treating all citizens with fairness and dignity, including those suspected of criminal behavior.

Reformers both inside and outside police ranks believe procedural justice is a critical factor in rebuilding trust and legitimacy for police in often hostile communities.

The six-month experiment was designed as a "low-risk, low-intensity" program, in which participating officers could determine when and for how long the sessions lasted–and were invited to be candid with supervisory personnel who conducted the trainings.

"The goal was to remind officers that authority does not always perfectly coincide with total control," the authors of the study wrote. "Allowing the officer to speak freely did not mean that the sergeant was not in charge of the meeting, in the same way that allowing citizens to speak does not need to diminish an officer's control over a situation."

To assess the results of the experiment, researchers compared the behavior of officers participating in the study with a control group of non-participating officers, using traditional performance measurements such as arrests. (They noted that there were no standardized criteria for measuring performance according to procedural justice principles).

The study found that in the six weeks following a supervisory meeting, participating officers were "less likely (than non-participating officers) to resolve incidents with an arrest and less likely to be involved in use-of-force incidents."

The authors added: "Furthermore, we found that the largest reduction in arrests occurred among officers who worked beats where there was a moderate level of 'predicted risk,' which we defined by using the frequency with which other officers used force, were injured, or were the subject of citizen complaints after working in that area."

The authors said their results prove that "a relatively minor supervisory intervention may cause substantive changes in how police and citizens interact with each other." ★★★

# 'Dreamers' and Demons

**By Michelle Malkin**

**(CNSNews.com)** - Xinran Ji, 24, had big dreams. But demons demolished them.

The bright hopes of young Xinran Ji, a University of Southern California engineering student from Inner Mongolia, died in 2014 at the hands of a then-19-year-old "Dreamer" and his thug pals. Mexican illegal alien Jonathan DelCarmen, who first jumped the southern border at age 12, pleaded guilty to second-degree murder last summer in the savage robbery and fatal beating of Ji -- who was walking home from a study group after midnight.

No, it wasn't President Trump, ICE agents, Republicans or conservative talk show hosts who racially profiled Xinran Ji. It was "Dreamer" DelCarmen and his partners in crime: Alberto Ochoa, 17, Andrew Garcia, 18, and Alejandra Guerrero, 16. The gangsters targeted Ji because he was Asian and assumed he "must have money." Guerrero had sent Facebook messages about wanting to "flock" (rob) white and Chinese people. Off-campus neighborhoods around USC are dominated by Mexican Mafia affiliates that target foreign students and shake down local businesses owned by law-abiding immigrants.

"Dreamer" DelCarmen and his friends stalked Ji on a street corner in south central L.A. before bashing him in the head with a baseball bat and a wrench. The attack was caught on multiple security cameras. Ji managed to stagger home to his apartment, leaving a quarter-mile trail of blood behind him.

Sometime during the night, Xinran Ji died in his bed. And the aspirations of his family, who sacrificed everything to send him to America to pursue his studies, perished with him.

"Dreamer" DelCarmen and his friends drove off to a nearby beach to rob two more innocent people in a city and state that have defiantly declared themselves "sanctuaries" for people in the United States illegally -- not for the best and brightest like Xinran Ji, but for lawless barbarians like Jonathan DelCarmen.

"It's like heaven fell down," Ji's father told Los Angeles County Superior Court Judge George Lomeli at Garcia's sentencing hearing.

"His life was taken by these demons," Ji's aunt added. "They robbed and killed an innocent youth with very vicious means, and this was inhuman."

Garcia received life in prison without the possibility of parole. Ji's parents' sentence was far worse: a brutal, violent and permanent separation from their only child. In Washington, D.C., however, some families matter more than others. And victims of indiscriminate open borders, like Xinran Ji, don't exist.

House Minority Leader Nancy Pelosi, proud promoter of sanctuary policies for illegal immigrants, led more than two dozen Democrats in turning the State of the Union address into "Take an Illegal Alien to Work Day."

Platitudes whitewash bloody reality.

"I want to be clear: DREAMers are Americans," declared Rep. Nita Lowey, D-N.Y., who invited an illegal alien from El Salvador who now works at Apple. "They contribute to our economy, our communities and our strength and stability as a nation."

Sen. Dick Durbin, D-Ill., brought a Mexican illegal alien, Cesar Montelongo, now enrolled in the M.D.-Ph.D. program at Loyola University Chicago Stritch School of Medicine.

"I hope Cesar's presence reminds President Trump what's at stake in the debate over DACA: the lives of hundreds of thousands of innocent young people who want to contribute to our country's future."

Democrats and pro-amnesty radicals protest any glint of sunlight shed on the destructive consequences of not enforcing our nation's immigration laws. They claim it's unfair to focus on single cases or "anecdotes," even as they promote DACA recipients as a holy, unassailable class of "honor roll students, star athletes, talented artists and valedictorians."

This propaganda, to which open-borders Republicans have fecklessly capitulated, is an offense to decency and truth. Xinran Ji was an innocent young person pursuing his educational dreams in America. He planned to return to China to use his knowledge to secure a better future for himself, his family and his community.

The blind beatification and elevation of illegal immigrant "Dreamers" above law-abiding native Americans, naturalized Americans, legal immigrants and their families will be the ruin of us all.

***US~Observer Editor's Note: The US~Observer recognizes our immigration system is broken. The Federal government should enforce what they are bound to by the US Constitution - create a path for the good to stay and enforce the law ensuring that the bad must go.***

***If you have a story regarding immigration, a personal experience with Immigration and Customs, or you have an opinion about it, we'd like to hear it. Also, if you have a problem involving immigration, contact us by writing to editor@usobserver.com.*** ★★★

Continued from page 1 • "Falsely Accused Step-Dad"

attorney had used excessive force to gain his agreement. Stone refused to allow Brown to withdraw the plea and sentenced him to 90 months in prison minus time served.

Michael Brown was released from prison on December 23, 2016 and is ordered to serve ten years of supervised parole less time served.

Our investigation has revealed that Mr. Brown requested a polygraph examination numerous times to show that he was being honest about not molesting Amanda, however the legal system in Yamhill County refused his request.

### AMANDA THOMAS' NUMEROUS AND SERIOUS FALSE ACCUSATIONS

Prior to Brown accepting the plea, the alleged victim, Amanda Thomas, was reportedly on probation for five years for using her grandmother's cell phone without permission. Amanda's grandmother Suzanne Thomas, as well as Detective Baltzell and probation officer Charles Terry, reportedly all had a history of threatening Amanda with the clause in her probation that stated, "You will obey all directions by your guardian or law enforcement. Failure to comply with directions will result in revocation of probation." As a result of violating, she reportedly spent several weekends in a juvenile detention home.

According to witnesses, Amanda had a history of "falsely accusing" Suzanne of physical abuse. Amanda also "had accused three previous, fellow students and school faculty members of rape (2007/2008)." One witness states that authorities confiscated over 600 pages of e-mails of Amanda's communications with strangers, involving sexual overtones.

According to Brown's family, he has found that life is hell for anyone who is forced to register as a sex offender. Brown is finding it very difficult to obtain a job and he is not allowed to be around any person under the age of 18.

### US~OBSERVER NEEDS INFORMATION ON AMANDA THOMAS

The US~Observer has questioned Brown's family members and each and everyone we have spoken to strongly claim that "Mike" would never do what he was accused of doing to Amanda Thomas. His daughter and sister both claim it was impossible for Mike to have committed any crime, much less sex abuse.

We are reaching out to anyone who has had contact with Amanda Thomas. Has she made statements to you regarding Michael Brown. People who make false accusations almost always admit what they have done to someone close to them. Are you that someone?

Please contact us at 541-474-7885 or email editor@usobserver.com if you have any information about Amanda Thomas, her grandmother Suzanne Thomas, Michael Brown's Attorney Eric Hanson or others involved with this case.

It is an extreme tragedy for someone who is innocent to be forced to live his life as a criminal, as a sex-offender. The social stigma of being marked as a sex offender, especially if you are innocent is as bad as it gets – it is pure misery! ★★★

Continued from page 1 • Walker "Land Theft" Case Set for Trial


Walker property corner

who was able to have their Summary Judgment Motion withdrawn.

Dorothy Walker has hired two surveyors and a national surveying expert out of Alabama to protect the property she and her husband had originally purchased. The US~Observer has had its own surveyors look at the issues in this case and they conclude, not only is Ms. Walker correct regarding the locations of her property corners, the surveyors on the other side of this case have relocated (changed) property corners and there is strong evidence "they have actually manufactured corners and placed them in wrong locations." Further, our experts tell us it is very clear that the Grangeville Highway District is attempting to claim property that belongs to Walker.

After literally spending hundreds of thousands of dollars to protect her property and thinking that her representation was finally adequate, Dorothy Walker relaxed a bit only to find out that Judge John Stegner, who was presiding over her case, was prejudiced against her. Upon discovering conclusive evidence of Stegner's prejudice, Hoyt forced the judge to recuse himself.


Recused Judge John Stegner

### JUDGE LUSTER APPOINTED TO HEAR WALKER CASE

Senior Judge John Patrick Luster out of Coeur d'Alene, Idaho is the new judge appointed to hear Dorothy Walker's case. Judge Luster conducted a "viewing" of the Walker property and will finally resolve this long-disputed case in April.

***Editor's Note: The numerous articles the US~Observer has published on the history of this case can be viewed online at www.usobserver.com. We will be attending the Walker trial and will be publishing a complete and accurate report as soon as the trial concludes.***

★★★

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Continued from page 1 • False Sex Abuse Case Headed for 3rd Trial

### POLICE DISMISS EYEWITNESS TESTIMONY AND ALLEGEDLY LIE IN THEIR REPORTS

Milwaukie, Oregon Police Officer Hector Campos writes in his report that, "He (meaning an eyewitness) said he was sitting on the rock and heard the woman yelling for help. He said he saw the male chasing her down the street and then saw police pulling up. He did not see or hear anything else." This was the entire content in Campos' report regarding the eyewitness.


Photo: Oregon Cop Watcher
**Officer Hector Campos**

The eyewitness to this incident gives a much different account of this case as is witnessed by a video (view video in the online version of this article at www.usobserver.com) questioning of this witness by Private Investigator Kenn Thomas. This video shows, without any question whatsoever, that Officer Campos failed to ask the eyewitness any pertinent questions. Not only does the eyewitness have much more to say than Campos purported, he clearly saw the entire event and his rendition vindicates Timothy Tignor. In essence, any prudent person who compares the video of the eyewitness with Campos' report would conclude that Campos lied in his police report. Further, when the eyewitness was asked what he told police by a Defense Investigator he stated, "I was asked for my ID and sent on my way." Unbelievable. Officer Campos; your actions are deceitful and disgusting!


**Bennett giving her statement**

The video also proves beyond any doubt that Prosecutor Sarah Dumont has totally ignored this eyewitness testimony as she has attempted to falsely prosecute Tignor during two prior trials – at tax-payer expense I might add.

When questioned by Damon Coates, the first Defense Investigator to work on this case, the eyewitness states that the whole incident lasted about 3 minutes. He further states that he could hear polite voices coming from Bennett and Tignor. After 1 – 1-1/2 minutes Bennett started walking away, yelling at Tignor and Tignor follows her asking, "Why are you doing this (which is clearly heard on Bennett's 911 call)?" When asked if there was any physical contact whatsoever, the eyewitness immediately stated, "Nope." It was very clear during Coates' questioning of this witness that the witness never lost sight of Bennett and Tignor other than to glance at his phone. This witness pointed out that he was waiting for his friend to arrive from the same direction as where Bennett and Tignor were positioned.

We have withheld the eyewitnesses name in this story due to the forthright nature of his testimony and because he didn't want his name published. The eyewitness was taking criminal justice courses full time when this incident occurred, and he had never met Bennett or Tignor.

So, the first question that is raised is why didn't Officer Campos ask more questions of the eyewitness if he was really trying to obtain the truth? The answer is that he wasn't. The police simply made a rush to judgment and arrested an innocent Timothy Tignor, when even a moderate questioning of the eyewitness would have proven that Bennett was "lying." You see, Bennett stated all kinds of things and even changed her story at least three different times. She states on the 911 call that Tignor "went to grab" her. She states, "went to grab" twice.

Officer Luke Strait took Bennett's statement and writes in his report that Bennett told him that Tignor rubbed his privates up against her while having an erection, after he grabbed only her sweatshirt, never her skin or arm. Bennett told Strait that during the 911 call, Tignor was rubbing himself on the outside of his pants. After being led and coached by the police and Prosecutor Sarah Dumont, Bennett claimed at trial that Tignor's hands were on the inside of his pants pockets rubbing himself. All of this happened as these participants ignored the fact that an eyewitness sat and watched the entire incident and stated that there was never any physical contact between the two. The eyewitness clearly stated that Tignor never grabbed her, or himself.

Based on the damning eye witness evidence, Dianna Bennett should be charged with filing a false police report, at the very least.

Clackamas County Assistant District Attorney Dumont has ignored eyewitness testimony, while she has made every attempt to twist the truth in open court. Dumont even had Tignor's charges increased from Sex Abuse III to Sex Abuse I (minimum 75 months in prison) on the word of false accuser Dianna Bennett.

### PROSECUTOR TAMPERS WITH DEFENSE WITNESS

Dumont went so far as to tamper with a witness when she called Defense witness Timothy Stoutt, a Multnomah County Deputy Sheriff. Dumont called Stoutt and proceeded to tell him, "You know he (Tignor) drug her (Bennett) down the street." No one in this case has stated that Tignor drug Bennett, so why would a deputy district attorney call a Defense witness and tell him this – obviously to try and deter or alter his testimony about Tignor's character at the upcoming trial. Stoutt was quite upset about this, not only because a deputy district attorney was trying to tamper with his testimony, but even moreso, because Tignor and Stoutt are good friends. Stoutt and Tignor have been friends for over 7 years and Stoutt was Tignor's "Best Man" at his wedding to Kasi on December 18, 2016.


**Timothy Tignor**

After nearly two years, two mistrials and tens of thousands of dollars spent attempting to receive justice from the Clackamas County justice system, Timothy Tignor is starting the whole process over for a third time. However, this time justice will be served. The US~Observer will make sure of that. Everyone will know the complete facts of this case – this travesty of justice!

Tignor has recently hired Attorney Per Olson of the prestigious criminal defense law firm of Hoevet Olson Howes PC to represent him for his third trial.

***Editor's Note: Assistant District Attorney Sarah Dumont should be terminated. Dumont's boss, District Attorney John Foote has been completely aware of the overwhelming facts in this case since December 4, 2017. Even though Foote's job is to seek justice, he has chosen to turn a blind eye and ignore this third attempt to falsely prosecute Timothy Tignor. This will surely do great damage to his reputation – as it should.***

***The US~Observer would ask that anyone who has information on any of the participants in this case call 541-474-7885 or email editor@usobserver.com.***

***We will be certain to provide the public with the results of this entire case as soon as it is resolved. We will be focusing in part on the very questionable actions and rulings of the three Clackamas County judges who have ruled on Tignor's case through his second trial. We have already determined that one of the judges was absolutely prejudiced and at least one other judge covered-up that prejudice.*** ★★★

Continued from page 1 • Lawsuit Filed Against Florida's Indian River County Sheriff's Department

brutality become a "national trend?"

### INJURED

After Minister Luongo regained consciousness, he realized he'd suffered severe injuries to his back. As he was being transported, he asked Deputy Cleveland to call an ambulance because he was having a hard time breathing. The Deputy made his an unqualified assumption and said, "no, you will be evaluated at the jail." The medical staff "evaluated" him in the booking area, "but no other medical assistance was sought or provided" for his injuries. Minister Luongo is now seeking $150,000.00 according to the lawsuit.


**Sheriff Deryl Loar**

### COLLUSION AGAINST MINISTER LUONGO?

Minister Luongo operated "He Shall Supply" food bank, feeding the homeless for more than a decade. He'd received several awards over the years for his humanitarian work. Then, in 2002, Coast to Coast (CTC) Landscaping moved next door to the food bank. Soon, CTC owner Jeff Gomez and Minister Luongo became at odds over what several witnesses described as a ruthless plot by Gomez to force the Minister into selling him the Minister's food bank. When that didn't happen, things became much worse for the Minister. False arrests, police reports, threats, abuse and poisoning were subsequently orchestrated by Gomez, according to witnesses. Did Gomez have a connection within IRC Sheriff's Department? One could believe this to be true. From previous encounters, Greg Stanley, an IRC Deputy spoke of this very question. He stated to Minister Luongo, with multiple witnesses present at that time that, "Gomez knows somebody on the inside because he is demanding I arrest you."

Minister Luongo was eventually arrested for violating a "frivolous" injunction against Gomez, along with "peacefully resisting arrest." That is where the lawsuit stems from. At trial, the Minister was acquitted of the injunction violation, but the colluded testimony by IRC Sheriff's secured a conviction for peacefully resisting. Minister Luongo ended up losing his appeal. He also lost his food bank. Even worse, the court ordered Minister Luongo to vacate his personal residence just a few blocks down the same road. Gomez was awarded a lifetime injunction against the Minister.

At this point, Minister Luongo found the only media who investigated his case, the US~Observer. Upon completing an in-depth investigation, there was no question as to the travesty of justice brought against the Minister, his staff and family.

### LIEUTENANT KENT CAMPBELL

It seemed odd that Lieutenant Kent Campbell arrested Minister Luongo. Lieutenant Campbell is second in charge at Indian River County Sheriff's Department. During his shifts, he's usually number one in charge as Sheriff Loar is typically off duty. Lieutenant Campbell rarely patrols, and according to multiple sources, he doesn't usually make arrests while in uniform. That is, "not his primary role" as a senior ranking Deputy. So, why did Lieutenant Campbell arrest Minister Luongo? It was discovered that Lieutenant Campbell's wife works for Jeff Gomez at CTC. Furthermore, according to Lieutenant Kent Campbell, he and Gomez are, "friends." This is what Minister Luongo believes to be the reason for his problems - Gomez and several IRC Sheriff's are very well connected.


**Lt. Kent Campbell**

### LAWSUIT SERVED

Minister Luongo claims he was made to look like a crazy guy because of the outlandish claims against him by a "connected" Gomez. After all, why would law enforcement officers abuse their authority? The local courts, attorney's, and many people in the community bought the lies, too. Helping substantiate the claims by Minister Luongo against IRC Sheriff's, his process server felt the wrath of Lieutenant Kent Campbell. The process server provided a written report entailing her encounter with Lieutenant Kent Campbell.

### LIEUTENANT KENT CAMPBELL OUTRAGED

The following is the process server's quickly-drafted e-mail account of the event:

*"Kent Campbell came to the front door and opened it. I said Hello Kent and announced my purpose and advised him what documents I was serving him. Kent stated get the f**k off my property you could have been bit by my dogs and slammed the door in my face. I advised Kent that he was served and was filling out my paperwork when the front door opened back up and Kent ripped the documents from my hands and knocked me back he thru the documents thru his living area and they landed all thru the living area. I asked Kent for my field sheet and the one of the summons back and he told me again to get the f**k off his property and slammed the front door. Kent's behavior was very aggressive toward me."*

Avoiding process serving, although not a crime, is quite telling of someone who is supposed to be an example in the community they are to protect. It is shameful for a law enforcement officer to avoid service. However, we'd like to point out that assault is illegal and by "knocking back" the process server he likely violated the law. Lieutenant Kent Campbell's actions, along with the support of Sheriff Loar and Deputy Cleveland are reprehensible.

***Editor's Note: As Minister Luongo's suit moves forward in court, we will continue to report at usobserver.com, where you can read a full background of Minister Luongo's case.***

***The US~Observer would also like to commend Attorney Jeffrey A. Fadley for his dedication to helping Minister Luongo.***

★★★

## Articles and Opinions

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

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

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

**Get involved & send YOUR comments or concerns to the Editor**

editor@usobserver.com

# 'Secret Discovery' Practice Violates Right to Fair Trial: Report

**By TCR Staff**

**(The Crime Report)** - Human Rights Watch (HRW) released an investigative report recently claiming that the U.S. government consistently violates the right to fair trial proceedings by "deliberately concealing methods used by intelligence or law enforcement agencies to identify or investigate suspects—including methods that may be illegal."

The international human rights body zeroed in on a common law enforcement practice called "parallel construction," in which illegally obtained evidence is re-discovered by some other means– most commonly through traffic stops (sometimes known as "wall stops" or "whisper stops").

"For example, if the government learned of a suspected immigration-related offense by a person in Dallas, Texas, through a surveillance program it wished to keep secret, it could ask a Dallas police officer to follow the person's car until she committed a traffic violation, then pull her over and start questioning her—and later pretend this traffic stop was how the investigation in her case started," reads the report. In one extreme case struck down by the Ninth Circuit in 2007, the government staged a car accident in order to conceal that its evidence had originated from DEA surveillance.

To investigate this practice, HRW studied interviews, judicial decisions, transcripts, briefs, and other court records from 95 relevant US federal and state criminal cases, in addition to other documents disclosed by the government, and media reports between April 2016 and October 2017. The organization also conducted interviews with 24 defense attorneys, current and former US officials, and experts from civil society groups.

Among the examples identified in the report are several cases in which surveillance data obtained by the NSA and/ or the FBI were used in investigations that led to prosecution. When challenged, the Justice Department claimed to be unaware that constitutional doctrines pertaining to illegally-obtained evidence can apply to foreign intelligence from non-Americans located outside the United States (section 702 of FISA).

The full report, Dark Side: Secret Origins of Evidence in US Criminal Cases, details how parallel construction:

• Is employed frequently and possibly even daily;

• Has roots in strained and untested government interpretations of U.S. Supreme Court and other cases;

• "May be employed by a range of federal agencies responsible for investigating suspected violations of criminal and immigration law"

• In particular, is employed by a part of the Drug Enforcement Administration (DEA) known as the Special Operations Division (SOD), at least part of which has been nicknamed "the Dark Side" and which the evidence suggests is responsible for passing tips to various law enforcement bodies with the expectation that those tips will not be revealed in court;

• Is employed by the FBI via non-disclosure agreements that direct local police departments to employ "additional and independent investigative means and methods" to avoid revealing the collection of telephone-related metadata using cell-site simulators

• Regularly relies on pretextual stops and searches of vehicles—an exercise of police powers that is sometimes known as a "wall stop" or "whisper stop" and that risks becoming unlawfully coercive

• May also rely on other tactics, such as attempts to find incriminating evidence by obtaining a suspect's consent to a search of his or her person or belongings, requests for call records (which do not require a warrant under US law), closed proceedings under the Classified Information Procedures Act, or the use of less-controversial intelligence surveillance methods to conceal more controversial forms

• Is at least sometimes used in investigations involving relatively minor offenses

• Prevents courts from providing oversight over surveillance and other investigative methods, and therefore from deterring law enforcement misconduct

• Is facilitated by prosecution tactics for resisting defense attorneys' efforts to find out how the cases against their clients truly originated, including prosecution claims that agencies such as the NSA are not part of the prosecution "team" and that prosecutors therefore are not required to find out if such agencies were involved in the investigation

*"At best, it displaces judges from their role of deciding which government behaviors respect rights and which do not. At worst, it is a legalistic form of deceit, one that renders proceedings unfair and may ensure that violations of rights—not only of defendants, but of the US population at large—stay in the shadows, undetected and unchallenged."*

HRW recommends that Congress address the problem through legislation requiring "disclosure to criminal defendants of complete information about the origins of the investigations in their cases," with special procedures in place when the information is classified.

*"Congress should also adopt legislation requiring that all executive branch agencies be treated as part of the prosecution for the purposes of obligations to disclose exculpatory information."*

★★★

# How 'Pseudoscience' Turns Sex Offenders into Permanent Outlaws

**By Appellate Squawk**

**(The Crime Report)** - A New York Appeals court has rejected the notion that risk prediction under the state's Sex Offender Registration Act (SORA) should have a scientific basis. According to the July 2017 decision in People v. Curry, courts must not only adhere to a risk assessment instrument (RAI) that has been repeatedly exposed as pseudo-scientific humbug, they may not even consider a scientifically validated instrument such as the Static-99.

It wasn't the first time. For the 20 years since SORA was enacted, courts have used the RAI to classify individuals after they've completed their sentences for a designated "sex offense." The classifications purport to show the person's likelihood of committing another sex offense in the future.

Persons adjudicated as level 2 or 3 are thought to be very dangerous indeed, and must register with law enforcement for the rest of their lives.

Their photographs, addresses, and a description of the past offense are made publicly available online at the sex offender registry. They may legally be denied jobs and housing, including shelters. They may be evicted, fired or hounded from the neighborhood by civic-minded vigilantes such as Parents for Megan's Law.

This looks an awful lot like advance punishment for a future crime, like the science fiction film "Minority Report." It also looks like a second punishment for a past offense—a practice the Constitution frowns on in the Double Jeopardy Clause.

Not at all, say the courts. SORA isn't punishment, but merely a regulatory measure to protect public safety. As one legislator put it, it's like affixing warning labels to toxic substances.

In that case, you'd think everyone would be deeply concerned to make sure that the label is as accurate as possible. It hardly contributes to public safety to broadcast over the Internet that Mr. Jones might commit a sex offense at any minute, when in fact he presents no such risk.

But that's not how courts think.

Risk level under SORA is determined through an adversarial hearing in criminal court where the prosecutor proffers the RAI and typically seeks the highest possible classification. The RAI is a chart, cobbled together by employees of the Department of Parole, that adds up points for factors such as whether the past offense involved contact over or under clothing, or whether the victim was under age eleven or over 62.

The more points, the higher the risk level.

Defense attorneys have repeatedly proffered peer-reviewed research and the uncontested expert testimony of psychologists specializing in sex offender recidivism showing that the RAI is based on the facile but discredited assumption that "if he did it before he'll do it again." The instrument takes no account of the scientific consensus that recidivism isn't correlated to the perceived heinousness of the past offense.

The scientific articles cited by the RAI are not only outdated; they don't remotely stand for the conclusions for which they're cited.

Although the RAI purports to be an objective scientific instrument, it uses its own idiosyncratic system of assigning and weighing points that's heavily biased towards a finding of maximum risk.

We've proffered instruments such

as the Static-99 and the SVR-20 which, unlike the RAI, have been tested and validated by mental health professionals. In contrast, nobody except New York judges and District Attorneys uses the RAI.

The judicial response ranges from numb indifference to sputtering indignation. The outstanding exception is Daniel Conviser, a trial judge in Manhattan, who issued a 100-page opinion in 2010 after hearing expert testimony. After analyzing the RAI in detail, he concluded that the instrument is so arbitrary that it violates due process. Unfortunately, his decision isn't binding on other courts and has been ignored.

It's like a drug test that can't tell the difference between coffee and cocaine.

Even courts that recognize that the RAI may not be "the optimal tool" initially reasoned that there's no harm in using it because it's "only a recommendation." But the Court of Appeals subsequently held that the RAI is so "presumptively reliable" that courts are bound by its conclusions unless the defendant can somehow prove that it overestimates his future risk.

The obvious course, until now, was for the defendant to show that a scientifically tested and validated instrument such as Static-99 put him at a lower risk. No dice, says the Appellate Division. Why? Because although the Static-99 measures the probability of re-offending, it doesn't say what offense the person will commit if he re-offends.

Which conveniently ignores that no matter what the RAI claims, it doesn't accurately predict anything.

It's hard to see how this implacable rejection of science squares with the notion that SORA isn't punishment but merely a regulatory measure to protect public safety. So long as risk prediction is based on the perceived heinousness of the past crime, it's nothing but punishment under an alias.

There are now over 40,000 New Yorkers on the sex offender registry, most of whom have been adjudicated as level 2 or 3 based on the RAI. Public safety isn't served by creating a permanent, ever-growing underclass of people who will remain forever barred from normal civic life based on a pseudo-scientific instrument.

***US~Observer Editor's Note: Although many are guilty of sex offenses, exonerations show there are enough false convictions to warrant more questioning of current policies.***

★★★

Continued from page 1 • Divorce From Hell: The Devil was the Details

Even though Lara is still living in the home, David has been in default on the mortgage that is in his name because Lara has failed to pay the loan on time. David was left to wonder, "will the court ever throw Lara out? Will I be able to buy my own place? I can't right now. Because of that loan, she's held me (financially) hostage for almost nine years, negatively impacting my credit!"

**DIVORCE**

The divorce was finalized on August 3, 2010. The court order spelled out everything that was to happen. Lara would get the house that David financed in his name. David would get nothing from the home except his personal belongings. Further, Lara had ninety-days to refinance or sell the home, removing David from the loan.

Unfortunately, David didn't even get many of his costly possessions. When he went to get them, "Lara hit my vehicle with her fist, then called 911 and blamed me (David) for attempted assault," according to David. He was then arrested, and Lara successfully obtained a protection order barring David from coming back. The charges were bogus according to a person who was raised by Lara; her own son. Fortunately for David, the prosecutor declined to prosecute the frivolous charges. To this day, David has never been convicted of a crime. He's a stand-up guy according to several people in his community.

**DAMNING LETTER FROM LARA'S SON**

In a letter written to this reporter, Lara's son stated life was normal as a child. Then, once he was old enough to understand right from wrong, things changed. He continued, *"My mom started working for a local gas station in Potlach and she became what I thought was friends with a guy that worked across the street who worked at the Grainery named Ron. I thought they were just friends until Ron and my mom took us sledding. I got cold, went back to the vehicle early and caught them wrestling around in the backseat. I was old enough to understand what was going on and I lost a lot of respect for her that day."* Then, David found out. His son continued, *"He welcomed her back with open arms... Everything went back to normal for a couple years until my mom started working for the Hill Crest Motel where she started having an affair with a gentleman that lived there. Now, I think back about those days and wonder if she had any (other) affairs while my dad and I took trips to Utah..."* He continued, *"What was a shock to me was she got a protection order against him,"* after the divorce. *"While growing up never once did I see my dad raise his voice to her let alone be physically aggressive, he always did what she told him to do."* He continued by stating David never spanked us kids. Her own son finished his letter by stating, *"She caused him a great deal of emotional pain and suffering."*

Latah County Courthouse

**ALMOST NINE YEARS LATER**

Over the years, David ended up spending thousands on attorney fees. He'd been through at least three attorneys – all for the purpose of trying to finalize his divorce. He'd go to court and the nonsense would continue. Having no clue why, coupled with being very let down by the legal system, David received a much-needed referral from a friend. Next, David contacted the US~Observer Newspaper.

Within four months of contracting the US~Observer, Lara was court ordered to vacate the home by midnight on March 15, 2018. David was provided complete control of the home from that time moving forward, until it is sold. He was given full control of choosing what Realtor to use, and his Realtor will choose the sales price. Furthermore, David and one of his children will be paid $15 per hour each to clean up the property, should it not be clean enough to sell upon taking control. In the past, the home has been completely trashed according to several people. Now, David is finally about to see the end of this nightmare divorce. He remains a little skeptical because there has been nine years of stalling techniques allowed by the court.

**MOVING ON**

From "cheating" (sex with multiple other men), to, "caught by police with drugs," Lara has allegedly done it all. There's also been, "false criminal allegations" against David, coupled with nearly nine years passing without eviction (90 days after divorce) or enforcement of the court's order! Lara has caused David much grief, and his credit to suffer, by putting the mortgage into default. She has also failed to return David's personal property. Not only did she wrong David, she's made a mockery of the Idaho Judicial System to which she has been held in contempt.

Those with the power to end this would be very wise to prepare an eviction notice, holding Lara accountable if she fails to vacate the home on March 15.

We would like to thank Attorney Doug Mushlitz for his recent work on behalf of Mr. Coley.

It is our hope that Judge John Judge will do the right thing and give David his life back by enforcing his order, the courts order.

★★★

Continued from page 1 • Desperate Prosecutor Intentionally Denies Justice

account, tells the true story; James and Angela Faire are innocent. Even the current Okanogan County Prosecutor, Branden Platter, has admitted, ***"I do not feel there is sufficient grounds to proceed on an intentional murder basis…"*** Still, the Faires are up against a renewed list of serious charges, with James facing the potential punishment of a life sentence – all for crimes they did not commit. It has to make any prudent person ask, is that reasonable?

After attending the Faire hearing on January 23, 2018, a professional associated with this case stated, "Prosecutor Branden Platter is not a human being, he's just an academic process. He doesn't care about the truth, he's only concerned with protecting his office from liability and from looking bad publicly. He's had overwhelming, factual and conclusive evidence of [the Faires'] innocence right in front of him for many months. This is the exact reason he has lowered all of their charges."

**HISTORY**

As previously reported by the US~Observer:

*On June 18, 2015, an incident occurred at the Sourdough Ranch in Aeneas Valley, Washington, that resulted in the loss of one person's life. In a rush to judgment, the Sheriff, investigators and the prosecuting attorney (then Karl Sloan) bought into a narrative created by a gang of witnesses who were factually the perpetrators of the only crimes committed… The deceased was none other than their ringleader. The crimes this gang carried out together and individually were: Conspiracy to Commit Kidnapping, Filing a False Police Report, Kidnapping, and Attempted Felony Assault in the First Degree. It was only because of their conspired efforts that one of their own was killed while attempting to kidnap the two people who have ultimately been paying the price for this gang's crimes.*

James Faire

James and Angela were arrested for murder and a litany of other concocted crimes. In the ensuing days, Angela's murder charge disappeared, and she was released on bail.

James languished in jail for over eight months while the system churned slowly through its processes, much of that time spent without any legal representation. Eventually, with the help of Attorney Stephen Pidgeon, James secured an incredibly low bail amount – not typically given to one facing a 1st degree murder charge unless the judge questions the merit of the prosecution's case.

Even now, almost 3 years after the incident, the Faires' lives are dedicated to working to fight their false charges and repair their reputations from the state's spurious allegations.

**NEW PROSECUTOR IN TOWN, MEANS NEW CHARGES**

On August 29, 2017, Branden Platter replaced Karl Sloan as Okanogan County's Lead Prosecutor. The Faires, their attorneys and the US~Observer all hoped Platter would take a fresh look at the evidence. His subsequent review and decision to simply amend the charges leave little doubt he is just trying to cover the county from liability and has little interest in serving actual justice.

As of January 11, 2018, Platter amended James Faire's charges from First Degree Murder, Assault in the First Degree, Theft in the First Degree, and Criminal Trespass in the First Degree to Vehicular Homicide or Manslaughter in the First Degree, Vehicular Assault, and Theft in the Second Degree. He has dropped the Criminal Trespass charge completely as there is no misconstruing the evidence that shows James and Angela did in fact have permission to be on the Sourdough Ranch property – which is the key to this entire case. If they had a right to be there, why were they being set-up as "squatters"?

**BUYING THE LIES**

Emails received by the US~Observer show that Platter purports to consider Richard Finegold to be a victim, instead of the criminal who filed the initial false police report that attempted to incriminate the Faires for something they never did.

Also, Finegold is somehow accredited by Platter with being the victim in the theft crimes James and Angela are being falsely charged with. In fact, Angela created a GoFundMe account in her own name, but for the benefit of her dying friend, Michelle St. Pierre. Finegold who was St. Pierre's live-in boyfriend and owner of the Sourdough Ranch property, never had any right to any funds from the GoFundMe account, yet Angela Faire maintains Finegold received the bulk of the funds. Finegold admitted in a deposition that he received $5,750.00 in cash. Finegold further admitted that Angela Faire provided more than the cash he received. Were the cash funds Finegold received used for Michelle, or some other purpose? Who is the thief? Other indisputable evidence shows that the Faires spent well over the $9,200.00 that Angela raised from her GoFundMe efforts on behalf of St. Pierre and her household.

Richard Finegold

Even though Platter continues to use Finegold's deceptive assertion, that a large sum of money was not handed over, to justify the Faires' charges, Platter readily admits, "I do recognize difficulty proving amounts…" Not only that, but by all accounts, Finegold was reportedly so out-of-touch with what went on during that time, Platter's use of Finegold's recollection for the sake of prosecuting the Faires should almost be considered criminal in and of itself. So, if he doesn't know the amounts, and he knows his "victim" to be an admitted liar, how can he charge James and Angela with any level of theft?

That must be a serious question facing the judge, too, and any potential jury. How can Angela Faire be charged with Felony Theft in the first Degree for over two years and then have it reduced by Platter to Misdemeanor Theft III, without their being serious questions to the validity of any charge? We'd also like to point out the fact that Platter should have no jurisdiction in the theft charge. The alleged crime happened in Snohomish County – her case in Okanogan should be dismissed on this fact alone!

Angela Nobilis-Faire

Interestingly, it was Angela's attorney, Richard Gilliland, who answered the question about continuing to charge the Faires at all during a phone conversation he and Angela had regarding her theft charges and a Stipulated Order of Continuance (SOC) Platter was offering her that would eventually dismiss the theft charge against her. An SOC is essentially a plea contract but without any admission of guilt. If you successfully complete the SOC terms, your case goes away. Angela's SOC was a "deal" Platter had put together that included a fee, lawyer's fees, restitution in the amount of $2,500.00 to be paid to Michelle St. Pierre's estate, no jail time, and an agreement to drop the charges after two years of Angela being crime-free. According to Angela she asked Gilliland, "Why doesn't he just dismiss everything? Why do we have to go the SOC route?"

"Because…" Gilliland started. "Because he has to. Because he's got political pressure … He'd get creamed as a prosecutor if he just gave everything away completely. I mean, he wouldn't have the job very long."

And there it is; the million-dollar answer. Prosecutors, like Platter, will refuse to do the right thing, for the sake of their political careers. So much for justice…

**A NEW, UNBELIEVABLE DEAL - PLATTER SHOWS HIS HAND**

As noted above, Platter offered Angela an SOC which Angela refused. He subsequently sent another offer, which on its surface, seems like a "sweetheart deal", but as with all things contractual there is a give and take, and Platter shows how conniving he can be "on the take".

According to the SOC terms, Angela Faire would have to remain free from any "criminal law violation" for a period of one year for her charge to be dismissed completely. Again, it sounds reasonable, but considering that almost any incident can escalate into a criminal law violation, it isn't much of a jump to suggest entrapment. Take for example being pulled over by an officer and asked for your ID. In many states you can simply decline and ask if you are being detained. However, in Washington State it is a misdemeanor to decline. It's also a criminal violation to protest the government in groups of 3 or more and not disperse when told to. Almost anything can become a criminal law violation if they are looking for a reason to get you.

Angela has a lifetime of flying straight and narrow. But it isn't the amount of time she faces having to live as she always has – without being a crook. It's about what she would give up if for some reason the system found a way to criminalize her once again.

According to the SOC, ***"Upon a determination that the Defendant has breached the terms of the Stipulated Continuance, <u>the Court shall immediately conduct a trial</u>. The parties stipulate that the police reports and documents attached hereto and all documents provided in discovery, physical evidence seized in this case, and any expert analysis of that physical evidence and lab reports, shall be admitted and considered by the judge <u>without objection</u> and, that the Court, <u>without a jury, shall conduct the trial.</u> <u>Defendant waives the right to testify, call witnesses or conduct cross examination</u>."*** (Emphasis Added)

Angela would have no right to defend herself from the allegations, no way to present her own evidence; she could, however, remain silent and face the determination of a judge who is part of the same system that has railroaded the Faires this entire time.

It just doesn't sound reasonable, and it didn't to Angela either, who turned down Platter's offer.

*(The 1st SOC was offered to Angela Faire in a conversation with her attorney. The 2nd SOC was presented in written form, which was acquired by the US~Observer, and can be read in its entirety on-line at usobserver.com.)*

**UNREASONABLE BEHAVIOR?**

With a statement in one of Platter's emails that reads, "I certainly recognize [James Faire's] claim of self-defense and understand it; however, I believe there is evidence that Mr. Faire did not act reasonably and that a dismissal would not be appropriate in this case," it begs the question: just what is reasonable when faced with an angry mob and an extremely large man violently attacking you with a deadly weapon?

Is it reasonable to conclude that when defending yourself, the first thing that is taught to people is to remove yourself from the situation if you can, before all else? So, was it reasonable for James to get back in his vehicle and attempt to flee the attack rather than using his gun to end the violent confrontation? Was it reasonable that the Faires called 911 as soon as it was possible to do so, to report the attack? Was it reasonable that James and Angela waited a lengthy time for police to arrive? Was it reasonable, after learning that an individual was killed during their escape, to remain silent and no longer talk with police?

Or, Mr. Platter, is it your opinion that it was simply unreasonable to have not known, in the craziness of the moment, that the woman James lost sight of ended up underneath his tires as he tried to protect his wife and escape? Tell me, would you have let the group beat you; pummel you with weapons – sticks (with foul slogans written on them), scissors, and a deadly weapon consisting of a lock on the end of a large chain – just to make sure no one was bent down under your field of view? Or, would you have tried to get out of there,

Continued on page 15

# Taxpayers stand to lose billions because government doesn't require full repayment of student loans

**By College Fix Staff**

**(The College Fix) -** "Income-driven repayment" is a way for people to pay off their student-loan debt in name only. They get to pay a percentage of their earnings each month and have the remaining debt forgiven in 10 to 25 years.

This might be profitable for the feds if more students were earning lucrative degrees, but instead it has become a massive drain on the Treasury, according to a new report by the Department of Education's inspector general that also faults the agency for poor transparency.

Photo: www.ccPixs.com

The Wall Street Journal reports that the Obama administration "heavily promoted" the debt-forgiveness plans with the aim of slowing new defaults – and they proved too popular for their own sustainability:

*Projected revenues have fallen short by billions of dollars in recent years because of the programs, the report said. The report estimated the government will make $5 billion on all loans made to students in the fiscal year through Sept. 30, 2015, down from $25 billion in profits projected for the cohort three years earlier. The income-driven repayment program will sap the government of $11.5 billion in revenue among the 2015 cohort.*

*"The data show the total costs for all loans…approaching an overall positive subsidy," meaning a net cost to taxpayers, according to the report sent to agency leaders from Patrick Howard, the department's assistant inspector general for audit.*

Federal student debt is now the second-highest debt in the U.S., just behind mortgages. Congressional Republicans are calling this out for what it is, a dangerous expansion of the welfare state:

*"What was designed as a temporary safety net has become the standard where students expect their debt to be forgiven after a certain amount of time," Sen. Lamar Alexander (R., Tenn.), head of the committee overseeing education, said in a Senate hearing this week. "We will not know the impact of so many borrowers being in this program for another decade, when the first set of borrowers begin to have their debt forgiven."*

Free-market college advocacy group Generation Opportunity blames federal intervention in the student-loan system for the unsustainable repayment programs.

In a press release Monday, the group correlated exploding Pell Grant outlays with a 500-percent increase in the cost of college in the past three decades. It noted a recent National Bureau of Economic Research study found that "expanded student loan borrowing limits are the largest driving force for the increase in tuition."

Generation Opportunity recommends Congress pass pending legislation in Alexander's committee that "reforms the college and university accreditation system and increases schools' accountability for student loans."

★★★

**Continued from page 14 • Desperate Prosecutor Intentionally Denies Justice**


**Weapons used by the group who ambushed the Faires. Can you say premeditated?**

just like James?

Let's hope you never have to find out. And, let's hope you never have to face the injustice of being falsely prosecuted, all because an investigator and his brother prosecutor decided to accept a story rather than the evidence; a slanderous story that the number one law enforcement officer parroted to the public without checking its validity. It's a deceitful story that still haunts the Faires to this day, vilified as murderous squatters.

Okanogan County should be ashamed of their officials.

There was never a moment when the Faires stole money or intended bodily harm to anyone. There was never any type of homicide or manslaughter. It was just an unfortunate accident brought on by the actions of the group that attacked James and Angela. James was just trying to flee the mob whose obvious intentions were to harm his wife and himself.

Where are the charges on the individuals who factually and admittedly committed crimes – like Richard Finegold and George Abrantes? Mr. Platter, why do you continue to buy into Finegold's cunning deception of using his moderate Asperger condition to cover-up the crimes he has committed? Finegold was the boyfriend of the very astute Michele St.Pierre. Finegold is a property owner, and he is a computer expert. Finegold completely understands the crimes he has committed, and he needs to be held responsible for those crimes.

Tell me Mr. Platter, is it reasonable to continue to waste the tax payer's money in an attempt to unjustly prosecute the Faires just to extend the short duration of your career? The US~Observer would like to bet that the public doesn't think it is.

**BREAKING: DESPERATE TO SCORE, PLATTER OFFERS ANGELA A NEW DEAL**

Knowing that he has no evidence to convict Angela (or James, for the matter) on the Theft charge, Platter makes a last-ditch effort to get Angela to sign a "Deal".

Just hours before going to press, we received information that Platter has agreed to drop the time that Angela is required to be "law abiding" down to six months. He will also drop the attorney fee requirement if she will accept this third SOC offer.

Now, let's recap Platter's attempts to extort an SOC deal from Angela Faire. First, she would have to be on semi-probation for two years, pay an undetermined amount for fines and attorney fees, and pay $2,500.00 in restitution. Angela refused this deal.

In the second deal, Platter was willing to drop the semi-probation period down to one year. He also dropped the restitution stipulation completely, and set the fine at $250.00 with $400.00 ordered for attorney fees. Angela rejected this offer.

Platter's third deal only requires Angela to be on semi-probation for six months and Platter will eliminate the attorney fee requirement. So, if Angela will pay a $250.00 fine and be good for six months, "benevolent" Okanogan County Prosecutor Branden Platter will dismiss the false Theft charge against her.

The US~Observer would suggest to any guilty party to take this kind of a deal, but Angela isn't guilty, and we can see no reason why Angela would take it. It is expected that she will reject it summarily, seeking her day in court when it can be determined once and for all that the Okanogan prosecutor's office falsely and maliciously pursued her for over two years.

At this juncture Mr. Platter needs to dig deep for a bit of intelligence. He should realize that he wasn't the one who manufactured the false criminal charges against James and Angela. Former corrupted prosecutor Karl Sloan and his incompetent detective brother Kreg are responsible for starting this tragic ordeal. I should add that when things began to get hot in Okanogan for these two crooks, they skipped town and left a very young and inexperienced Braden Platter "holding the bag".

If Platter is able to drum up enough smarts he will immediately drop all of the ludicrous charges against James and Angela Faire and he will file the appropriate criminal charges against Richard Finegold, George Abrantes and others. If not, he will wear this case like an albatross around his neck for the rest of his life.

One thing is certain, while Platter "make[s] an offer in every case," this is one case where we are confident no offer will be accepted. The Faires are innocent.

See you at trial.

***Editor's Note: Since reporting on Branden Platter becoming the Lead Okanogan County Prosecutor, the US~Observer has been contacted multiple times with information regarding his personal behavior.***

***If a person would attempt to destroy an innocent, just to save face and civil liability, then that person is quite capable of doing anything.***

***If you have information regarding Branden Platter, or the Okanogan County Prosecutor's Office, please contact us immediately by calling 541-474-7885.***

***Edward Snook contributed to this report.***

★★★

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

# Are You Facing False Criminal Charges?

# Have You Been a Victim of False Prosecution?

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

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

You then rush to an attorney, pay him a huge retainer to cover the usual $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.

There is only one way to remedy a false prosecution: Obtain conclusive evidence by investigating the accusers, the prosecutors, the detectives and your case. In other words, complete an in-depth investigation before you are prosecuted and then take the facts into the public arena where justice can be forced upon the corrupt.

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

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

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

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

For justice sake, don't wait until they slam the door behind you before contacting us if you are innocent.

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

## *Faces of the* US~Observer's VINDICATED

**Jose Velasco-Vero**

**Case Type: Felony Firearms Crimes**

**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**

"If it wasn't for the US~Observer I would have lost everything; my freedom, my family. You made sure that didn't happen!"

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