Promoting Excellence in Investigative Journalism

US OBSERVER
Vindicating the Innocent

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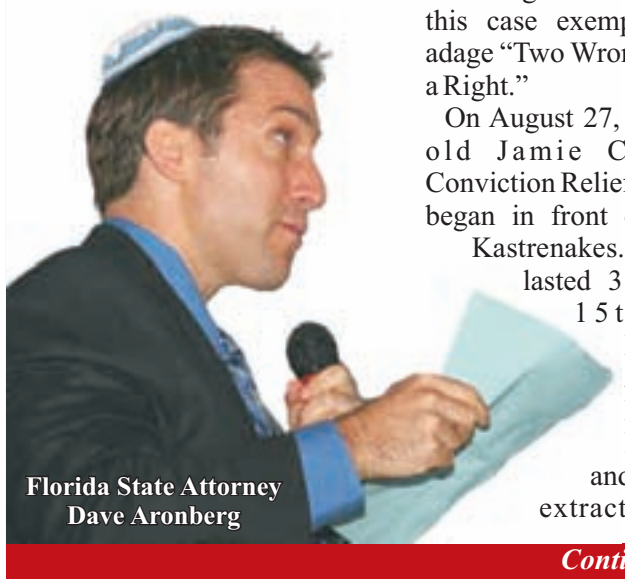
WRONGFULLY CONVICTED SPOTLIGHT

"Two Wrongs Don't Make a Right"
Florida State Attorney Dave Aronberg Hinders Justice

By Edward Snook
Investigative Reporter

West Palm Beach, Florida – Sadly, on October 13, 2006, 85 year-old Lucy Miller was killed while making a reckless U-turn.



Florida State Attorney Dave Aronberg

In April of 2007, Jamie Clark, the other party to the accident, was charged with D.U.I. Manslaughter. Now, evidence has emerged showing prosecutors withheld evidence of Clark's innocence. Justice is not being served here. More-so, this case exemplifies the old adage "Two Wrongs Don't Make a Right."

On August 27, 2013, 41 year-old Jamie Clark's Post Conviction Relief (PCR) hearing began in front of Judge John Kastrenakes. The hearing lasted 3 days wherein 15th Judicial District Assistant State Prosecutors Leigh Miller and Judith Arco extracted numerous

Continued on page 2

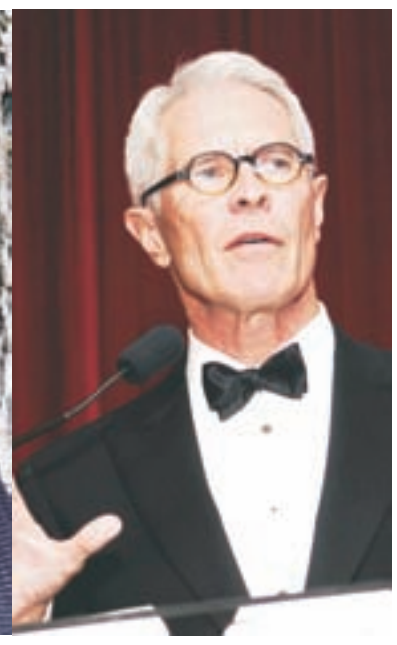
GUN CASE SPOTLIGHT

Ties to Fast and Furious –
U.S. Attorney Grissom Targets Hispanics

By Lorne Dey
Investigative Reporter

Kansas City, Kansas - Have you ever heard of being arrested and charged for a crime that you *might* commit? If you live in Kansas and are unlucky enough to get in the evil cross-hairs of Assistant United States Attorney (AUSA) Terra D. Morehead, it is a distinct possibility. Especially when you consider that her boss, United States Attorney (USA) for the District of Kansas Barry Grissom has not responded to any of the factual evidence against Morehead and her false prosecution of Jose Velasco-Veyro.

Jose Velasco-Veyro



US Attorney Barry Grissom

Jose Velasco-Veyro was unjustly named on a November 2012, superseding indictment along with 5 other Hispanics, including Ramon Chavez Sr. and his "mentally deficient" son, Douglas Chavez, as part of an alleged gun trafficking operation.

The US~Observer has just recently discovered from a witness that an informant told him that during Douglas Chavez's plea bargain session, prosecutor Morehead stated that she only included him in the indictment so that "Douglas would never be able to buy guns and provide them to his father". According to information, this confession by Morehead was "recorded in open court."

The US~Observer has also learned, out of fear of being sent to prison for years, both Douglas Chavez and his mother, Tammy Chavez, have signed "plea bargains." This instantly makes them criminals, without any trial and

Continued on page 15

Destroying an Oregon Family
AG Rosenblum Allows False Prosecution

By Edward Snook
Investigative Reporter

Linn County, Oregon - In May 2009, when the State of Oregon began investigating Mr. Randy Gray and his business partners for securities violations in a land development project in Albany, Oregon, no one would have guessed the case would drag out until 2014.

In August 2011, two years after the Attorney General's investigation began, special prosecutor Jason Weber, soon to be leaving his post, took the case to the grand jury in Linn County where it was rubber stamped.

One co-defendant, Derek Dunmyer, immediately accepted a plea offer from the State of Oregon in which he admitted to the felony of racketeering and "agreed to lie" for the Oregon

Randy Gray

Attorney General's Office during their false prosecution of co-defendant Randy Gray. Dunmyer retained the privilege to hold a contractor's license and realtors' license in the State of Oregon.

Attorney General John Kroger's office (Kroger has since been replaced by Attorney General Ellen F. Rosenblum) either acted out of total incompetence or was rewarding Dunmyer for his perjured testimony or both in allowing Dunmyer to continue his licensing with the very state government that knows he is an admitted criminal.

Within the next year, a second co-defendant, Scott Whitney, accepted a plea offer for a guilty plea of racketeering and four counts of selling unregistered securities. Unlike Dunmyer, Whitney did not agree to testify (commit perjury) against his co-defendants.

Mr. Gray, however, knew he did not knowingly commit any crimes and has withstood the bully tactics of plea offer negotiations.

Continued on page 10

Historic Criminal Tax Case Ruling
Government Fails to Prove Tax Due: Judge

By Ron Lee
US~Observer

"The Court has carefully considered the filings of the parties as well as today's hearing and the court finds for purposes of sentencing these defendants that the Government has failed to carry its burden of proof by a preponderance of the evidence, much less by clear and convincing evidence, that the tax loss exceeds zero." - The Honorable James A. Teilborg, Judge

Judge James A. Teilborg

Phoenix, Arizona - It is unusual for a reporter to start a story simply quoting the trial court verbatim, but the ruling is the story. This was the sentencing in US v. Kerr and Quiel following a six-week long trial in Phoenix, Arizona where the defendants

Continued on page 11

INFORMATION REQUEST

Kansas City Marijuana Bust
Bryan Phelps Info Needed

By Kelly Stone
Investigative Reporter

Kansas City, Kansas – Edward Ameral was a medicinal marijuana grower back in the fall of 2012, growing marijuana for himself and 6 other individuals in Jackson County, Oregon.

Edward Ameral and his wife

Ameral claims that in August of 2012, Bryan Phelps came to his home in Jackson County, Oregon claiming he was a major gold purchaser and convinced Ameral to fly an airplane for Phelps to attend "gold buying shows" around the country.

Ameral alleges that Phelps located an airplane and convinced him to fly it and to take part in the purchase, with promises that he would soon own the plane outright, using his earnings from flying Phelps to shows. Phelps then got Ameral involved in the purchase of the airplane.

According to Ameral, "it soon became obvious that Phelps had

Continued on page 10

CORRUPT GOVERNMENT SPOTLIGHT

It's the Constitution, Stupid - Bogus Administrative Rule!

Jackson County, Oregon Commissioners

Don Skundrick | Doug Breidenthal | John Rachor

By Curt Chancler
Investigative Reporter

Editor's Note: Today, the "man behind the curtain" controlling everything in local/state/federal government is administrative law and its agents. Administrative Officials are not elected, they are appointed, and in reality, they are runnng our government without any accountability or means by the public to redress their grievences - except on rare occassion. For decades now, elected officials in America have been hiding behind the deceitful cloak of administrative government, allowing them to routinely violate their oaths of office. While this article deals with Jackson County, Oregon, it

Continued on page 14

CONSUMER ALERT
- Bad Contractor Jerry Myers
  Page ... 3

Judge Napolitano
- Finding a crime for every man
  Page ... 8

Colleen Roberts
- Local Citizen Involvement Wanted ...
  Page ... 14

Page 13

WARNING:
Prosecutorial Abuse

Jackson County, Oregon – District Attorney (DA) Beth Heckert's Office is currently responsible for numerous prosecutions of innocent people – some vindicted and others still being pursued.

Daniel Young and Michael Young (not related) are two such cases. Go to www.usobserver.com and use our site search to read about their ludicrous charges.

Should this DA continue this abuse, the US~Observer fully intends to hold her responsible – publicly…

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Continued from page 1 • "Two Wrongs Don't Make a Right" ...

twisted lies from their witnesses, in an all-out effort to deceive the judge. Jamie Clark's attorneys Alan Ross and Benjamin Waxman were able to clearly show that material evidence was not made available to Clark's original defense council prior to or during his trial and subsequent false conviction.

State Attorney Dave Aronberg has been aware of the facts of this case for many months – he has been well-aware of Clark's innocence, yet he has chosen to hinder justice and cover up the false conviction of Jamie Clark. Aronberg allowed his prosecutors to make blatant attempts in open court to twist and distort information. If any prudent person were to analyze the evidence presented to Judge Kastrenakes during the recent PCR case, they would have to conclude that the prosecutors were actually attempting to make Kastrenakes look ignorant and gullible, which he is not, by trying to get him to accept distortions that completely contradict fact and common sense.

Briefs are due on this case by October 11, 2013 and Judge Kastrenakes said he will give his ruling by November 15, 2013.

Before I expose some of the lies and deceptions that were perpetrated by State Attorney Aronberg's Office during this recent PCR hearing, I prompt you to read our initial investigative article titled, "Florida's 15th Judicial Circuit – Past Officials Flip-Flop on Justice"on-line.

Jamie Clark

A BRIEF REVIEW OF CLARK'S CASE HISTORY

An exhaustive US~Observer investigation showed that the accident was unavoidable due to the fact that Miller, while attempting to make a U-turn, pulled directly in front of Jamie Clark. Miller failed to yield to oncoming traffic, as required by Florida Statutes. The State of Florida would, after two years, add a charge of Vehicular Homicide. Clark's charges were originally dismissed by Judge John Kastrenakes in December of 2010, due to the state filing a "Nolle Pros" Motion (The State of Florida dropped charges to avoid the court's order to go to trial immediately).

According to information obtained by the US~Observer, Assistant State Attorney Ellen Roberts, after much influence by people associated with "Mothers Against Drunk Drivers" (MADD) and Lucy Miller's son Steven Schumer, re-filed Clark's criminal charges in January of 2011, over 4 years after the accident. Clark was represented at his September 12, 2011 trial by Attorney David Roth and according to witnesses and trial records, Roth failed to adequately represent Jamie Clark. Jamie was convicted on September 15th 2011, and incarcerated that same day, nearly five years after the accident.

Vindictive Attorney Ellen Roberts

THE ACCIDENT

The prosecution claims that Jamie Clark was traveling 85 mph in a 45mph speed zone, and "approximately 74mph", at impact, nearly 30 mph over the posted speed limit. Defense experts and Mr. Clark claim that he was traveling at "54-55mph" and "50 mph" at impact. The calculations and methods used by the state to define his speed have been exposed by experts for the defense as well as third parties not associated with the reconstruction, as both unbelievable and contrived.

The state falsely argued that Jamie was "speeding", therefore he gave up his right-of-way (this alleged act is not defined by Florida Criminal Law). The defense proved that Ms. Miller failed to yield to oncoming traffic causing the accident to be unavoidable (this act is clearly defined by Florida Statute). The actual speed at which Jamie was traveling has become the crux in this case. If the evidence withheld by the state, had been provided to the defense prior to trial it could have prevented the false conviction of Mr. Clark and proven that Ms. Miller was solely at fault and Jamie Clark was not speeding excessively.

WITHHOLDING EVIDENCE

"An event data recorder or EDR is a device installed in some automobiles to record information related to vehicle crashes or accidents. Information from these devices can be collected after a crash and analyzed to help determine what the vehicles were doing before, during and after the crash or event." --Wikipedia

One main point in pursuing a PCR case for Clark was that the State of Florida withheld the Event Data Recorder (EDR) aka "black-box" findings from Ms. Miller's Toyota Camry from the defense prior to Clark's conviction. While testifying during the recent PCR hearing, Clark's original attorney David Roth stated, "On multiple occasions we requested information from the state regarding those issues (data from MS. Miller's vehicles EDR)." He continued, "...on multiple occasions Mr. McMichael (original prosecutor) and Ms. Roberts (trial prosecutor) advised me that there was no retrievable data from either EDR's on the Infiniti (Clark's vehicle) or the Toyota (Miller's vehicle)." This testimony showed that the prosecution attempted to deceive the defense by withholding evidence they had in their possession. Clark's new defense attorney's Ross and Waxman found documents in the prosecution's file in 2012, well after the conviction of Jamie Clark. The documents included the EDR printout from Ms. Miller's Toyota Camry.

Defense attorneys have proven that Mr. Clark's Infiniti engine diagnostic print-out was provided to the defense in place of the Toyota Camry EDR. The Toyota Camry EDR documents were curiously, and we believe intentionally absent from the state attorneys file until 4 months after the trial. In January 2012, a court clerk was required to fax the EDR information to an insurance agency pending a civil lawsuit by Ms. Miller's family and left the documents in the file.

While questioning previous defense attorney David Roth, Alan Ross provided exhibit 4, which was entered into evidence without objection. While reading the documents, Roth stated, "It indicates on the discovery itself that it is the Camry on the face of the discovery." As Roth continued to read the discovery beyond the first page he continued, "It's a 2003 vehicle, and it is the Infiniti according to the content of the discovery," not the Toyota Camry. The State had attached an engine diagnostic printout from the Infiniti in lieu of the Toyota EDR printout. This was what Ellen Roberts provided the defense to reportedly trick them and to ultimately deceive the court by withholding material evidence.

Ellen Roberts had been the head of Traffic Homicide Department for twenty years. Ellen Roberts reportedly lied many times throughout her testimony, but that should not surprise anyone, she has a reputation of lying without hesitation!

During the PCR hearing, while questioning the original prosecutor Adam McMichael, defense attorney Ross asked, "...did you seek to have the event data recorder of the Toyota Camry which was the vehicle Ms. Miller, the victim in this case was driving, processed or downloaded?" Adam McMichael replied, "Not as part of the initial reconstruction, no." After admitting that the Toyota's EDR was obtained by prosecution, McMichael continued, "...but, unfortunately during that period of time I was also transitioning in and out (resigning as the prosecutor in the Clark case). I also let Ms. Roberts (the new prosecutor) know that I had received the event data recorder printout, and had given it to I believe the Boca Raton Police Department and that it needed to be disclosed, and that was the end of it." Ross asked, "and you said, it needed to be disclosed?" McMichael replied, "Yes, It needed to go out in discovery to ah, because I had not done so." McMichael continued, "If I were to have stayed on the case, I would have just given it (EDR) to him (the defense attorney)." McMichael was attempting to shift any blame from himself to trial prosecutor Ellen Roberts.

McMichael also testified, "If you don't have pre-crash data then post-crash data is irrelevant." This is simply another false statement according to experts, which McMichael is not.

Adam McMichael, Ellen Roberts and new prosecutors Leigh Miller and Judith Arco know all too well that the EDR was not provided and they also know the damage this evidence would have done to the initial prosecution of Clark. They have blatantly continued their attempt to cover-up, lie and distort the truth to retain a false conviction and keep a man who was wrongfully convicted in prison. It is very important for our readership to see that this entire cover-up, and attempted deception upon Judge Kastrenakes Court, is being directed solely by State Attorney for the 15th Judicial District Dave Aronberg.

WHY THE EDR, WHETHER GIVEN TO THE DEFENSE OR NOT, IS IMPORTANT

"Definition of Delta-V: In astrodynamics a delta-v (literal 'change in velocity') is a scalar which takes units of speed. It is a measure of the amount of 'effort' that is needed to change from one trajectory to another by making an orbital maneuver. Delta-v is produced by the use of reaction engines to produce a thrust that accelerates the vehicle." --Wikipedia

Delta-v is recorded in the EDR, which can greatly assist in how to accurately determine the speed of a vehicle in an accident. This is important because the Delta-v's from the EDR of the Toyota Camry were not used by the State of Florida's "expert" Reconstructionist Officer Michael Daly for his final analysis. Instead, he relied solely on a method called Linear Momentum. Furthermore, Daly had only "reconstructed ONE ACCIDENT prior to his reconstruction of the accident involving Mr. Clark."

During testimony, officer Daly said he was "not sure" if you could use a Delta-v number, if it's a known number to work backwards to determine speed of a relevant vehicle. According to Reconstructionist expert Thomas P. Lacek you can determine pre-crash speed by using a post-crash delta-v and working backwards from that known number.

Thomas P. Lacek

The US~Observer contacted Thomas P. Lacek P.E. Crash Reconstruction & Occupant Kinematics Expert, a third party reconstruction expert out of Pennsylvania. He has over 30 years of experience and over 20 years in accident reconstruction. He reconstructs approximately "100-150" accidents per year.

Continued on page 3

PUBLIC SERVICE WARNING

Angie's List Winner Has No Great Service

Grants Pass Heating and Air Conditioning Losses Suit - Settles After Deceit/Negligence

Jerry Myers

Southern Oregon - The US~Observer has investigated a case against Gerald "Jerry" Myers and his wife Sheri Myers of 121 Bigham Drive in Central Point, Oregon. They conduct a business registered and promoted as "Grants Pass Heating and Air Conditioning" (GPHA) in southern Oregon.

We have found that their last name has been spelled both Meyers and Myers and that they have used variations of their registered business name over past years.

Jerry Myers signed a contract dated May 5, 2011, with a Grants Pass, Oregon resident, wherein he agreed to install a new Heat Pump System and replace ducting throughout the residence concerned. The contract states, "We hereby submit specifications and estimates for: …… Electrical."

Myers or GPHA installed the new Heat Pump System and upon attempting to start the new unit, there was not enough electricity coming to the residence to start and run the Heat Pump System properly. When the Heat Pump struggled to start it created a loud noise and lights flickered throughout the home. Rather than be honest with his client, Jerry Myers stated - which later would be determined through an expert as a lie to the client - that the new unit "just needed to get broken in."

Myers or GPHA also failed to remove and replace some of the ducting that he was contracted to replace.

Myers then ran the condensation tube from the air conditioning part of the system into the block wall in the customer's basement, as opposed to properly running it outside of the home where it could drain properly. This caused the resident's basement to flood and caused damage to both the structure and contents. Again, it was found that Jerry Myers, representing GPHA, lied about this after the fact!

Note that Jerry Myers or GPHA failed to get a permit for this job prior to finishing it.

Both Jerry and Sheri Myers attempted to blame Pacific Power for the lack of power to run the new Heat Pump System. After listening to repeated lies for almost two years and after Sheri Myers rudely told the resident that they were not going to take care of the "Electrical" problem, the resident was forced to file a lawsuit for "Breach of Contract" and "Negligence" on March 20, 2013.

Myer's original attorney sent a letter to the resident's attorney that was full of lies on August 9, 2012, and Myer's insurance company then allegedly lied to the resident, telling him that Myers wasn't covered, but that they would agree to pay the resident $5,000.00 if the resident would settle. The resident refused as it cost him $5,260.00 to fix the electrical alone. This didn't include the costs for the water damage caused by Jerry Myers or GPHA's "Negligence" or the resident's attorney fees and other costs.

This case was scheduled for arbitration on October 4, 2013; however, after a one day deposition on September 9, 2013, the insurance company agreed to settle and pay the resident for his damages, which included "pain and suffering." During the deposition it was discovered that Myers was allegedly involved with past credit card fraud in Connecticut.

The US~Observer would warn anyone who considers doing business with Jerry Myers, Sheri Myers or GPHA. In our opinion, anyone who conducts business with these people would be taking the risk of being lied to and cheated.

The electrical company who subcontracted with Myers to do the electrical work on this job also lied to the resident and he should consider himself very fortunate that we aren't naming him and his business in this article - He owes the resident an apology. The attorneys who lied to the resident should thank their lucky stars as well. The crooked insurance company, that lied to the resident, would have been exposed if they hadn't paid for damages. We will file all of their information for a later date if needed.

Editor's Note: The facts in this "Public Service Warning" are just that – facts. If they weren't true, then the Myers' would sue the US~Observer! Be careful readership… ★★★

Continued from page 2 • "Two Wrongs Don't Make a Right" ...

Jamie's Infiniti, the night of the accident. 50 mph impact or 74 mph impact?

Miller's Camry, the night of the accident. Rear-end, inline collision, or right-rear side collision?

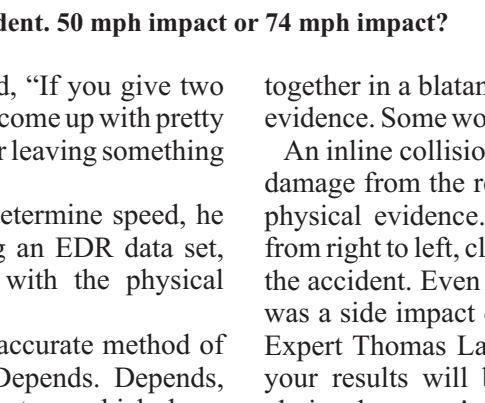
While speaking with Mr. Lacek he stated, "If you give two engineers exactly the same data, they better come up with pretty damn similar answers; or, somebody's either leaving something out or twisting something."

When asked if you can use Delta-v to determine speed, he replied, "Absolutely, however when using an EDR data set, first the EDR data must be consistent with the physical evidence. Don't just blindly use it."

When asked if Linear Momentum is an accurate method of accident reconstruction Lacek replied, "Depends. Depends, momentum deals with what we call vectors which have magnitude in direction. So if the angle changes, so does the answer. Accurate scene mapping is imperative for accuracy when using momentum."

Lacek continued, *"I'm not picking on or trying to uh, lower the integrity of the work by the police. You'll hear about all these courses they've done. Well basically they're trying to learn the technical stuff. They are non-technical people trying to learn technical stuff. To engineers, it's second nature. It's just applied science. And one of the possibilities for them (police or schools) not using (or teaching) momentum is the non-technical people getting screwed up on the angles. If you're going to use (linear) momentum, you better know it and accurately apply the distances and angles when calculating speed using momentum. That angle is critical (angle of impact).*

Momentum's been around an awful long time. It is universally accepted, however there's a lot of times there are mistakes made."



Officer Michael Daly

State expert Michael Daly testified the accident was a rear-end, inline collision, to bolster the state's effort to obtain the angle they needed to get the speed they wanted to show. This is allegedly a blatant lie, one that had to be directed by someone other than Daly, because he just isn't that intelligent. If the original pictures (see above) of the damaged cars are closely examined and compared to pictures presented in court, it is clear that Daly and/or others rammed the cars together in a blatant attempt to manufacture rear-end collision evidence. Some would call this action a "criminal conspiracy."

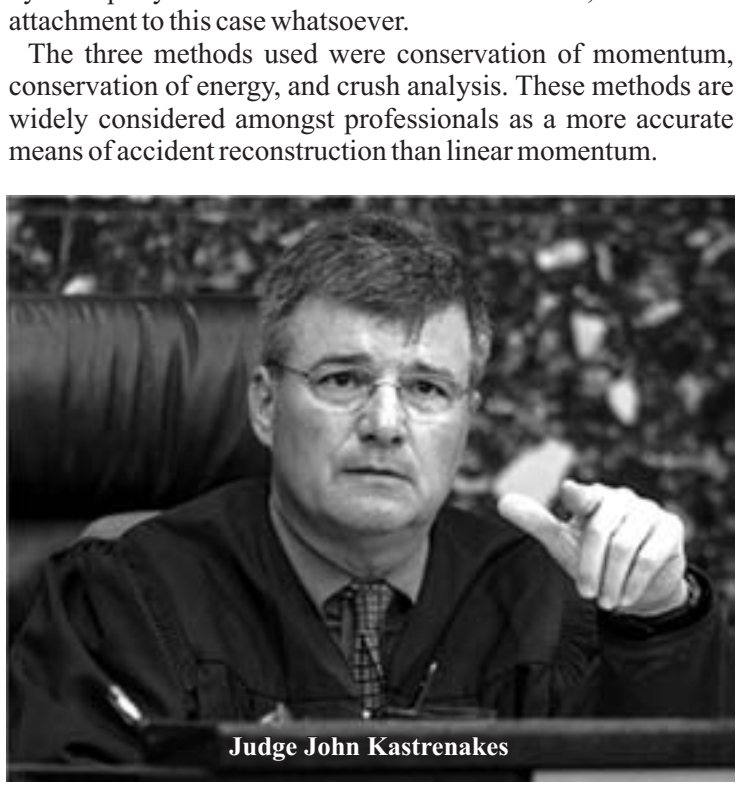
An inline collision causes an accordion effect, collapsing the damage from the rear to the front, which is not present in the physical evidence. With a rear-side collision the damage is from right to left, clearly shown in this picture taken the night of the accident. Even the wheels, folding over at the top, show it was a side impact on the right rear of the Camry. Remember, Expert Thomas Lacek stated, "If you have the angle wrong, your results will be wrong." In this case the results were obviously wrong!

It is important to note that as of June 2010, when asked if he had any experience with EDR's, officer Daly stated, "Not any formal training, No." Furthermore, officer Daly appeared to be very confused by questioning, or simply did not know the answer(s) to several questions asked regarding post-crash data, angles of departure, delta-v and other pertinent information.

Trial prosecutor Ellen Roberts, when asked during the PCR hearing if she was aware that previous prosecutor Adam McMichael was sending the EDR from the Toyota Camry to Toyota stated, "Initially we knew there was nothing to be gained from the data." This proves to me that Ellen Roberts lied to the judge in an attempt to deceive the court. She had to have known there was relevant material on the Camry's EDR, or she would not have hid it from the defense. Statements from numerous reconstruction experts, which Ellen Roberts is not, prove that the EDR was material and very important to Mr. Clark's defense.

Experts for the Defense were Andy Fore and Dr. Robert McElroy. Dr. McElroy reconstructed the accident using the Delta-V from the Camry EDR printout and determined Clark's speed was 49 MPH at impact. Andy Fore, who also reconstructed the accident for the defense had reconstructed over 1,000 accidents at the time he reconstructed Mr. Clark's. Mr. Fore is board certified in forensic engineering, accident reconstruction, and bio-mechanics by the National Academy of Forensic Engineers. He is also certified by the Accreditation Commission on Traffic Accident Reconstructionist (ACTAR). To date, Mr. Fore has reconstructed over 3,000 accidents. He used three different techniques to determine the speed of Mr. Clark's vehicle at impact was 50 MPH. These three methods were also mentioned by third party Reconstructionist Thomas P. Lacek, who has no attachment to this case whatsoever.

The three methods used were conservation of momentum, conservation of energy, and crush analysis. These methods are widely considered amongst professionals as a more accurate means of accident reconstruction than linear momentum.



Judge John Kastrenakes

Key points to consider:

- The EDR from the Toyota Camry, for whatever reason was not provided to the defense prior to trial. Numerous experts have stated this EDR is absolutely material to calculations concerning Clark's accident.
- The state's expert, officer Daly calculated that after the accident, the Infiniti's speed was over 50 mph after impact. He used the final resting point of the Infiniti for his final analysis.
- Post crash witness Mr. Cheslow stated that the Infiniti

Continued on page 11

In The News

Oregon Passes The "Monsanto Protection Act"

By Joshua Cook

Oregon passed SB 633, known by many as the Monsanto Protection Act, in a special legislative session.

The act prevents local governments from enacting or enforcing any measures which regulate agricultural, flower, nursery and vegetable seeds or their products. Essentially, it would prevent counties and municipalities from banning GMO crops. The Oregon Farm Bureau claims that this is because it does not want local governments to be able to elevate some farming practices over others.

The effect of the bill, however, is the elevation of GMO farming over regular farming and organic farming. Cross pollination of GMO crops to organic crops can lead to contamination of both produce and seeds, leading to massive monetary losses for organic companies and family farms, as well as unreliable organic produce for consumers. Oregon is the country's fifth highest organic producer, and is home to some of the country's main organic seed companies.

Local governments should be able to protect their constituents from this economic impact, product contamination and, as many believe, health risk. The Monsanto Protection Act would infringe on the rights of local governments and their constituents. GMO crops shouldn't be banned nationally, or even on the state level, but food activists believe that an organic community seeking to prevent Monsanto or another biotech company from moving in and damaging their crops should have this right.

This is made even more important in light of an appeals court ruling last June. Monsanto had filed 144 patent infringement lawsuits against organic farmers between 1997 and 2010. It claimed that the farmers had used its seed without paying the required royalties, while the farmers said that their fields were inadvertently contaminated without their knowledge. Monsanto should probably have paid damages to those farmers, but instead, it sued them for patent infringement and won.

The farmers appealed their case to the Supreme Court in September.

Also in September, the federal "Farmer Assurance Provision," also referred to as a "Monsanto Protection Act," expired and was not renewed. The provision – attached to the March 28 emergency spending bill – prevented the government from halting the sale and planting of GMO seeds while the USDA was in the process of reviewing their safety. It also, however, offered Monsanto immunity from federal courts with regards to those very experimental crops.

Oregon's Monsanto Protection Act is not only the latest example of government protection of biotech corporations at the expense of small-scale farmers and individuals. It also connects with other legal issues and legislation to take away the ability of organic farmers to oppose the company.

The issue of Monsanto is not an illustration of the problems with free markets, it's an illustration of the problems which arise when corporations and government are too closely connected.

Ben Swann questioned this close connection last week stating, "Monsanto's influence over food supply is troubling. Their ability to seemingly prevent GMO labeling is also troubling. Their connections with people like Mike Taylor who have the ability to control what does and does not show up on our families tables, sure smells like crony capitalism."

Joshua Cook, a native and resident of the South Carolina Upstate, received his MBA from North Greenville University and is actively involved in South Carolina politics.

Editor's Note: *Jackson County, Oregon is the only county exempt from this legislation. The Citizens of Jackson County got off their back-sides and did something before their elected representatives stole their right to grow organic. BTW, State Representative Dennis Richardson (pictured) lives in Jackson County and voted in favor of SB863, saying that it "will protect Oregon counties from expensive litigation." His newsletter stated that he wanted more legislators to make a determined decision regarding foods that are not natural (as if he is not intelligent enough), and even more absurd is that he appears to not know what Monsanto is or does... Another example of our elected officials doing "The Man's Work."* ★★★

Fast & Furious Book: 'Last Thing ATF Wants is for Truth to Get Out'

(FOX) - The ATF agent who blew the whistle on Fast and Furious is being barred from writing a book about the agency's failed "gun-walking" operation.

The ATF said John Dodson's book - called 'The Unarmed Truth' - would have a "negative impact on morale." Under federal rules, Dodson submitted the manuscript for the book, but officials denied him permission to go ahead with it. The ACLU is fighting on behalf of Dodson.

Judge Andrew Napolitano discussed the situation on Happening Now this morning, and he believes the federal government has overstepped its authority in a desperate bid to keep the details of the operation from the American people.

"They need to re-read the First Amendment," Napolitano explained, adding that the government is "horrendously embarrassed" by the Fast and Furious operation, which eventually led to the death of U.S. Border Agent Brian Terry with a gun that was allowed to reach Mexican drug gangs by the ATF.

"The last thing they want is for the true, real story to get out there. But guess what, we have a right to hear it, and he has a right to say it."

Napolitano said even though federal workers are prohibited from earning this kind of outside income, he believes a judge could be convinced that Dodson's agenda is based on providing the truth, not "earning a buck."

"Freedom of speech and truth is the issue here," said Napolitano.

Napolitano expects a judge to rule at least before Christmas on whether Dodson can release the book, which is ready for publication.

★★★

Prosecutorial Misconduct at Root of Two Recent Exonerations

(The Open File) - The National Registry of Exonerations, a project which provides detailed information about every known exoneration in the United States since 1989, has added two more cases to its database that involved the unlawful suppression of evidence by prosecutors.

The first is a case out of Missouri in which Paula Hall was wrongfully convicted for the murder of a 68 year-old woman in 2003. Hall was implicated in the murder by an ex-boyfriend who said that she had beat the victim to death with a golf club. At trial, the state presented a jailhouse informant who testified that Hall had confessed to the crime while in prison. However, the state failed to disclose important Brady material about this witness: that she had prior convictions of forgery and probation violation, that she had pending charges in another county, and that in exchange for her testimony against Hall, prosecutors helped get her sentence reduced from five years to 120 days (time served) and asked for leniency on her behalf in another case.

Exoneree Paula Hall

Hall was granted a new trial based on the fact that prosecutors had illegally withheld evidence about a key witness that ought to have been handed over to Halls' attorneys. At her second trial, Hall was acquitted. In acquitting Hall, Greene County Circuit Court Judge Michael J. Cordonnier found that much of the evidence against her was shaky at best.

Hall's exoneration is one of a growing number out of Missouri in which evidence was illegally withheld by the state, leading to wrongful convictions.

The second case is out of Hampden County, Massachusetts. In 1987, Mark Schand was convicted of a shooting during a drug deal that ended in the murder of a bystander. When the state prosecuted his brother, Roger Schand, for his alleged involvement in the shooting after Mark's trial, prosecutors disclosed evidence to Roger's lawyers that they had not disclosed to Mark. According to the National Registry, this evidence consisted of police reports that said a Hartford man named Randy Weaver, who owned a blue and grey van similar to Mark Schand, was a suspect in the shooting who was questioned but never charged.

Mark Schand's lawyer alleged in a motion for new trial that the Weaver police reports were "evidence of an alternate suspect that the prosecution had improperly failed to disclose to Schand's trial attorney." The same motion alleged that police had withheld reports that showed that the witness identifications of Mark Schand were "flawed and improper". The motion was denied and Schand's conviction affirmed on the grounds that the withheld information would not have changed the outcome at trial.

However, further investigation affirmed that Weaver and his acquaintances were at the scene of the crime shortly before the shooting, and that one of those acquaintances matched the description of the shooter. In 2013, Schand's lawyers presented this evidence in another motion for new trial, along with evidence that all of the prosecution's witnesses who identified Schand had received favorable deals on pending charges, and that prosecutors had hidden evidence that police had fixed lineups involving Schand so that the witnesses would know to select him.

Hampden District Attorney Mark Mastroianni, who was not the DA at the time Schand was convicted, did not oppose the motion for new trial. It was granted, and Schand was released earlier this month and the state dismissed the charges against him on October 16. ★★★

U.S. drug agents smuggling cocaine, Venezuelan president alleges

(The Examiner) - The president of Venezuela recently cast suspicion on an American law enforcement agency saying his nation is probing the American drug enforcement officers to learn whether or not they are involved in narcotics trafficking in his country.

President Nicolas Maduro announced that his own law enforcement officials are investigating whether the U.S. Drug Enforcement Administration (DEA) was involved in a recent criminal case involving a multi-million dollar cocaine smuggling operation, according to Jerry Langher, a former narcotics detective and director of corporate security.

"After the gun-smuggling snafu by [Bureau of Alcohol, Tobacco, Firearms and Explosives] U.S. federal agents on what's known as Operation Fast and Furious, more political leaders are finding it easier to make outrageous accusations against the United States," said Iris Aquino, a former NYPD police official.

"The [Fast and Furious] scandal gives Maduro's accusation against the DEA more credibility than it would otherwise enjoy," she added.

French officials interdicted almost a ton-and-a-half of cocaine from a commercial flight from Caracas, Venezuela to Paris, France, on Sept. 11, 2013. The confiscated cocaine shipment is believed to be worth upwards of $270 million (U.S. currency) on American streets, according to Langher.

During his visit to the Bolivarian National Guard base in Caracas, Maduro promised that such an occurrence would not be repeated in his country.

"The people responsible are imprisoned here in Venezuela. It's something that should not have happened. Drug trafficking has great power and this incident is being used as a political weapon to label Venezuela as a 'narco-state'," said Maduro.

"We are investigating whether the [U.S. DEA] is behind this case," he added.

"Wherever the DEA is, there are drugs, and what this looks to have been is a controlled handover of drugs," he alleged.

Maduro claimed that the DEA is "a true transnational drug trafficking agency," and alleges that the drug traffickers involved in this case are "friends of the [U.S.] drug enforcement agents."

Venezuela stopped working with the DEA during the Hugo Chavez presidency, when in 2005 Chavez accused the DEA of infiltrating Venezuela's narcotics enforcement units.

Despite spending tens of millions of U.S. dollars on surveillance along its northern and southern borders, the United States failed to interdict the tons of drugs entering the U.S., Maduro claims.

"U.S. agencies will accuse us of being a 'narco-state', but we fight drug trafficking. This is a campaign to morally attack our armed forces," he said.

According to Langher, about 20 alleged Venezuelan drug traffickers were arrested in connection with the drugs found on the Air France flight that left Caracas in September. ★★★

Wrongful convictions: Exonerated inmate wins early round in suit - Federal judge allows case to proceed

(Chicago Tribune) - A man who spent 20 years in prison before being cleared of rape and murder charges by DNA evidence has won an initial battle in his bid to hold Lake County police and prosecutors financially responsible.

Ruling on motions to dismiss Juan Rivera's lawsuit, U.S. District Judge Harry Leinenweber let almost every allegation in the suit go forward. The ruling allows Rivera to keep trying to hold prosecutors liable for his ordeal. A successful lawsuit against prosecutors is rare because they enjoy broad legal immunity, experts said.

Leinenweber also declined to dismiss a defamation claim, meaning authorities could still be liable for publicly insisting on Rivera's guilt even after DNA indicated he didn't kill 11-year-old Holly Staker in Waukegan in 1992. At issue are quotes from police and a prosecutor reported in the media, including an officer's assertion, reported by The New York Times shortly before Rivera was freed, that he was "guilty as the day is long."

Rivera's is one of three pending civil rights lawsuits stemming from a string of DNA exonerations in major Lake County felony cases since 2010. A fourth former inmate recently settled his suit with various law enforcement officials for more than $6 million, including $250,000 from prosecutors, court records show.

The ruling last month comes early in Rivera's court fight. Lawyers for the authorities, who deny Rivera's allegations, will have more opportunities to challenge the suit and argue for immunity. The judge didn't rule on the facts of the suit — just that Rivera's lawyers had made potentially valid legal claims.

But one of his lawyers, Steve Art, said he was pleased lawyers will now be able to use the court's powers to seek a broad spectrum of evidence from authorities. Rivera wants "a public airing of what happened," Art said.

Lawyers for most defendants could not be reached for comment. A state attorney general's office lawyer who represents State Police named as defendants referred questions to her office's spokeswoman, who declined to comment.

Rivera confessed to sexually assaulting and killing the girl after an interrogation

Juan Rivera (left) Attorney (right)

that stretched across four days. Authorities have argued his confession was voluntary, though he has maintained the statement was coerced and given after he suffered a psychological breakdown. Police and prosecutors have argued he knew details only the killer could know, while Rivera contends police supplied the details.

Rivera was found guilty three times, the last in 2009, even though DNA had indicated someone else had sex with the victim. His convictions were repeatedly reversed. Lake County prosecutors explained the other man's DNA by saying the young victim might have been sexually active.

Rivera, 40, went free last year after appellate judges ruled "no rational trier of fact" could find him guilty beyond a reasonable doubt.

Because his case was investigated by a multiagency task force, he sued more than 25 defendants, including police, prosecutors and municipalities.

As in Rivera's case, suits often name individual law enforcement officials, though the municipalities that employ them — or the municipalities' insurers — are generally held responsible for payments. Taxpayers, for example, are already on the hook for about $96 million in legal fees and settlements for cases involving former Chicago police Cmdr. Jon Burge. With at least three more cases pending and more than a dozen other possible victims of torture by Burge identified by a state commission, the total tab could soon pass $100 million.

Among the many claims that will go forward are allegations that former Assistant State's Attorney Michael Mermel, former Waukegan Detective Lou Tessmann and former state police investigator Michael Maley defamed Rivera to the press. In a 2011 New York Times Magazine story, Tessmann was quoted as saying Rivera was "guilty as the day is long," while Maley allegedly said he remained certain of his guilt and Mermel was quoted explaining how DNA isn't always significant to a particular crime.

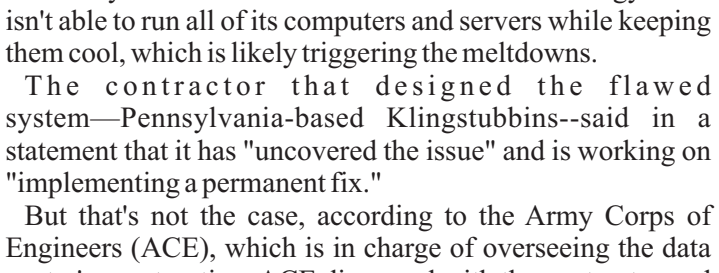
Leinenweber ruled the claim can proceed against all the defendants, and he wrote that Mermel does not have the "absolute immunity" that generally blankets prosecutors performing the functions of their job because Rivera allegation's indicate the statements "were made outside the scope of his official duties."

The only claim Leinenweber dismissed was one Rivera's lawyers acknowledged could be held invalid but made in the suit anyway to preserve the issue for appeal to a higher court.

Waukegan Police Chief Wayne Walles referred questions on the reopened investigation into Holly Staker's slaying to an attorney who represents the city, Chuck Smith, who said it is an active investigation and a detective is assigned to the case. ★★★

GOVERNMENT WASTE

$2 Billion NSA Spy Center is Going Up in Flames



By Brianna Ehley
The Fiscal Times

The National Security Agency's $2 billion mega spy center is going up in flames.

Technical glitches have sparked fiery explosions within the NSA's newest and largest data storage facility in Utah, destroying hundreds of thousands of dollars worth of equipment, and delaying the facility's opening by one year.

And no one seems to know how to fix it.

For a country that prides itself on being a technology leader, not knowing the electrical capacity requirements for a system as large as this is inexcusable.

Within the last 13 months, at least 10 electric surges have each cost about $100,000 in damages, according to documents obtained by the Wall Street Journal. Experts agree that the system, which requires about 64 megawatts of electricity—that's about a $1 million a month energy bill--isn't able to run all of its computers and servers while keeping them cool, which is likely triggering the meltdowns.

The contractor that designed the flawed system—Pennsylvania-based Klingstubbins--said in a statement that it has "uncovered the issue" and is working on "implementing a permanent fix."

But that's not the case, according to the Army Corps of Engineers (ACE), which is in charge of overseeing the data center's construction. ACE disagreed with the contractor and said the meltdowns are "not yet sufficiently understood."

A report by ACE in the Wall Street Journal said the government has incomplete information about the design of the electrical system that could pose new problems if settings need to change on circuit breakers. The report also said regular quality controls in design and construction were bypassed in an effort to "fast track" the project.

The facility—named the Utah Data Center—is the largest of several new NSA data centers central to the agency's massive surveillance program that was exposed by former NSA contractor turned leaker Edward Snowden earlier this year.

Communications from all around the world in the form of emails, cell phone calls and Google searches, among other digital details are stored in the center's databases, which are said to be larger than Google's biggest data center. But due to the major system meltdowns, the NSA hasn't been able to use the center's databases. ★★★

How Prosecutors Rig Trials by Freezing Assets

(WSJ) - On Oct. 16, the Supreme Court will hear oral arguments on a claim brought by husband and wife Brian and Kerri Kaley. The Kaleys are asking the high court to answer a serious and hotly contested question in the federal criminal justice system: Does the Constitution allow federal prosecutors to seize or freeze a defendant's assets before the prosecution has shown at a pretrial hearing that those assets were illegally obtained?

Such asset freezes often prevent a defendant from hiring the trial counsel of his choice to mount a vigorous defense, thus increasing the likelihood of the government extracting a guilty plea or verdict. Because asset forfeiture almost automatically follows conviction, a pretrial freeze ultimately enables the Justice Department to grab the frozen assets for use by executive-branch law enforcement agencies. It is a neat, vicious circle.

What crimes are the Kaleys charged with? Kerri Kaley was a sales representative for a subsidiary of Johnson & Johnson. Beginning in 2005, the feds in Florida investigated her, her husband Brian, and other sales reps for reselling medical devices given to them by hospitals. The hospitals had previously bought and stocked the devices but no longer needed or wanted the overstock since the company was offering new products. Knowing that the J&J subsidiary had already been paid for the now-obsolete products and was focused instead on selling new models, the sales reps resold the old devices and kept the proceeds.

The feds had various theories for why this "gray market" activity was a crime, even though prosecutors could not agree on who owned the overstocked devices and, by extension, who were the supposed victims of the Kaleys' alleged thefts. The J&J subsidiary never claimed to be a victim.

The Kaleys were confident that they would prevail at trial if they could retain their preferred lawyers. A third defendant did go to trial with her counsel of choice and was acquitted. But the Justice Department made it impossible for the Kaleys to pay their chosen lawyers for trial.

The government insisted that as long as the Kaleys' assets—including bank accounts and their home—could be traced to the sale of the medical devices, all of those assets could be frozen. The Kaleys were not allowed to go a step further and show that their activities were in no way criminal, since this would be determined by a trial. But the Kaleys insisted that if the government wanted to freeze their funds, the court had to hold a pretrial hearing on the question of the legality of how the funds were earned.

The Kaleys complained that the asset freeze effectively deprived them of their Sixth Amendment right to the counsel of their choice—the couple couldn't afford to hire the defense that they wanted. Prosecutors and the trial judge responded that the Kaleys could proceed with a public defender. This wouldn't have been an encouraging prospect for them, for while public counsel is often quite skilled, such legal aid wouldn't meet the requirements the Kaleys believed they needed for this complex defense. Choice of counsel in a free society, one would think, lies with the defendant, not with the prosecutor or the judge. (The Kaleys' chosen trial lawyers have agreed to stick with the case during the pretrial tussling over the asset-freeze question, but trying the case before a jury would be much more expensive and would require the frozen funds.)

Federal asset-forfeiture statutes like the one the Kaleys are fighting are actually a relatively recent invention. Before 1970, when Congress adopted the first provisions seeking to strip organized-crime figures of ill-gotten racketeering gains, there were no such laws (with the exception of the Civil War-era Confiscation Acts providing for the forfeiture of property of Confederate soldiers).

Since 1970, however, such federal statutes have expanded to cover a breathtaking number of crimes, from the sale of fraudulent passports and contraband cigarettes right up to murder and drug trafficking. An authoritative treatise, the 4th edition of the encyclopedia "Federal Practice & Procedure," asserts that federal forfeiture is now available "for almost every crime." In January, the New York Times quoted Manhattan U.S. Attorney Preet Bharara as saying that asset forfeiture is "an important part of the culture" and "an example of the government being efficient and bringing home the bacon." In 2012 alone, federal prosecutors seized more than $4 billion in assets. The Justice Department is allowed by law to put that bacon to use however prosecutors wish—to pay informants, provide snazzy cars to cooperating witnesses, whatever.

The Kaleys are hardly alone. The recently completed prosecution of Conrad Black indicates starkly how such seizures can torpedo a defendant's chance of getting a fair trial. In his 2007 high-profile case, Mr. Black, a former newspaper publisher indicted for alleged fraud and related crimes in the sale of Hollinger International, endured a federal freeze of his major unencumbered asset, the cash proceeds from the sale of his New York City apartment. That freeze prevented him from being able to retain the legal counsel upon whom he had relied before the asset freeze.

Mr. Black ultimately was convicted on two counts, winning on all the others in a shifting array of counts that numbered more than a dozen. Last year, having served his 42-month prison sentence, he filed a petition in federal court seeking to vacate his convictions on the ground that the government's asset-forfeiture tactics had deprived him of his counsel of choice. That effort foundered when the judge concluded that Mr. Black's trial counsel—not his counsel of choice, it must be noted, but rather the counsel he could afford after the asset freeze—had failed to properly raise and hence preserve the issue for later appellate review.

The Supreme Court has now threatened to upset the game that is so lucrative for the government and disabling for defendants. On March 18, the court agreed to consider the Kaleys' claim that the asset freeze without a hearing on the merits of the underlying criminal charge violated their constitutional rights. At oral argument in mid-October, the broader question will be whether, after four decades of federal asset seizures, the high court will put a freeze on the Justice Department.

Mr. Silverglate, a Boston criminal defense and civil liberties lawyer, is the author, most recently, of "Three Felonies a Day: How the Feds Target the Innocent".

★★★

1/6 of U.S. Population Now on Food Stamps – *Is There Any End in Sight?*

By Kristin Tate

Government welfare is well intended, but it can make poor people comfortable remaining in poverty. Why pay your own way when Uncle Sam will pay it for you?

Food stamps, or in USDA parlance, the "Supplemental Nutrition Assistance Program (SNAP)," is an expensive and bloated welfare program. A temporary and effective safety net to help struggling Americans put food on the table undoubtedly makes sense, but SNAP has spun out-of-control.

Almost one in six, or 47.5 million, Americans now receive food stamps. Over 13 million more people receive the food subsidies today than when Obama took office.

15% of the US population is on food stamps, but some states rely on the benefits more than others.

The Wall Street Journal points out that in some states, nearly a quarter of the population relies on food stamps. Mississippi and Washington, DC top the list of food stamp enrollment "by state," at 22% and 23% respectively.

Don't expect SNAP to downsize anytime soon — despite spending a whopping $80 billion on food stamps last year, the Department of Agriculture (USDA) argues the program needs more funding.

The USDA is so set on expanding SNAP that it spent $43.3 million to advertise food stamps in 2011 alone. Government-produced, colorful commercials enthusiastically encourage people to sign up for the subsidies.

Moreover, the commercials portray food stamps in a wholly positive light. To be sure, government efforts to distribute food stamps should not demean recipients. But there is a better balance to be struck between safeguarding the dignity of recipients and making them feel that the SNAP assistance is an admirable, unqualified entitlement.

The commercials show up frequently on various television and radio stations. Radio ads produced by Obama's USDA, tells listeners that food stamps will make them "look amazing."

Some ads are produced by state governments. One television commercial produced by New York tells people food stamps are "a quick, easy, confidential way to get help."

It would be easier to swallow the heavy expense to taxpayers for ads promoting SNAP if the program itself were not already grossly out of hand.

There are even SNAP ads targeted at illegal immigrants.

SNAP is also ridden with fraud. Many individuals trade their food stamps for cash and drugs, but the government does little to address this issue.

SNAP recipients receive Electronic Benefit Transfer (EBT) cards, which look and function like a debit card but are only supposed to be used to purchase food.

Despite EBT cards' intended use, a simple search online pulls up countless discussion boards where people discuss how to trade the benefits for cash.

Making matters worse is the fact that SNAP is often counterproductive by discouraging work. When a recipient starts making too much income, they lose the benefit. The incentive to find a job is gone.

Some liberals assert that food stamp use is up because the economy is bad, but that is simply not the case. Food stamp spending nearly doubled years ago, before the current recession. The program's budget rose from $19.8 billion in 2000 to $37.9 billion in 2007. Congress should test the food stamps program much more aggressively to focus on the truly needy, while eliminating disincentives for individuals to go to work.

This is certainly one of the most pressing issues facing the nation. But it receives almost no coverage from the so-called mainstream media.

What will it take for the media and citizens to wake up? Will it take 50% of all citizens receiving food stamps? 75%?

Americans have become obsessed with the "1%" and "99%." They should instead focus on the 17% taking from the 83%. That is a statistic worth protesting in our public parks.

US~Observer Editor's Note: With the recent glitch in the food stamp program closing access to Electronic Benefit Transfer Cards (EBT) across some 17 states, one has to wonder if it was a planned event to see what would happen should the system ever collapse. Maybe we'll see a glimpse of what can happen when benefits shrink as of November 1st when the American Recovery and Reinvestment Act of 2009 runs out. ★★★

Just Following Orders

By Juli Adcock

In the recent maelstrom which occurred as a result of the federal government "shutdown", long neglected principles and important questions that need answers are being revealed. Most Americans saw the government shutdown as a system failure and line up along political party allegiances, failing to see the principles the writers of the Constitution put in place to protect the American people against abuses of power that are inevitable with fallible human beings at the helm.

For those of us in law enforcement, there is a particular incident that occurred that brings up questions that need answering given the current conduct of our elected officials and agency bureaucrats, regardless of political affiliation.

The specific incident involves the Blue Ridge Parkway and a privately owned business located along the Parkway. As a result of the "shutdown", all monuments, federally run parks and national forests are closed and Park Rangers were ordered to "make life as difficult as we can." The Pisgah Inn, a privately-owned restaurant and inn is located on mile marker 408.6 on the Blue Ridge Parkway.

The executive branch ordered Park Rangers to inform the owner to close his business. When he failed to do so in protest, Park Rangers were ordered to block the entrance of his business, while the Blue Ridge Parkway, in and of itself, an open air park remains open to traffic. As of now, Rangers are stationed in shifts around the clock, blocking the entrances to the business.

The Park Rangers, apologetic, explained they were "just following orders". It is an ugly and morally untenable position to be in. Given the current political situation in the country, it is one that more and more officers will find themselves in at all levels of government. Law enforcement has an ugly history across the world of being utilized as a weapon to further political agendas and the establishment of tyrannical dynasties at a local level, as well as nationally.

Instead of protecting individuals against the predation of others and impartially enforcing laws established through the orderly legal process, police have been used to enforce the whims of political and often criminal tyrants. Though the vast majority of officers are performing their duties honorably and in good faith, too often, there is a failure to fully understand the full implications of the oath that every officer takes upon accepting the badge.

Though other countries have followed suit, the United States was the first to require an oath to uphold and defend ideas and principles, rather than swear fealty to a person or elected position. The basic law enforcement oath, with minor variations depending on jurisdiction is:

I (state your name), do solemnly swear (or affirm), that I will support the Constitution of the United States, and the Constitution and laws of the State of xxxxxx, that I will bear true faith and allegiance to the same, and defend them against enemies, foreign and domestic, and that I will faithfully and impartially discharge, the duties of a peace officer, to the best of my ability, so help me God.

What is the significance of swearing an oath to support the Constitution first, rather than to the President or the government in general? Though many dismiss the founders, and the Constitution as outdated, the men that developed the Constitution anticipated and understood that human beings being placed in positions of power would abuse it, some for well meaning, but misguided purposes and others to accumulate or abuse the power given them. They even anticipated that the whole people could be swayed by emotions, circumstances and the lies of ambitious, conniving people gaining control of the government.

That the supervisory chain of command issued orders to Park Rangers to "make life miserable" for American citizens to further political agendas is on its face an unlawful order. There is no constitutional or statutory authority for government officials to harass, intimidate or make life difficult for anyone, let alone law abiding citizens, especially for the purposes of achieving political agendas in violation of constitutional limitations. There are, in fact, court cases addressing privately owned businesses and individuals leasing federal lands winning in court when the federal government disrupted the lawful use of this property like the Park Rangers did when physically obstructing access to the Pisgah Inn and others along the Blue Ridge Parkway.

These politically motivated abuses are not limited to the federal government. One of many examples is in 2007, police were ordered to destroy the tents of the homeless in St. Petersburg, Florida with box cutters. While the homeless do present problems for many local communities, there are lawful means to address the issue that do not involve police officers destroying the personal property of citizens, even though they are homeless and have no political influence. The city excused ordering the actions stating that they didn't want to arrest and get into conflict with the homeless, yet ended up with an entire cadre of homeless up in arms, along with others in the community.

The oath of office we take provides that we first support the U.S. Constitution and one of the fundamental principles of the Constitution is that all laws must flow from within the foundation of it. We are then directed to support the State Constitution of our jurisdiction and the laws flowing within those boundaries. We are to bear true faith and allegiance to the former and here is where many have missed the significance of their oaths. We are directed to defend against foreign and domestic enemies of that which we swore to support through the faithful and impartial discharge of our duties.

Our oath requires that we are knowledgeable of the Constitution and the limitations of government authority, as well as the laws that uphold those principles. That oath does not provide for blind obeisance to any and all orders given by our superiors. The challenge we face as a profession is to answer the question of what will be done when we are faced with increasingly blatant unlawful orders. The weight of the badge can be a very heavy weight to bear.

It is my hope that all who swore this oath and accepted the noble weight of the badge, regardless of whether it is at a federal, state or local level will look to the immense sacrifices that were made to change the relationship between the citizens and their government to birth the liberty that allowed the greatest nation to begin the journey to fulfill the promise of life, liberty and the pursuit of happiness, along with all of mankind being created equal. We are not blind automatons mindlessly following orders; we are American citizens first and peace officers after that.

Perhaps George Washington outlined our duties best in the following quote:

"The value of liberty was thus enhanced in our estimation by the difficulty of its attainment, and the worth of characters appreciated by the trials of adversity…The name of American, which belongs to you, in your national capacity, must always exalt the just pride of Patriotism, more than any appellation derived from local discriminations…Guard against the impostures of pretended patriotism…It should be the highest ambition of every American to extend his views beyond himself, and to bear in mind that his conduct will not only affect himself, his country, and his immediate posterity; but that its influence may be co-extensive with the world, and stamp political happiness or misery on ages yet unborn."

Juli Adcock resides in New Mexico and is an instructor with The Appleseed Project - www.appleseedinfo.org. ★★★

LIBERTARIAN • li-b?r-'ter-ē-?n
1 : an advocate of the doctrine of free will
2 a : a person who upholds the principles of individual liberty especially of thought and action
~Merriam-Webster

Your Personal Liberty

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

The Insidious, Hidden Nature of Theft By Government

Articles By Bob Livingston

When it comes to the economy, most Americans are functionally illiterate and lost in a fog of frivolity and ignorance. How else to explain their continued advocacy for and support of policies detrimental to their economic interests?

For instance: Conventional wisdom holds that the Federal Reserve is essential to sound monetary policy and that its activities ensure that inflation and unemployment are kept in check. Conventional wisdom also holds that the United States is in debt and you should pay your "fair share" of tax dollars — as determined by a group of collectivists — into the U.S. Treasury in order to keep government functioning and pay off that debt. Neither could be further from the truth.

Look at the dollars in your pocket. They are nowhere near the value of the dollars that you had as a child or that you may have stored under your mattress.

Most people think that a dollar is a dollar. Not so. Today's dollars (nominal dollars) are quicksand money that destroys financially all who trust it.

We have had fiat paper money since 1913, and most of that time it was being debased (inflated). Now it's at a 96 percent loss. A 1913 dollar is now worth only 4 cents. What cost $1 in 1913 now costs almost $23. How did this happen?

It happened through inflation — which is not rising prices, as most have been lead to believe. Inflation is an increase in the supply of money, i.e., money printing by the Federal Reserve. The increase in the amount of money in circulation causes prices to rise as more money chases fewer goods.

We are only as rich or as poor as the purchasing power of our money. Have you ever wondered why banks and politicians love paper money? Because they profit from it!

Some of you who are readers of The Bob Livingston Letter™ (subscription required) may remember we predicted that the money printers would pull us out of the 2008 financial collapse at least one more time. Well, the indicators put forth by government and the mainstream media propagandists tell us that they are doing it, but it comes at great cost to the value of your dollars and to the detriment of the middle class.

In this inflating economy we have the stock market hitting all-time highs, but in nominal dollars it is creating deceptive losses.

Nominal dollars are the everyday paper dollars that we think of and call money. These dollars change every day (depreciate). The value of these dollars goes down constantly as the money printers continue to debase our currency.

Now the point is that Americans don't know the difference. They don't know that depreciating or nominal dollars by debasement is destroying their savings, their retirement and systematically impoverishing them. If this is not all important, I don't know what is!

Nominal dollars, or depreciating currency, is destroying America. America is a giant Ponzi scheme no different from the one pulled off by Bernie Madoff. Madoff's scheme collapsed because he became locked into an economic death spiral of moving dollars from one pile to another. That is the case of the U.S. economy.

Nominal depreciating paper money dollars is default headed for the trash heap of all the unfunded paper money in history. The few who wake up to the real world begin exchanging their depreciating paper money for gold, silver and Swiss annuities (Swiss francs).

Those unaware of the inflating debasing nature of nominal dollars live in a fickle and imaginary world. They believe that all is well and all is safe. They are further deceived by rising stock prices in nominal dollars. One can be up 100 percent in a stock portfolio but still be losing in real dollars. It's very deceptive!

How many investors in Warren Buffet's famous Berkshire Hathaway realize that they have been losing in real dollars for years? I don't believe they mention this in their sensational annual reports.

All modern money is nominal dollars. Look at the money in your pocket or your savings account or your retirement. You are being deceptively impoverished and the fact that you are unaware of it makes your eventual impoverishment certain.

As to whether Federal Reserve or a central bank is necessary, one need only look at the 100 years prior to the creation of the Fed in 1913 (a period that also included Civil War inflation and its destruction of the U.S. economy). An item that cost $1 in 1814 cost only 47 cents in 1913. That's almost completely the reverse of the past 100 years.

Now to the "crisis" in the Washington, D.C., cesspool and the ongoing debate over government funding and the debt ceiling. First, understand this: The U.S. national debt will never be paid off. There is in fact no debt. It is all an illusion of political doublespeak.

How can there be a "debt" if there is money printing to infinity? Ask yourself another question: If you had a printing press that could print all the money you wanted, would you have any debt? Of course not, and neither does the U.S. government (but State and local governments do have debt).

So if there is no debt, why must you pay your "fair share" of taxes? The truth is there is no need, because as I've demonstrated, your taxes do not go to pay U.S. debt. Taxes are merely a means of redistributing wealth and compiling an informational dossier on all Americans.

The key word to describe fiat non-substance is infinity. This imaginary money system can be created to infinity and indeed is on its way. The American people (and the world) believe that this non-substance is real money. This is an exercise in an unbelievable and unimaginable delusion that is accepted by the mind as real.

This is socialism at its most perfect creation and it is doing exactly socialism's work of transferring the wealth and savings of the American people to the State without payment.

Debt implies that there are limits to money and spending. Debt is not a concept that can be applied to Federal government so-called accounting. This is one of the system's deep dark secrets and proof the whole Federal System is a fiat paper Ponzi.

My friends, you may have title to your home, your savings and your accumulated wealth, but the State is the owner without compensation to you.

Why? Everything that you "own" is denominated in fiat U.S. dollars. As the Fed creates fiat to buy up America (euphemism for bailout), the nominal dollar ownership of your property diminishes. This system allows no escape from its fiat.

So what should you do? First, stop thinking conventional thoughts. They are not your own.

If you will digest completely what I write, you will be catapulted into the real world. You will not spend your life frivolously and off point.

Preserve your labor, your savings and retirement with gold and silver in your possession. You will know what to do with your precious metals when the time comes — and it will come.

Precious metals don't pay interest, you say? This is conventional thinking backed by the paper money myth. Gold and silver are the only real money in existence. They are real money as well as intrinsic wealth. Moreover, gold and silver appreciate in purchasing power as paper money depreciates. That is your real interest. All understanding of hard money has been lost down the memory hole of the fiat paper world money regime.

I am proud to be an American, but I know that my government and my country have been stolen by the money creators. ★★★

Emails Show Pay-For-Play Scheme In Drug Trials

Emails obtained through a public records request reveal how Big Pharma, supposed independent researchers and the Food and Drug Administration are involved in a pay-for-play scheme involving drug trials and research.

The emails show that a scientific panel that shaped FDA policy for testing the safety and effectiveness of painkillers required $25,000 fees from drug manufacturers to attend the panel's meetings. The panel, led by two academics, provided advice to the FDA on how to weigh evidence from clinical trials.

The medical professors who led the group were Robert Dworkin of the University of Rochester and Dennis Turk of the University of Washington. They received as much as $50,000 each for a meeting. The money went to their academic research accounts and paid for research assistants and expenses. In the emails, they also suggested they should receive honoraria payments of $5,000 for a four-hour meeting.

The emails show some of the pharmaceutical companies balked at the fees. "20k is small change, and they justify it easily if they want to be at the table," Dworkin wrote to Turk in July 2003, after an Eli Lilly representative complained. "Everybody has been very happy with [the meetings] and they are getting a huge amount for little money (impact on FDA thinking, exposure to FDA thinking, exposure to academic opinion leaders and their expertise, journal article authorship, etc.) and they know it. Do they really expect it to be any less than 20K per meeting for all this?"

The attorney who obtained the emails told The Washington Post, "These e-mails help explain the disastrous decisions the FDA's analgesic division has made over the last 10 years. Instead of protecting the public health, the FDA has been allowing the drug companies to pay for a seat at a small table where all the rules were written."

Recent court cases have revealed the Big Pharma pays doctors thousands of dollars to sign off as authors of research papers they've barely read and that were written by Big Parma PR hacks. These research papers are used by the FDA to approve certain medications.

There is also a revolving door between the FDA and the drug companies.

Contrary to popular belief, the FDA and Big Pharma are interested in money more than they are interested in health.

★★★

At The Tipping Point

America is about eight-tenths of a percentage point from reaching a tipping point from which recovery of the republic from socialistic forces will be impossible without violent revolution or catastrophic economic collapse.

According to data released by the Census Bureau, 49.2 percent of Americans are on the public dole, having received benefits from one or more government sources during the last three months of 2011.

A total of 151,014,000 Americans out of a population of 306,804,000 benefited from government redistribution schemes during the period. Of course, Obamacare, which will provide "subsidies" to everyone earning up to 400 percent of the poverty level, will tip the scales to well more than 50 percent.

Almost one-third of those receiving government benefits — 49.9 million — collected Social Security. That is the government's huge Ponzi scheme that steals from the workers to give to retires. For those who retired prior to 2000, it was a great deal. Workers who retired in 1960 paid on average $36,000 in Social Security taxes and received lifetime benefits of $259,000. Those who retired in 1980 paid an average of $192,000 in Social Security taxes and received $452,000 in benefits.

The average 2010 retiree had paid $558,000 in Social Security taxes but the expected lifetime outlay will be only $555,000. Projections for the 2030 retiree are for lifetime benefits of $699,000 on Social Security taxes of $796,000.

Keep in mind that retirees are not the only people dipping into the Social Security pool. It includes disabled workers and the spouses, children, widows and widowers of those who had a portion of their wages confiscated by the government.

Like all Ponzi schemes, Social Security will inevitably collapse.

And then there are the other redistributive government programs to consider. Among the 151 million receiving government largess at the end of 2011, 49 million got food stamps; 46.4 million were on Medicare, 23.2 million were on the Women, Infants and Children (WIC) program; 20.2 million got Supplemental Security Income; 13.1 million who got veteran's benefits and 364,000 who received railroad retirement benefits.

★★★

Bob Livingston is an ultra-conservative American who has been writing a newsletter since 1969. Bob has devoted much of his life to research and the quest for truth on a variety of subjects. Bob specializes in health issues such as nutritional supplements and alternatives to drugs, as well as issues of privacy (both personal and financial), asset protection and the preservation of freedom. He is editor of Personal Liberty Digest™, www.Personalliberty.com - voted the number one Libertarian website, according to compete.com.

COMMENTARY

Your Right to Speak Out

Finding a crime for every man

By Judge Andrew Napolitano

While the nation's political class has been fixated on the government shutdown in Washington, the National Security Agency (NSA) has continued to spy on all Americans and, by its ambiguity and shrewd silence, seems to be acknowledging slowly that the scope of its spying is truly breathtaking.

The Obama administration is of the view that the NSA can spy on anyone, anywhere. The president thinks that federal statutes enable the secret Foreign Intelligence Surveillance Act (FISA) court to authorize the NSA to capture any information it desires about any persons without identifying the persons and without a showing of probable cause of criminal behavior on the part of the persons to be spied upon. This is the same mindset that the British government had with respect to the colonists. It, too, thought that British law permitted a judge in secret in Britain to issue general warrants to be executed in the Colonies at the whim of British agents.

General warrants do not state the name of the place to be searched or the person or thing to be seized, and they do not have the necessity of individualized probable cause as their linchpin. They simply authorize the bearer to search wherever he wishes for whatever he wants. General warrants were universally condemned by colonial leaders across the ideological spectrum — from those as radical as Sam Adams to those as establishment as George Washington, and from those as individualistic as Thomas Jefferson to those as big-government as Alexander Hamilton. We know from the literature of the times that the whole purpose of the Fourth Amendment — with its requirements of individualized probable cause and specifically identifying the target — is to prohibit general warrants.

Yet the FISA court has been issuing general warrants, and the NSA executing them since at least 2004.

Recently, we learned in a curious colloquy between members of the Senate Select Intelligence Committee and Gen. Keith Alexander and Deputy Attorney General James Cole that it is more likely than not that the FISA court has permitted the NSA to seize not only telephone, Internet and texting records, but also utility bills, credit card bills, banking records, social-media records and digital images of mail, and that there is no upper limit on the number of Americans' records seized or the nature of those records.

The judges of the FISA court are sworn to secrecy. They can't even possess the records of what they have done. There is no case or controversy before them. There is no one before them to oppose what the NSA seeks. They don't listen to challenged testimony. All of this violates the Constitution because it requires a real case or controversy before the jurisdiction of federal courts may be invoked. So when a FISA court judge issues an opinion declaring that NSA agents may spy to their hearts' content, such an opinion is meaningless because it did not emanate out of a case or controversy. It is merely self-serving rhetoric, unchallenged and untested by the adversarial process. Think about it: Without an adversary, who will challenge the NSA when it exceeds the "permission" given by the FISA court or when it spies in defiance of "permission" denied? Who will know?

For this reason, the FISA court is unconstitutional at best, and not even a court at worst. It consists of federal judges administratively approving in secret the wishes of the government. By not adjudicating a dispute, which is all that federal judges can do under the Constitution, these judges are not performing a judicial function. Rather, they are performing a clerical or an executive one, neither of which is contemplated by the Constitution.

Yet the president, his secret agents and the politicians who support them would have you believe that the NSA's spying has been approved by bona fide federal courts. It has not. Does the Constitution permit the federal government to put us all under a microscope? It does not. The government is supposed to work for us and derive its powers from the consent of the governed. Do you know anyone who consented to all this? I do not.

The traditional bar that the government must meet in order to begin gathering data on any of us is individualized, articulable suspicion about criminal behavior. The purpose of that requirement is to prevent witch hunts and inquisitions and knocks on doors in the night. Without that bar, there are no limits as to whom the feds can pursue.

What will become of us if the feds can watch our every move, hear our every conversation, learn our every expenditure, read our every email, find out what we eat, whom we love and how we live? There are well over 4,500 federal crimes. The feds can find something wrong that anyone has done. Stalin's chief of secret police, the monster Lavrenti Beria, once famously proclaimed: "Show me the man, and I will find you the crime." History teaches that a government on a witch hunt, unconstrained by law or Constitution, will not stop until it can brand someone as a witch. And an unbridled inquisition will not stop until it finds a heretic. The Constitution simply can never entrusted the people who run the government with this awesome power. Rather, in the Fourth Amendment, it prohibited it.

If the right to life, liberty and the pursuit of happiness — which are the stated reasons for forming the United States of America in the first place — means anything, its means that we all possess the inalienable right to be different and the inalienable right to be left alone. Neither of these rights can be honored when the government knows all. When the government knows all and doesn't like what it knows, we will have an authoritarian state far more odious than any other that history has ever known.

On the face of an all-knowing secret government are large and awful eyes — and no smile.

Andrew P. Napolitano, a former judge of the Superior Court of New Jersey, is the author of seven books on the U.S. Constitution, including his most recent, "Theodore and Woodrow: How Two American Presidents Destroyed Constitutional Freedom" (Thomas Nelson, 2012). ★★★

Who Shut Down the Government?

By Thomas Sowell

Even when it comes to something as basic, and apparently as simple and straightforward, as the question of who shut down the federal government, there are diametrically opposite answers, depending on whether you talk to Democrats or to Republicans.

There is really nothing complicated about the facts. The Republican-controlled House of Representatives voted all the money required to keep all government activities going -- except for ObamaCare.

This is not a matter of opinion. You can check the Congressional Record.

As for the House of Representatives' right to grant or withhold money, that is not a matter of opinion either. You can check the Constitution of the United States. All spending bills must originate in the House of Representatives, which means that Congressmen there have a right to decide whether or not they want to spend money on a particular government activity.

Whether ObamaCare is good, bad or indifferent is a matter of opinion. But it is a matter of fact that members of the House of Representatives have a right to make spending decisions based on their opinion.

ObamaCare is indeed "the law of the land," as its supporters keep saying, and the Supreme Court has upheld its Constitutionality.

But the whole point of having a division of powers within the federal government is that each branch can decide independently what it wants to do or not do, regardless of what the other branches do, when exercising the powers specifically granted to that branch by the Constitution.

The hundreds of thousands of government workers who had been laid off were not idle because the House of Representatives did not vote enough money to pay their salaries or the other expenses of their agencies -- unless they were in an agency that would administer ObamaCare.

Since we cannot read minds, we cannot say who -- if anybody -- "wanted to shut down the government." But we do know who had the option to keep the government running and chose not to. The money voted by the House of Representatives covered everything that the government does, except for ObamaCare.

The Senate chose not to vote to authorize that money to be spent, because it did not include money for ObamaCare. Senate Majority Leader Harry Reid said that he wanted a "clean" bill from the House of Representatives, and some in the media kept repeating the word "clean" like a mantra. But what is unclean about not giving Harry Reid everything he wants?

If Senator Reid and President Obama refuse to accept the money required to run the government, because it leaves out the money they want to run ObamaCare, that is their right. But that is also their responsibility.

You cannot blame other people for not giving you everything you want. And it is a fraud to blame them when you refuse to use the money they did vote, even when it is ample to pay for everything else in the government.

When Barack Obama kept claiming that it was some new outrage for those who control the money to try to change government policy by granting or withholding money, that was simply a bald-faced lie. You can check the history of other examples of "legislation by appropriation" as it used to be called.

Whether legislation by appropriation is a good idea or a bad idea is a matter of opinion. But whether it is both legal and not unprecedented is a matter of fact.

Perhaps the biggest of the big lies was that the government would not be able to pay what it owed on the national debt, creating a danger of default. Tax money keeps coming into the Treasury during a shutdown, and it vastly exceeds the interest that has to be paid on the national debt.

Even if the debt ceiling was not lifted, that only meant that government was not allowed to run up new debt. But that does not mean that it was unable to pay the interest on existing debt.

None of this is rocket science. But unless the Republicans get their side of the story out -- and articulation has never been their strong suit -- the lies will always win...

★★★

Obamacare is Not a Law: It's a New Three Letter Agency

By Michael Lofti

After watching the Patient Care Act (PCA), better known as Obamacare, in action over the past couple years one thing is becoming clear. It's not a law. Sure, Congress may have passed it as a law, and the president signed it as a law. However, when you review its implementation it doesn't resemble a law at all.

We are a nation of laws, not of men. This meaning that the law applies equally to all. There are no exceptions for this group, or that group. Well, Obamacare does not work in such a manner. If Obamacare was a law then the idea of the IRS union seeking an exemption would have never come to bear fruit. The IRS union wasn't alone in their request. If fact, three of the country's largest labor unions wrote a joint letter to Harry Reid (D-NV) and Nancy Pelosi (D-CA) saying that the healthcare bill would be catastrophic and they wanted an exemption. To be fair, the administration rejected the unions' request. However, the very idea that it was even on the table is strikingly parallel to how the IRS will deny or approve tax exempt status of organizations. How long until someone gets an exemption from the law? Turns out- not too long at all.

Like it, or not the law was passed as written. Obama, acting in secret, as if he was head of such an agency, allowed congressional members and their staffs an exemption. To be clear, they are not completely exempt from Obamacare. However, as of now, taxpayers pay almost 75 percent of premium payments for Congress as part of government employee benefits in Washington. An amendment to the healthcare law could have ended that subsidy. Instead of actually legislatively fixing the law so that Congress could maintain their subsidy, Obama simply issued an exemption from the amendment. However, the amendment still remains law.

Another example of how Obamacare is operating as an agency, and not a law is when Obama had the IRS get involved to "change the law". Obamacare was passed by Congress- not the IRS. This would imply that only Congress can make changes to the law. However, that didn't stop President Obama from going to the IRS when he realized that Senate democrats made a glaring mistake when drafting the law.

Under Obamacare states were given the option to decide whether or not they wanted to set up an insurance exchange, which each state would run. Those states who choose not to set up their own insurance exchange would have a federal exchange set up in its place. States that did choose to set up an exchange are to fine employers who do not provide insurance under the employer-mandate penalty. This money is then returned to the employees to purchase insurance through the state run exchange.

So far more than two dozen states have opted out of the state exchange. Tennessee, Texas, Florida and Oklahoma to name a few. President Obama and democratic leadership failed to add this same penalty to states who opt-out of the state exchange in place of the federal exchange. Therefore, the dozens of states that have already opted out cannot be fined under the employer-mandate penalty. This would have left Obamacare in shambles.

So, Obama went to the IRS and had them re-write the healthcare law. However, this is unconstitutional. Only Congress can make such changes to law. A lawsuit has been making its way to the Supreme Court filed by the state of Oklahoma challenging this illegal power grab. Parallel to how the EPA can essentially create their own laws, Obamacare is doing the same.

Not convinced yet? Let's look at how many delays have been passed out. First big business got a huge exemption. The Employer Shared Responsibility (ESR) provisions have been delayed until Jan.1, 2015. Next, small businesses were issued a short delay only two weeks ago. However, the law clearly sets dates. No where in the law are delays allowed. Acting above the law, the Obama administration handed out delays anyways.

Obamacare does not behave like a law at all. In fact, it behaves quite more so like an agency. It arbitrarily enforces parts it does and does not like, delays dates and even creates new laws from within itself. Why is this such a big deal? One only need look at any 3-letter agency to see how monstrous, unconstitutional, expensive and intrusive they've all become since their well-intended creation.

The FDA arrests people for trading raw milk. The EPA throws people in jail for the rest of their lives for moving soil from one corner of their yard to another. The DEA throws thousands of people in jail every year for victimless crimes. The TSA sexually harasses us on a daily basis. The DOE tells our children what to think, eat, wear, how to brush their teeth and who to have sex with. Now it seems that we can add the PCA to the list of 3-letter agencies, which will arbitrarily create and manipulate laws (at will) without congressional, executive or judicial oversight. The 3-letter agencies, or as I like to call them "the fourth branch of government", just got a new power-player.

Truth be told, the PCA cannot simply be a "law". Having studied in the medical field for 4 years and graduating with top honors I can tell you that I have paid attention, and that the science, and the market is far too convoluted to be confined by a simple law (regardless of how many pages it contains). For the PCA to actualize into any sort of relative success it will require an agency of its own, and the President is coming to realize this reality as evidenced by his actions listed above.

Michael Lotfi is a Persian, American political commentator and adviser living in Nashville, Tennessee where he works as the associate director for the Tenth Amendment Center. ★★★

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

COMMENTARY

Protecting the Speech We Hate

By Paul Sherman and Robert Mcnamara

(New York Times) Arlington, Virginia — SHOULD one-on-one advice and counseling be protected as free speech? It sounds like a no-brainer. Of course it should be. But a recent decision by a three-judge panel of the United States Court of Appeals for the Ninth Circuit says otherwise.

Ruling on two First Amendment challenges to a California law that prohibits licensed medical providers from using talk therapy to try to change a minor's sexual orientation, the court said that such therapy is "conduct," not "speech," and therefore deserves no protection.

Let's get this out of the way right up front: We have no sympathy for the plaintiffs in these cases. We are offended by their speech. And we think the world would be a better place if the plaintiffs accepted gay people for who they are, instead of treating them as if they were broken and required what is euphemistically called "reparative" therapy.

But none of that has anything to do with the central legal question: Is one-on-one advice and counseling — not just about homosexuality, but about anything — protected free speech under the First Amendment?

The answer to that question has national significance and will extend well beyond the fate of the California law and a similar one in New Jersey that is now being challenged in federal court. The Ninth Circuit's ruling that talk therapy doesn't count as "speech" has drastic consequences for thousands of Americans who speak on all sorts of harmless, everyday topics.

Those Americans include people like Steve Cooksey. Mr. Cooksey is a resident of North Carolina who was recently ordered by that state's dietitian licensing board to stop offering dietary advice through his Web site. The board's reasoning? Dietary advice is not speech, it's the "conduct" of nutritional assessing and counseling.

His case is not unique. Our organization, the Institute for Justice, which represents Mr. Cooksey in a First Amendment lawsuit against the North Carolina licensing board, is confronting similar arguments nationwide in cases involving speech about parenting, pet care and even history. Under the Ninth Circuit's ruling, governments could regulate this speech however they wanted, as long as they relabeled it "conduct."

Lawyers for the state of California made exactly this argument. They said the state was not regulating "speech," but rather "medical treatment" that could be restricted just like brain surgery or electroshock therapy. But whether or not something is protected by the First Amendment does not hinge on whether we decide to call it "speech" or "treatment." It hinges on whether or not the government is regulating something that communicates a message. Brain surgery and electroshock therapy do not, but talk therapy — whatever else it does — clearly communicates a message.

Accepting California's approach would undermine free-speech protections entirely. After all, any kind of speech can be relabeled "conduct." Professors engage in the conduct of "instructing," political consultants in the conduct of "strategizing," and stand-up comedians in the conduct of "inducing amusement."

Fortunately, the United States Supreme Court has made clear that governments cannot escape the First Amendment by playing this kind of labeling game. Three years ago, the court held that the First Amendment applied even to expert legal advice to terrorist groups. The federal government in that case made exactly the same argument that California was making here, that such advice was "conduct," not speech. The Supreme Court rejected that argument, though it did find that the government's interest in combating terrorism was strong enough to uphold the law under First Amendment scrutiny.

The same reasoning applies here. Talk therapy, like other advice, consists of communication, and communication gets First Amendment protection even when the government calls it conduct.

Importantly, the plaintiffs in the California case would not have automatically won their case had the Ninth Circuit held that the First Amendment applied. Instead, the government would then have had the burden of coming forward with actual evidence that the law addressed a real problem and limited speech no more than was necessary. That burden is serious, but it is not insurmountable. It simply means that courts take free speech very seriously, and government officials must present real evidence that their restrictions are necessary to fight a real danger.

It is possible, maybe even likely, that California will be able to meet this burden with regard to its reparative therapy law. But it was the Ninth Circuit's responsibility to ensure that the state did so, and the court failed.

Now the Ninth Circuit has a chance to correct this error. The plaintiffs in these cases have asked the court to grant a rare "en banc" rehearing, before the entire court, to reverse the panel's ruling. Our organization has filed a brief in support of this request. The Ninth Circuit should grant the review — not for the sake of the plaintiffs, but for the sake of the thousands of other people who speak for a living and whose rights also hang in the balance here.

Paul Sherman and Robert McNamara are lawyers at the Institute for Justice, a libertarian public interest law firm. ★★★

How Big Pharma hides vaccine dangers

By Jonathan Benson

(NaturalNews) Vaccine advocates are notorious for making lofty and outrageous claims about the "proven" safety of vaccines, which they say is reinforced by an extensive track record of rigorous safety testing. But the truth of the matter is that the vaccine industry has taken great pains to make sure that only favorable, pre-determined studies conducted using compromised research criteria make it for public consumption, a massive industry sleight of hand that continues to shroud the truth about vaccines behind a thick veil of misinformation.

There is so much about the "science" behind vaccines that many people are simply unaware of, like the fact that most vaccines are not even safety tested against honest placebos, for instance. Then there is the issue of a legitimate unvaccinated control group being evaluated alongside a vaccinated group, both of which would be exposed to the same pathogen as part of an observational analysis. This type of safety test has never even been conducted, because many deem its construct to be "unethical" based on an illogically circular assumption that the unvaccinated group would be "unprotected" from said pathogen.These and other crafty methods of ultimately hiding the truth about vaccines and their many documented dangers from the public are the modus operandi for Big Pharma, which has painstakingly duped the masses into thinking that vaccines have been extensively and unquestionably proven safe. They most definitely have not been proven safe, of course, and many of the vaccine package inserts put out by the vaccine industry itself openly admit this, at least, if you know how to read them.

BIG PHARMA ROUTINELY 'SAFETY TESTS' VACCINES AGAINST OTHER VACCINES TO DECLARE THEM SAFE

In a recent piece for VacTruth.com, Markus Heinze takes a closer look at the faulty methodology behind vaccine safety studies, explaining to his readers using simple analogies why the prevailing vaccine dogma is so preposterous. Using several vaccine package inserts as evidence, Heinze divulges the truth about how vaccine companies literally "safety test" their vaccines against other vaccines rather than placebos, which completely compromises their outcomes.

GlaxoSmithKline's (GSK) ENGERIX-B hepatitis B vaccine for children, for instance, is his first example, as the package insert for this vaccine reveals that it was safety tested against a different vaccine rather than a saline-based placebo. Since both vaccines used in this study likely produced adverse events -- GSK chose the "control" vaccine, after all -- its manufacturer was able to arrive at the pre-determined conclusion that ENGERIX-B does not come with an elevated risk of harmful side effects.

"What the pharmaceutical company should have done is inject one group with the vaccine and the other group with a non-vaccine placebo (i.e., saline)," writes Heinze. "What the pharmaceutical company did, instead, was inject one group with the hepatitis B vaccine, and the other group with a different vaccine. Then they monitored both groups and found that the recipients of their vaccine had 'no significant difference in the frequency or severity of adverse experiences' as compared to the recipients of other vaccines."

To illustrate the absurdity of this study design, Heinze compares it to a hypothetical safety test on a McDonald's Big Mac that uses a Burger King Whopper as the "control." Obviously, the outcomes are going to be similar, as the products in question are similar -- the Big Mac is "no more lethal than the Whopper" would be the ludicrous conclusion of this study, if it were ever to be conducted.But this is exactly what the vaccine industry is doing to prove the "safety" of its vaccines, and it is something of which few people are aware. To date, not even one independent, double-blind, placebo-controlled study on vaccine safety using legitimate comparisons to arrive at unbiased results has been conducted. Some members of Congress, including Representative Bill Posey from Florida, have tried to introduce legislation that would require this type of study, but such efforts have been thus far unsuccessful.

Be sure to read Heinze's full piece on the great vaccine safety deception here: http://vactruth.com.

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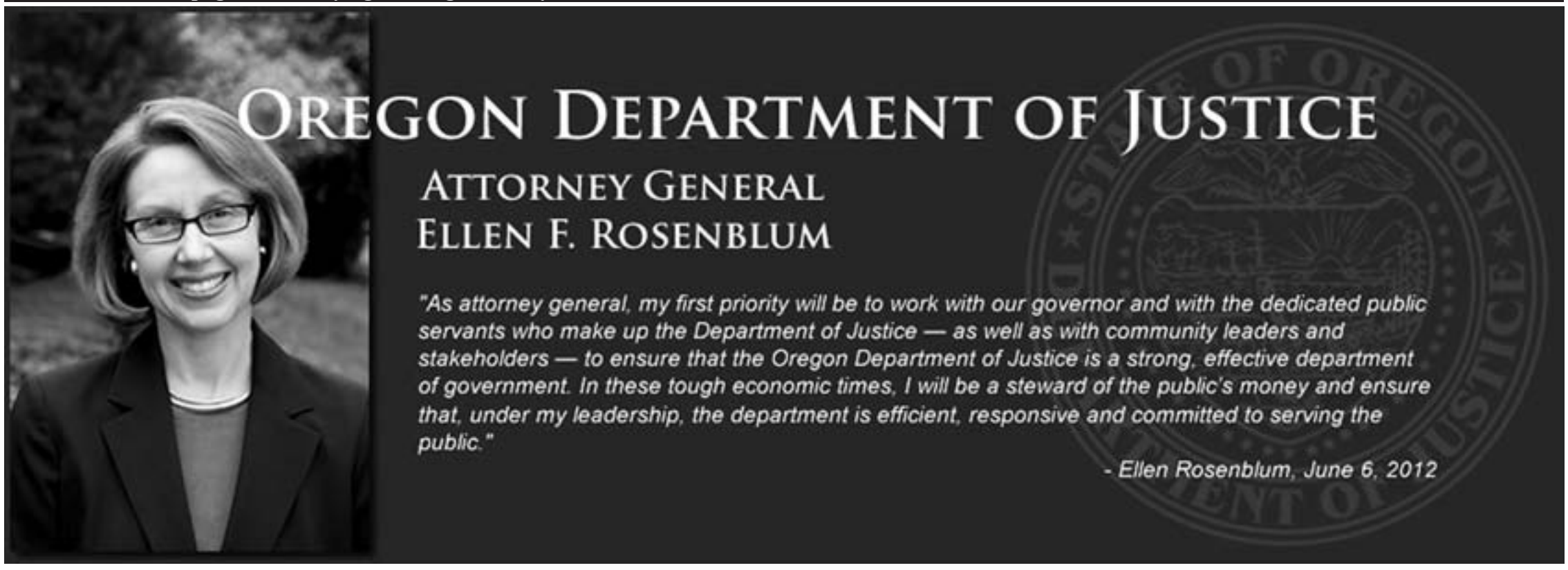
Continued from page 1 • Destroying an Oregon Family ...



Gray's trial was originally scheduled for three weeks in June of 2013, but just a week before trial, Gray "discovered his attorney made an egregious error that could cost him his constitutional right to a fair trial." Mr. Gray fired his attorney and subsequently hired James Leuenberger of Lake Oswego.

Gray's new trial is scheduled for January 14, 2014, two and half years after his arrest and indictment, four and a half years after the start of the investigation. Mr. Gray, his wife and each one of his six children have faced severe emotional trauma for over four years and they have experienced almost absolute financial destruction, as well as a total loss of personal liberty throughout this entire ordeal. Read the factual account of Gray's story at www.usobserver.com (search for title: "Motive and Intent Irrelevant! State of Oregon Attacks").

Since his arraignment, Mr. Gray has not been allowed to leave the State of Oregon without permission from the court. Over the past several years while waiting for trial, he has made several requests to travel to Washington State to work at a summer camp with his family. The court and prosecution have not had any objections in the past. This year, after the trial postponement and his new attorney took over, the request for permission to leave the state encountered resistance and more stringent requirements, such as reporting in with his attorney after returning home and signing right to extradite papers. The US~Observer attributes this abuse to the fact that Gray's new attorney has been vigorously defending his client as opposed to "sharing the same bed with the Attorney General's Office."

ATTORNEY GENERAL ELLEN F. ROSENBLUM ASSUMES RESPONSIBILITY

At this juncture, Attorney General Rosenblum would have us believe that Randy Gray is innocent until proven guilty, when nothing could be further from the truth. Randy Gray is factually already serving a sentence and is already considered guilty by Oregon's "Justice System".

Derek Dunmyer

Gray's defense team has filed a demurrer, motion for evidence and discovery, motion for suppression of evidence, motion to set aside indictment, motion prohibiting verbiage, motion to reconsider the court's order granting the state's motion in limine, and a motion requesting hearing on motions. Defense motions and the demurrer should be heard by the court sometime in November, in Albany, Oregon.

One would think that the justice system in Oregon would quickly resolve issues in a case deemed complex, important, and expensive. This case does not exemplify the right to a speedy trial, nor the idealistic steps of due process.

What is factually taking place in this completely false prosecution shows that Attorney General Rosenblum's statement above appears to be a façade, a professional deception intended to make voters in Oregon think that she is acting ethically and responsibly. It would greatly behoove Rosenblum if she were to take a very close look at Randy Gray's conspired criminal charges and then dismiss them in the "interest of justice."

In the alternative the US~Observer will make certain that Oregon Attorney General Ellen F. Rosenblum is very well known for protecting absolute criminals like Derek Dunmyer, protecting and using the perjured testimony of the criminal Derek Dunmyer and for attempting to falsely prosecute an honest and exemplary man like Randy Gray.

Editor's Note: The US~Observer prompts anyone with information about any of the participants we have named in this article to contact Edward Snook at 541-474-7885 or by email to ed@usobserver.com. ★★★

Continued from page 1 • Kansas City Marijuana Bust

ulterior motives" and was not a gold purchaser. Phelps "sent the plane to Colorado for repairs" and Ameral claims, "in early October of 2012, Phelps showed up at my house and demanded that I give him marijuana as payment or he would tell the police that I and my family were growing marijuana illegally."

In late October of 2012, Ameral asserts that Ramon David Torres arrived at his home with Phelps. He continues, "they demanded that I sell them all of my marijuana. Bryan went and purchased a .45 caliber hand gun and he and Torres then threatened me with the gun."

Edward Ameral should have gone to the police but instead placed himself in a very awkward position at best by not doing so. Phelps and Torres soon allegedly arranged a trip to Kansas City with intentions of selling Ameral's substantial amounts of marijuana there.

Ameral emphatically states that Phelps and Torres had arranged for him to sell a load of furniture he had made in Kansas and that he had no knowledge that they had taken some of the boxed furniture out of their containers and replaced them with many pounds of cured marijuana. Ameral, Bryan Phelps, Ramon Torres and others went to Lawrence, Kansas and would soon find the Lawrence Police Department at their "furniture truck," wanting to conduct a search. Obviously, someone involved was providing information to authorities. No one was arrested at this time and Ameral returned to Medford, Oregon.

On December 19, 2012 Edward Ameral, Bryan Phelps, Chastity Phelps (Bryan's wife), and Ramon David Torres were indicted by a Grand Jury in Kansas City for allegedly conspiring to "manufacture, distribute and possess with intent to distribute" marijuana.

What we know at this point is that all co-defendants of Ameral have accepted plea-bargains and they are expected to testify against Ameral. Ameral has never wavered in his version of events, however, to substantiate Ameral's claims the US~Observer needs conclusive evidence of his claims.

We have found that Ameral had a valid Oregon Medical Marijuana Card and was growing medicinal marijuana for himself and others, and we know that both Phelps and Torres are "bad individuals," but these facts don't really provide a valid defense.

I am asking that anyone with information on this case contact me at 541-474-7885 or by email to ed@usobserver.com. Someone has spoken to Phelps or one of Ameral's co-defendants and the US~Observer needs to get to the truth in this case. If evidence doesn't surface in the very near future, Edward Ameral will end up in prison. Be responsible and call if you have info. ★★★

Obama's Next Power Grab

By LTC Allen West
(USA, Ret.)

President Obama is seeking power the Constitution has assigned to Congress. Soon, he will formally ask Congress to surrender its constitutional authority and grant him "Fast Track" Trade Promotion Authority.

And House Republicans are inexplicably ready to give it to him.

Members of Congress who take our Constitution seriously will follow Nancy Reagan's advice and Just Say No.

Article One, Section 8 of the Constitution assigns Congress the exclusive responsibility to set the terms of "commerce with foreign nations" -- trade. The Founders established this clear check and balance to prevent the president from unilaterally negotiating deals that reward his supporters while harming opponents or the nation as a whole.

Under Fast Track, Obama would be able to sign commercial trade agreements before Congress votes on them. Congress would not even be able to amend the agreements in any way -- it would only have an up-or-down vote when the president says so, before members could even read it.

While Congress has delegated authority to presidents in the past, it was based on the premise that the legislative branch could trust the executive branch to respect Congress' constitutional role. This administration has breached that trust.

From the abuse of executive orders, to recess appointments, to the stonewalling of congressional oversight on Fast and Furious, Benghazi, NSA, IRS intimidation, and other scandals, this administration has shown contempt for the constitutionally mandated co-equal role of the Congress.

Given this record, Congress must not cede its constitutional authority and instead reject President Obama's request for "Fast Track Trade Promotion Authority."

President Obama wants fast track power so he can conclude the Trans-Pacific Partnership (TPP), an expansive system of global governance that would deal a mortal blow to American sovereignty and our Constitution.

Fast track overrides the Constitution once -- the Trans-Pacific Partnership overrides it forever.

TPP is billed a free trade agreement, but it is actually protectionism for Wall Street bailout banks, insurance and drug companies profiting off Obamacare, and the corporatists pushing open borders and amnesty under the rubric of "immigration reform." The cronies with "access" in Washington are writing the deal while the rest of us are shut out.

TPP would subject the U.S. to the jurisdiction of foreign tribunals under the authority of the World Bank and United Nations. These unelected, unaccountable panels would constitute a judicial authority higher than the U.S. Supreme Court. They would have the power to overrule federal court rulings and order payment of U.S. tax dollars to enforce the special privileges granted to foreign firms that would be exempt from EPA and other regulations that strangle American firms.

U.S. Trade Representative Mike Froman and his predecessor have said TPP is not about trade between independent nations, but about "integrating our economies" under a flag of global government. The European Union superstate, a graveyard of sovereign nations, was originally sold to citizens as a plan for "integrating economies."

All trade agreements come with predictions of new jobs for Americans, but those promises are always empty. Obama said our free-trade deal with Korea would be a major job creator, but after it went into effect, sales of U.S. goods fell and imports from Korea rose. When you hear someone say TPP will create jobs, hold on to your wallet.

Chinese companies are already investing heavily in Vietnam to gain duty-free access to the American market under TPP and destroy the textile, shrimp, and catfish industries in the Southeast, a region that voted against Obama.

We're also told TPP shows our Asian allies we're serious about confronting China. But it would actually weaken the U.S. As the Chinese People's Liberation Army uses every means possible to infiltrate our command and control systems, TPP bans Buy American policies that require crucial equipment for our troops be produced in the U.S. We don't need TPP to stop China's military expansion - we need to tell the same crowd pushing TPP to stop transferring their capital and technology to that communist dictatorship.

The American-in-name-only insiders who get special treatment in Washington will say anything to put their gravy train on the fast track. It's up to those who love liberty, the Constitution, and the United States of America to slam on the brakes and tell Congress to say no to Obama's next power grab.

Lt. Col (Retired) Allen West served 22 years in the US Army and represented Florida's 22nd Congressional District in the US House of Representatives from 2011-2013. Visit www.allenbwest.com. ★★★

Continued from page 3 • "Two Wrongs Don't Make a Right" ...

traveled 15-20 mph across three lanes of traffic after contact with Ms. Miller, not 50 mph as stated by Daly.

- Mr. Clark's post-crash interview provides a statement that he physically drove his car up onto the curb after the crash to avoid oncoming traffic which proves that the Infiniti's final stop (as determined by officer Daly) could not accurately be used when calculating linear momentum. During a recorded statement, just minutes after the accident, Daly asked Clark, "So you can't tell me if you drove it (Infiniti) to that point over there from any point prior to there?" Clark responded, ***"No, No... I drove that car (his infinity) from the curb… so, the car was under my power up onto that curb...for sure. I definitely drove that car on top of that curb."***

- The damage to the Infiniti according to defense experts does not display damage consistent with a 74 mph crash.

- The only eye witness to the accident - Ms. Bloch stated in a taped interview that, "I cannot answer if that person (Jamie Clark) was speeding or not... But I know for sure I would have never made that turn."

- Again, Mr. Clark's interview with Daly shortly after the accident provides evidence that Mr. Clark physically drove his vehicle post-crash. This fact alone refutes the prosecutions calculations that were taken from the final resting point of the Infiniti.

Rabbi Marci Bloch

Judge Kastrenakes stated several times during the PCR hearing, he wants the "TRUTH"! **All he needs to do to accomplish this is to listen closely to Clark's video interview with Daly, especially between 22–25 minutes into the interview.**

Read this quoted statement from the only eye-witness, Rabbi Bloch, very carefully - "It was very clear to me when she (Lucy Miller) was making it (U-turn), that I had a moment of wanting to say, 'Don't go...What are...What are you doing!'" Rabbi Bloch further stated, "And... And... It was almost like there wasn't enough judgment in the turn, because it was... I... I... would never have made that turn."

Editor's Note: Jamie Clark's defense is entitled to use the evidence from the Event Data Recorder to help present his case to an impartial jury. The EDR is material and very relevant to what happened. Three different experts separate from this case have all confirmed that an EDR is relevant to accident reconstruction and material to this case - <u>why else would an EDR or "black-box" be installed in a vehhicle</u>?

State Attorney Dave Aronberg

State Attorney Dave Aronberg should understand by now that the pressure from the US~Observer will not go away in West Palm Beach. Aronberg has allowed his office to continue to distort the truth and deprive justice by his inactions, after being made clearly aware of the evidence in the Clark case by the US~Observer.

We have received an alarming amount of complaints regarding this case and we intend to continue investigating Dave Aronberg and others involved until Jamie Clark receives justice. Prosecutors and others associated with this case have some unbelievable "skeletons in the closet" information to be disclosed to the public in the very near future.

And, how about this absolute shocker; the only eye witness to the accident and whose testimony was restricted at Clark's first trial was Rabbi Marci Bloch. She is a Jewish Rabbi.

Steven Schumer

Lucy Miller was reportedly coming from "Temple," so I would assume she was Jewish, just as I would conclude that her son, Steven Schumer, who has reportedly pushed for the continued incarceration of Jamie Clark is also Jewish.

Now for the real kicker; State Prosecutor Dave Aronberg is Jewish. Could there be a connection here?

I happen to have Jewish friends and the US~Observer is not real big on conspiracies, unless they can be proven, but my readership can rest assured that we are currently digging deep into this subject matter. By the way, Jamie Clark is not Jewish.

Please be responsible, call State Attorney Dave Aronberg at 561-355-7100 or by email at StateAttorney@sa15.org and let him know that you don't appreciate unethical and dishonest prosecutors attacking Jamie Clark or any other innocent person.

If you have any information regarding anyone involved in this article, especially Dave Aronberg, please contact the US~Observer immediately at: editor@usobserver.com or by calling 541-474-7885.

Lucy Millers death was wrong just as placing innocent Jamie Clark in prison is wrong. Clearly, "Two Wrongs Don't Make A Right..."

★★★

Continued from page 1 • Historic Criminal Tax Case Ruling ...

were charged with Income Tax Crimes, facing 35 years in prison for international tax conspiracies. The story ends with a finding that the Government did not prove beyond a preponderance that a tax debt was due and owing.

Neither the defense, represented by two of America's top law firms, Mike Quiel by the Minns Firm, and Steve Kerr by Kimerer and Derrick, nor the Government, put their experts on the stand until the trial was over – at sentencing.

The two defendants were charged with conspiring with each other and their lawyer, Chris Rusch, who turned on them, plead guilty to conspiracy and testified against them. They were also indicted on two counts of failing to file a form, TDF 90-22.1 - that had to do with foreign bank accounts. Finally, they were charged with filing two incorrect tax returns, which totaled five counts against them.

Lawyers Michael Minns and Ashley Arnett

Quiel, represented by the Minns Firm, including lawyers Michael Minns and Ashley Arnett, was found not guilty of conspiracy, and the charges were dismissed on both foreign bank account indictments, but guilty on the two incorrectly prepared tax returns.

Lawyers Michael Kimerer and Rhonda Neff

Kerr, represented by Kimerer and Derrick, including Michael Kimerer and Rhonda Neff, was also found not guilty of conspiracy but guilty on the other four counts.

The entire case was primarily based on the word of their former lawyer Chris Rusch, whose website as of the date of this article is still up, and who, although suspended by the California state bar, after Minns filed a grievance against him, still lectured on tax law in San Antonio, Texas as late as September 2013.

Theoretically, because of the conspiracy, Mr. Rusch was allowed to testify against his own clients, violating sacred attorney-client privilege about the Swiss accounts he set-up.

Further, he received immunity for other crimes he committed, which ranged from felonies involving these very accounts, to even notary fraud.

So how is this possible? Mr. Rusch swore they were all guilty of conspiring and yet his clients were found not guilty of conspiracy – so, should he have been allowed to testify against them at all?

Mr. Rusch advertises as an expert in criminal tax work but fails to tell his prospective clients his only tax trial was as a criminal defendant – and his only time in front of a criminal tax jury was to snitch on his own clients for taking his advice.

Stay tuned. The Ninth Circuit will have to decide if a client can go to jail based on testimony from his own lawyer who made a deal with the Government to save himself.

Attorney Chris Rusch

With two tax returns admittedly wrong (the Government claims intentionally, the defense says they relied on attorney Rusch) the sentencing came down to one big question. Do they owe taxes? If so, how much?

The large tax claimed by the Government would require a sentencing of at least 51 months, but as much as 72 months. Far less than the 35 years they started with but still a huge hardship to the accused and their families.

The government's argument rested on the testimony of IRS agent Deborah Saparata who claimed taxes owed in the millions.

Under Minns' cross-examination Ms. Saparata admitted she was not a CPA, had never taken a test for any tax license, was not qualified to do banking taxation (this case dealt with Swiss Banks), had not seen the stock certificate the IRS case was based on, and had not given credit for money the lawyer Chris Rusch had stolen.

Following her, Michael Kimerer put on Sheri Betzer, a licensed and qualified CPA, who testified that Kerr owed no taxes. Michael Minns then put on Ron Braver, also a licensed and qualified CPA, with a masters degree in tax, who testified Mike Quiel owed no taxes. Minns also showed the court the government's own computer record which showed Quiel owed no taxes.

Two lead lawyers in Government's case Timothy Stockwell and Monica Edelstein reacting to the court's ruling that they had failed to prove a tax due and owing.

Mrs. Edelstein cross-examined Mr. Braver.

Mr. Stockwell cross-examined Mrs. Betzer.

While this reporter was not surprised by the only reasonable decision, that the Government had not proven either defendant owed a tax, Edelstein and Stockwell appeared surprised. A short two weeks later they served notice that the Government was appealing the sentence.

"Notice is hereby given that the United States of America appeals to the United States Court of Appeals for the Ninth Circuit the sentence imposed in the court's judgment entered on September 25, 2013."

- Submitted by John Leonardo, US Attorney Arizona, Timothy Stockwell, and Monica B. Edelstein.

The next day, October 10, 2013, they filed a joint motion with the crooked lawyer, Chris Rusch, to postpone sentencing him for the fourth time! Why is Mr. Rusch permitted to continue to sell his services as a confessed criminal? Is the Government involved in some sort of conspiracy with Mr. Rusch? We notice Mr. Rusch does not offer his "services" to "testify" against his own clients.

The court found against the defendants in favor of the government on only one key issue, that the Swiss Accounts and multiple corporations were sophisticated.

The court's findings lowered the possible sentence from 35 years to a minimum of 10 months and a maximum of 16 months.

The court ordered the minimum 10 months but also ordered no imprisonment until the 9th circuit ruled on the case.

Presumably, the Ninth Circuit will decide if this lawyer Chris Rusch, had the right to testify against his clients, and if the Government had the right to use his testimony against his own clients for an immunity deal. If a crooked lawyer can trade his clients for his own personal deal with the Government – the U.S. Constitution is in jeopardy. The US~Observer can think of no better team to defend the constitutional right to counsel than the Minns Firm and Kimerer and Derrick.

This reporter also hopes the appellate court will examine the reasonableness of sending someone to trial in a tax case when the citizen likely does not owe a tax.

For now, both of the accused remain free pending this important appeal.

Mr. Rusch continues, without government interference, to solicit business as a tax attorney and is reportedly set to lecture in Panama for the organization known as Live and Invest Overseas, in November. If this is taking place with the permission of the Federal Government, are they using this as an opportunity to raid the clients of Mr. Rusch and the client's of Live and Invest Overseas, perhaps with Mr. Rusch working with them on the inside? Do the owners of Live and Invest Overseas know they are sponsoring a convicted felon who testified under oath against his own clients? Do the people meeting with them in Panama next month know they are being taught taxation by an IRS snitch? Time will tell... ★★★

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

The US~Observer
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Gun Prohibition Means More Demand for Guns

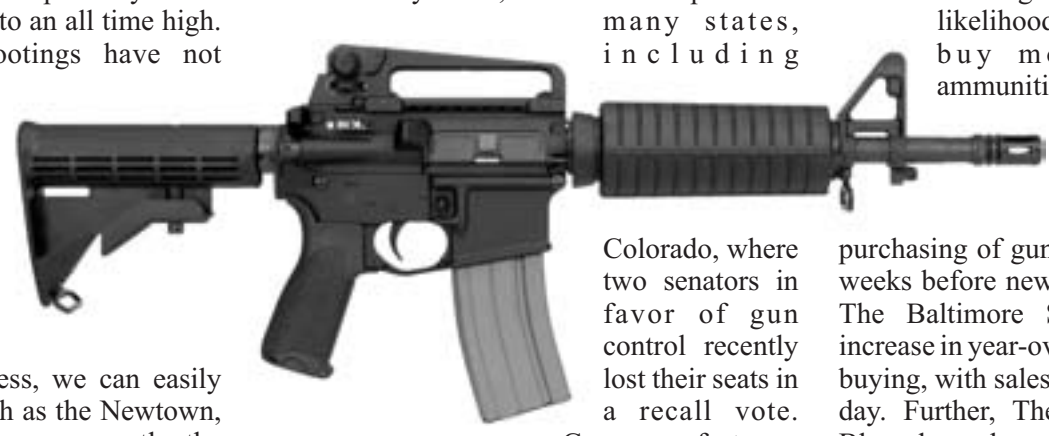
By Audrey D. Kline, Ph.D.
The Ludwig von Mises Institute

Much has been written about the economics of gun control, including Kjar and Robinson's 2009 article that noted the lack of basic economic application to the issue, and that there are ample substitutes available to individuals intent on killing people. Although gun violence "dropped dramatically nationwide" over the past two decades, the majority of homicides are still committed with a firearm. Moreover, the FBI has reported that the murder rate in the U.S. has steadily declined for the majority of the past 20 years as gun ownership has surged to an all time high. Unfortunately, mass shootings have not followed that trend. Data shows the incidence of mass shootings is relatively unchanged over the past two decades. News reports certainly make it seem more common but in reality, mass shootings are still extremely rare. Nevertheless, we can easily recall recent shootings such as the Newtown, Connecticut shooting, and more recently, the Naval Yard shooting. In fact, a simple Google search of "mass shootings in 2012 and 2013" produces an overwhelming number of results, with the first being "Mass Shootings in America: A history, 1999 through 2013." The article notes that since Columbine, there have been 29 additional mass shootings in the U.S. through the Sandy Hook tragedy in Newtown. We've had more shootings since then.

Mass shootings continue despite new laws enacted following Sandy Hook. In fact, calls for increased regulation of the gun industry and its proponents is nothing new — it crops up every time there is a tragedy. As noted recently in the Washington Times, attempts to enact "meaningful" legislation on gun control have been going on for 20 years.

Is there a correlation between the incidence of mass shootings and the attempts by lawmakers to outlaw large capacity magazines and certain types of semi-automatic rifles; discussions of new gun laws; and new laws requiring the fingerprinting of gun buyers and creation of a gun owner "registry"? Are Obama's repeated pleas for more regulation of the gun industry contributing to a relatively inelastic demand for guns and complementary gun accessories? Evidence suggests that might be precisely the case.

No president in contemporary history has been as insistent on passing gun-control legislation as President Obama who signed 23 executive orders related to gun control following Sandy Hook, and continues to lobby for more "action" after every mass shooting. No president in contemporary history has had the number of mass shootings that President Obama has had, either.



Since Sandy Hook, new laws have passed in many states, including Colorado, where two senators in favor of gun control recently lost their seats in a recall vote. Gun manufacturers and the manufacturers of complementary products (Magpul Industries, manufacturer of high capacity magazines, for example) operating in such states have looked into and are planning relocations of their businesses to more gun-industry friendly states. The economic impact of losing the gun industry in some of these states will devastate the local community as well as creating a significant loss in tax revenues. These facts seem to be irrelevant in the larger battle on gun control.

Combined with these state and local gun control efforts, President Obama's repeated calls for increased regulation in effect create a supply shock in the industry. Every time President Obama speaks about outlawing "assault-style" rifles (more accurately known as semi-automatic rifles or modern sporting rifles), gun stores get busy, prices rise, firearm sales spike, and ammunition flies off the shelves faster than one can reload. Higher prices have not slowed sales at all, signaling a relatively inelastic demand, at least in the short run, following a shooting incident and the now predictable call for increased regulation.

Walmart continues to restrict ammunition sales to not more than three boxes per person per day — that is, if you can find anything on the shelf. After Sandy Hook, Walmart sold out of semi-automatic rifles in at least five states, and the price of AR-15s as well as high capacity magazines skyrocketed to nearly double the MSRP at many local gun shops and online gun sellers. Still, buyers found empty shelves for months.

Could it be that the more discussion the nation has about gun control, and the higher the perceived threat of impending legislation that reduces one's right to bear arms, the greater the likelihood that consumers will seek to buy more guns and more ammunition? Clearly, such public discourse, at a minimum, promotes more gun sales in the short run.

Witness the record purchasing of guns in Maryland the past few weeks before new gun laws went into effect. The Baltimore Sun reports a seven-fold increase in year-over-year sales figures for gun buying, with sales in excess of 1,000 guns per day. Further, The Wall Street Journal and Bloomberg have both noted the "Obama effect" on gun sales. A review of background check statistics kept by the FBI since November 1998 shows a significant increase in year-over-year firearm background checks beginning in 2010 through August 2013, with the current year showing nearly 2.5 million more background checks through August than for all of 2012. 2012 had the largest number of firearm background checks recorded at just over 19.5 million, over 3 million more than the year before.

President Obama might find he can gain a better track record with reducing the incidence of mass shootings by backing away from his repeated cries for more regulation of the gun industry, thereby lessening the supply shocks that are selling guns, high capacity magazines, and ammunition in record numbers, and producing record profits for the industry. This is yet another case where government interference in the market produces a very unintended result. In this case, however, the stakes could be much higher than just supply and demand. ★★★

Lockport police catch flak for SAFE Act arrest

By Nancy Fischer
News Niagara Reporter

LOCKPORT – The City of Lockport Police Department has found itself under fire for enforcing an unpopular part of the New York Secure Ammunition and Firearms Enforcement Act, which limits how many rounds of ammunition may be carried in a standard magazine.

A Town of Lockport man who was a passenger during a traffic stop was charged when he turned over a loaded semiautomatic handgun in a holster from the glove compartment to the officer. The gun was legal, but police say the 10 rounds of 9 mm ammunition found in the magazine were not, because they violated the state law that states it is unlawful for any person to knowingly possess a magazine with more than seven rounds. Exemptions are authorized only for firing ranges or Olympic, collegiate or other sanctioned shooting competitions. Active-duty police officers are also exempt.

Paul A. Wojdan, 26, of Parkwood Drive, was charged with unlawful possession of an ammunition-feeding device and posted $250 bail. An arraignment was on October 16 in City Court.

Lockport Police Chief Lawrence M. Eggert said this is the first time city police have made an arrest involving the New York SAFE Act and admitted they were getting compared to Nazis on social media.

"One of the comments said, 'When are you going to start loading people into cattle cars?'?" said Eggert.

But he said the department's role is to enforce the law, whether it is popular or not.

"It's on the books, and if we see it, we have to do something about it," Eggert said.

Capt. Michael Niethe said the magazine was inspected after the car was pulled over after midnight on South Transit Street near Strauss Road by Officer Adam Piedmont. He said the driver led the officer on a brief chase from the City of Lockport into the Town of Lockport.

According to police, the driver, Tanisha D. White, also of Parkwood Drive, was charged with speeding, failure to stop for an emergency vehicle and being an unlicensed driver.

"Officer Piedmont asked if they had any weapons in the car, and luckily [Wojdan] said yes and handed over a gun from the glove compartment. He had a permit, so he was allowed to have the gun, but he had too many rounds of ammunition in the gun," said Niethe.

New York State Police released a field guide for troopers in September regarding the law, which includes sections on magazines and definitions of an assault weapon.

The guide informs troopers they must have probable cause of criminal activity to inspect magazines: "If an officer has probable cause to believe that a particular magazine is unlawful, he or she may seize and inspect it. If there is founded suspicion of criminal activity, the officer may ask for consent to check the magazine. However, the mere existence of a magazine, which may or may not be legal, does not provide probable cause to believe that any law is being broken."

In the State Police manual, it says that if a person produces a permit and there is no indication of unlawful conduct, an inspection is unnecessary, and troopers are told to secure the weapon temporarily for the duration of the stop and return it to the motorist at the conclusion of the encounter.

Eggert said the law was still new and that local police are looking at it on a case-by-case basis.

"We certainly are not going to just stop a car and ask for a permit so we can check the number of bullets in the magazine," Eggert said. "We usually run these by the DA's office, but in this particular case, the officer didn't have that luxury. He had to make a decision on the fly – and it's the law, and there's nothing wrong with that decision."

★★★

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

Get involved & send YOUR comments or concerns to the Editor
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Sign of the Times - Constitution Be Damned

Jackson County vs Bernie Ziemenski

By Joseph Snook
Investigative Reporter

Jackson County, Oregon – Administrative government, comprised of "administrative hearings officers" (un-elected judges) who act as judge, jury and executioner in many cases across the United States have created serious problems for our country. Citizens of Jackson County claim this type of system is causing them "permanent damage." "Administrative hearings deprive us of our 7th Amendment right to trial by jury" and also violate Oregon's Constitution, Article 1, section 17, "Jury trial in civil cases. In all civil cases the right of Trial by Jury shall remain inviolate."

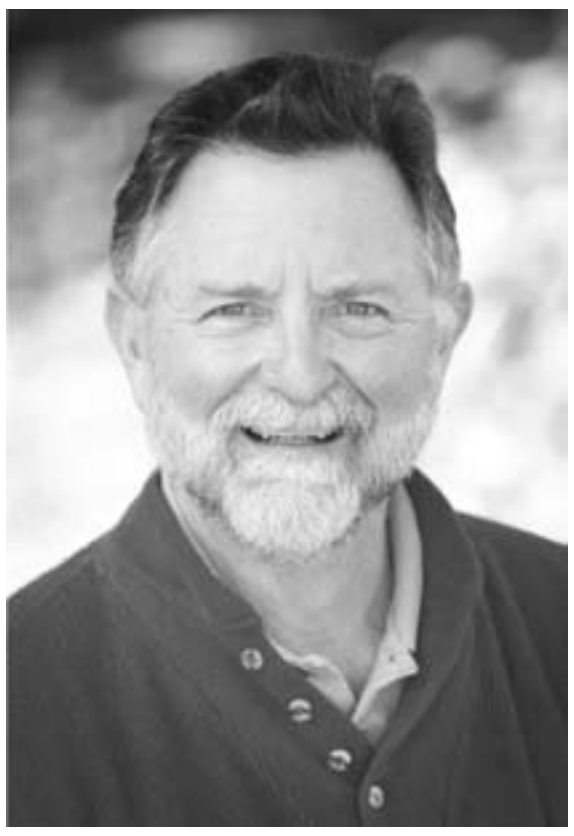
In 2011, over seven years after Bernie Zieminski of Clams LLC purchased a billboard, he was accused of "illegally illuminating the billboard." Zieminski had already proven that other demands to remove the billboard by Jackson County and the State of Oregon were frivolous – because the sign was protected under free speech which has been upheld in other cases by the Supreme Court. So, with nothing to go after Ziemenski for, the county finally saw the "light" - no pun intended...

The Billboard had been around for many years. It was built prior to the construction of I-5, a major west-coast freeway. The billboard was already constructed in 1959, many years before Oregon Senate Bill 100 (land use) was signed into law (May 29, 1973). Clams LLC claims that the billboard was "grandfathered" and exempt from land use ordinances, which became law long after the billboard's construction.

Clams LLC and their registered agents appeared at a Jackson County Administrative Hearing and "demanded a jury trial." Jackson County Administrative Court Hearings Officer Donald Rubenstein said that Clams LLC was not entitled to a jury trial. The administrative court ruled that Clams LLC, "violated Jackson County's land use ordinances by adding lights to its billboard even though Clams LLC presented evidence that the billboard had been illuminated before I-5 was built and that it had only repaired the lights that already existed."

Jackson County ***mailed*** a separate complaint (the document that initiated a new administrative court case) to Clams LLC's registered agent, an attorney in Ashland, Oregon. No attempt was made to personally serve either Clams LLC's registered agent or anyone else. No one from Clams LLC appeared in court and the administrative court granted a default judgment in favor of Jackson County.

Less than a year after both events (sign violating land use and illegal lighting) described above, attorney James E. Leuenberger filed motions to set aside the judgments against Clams LLC. The first motion said that the judgment was



Hearings Officer Donald Rubenstein

illegal because the court violated Clams LLC's right to a jury trial and because Clams LLC had newly discovered evidence (a very old photograph showing the lights on the billboard). Administrative hearings officer Donald Rubenstein said he did not recognize or grant motions to set aside judgments.

"In all civil cases the right of Trial by Jury shall remain inviolate."
- Oregon's Constitution, Article 1, section 17

Inviolate: Latin for, "Free or safe from injury or violation."

The second motion said that the administrative court never had jurisdiction over Clams LLC because Jackson County had not obeyed Oregon Rule of Civil Procedure 7 that says that a limited liability company must be personally served with a complaint if the registered agent is located in the same county as the court (not mailed). The administrative court again (Donald Rubenstein) said it did not recognize or grant motions to set aside judgments, even default judgments for which the defendant never appeared in court.

Clams LLC has now filed petitions for writs of review in the Circuit Court for Jackson County, Oregon. Clams LLC is asking the Circuit Court to tell the administrative court that Clams LLC has a right to a jury trial and that the administrative court did not get jurisdiction over Clams LLC for the second case because Jackson County did not have anyone personally served with the second complaint.

Clams LLC is confident that they are exempt from land use ordinances because the sign is protected under free speech and the lights were part of that sign, long before the 1973 land use law.

When a government imposes a fine on someone, and states it is "not a criminal matter", it becomes a civil issue. For Bernie Ziemenski, "It's a matter of principal." Ziemenski continued, "I have been fined over $12,000.00 for my billboard, and I will not let a few corrupted people try to extort money from me. I work hard and give more than my fair share to the community – for them to try and abuse a man who works hard is something I will fight. In fact, I will fight this all the way to the Supreme Court if necessary. Furthermore, I will do everything in my power to cost Donald Rubenstein (administrative hearings officer) his job for what he's done to myself and others. I will also fight to make sure county officials put a stop to what these 'hearings officers' are unjustly doing to people in the community."

Increasing costs, decreasing funds and other tactics are all being used by local governments across the United States to deprive people of their civil or criminal rights to a jury trial. Clams LLC is just one of thousands, if not millions of cases across the United States that verify how our Constitution is damned.

Editors Note: This is an obvious case of government employees using taxpayer money to pay other government employees to find ways to extort more money from taxpayers.

Administrative government goes against the United States representative form of government by giving one unconstitutional administrative branch of government the power of all three branches – the executive, judicial and legislative – Judge, Jury and Executioner.

If you have any information about Donald Rubenstein, Danny Jordan or anyone in Jackson County administrative government regarding this case or any other cases, please contact us immediately. Send emails to editor@usobserver.com or call 541-474-7885.

★★★

Memo warns about terrorist "dry-runs" on airplanes

By Mike Deeson

(CBS NEWS 10) Orlando, Florida -- It was a flight bound for Florida, and some airline pilots believe it also may have been a dry-run for terrorists.

The 10 News Investigators have obtained an internal memo that details a frightening incident that brings back memories of the September 11, 2001 terrorist attacks.

Since then, federal efforts have gone in place to prevent a similar attack, leading many to believe another attack what happened on 9/11 could never happen again.

Wolf Koch, who flies Boeing 767s for Delta Airlines and is the Aviation Security Committee Chairman for the Air Line Pilots Association International, says that belief "is very foolish."

Koch describes the events of 9/11 as "an incredible attack on us. It was very well orchestrated and they're going to try it again... 100 percent, no question in my mind. They're going to try it again."

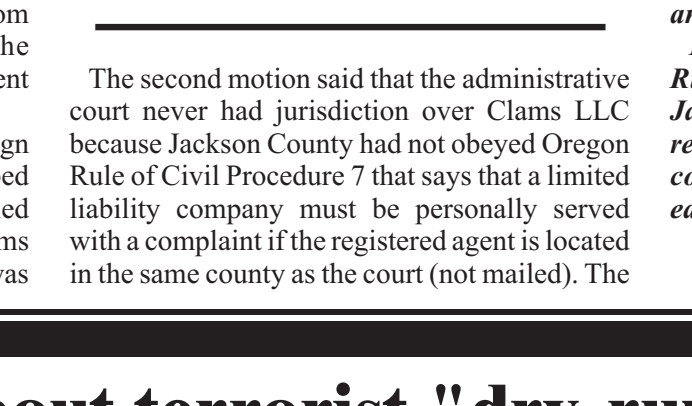
According to Koch, many other flight crews are concerned the planning may already be underway.

A memo obtained by the 10 News investigators from the union that represents pilots for US Airways says that "there have been several cases recently throughout the (airline) industry of what appear to be probes, or dry-runs, to test our procedures and reaction to an in flight threat."

Koch says, "What most security experts will tell you that if a dry-run is occurring, the attack will shortly follow."

The pilots say the most recent dry-run occurred on Flight 1880 on September 2. The flight left Reagan National Airport in Washington D.C. and headed to Orlando International.

Crew members say that shortly after takeoff, a group of four "Middle Eastern" men caused a



commotion.

The witnesses claim one of the men ran from his seat in coach, toward the flight deck door. He made a hard left and entered the forward bathroom "for a considerable length of time."

While he was in there, the other three men proceeded to move about the cabin, changing seats, opening overhead bins, and "generally making a scene." They appeared to be trying to occupy and distract the flight attendants.

The 10 News Investigators contacted both US Airways and the Transportation Security Administration both confirmed the incident. US Airways says it won't discuss the details of security measures, but that it works closely with authorities.

The TSA told us it takes all reports of suspicious activity aboard aircraft seriously, and the matter requires no further investigation at this time.

However, a current Federal Air Marshal who works flights every week says of the TSA, "They're liars. They're flat out liars."

The Air Marshal, whose identity we are not revealing because agency rules prohibit him from talking to the media, says the TSA doesn't want the flying public to be aware of the problems with terrorist probes.

The Air Marshal and others we have spoken to say several flights they have worked were targets of dry-runs and that most of his colleagues believe no matter what the TSA says, the incident aboard Flight 1880 is serious.

Until now, there has been absolutely no publicity about the US Airways flight from D.C. to Orlando International Airport, but security experts say incidents like this should not and cannot be ignored.

As the Federal Air Marshal and industry insiders tell us, "We're waiting for the next 9/11 to happen, because it's not a question of if. It's a question of when."

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Faced With More Police Abuse, Twin Brothers Vindicated AGAIN!

By Joseph Snook
Investigative Reporter

Medford, Oregon – Twin brothers Don and Jason Libby, owners of Jackson County Security, have both been cleared of separate false criminal charges stemming from different encounters with the Medford Police Department (MPD). MPD manufactured claims that the two bothers committed serious crimes and they were eventually arrested and charged.

Jason's case was dismissed on June 27, 2013, just before trial and Don was found innocent of all charges on Sept 3, 2013, *(also the date of his wedding anniversary)* following a three day trial.

MPD's *"threats and harassment"* against the Libby brothers' dates back *"over 13 years"* according to Don Libby. Don stated, *"We have been wrongfully arrested 5 times and never convicted."*

For a full background of the Libby's previous encounters with MPD, Google *"Don and Jason Libby" for previous US~Observer articles.*

BACKGROUND - JASON LIBBY'S CHARGES

On Jan. 7, 2013, at approximately 11:30 p.m. Jason Libby went to lock up Weldon's cleaners where he was contracted to provide security. Upon arrival, he realized someone was using the bathroom. Jason checked the machines and determined that the person in the restroom was not doing laundry. Next, Jason advised the person in the bathroom that he was a security guard and was locking up the building for the night and that the person needed to exit the premises.

The man in the restroom, identified as Jeremy Bondurant said he would be out in a moment. Bondurant later told police that he was bathing in the sink. The security video seems to corroborate that this man did bathe in the restroom, but he did it earlier - not at the time he was speaking with Jason Libby outside the door.

Jason stood by for several minutes, hearing strange noises from the bathroom, leading him to believe Bondurant may have been flushing drugs or engaging in other suspicious behavior.

At this point Jason notified Bondurant that he had to come out immediately. When Bondurant came out he had a backpack in his possession, which he placed on the ground after Jason asked him to. Bondurant told Jason that he, *"had been at the laundry mat doing laundry and that his girlfriend had already left with the clothes and he stayed behind."* When Jason said he would review the security camera to see if Bondurant was telling the truth, Bondurant admitted that he had not been doing any laundry and simply said he'd been using the restroom to wash himself.

Jason then placed Bondurant under citizen's arrest for trespassing. The security video shows the amount of force used to effectuate this arrest was minimal and that Bondurant was relatively compliant. After placing Bondurant in handcuffs, Jason attempted to gain his consent to search the backpack, which Bondurant did not agree to.

During this conversation, a woman drove her vehicle into the laundry mat parking lot. She exited her vehicle and began writing down Jason's license plate number. Seeing a vehicle had come onto the premises, Jason, along with the hand-cuffed Bondurant, came outside to see who had come onto the property.

Jason recognized the woman as Debra Greenlee, who he had caught digging through the trash at the laundry mat about 6 months prior. During that incident the police were called and Jason told Greenlee that she was never to return to the laundry mat. Now, he told her again that she needed to leave but she refused and continuously screamed, *"You're not a cop you can't arrest him!"*

Jason attempted to place Greenlee under citizen's arrest for trespassing. While dealing with Greenlee, Jason attempted to call MPD for assistance but dropped his phone. It was at this point that Bondurant attempted to flee. Jason left Greenlee and pursued Bondurant on foot. This allowed Greenlee to re-enter her vehicle and begin backing out of the parking lot, stopping only when Jason returned with Bondurant.

Jason called MPD.

When MPD arrived, they ignored Jason's attempt to speak with them. MPD Officer Jonathon Baglietto directed Jason to stand back while he contacted Bondurant and Greenlee to get their statements first.

In my experience with law enforcement, it is unusual that an officer would deliberately ignore a reporting party to first obtain a statement from a suspect.

Retired Police Chief and Detective for the State of Oregon, Dean Muchow stated, *"You, as a responding officer, want to know as much as possible about the accused before talking to them. You may only get one chance to communicate with them."* This is why you talk with the party who made initial contact first.

After obtaining statements from all involved parties, no citations were issued or arrests made.

PROCEDURAL IRREGULARITIES & SUSPICIOUS ACTIONS

Bondurant has prior convictions for theft. At the time of this incident, he was on probation with a search clause - something Officer Baglietto should have discovered. This means that his *"person or property can be searched if the officer has a reasonable belief he may have controlled substances."* No reports indicated that Officer Baglietto searched Bondurant's bag that night.

It is suspicious that Baglietto, who should have known that Bondurant is on probation and has search terms for controlled substances (which means he has a history of drug issues), and is told by Jason that he thought Bondurant was flushing drugs in the bathroom, does not search Bondurant's bag.

Understanding MPD's past with Jason Libby, it's apparent why Baglietto did not search the backpack - Bondurant must not have been the officer's suspect. The officer was apparently building a case against Jason and either did not want, nor care, to find out what was in the bag.

According to Libby, he had been told that there was no video evidence, but the night before trial, video was provided from an officer's dash cam showing that Bondurant professed he didn't want anything to do with this case. In other words, he was adamantly opposed to being involved in any way.

Officer Baglietto can be heard telling Bondurant that he (Baglietto) would document that. The fact that Bondurant was adamantly refusing to be involved was never noted in any

Continued on page 15

Continued from page 1 • It's the Constitution, Stupid ...

may as well be a boiler plate for every community. This can no longer be tolerated. We need to re-establish the Republic and demand accountability from our elected officials.

History shows us that great minds throughout history realized that every free governing body must have three powers to exist;

(a) Legislators to create laws,
(b) An Executive Branch to enforce the laws, and
(c) A Judicial Branch to adjudicate violations of those laws.

The Magna Carta, or the Great Charter of 1215, was the first significant recognition of the importance of separation of powers and the right of a trial by a jury of your peers. Almost five hundred years later in 1748, French Philosopher Baron de Montesquieu published his theory on the separation of powers. Montesquieu is credited with denoting separate functions of government as legislative, executive and judicial.

Baron de Montesquieu's theory makes it crystal clear that when one person or group possessed all three powers, only tyranny and its closest companions, cruelty, oppression, and dictatorship could survive.

Many of the framers of our constitution were taken with Montesquieu's theory on the separation of powers. They believed separation prevents the concentration of all three powers in the hands of one person or group, which is recognized as the mother of tyranny.

In researching the history of the separation of powers in present-day America, the first thing that just jumps out at me is the scope and aggressiveness in the efforts of government officials. They blatantly violate their oath of office while openly pursuing the elimination of our constitutionally-guaranteed Bill of Rights.

The governments, that were created by the peoples Federal and State Constitutions, were by intent and design to be protectors and servants to their creators.

To change their roles in the lives of the American people from servant to master, these governments had to create a shadow government. These governments must have the appearance of constitutionality, and silently blur or even erase the boundaries that separate the three powers of our Republic.

Search YouTube for:
"Jackson County Commissioners Sept-25"

That shadow government began when the Administrative Procedure Act was created in 1946. This was done for the sole purpose of disarming every American of their constitutionally guaranteed right to due process of law, leaving the people in this country defenseless against government's attacks on every aspect of our lives, from our children to our property rights. Even now I cannot believe it was not created and implemented by the USSR.

The federal and state government's introduction of the administrative process into our republic, if not stopped, will destroy our country. Signs of the erosion of our rights and freedoms are visible everywhere and growing.

Taking a close look at city and county governments and their unconstitutional administrative processes, it is obvious they are becoming much more blatant about the criminal violations of their oaths of office. There is evidence of the conspiracies that go on between our elected officials and the administrative and judicial branches of our governments.

In Jackson County, Oregon in 2003, past County Commissioners Jack Walker, Sue Kupillas and Dr. Dave Gilmore created chapter 294 of the county's codified ordinances. Chapter 294 implements a hearing process that denies citizens constitutional due process defense in the county's quasi judicial process.

Present day Commissioners Don Skundrick, John Rachor, and Doug Breidenthal have been told in public meetings, by phone, email and in person that they are in violation of their oaths of office. Some of these violations stem from the commissioners performing all three functions of government, the legislative, executive and judicial. They all support and allow continuance of Chapter 294 of the codified ordinances.

Just to show the contempt these commissioners have for their oath of office and the people they have a sworn duty to protect and serve, you only have to read from the county's official website.

Jackson County's home page pictures Commissioners Don Skundrick, John Rachor, and Doug Breidenthal and states, "the commissioners serve as the Executive Branch and perform Legislative and the quasi-Judicial function of the county."

This documentation from your County Commissioners is very plain; you're Constitutional Rights are no longer observed, protected, or even recognized in Jackson County, OR.

Our Commissioners openly admit they are the Executive branch of county government. They have the authority to run this government as they see fit, and to enforce the arbitrary and unconstitutional laws and ordinances that they have created. They also control the Legislative branch of county government.

Citizens of Jackson County no longer have a judicial branch of government, we have chapter 294 of the codified Jackson County's experiment in creative adjudication.

We call it our unconstitutional quasi-Judicial 4th branch of government. It works really well for government because like the Fed's Administrative Procedure Act, the City and County's administrative processes also eliminate most of the citizen's constitutional due process rights, your right to a jury trial, your right to article III courts, an elected judge, the right to face your accuser, the right to an appeals court, and more.

Jackson County's Justice System was replaced with Donald Rubenstein, a Hearings officer, not an elected judge. In fact, he works at the pleasure of the County Commissioners.

You are brought before him because you have received a citation for violating one of Jackson County's ordnances. He and he alone will determine your guilt or innocence. He will make findings of fact, conclusions of law, and lay fines up to $10,000 a day for noncompliance. He can lean your home and shut your business down with the swipe of a pen and he does so without hesitation.

There seems to be no end or limit to the arrogance of everyone involved in this unconstitutional scam. Jackson County compliance officers hold no law enforcement certifications, yet can come onto your property without a warrant if they feel you are not compliant with county law or ordinances.

Some historians claim the separation of powers concept took 1800 years to evolve. Yet when Baron Charles Montesquieu published his theory on the separation of powers in 1748, it took only 41 years for our founding fathers to recognize the merits and protections of this valid theory.

The people of the late 1700s had fought to free themselves from the King's tyranny and began to formulate the new constitutional republic. The Republic was defined by the Constitution of the United States of America. That document clearly stated, in its first three articles, the importance of the separation of powers. Article I lays out the powers and duties of the Legislative branch, Article II the Executive branch and Article III those of the Judicial branch.

We gained our freedom from a tyrannical King in eight years. That "freedom" lasted for 230 years. Yet it only took seven corrupted, duly elected Jackson County Commissioners, two County Administrators, and a hand full of County attorneys ten years to unwind 230 years of American history, wiping out huge amounts of freedoms that Americans have been fighting and dying for since 1775.

We must rid ourselves of these "treasonous bastards" now by demanding accountability. We can start by taking steps to completely eliminate administrative government. If we don't, we should just simply tell our children and grandchildren, "Sorry, good luck…" ★★★

Local Citizen Involvement Wanted - *Whatever!*

By Colleen Roberts
US~Observer Exclusive

Jackson County, Oregon - It is an absolute and fundamental responsibility for citizens to be involved in their local government structure. In fact, the county documents in Jackson County display an organizational chart depicting the head of the county to be the citizens themselves; next in the organizational hierarchy are the Commissioners, then the Administrator, and on down to every county department head. And yet, nothing could be further from the truth. As a citizen who has decided to be involved and attends the county commissioner meetings, and who dares to question the details or authority, I can testify to the fact, that if I am one who stands "in charge," the commissioners did not get the memo. Their televised meetings begin playing the regal music with verbal dialog to "come and experience the process" by attending the meetings. Apparently experiencing the process means come in and shut up.

In addition to claiming tyrannical control by functioning as the executive, legislative, and judicial branch, the Commissioners are in charge of keeping the citizen who might dare to question or express their opinion in an open forum of intimidation.

The Commissioners have sent a written formal request that I stop asking questions. They have written guest editorials in response to my opinion letter to the editor, calling me a liar or an idiot too stupid to understand. As a journalist, I have been asked to submit a weekly report of county activity and business to my small local paper. My articles have consistently been rebuked in person, by commissioner editorial, and by relentless phone calls. Their defensive posture to purposefully discredit my involvement and intimidate me is unprofessional, unscrupulous, and completely unproductive.

Commissioner Breidenthal has certainly accepted the challenge to degrade any citizen with questions:

a) His verbal response to a question I asked, -which addressed another Commissioner- was that it "...rubbed him the wrong way" and in his opinion, was not appropriate.
b) A call to the editor of the local paper, complaining of my behavior.
c) An email that stated, "I also believe you owe Mr. Jordan (the Administrator) a THANK YOU for responding to your request without any of us giving him direction to do so."

His arrogance and contempt for the people that he works for gives credit to Mr. Chancler's evaluation of Mr. Breidenthal in his most recent US~Observer article, "It's the Constitution, Stupid".

The usurped power, contempt, and arrogance of the Board of Commissioners in Jackson County will only be stopped by the demands of the people, either by the collaborative assertive and successful supervision by the people, or by removing these elected individuals from their posts. Then, perhaps, we will have won back a county government for the people, by the people, and of the people. ★★★

Continued from page 14 • Faced With More Police Abuse, Twin Brothers Vindicated AGAIN!

documents given to Libby or his attorney Nathan Wente.

Beyond not having any reason to be there that night except to escalate the situation, Debra Greenlee did not have a valid driver's license at the time. The officers reportedly knew that she didn't and knew she had driven to the scene. In fact, at the end of the video an officer can be heard telling Greenlee that he was not going to get involved in *"her situation."* That same officer was then heard telling Greenlee to get in her car and drive it across the street. Greenlee was not cited or arrested for driving without a license despite it being a crime to do so.

MPD reportedly obtained copies of the security video from Weldon's, however; they did not turn over copies of the actual security video to the defense. Instead, they turned over their own *"created"* video, wherein they used a hand-held video recorder to record the security video as it was playing on their monitor.

MPD specifically eliminated all security video prior to Jason arriving at Weldon's Cleaners. Their video eliminated the video footage of Bondurant entering the laundry mat and stealing an article of clothing on a counter-top. Their video eliminated the footage of Bondurant exiting the bathroom with his shirt off (corroborating that he had just bathed). Their video eliminated the fact that Bondurant went rummaging through all the trash cans collecting items, including an empty laundry detergent bottle. It also eliminated the fact that Bondurant then re-entered the bathroom for a second time and did not come out again until after Jason arrived nearly 10-15 minutes later.

Why was he in the bathroom for such a long time after bathing? Libby believes he may have been manufacturing meth through a procedure called *one-pot, backpack meth labs* or *shake and bake*. One of the materials needed is an empty bottle, plastic is sufficient. Remember the empty detergent bottle?

In response to Jason Libby's harassment and fourth-degree assault charges being dropped, Chief Deputy District Attorney Jeremy Markiewicz stated, *"We had a less than cooperative victim in that case."*

BACKGROUND - DON LIBBY'S CASE

On Jan. 8, 2013, Officer Baglietto contacted Don Libby up in the Bella Vista Heights subdivision in Medford. Officer Baglietto actually thought Don was Jason according to information obtained. So, in Baglietto's mind he was dealing with the same guy that he had just contacted the night before at Weldon's.

Prior to Officer Baglietto arriving, Don had gone up the hill to check the construction site. He was killing some time before locking up a another client's business. Bella Vista had previously been a client but at the time of this incident the contract had expired.

Don was just outside his car when he noticed a car coming down the hill from an area he knew to be highly trespassed - a large private lot at the top of the hill that overlooks the city of Medford. It is common for people to trespass there, do drugs, have sex, dump garbage, vandalize, etc.

As the car came down the hill, Don used his flashlight to flag the vehicle down. It was disputed how this interaction took place but all parties agree that upon contact the teen driver rolled down his window and the strong odor of marijuana rolled out of the car. It was also disputed whether Don identified himself as a security guard or not - Don said he did, they said he didn't.

Don advised the occupants this area was a no trespassing area and they admitted to having used marijuana that night. He asked for their ID's to document that they had been advised that they were not supposed to be there.

Next, Don asked the driver if he would step out of the car to do a quick eye test. It was while Don was doing the eye test that Officer Baglietto rolled up. Don told Baglietto what he had observed, gave Baglietto the driver's ID and then left the scene.

Officer Baglietto indicated in his police report that he didn't notice any impairment that would justify having the driver do field sobriety tests. However, Baglietto stated in his report, *"due to an odor of marijuana in the vehicle, I asked for consent to search."* Both *"victims confirmed they smoked marijuana that evening... I suggested (the victims) leave on foot and return with a sober driver."* Why would they need a sober driver if they were not impaired?

After the police sorted out their mistake with the incorrect ID of Don Libby (again, Baglietto thought Don was his brother Jason), Don was charged with two counts of felony criminal impersonation. After a three day trial, the jury found Don not guilty on both counts.

Don's Attorney Nathan Wente had done an exceptional job presenting the facts to the jurors.

MAINSTREAM MEDIA BIAS AND GOVERNMENT CONTRIBUTIONS

You are presumed innocent until proven guilty – or at least that's how the saying goes. But reality is far from the old saying. Mainstream media headlines such as, "Twin Guards Face Accusations Of Exceeding Their Authority," "Surveillance Video of Incident Leading To Security Guard Arrest...," "Twin Brothers Face Various Crime Charges," "Oregon twins accused of impersonating police officers..." clearly and intentionally implicate guilt.

Furthermore, the content in the articles named above touches far beyond innocent until proven guilty. You have government employees giving statements prior to a trial, which can greatly benefit other government (the prosecutor). "*A citizen can make a citizen's arrest,"* explained Medford Police Lt. Mike Budreau. *"In these cases, we think it's different because we think they're (the Libby's) clearly going outside of what a citizen should do as far as arrest and also using force in inappropriate times."* Budreau said, *"private citizens cannot administer DUII tests, but they can detain someone for being under the influence."*

Attorney Nathan Wente addressed this statement during Don's trial and asked MPD officer Baglietto to show him where in Oregon statues or any law it says *"you cannot administer DUII tests?"* There were no objections sustained, and no evidence or answer to support Lt. Mike Budreau's allegation that you cannot administer DUII tests – yet this was potentially read prior to Don's trial by each and every juror.

Although it might seem unreasonable or strange for a security guard to ask someone if they are under the influence or to give an *"eye test"*, it's not illegal. Attorney Nathan Wente stated he was, "*100 percent certain of this, which is why the prosecutor and MPD couldn't prove it during trial."*

Several mainstream articles and news reports have alleged the Libby's guilt; even the reports that claim they were found innocent still portray guilt by quoting the prosecutors, police, etc. None of them mention all of the evidence which is reported in this article – at least the evidence that proves MPD was, and is in the wrong. The only media that has stood by their side, conducted a thorough investigation, and reported on it - is the US~Observer.

To prevent future problems, Don Libby stated, *"We have installed go-pro dash cams – every time one of our vehicles are in use, the camera is on unless manually turned off."* They have, *"...also purchased video cameras for their person - the taser axon body camera. We will be letting everyone know we are security officers and making sure they acknowledge during every encounter from now on.*

Let's hope MPD finds a way to preserve their evidence as well. This will save innocent people thousands of dollars defending themselves, and the taxpayers will likely benefit by not funding very costly wrongful prosecutions.

Don Libby stated that they have *"spent over $35,000.00 defending themselves"* against the actions of MPD. He also wanted to put MPD on notice that, *"My brother and I plan on filing a tort claim against the Medford Police Department, Chief Tim George and Officer Ernie Whiteman Jr. - independently."*

Editor's Note: The US~Observer believes that not all officers at MPD do wrong, and we are quite aware that there are good police. We have many friends in public service and appreciate their hard work. However, good MPD police need to realize, "a few bad apples spoil the whole bunch." ★★★

Continued from page 1 • Ties to Fast and Furious ...

without any competent investigation whatsoever.

Abuse at the hands of prosecutors that are supposed to acknowledge our constitutional rights and seek justice just doesn't get much worse than this folks! When U.S. Attorney Grissom turns a blind eye to his assistant prosecutors' abuse of completely innocent Hispanic individuals, he is exposing his involvement and that this is without question, a very well concerted conspiracy. Concerning Jose Velasco-Veyro, Douglas Chavez and possibly some of their co-defendants, this is in part, a conspiracy to cover-up the criminal actions of our federal government when they conducted their Fast and Furious gun-running program with Mexican drug cartels.

The Fast and Furious scandal became national news when United States Attorney Eric Holder stonewalled Congress and attempted his all-out effort to cover-up his Justice Department's criminality in this failed and fatal operation. However, Holder was unable to stop Special Agent John Dodson from talking to a Congressional Committee.

According to a recent Investor's Business Daily Editorial, "The Justice Department blocks a tell-all book by an ATF special agent on how Brian Terry, Jaime Zapata and hundreds of Mexican nationals were killed with weapons supplied by this administration.

ATF Special Agent John Dodson is a national hero who in 2011 blew the whistle on Operation Fast and Furious, the Obama administration's gun-running operation to Mexico.

Testifying before Congress, he disclosed that his supervisors had authorized the flow of semiautomatic weapons into Mexico instead of interdicting them, weapons that found their way into the hands of Mexican drug cartels with deadly results."

No one had a clue, until the US~Observer broke the Jose Velasco-Veyro case wide-open that the Fast and Furious cover-up actually involved the false prosecution and abuse of Hispanics on seemingly unrelated fronts.

When we boil down all the facts in Velasco-Veyro's case, the results clearly show that U.S. Attorney General Eric Holder, the Justice Department and certain U.S. Attorneys under Holder are manufacturing gun-running cases against innocent Hispanics to lessen the public scrutiny of our government's involvement in gun-running themselves.

ADDITIONAL AUSA MOREHEAD ABUSE

This reporter has uncovered other highly suspect instances of Morehead abusing her position of power. For example, in 2008, defendants Guy and Carrie Neighbors (Case No. 07-20124-01-02-KHV/DJW) filed a motion with the Kansas federal court to dismiss an indictment against them on the grounds that Morehead was guilty of, "prosecutorial misconduct… Vindictive prosecution… mis-construction of statutes… perjured testimony, by deprivations of constitutionally secured due process, conspiracy and by the commencement of a vindictive prosecution by a prosecutor." The list of grievances against Morehead and her alleged accomplice, AUSA Marietta Parker, continues with allegations for participating in "an on-going and continuing malicious, vindictive and retaliatory prosecution" and that Morehead and Parker "has suborned various witnesses through harassment, the bribery of deals and offering payment." According to a CNN iReport, the Neighbors reported that at one point, "Terra Morehead was so angry about not getting the gag order [against the Neighbors from a judge] she started crying and sobbing in court twice."

Also, in regards to Velasco-Veyro, gun expert Len Savage, who has had many dealings with the ATF, stated: "I am somewhat perplexed as I have personal knowledge as well as documents from a recent AZ case that shows that ATF's policy is to first give the individual an opportunity to apply for a license if ATF feels they are 'entering into the business' and not just collecting [guns]; It is only after they give you the warning and you ignore it, they prosecute." Len Savage's statement is correct and we have been told the same story by other experts, however these other cases are dealing with Caucasians selling guns, not Hispanics. And, these other cases have no tie to Fast and Furious.

Mr. Velasco-Veyro has never attempted to make a business out of selling guns and he received no warnings from the ATF to apply for a Federal Firearms License.

It is interesting that on March 20, 2013, Prosecutor Morehead was involved in another case very similar to the one brought against Velasco-Veyro and his alleged co-conspirators where, according to Kansas' own justice department: "Thirteen men have been charged with federal firearms violations, drug trafficking or other crimes as a result of an ATF undercover investigation…" Many of the individuals mentioned in this more recent indictment also have Hispanic last names. Conspiracy?

As we stated in our first article on this case, Morehead was overheard stating that she was under pressure "from above" to prosecute these types of cases. Again, I want to stress, considering the numerous ties to Fast and Furious, it is clear that the prosecution of so many Hispanics is Attorney General Eric Holder's way of shifting the blame for his ill-conceived and botched operation from the ATF, Homeland Security, and his office to Hispanics and innocent Mexican-Americans like Jose Velasco-Veyro. At this point, for anyone to think that Morehead's direct superior, U.S. Attorney Barry Grissom, is not involved in this obvious injustice, they are fooling themselves.

As a further update - Mr. Velasco-Veyro is still being denied his right to have his Discovery in his possession, thus hampering his ability to aid and assist in his own defense.

In addition, a "miraculous coincidence" occurred only two work days after the US~Observer's original "Too Fast, Too Furious" article was released - the Kansas Board of Healing Arts has subpoenaed all records regarding the care and treatment of Mr. Velasco-Veyro by Dr. McIntyre. This is a clear attempt to discredit, intimidate, retaliate and disgrace Dr. McIntyre for speaking the truth about the inhuman treatment suffered by Mr. Velasco-Veyro during his nearly five-month incarceration, finagled by prosecutor Morehead's devious methods.

Prosecutor Terra D. Morehead

U.S. Attorney Barry Grissom should realize that he will not escape this scandal-ridden false prosecution. If you believe in justice for all people, whatever color their skin might be, call Grissom at 913-551-6730 and tell him to stop this abuse – NOW!

If you or someone you know have knowledge of, or has had questionable dealings with AUSA Terra D. Morehead, the US~Observer urges you to contact this reporter - lorne@usobserver.com - so we may continue to build a case against this enemy of justice. We are also greatly interested in receiving information on U.S. Attorney Barry Grissom.

AT PRESS TIME

The US~Observer has just been informed that AUSA Terra Morehead is now claiming that she cannot find the recorded video or undercover audio file associated with the sale of Jose Velasco-Veyro's "old target pistol" to ATF undercover agent Steve Lester.

As we have reported, one felony charge against Velasco- Veyro consists of Jose allegedly selling an old handgun to a person (ATF undercover agent) at a gun show in Kansas when he knew that the person was from Missouri. Morehead, who has conveniently "lost" the recordings of this transaction, is now claiming that the undercover agent will testify in court that he told Jose he was from Missouri.

In this writer's highly qualified opinion, this is evidence of a blatant criminal conspiracy between AUSA Terra Morehead and the ATF agent(s) involved against one of the most ethical and honest men I have ever known – Jose Velasco-Veyro. Assistant United States Attorneys do not just lose critical evidence unless that evidence shows something that is damaging to their prosecution.

On the other hand, the US~Observer has exposed numerous cases over the years where bad cops and corrupt prosecutors intentionally change official reports, withhold evidence from the defense, lie and attempt to falsely convict innocent people to cover their corruption and/or incompetence.

Our readership can rest assured that if Morehead actually lost any evidence, that evidence proved that Jose Velasco-Veyro is absolutely innocent.

Do you understand this indictment of AUSA Terra Morehead US Attorney Barry Grissom? If you do, then you must realize that this indictment is also an indictment of you and your OFFICE!

Jose Velasco-Veyro is represented by Attorney Shazzie Naseem of Berkowitz Oliver Williams Shaw & Eisenbrandt LLP, located in Kansas City, Missouri.

Don't miss our next edition wherein we will report exactly what Jose's attorney has and hasn't done to adequately represent his client. It would seem that Naseem would have already had Jose Velasco-Veyro's ludicrous and manufactured false charges dismissed, since he has been Jose's attorney for over a year and a half, but maybe Mr. Naseem has a strategy we are unaware of?

★★★

Are You Facing False Criminal Charges?

Have You Been a Victim of False Prosecution?

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

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

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

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

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

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

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

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

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

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

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

The US~Observer's services have

VINDICATED

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

Al Pererstein — Victim: Investment Scam

Status: Compensated

"I can't thank you enough for getting our investment money back."

Pamela Fanning — Charge: Felony Grand Theft/RICO

Status: Dismissed

"Thank you for everything... You are the bomb!"

Chris Hoover — Charge: Felony Sex Abuse

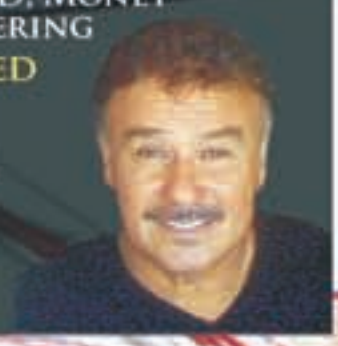
Status: Dismissed

"I was shocked in disbelief. My whole world fell apart. My only help came from the US~Observer."

The Parkers — Charges: Felony Tax Evasion, Wire Fraud, Money Laundering

Status: Dismissed

"You did the opposite of the mainstream media and actually investigated."



James Faire — Victim: Land Use Violation

Status: Dismissed

"They saved my property and accomplished what our attorney couldn't, at much less expense."

Kevin Driscoll — Charge: Felony Rape

Status: Dismissed

"The US~Observer fought and won my freedom, and cost the district attorney and prosecutor their jobs."

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