Promoting Excellence in Investigative Journalism

US OBSERVER
Vindicating the Innocent

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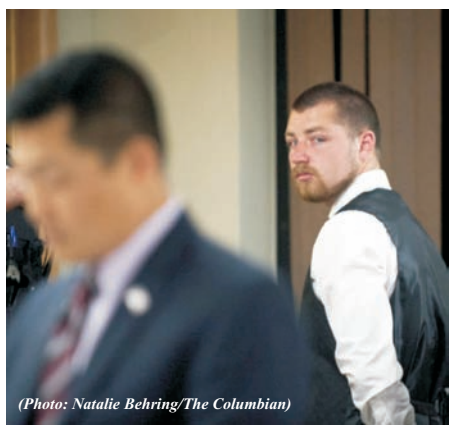
PROSECUTORIAL CORRUPTION

Prosecutor Disregards Confession of Killer

In the 3½ years leading up to the August 2018 trial of Rodney Franck, Clark County Deputy Prosecutor Kasey Vu has worked to cover up a botched investigation and to suppress evidence. Vu intends to control the outcome of the trial by convicting an innocent man of murder.

By Guy Bini
Investigative Reporter

Vancouver, WA - On April 23, 2015 a brutal assault in downtown Vancouver left 54-year-old Christopher Brewster fighting for his life. Mr. Brewster remained hospitalized in a coma until June 7, 2016 when he died from his injuries.


(Photo: Natalie Behring/The Columbian)

Rodney Franck looking toward Deputy Prosecutor Kasey Vu

On January 26, 2016 – 9 months after the attack – Vancouver Police Department (VPD) Detective Neil Martin conducted an interview at the request of 19-year old Vancouver resident, Spencer Austin Pell, who had come forward to turn himself in. During the recorded meeting,

Continued on page 11

US~OBSERVER VINDICATION

The Anatomy of Fighting a False Murder Prosecution

By Ron Lee
Investigative Journalist

Okanogan County, WA - On July 11th, 2018 came these welcomed words, "I am writing to advise you that the Court's decision is to grant the motion. The case will be dismissed." The email was signed by Okanogan County Superior Court Judge Christopher Culp. While it would take a day for the official Findings of Fact to be entered into the record, James Faire's 3-year-long nightmare, of first being falsely charged with murder then ultimately, under Prosecutor Platter, wrongly prosecuted for Vehicular Homicide and Vehicular

Continued on page 2

Polk County DA Felton Ignores Abuse
Justice System Attacks Real Victims While Protecting a Criminal

By Edward Snook
Investigative Reporter

Polk County, OR – In our last edition we featured an article about 60-year-old Matthew McDaniel, his family and a portion of the abuse that has been leveled against them by Polk County Department of Human Services (DHS), Polk County Sheriff's Department personnel and the Polk County District Attorney's Office. The article can be read online at usobserver.com.

This case is all about a delinquent daughter (name withheld – hereinafter referred to as *the delinquent*) lying to


Caseworker Aubrey Haverkost

caseworkers and a Polk County Sheriff's Deputy. Additionally, once unaccountable DHS caseworkers, like Aubrey Haverkost and others, get hold of even the most absurd allegation (a lie) they use it to systematically destroy a family. Suddenly, Dad's refusal to sign a passport application turns into multiple false charges of sex abuse. Good parenting is turned into crimes. And, most incredibly, the lies of the alleged victim are ignored, and she is protected.

Our investigation shows that DHS caseworker Aubrey Haverkost has worked endlessly with other caseworkers and supervisors to portray Matthew McDaniel and his wife Michu as unfit to have their children. Caseworkers have "relied" on a

Continued on page 10

Do You Have What it Takes to Survive a Bully?


Kathy Marshack, Ph.D.

By Kathy J. Marshack, Ph.D.

- Can you bounce back after being trashed by unscrupulous people?
- Do you believe that being right will win against corruption?
- Can you courageously stand up for yourself against those who are out to get you?

This column is dedicated to teaching you what I have learned the hard way, so that you can empower yourself against the games bullies play. In fact, most of the people that have been stalked, harassed, falsely arrested, and wrongfully prosecuted (as described in the US~Observer), know first-hand how to become a statistic of corruption. What they often do not learn are the tools of resilience. Tools that turn helplessness into courage, which in turn is the only way to win against those hell-bent on destroying you.

Continued on page 11

US~OBSERVER VICTORIES

The Wins Keep Happening
US~Observer Fights to Vindicate Clients

By US~Observer Staff

The US~Observer prides itself on making a difference in people's lives; in fighting the injustice of false prosecutions.

For those that secure our services and whom are truly guiltless, we become tireless champions of your cause. We find the evidence that others have overlooked. We create an awareness of your fight for justice that is hard for officials to disregard. If they do, we hold them accountable.

This year we have had many victories. From reuniting

Continued on page 3

The William McIver Story

How Prosecutors Target Professionals Who Expose Coercion in Sex Abuse Cases

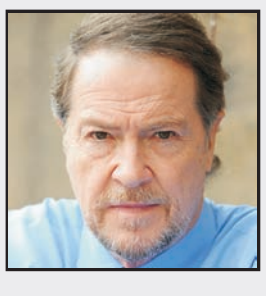
By Hollida Wakefield
Forensic Psychologist

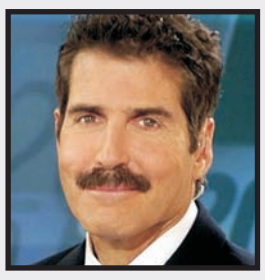

Dr. William F. McIver

In the 1980s and early '90s allegations of ritual sexual abuse in day care centers and communities swept the nation. This moral panic included satanic rituals, sex with animals, hidden rooms and tunnels, sacrifice, and murder. More than one hundred day care centers were investigated and, despite the fantastic and unbelievable nature of the allegations, people believed them. Mental health professionals assumed children didn't make up stories of sexual abuse so therefore the allegations had to be true. "Believe the children" became the motto for the vigorous prosecution of sexual abuse and the American Prosecutors Research Institute (APRI) set up the National Center for the Prosecution of Child Abuse.

Despite a lack of corroborating

Continued on page 13


John Whitehead
- The Constitution is Not Neutral
Page ... 8


John Stossel
- Dads Needed
Page ... 8


Stephen P. Halbrook
- History Lesson About Gun Control
Page ... 9


Robert Knight
- Deconstructing Young Minds
Page ... 9


Llewellyn H. Rockwell Jr.
- The Police State Abolishes the Trial
Page ... 9

Page 7

Page 15

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Continued from page 1 • James Faire's Case Dismissed!

Assault, came to its rightful conclusion.

The news quickly spread through the many supporters who know the facts of the case, and a collective sigh of relief was heard in the form of congratulatory comments which rolled in via Facebook and email. All were relieved for James and his wife Angela Nobilis-Faire - whose charges had been dropped earlier this year - and they were grateful for the US~Observer's reporting and efforts on the part of the Faires.

"I've been following the case and sending prayers your way!" - Jim F.

"Edward Snook [Editor-in-Chief of the US~Observer], thank-you for running quarterback on James' behalf... in fact, in reality, on behalf of LIBERTY!" - Dr. N.

"Now, Okanogan County needs to go after the 'REAL' guilty ones in this case. Richard Finegold, George Abrantes, Michael St.Pierre, and Ruth Brooks need to answer for the crimes committed against James and Angela Faire, and the death of Debra Long. Karl Sloan, his detective brother, Kreg Sloan and Branden Platter need to answer for the malicious arrest and subsequent false prosecution of James Faire. This travesty should never have happened in the first place, and should have never been allowed to continue once Platter became interim-prosecutor." - Jeff C.

Arian Noma, who is seeking to replace Branden Platter as Okanogan's Prosecutor in the upcoming election, even weighed in on the Faire dismissal saying, *"The Faire case is an example of prosecutorial misconduct, incompetence at best. A prosecutor must think, investigate, and learn the events and facts before charging anything – something that obviously didn't take place in Faire's case. It's taken three years to get this case dismissed, which equals many months of lost liberty; many months of being in jeopardy of losing liberty. It will take years for the Faires to rebuild their lives and they were not even guilty or convicted of any crimes. Despite this, just being charged, their reputations will be affected forever."* He went on to say, *"I appreciate your reporting in the Faire investigation, and my community appreciates your paper's search for the truth."*

And then came an email from Angela Faire...

"As I sit here in the quiet and think about 'where to from here,' I want you to know how very grateful I am to each one of you. There are not enough words that can express what is on my heart and my mind. Simply put, you saved my life; you have saved James' life."

Even though the *US~Observer* wins a great many cases, we don't often get such heartfelt communiques. Typically our clients, while immediately grateful, are too busy celebrating with friends and family to worry about sending such thoughtful expressions. Then the next day it's seemingly as if they want to forget the whole ordeal, including us. Who can blame them?

Then again, this case has been different from the very start.

Edward Snook knew James Faire previously and knew James was a upstanding, moral man who put others in front of himself. Snook wanted to help the man who had become his friend years earlier, and once the US~Observer officially became involved, we attacked it head-on. Our investigation was swift and in-depth. There were mountains of communications, calls, emails, texts, financial documents and police reports. And, every day there seemed to be more evidence that showed there had been a conspiracy and plan set in motion to entrap the Faires in made-up crimes, kidnap them, and even brutalize them.

Once it was established that a false police report had been filed by Richard Finegold against James and Angela just the day before the Faires were viciously attacked and had to flee, which sadly resulted in Debra Long's death, everything started falling into place. Not only was the only impartial eyewitness, Boyd McPherson, saying that James acted purely out of self defense, he was saying that James couldn't have even seen Debra Long before he inadvertently struck and killed her while escaping a serious assault. McPherson said that he was scared for James and Angela's lives as he watched them be attacked; that he was scared for himself when James pulled away and one of the mob started after him. It seemed as if McPherson, the only non-involved eyewitness, completely exonerated James of any wrongdoing and we thought that the police and, by then, the prosecutor would see that, too.

But their investigation, headed by Kreg Sloan (the then prosecutor's brother), seemed to stop at the witness statements of the four individuals who, by even their own accounts, conspired and attacked James and Angela. These people were Richard Finegold, Michael St. Pierre, Ruth Brooks and George Abrantes. *See the section "The Conspirators" on Page 3 for information on each individual, including the ringleader.*

According to Professor Gregory Gilbertson's assessment of the Faire Investigation he found, *"Okanogan County's investigation into Debra Long's death to be amateurish, incomplete, and inept …"* Apparently, among other failures, detective Sloan never even contacted the State Police to have them complete a "Total Station" crime scene diagram.

With much of our evidence of a conspiracy in hand, it was time to reach out to then Okanogan County Prosecutor Karl Sloan to ensure he had the whole picture. **He wasn't interested**. His stance was that James and Angela had been squatting, because that is what was reported by Finegold to police earlier (subsequently uncovered to have been a false report – which Finegold even admitted to), and that James willfully murdered Debra Long. It is a stance that was very publicly disseminated by Sheriff Frank Rogers the day after the incident on KREM2 News.

And just like that, Sheriff Rogers, the highest ranking law official in the county – who couldn't even bother to show up at the crime scene the day before – bought the county a whole heap of liability through his assumed-to-be-true, ignorant-of-all-the-facts and completely indicting statements.

To this day the US~Observer believes that if the senior Okanogan officials had not taken such a hard-line, public opinion on the case – thinking it was going to be a slam-dunk, hang-your-hat, career-maker – charges would have been dropped early on, especially when it was discovered that the narrative of their leading witnesses was built around a central lie, thereby proving James and Angela had not trespassed, stolen anything, squatted or willfully run anyone over.

Prosecutor Branden Platter

But then again, this Okanogan Government cartel probably just thought they could steam-roll the Faires just like everyone else in their cross hairs. Fortunately, the Faires had the US~Observer to fight against the government's injustices and expose the facts. Prosecutor Karl Sloan had never faced the kind of public opposition brought on by the US~Observer.

Since there was no reasoning with Prosecutor Sloan, who committed to an all-out false prosecution, the US~Observer had no other option than to go on the offensive and inform the public of the truth by publishing the Faires' story and distributing it throughout Okanogan County.

James, by this time, had already spent close to three months locked in jail without adequate representation. He had a public defender in name only. No one aided in his defense until after about six months of incarceration when he was able to retain Attorney Stephen Pidgeon. It took weeks and another US~Observer publication before Judge Culp lowered the bail amount for James and he was able to post bond.

James was forced to wear an ankle monitor and was severely restricted. It made making money for his defense literally impossible. But James is well known and respected and through the grace of many supporters, James and Angela were able to make ends meet but just barely.

Eventually, the court made the unprecedented move of allowing James to be free of his monitoring. When have you heard of someone charged with 1st Degree Murder running around free without monitoring? Never. It just doesn't happen.

Detective Kreg Sloan

The US~Observer always believed that Judge Culp saw the truth; that James wasn't a murderer.

But the prosecution continued, as did our publications. They were brutal and honest and justified in calling out the corruption that was taking place. How could justice be assured to anyone in Okanogan County if this was happening to James and Angela Faire? And, the US~Observer made sure to say so.

A little over two years into the fight, Karl Sloan called it quits. Did he right his obvious wrongs and side with the truth? No, he left his post to take a lesser paying job with the Attorney General's Office, leaving his handpicked replacement from his existing staff, Branden Platter, to continue the factually baseless prosecution.

Soon after Platter took over, James' defense team had Attorney Stephen Pidgeon write Platter imploring him to take a fresh look at the case. As a result of this, the mounting pressure by the US~Observer, or his drive to get a conviction through plea-bargaining, Platter reassessed the charges and downgraded them to charges demanding a much lower burden of proof on part of the prosecutor – in essence, it would be easier to convict someone of them.

Platter also dropped the trespass charge and lowered the theft charge.

In Angela's case, he offered her a series of plea deals hoping she'd bite on one of them. Ultimately, it was determined that Okanogan County didn't have jurisdiction to charge Angela with a theft crime and her charges were dropped completely to never be pursued elsewhere, based on the facts at hand; Angela is innocent.

Soon after Platter lowered James' charges, Edward Snook reached out to Platter asking him to serve justice and drop the remaining charges based on the evidence. Platter's response was to claim that he felt James hadn't acted reasonably by trying to flee from being violently attacked and he would pursue the charges.

I don't know about you but if someone was trying to smash me in the head with a large chain, and someone else was trying to potentially hurt my wife, I'm out of there! And, if someone gets in my way and gets hurt or killed, according to Washington State law, the person attacking me would be responsible! At least that is how it's supposed to work.

The fact is James Faire acted more than reasonably given the situation. Every witness claimed the scene was chaotic, and that it happened in a flash. This wasn't a long drawn out confrontation.

In one of his court filings Platter alluded to having evidence that George Abrantes attacked James with a chain after James had run over Debra Long. If he did, that evidence would go against literally every single one of the witness's recollections, including George Abrantes' own statements to police – fact is, Abrantes factually stated the exact opposite.

As the fight continued, and James' trial date neared, Platter's office had yet to hand over key pieces of discovery. This included all of the files and information that was contained on George Abrantes' cell phone, which had been downloaded onto Kreg Sloan's computer 3-years before.

Low and behold, Detective Kreg Sloan claimed that he no longer had the files. In what is a bizarre set of circumstances – utterly unbelievable if you are technically inclined – somehow, ***over two months after the date of the incident***, when he reportedly went to view the phone's data ***for the 1st time***, his computer was "infected by a Russian ransomware virus and all of the files were corrupted and had to be deleted."

Assuming his story is true, for the better part of 3 years he reportedly didn't say anything to the prosecutor's office, nor did he seek to retrieve Abrantes' phone for another data dump. Instead, he simply didn't do anything.

Interestingly, after Abrantes was contacted by the prosecutor's office in early 2018, he admitted to deleting the files to "free up space" on his phone. He literally had texts to and from Debra Long and all the others for 3 years, along with potential video of the incident, and he suddenly deletes everything because he needed more space? Are we seriously supposed to believe he wasn't informed that they might need his phone back, or that he didn't delete those files to hide evidence?

Stephen Pidgeon filed a motion to dismiss based on this new information, and with much thoughtfulness, Judge Culp granted it.

In his decision and Findings of Fact Culp concluded, *"The cumulative effect of the government's actions, or inaction, constitutes sufficient bad faith that dismissal is required."*

He expounded, *"In this case the Abrantes phone was intentionally returned to Mr. Abrantes before any attempt was made to ensure the data extracted from it was retrievable. The decision to return the phone was not accidental or inadvertent; it was deliberate. By itself, this act (returning the phone) seems unusual and not normal. Indeed, other electronic devices of witnesses or the co-defendant have not been returned, even though the Court assumes similar data dumps have been executed on them. ... the net effect of the phone's arbitrary return, not running a report*

Continued on page 3

THE CONSPIRATORS

Richard Finegold – boyfriend to Michele St. Pierre, a friend of James and Angela whom had been suffering from breast cancer and just days earlier died. Richard owned the Tonasket property where James and Angela were attacked, and Debra Long was killed. Richard willfully and admittedly filed a false police report, on Debra Long's prompting, to suggest James and Angela were squatting on his property, when in fact he had previously given them permission to be there. Richard was instructed by Debra Long to run to the neighbors and call the police when the Faires showed up on his property to get their things back and tell them the squatters were back.

Michael St. Pierre – brother to Michele, who had just passed away. Michael had been told by Debra Long that James and Angela had said hurtful things about Michele and Richard, and that they had stolen from her, all things he never heard first-hand. Michael, enraged by what he heard, accosted James and Angela, violently screaming at them through the passenger-side window. Michael chased the only uninvolved witness off the property before going to a neighbor's house to call 911. In a subsequent interview, Michael stated that George was smashing at James with a chain and that even he could not see Debra Long in front of James' truck.

Ruth Brooks – a friend of Michele's, who came to help her in her final days, heard the same malicious rumors regarding the Faires from Debra Long. She, too, was angered by what she was told and participated in hiding vehicles out of sight so the Faires wouldn't know the group was lying in wait to ambush them when they arrived at Richard's property. Once the Faires arrived, Ruth was given a phone to video record the confrontation. She claims she couldn't get it to work. She was positioned behind and slightly on the driver's side of the truck. According to McPherson, she was holding the phone up as if recording the whole time. After James, Angela and McPherson fled, and Debra lay deceased, Ruth Brooks is one of 3 people who could have altered the crime scene. The phone Ruth was using to record was placed with Debra on the ground. The car she had previously hidden was driven back up before police arrived to make it look like there was no ambush, and the length of heavy chain with a lock affixed - which was used to attack James and Angela - had been placed in some rocks some 50 feet away. Ruth Brooks subsequently stated in an interview that George Abrantes came straight at James and Angela swinging the chain at them.

George Abrantes – was a tenant in Michele St. Pierre's home in Stanwood, Washington. George lived there with Michele, Richard Finegold, Michael St. Pierre and briefly Ruth Brooks. James and Angela had even lived there for a time. George was sending text messages back and forth with Debra Long while Debra met with the Faires the day Michele passed away. It was the same day that Debra came back to the house with a concocted story and told everyone James and Angela had been saying cruel things and had been squatting on Richard's property. It was George who purchased and used a large-gauge chain with a padlock attached to it as a weapon, violently striking at James Faire. It is George's hospital interview that is believed to be what prosecutors have been using to justify their pursuit of James. It was George Abrantes' phone that Ruth Brooks allegedly filmed the incident on. The phone had been taken by police at the scene, thinking it was Debra's, because of its placement. George's phone became the center of James Faire's motion to dismiss.

Debra Long - the mastermind and the decedent. Long had been introduced to Michele St. Pierre as someone who might be able to help her forestall or prevent foreclosure of her properties. She claimed to have her own law firm. Long persuaded Michele that the best way to save her properties was to put them in trusts in which Long was the Trustee. These Trusts were structured so that Long could control the properties or profit from them – a far cry from protecting them! In fact, $25,000 was "borrowed" against one of the Trusts before Michele died. No one knows where that money went. According to public records, it did not go to pay past due property taxes. The recorded Deed of Trust (DOT), that wasn't filed with the county until after Michele's death, can be viewed in the online version of this article.

Long also began urging Richard Finegold to place his Tonasket, WA ranch, that he owned outright, into a similar trust.

Long lied to protect her scheme, directed Finegold to break the law and ultimately created the conspiracy that led to her own death. Long's grand scheme to take over Michele St. Pierre's properties and the Tonasket property belonging to Richard Finegold, died with her.

Continued from page 2 • James Faire's Case Dismissed!

of the extracted data before the return, the ransomware attack and encryption of the data so that it could not be retrieved and subsequent loss of the text messages, among other possible evidence, is tantamount to bad faith in its impact on the defendant. To return the phone before ensuring the data could be retrieved necessarily means the defendant has no chance to present material evidence probative of his self-defense claim."

Judge Culp essentially indicted Karl and Kreg Sloan, while throwing Branden Platter a lifeline. Perhaps he forgot Platter had worked for Sloan prior, and potentially worked on this case during the time all these egregious actions took place; actions that, according to Judge Culp, prevented James Faire from ever being able to have a fair trial.

Actually, Platter is every bit as liable for this mess as the Sloan brothers in that he had much more detailed evidence in front of him for the past year than Sloan had during his two years of falsely prosecuting the Faires. At the end of the day, they all share responsibility for their attempted destruction of the Faires – all for the sake of frantically trying to protect their phony public images, and desperately working to keep from owning the liability they are obviously responsible for.

Upon hearing the news of the dismissal, Edward Snook looked up from behind his computer monitor and said, *"Damn, I wanted this to go to trial. There isn't a jury in the world that would have convicted James on the evidence. But I am thrilled for James and Angela."*

Mr. Snook continued, *"Mark my words, though, Branden Platter, as corrupt as he is, will do anything to revive this case or keep it going until he gets past the upcoming election in November. He will appeal it if he can, simply because he will think his career is over if he doesn't. He isn't smart enough to realize that his career of abuse is already over."*

Editor's Note: With an election upcoming, the citizens of Okanogan County need to take a long, hard look at the kind of person they want running their prosecutor's office. Someone like Platter who believes it is okay to turn a blind-eye to facts and reasonable judicial rulings in order to achieve a conviction at all cost. Or, someone like Arian Noma who says he will, "work to achieve justice, not just convictions."

We trust it's the latter.

James Faire and Angela Nobilis-Faire are two of the hardest working, kind, human beings this publication has had the honor of featuring. They have suffered much hardship and pain throughout this sham process, yet they remained vigilant.

Supporting documentation has been added to the online version of this article which can be found at www.usobserver.com.

★★★

Continued from page 1 • The Wins Keep Happening ...

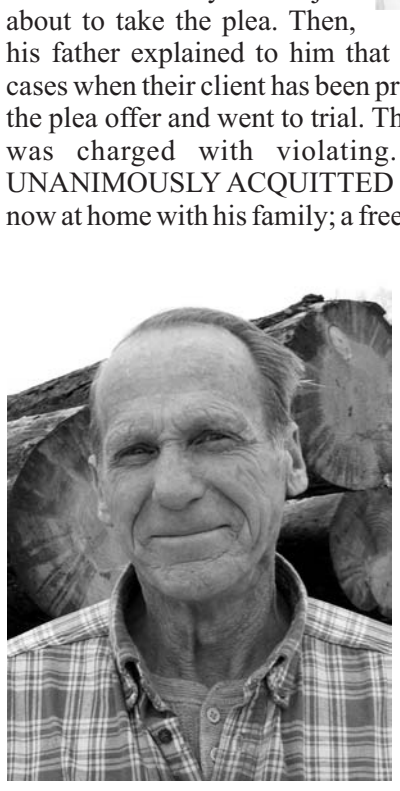
families who have been wrongly taken by Child Services, to ensuring those facing false charges are afforded justice either before they go to trial or by a jury of their peers, the US~Observer's efforts are truly paying off. Here are a few of our featured wins:

The Bluetears - Having their son stolen from them at birth over false allegations, the Bluetears fought against a system that would seemingly stop at nothing to violate the Bluetear's rights. At the advice of a friend who was familiar with our work on child services cases, the Bluetears entrusted the US~Observer to help them bring their son home. The US~Observer investigated and publicly exposed the state for the egregious violations a few rogue agents were forcing upon the Bluetears. It was a fight, indeed. Now, the Bluetear family is restored. Their son is finally home!

Timothy Tignor - Having been through two trials which ended in hung juries, Timothy found the US~Observer prior to his third trial. He put his faith in the hands of a newspaper that has championed the innocent by helping defeat thousands of wrongful criminal charges over the past 30 years.

In short order, Timothy received the great news before his third trial was to start - all of his charges were being dismissed! Just like that, no third trail. Timothy is now a free man, without the threat of being wrongfully convicted hanging over his head.

Bryan Tucker - Facing 16 felony crimes and 200 years if convicted, Bryan spent nearly 7 months in jail before the state attempted to extort a guilty plea. "Say you did it and you'll only get five years in prison." Fortunately, Bryan's father had found the US~Observer before that plea offer. Accepting the plea also meant Bryan would spend a lifetime after being released having to register as a sex offender. Fortunately, Bryan was innocent. Bryan was just about to take the plea. Then, his father explained to him that the US~Observer doesn't lose cases when their client has been proven to be right. Bryan rejected the plea offer and went to trial. The jury nullified the laws Bryan was charged with violating. As a result, Bryan was UNANIMOUSLY ACQUITTED by a jury of his peers. Bryan is now at home with his family; a free man.



David Coley - Having been dragged through court during a divorce that lasted nine long years, David found the US~Observer. He enlisted the help of the US~Observer and is now able to live life after a highly contentious divorce.

David claimed that he was being taken advantage of by many who he thought were supposed to help. The US~Observer investigated and agreed with David. Within six months, the major problems with David's divorce were over. His wife was finally evicted from the home that she had wrongfully stayed in for nearly nine years. The court is finally enforcing the divorce order albeit long past due. David can finally begin to move forward with his life!

★★★

In The News

13-Year-Old Charged with Felony for Recording Conversation with School Principal

By Lenore Skenazy

13-year-old, Paul Boron, faces a felony

(Reason) - A 13-year-old hauled into the principal's office for not serving his detention may end up with the biggest detention of all: a felony conviction. That's because the kid recorded the conversation on his phone.

The incident took place last February at Manteno Middle School, which is about an hour outside of Chicago. Young Paul Boron was arguing with Principal David Conrad and Assistant

David Conrad and Nathan Short

Principal Nathan Short.

About ten minutes into the meeting, which was held with the door open, Boron told the men he was recording it. At that point, the

principal told Boron he was committing a felony and ended the conversation. But then, according to the Illinois Policy Institute:

Two months later, in April, Boron was charged with one count of eavesdropping – a class 4 felony in Illinois.

"If I do go to court and get wrongfully convicted, my whole life is ruined," said Boron, who lives with his mother and four siblings..."I think they're going too far."

.... Members of the Manteno Community Unit School District No. 5 board, Conrad and Short have not responded to requests for comment on the incident.

Unfortunately for Boron, there is a law against recording people without their consent in Illinois. There's even a rule against it in the student handbook. But the handbook also says that it is fine for the school to have video cameras monitoring the public areas of the building. In other words, it's fine to keep the kids under constant surveillance, just not the administrators.

Illinois law is tough on citizens who "eavesdrop." For example, the Policy Center reports, "Michael Allison was charged with a felony for recording his own court hearing after the court did not provide a court reporter" – a case crazy enough to bring Orwell storming back from the grave.

At one point, the state's law saying all parties who are being recorded must consent was struck down. But a new eavesdropping law popped right back up with a carve-out for citizens recording police encounters.

All of which means Boron's middle school misbehavior could end up on his permanent record. Sometimes the law is neglectful of liberty, and no friend to tech savvy 13-year-olds. It would be a terrible tragedy if Boron was forced into the criminal justice system for such a silly infraction. ★★★

High Court Ruling a 'Victory' for Digital Privacy Rights, says ACLU

By Megan Hadley

(The Crime Report) - Americans have won a "ground breaking" victory for privacy rights in the digital age, thanks to last week's Supreme Court decision requiring police to seek a warrant in most cases to access cell phone data, according to a privacy expert with the American Civil Liberties Union (ACLU).

The ruling "opened up the path for future cases to apply the Fourth Amendment to all kinds of digital data that American's can't avoid using in their daily lives," said Nathan Wessler, the ACLU attorney who represented Timothy Carpenter, the defendant in the case.

Timothy Carpenter, had been sentenced to 116 years in prison for his role in robberies of Radio Shack and T-Mobile stores in Michigan and Ohio. Cell tower records that investigators received without a warrant bolstered the case against Carpenter.

Investigators received the cell tower records with a court order that requires a lower standard than the "probable cause" needed to obtain a warrant.

Wessler noted that as technology develops, privacy rights will have to follow.

In an interview with The Crime Report, he called the ruling "a strong rejection of the government's position that by merely using modern technology (which results in data storing) we give up privacy rights to digital records."

"The ruling strongly defends people's privacy rights and cell phone location data, which can reveal so much private information about where we go an who we spend time with."

According to Wessler, without proper privacy laws, law enforcement has access to a plethora of information through data sharing.

"Technology is giving police capabilities that were unimaginable a decade or two ago and right now there are many other ways police are gathering evidence," he said.

He listed facial recognition, smart devices that monitor heart rate, news apps that reveal what you're reading and what your politics are, and dating apps that reveal your relationship status as possible information that police could collect.

There are so many permutations of sensitive digital data that courts will have to be grappling with very soon, he warned.

"But going forward, cautious and responsible police and prosecutors should get warrants whenever they request phone data."

"If they don't, they are risking [having] their evidence thrown out when courts interpret what Supreme Court was talking about."

Megan Hadley is a staff writer for The Crime Report.

★★★

This is the First FDA-Approved Medicine Derived From Cannabis

(Reason) - The Food and Drug Administration approved Epidiolex, an oral cannabidiol solution made by the British company GW Pharmaceuticals, as a treatment for two forms of severe, drug-resistant epilepsy. Although a synthetic version of THC, marijuana's main psychoactive ingredient, has been legally available as a treatment for nausea and appetite loss since 1985, this is the first time the federal government has given its blessing to a medication derived directly from cannabis.

The plant itself is still listed in Schedule I of the Controlled Substances Act, meaning it has a high potential for abuse and no accepted medical use. In light of the FDA's decision, that designation is clearly no longer appropriate for cannabidiol (CBD), which is not psychoactive but has shown much promise as a medicine.

Patients who received CBD in three randomized, double-blind clinical trials saw much bigger improvements than patients who received placebos. In a study of 225 patients with Lennox-Gastaut Syndrome, for example, the median number of "drop seizures" (which can cause falls) during a 28-day period fell from 85.5 to 44.9 in the high-dose group (a decrease of 49 percent), from 86.9 to 50 in the low-dose group (43 percent), and from 80.3 to 72.7 in the placebo group (21 percent). In a study of 120 patients with Dravet Syndrome, the median number of convulsive seizures over 28 days fell from 12.4 to 5.9 in the CBD group (a drop of 52 percent) and from 14.9 to 14.1 in the placebo group (5 percent).

"The difficult-to-control seizures that patients with Dravet syndrome and Lennox-Gastaut syndrome experience have a profound impact on these patients' quality of life," said Billy Dunn, director of the Division of Neurology Products in the FDA's Center for Drug Evaluation and Research. "In addition to another important treatment option for Lennox-Gastaut patients, this first-ever approval of a drug specifically for Dravet patients will provide a significant and needed improvement in the therapeutic approach to caring for people with this condition."

Twenty-five of the 29 states that allow medical use of marijuana specifically recognize epilepsy as a qualifying condition. Another 17 states officially allow the treatment of epilepsy with low-THC, high-CBD cannabis oil, although they do not necessarily provide a legal way to obtain it. ★★★

Cincinnati Police Sued for Burying DNA Evidence that Kept an Innocent Man in Jail on Murder Charges

(Innocence Project) Cincinnati, OH - Joshua Maxton has sued the City of Cincinnati and two of its police officials for suppressing DNA evidence that proved his innocence and kept him in jail on murder charges, facing a potential life sentence, for nearly seven months. The lawsuit – brought jointly by the Cincinnati law firm of Gerhardstein and Branch and the New York-based Innocence Project, Inc. – not only alleges that police officials violated Maxton's constitutional rights, but may indicate an even more widespread pattern of suppression of DNA evidence by the Cincinnati Police Department ("CPD").

Maxton was arrested in June 2015 for the murder of eighteen-year-old Robin Pearl in the North Avondale neighborhood of Cincinnati. After being jailed for nearly a year, a jury found Maxton not guilty of the murder in June 2016. But it was only in the middle of trial that he and his lawyers learned that the police had obtained DNA evidence confirming Maxton's innocence and identifying another assailant seven months earlier, which they kept hidden.

Soon after Maxton's June 2015 arrest, witnesses came forward to identify another person named Donte Foggie as the lone shooter. These eyewitnesses stated that Maxton was not the shooter and that he did not even have a gun. Forensic evidence backed them up when no gunshot residue was found on Maxton's hands. Over the next few months the case unraveled further: a Big K cola can that had been dropped near the shooter's position on Burton Avenue was tested for DNA. Maxton's DNA was not on the can. The police learned in October 2015 that the DNA belonged to Foggie.

Records obtained by Maxton's lawyers and testimony at Maxton's June 2016 trial made clear that the CPD knew about the DNA evidence. The lead detective on the case, Bill Hilbert, spoke with the DNA analyst on the same day the first DNA report was issued. And the official notification that Foggie's DNA was on the cola can was emailed by the lab to Det. Hilbert's supervisor, Sgt. Jeff Gramke. Yet they suppressed the evidence and never told Maxton's attorneys.

"Police officers have a constitutional duty to promptly turn over evidence that supports a person's innocence, and our justice system relies on them to honor that duty."

Maxton was in jail for a year before his case was tried. He was 26 years old and facing life in prison if convicted. He was offered a plea deal but turned it down because he knew he was innocent.

On the fifth day of trial Maxton's attorneys, through questioning of a laboratory analyst who had been called by prosecutors to testify on another issue, uncovered the hidden evidence that the DNA on the dropped can ruled out Maxton and matched the alternative suspect, Foggie. The jury unanimously found Maxton not guilty of murder on June 2, 2016 and he was released.

"Police officers have a constitutional duty to promptly turn over evidence that supports a person's innocence, and our justice system relies on them to honor that duty," said Jennifer Branch, attorney for Maxton. "It's extremely disturbing to think that police would ever hide DNA evidence showing that they arrested the wrong person – especially in a murder case – but the evidence indicates that's exactly what happened to Mr. Maxton."

"Over the last twenty-five years, DNA testing has revolutionized the justice system by clearing the innocent and identifying new suspects," said Nina Morrison, Senior Staff Attorney at the Innocence Project, which works on DNA exoneration cases nationally. "But the system is only as good as the human beings who operate it. And if law enforcement officials intentionally suppress DNA evidence of someone's innocence, they need to be held accountable."

Maxton's lawsuit seeks not only to compensate him for the seven months he wrongfully spent in jail facing a potential life sentence, but to change CPD procedure to ensure that accused citizens have access to DNA evidence that supports their claims of innocence as soon as the police uncover it.

As of the time of this filing, the person who murdered Ms. Pearl is still at large. The case is pending before U.S. District Court Judge Michael Barrett and is expected to go to trial in late 2019. ★★★

Dems introduce bill to abolish ICE

By Stephen Dinan -

(The Washington Times) - A handful of congressional Democrats introduced the first bill to abolish U.S. Immigration and Customs Enforcement, putting on paper the details of getting rid of the agency responsible for everything from deportations to stopping counterfeiters to nabbing online child sex predators.

The bill is mostly a list of grievances against ICE, and does little of the hard work of actuating revamping the agency. Instead, it creates a commission, dominated by immigrant-rights organizations, to write up a new plan.

The bill also sets a one-year deadline for the commission's work and for finally nixing ICE.

And the bill demands the government keep the same number of employees before and after abolishment — though they are encouraged to shift toward social workers rather than enforcement personnel.

"Sadly, President Trump has so misused ICE that the agency can no longer accomplish its goals effectively," said Rep. Mark Pocan, the Wisconsin Democrat who wrote the new bill.

Abolishing ICE has become a major political campaign issue for the left wing of the Democratic Party, though it does not have overall support among the public. ★★★

Former suspect in attempted kidnapping exonerated; new arrest made

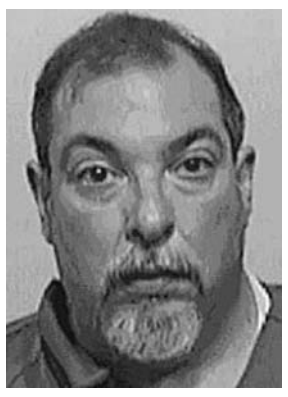
By Evan Anstey

(WIVB) Wheatfield, NY - The charges against a man who was accused of attempted kidnapping have been dropped.

Late last month, officials responded to a call from a Ward Rd. resident in Wheatfield.

The caller said she woke up to find a man carrying her six-year-old daughter down her residence's outside steps.

She says she chased the man, whom she thought was a neighbor, and said he released the child onto the stairs before running away.



Salvatore Prezioso

Shortly after the incident, deputies arrested Salvatore Prezioso, 49, at his home.

After being questioned by investigators, Prezioso was charged with attempted kidnapping. Later, he was additionally charged with burglary and endangering the welfare of a child. He spent 12 days behind bars.

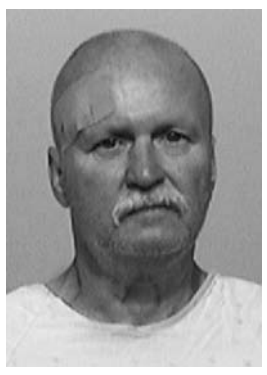
On July 10, Niagara County Sheriff Jim Voutour and District Attorney Caroline Wojtaszek held a conference saying the wrong person had been arrested.

Larry Keiper, a Level 3 sex offender, was accused of attempted kidnapping and endangering the welfare of a child.

Prezioso was released on Monday, and was completely exonerated. A family member who is also his lawyer said Prezioso is relieved about the clearing of his name, but called what happened to him "traumatic".

According to officials, it was last week when the Sheriff's Office discovered that Keiper may have been involved in the case.

During the Tuesday morning conference, Voutour called Keiper "an animal" who "prowled around Niagara County."



Larry Keiper

Keiper, whose last known address is in Niagara Falls, is accused of breaking into the Ward Road home and attempting to carry the six-year-old out of the house.

Keiper is on parole and had been wearing an ankle monitoring device.

Voutour said Keiper cut the bracelet off- and that the company monitoring it did not notify the sheriff's office. For more than a week, the sheriff's office had no idea where Keiper was.

The New York State Dept. of Corrections and Community Supervision released the following statement Tuesday:

Once aware that Keiper had cut his GPS monitoring bracelet, the Department immediately took steps to locate the parolee and to notify its law enforcement partners of his disappearance. Working with the Niagara PD, NYS Park Police and US Marshalls, the Department's Office of Special Investigations immediately began an extensive search for the absconder. Also, on June 22, the Department issued a warrant for Keiper's arrest and requested that the crime analysis center issue a notification to the law enforcement community. And, in response to the Department providing the Niagara Falls Intelligence Center with a "Wanted" poster, a "Be On the LookOut" notice was dispatched to all local law enforcement.

★★★

31% Think a Second U.S. Civil War Will Likely Happen Soon

(Rassmusen Reports) - Most voters fear that political violence is coming from opponents of the president's policies, just as they did in the second year of Barack Obama's presidency, and nearly one-in-three think a civil war is next.

Thirty-one percent (31%) of Likely U.S. Voters say it's likely that the United States will experience a second civil war sometime in the next five years, with 11% who say it's Very Likely. A new Rasmussen Reports national telephone and online survey finds that 59% consider a second civil war unlikely, but that includes only 29% who say it's Not At All Likely. (To see survey question wording, click here.)

Democrats (37%) are more fearful than Republicans (32%) and voters not affiliated with either major party (26%) that a second civil war is at hand.

But 59% of all voters are concerned that those opposed to President Trump's policies will resort to violence, with 33% who are Very Concerned. This compares to 53% and 28% respectively in the spring of Obama's second year in office. Thirty-seven percent (37%) don't share that concern, including 16% who are Not At All Concerned.

Fifty-three percent (53%) are concerned that those critical of the media's coverage of Trump will resort to violence, with 24% who are Very Concerned. Forty-two percent (42%) are not concerned about violence from media opponents, including 17% who are Not At All Concerned.

The survey of 1,000 Likely Voters was conducted on June 21 and 24, 2018 by Rasmussen Reports. The margin of sampling error is +/- 3 percentage points with a 95% level of confidence. Field work for all Rasmussen Reports surveys is conducted by Pulse Opinion Research, LLC.

Just before Trump's inauguration, half (50%) of voters felt America was a more divided nation after the eight years of the Obama presidency. Since Trump's election, a majority (55%) of voters believes America is more divided.

Most voters across the partisan spectrum are concerned about political violence from those opposed to Trump's policies, although Republicans are the most likely to be Very Concerned. The level of concern is about the same among Republicans, Democrats and unaffiliated voters when it comes to the threat of violence from those critical of the media's coverage of Trump.

Women and those under 40 are more worried about a possible civil war than men and older voters are.

Forty-four percent (44%) of blacks think a second civil war is likely in the next five years, a view shared by 28% of whites and 36% of other minority voters. Whites are also less concerned about political violence than the others are.

Fifty-one percent (51%) of voters who Strongly Approve of the job Trump is doing are Very Concerned that opponents of the president's polices will resort to violence, but just 23% of those who Strongly Disapprove of the job he is doing agree. The two groups are in general agreement and see much less of a threat from those critical of the media coverage of the president.

Forty-two percent (42%) of all voters say the country is headed in the right direction. This figure ran in the mid- to upper 20s for most weeks during the last year of Obama's presidency.

Just 40% think America would be better off today if Hillary Clinton had been elected president in 2016.

Fifty-one percent (51%) blame Trump for his bad relationship with the media, but only 40% think it is possible for the president to do anything the media will approve of. Voters are also more distrustful of the political news they are getting than they have been in years.

Fifty-one percent (51%) of voters also agree with the Democratic gubernatorial candidate from Wisconsin who said last week that his party is "pickled in identity politics and victimology."

Additional information from this survey and a full demographic breakdown are available to Platinum Members of rasmussenreports.com.

★★★

One in three Americans take meds with depressive side effects: study

By Kerry Sheridan

Study authors said people may be unaware they are taking medication with potential depressive side effects - *U.S. Air Force photo*

(AFP) Tampa, FL - One third of Americans are taking prescription and over-the-counter drugs, such as birth control pills, antacids and common heart medications, that may raise the risk of depression, researchers warned on Tuesday.

Since the drugs are so common, people may be unaware of their potential depressive effects, said the report in the Journal of the American Medical Association (JAMA).

"Many may be surprised to learn that their medications, despite having nothing to do with mood or anxiety or any other condition normally associated with depression, can increase their risk of experiencing depressive symptoms, and may lead to a depression diagnosis," said lead author Dima Qato, assistant professor of pharmacy systems, outcomes and policy at the University of Illinois at Chicago.

The report was released one week after US health authorities said suicides have risen 30 percent in the past two decades, with about half of suicides among people who were not known to suffer from mental illness.

(U.S.A.F. photo - Victoria Taylor)

For the current study, researchers found that the risk of depression was highest among people who were taking more than one drug with depression as a possible side effect.

"Approximately 15 percent of adults who simultaneously used three or more of these medications experienced depression while taking the drugs, compared with just five percent for those not using any of the drugs, (and) seven percent for those using one medication," said the study.

Anti-depressants are the only drug class that carries an explicit warning -- called a black box warning -- of suicide risk.

For other common medications -- like blood pressure lowering pills, antacids known as proton pump inhibitors, painkillers and hormonal contraceptives -- the warnings are harder to find or simply don't exist in the packaging.

"Product labeling for over-the-counter medications does not include comprehensive information on adverse effects including depression," said the report.

"Many patients may therefore not be aware of the greater likelihood of concurrent depression associated with these commonly used medications."

- 200 DRUGS -

Researchers found that more than 200 commonly used prescription drugs have depression or suicidal symptoms listed as potential side effects.

Use of prescription drugs with suicidal thoughts listed as a potential adverse effect increased from 17 percent in 2005 to 24 percent a decade later, the study said.

For drugs with depression as a possible side effect, use increased from 35 percent in 2005 to 38 percent in the 2013 to 2014 period.

"Use of antacids with potential depression adverse effects, like proton pump inhibitors and H2 antagonists, increased from five percent to 10 percent in the same period," said the study.

"Use of three or more drugs concurrently increased from seven percent to 10 percent."

- LIMITS, SOLUTIONS -

The study was observational in nature, and was based on survey data on more than 26,000 adults from 2005 to 2014, collected as part of the National Health and Nutrition Examination Survey.

Researchers cautioned that the survey approach meant conclusions could not be drawn about cause-and-effect, and that questionnaires did not account for a history of depression.

According to Allan Young, director of the Center for Affective Disorders at King's College London who was not involved in the study, the "findings seem robust."

"This confirms the well-known fact that these medications might be causing depression in some people and we should be on the look-out for that so that we can detect and then manage the depression," Young said.

"Many prescription medicines may have depression as a possible side effect and this should be discussed with patients up front."

Lead author Qato said solutions could include updating drug safety software so pharmacists could recognize if a person is taking drugs that raise the risk of depression.

"With depression as one of the leading causes of disability and increasing national suicide rates, we need to think innovatively about depression as a public health issue, and this study provides evidence that patterns of medication use should be considered in strategies that seek to eliminate, reduce or minimize the impact of depression in our daily lives," she said.

★★★

5 Times Child Protective Services Separated Kids from Parents for No Good Reason

By Lenore Skenazy

(Reason) - Even if President Trump's new order keeps immigrant families at the border from being torn asunder, we will still live in a country where the government can seize children from perfectly loving, competent parents. It happens all the time, and not just to immigrant families—American citizens deal with these injustices as well, thanks to the actions of child protective services.

In a single year, 2016, the number of children placed in foster care was 273,539. As the National Coalition for Child Protection put it, "the number of children separated from their parents at the border since April is almost equal to the number taken by U.S. child protective services (CPS) every three days."

In many of those cases, CPS intervention is justified in order to protect children, or provide them care they aren't getting at home. But not always.

Take the case of "Cassie." Cassie was mom to Hannah, a one-year-old, and Maya, an 8-year-old. When Cassie noticed Hannah not putting weight on her left leg, she called her pediatrician, who said to give the girl Tylenol and bring her in the next day.

Too anxious to wait, Cassie took the girl to the emergency room at Central DuPage Hospital in suburban Chicago, where an X-Ray revealed a fractured tibia and fibula. The Family Defense Center, which took the case, reports:

Because Cassie couldn't say for sure how Hannah got the fracture, the hospital staff called the DCFS. Only later did the family learn from two pediatric orthopedics and medical literature that the sort of injury Hannah had is considered to have "low" suspicion for abuse and it is hardly uncommon for parents to witness the incident that caused the fracture(s) to occur.

Unfortunately the x-ray findings, which naturally concerned the parents, marked just the beginning of the family's nightmare. Without even interviewing [Cassie's husband] Nate, or talking to the hospital's own child abuse pediatrician, and without Hannah being seen by a single orthopedist (for whom injuries like Hannah's are fairly routine), DCFS decided to take both children into State protective custody.

They did this by going to the family's home, waking Maya, and taking her and her sister to the home of a relative who would serve as foster parent. It was the first time either child had slept away from their parents:

The next day — still without talking to the hospital's child abuse pediatrician, the family pediatrician, other the family members or friends, or Maya's teachers — DCFS filed a petition to take custody of both children.

After a three-month legal battle, the parents regained custody of their kids, and the state admitted it had had no case. That alone seems to indicate how easily even a simple visit to the doctor can turn into a child removal case—as it did for the Minnesota mom with the coughing child I wrote about last week. When she took the child home before she was officially dismissed by the doctor, it was considered "neglect."

Parents are also being thrown in jail—the ultimate in tearing families apart—on the sketchiest medical charges. Watch The Syndrome, a devastating documentary on Shaken Baby Syndrome, to see how hundreds of moms and dad ended up in prison thanks to the "indisputable" evidence that they shook their babies—a conclusion that relied upon junk science.

And then there are the cases of "neglect" that are utterly baffling.

A Florida couple I interviewed a few years back had their sons taken away after someone called CPS to report that their son, 11, was playing basketball by himself in the backyard. Normally one of the parents would have been home, but both had been delayed that day. Also, normally one doesn't think of playing in the backyard for 90 minutes as something akin to torture.

But the cops swung by, anyway. They found the boy was technically without food, shelter, water, or a bathroom—because he didn't have a key to the house—and child protective services packed him and his younger brother, age 4, off to foster care.

It wasn't until a month later, in court, when the 11-year-old begged the judge to let him and his brother go back to their parents that the court returned the boys home. This story was so hard to fathom that some readers thought I made it up, until I provided Reason editors with the court papers to review.

Worst of all are the cases where a mom who has been beaten by her partner has her child taken away because the kid was exposed to violence. That practice was rampant in New York City until the federal court put a stop to it in the landmark case of Nicholson v. Scoppetta.

But even that didn't stop states like Illinois from taking Rochelle Vermeulen's twins away. Rochelle was beaten and choked by the twins' dad, and so she fled with the kids. But when the dad's relative called the child protection authorities, Rochelle was told her kids must either stay with a relative of the abuser or go to foster care, even though Rochelle offered to go to a domestic violence shelter with them. For seven weeks, Rochelle was not allowed to see her twins except in supervised visits. Dad, on the other hand, was allowed unlimited contact.

Family defenders like Diane Redleaf, whose book, They Took the Kids Last Night: How Child Protective Services Puts Families At Risk, comes out in October, say that children are routinely taken from their parents, even when there's no evidence of abuse. In one of the stories in Redleaf's book, for example, a toddler who fell out of his crib was taken from his parents even though the CPS investigator reported he was healthy and happy at home.

And what about the dad in Michigan whose 7-year-old was taken away when he accidentally bought the boy a Mike's Hard Cider at a Detroit Tigers game?

Research by Professors Vivek Sankaran and Christopher Church has shown that even children quickly returned to parents can suffer long-term harm from the separation. As the border separations continue to grip our attention, we should also reconsider policies that allow child protective services to take children from their parents without compelling evidence of neglect or abuse.

★★★

What Happens When Prosecutors Break the Law?

By Nina Morrison

(NY Times) - A major scandal unfolding on Long Island over the last 13 months shows how the justice system all too often falls silent when the culprit is a prosecutor, and the victim is an ordinary citizen accused of a crime.

Glenn Kurtzrock

In May 2017, Glenn Kurtzrock, a homicide prosecutor in Suffolk County, N.Y., was caught red-handed concealing dozens of pages of material from Messiah Booker, a young man charged with first-degree murder who maintained he was innocent.

Mr. Booker was arrested and spent more than 18 months in jail awaiting trial before his defense lawyer discovered that Mr. Kurtzrock had altered hundreds of pages of police records to remove a wealth of exculpatory information. That included evidence pointing to another suspect he knew Mr. Booker's lawyer had been investigating. The prosecutor had also removed the covers of two police notebooks to make it look like his altered versions of the documents were the originals.

After the defense attorney discovered the misconduct and alerted the court, the district attorney promptly fired Mr. Kurtzrock and dismissed the murder charge against Mr. Booker in mid-trial. (Mr. Booker then pleaded guilty to attempted robbery, a reduced charge, which ensured he would be released from prison before his son finishes elementary school.) As he dismissed the case, the judge called it a "travesty."

It was clear that Mr. Kurtzrock had violated the 1963 Supreme Court ruling in *Brady v. Maryland* which held prosecutors must turn over any exculpatory evidence to defendants.

Yet there was more.

Over the last year, as the district attorney's office reviewed all of Mr. Kurtzrock's case files, prosecutors informed the court that four more murder convictions had been tainted by Mr. Kurtzrock's illegal suppression of evidence. All four have now been overturned by the courts.

Most recently, in February, a man named Shawn Lawrence was exonerated of murder and freed from a sentence of 75 years to life after the district attorney's office discovered that Mr. Kurtzrock had concealed 45 different items of exculpatory evidence at trial — with the presiding judge declaring that the prosecutor's misconduct was "absolutely stunning."

So what's happened to Mr. Kurtzrock?

Nothing.

Thirteen months after his public firing, and five murder cases overturned because of his illegal actions, Mr. Kurtzrock hasn't been charged with a single crime. Not fraud, not tampering with government records, not contempt of court.

And he hasn't even been suspended from practicing law, much less disbarred. He's now working as a defense lawyer in private practice. That's right: he's making a living representing people accused of crimes, in the same courthouse from which he was (supposedly) banished a year ago. His law firm website even touts his experience as a "former homicide prosecutor."

The law also makes it virtually impossible for Mr. Kurtzrock's victims to sue him, with the Supreme Court having declared that individual prosecutors and their offices are "immune" from civil rights lawsuits in all but the rarest of cases.

Mr. Kurtzrock's case may be the most recent example of the system's egregious failure to hold a rogue prosecutor accountable, but it's hardly anomalous.

The National Registry of Exonerations, based out of the University of California, Irvine, reports that "official misconduct" — by police, prosecutors or both — was a factor in roughly half of the nearly 2,200 exonerations across the country since 1989.

To date, only one prosecutor in the country (Ken Anderson, who withheld exculpatory evidence from my former Texas client Michael Morton) has ever been jailed for misconduct causing a wrongful conviction. And Mr. Anderson served just eight days in the county jail — starkly different from the 25 years that Mr. Morton languished in state prison.

That's true even when prosecutorial misconduct taints thousands of cases.

Last June, a Massachusetts judge issued a blistering 127-page decision finding that two former assistant attorneys general had committed "egregious misconduct" and "fraud on the court" in failing to disclose evidence that a former state lab analyst was addicted to drugs while on the job for years. After five years of litigation, the state has agreed to throw out more than 8,000 drug convictions tainted by laboratory and prosecutorial misconduct.

The lab analyst served 13 months in prison for her crimes. But the former prosecutors? Neither have faced criminal charges, and both are still licensed attorneys. Indeed, even though my office filed formal complaints against them in July 2017 the Massachusetts Bar has yet to even hold a public hearing on their law licenses. And both have found other jobs as senior government lawyers, their salaries funded by taxpayers.

It doesn't have to be this way. Rather than tolerate a bar "discipline" process that is marred by lengthy delays, operates in secrecy, and too often results in little to no consequences for even serious misconduct, legislators should create commissions to regulate prosecutors' conduct and law licenses, with greater accountability and transparency.

Last week, the Republican-controlled New York State Senate passed a landmark bill, sponsored by Senator John DiFrancisco and Assemblyman Nick Perry, that would require these reforms. The Assembly takes up the bill on Monday; if approved, it will head to Gov. Andrew Cuomo's desk. And if he signs it into law, New York will be the first state in the country to create such a commission.

If an elected district attorney is unwilling or unable to bring criminal charges against an assistant prosecutor who so flagrantly violates the law, the attorney general or governor should step in and appoint a special prosecutor.

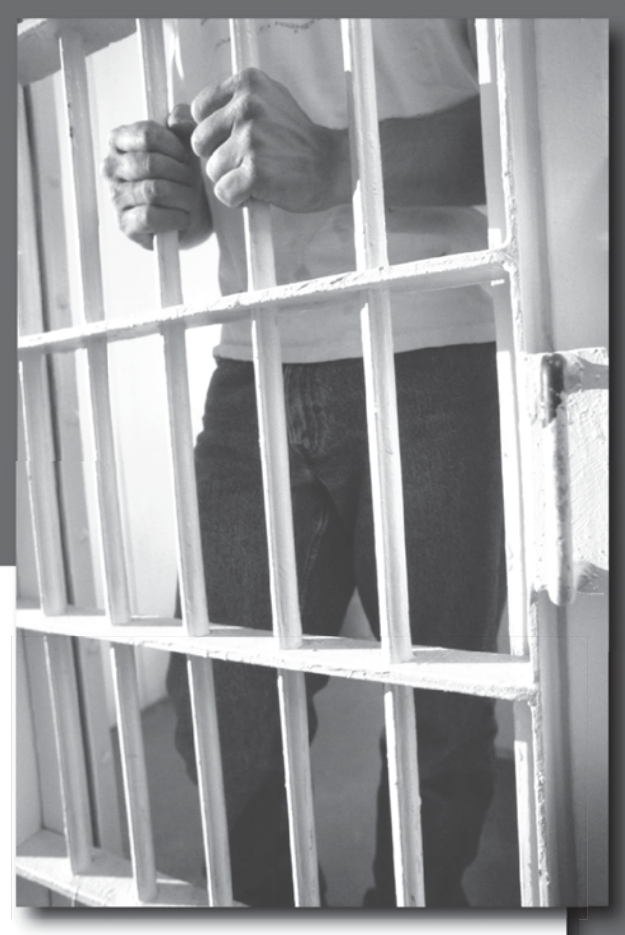
Most prosecutors are hard-working public servants and committed to fair play. But those who break the law and face no consequence are a stain on their colleagues — and the legal profession.

★★★

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.

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

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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

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

Status: Dismissed

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

Dean Muchow — **Charge: Gov't Abuse**

Status: Cleared

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

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

Status: Dismissed

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

Victim: Employment Discrimination — **Shawn Yoakum**

Status: Compensated

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

Convicted: Murder — **Reno Francis**

Status: Released/Free

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

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

Status: Dismissed

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

Jessica Morton — **Charge: Sex Abuse**

Status: Dismissed

"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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The views expressed herein are the author's own.

COMMENTARY

Your Right to Speak Out

Courts of Justice Should Not Act Like Courts of Order

By John W. Whitehead

"The Constitution is not neutral. It was designed to take the government off the backs of the people."

– Justice William O. Douglas

(The Rutherford Institute) - For those still deluded enough to believe they're living the American dream—where the government represents the people, where the people are equal in the eyes of the law, where the courts are arbiters of justice, where the police are keepers of the peace, and where the law is applied equally as a means of protecting the rights of the people—it's time to wake up.

We no longer have a representative government, a rule of law, or justice.

Liberty has fallen to legalism.

Freedom has fallen to fascism.

Justice has become jaded, jaundiced and just plain unjust.

And for too many, the American dream of freedom and opportunity has turned into a living nightmare.

Given the turbulence of our age, with its police overreach, military training drills on American soil, domestic surveillance, SWAT team raids, asset forfeiture, wrongful convictions, profit-driven prisons, and corporate corruption, the need for a guardian of the people's rights has never been greater.

Yet as the events of recent years have made clear, neither the president, nor the legislatures, nor the courts will save us from the police state that holds us in its clutches.

After all, the president, the legislatures, and the courts are all on the government's payroll.

They are the police state.

Certainly, Americans can no longer rely on the courts to mete out justice.

The courts were established to serve as Courts of Justice. What we have been saddled with, instead, are Courts of Order.

This is true at all levels of the judiciary, but especially so in the highest court of the land, the U.S. Supreme Court, which is seemingly more concerned with establishing order and protecting government interests than with upholding the rights of the people enshrined in the U.S. Constitution.

Whether it's police officers breaking through people's front doors and shooting them dead in their homes or strip searching innocent motorists on the side of the road, these instances of abuse are continually validated by a judicial system that kowtows to virtually every police demand, no matter how unjust, no matter how in opposition to the Constitution.

As a result, the police and other government agents have been generally empowered to probe, poke, pinch, taser, search, seize, strip and generally manhandle anyone they see fit in almost any circumstance, all with the general blessing of the courts.

Rarely do the concerns of the populace prevail.

When presented with an opportunity to loosen the government's noose that keeps getting cinched tighter and tighter around the necks of the American people, what does our current Supreme Court usually do?

It ducks.

Prevaricates.

Remains silent.

Speaks to the narrowest possible concern.

More often than not, it gives the government and its corporate sponsors the benefit of the doubt, which leaves "we the people" hanging by a thread.

Rarely do the justices of the U.S. Supreme Court— preoccupied with their personal politics, cocooned in a priggish world of privilege, partial to those with power, money and influence, and narrowly focused on a shrinking docket (the court accepts on average 80 cases out of 8,000 each year)—venture beyond their rarefied comfort zones.

Every so often, the justices toss a bone to those who fear they have abdicated their allegiance to the Constitution. Too often, however, the Supreme Court tends to march in lockstep with the police state.

The Court's 2017-18 term was a particularly mixed bag. Here are some of the key rulings and non-rulings handed down by the Court this term:

SPEECH, RELIGIOUS LIBERTY AND THE FIRST AMENDMENT

In *Janus v. American Federation*, the Supreme Court concluded that states cannot force public-sector employees to provide financial support for unions that engage in political activities with which they disagree.

In *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, the Court ruled narrowly that government officials had violated the First Amendment rights of a baker by discriminating against his religious views regarding same-sex marriage.

In *National Institute of Family and Life Advocates v. Becerra*, the Court overturned a California state law that forced pro-life crisis pregnancy centers to provide patients with information about how to obtain an abortion.

In *Minnesota Voters Alliance v. Joe Mansky*, the Court struck down as unconstitutionally vague a Minnesota law that bans political speech on any "badge, button, shirt, or hat" worn at election polling stations.

POLICE MISCONDUCT

In refusing to hear the case of *Young v. Borders*, the Supreme Court declined to hold police accountable for shooting and killing an innocent homeowner during the course of a middle-of-the-night "knock and talk" police tactic gone awry.

In *Kisela v. Hughes*, the U.S. Supreme Court shielded a police officer who shot a woman four times in her driveway as she stood talking to a friend while holding a kitchen knife.

PRIVACY AND THE FOURTH AMENDMENT

In *Carpenter v. United States*, a 5-4 Court ruled that police must generally obtain a warrant before obtaining cell phone data to track a person's movements.

In *Collins v. Virginia*, the Court ruled 8-1 that police may not intrude on private property in order to carry out a warrantless search of a vehicle parked near a residence.

In *Byrd v. United States*, a unanimous Court ruled that drivers of rental cars—whether or not they are explicitly named in the rental agreement—are generally entitled to the same reasonable expectations of privacy under the Fourth Amendment as the individual listed in the rental agreement.

In *Dahda v. United States of America*, the Court ruled 8-0 that evidence obtained under orders that violate the nation's federal wiretapping law can be used against a defendant in a criminal trial.

IMMIGRATION AND THE POWER OF THE PRESIDENCY

In *Trump v. Hawaii*, a polarized Supreme Court upheld the Trump Administration's ban on foreign travelers from Muslim-centric nations, ostensibly giving the president the power to discriminate on the basis of religion, while simultaneously overturning the Court's World War II-era ruling in *Korematsu v. United States* that saw nothing wrong with the government imprisoning Japanese-Americans in internment camps.

STATES' RIGHTS

In Murphy v. NCAA, the Court ruled 7-2 in favor of the 10th Amendment, which reserves to the States (and the people) the powers not delegated to the United States by the Constitution, nor prohibited by it. The case was factually about the right of the states to legalize sports gambling despite a federal law prohibiting it, but the ramifications of the ruling could extend into the area of marijuana legalization.

VOTERS' RIGHTS AND GERRYMANDERING

In Husted v. A. Philip Randolph Institute, the Court gave the green light to Ohio to remove people from its voter registration rolls if they hadn't been heard from in four years.

COMMERCE

In *South Dakota v. Wayfair*, the Court leveled the playing field, at least when it comes to collecting sales tax, between online ecommerce retailers and traditional businesses with a physical presence in a particular state.

So where does that leave us?

Still in the clutches of the American police state, I'm afraid.

In recent years, for example, the Court has ruled that police officers can use lethal force in car chases without fear of lawsuits; police officers can stop cars based only on "anonymous" tips; Secret Service agents are not accountable for their actions, as long as they're done in the name of security; citizens only have a right to remain silent if they assert it; police have free reign to use drug-sniffing dogs as "search warrants on leashes," justifying any and all police searches of vehicles stopped on the roadside; police can forcibly take your DNA, whether or not you've been convicted of a crime; police can stop, search, question and profile citizens and non-citizens alike; police can subject Americans to virtual strip searches, no matter the "offense"; police can break into homes without a warrant, even if it's the wrong home; and it's a crime to not identify yourself when a policeman asks your name.

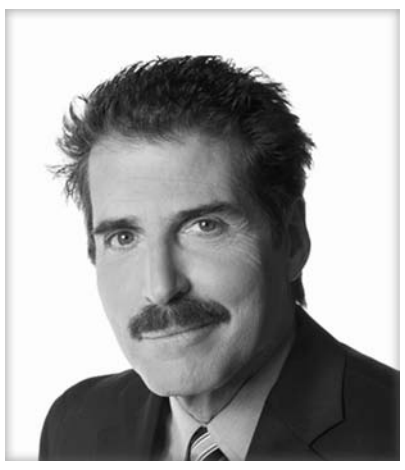
The cases the Supreme Court refuses to hear, allowing lower court judgments to stand, are almost as critical as the ones they rule on. Some of these cases have delivered devastating blows to the rights enshrined in the Constitution. By remaining silent, the Court has affirmed that: legally owning a firearm is enough to justify a no-knock raid by police; the military can arrest and detain American citizens; students can be subjected to random lockdowns and mass searches at school; and police officers who don't know their actions violate the law aren't guilty of breaking the law.

What a difference nine people can make.

More often than not, the Roberts Supreme Court has been characterized by rulings that show an abject deference to government authority, military and corporate interests (rulings have run the gamut from suppressing free speech activities and justifying suspicionless strip searches and warrantless home invasions to conferring constitutional rights on corporations, while denying them to citizens).

Contrast the Roberts Court with the Warren Court (1953-1969), which handed down rulings that were instrumental in shoring up critical legal safeguards against government abuse and discrimination. Without the Warren Court, there would be no Miranda warnings, no desegregation of the schools and no civil rights protections for indigents.

Yet as I make clear in my book A Government of Wolves: The Emerging American Police State, more than any single ruling, what Warren and his colleagues did best was embody what the Supreme Court should always be: an institution established to intervene and protect the people against the government and its agents when they overstep their bounds. ★★★



Dads Needed

By John Stossel

(Townhall) - Warren Farrell was once considered a feminist leader. He hung around with Gloria Steinem and wrote about why men and women should break out of rigid old gender roles.

But then, as he learned more, he started to disagree with parts of modern feminism.

"I don't agree with the part of feminism that says men are the oppressors and women are the oppressed," he says in our latest Stossel TV video. "That part of feminism is sick."

In Farrell's new book, "The Boy Crisis," he argues that hostility toward males undermines boys' psychological development. "Boys are a third less likely than girls to get college degrees, twice as likely to commit suicide."

We pushed back, pointing out that men make more money, run most companies and run most of the government.

"Our dads and grandpas," he responded, "made sacrifices to make more money! Then the feminist movement turned all of that sacrifice against men."

He says he wishes once in a while feminists would say, "You (men) were discriminated against in your own way. You were obliged to earn more money or we wouldn't even think about marrying you and having children with you."

In "The Boy Crisis," Farrell notes that dads routinely get passed over when it comes to custody of kids, even though kids benefit enormously if they have male role models. Boys without fathers suffer more, he says.

Why does a same-sex role model matter more for boys?

"Boys tend to not have as many skills at developing friendships and emotional connections," answers Farrell. "So when the family connection breaks apart, it affects boys more profoundly than it does their sisters. Boys are then far more likely to be disobedient, delinquent, drop out of school."

Warren Farrell

One reason fathers are critical, says Farrell, is because men tend to parent differently. For example, men roughhouse more with kids.

"Roughhousing creates so many skill sets," said Farrell. "It creates a bond with the child, so the children don't mind discipline ... (T)he discipline is the price they pay for more fun with dad."

But aren't mothers more attentive to children's needs?

"As a rule, mothers are more empathetic, but an empathetic parent does not create an empathetic child," answers Farrell. Instead, "It may just teach children to expect others to think of their needs."

Real empathy, by contrast, is created "by the father or mother requiring the child to think about the father's needs, the mother's needs, their brother's needs."

Fathers often fulfill that role by being a little more demanding of kids.

"Moms are filled with love, and they want to make sure their children do well, so they often do for the children," says Farrell. "Dads are also filled with love, but the way that dads love is to think, 'I need to love the children by having the children learn how to do for themselves.'"

Studies consistently find that having both an involved mother and father leads to the best outcome.

A government summary of studies on parenting concluded that "children who live with their fathers are more likely to have good physical and emotional health, to achieve academically, to avoid drugs, violence and delinquent behavior."

Yet government policy simultaneously discourages fatherhood. Welfare programs give more money to households in which the father is absent. Even now, although teen birth rates are down, the percentage of kids who don't live with fathers is up.

In a world with more fragmented families, Farrell argues that we should think about ways to reintroduce masculine role models in boys' lives. He wishes there were more male teachers.

"Not just males who are imitation females, but males who have some background in doing more traditionally masculine stuff. Then the children would have role models of a female, and a male who's softer and also a male who is more traditionally male," he says.

"Currently, many boys go from all-female homes to all-female schools, and then we go, gee, I wonder why they were vulnerable to a gang leader saying, 'I'll show you what being a man really is.'"

★★★

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

COMMENTARY

Time for a History Lesson About Gun Control

By Stephen P. Halbrook

(Townhall) - Advocates of "commonsense gun safety" measures have been promoting two major objectives. One is universal background checks, about which the National Institute of Justice wrote *"effectiveness depends on … requiring gun registration."* Rep. Bobby Rush (D-IL) just introduced a bill in Congress that would do just that – create a national registry of all firearm owners.

The other objective is a ban on "assault weapons," which have been defined in contradictory, bizarre, ways. The American Medical Association has just reaffirmed its endorsement of such a ban, including the confiscation of all such firearms from Americans at large.

Why hasn't Congress adopted these proposals?

Perhaps commonsense does matter. Most guns are sold by licensed dealers, who are required to clear every sale through the National Criminal Background Check System (NICS). Congress recently passed the Fix NICS bill because governmental units were often not reporting criminal records to NICS. That's why the Texas church shooter was able to buy a rifle. His massacre was ended only by a citizen who shot him with an AR-15.

It is doubtful that background checks for occasional private sales between law-abiding citizens would prevent any crimes. Don't hold your breath waiting for criminals to do background checks on each other.

Similarly, the Parkland school shooting had nothing to do with the ability of law-abiding citizens to own semiautomatic firearms. The FBI did nothing with the information that Nikolas Cruz threatened to carry out the murders, the local sheriff ignored his terroristic threats, and a cowardly deputy just stood outside while students were massacred.

President Clinton did sign a law in 1994, which expired ten years later, banning "assault weapons." The law was not renewed after studies showed that it had no effect on crime.

The federal NICS law, passed in 1993, prohibits registration of guns and gun owners. Congress has repeatedly rejected gun registration based on bitter historical lessons. Just before the 1941 Japanese attack on Pearl Harbor, Congress forbade gun registration and reaffirmed the Second Amendment based on how the Nazis used registration records to confiscate firearms from their intended victims.

Purportedly to fight violence in the streets, Germany's Weimar Republic decreed gun registration in 1931, but warned that the records must not fall into the hands of radical elements. Hitler seized power in 1933 and used those very records to disarm political opponents and Jews in order to render them incapable of any form of resistance.

Political protest in France prompted Prime Minister Pierre Laval in 1935 to decree firearm registration and repression of the right to assemble. What could possibly go wrong?

The registration records were critical to the Nazis who overran France in 1940, imposed the death penalty for not turning in guns, and conscripted the French police to ferret out violators. Despite the chance of being executed, numerous French citizens did not surrender their firearms.

Members of the French Maquis - WW2

The very same Pierre Laval became the chief collaborator of the Nazis during the occupation. The newspapers regularly reported the names of gun owners shot by firing squads.

The brave French who had never registered their guns and retained them formed the basis for the Resistance. To be sure, they never had sufficient arms, and prewar restrictions on "military style" firearms hampered their efforts, leaving them to resist with inferior weapons. Yet they were able to commit acts of sabotage, gain intelligence, and sustain an underground movement to assist the Allies. After D-Day, they engaged in open armed resistance.

Such experiences are as old as humanity. Tyrants, conquerors, and dictatorships of every breed disarm the subjects in order to dominate and exploit them. Does that iron law of history mean anything today?

No such conditions exist in the United States, due in no small part to our rights protected by the First and Second Amendments. But history should teach us to be careful of what we wish for.

Require registration of, or ban, guns arbitrarily called "assault weapons" or even all firearms? Don't bank on much compliance. Impose felony penalties? As the wartime French illustrated, many wouldn't comply even with the threat of the death penalty.

Maybe it's time to pursue real solutions to criminal violence and forget about a war on law-abiding gun owners. ★★★

Deconstructing Young Minds

By Robert Knight

Since November 2016, the Deep State and its media allies have spent considerable time and money cultivating animus toward President Trump and the Republican-led Congress among younger voters.

Many Millennials came unglued in the wake of the election and still are. The Left is counting on their turning out to elect progressives in November. Social media bristle with anti-Trump and anti-conservative invectives, and some of it spills over into anti-American rants.

As author William J. Federer explains, animus toward their own country and free market capitalism among many younger Americans – even Christians – is no accident but the result of a conditioning process that begins in the elementary and secondary schools and goes into overdrive in universities.

"There is actually a socialist-communist tactic called 'deconstruction,' where you separate a people from their past, get them into a neutral position where they do not remember where they came from, then you can easily brainwash them into whatever future you have planned for them," he writes in his book, "Who Is the King in America and Who Are the Counselors to the King?" (Amerisearch Inc., 2017).

This dovetails with the socialist credo to build the "new socialist man" on the ashes of previous societies. It's why the Left tears down statues and recasts great figures of the past like Christopher Columbus and Thomas Jefferson as monsters – if they mention them at all in the history textbooks.

In fact, the most influential history text of the last several decades is Howard Zinn's "A People's History of the United States." This essentially Marxist book paints a picture of America as an evil empire benefiting from slavery, exploiting foreign workers and fostering extreme inequality. Mr. Zinn pines for "a time when national boundaries are erased, when the riches of the world are used for everyone."

A major problem for those trying to counter cultural Marxism is the leftward tilt of social media. Facebook and Twitter, plus Google and Vimeo, have been caught suppressing conservative viewpoints and boosting progressive posts and videos.

Every day, more than 1.5 billion users worldwide visit Facebook and 158 million use Snapchat. Twitter has about 70 million users in the U.S. and 336 million worldwide. Google processes more than 3.5 billion searches daily, or 1.2 trillion annually. Meanwhile, nearly 5 billion videos are viewed every day on Google-owned YouTube, and 170 million are viewed monthly on Vimeo.

So, it's more than a small problem when high-tech media giants join the Left's crusade to quash conservative speech.

In January 2018, conservative undercover video sting artist James O'Keefe caught several Twitter engineers explaining how conservative viewpoints are "shadow banned."

"The idea of a shadow ban is that you ban someone but they don't know they've been banned, because they keep posting and no one sees their content," one explained. "So, they just think that no one is engaging with their content, when in reality, no one is seeing it."

Another engineer noted that because they were in liberal California, there were "unwritten rules" to suppress conservative content: "Twitter was probably 90 percent anti-Trump, maybe 99 percent anti-Trump…. Yeah, you look for Trump or America and you have like five thousand keywords to describe a redneck."

"Google is, of course, the King of Web Search," writes Seton Motley of LessGovernment.org. "And they have time and time and time again been caught manipulating search results – to assist Leftists and damage conservatives."

A case in point uncovered by the Vice.com news blog: "Less than a week before the [June 5, 2018] California primary, Google listed "Nazism" as the ideology of the California Republican Party. In the 'knowledge panel' that provides easy access to information next to search results, Google was showing 'Nazism' as an 'ideology' of the party as of Thursday morning."

Another example: David Kyle Foster, a former homosexual who founded Mastering Life Ministries, had uploaded on Vimeo hundreds of videos of former homosexuals and lesbians and other people struggling with various sexual issues who had found healing through Jesus. They were available until Spring 2017, when the channel told Mr. Foster that all of them had been deleted because of their "hate messages."

During an April 10, 2018 hearing, Sen. Ted Cruz, Texas Republican, told Facebook founder Mark Zuckerberg that "a great many Americans" are "deeply concerned that Facebook and other tech companies are engaged in a pervasive pattern of bias and political censorship."

Sen. Cruz listed content that he said had been "suppressed" by Facebook, "including stories about [2012 GOP presidential candidate] Mitt Romney [and] stories about the Lois Lerner IRS scandal."

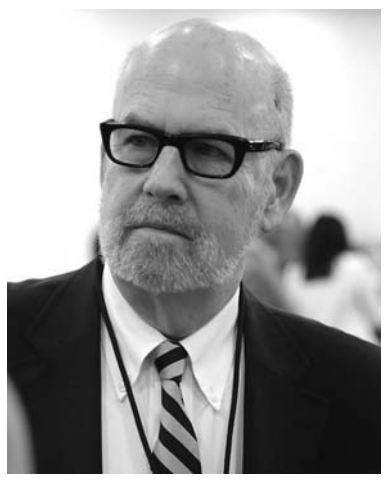
"In addition to that, Facebook has initially shut down the Chick-fil-A Appreciation Day page ... has blocked over two dozen Catholic pages, and most recently blocked Trump supporters Diamond and Silk's page – with 1.2 million Facebook followers -- after determining their content and brand were 'unsafe to the community.'"

Asked whether liberal sites suffered similar bias, Mr. Zuckerberg said he didn't know.

Is it any wonder that many young people hold a jaundiced view of America, free markets, traditional values and the Republican Party?

★★★

The Police State Abolishes the Trial



By Llewellyn H. Rockwell Jr.

(Mises.org) - Several years ago, the police entered the office of a young professor at a reputable university and arrested him for an online crime. They took the professor away, booked him, and then offered him a deal: admit guilt and get off easy.

The professor said to the few people to whom he was permitted to speak that this was crazy because he was innocent.

His lawyer warned him: fight this and you could get life; admit guilt and you will get a suspended sentence. He took the deal. It was a trick. Now he languishes in jail, his life wrecked as far into the future as he can see.

This doesn't happen in America, does it? Yes, it does. Not only that, it is increasingly the norm. Those raised on a steady diet of courtroom television shows believe that they are true to the way justice is meted out. This is completely naive. Trials in federal criminal cases are rare. Nine in ten cases are settled in pleas like the above case. Only 3 percent of the cases go to trial. Among those that go to trial, the defendant wins once in every 212 times.

What this means is that there is no way out for the accused. The prosecutors have all the power. Not even the judge has discretion, because lawmakers have mostly taken that liberality away in the name of cracking down on crime. ... The prosecutorial dictatorship has entrenched itself to become the norm since 2001. For the last ten years, the police state has had free rein.

It was not "liberals" or "conservatives" who did this. It was both parties acting with the massive support of the American public, as tyrants in the public sector licked their chops. This was a result of security-minded madness, and even now hardly anyone cares.

Today, every single citizen, no matter how free he or she may feel in daily life, is in reality a sitting duck. You can be made to disappear. There is essentially no way you can escape once the feds sweep you into their net. There is no justice. The total states of the past used to pretend to have trial-based convictions. The total state of the present doesn't even bother. It just puts a sack over your head and takes you away.

What happens then? Your loved ones cry. They try to move close by to where you are holed up, typically several states away. They are bankrupted and ruined. And what of your coworkers, your friends, your social set? They might want to help. They might feel bad for you. But the fact is that you pleaded guilty, and you have not even a chance to tell your side of the story. For all anyone knows, you got exactly what you deserved. So they do the only thing they can do: they forget about you.

And there you languish until the system decides you are taking up too much room. Perhaps it is ten years. Maybe twenty. At some point, the doors open again and you are free. But you are ruined: bitter, talentless, emotionally changed, physically debilitated, and — if you are young and slim — gang raped. There is no point in contacting the friends that abandoned you. Members of your family have moved on; they have lives, too, and had to live them out. In terms of employment, you are a washed up ex-con.

The United States has the largest prison population in the world — 2.3 million people. That's almost 1 in 100 people. That's more than the population of Latvia or Slovenia. That's nearly the entire population of Nevada. That's Wyoming, DC, North Dakota, and Vermont combined. If the prison population had congressional representatives, they would have four seats.

These people are politically, socially, culturally, and economically invisible. How many are actually guilty? We can't know. How many could be let out today to make a wonderful contribution to building a productive society? We don't know. How many are completely nonviolent, not even guilty by any normal standard of law but only guilty according to the letter of the current dictatorship? Probably a majority. Perhaps a large majority. In the New Testament, visiting prisoners is equated, as a good deed, to visiting the sick. And we do not think of the sick as guilty.

Yet the rise and entrenchment of the American police state are rarely questioned. Public opinion is mostly happy with the whole thing. There can never be too much prosecutorial power, never too many police, never too many prisons, never sentences that are too long. No one says, "We should not be so tough." The entire ethos is the opposite.

How could this have happened in America? Well, looking back, it seems that it all stems from a single flaw: the belief that the most essential institution in society is the state that protects us from criminality and must maintain a monopoly over justice. Some of the greatest defenders of freedom otherwise have been happy to make this one concession to the state. And this one concession is now a major source of our undoing as a free people.

There are reforms that we can make. No more plea bargains in federal cases. Restore basic human rights. Give judges and juries back their discretion to evaluate each case, and permit them to rule on the merit of the law, too, in the common-law tradition. A push back to grant basic constitutional protections would be a good first step.

However, in the end, what is really needed is a fundamental rethinking of the notion that the state rather than private markets must monopolize the provision of justice and security. This is the fatal conceit. No power granted to the state goes unabused. This power, among all possible powers, might be the most important one to take away from the state. ★★★

Man Challenges City on Use of Surveillance Cameras and Wins

By Joe Wolverton, II, J.D.

(The New American) - It may be close to the truth that "You Can't Fight City Hall," but close doesn't count, it seems, when it comes to one man's successful fight to stop the government's constant surveillance of people under no suspicion of wrongdoing.

Michael Maharrey, the communications director for the Tenth Amendment Center, was sued by the city of Lexington, Kentucky, in an effort to prevent Maharrey from discovering the scope of the city's surveillance system. The city's law enforcement admitted having deployed 29 "mobile surveillance cameras," but they refused to disclose why the cameras were in use or how much they cost the taxpayers of Lexington.

Michael Maharrey

The Lexington Police Department (LPD) claimed that they were exempt from releasing the information sought by Maharrey because such disclosure could threaten "homeland security."

The city's attorney disagreed, and ordered LPD to release all the information relevant to Maharrey's request.

Not satisfied with the decision, the LPD issued a summons to Maharrey, suing him, likely in an effort to dissuade him from pursuing his search for the scope and purpose of the city's surveillance of its citizens.

Here's the story of the city's lawsuit as told by Maharrey himself:

In court, the police basically argued that disclosing information about their cameras would render them ineffective and potentially jeopardize officer safety. It remains unclear how knowing what kind of "hidden" cameras the police own would make them ineffective. They also asserted that providing information about their surveillance activities would create an "undue burden." In a nutshell, the city claimed that the investigation of crimes facilitated by the cameras constitutes "an important government interest" that warrants denial of the information.

The Lexington Police Department was suing a citizen of that city — a citizen the department was ostensibly created to protect and defend — to keep that citizen from finding out why the police were watching him and his fellow residents, in defiance of the Fourth Amendment's requirement that no unwarranted search be conducted except "upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Unconvinced, Fayette County Circuit Judge John Reynolds issued an order granting Maharrey's appeal for summary judgment.

"In sum, this Court finds that the plaintiff, LFUCG [Lexington-Fayette Urban County Government], has failed to assert an applicable provision of the KRS [Kentucky Revised Statutes] or other binding precedent which would allow the denial of the information requested by Maharrey. Therefore, LFUCG has failed to meet its burden of proof, and pursuant to ORA [Open Records Act] the requested information should be released for review by Maharrey," Judge Reynolds ruled.

The government of Lexington was likely caught off guard by both the original request for information and the defense of liberty by Maharrey. More often than not, governments file counter-suits or complaints in cases such as that of Mike Maharrey, figuring that a citizen would rather give up his noble pursuit than spend his hard-earned money to carry on the quest.

This time they were wrong.

Not that Maharrey sees himself as some sort of hero, though. He simply refused to allow his own agents (for that's what magistrates are), paid salaries from his own pocket, to scare or silence him. Here's how Maharrey sees his success:

Make no mistake — this is a huge win for the people of Lexington. Those of us who live in this city have a right to know what our government does in our name. We have a right to weigh in and decide whether or not the benefit of surveillance technology outweighs the potential for abuse and violation of our basic privacy rights. We have a right to insist government agencies operate potentially invasive technology with oversight and transparency — in a manner that respects our civil liberties.

Government secrecy steals power from the people. As the saying goes, sunlight is the best antiseptic. The city's default position was to maintain secrecy, to keep the blinds closed, to slam the door in our face. Don't let the fundamental nature of what happened to me escape you. When you boil it all down, the city sued me because I asked questions it didn't want to answer. It kind of makes you wonder about the old adage, "We are the government," doesn't it?

This is more than just a victory for me, or even the people of Lexington. This is a win for all of us who care about liberty because it proves an important point. We can fight the government and win. Our efforts aren't in vain. If I can do this, anybody can.

We can win and we must.

So often after speaking to a "conservative" audience that has paid me to teach them about the Constitution (usually the Second and Fourth Amendments), one or more of the attendees will ask me why I care that federal, state, and local governments have me under surveillance "if I've done nothing wrong."

Due process. That's my answer. Either we abide by the Constitution or we don't. Our Founding Fathers did not bequeath to us a liberty buffet, from which government may pick and choose among the fundamental freedoms it will allow us to enjoy.

We inherit from our Creator an absolute right to the full feast!

Maharrey deserves credit for his commitment to liberty and to the protection afforded it by the Constitution.

In 1815, Benjamin Constant made a timely and timeless observation about the necessity of due process and its relation to the perpetuation of liberty: "However imperfect due process, it has a protective faculty which cannot be removed without destroying it. It is the natural enemy and the unyielding foe of tyranny, whether popular or otherwise. As long as due process subsists, courts will put in despotism's path a resistance, more or less generous, but which always serves to contain it…. There is in due process something lofty and unambiguous which forces judges to act respectably and follow a just and orderly course."

★★★

Continued from page 1 • Polk County DA Felton Ignores Abuse ...

hearing where the state was given jurisdiction over the McDaniel's seven children based on false information; based on lies told by McDaniel's eldest daughter. They have taken every opportunity, every conversation, the most normal responses of traumatized parents and have twisted them in the most negative of terms in their reports, all the while claiming they want to work to "reunite the family."

Children who ate too much spicy portions of one particular dish, that they really love, now becomes, "the mother gave the children food poisoning." Every visitation they watch the family interact through a glass mirror and make sniping comments in their reports.

According to sources, *"Aubrey Haverkost put incredible pressure on Michu McDaniel to split up with Matthew and tried to force her to sign documents she didn't understand and did not want to sign. Now that the oldest son has turned 18 and wants to return home, Haverkost is up to her same old tricks, telling him how much better life will be if he doesn't go home and how much support he will get from DHS."*

On top of getting caught stealing $500.00 from three different vendors at a market in Independence, Oregon, the delinquent has made numerous false and insane allegations and she was recently caught committing serious felony crimes.

According to one reliable witness, *"there is a Liberty House* (a purported child abuse assessment center) *video of [the delinquent] stating that her mother hung her up for 5 days by her wrists from the rafters and she never once used the toilet during that time. Very basic forensic knowledge would make it clear that no person could survive this. There would be massive scars on her wrists after only a few minutes. No attempt was made to x-ray [the delinquent's] wrists. Further, Liberty House's Dr. Hedlund lied and said that the delinquent had scars all over her body but when the photos were finally turned over to the defense in June, long after the DHS trial, there were no visible scars except a small one from a surgery. This false 'evidence' was used to justify taking the kids away. DHS knows they can lie and deceive and that it will take the parent's lawyers a long time to trace the paper trail of what they have done and raise a defense in order to possibly get their children back."*

According to another witness, *"during a recent police interview [the delinquent] confessed to using electronic means to frame her own brother by making it appear that he was threatening others with death by vehicular homicide. [The delinquent's] specialty is framing other people to distract from actions she has taken. In this case she gathered the electronic information necessary to fake a Facebook page to make it look like her brother's Facebook page and sent threatening messages to two friends of her brother's and to herself. She used the impersonation of her brother to tell his friends to spy on [the delinquent] (herself). She told them that if they did not spy on [the delinquent] he would run them both over with a car, all the while making it look like her brother had sent the messages.*

Matthew and Michu McDaniel

When this was accomplished she showed the threatening messages she had also received (via herself), that looked like they had come from her brother, to her respite foster mother Caprice Rosato in hopes that she would call the police, which she did. Then, the police gathered ISP data and traced the messages as having come from her phone while she was at school using the Dallas High School server. The Dallas police asked her if she sent the messages and she denied it. But when pressed on the issue and confronted with a warrant and a subpoena she admitted that her brother had not sent the death threats, but it was in fact herself."

This alleged behavior was the exact behavior she reportedly exhibited when caught stealing on video at the Independence market a couple years prior. Lots of fabrications and lies to the police officer about who stole the money, until she was confronted with the fact that there was video of her stealing the money from her friends. Then when she had nowhere else to go she admitted she had stolen the money.

According to one witness, *"John Krenkel, her foster father, told the Dallas police not to tell Dan Rosato about the case. Seems the delinquent had also misused someone else's Paypal account to make purchases as well."*

POLK COUNTY CORRUPTION DEEPENS

Keep in mind that Aubrey Haverkost knew or should have known about all the delinquent's bad acts yet did nothing to hold her accountable. She did exactly the opposite, the delinquent was rewarded with attention and her outrageous claims were accepted. One must assume that the District Attorney's Office also knew about these actions. Why would a District Attorney, whose is supposed to be committed to seeking justice, choose to protect the delinquent instead of charging her with crimes? Why would Haverkost go along with this corruption? The answer is quite simple – once Matthew McDaniel and his wife were falsely charged with crimes, DHS and the state took on some heavy liability, especially given the extreme damages suffered by Matthew's wife Michu, as well as the damages his other children allegedly suffered while in state custody.

This was proven beyond any doubt whatsoever when Aubrey Haverkost recently met with the delinquent, her foster dad and the juvenile department and it was decided that the delinquent would not be prosecuted for her crimes. It is quite clear that Polk County District Attorney Aaron Felton doesn't want his star witness, the delinquent, looking bad when she testifies against her father.

Polk County DA Aaron Felton

US~OBSERVER ASSESSMENT OF DHS AND THE DISTRICT ATTORNEY

In far too many cases DHS uses the power of the state to abuse families and take their children, which is a massive financial scam that produces income for all kinds of "professionals" waiting like sharks for the next family to be destroyed. Often this is referred to as "Kidjacking". Once DHS has the children they go to extreme lengths to keep them in some cases. Court Appointed Special Advocacy (CASA), unethical district attorneys and judges like Norm Hill cooperate with DHS to make sure they get full protection and assistance no matter what discovery is concealed, or which children are abused. Thousands of children are taken from Oregon families at a rate much higher than the national average.

Prior to DHS taking the McDaniel children they were rarely sick and had not been to the hospital or taken antibiotics. After the children were removed from their home they were repeatedly sick and numerous times put on antibiotics.

The youngest child was a 1½-year-old baby girl who was ripped from her mother's arms and made to sleep by herself in a room. For months and until this day the baby girl reportedly has night terrors, something she had never experienced till DHS took her away to "protect her." Many times the bad caseworkers at DHS and the foster parents think this is normal or that something is wrong with the child when it is DHS that created the child abuse and trauma.

After 7 months neither DHS or the Polk County District Attorney's office have produced one shred of scientific, forensic evidence to substantiate the delinquent's accusations. But they have targeted a bi-racial family for destruction. Amazing, since the Sheriff's Department knew about the racial harassment the family has endured in Falls City, Oregon.

"Dr. Hedlund lied and said that the delinquent had scars all over her body but when the photos were finally turned over to the defense in June, long after the DHS trial, there were no visible scars except a small one from a surgery."

But now, the state's star witness, the delinquent, has been caught committing felonies and has confessed to them. She made great effort to use electronic means to frame her own brother and threaten others with death by vehicular homicide. Had the Dallas Police officer accepted her accusations without investigation, as is the case with the Polk County Sheriff's Office, her brother would have been charged with the crimes and most certainly jailed. The delinquent was almost right in her own reported assessment of law enforcement, "that they believe girls and not boys."

The conscienceless public employees in this case are not merely bad, they are reprehensible. Aubrey Haverkost has made it her own personal crusade to destroy this family. Talking about "family reunification" on one hand while taking every possible action to cast the parents in a negative light on the other.

Editor's Note: The US~Observer would like to thank the high-quality public employees who have called with information about the McDaniel case. You folks are making a difference. We will do everything we can to expose the corrupt individuals you work with.

Again, anyone with information on this case, DHS caseworker Aubrey Haverkost, CASA worker Neil Clark, DHS supervisors Eric Garcia and Angela Jimeson, District Attorney Aaron Felton or Judge Norman R. Hill are urged to contact Edward Snook at 541-474-7885 or by email at editor@usobserver.com.

While many of the bad individuals in this article were learning how to be abusive, Matthew McDaniel served on board the USS Enterprise CVN 65, and later as a submariner in the US Navy, graduating first in his class from submarine school in Groton, Connecticut. He worked as an Auxiliary Machinist Mate having received some of his training at OIT in Southern Oregon as a diesel mechanic prior to joining the Navy.

★★★

Continued from page 1 • Prosecutor Disregards Confession of Killer

Pell confessed to be the lone assailant in the assault on Brewster.

Per VPD incident report, Pell met voluntarily with Detective Martin at Vancouver's West Precinct. Transcripts of the meeting document a 14-minute recorded confession in which Pell admitted to hitting Brewster before "blacking out". He stated on record, ***"That was me that hurt that man. I was, uh, pretty intoxicated and, uh, words were being exchanged and he hit me and so I snapped, and I didn't intend for it to go down like that."*** Pell told police he came forward to set the record straight. He said he didn't want someone else taking the blame for what he did.

Shortly after the assault, police detained Pell and Franck. Following an hour-long interrogation near the crime scene, police took photos of Pell's hands, face and clothing then released him to walk home. Limited follow-up was done regarding Pell although he matched eye-witness descriptions. Photos of Pell's right hand revealed signs of traumatic injury.

On January 5, 2016, three weeks prior to Pell's confession, Detective Martin arrested 22-year-old Rodney Taylor Franck of Vancouver, WA, the individual Martin targeted for the assault. Significant effort was put forth to build a circumstantial case against Franck, who intervened to stop Pell's attack on Brewster. Following the arrest, his attorney advised him not to give a statement. Franck agreed to remain silent because he believed Pell would come forward to tell the truth and Pell previously bragged to others about "beating up an old man" on April 23rd.

In the weeks following Franck's arrest, Pell confided in others about feelings of guilt that his "brother" was in jail for the crime he committed. According to witness statements, friends and family urged Pell to turn himself in to police. Spencer Pell's step-father and a close family friend accompanied him to the West Precinct when he confessed to the crime.

Spencer Austin Pell

CRITICAL MISTAKES IN EARLY STAGES OF INVESTIGATION

During the assault, 911 dispatch received 2 separate phone calls from neighbors who heard shouting and reported seeing shadowy figures of two men and a third man on the ground through their windows. According to patrol officers who arrived at the scene and spoke briefly to the callers, the witness statements were too vague to warrant an immediate response by Major Crimes Unit (MCU) detectives. The decision to delay an MCU investigation was made by Sgt. Jeff Kipp during a midnight phone call from Eric McCaleb, the VPD officer in charge at the scene.

According to dispatch reports, processing the crime scene, interrogating two suspects, and questioning witnesses was handled by a mix of 12 VPD patrol officers who responded from various locations across the city.

The neighbors who called 911 were not contacted for detailed witness statements until 15 months later. During their interviews, each eyewitness stated their memory of the night was unclear. Both requested that investigators refer to the original 911 calls. Unfortunately, detectives failed to preserve the 911 recordings, a critical step in gathering evidence for all criminal investigations.

EXASPERATED DEFENSE ATTORNEY QUITS CASE AFTER 18 MONTHS

Highly respected Vancouver Attorney, Bob Yoseph, came out of retirement in June of 2016 to represent Rodney Franck after charges were escalated to Murder II following the death of Brewster. Yoseph is one of few attorneys in the Vancouver area qualified to represent homicide defendants.

Yoseph made startling discoveries as he dug into Franck's case. 2 days after Brewster's death, co-defendant Spencer Pell was offered a cooperation agreement by Prosecutor Kasey Vu. Pell could avoid murder charges by turning State's witness against Franck. The shocking hypocrisy of the plea deal was that Pell previously came forward on his own volition and confessed that he was the one responsible for the attack on Brewster.

Attorney Bob Yoseph

As the defense team analyzed the 14-month-old case, additional problems with the investigation surfaced. Among them:

- Other than Pell, witnesses had not been interviewed.
- The 911 recordings had mysteriously disappeared.
- Pell bragged about the beating to more than 10 individuals prior to voluntarily turning himself in to police.
- Pell had a traumatic injury to his right hand and blood on his clothing when he was detained on the night of the assault.
- Pell was released by police despite being under age, intoxicated, belligerent, and on probation.
- During 4 separate interviews (3 with the prosecutor in attendance), Pell made inconsistent statements and described events contrary to the established facts.

On May 25, 2017, Yoseph submitted a "DEFENSE MOTION TO DISMISS THIS CASE FOR GOVERNMENTAL MISCONDUCT". The motion reads in part:

"Mr. Franck is charged with Murder in the second degree on alternate inconsistent theories that he is either a principal or an accomplice to the co-defendant snitch, Spencer Pell. There is the possibility that he could spend the rest of his natural life in prison. In contrast, Mr. Pell, the individual that has admitted the stranger on stranger assault at least once to the police, as a result of a cooperation agreement with the state, is only charged with Assault in the first degree with a recommended sentence of 90 months in prison conditioned upon him testifying truthfully at the trial of Mr. Franck. As a result of this agreement, he has changed his original story to the police (I don't know what you are talking about) to his second story to the police (I am the guy you are looking for) to his third story to the police (I watched Rodney beat the guy to death with his fists). These three stories took almost a year to develop as the environment and the landscape of this case changed. Along the way, Snitch Pell made statements to at least 10 other witnesses that he was the person that assaulted Mr. Brewster (the deceased), and that Rodney stopped him from further assaulting the victim and tried to help the victim after the assault stopped."

On May 31st, 2017, within one week of Yoseph's scathing criticism of governmental misconduct, Prosecutor Vu brought Spencer Pell before Superior Court Judge Derek Vanderwood to sign a plea deal that replaced the cooperation agreement. The new plea bargain reduced Pell's charge from Assault in the first degree to ATTEMPTED Assault and made null and void the prior agreement that required Pell to testify (truthfully) at the trial of Rodney Franck.

The Columbian Newspaper published a story the following morning, essentially exonerating Pell from wrong-doing and inferring murderous responsibility on Rodney Franck to their readers. Yoseph emailed the news story with the following message to his client who was out on bail pending trial:

"Just in case you are not keeping up.
I am thinking that everything I do from here on out is formality.
I am sick to my stomach at this turn of events and that no one is listening to our presentation.
I agree with Kim now, Clark County is corrupt. I am so sorry, but I had no idea this was going to occur."

STATE DOUBLES DOWN TO DECEIVE JURORS

Amid accusations of governmental misconduct, Prosecutor Vu has focused his energy to ensure that exculpatory evidence does not reach a jury. Vu motioned the court to suppress Pell's medical records and photos that show he fractured the 5th metatarsal in his right hand. Also known as a "boxer's fracture," this evidence suggests Pell sustained the injury when he hit Brewster in the face which then prompted Pell to start kicking Brewster in the head.

Vu also dimmed the light on investigation failures. The eye-witnesses both state that they saw one of the men repeatedly kick Brewster. Washington State Patrol (WSP) Crime Lab analysis found NO EVIDENCE of Brewster's blood DNA on Franck's shoes. In contrast, police had visual evidence of blood on Pell's shoes but failed to obtain DNA samples from Pell.

The obvious question to the inaction by police and the suppression of exculpatory evidence is, "Why?" The answer comes down to misleading DNA evidence the State can use to deceive a jury. The prosecution has focused its case on Brewster's blood found on Franck's clothing.

After Franck stopped Pell's attack, he assisted Brewster who was covered in blood and unconscious. Consequently, two small blood stains were found on the upper thigh area of Franck's jeans and on the back of his jacket. No traces of blood were found on his jeans below the knees, another indication Franck did not kick Brewster.

Jurors can make informed decisions of guilt or innocence only if they are presented with the facts. The facts are the State gave the admitted killer, Spencer Austin Pell, a plea agreement to remove him as a suspect and to cover up their misconduct. In their fervor to convict, the State has targeted Rodney Taylor Franck for a crime he tried to stop.

Editor's Note: While Deputy Prosecutor Kasey Vu and VPD officers have caved in to corruption in this case, Clark County Prosecuting Attorney Tony Golik is ultimately accountable. At the end of the day, Golik must answer to the cover-up and malicious prosecution of Rodney Franck. The US~Observer will make certain the public is aware of this corruption, and we intend to do our job thoroughly where Tony Golik is concerned.

It would be wise for the elected prosecutor to deal with this case before it becomes an albatross for Clark County!

★★★

Continued from page 1 • Do You Have What it Takes to Survive a Bully?

The first tip I offer you toward becoming more resilient, is to throw out all your preconceived notions of how to stop bullies. Speaking your mind, offers of compromise, hiring attorneys to protect you, trusting that you'll get your day in court --- none of this works. In fact, these tactics make matters worse. Why? Because the psychopath who is after you is fearless. They won't stop if you prove them wrong. They just double down. They love having you confront them with a "piece of your mind." If they get you angry, you are off balance and easier to manipulate. Likewise, offers of compromise are viewed by the psychopath as weakness and something to exploit. Lastly, why on earth would you want your day in court? By then (usually two or more years later) the psychopath has totally ruined your life. All you'll get in court is a stiff legal bill and maybe lose your case despite the truth.

It's not that you shouldn't hire an attorney or other professional to help you. Often their specialized expertise cuts your research in half. However, you need to be the one in charge of your life. Don't turn everything over to the experts and be sure you hire "experts" who will listen to you. After all you have the most to lose.

The only sure-fire way of protecting yourself from bullies is to develop resilience, which is another form of fearlessness. It's not that you don't have fear; it's that you recognize that your fear is dangerous to you. Resilient people on the other hand feel their fear; recognize it for what it is (a signal that something is wrong); let go of the fear, while they plan their next move. Without your fear, the bully has nothing to manipulate.

Of course, resilience alone won't make the bully go away immediately. They are very persistent, which is their downfall in the long run (more about this in another column). For example, when I thought I had stopped my neighbor Don, with a court order and fines for contempt, stalking, harassment and assault, he resurrected his campaign of bullying by cutting down a row of 75-year-old evergreen trees and rhododendrons on my property. The evidence was chipped and hauled away before I could call the police. Don was losing his neighborhood war against me, but he would not give up. He threatened to kill my yard crew. He threatened to dig up my Internet cable. He drove his car recklessly over my front yard. And he did these things after he was court ordered to stop. None of these legal sanctions mattered to Don because he is an EmD-1 (Psychopath) with only one M.O. --- to cause harm to his victim.

The only way to beat Don was my resilience. I called my home owner's insurance company, who promptly paid me for the damage to my trees under the clause for vandalism; it was then up to them to prosecute Don or not. I hired a real estate attorney who sent a letter to Don threatening to sue for "timber trespass," which according to the law would triple the damages to my property. (My call to the police was ignored as I expected it would be). I fenced off the damaged area and even chained a heavy picnic table to the remaining trees to protect what was left. And my exterior security cameras continued to capture Don's misdeeds.

"...the psychopath who is after you is fearless. They won't stop if you prove them wrong. They just double down ... If they get you angry, you are off balance and easier to manipulate."

In other words, I documented the events for the record, and I made a strong personal statement that I would not cave to abuse. Then I waited --- patiently --- for the opportune moment to take back my power from this bully. That moment came when Don's developer offered to buy my house --- on my terms --- rather than wait for Don to wear me down.

No doubt Don still despises me and maligns me to others. That's another belief you need to dismiss --- that psychopaths will change or learn their lesson. They will not. But through cultivation of your resilience, you can stop bullies' dead in their tracks. You can walk away a winner, not a statistic.

In the next few columns I will give you more tips on how to deal with bullies by developing resilience. By being fearless, pragmatic, doing your research, trusting yourself first, and a few other essentials you can become Resilient, with a capital R. Sometimes, people are out to get you. Time to suit up for the challenge.

Kathy J. Marshack, Ph.D. is a psychologist and author of the newly released book, "WHEN EMPATHY FAILS: How to stop those hell-bent on destroying you," available on Amazon and Barnes and Noble. Learn more about Dr. Marshack at www.kmarshack.com.

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Rural (In)Justice: The Hidden Crisis in America's Jails

By Marianne Dodson and Dane Stallone

(The Crime Report) - Soaring jail populations, particularly in rural areas, are now driving America's crisis of mass incarceration, a conference at John Jay College was told Tuesday.

Christian Henrichson, research director for the Center on Sentencing and Corrections at the Vera Institute of Justice, said the number of individuals in pretrial detention in rural or small counties with fewer than 250,000 inhabitants began surpassing urban detention rates in 2008—and continues to increase even as urban jail populations are falling.

"In the last couple of decades, mass incarceration has metastasized from the largest cities to almost every community in America," Henrichson, author of a recently released Vera study on incarceration trends, told rural journalists participating in a conference on "Rural (In)Justice:Covering America's Hidden Jail Crisis."

More than 11 million jail admissions are recorded every year, yet few Americans realize that jails are a primary engine of mass incarceration in the U.S. Polls show that rural residents continue to think of it as a problem largely facing urban areas, Henrichson said.

Among the factors driving the increase is the growing use of jails to house the mentally ill.

"When I became a judge, I had no idea I was actually becoming the gatekeeper to the largest psychiatric facility in the state of Florida," said Judge Steven Leifman, Associate Administrative Judge for the 11th Judicial Circuit Court, referring to the Miami-Dade County Jail.

Judge Steven Leifman, 11th Judicial Circuit, Florida
Photo by John Ramsey/TCR

Judge Leifman said people with mental illness are nine times more likely to be incarcerated than hospitalized, and that at any given time, about 550,000 people with serious mental illnesses are in jails or prisons, and another 900,000 are under correctional supervision.

It's a "horrible, shameful American tragedy," but it can be reversed with targeted crisis intervention programs for law enforcement working in collaboration with health and social services, he said.

Judge Leifman noted that since Miami-Dade implemented a program eight years ago that trains police officers how to identify people in crisis, and direct them to treatment and counseling services rather than arrest them, the county's jail population has sharply reduced with no discernible increase in threats to public safety.

More than 450 counties across the U.S. are now implementing some version of the program, called the Stepping Up Initiative, a collaboration with the National Association of Counties, the Council of State Governments, and the American Psychiatric Association Foundation.

The swelling number of mentally ill individuals who are locked up is a consequence of the reduction of psychiatric beds in state facilities across the country. But analysts say it is part of a much larger problem: an increase in the numbers of individuals held awaiting trial because they or their relatives cannot afford the cost of money bonds.

"Almost all of the jail growth in the U.S. since 2000 has been in pretrial detention," said Cherise Fanno Burdeen, CEO of the Pretrial Justice Institute, a Washington, DC-based non-profit.

"If you're a person of color, you're more likely to have a high bond for the same offense than your white counterpart, as well as being less likely to make that bond."

Cherise Fanno Burdeen, CEO, Pretrial Justice Institute
Photo by John Ramsey/TCR

Other factors contributing to the high jail numbers include the opioid epidemic that has ravaged much of the American heartland, a rise in referrals of state inmates to county jails to relieve overcrowding in penitentiaries, and an increase in the use of jails to house undocumented immigrants awaiting deportation, conference speakers said.

Authorities in cash-strapped regions across rural America initially welcomed the referrals as an additional source of revenues, but many are now rethinking the practice.

Kirk Taylor, Sheriff of Pueblo County, Co., said the population of his jail has almost doubled because of state referrals.

"The legislature is ... absolutely killing the counties," Taylor said. "I have a list of 50 legislative changes that have deferred inmates to the counties."

Larry Amerson, retired Sheriff of Calhoun County, Al., and former president of the National Sheriffs Association, said that 250 of the 600 prisoners currently held in his county come from state prisons — yet the expected boost in revenue never materialized.

According to Amerson, his county receives just $1.75 per person to cover food costs.

"Legislators often have no empathy for the problems we face," he said.

The pressure on county authorities to meet the burden of rising correctional costs is so high that they are often faced with the unpalatable choice of building a new jail at the cost of other crucial infrastructure like roads, schools and hospitals, the conference was told.

G. Larry Mays, Regents Professor Emeritus of Criminal Justice at New Mexico State University and author of "Trouble in the Heartland," said the most common way to fund county jails is through property taxes, but because many smaller counties reassess property infrequently, it can be hard for them to keep up with costs.

"Jails in rural counties suffer from both political conservativism and fiscal conservativism," said Mays.

Both sheriffs said more attention to pretrial services and risk assessment tools were important ways of reducing recidivism as well as helping individuals receive counseling or treatment for mental illness or substance abuse issues, particularly in the midst of an opioid epidemic which has hit rural areas the hardest.

For Amerson, the jail crisis is personal. Three people in his family died of opioid overdoses — a tragedy he said might have been avoided if they had taken advantage of pretrial services providing substance — abuse counseling or treatment after they were arrested.

"I begged the parents not to make bond, but they said it wasn't fair," he recalled.

"The purpose of pretrial services is not to decrease the amount of people in your jails—that is a byproduct, we hope—but that is not the primary purpose," said Taylor.

"It's designed to find the people who are supposed to be in jail through your assessments and identify those people who are a risk to public safety."

BAIL REFORM

According to Burdeen of the Pretrial Justice Institute, reforming bail practices is one of the easier strategies to reduce jail populations.

She cited data indicating money bonds have no discernible impact in terms of improving outcomes and public safety.

"Money bonds only detain people who are too poor to post that bond, and they let bad guys who can afford to post bond get out without being assessed or having conditions that would improve public safety," said Burdeen.

She pointed out that money bond is simply a condition of bail, and that there are other alternatives, such as providing access to public defenders at hearings, expanding the use of citations instead of arrest, and getting prosecutors to review cases to see if defendants are eligible for referral to specialty courts.

Burdeen also noted that many places set high bonds on high-risk individuals because they don't have preventive detention protocols, which allow the courts to find dangerous individuals and detain them.

The Pretrial Justice Institute believes elimination of money bonds could reduce sharply reduce the numbers of individuals held in pretrial detention, noting that programs underway in Washington, D.C. and New Jersey have made important progress in that area.

But solutions to the larger issues driving jail growth, such as the failure to find alternative ways to deal with individuals with mental illness and addiction issues, continue to elude policymakers, the conference was told.

"There's something wrong with a society that is willing to spend more to incarcerate people than to treat them," said Judge Leifman.

Marianne Dodson and Dane Stallone are TCR News Interns. The conference on Rural (In)Justice was organized by the Center on Media, Crime and Justice at John Jay College, publisher of The Crime Report, and supported with grants from the Ford Foundation and the MacArthur Safety + Justice Challenge. ★★★

Inmate freed from prison after prosecutors drop charges tied to corrupt ex-Chicago police Sgt. Ronald Watts

By Megan Crepeau

(Chicago Tribune) - An inmate walked free from state prison a few hours after Cook County prosecutors dropped gun charges against him because of links to a tactical team of Chicago police officers led by corrupt ex-Sgt. Ronald Watts.

Anthony McDaniels, 50, greeted his sister and niece with long embraces as he stepped from Stateville Correctional Center near Joliet about 2:20 p.m.

McDaniels appeared overwhelmed as half a dozen reporters tried to question him as he exited the prison walls. His attorney stressed that McDaniels had learned only a few hours earlier that he would be freed after nearly a decade in custody.

McDaniels expressed gratitude for his family and called what happened to him "a shame."

He said he hadn't had a chance to consider what to do with his sudden freedom.

"I'm still trying to process this part right here," he said.

McDaniels, who has been in custody since 2008, is the 24th person to have his Watts-related conviction thrown out of court because of the corruption.

Watts is a former public housing officer notorious for shaking down drug dealers for protection money and pinning false cases on those who wouldn't play ball.

McDaniels' case is noteworthy because he alleges other members of Watts' crew pinned a gun on him after he refused their demands that he pay a bribe.

McDaniels alleged he was approached for the bribe by then-Officer Kallatt Mohammed, who was sent with Watts to federal prison in 2013 for stealing money from a drug courier who had been working as an FBI informant.

Anthony McDaniels

At a brief hearing at the Leighton Criminal Court Building, prosecutors announced they had completed a review of the case and would no longer oppose McDaniels' bid for a new trial.

Judge Arthur Hill then tossed out McDaniels' conviction and prosecutors dropped the charges.

McDaniels' family smiled and waved at him from the courtroom gallery on word that he would be freed.

It was an emotional day for McDaniels and his family, according to his sister, LaShawn. His father died while he was in prison, and his mother and son are both dealing with health issues, she said.

Her first priority will be to keep her brother busy, LaShawn McDaniels said.

"I just think he needs to travel the world. He needs to see things. He's missed a lot in this decade," she said. "We're going to make sure he eats whatever he wants."

Ex-Sgt. Ronald Watts

Watts and his team of tactical officers were accused of orchestrating a reign of terror at the now-razed Ida B. Wells public housing complex on the South Side.

The scandal has prompted a wave of convictions to be thrown out. Fifteen men had their convictions tossed on the same day in November in what is believed to be Cook County's first mass exoneration.

After that dramatic move, police Superintendent Eddie Johnson ordered that 15 officers who were once part of Watts' allegedly corrupt tactical team be removed from street duties and placed on paid desk duty while the Civilian Office of Police Accountability investigated their conduct from years ago. That investigation continues, a COPA spokesman said Monday.

Meanwhile, the state's attorney's office has identified 10 officers with ties to Watts whom it will no longer call as prosecution witnesses because of concerns about their credibility.

McDaniels alleged that after he refused to pay a bribe, Mohammed and Officer Douglas Nichols planted a gun on him. The two officers as well as Officer Manuel Leano fabricated police reports and later lied at McDaniels' trial, McDaniels alleged.

According to court papers, Nichols and Leano were among the officers placed on desk duty as well as those barred from testifying for prosecutors.

About 500 convictions linked to Watts and Mohammed dating to 2004 need to be checked out by authorities, according to McDaniels' lawyer, Joshua Tepfer, of the Exoneration Project at the University of Chicago Law School. ★★★

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.

Always provide a computer disk or E-mail address. Accepted CD, PC or Mac format. Please save all text files in ***text only*** format.

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The goal of *US~Observer* is to ensure "due process" and "equal protection under the law."

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

Continued from page 1 • The William McIver Story - How Prosecutors Target Professionals ...

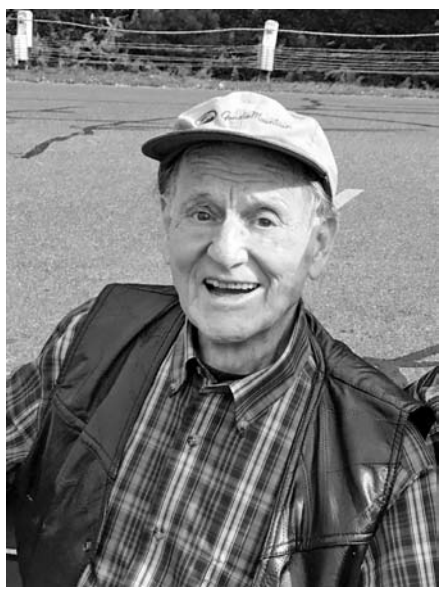
evidence, hundreds of people were prosecuted in ways that today invite comparisons to the Salem witch trials. Many were convicted, and, although most convictions have now been overturned, some defendants are still serving sentences for crimes that didn't happen.

Dan and Fran Keller

Dan and Fran Keller who had a home day care in Austin, Texas were finally exonerated in 2017. This was 25 years after they were convicted of sacrificing babies, having orgies, putting blood in children's Kool-Aid, and flying the children to Mexico to be assaulted by military officials.

Today we know that these bizarre allegations came from suggestive and coercive interviews by investigators, social workers, and psychologists who believed that a conspiracy of secret satanic cults had infiltrated society. High profile cases ensued across the nation and other countries, where the cases dominated news coverage.

In the mid '80s it was difficult to find professionals who saw what was happening and spoke out about it. The few skeptics who testified for the defense were likely to be targeted by prosecutors. In 1986, my late husband and I sent a questionnaire to mental health professionals who had been involved in these cases for the defense. Almost all who responded reported harassment and attacks by government agents. Most had a file on them containing slander and ad hominem attacks that was circulated by prosecutors; those who didn't know of an actual file described efforts to embarrass and impeach them. Prosecutors accused defense experts of being hired guns who supported child molesters and condoned sexual abuse. Efforts were made to harm them professionally by blacklisting them, cutting off their referrals, giving false information about them to reporters, attempting to cancel their workshops, and even picketing their offices.



Dr. William F. McIver

Dr. William F. McIver was arguably targeted the most. He was one of the earliest and most knowledgeable skeptics and was outspoken about what was happening. I first met him in 1985 at a conference presented by people who had been falsely accused. He had written an article for the Newport Times in Oregon on November 21, 1984 where he described how suggestive and coercive interviews could get children to talk about bizarre abuse that never happened. He observed how what was happening constituted a modern-day witch hunt, like the ones in Salem 300 years before. His article was later published in legal journals.

He testified for the defense from 1984 to 1987 and spoke at conferences around the country about false accusations and the dangers of prosecutorial immunity. He noted how prosecutors took advantage of the national hysteria and pursued these cases because they were easy wins, even when the allegations were completely implausible. He criticized how psychologists, caseworkers, and police interviewed children and he did a study demonstrating the problems with using anatomically-detailed dolls in child interviews.

At that time, most interviewers assumed allegations of abuse were true and saw their job as getting the child to describe it. They asked suggestive and coercive questions and often interviewed the child repeatedly. They showed little skepticism when encountering implausible allegations. But Dr. McIver, who videotaped his interviews, made no assumptions and encouraged the child to talk freely. Often in his interviews children denied accusations attributed to them by prosecutors, counselors, and caseworkers. His reputation as an honest and competent child interviewer grew and he was consulted and testified in cases throughout the United States. He presented his research on the anatomical dolls at the first Victims of Child Abuse Laws (VOCAL) conference in November, 1985 in Minnesota. Today his interview recommendations about avoiding bias, asking open questions, encouraging free narratives, and taping the interview are generally accepted among professionals.

But Dr. McIver paid a high price for being an early skeptic. Prosecutors targeted him and tried to destroy his reputation and put him out of business. Eventually he was accused of having sex with an adult patient during a therapy session. The patient's attorney, Jim Huegli, said they had "proof positive," and filed a malpractice suit. But when Huegli realized the patient also claimed to have had sex with Jesus three times while he was on the cross, he reportedly dismissed the case. He then found another former patient, a disturbed woman who reportedly had serious financial and marital problems. In addition to filing a civil suit, he had her complain to the Oregon Board of Psychology. If Dr. McIver's license was revoked, this would almost guarantee winning a civil lawsuit.

During this time, Dr. McIver continued to testify in sexual abuse cases. But when he was out of state, his office was broken into and records were stolen. In addition, his secretaries, Mary Dobson and Sharon Gribble, reportedly took records and gave them to Jim Huegli and to the prosecutor's office and the material ended up in the Attorney General's office. Both secretaries were given immunity from theft and perjury charges in return for information about Dr. McIver's patients and billing records.

The "smoking gun" in the civil malpractice case was Dr. McIver's appointment book which was kept by the secretaries. According to sources Jim Huigli met with Sharon Gribble who asserted that Mary Dobson told her Dr. McIver had asked her to switch the name of the patient in his appointment from 5:00 p.m., which was after hours and when he was accused of having sex with her, to 1:00 p.m. so that it was in the middle of the day. They alleged this was proof he was attempting to cover up his sexual behavior with his patient. Even though Dr. McIver steadfastly denied the allegations, the malpractice case was settled out of court "for nuisance value" by his insurance company. (Insurance companies often do this if they believe it will cost less money than defending a case.)

Next, the accusation that he had told his secretary to change the time in the appointment book was used to criminally charge him with tampering with evidence. Therefore, the criminal case rested entirely upon whether the name in the appointment book time was erased and rewritten in another time. Since Dr. McIver hadn't done this, the appointment book itself was the evidence that should have exonerated him.

> ***"Prosecutors targeted him and tried to destroy his reputation..."***

His criminal attorney, Des Connall, told Dr. McIver to take charge of the book because he didn't want it to be in the chain of evidence. Unfortunately, the actual appointment book was misplaced by the time trial occurred. When Dr. McIver confirmed the District Attorney was having his secretary steal his patients files he asked his wife to hide them. When it came time for Dr. McIver's criminal trial, his wife couldn't find them. At trial, the prosecutor, Josh Marquis, held up a photocopy of the page and claimed it had been tampered with, although he did not let the jury examine it. Dr. McIver was found guilty of tampering with evidence and spent almost a year in the Oregon State penitentiary.

> ***"We could find no evidence whatsoever that a name had been written in the 5:00 p.m. slot and subsequently erased or otherwise altered. Because of the physical characteristics of the paper, had an alteration taken place, it would have been quite apparent."***

After he was incarcerated, Dr. McIver's wife found the appointment book and sent it to Des Connall who had it examined by Ray Grimbso, a document examiner who found no signs of alteration. Mr. Connall then moved for a post-conviction hearing and sent the book to the Lincoln County DA's office. The prosecutor, Bernice Barnett, then had it examined by a state document expert who also could not detect any sign of alteration. In addition, prior to the 1992 post-conviction hearing, Mary Dobson was deposed and admitted she saw no sign of the alteration. But during trial recess, Prosecutor Barnett talked to her and she then reportedly had an epiphany and said that it was the 4:00 time, not the 5:00 time that was changed. The result was that, although no one could see any signs of tampering, Judge Bob Huckleberry ruled the tampering took place.

Afterwards Dr. McIver had the appointment book examined by a third professional document examiner, McCrone Associates, Inc. Their report described their detailed examination and multiple ways they inspected it. They concluded, "We could find no evidence whatsoever that a name had been written in the 5:00 p.m. slot and subsequently erased or otherwise altered. Because of the physical characteristics of the paper, had an alteration taken place, it would have been quite apparent." So not only is it apparent to the naked eye that the page wasn't altered, three different document examiners have affirmed that the page was never altered.

Dr. McIver, now in his 80's, has not seen his wrongful conviction overturned. He lost his license and no longer practices in his profession. However, he has routinely assisted falsely accused people behind the scenes, although he cannot testify in court.

Editors Note: Child sex abuse happens. However, getting children to falsely accuse people through coercive interviews should be met with at least equal concern. Also, one should consider the long-term effects of treating someone, especially a child, as a victim of sex abuse when they are not.

Charges of this nature are typically believed without question - the accusation alone can convict. Innocent lives are constantly at risk on both sides. ★★★

The US reduced its carbon footprint more than any other nation: report

By Aaron Colen

(The Blaze) - The United States is leading the world in reducing its carbon footprint, as its carbon dioxide emissions decreased more than any other nation in 2017, according to a recent report by BP Global.

Although CO2 emissions rose worldwide by 1.6 percent, the U.S. cut its emissions by 0.5 percent, dropping its energy use emissions to the lowest number since 1992.

FREE MARKET EFFICIENCY

The numbers indicate that the free market could be much more effective in reducing emissions than heavy regulations. From Real Clear Energy:

In fact, the U.S. has slashed CO2 emissions much faster than our European allies that adopted the Kyoto Protocol to reduce emissions in 1997. Preferring markets over incessant regulation, non-signatory U.S. has been reducing emissions faster than any other nation on Earth. All the while, our economy has boomed nearly 60 percent to $18 trillion (real 2010 $).

Investor's Business Daily explained that efficiency is the key to reducing emissions, and capitalism pushes toward and rewards maximum efficiency:

Because capitalism, unlike socialism and its welfare-state kin, hates waste. So it does all it can to be efficient. That means using as little energy as possible to make things. And this predates any of the current CO2 hysteria.

In the U.S., the data are clear and utterly convincing: In 1949, it took 1,098 metric tons of CO2 emissions to produce $1 million in the U.S., after adjusting for inflation. Today, it takes just 301 metric tons to produce that same million dollars, after inflation — a 73 percent gain in carbon efficiency.

The increased use of natural gas, which produces significantly less CO2 than oil or coal, has also contributed to the U.S. decline in emissions.

CONTRAST WITH WORLD

Since 2005, the U.S.'s energy-related CO2 emissions dropped 861 million metric tons, or 14 percent. In contrast, global emissions rose by 21 percent over the same time period.

In 2017, European emissions rose 2.5 percent, China's rose 1.6 percent, and India's rose 4.4 percent. The increase in Asia can be attributed to swift economic growth in China and India, powered by large amounts of coal energy output.

FUTURE OUTLOOK

The U.S. Energy Information Administration projects that U.S. CO2 emissions will increase in 2018 before leveling out in 2019 overall.

The EIA expects coal emissions to increase by 0.6 percent in 2018 and 2019, oil emissions to increase by 1.6 percent in 2018 before declining 0.2 percent in 2019, and natural gas emissions to increase by 0.6 percent in 2018 and flatline in 2019. ★★★

President Changes Administrative Law Judge Hiring Process

By Alex Pickett

(Courthouse News) – President Donald Trump changed the appointment process for administrative law judges on Tuesday with an executive order that puts the power with federal agency heads or the president himself.

Issued as he flew en route to the NATO summit in Brussels, the order follows a U.S. Supreme Court decision in June that decided administrative law judges of the Securities and Exchange Commission are subject to the Appointments Clause of the U.S. Constitution.

In the Lucia v. Securities and Exchange Commission, the justices held the administrative law judge who handed down a fine on an investor was not constitutionally appointed.

The ruling put in doubt the constitutionality of other administrative law judges and opened up potentially thousands of cases to be re-litigated.

Trump's order expands on the high court's ruling and gives all agency heads the authority to appoint the judges, who deal with benefits claims and enforcing regulations.

There are 1,900 administrative law judges in the federal government. Most belong to the Social Security Administration.

The White House framed the executive order as a solution to "ongoing legal uncertainty over administrative law judge appointments and authority" and allowing "the enforcement of dozens of important laws protecting Americans.

The order also serves as an "important step in preempting arguments going forward that administrative law judges have been unconstitutionally selected and that their decisions should be overturned."

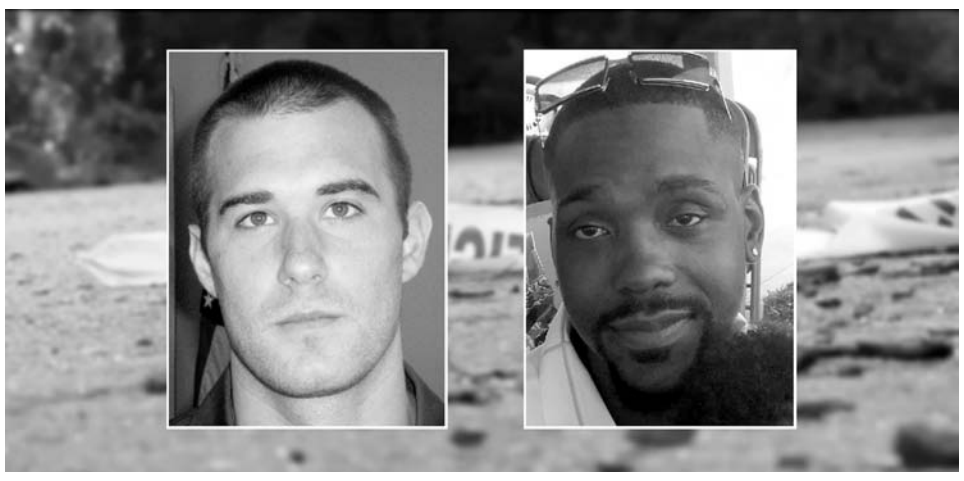
The decision does not impact the status of incumbent judges, the order notes.

Previously, the Office of Personnel Management vetted candidates and administered written and oral examinations. Then, a panel – typically made up of a current administrative law judge, a member of the American Bar Association and OPM staff – hired the judge.

However, the Lucia decision deemed the judges as "officers of the United States" and not just employees of the federal government, which makes them subject to appointment by agency directors or the president.

"Agencies will be free to select from the best candidates who embody the appropriate temperament, legal acumen, impartiality, and judgment required of an ALJ, and who meet the other needs of the agencies," a White House memo stated. ★★★

Georgia cop charged in death of black man running away from traffic stop



Officer Zachariah Presley (left), 25, was arrested and charged in the death of black motorist Tony Green (right)
(Georgia Bureau of Investigation / Family Handout)

By Nicole Hensley

(New York Daily News) - A Georgia cop who shot and killed a black man running away from him has been arrested in his death, according to state authorities.

Kingsland Police Officer Zachariah Presley, who is white, turned himself in Wednesday to the Camden County sheriff's office after the state Bureau of Investigation issued an warrant for his arrest for the June 20 slaying.

The 25-year-old officer was chasing a vehicle with victim Tony Green behind the wheel. After he stopped it, both Green and a passenger bolted.

The cop and 33-year-old Green scuffled, but he managed to escape again. That's when authorities say Presley opened fire, striking Green repeatedly and killing him.

Presley was placed on administrative leave, pending the outcome of the independent probe. He faces one count of voluntary manslaughter and another for violation of oath of office, officials said.

Presley has a troubled past as a law enforcement officer, according to local reports.

Presley racked up at least nine internal complaints ranging from reckless driving and racial profiling in the year since he joined the Kingsland force.

WJXT-TV reports a man, who is black, complained to the police department that Presley and another officer would often park in front of his home and that he was fearful of them. In another case, a woman who felt Presley racially profiled her during a traffic stop missed an appointment to speak to the officer's supervisor about the incident.

Presley also Tased a black man who drunkenly said he would "throw bullets" at officers, WJXT-TV reported, citing documents obtained through a records request.

The police-involved death bears a resemblance to the East Pittsburgh shooting of 17-year-old Antwon Rose.

Officer Michael Rosfeld shot the teen as he fled a stopped car initially believed to have been involved with an earlier shooting.

Rosfeld on Wednesday was charged in Rose's death.

★★★

Jury Nullifies Georgia Weed Law, Finds Man Not Guilty Despite Admittedly Growing Marijuana

By John Vibes

(Free Thought Project) - Laurens County, GA – Javonnie Mondrea McCoy is a medical marijuana patient in a state where the plant is still illegal and was recently in court facing charges of possession and manufacturing. McCoy grew cannabis for his own personal consumption to treat severe headaches and other pain that he has suffered since he spent two weeks in a coma in 2003 after being severely beaten.

Instead of attempting to fight the case on the grounds that the evidence against him was wrong, McCoy instead argued that the laws were wrong. He was honest about his experience and his medical use of cannabis during the trial, and the jury acquitted his case, despite the evidence against him.

McCoy's lawyer, Catherine Bernard, said that McCoy is not the type of person who belongs behind bars.

"The jury appreciated his honesty throughout the case—including testimony at trial and statements to police—and recognized that a good, hardworking man living a quiet life and not bothering anyone didn't deserve a felony conviction for his actions," Bernard said.

This is just the most recent case of a jury nullification victory for cannabis users, but this strategy is becoming increasingly popular.

For those who do not know, jury nullification is basically the right for any juror to not only judge the facts of the case but to also actually judge the validity of the law itself. This means that if a jury feels that a defendant is facing an unjust charge, they actually have the right to rule in the defendant's favor, even if they are technically guilty under the court's standards.

Considering the fact that most of the nonviolent offenses on the books today are extremely unpopular for a variety of reasons, you would think that jury nullification would be household knowledge, or even taught in schools. However, this is a very well guarded secret, with many judges actually preventing the defense from informing juries of their right to nullify laws that they feel are unjust.

In fact, in 2016, New Hampshire House became the first state in the nation to consider a bill that would require courts to inform juries of their right to vote not guilty when the verdict would produce an unjust result.

Attorney Catherine Bernard could not be immediately reached for comment, but posts on her Facebook page suggest that the judge attempted to block her from discussing jury nullification in court.

"Today, I quoted Article 1, Section 1, Paragraph XI of the Georgia Constitution to the jury. The judge interrupted and told them it was 'not a correct statement of the law.' The judge took an oath to uphold that Constitution. What's going on here?" Bernard wrote.

It is sadly common for judges to prevent talk of jury nullification in their courtrooms, as cannabis activist Ed Forchion, aka "NJ Weedman," learned during one of his jury nullification victories.

Forchion was passionate in the closing arguments of his 2012 trial, wearing a shirt that said "Marijuana … It's OK. It's Just Illegal," and telling the jury that he had been munching on edibles throughout the whole trial. Then at one point, he was nearly held in contempt of court for trying to advance his jury nullification argument.

In the years since, Forcion has faced constant harassment from the authorities and has been arrested on numerous occasions. Luckily, he was still able to win over the jury earlier this year when he was found not guilty after spending over 400 days in jail on trumped-up witness tampering charges, which were related to a prior marijuana case. ★★★

Our Institutions Are Failing

By Charles Hugh Smith

(OfTwoMinds.com) - Our institutional failure reminds me of the phantom legions of Rome's final days.

The mainstream media and its well-paid army of "authorities" / pundits would have us believe the decline in our collective trust in our institutions is the result of fake news, i.e. false narratives and data presented as factual.

If only we could rid ourselves of fake news, all would be well, as our institutions are working just fine.

This mainstream narrative is itself false: our institutions are failing, and the cause isn't fake news or Russian hacking--the cause is insider plundering and collusion, aided and abetted by a decline in transparency and accountability and the institutionalization of incompetence.

In other words, the citizenry's trust in institutions is declining because the failure of institutions is undeniably the fabric of everyday life in America.

When was the last time you heard the top management of a university system take responsibility for the unprecedented rise in the cost of tuition and textbooks? The short answer is "never." The insiders benefiting from the higher-education cartel's relentless exploitation of students and their families act as if the soaring costs are akin to cosmic radiation, a force of nature that they are powerless to control.

The same can be said of every other cartel plundering the nation: healthcare (i.e. sickcare, because profits swell from managing chronic illness, not from advancing health); the Big Pharma cartel; the military-industrial complex; banking; student loans; the governance-lobbying cartels; the war-on-drugs gulag, the FBI and so on in an endless profusion of insiders whose self-serving plunder and gross incompetence rarely generates consequences (such as being fired or indicted) due to an absence of accountability and transparency.

Incompetence has been institutionalized, and is now the accepted norm.Schools fail, municipal agencies fail, oversight agencies fail, state agencies fail, and the public feels powerless to effect any systemic change.

Changing the elected officials who are the citizens' representatives does nothing to rid the system of incompetence or enforce accountability and transparency; the insider elites have wired the system to avoid responsibility and maintain their institutionalized skims regardless of who is in elected office.

Budgets never decline, they only expand. The system is organized to punish frugality and reward incompetence, sweetheart contracts, overtime, and ever higher public spending.

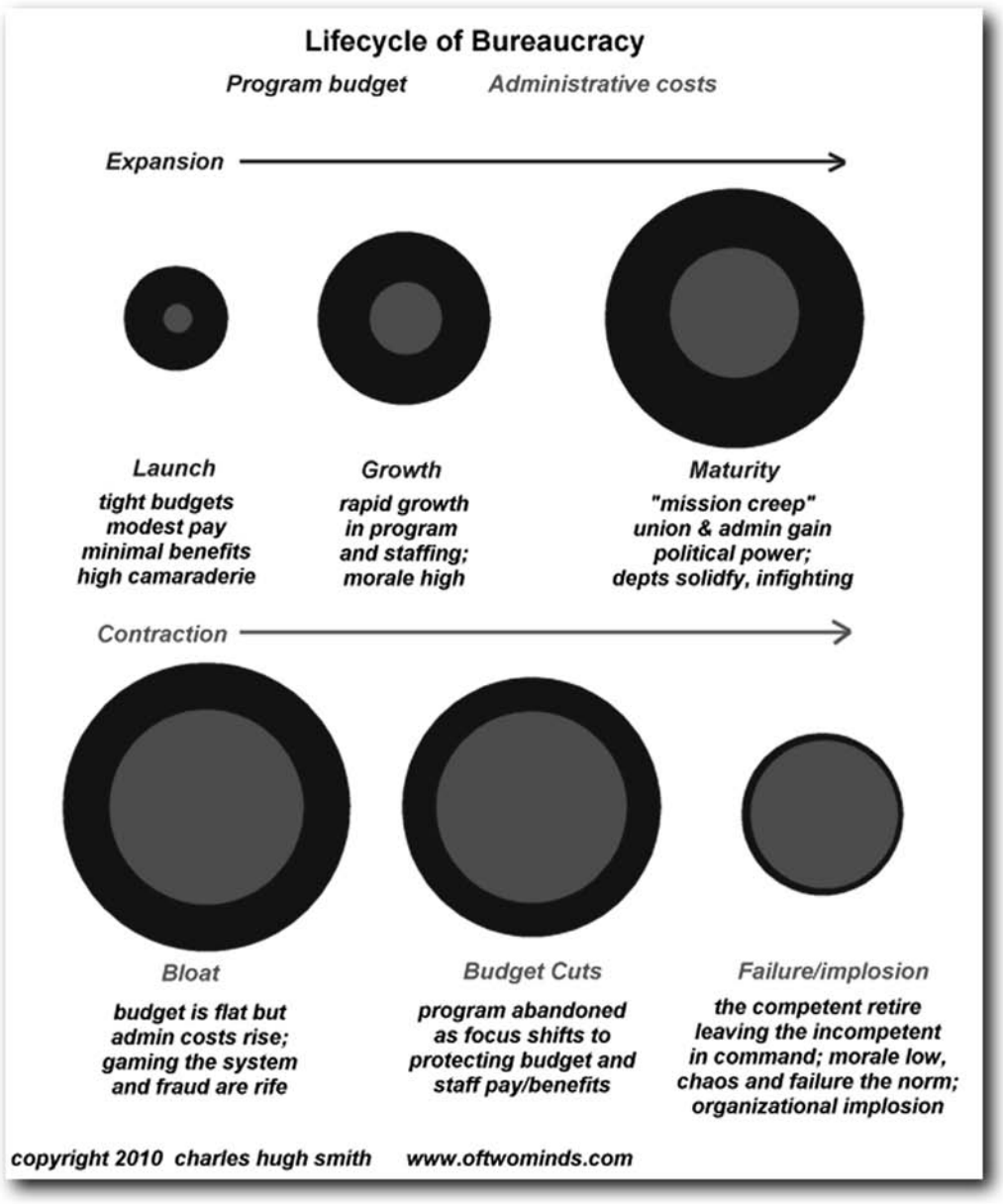
Calls to trim waste are met by gestures of powerlessness: rising costs and institutional failure are presented as the equivalent of gravity: we can't change the system, it's unstoppable.

The general public has largely lost the experience of public-sector/institutional competence and accountability. As a result, resignation is now the response. So the public dutifully waits in line for hours to renew a drivers license, despite having made an appointment online, to take one common example in California, which likes to pat itself on the back as the tech / progressive capital of the galaxy, if not the universe.

How is it "progressive" to rob the working stiffs who pay all the taxes hours of their life for something that should be routine and quick? Where's the Big Data and high tech when it actually counts? If citizens had a choice to renew their drivers license at (say) Amazon or the DMV, do you reckon Amazon might not make everyone cool their heels for hours?

The list of gross institutional incompetence is truly endless in America:Universities that can't offer enough classes so students can graduate from college in four years (oops, you have to pay another rip-off tuition fee for another semester to get those last few classes you need for your worthless diploma); finance departments that can't track payments (so here's your bogus late fees that will take hours to challenge), and on and on.

As for sickcare--how about the evidence-free embrace of synthetic heroin as a "safe" and "non-addictive" pain treatment? Skeptics were bulldozed or marginalized, because there was simply too much money to be made by jumping on the Oxy et al. bandwagon.



As Scientific American reported in its June 2018 issue, "Powerful drug-marketing efforts had somehow swamped science." When a large study was finally done comparing the effectiveness of opioid and non-opioid drugs, "The results, published in March, were eye-opening. Patients given alternative drugs did just as well as those taking opioids in terms of how much pain interfered with their everyday life. In fact they reported slightly less pain and had fewer side effects."

Yes, many transactions are more complex now than they were 30 years ago. 30 years ago, it took less than a day to obtain a building permit for an entire house in the rural county I lived in. Now it takes 3 to 4 months in the same county to get a permit, which must now be stamped by a licensed architect or engineer (at great expense, of course).

OK, we get it-- things are more complex now. But how does a one-day process balloon into a 100-day process at best? We can understand a one-day process becoming a 3 day process, but did the complexity really rise 100-fold?

I think we all know the answer is "no." The vast majority of the wasted time, effort and cost is the result of unaccountable insider incompetence enabled by a complete lack of accountability and transparency.

Conscientious public servants and institutional insiders are thwarted by incompetent managers, lazy co-workers and institutional bloat designed to increase costs and inefficiencies because higher budgets and inefficiencies boost payrolls and thus power. Organizations within the failing institutions are loathe to surrender their gravy trains, so they resist any change, even those which might have saved the institution from its inevitable collapse.

Our institutional failure reminds me of the phantom legions of Rome's final days. Legions existed in the bureaucracy, and payrolls were sent to the pay masters, but the Legions were mere fictions--there were no soldiers, and no fighting force; there were only a few insiders skimming their take, confident that accountability and transparency had been irrevocably lost.

Systems fail one institution at a time. No wonder the super-wealthy are building bunkers.

★★★

Arian Noma

STANDING STRONG

for Justice, for Family, for You

Arian Noma is not an insider, or a "Good Ol' Boy."

Arian is a hard working legal professional who has been both a prosecutor and a defense attorney in some of the most distinguished offices in the country. He has also maintained a successful private practice.

Arian wants to raise his 2 daughters in a community that mirrors his conservative values, and repsects his fellow man, and he wants to give back in order to be here.

When elected, Arian will ensure the prosecutor's office will work to achieve justice, not just convictions. He will bring honor and due process back to an office that has been mired in controversy and false prosecutions.

Arian's belief in justice means he is tough on criminals and ever supportive of good law enforcement.

Arian Noma will:

- **PROTECT THE INNOCENT**
- **PUNISH THE GUILTY**
- **TARGET VIOLENT OFFENDERS**
- **PROTECT VICTIMS AND WITNESSES**
- **DRIVE DOWN RECIDIVISM**
- **INFLUENCE POLICY REFORM**

Endorsed By:

Okanogan County Farm Bureau and the Okanogan County Republican Committee

Vote ☑

Arian Noma

Okanogan County Prosecutor

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