Promoting Excellence in Investigative Journalism

US OBSERVER
Vindicating the Innocent

www.usobserver.com

Volume 2 • Edition 38

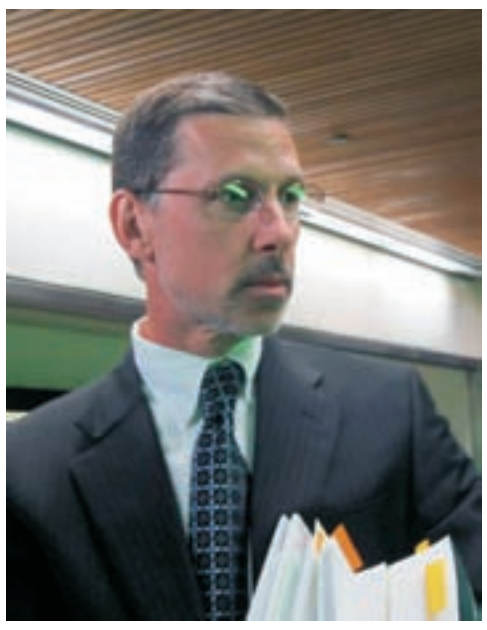
GOVERNMENT ENTRAPMENT

The Federal Framing of Schaeffer Cox

Schaeffer Cox

By Ron Lee
Investigative Journalist

Fairbanks, AK - On January 8, 2012, US District Judge Robert Bryan sentenced 27-year-old Francis "Schaeffer" Cox to almost 26 years in prison, in most part for a conspiracy to commit murder charge the prosecution, led by Asst. US Attorney Steve Skrocki, deceitfully sold to a jury as being Cox's plan. Now, 4 years later, revelations are exposing the system as the conspirators, having acted to entrap the man who has sat confined in the Communications Management Unit (CMU) of the Federal Prison in Marion, Illinois.* The real story never made it to the people of Alaska and, more importantly, to the jury. No one heard the truth of the government's obsession with getting rid of Cox. They never got to read the investigating special agent's emails saying Cox was not a threat, and that he had no real "intention." The witness intimidation; the countless hours of audio recordings of Cox refusing to use violence; all were things the government skillfully covered up in order to get their man and paint the public perception that Cox was guilty, when in fact his only guilt was to speak out against a government that proved itself to be capable of entrapment.



Assistant US Attorney Steve Skrocki

"This case is by far the worst travesty of justice I have encountered in my 25-year legal career." said Fairbanks attorney Robert John who was able to exonerate Cox of all charges in the Alaska State case. Writing in a press release in 2014, John lamented, "While our tradition applauds those who stand up and exercise their constitutional rights, the government's new definition of terrorism condemns such patriotic actions, as this young Alaskan family man Schaeffer Cox, has unfortunately learned."

A talented speaker and 2nd Amendment advocate, Cox was a skilled orator. After the 2008 election, he was traveling outside Alaska warning citizens in fiery speeches about the tyrannical path of the federal government. His speeches drew the attention of the FBI and on February 16, 2010, the FBI initiated a preliminary investigation. The next month, on March 25, 2010,

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"Son Ruins Mother's Life"
DA Eric Nisley Assists

By Kelly Stone
Investigative Reporter

DA Eric Nisley

Wasco County, OR – Several years ago, after 40 years of marriage, and a several year battle with cancer, Elizabeth Turner lost her husband Mark.

Suddenly, the ranch and cattle herd that she and her husband had built over thirty years, went from being very manageable to very difficult. Now that she was alone, Elizabeth had a hard time caring for her cattle and her land. Debt from Mark's illness made it even harder.

Elizabeth has two sons. Her eldest son Aaron wanted the ranch, the other did not. Feeling overwhelmed Elizabeth agreed to convey the land to Aaron and his wife Josie on much more than generous terms. She sold the land to Aaron for reportedly

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Habeas Denied in Faire Murder Case
Ruling: No Attorney for 6 Months 'Okay'

By Edward Snook
Investigative Reporter

Okanogan, WA - Back in June of 2015, the US~Observer began an investigation into the murder charge (and others) filed against James "Strat" Faire. In October of 2015, I reported on the blatant injustice that was occurring in this case with respect to the evidence being ignored by Prosecutor Karl Sloan, evidence that clearly shows Faire acted in self-defense, while a felony assault was in progress against Faire and Angela Nobilis at Richard Finegold's Sourdough property, located in Tonasket, WA.

Faire supporters were able to hire Attorney Stephen Pidgeon to represent Faire. On February 10, 2016, Pidgeon filed a Writ of Habeas Corpus demanding that the court drop Faire's charges for violating his Constitutional Rights. Pidgeon also filed a Motion for bail reduction.

After eight long and torturous months of incarceration, most of them spent without an attorney representing him, James Faire walked out of the Okanogan County Jail on the afternoon of February 19, 2016. Judge Christopher Culp granted bail reduction from $750,000 to $150,000.

In a memorandum of law to the Okanogan Superior Court for the State of Washington, Attorney Stephen Pidgeon, Faire's counsel of record states:

"... his [James Faire's] restraint was made illegal upon his first

James "Strat" Faire

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All Points Bulletin on Henry Martinez

The US~Observer is attempting to locate Henry Martinez. This con-artist ran Oasis Construction Inc. out of Boca Raton, Florida back in 2007.

A victim of Hurricane Ivan hired Martinez to rebuild her home and he chose to steal the money instead of doing the work he promised. As a result, the State of Florida filed criminal charges against Martinez and the victim obtained a "Final Judgment" in the amount of $245,785.00. The victim was then forced to pay another company to demolish her home because it was flagged as unsafe to occupy and the person could not afford to rebuild.

We need to hold Martinez accountable - Anyone with information on the whereabouts of Henry Martinez is urged to contact the US~Observer at 541-474-7885 or by email at editor@usobserver.com. ★★★

SCAMBUSTERS

Multi-State Financial Scam - Investors Bilked out of $575k?

[redacted]

Dr. John Brimhall

[redacted]

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LAND THEFT

Monuments Move - Landowners Lose
A Surveyor's Dirty Little Secret

By Will Goode
Investigative Reporter

Grangeville, ID - If you think being imprisoned when you are innocent is bad news, how would it feel to be dispossessed of your property when it has been in your family for 40, 50 or 100 years? The trick is for one adjoining neighbor to hire a new-breed-of-surveyor who bends the law (being

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Elizabeth Turner

half its value on the understanding she would be able to continue to live there and it would be a family operation. Elizabeth was expecting to be able to continue to enjoy the ranch, raise her cattle and horses there and continue to direct the excellent genetics in the cow herd.

She gave Aaron some cattle and leased other cattle to him in exchange for promises from him to maintain the land and the fences and pay many of the expenses. She also understood that he would repay a bank loan he had borrowed and that she had paid off using the funds she received from her sale of the ranch to him. The agreement also required Aaron to pay for all the feed for the cowherd he would receive the calf crop on.

Things quickly went south. The son allegedly did not pay the debts he had told his mother he would pay. Then things got worse, much worse.

In July of 2015, Aaron had the Wasco County Sheriff come to charge his mother for unauthorized use of a vehicle. Elizabeth was subsequently issued a citation by the Oregon State Police.

On October 7, 2015, Aaron and Josie Turner enlisted the assistance of Wasco County Attorney Bradley V. Timmons and Attorney Kristen A. Campbell and they sued Aaron's mother Elizabeth Turner over issues related to the ranch that Elizabeth had sold to them at a reported one half price.

Aaron and Josie are seeking "a money award of no less than $131,066.00, together with post judgment interest thereon" and a "money award for Attorney fees".

Attorney Bradley Timmons

In the documents included in the civil suit was a letter canceling his previous authorization for his mother to use his equipment, even to the extreme of denying use for medical reasons. That letter, which he and his wife had sent certified mail, was never delivered to his mother by the post office – it was returned to the sender by the post office.

At this juncture, Elizabeth Turner had to have been heart-broken, but little did she know, the troubles with her son and his wife had just began.

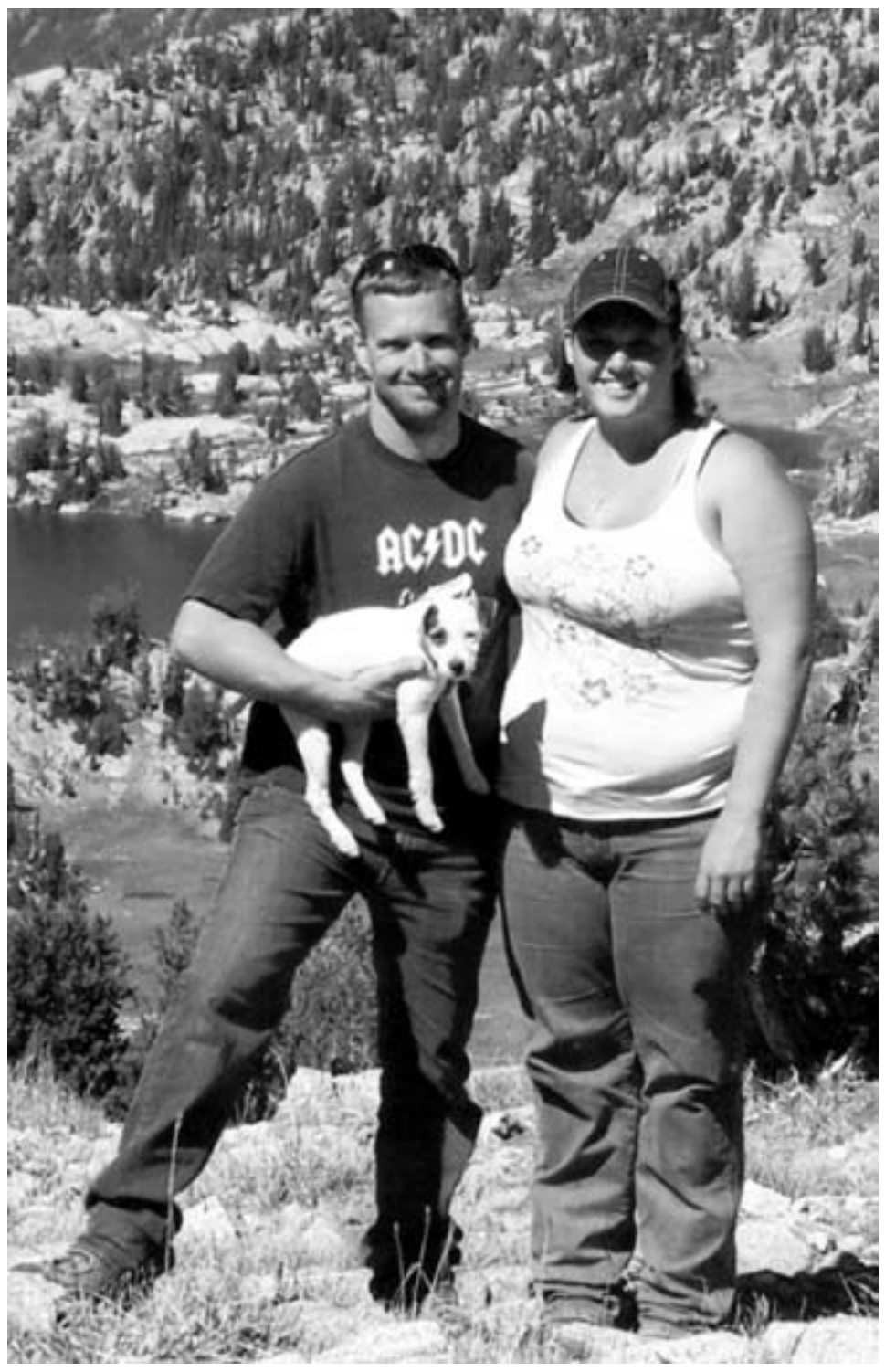
On October 15, 2015 Aaron convinced the Wasco County Sheriff to arrest his mother for the theft of four cows. The shocking fact is the four cows were on land owned by Aaron. Land that Aaron had as much access to as did his mother. Even worse, Aaron allegedly took advantage of his mother being in jail, to take not only the four cows his mother agreed were his but also five calves she claims are her calves.

Elizabeth, even though devastated at the attacks by her own son and his wife, had no idea there was more coming.

Aaron somehow convinced the Wasco County Sheriff to arrest his mother for the theft of hay he was storing at the ranch. In a recent interview with Ms. Turner she adamantly denied the alleged theft and went on to explain how her son owed her a substantial amount of money. Included in this money are irrigation bills Aaron allegedly refused to pay in order to grow the above noted hay and loads of hay fed to the cows in the spring, which she paid for. Turner stated, "I don't understand why my son would do this to me after all that his father and I have done for him. I am sure that his wife and her family (Jim Hanna family) were behind this and also the many other terrible things they are doing."

Why would the Wasco County Sheriff's Deputies believe Aaron and Josie and disbelieve the mother? Could they be acting at the direction of the Wasco County Counsel's Office? I know for a fact that the Sheriff's Office has refused to investigate crimes committed by members of prominent Wasco County families, so, I must assume that this is the case here, especially in light of the fact that Elizabeth had been a brand inspector for the State of Oregon. Being a brand inspector is a position of trust, requiring steadfast honesty and she had never before been accused of a crime. Conspiracies? Absolutely!

Ms. Turner is also a 30-year 4-H leader; she was a Resource leader for and served on the state Horse Council. She served as Associate Director of the Soil District for approximately 16 years and was on the Resource Committee attached to the Wasco County Planning Office since 1996. Elizabeth is a founding member of Country Natural Beef and has held positions of responsibility, working with producers.



Aaron R. Turner Josie L. Turner

The US~Observer has received many complaints against Nisley, from stealing people's children, to falsely prosecuting the innocent, to working underhandedly with certain employees of the Sheriff's Office, to conspiring with prominent or "high society" people in Wasco County.

How about the Armando Garcia case? On July 19, 2012, then 17 year-old Armando Flores Garcia was indicted by Eric Nisley on completely false sex-abuse related felony and misdemeanor crimes. The father of the alleged and manufactured victim was, get this, a Wasco County Deputy Sheriff.

In a 2013 article the US~Observer proudly published, "On August 27, 2013, Armando was found not guilty. In all honesty, if justice were to be served in this case, DA Nisley would be sentenced to a lengthy prison term for his actions in this case and others."

Is there any doubt why DA Nisley would assist Aaron and Josie Turner with destroying Aaron's own mother? I don't have any doubts about Eric Nisley, but I am completely shocked over a son and his wife having the son's mother arrested regarding the issues in this article and then force her into a very expensive civil court battle.

Editor's Note: We will keep the public apprised on this case as soon as things develop. Anyone with information on District Attorney Eric Nisley, Attorney Bradley V. Timmons, Attorney Kristen A. Campbell, Aaron R. Turner Josie L. Turner, or Bridget Bailey-Nisley are urged to contact Edward Snook at 541-474-7885 or by email at editor@usobserver.com.

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ATTORNEY BRADLEY TIMMONS?

As previously stated, Aaron and Josie Turner hired Wasco County Attorney Bradley V. Timmons for their civil case against Aaron's mother. How does that happen? Aren't public attorneys (prosecutors) supposed to represent the public and not to use their positions as public attorneys to help their private clients? One would think so.

The US~Observer is gravely concerned that Wasco County Attorney Timmons is using his position to profit himself and to gain an unfair advantage for his clients' Elizabeth Turner's son and daughter in law.

We are currently conducting an in-depth investigation into Timmons and Campbell's possible ties to DA Nisley, etc. and will report our findings when and if the allegations we have received are found to be factual.

AND WHAT ABOUT DA ERIC NISLEY?

Nisley has factually been presented with more than enough evidence to cause an ethical prosecutor to drop the false charges he filed against Elizabeth Turner, but then again, who is representing that Nisley is ethical – he is not.

The War on Accountability

By David Kirk West and Kathryn Steele

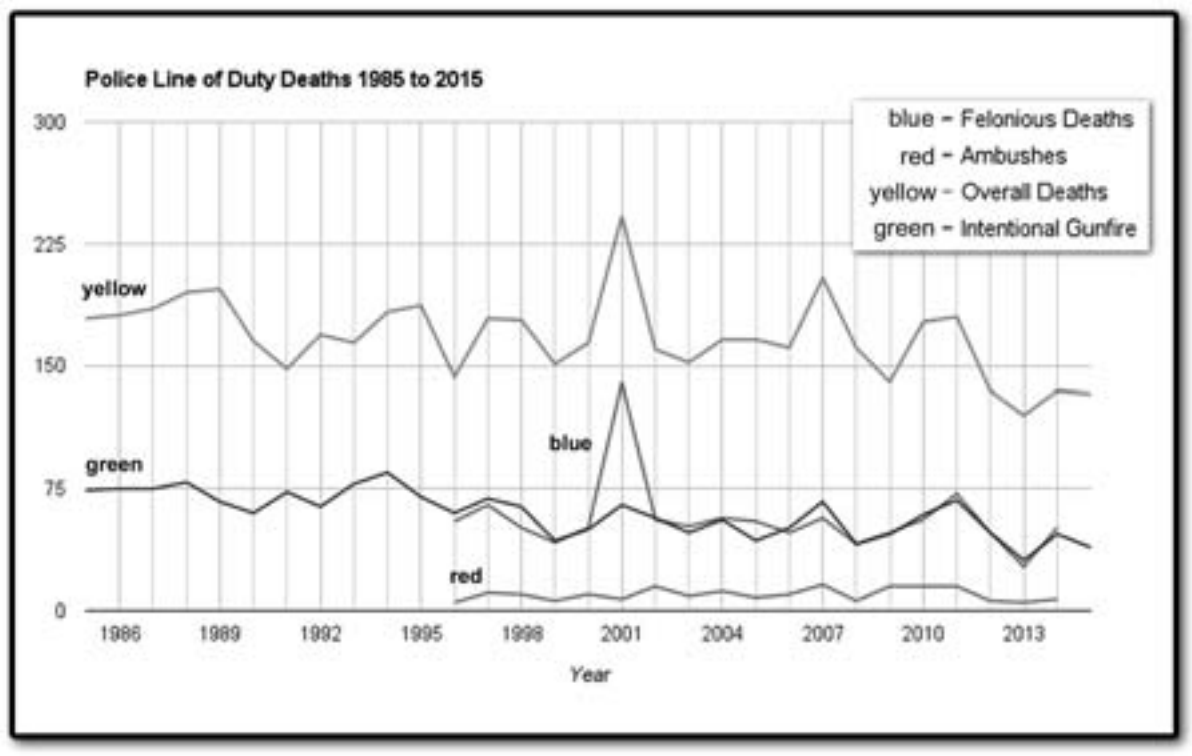
From #BlackLivesMatter to widespread buzz about Netflix's documentary series *Making a Murderer*, America's cultural zeitgeist is beginning to support increased police accountability in a very real way. Predictably, though, talk of a "war on cops" is also on the rise. Not just coming from police unions and conservative pundits, either. A 2015 Rasmussen Poll found that 58% of likely U.S. Voters believe that there is a "war on cops" while just 27% disagree. So, are the claims of a war on cops true? In short... No.

On March 2nd, Medford, Oregon's very own NBC Affiliate KOBI-TV ran a story with the headline "Line of duty deaths by gunfire up 1200% in 2016." An alarming claim, and one that anyone with half a brain and an ounce of responsibility never would have written. It's true that as of March 2nd, 2016, 12 officers had been killed in the line of duty by gunfire versus only one during that same time period last year (And 2015's death was a training accident, to boot). An incredibly obvious problem arises, though, when one looks just eight days ahead in 2015's statistics, because three more law enforcement officers (LEOs) were killed by gunfire between March 4th and March 10th last year.

For KOBI's alarmist headline to have remained accurate just 8 days past its publication, an additional 155 officers would have to have died by gunfire between March 2nd and March 10th. Since that didn't happen, the number of LEOs killed by gunfire so far in 2016 is actually only 200% higher than it was at this time last year. Even claiming a 200% rise in line of duty LEO deaths would still be disingenuous to the point of basically being a lie, though, because if you take into account ALL of the officers who died in the line of duty between January 1st and March 10th, you'll come up with 18 officers for 2016... And 23 for 2015.

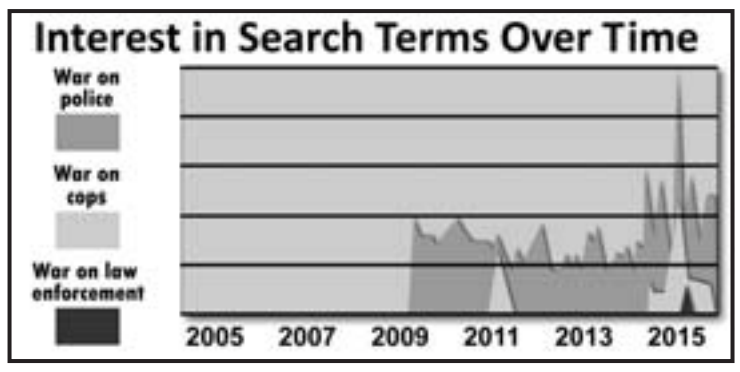
Yes, there were actually MORE line of duty deaths during this same time frame in 2015. In fact, car accidents were 133% higher at this time last year, and there had been a whopping SEVEN heart attacks versus this year's zero. Does that mean that cops have become radically healthier and started driving more safely over the last year? No, of course it doesn't! The real takeaway here is that when statistics are based on such small sample sizes, it's completely asinine to look at just a few weeks worth of data and expect to learn anything meaningful from it.

Month-to-month and even year-to-year "spikes" in line of duty LEO deaths make easy headlines, but when long-term trends are considered, it becomes quite clear how ridiculous the claims of a growing "war on cops" really are. The chart below illustrates this perfectly by mapping thirty years worth of data, not just tiny, weeks-long blips.



The orange and green lines represent data from the Officer Down Memorial Page, and the blue and red lines were made with data from the FBI's annual "Law Enforcement Officers Killed & Assaulted" reports (reports weren't available for 2015 or before 1996). Here you can see that over the last thirty years, line of duty deaths for LEOs has had a noticeable overall downward trend. Ambushes—which one would think would be up if there really was a war on cops—hit their lowest 3-year-streak by far from 2012 to 2014. 2013 was actually the safest year for American cops by every measure since 1887, and 2015 was the second safest. That revelation casts the technically statistically accurate claims of "rises" in police deaths in an entirely different light, doesn't it?

Now compare that chart to this Google trends chart of the relative popularity of search terms like "war on police." As you can see, searches for the term spiked significantly throughout 2015—the very year that we just established as essentially the safest year for cops in well over a century.



It's a tragedy when a cop is murdered same as it is with anyone else, but let's not kid ourselves: there's no war on cops in any physical manner, period. What we're seeing is a long overdue acknowledgement of the scope and severity of police brutality and systematic judicial injustice in America. According to a Department of Justice study conducted way back in the year 2000, 84% of officers admitted to witnessing fellow officers using more force than necessary in an arrest, and 61% admitted to not reporting serious abuses by fellow officers.

Obviously there's a problem here, and anyone with an interest in justice should want to see something done about it. The "war on cops" rhetoric that gets bandied about so much is not only dishonest, it's dangerous. It distracts the public from the truth, and worse: it perpetuates the idea among LEOs that their job is growing ever more dangerous. With this kind of propaganda inundating cops on a daily basis, is it any wonder that the number of civilians shot by police has been steadily rising over the last 20 years?

David Kirk West is a filmmaker and liberty activist who grew up in the mountains of Northern California and Southern Oregon. He is currently working towards directing his first feature film and is the writer, director, cinematographer, and editor of a variety of both fictional and documentary short films. His films and videos can be viewed on his YouTube channel at YouTube.com/BuckingTheSystem.

Kathryn Steele was born in Dallas, Texas. She graduated with a BA in Political Science and a Minor in Communications from The University of Texas at Arlington. Kathryn has worked as a political consultant and coordinator for several conservative non-profits as well as Presidential, Senatorial, and Congressional campaigns. Kathryn's activism has been featured on a wide range of networks and publications, and more of her writing can be read on her blog at TheSteeleChronicles.com.

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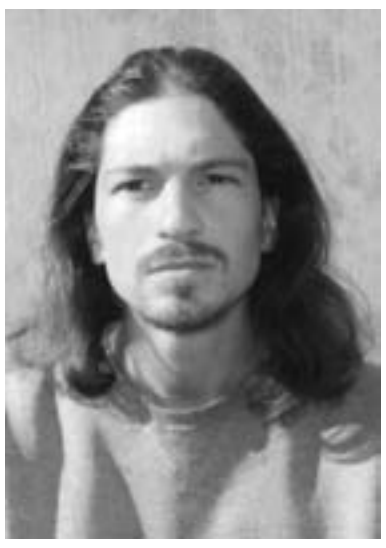
Continued from page 1 • The Federal Framing of Schaeffer Cox

an Asst. US Attorney in Anchorage, Joe Bottini, determined that Schaeffer "has not crossed the line" between "protected speech" and "actionable threat." Again, on April 4, 2010, that opinion was independently confirmed by another Asst. US Attorney, Stephen Cooper, in Fairbanks who likewise agreed that legal action was inappropriate.

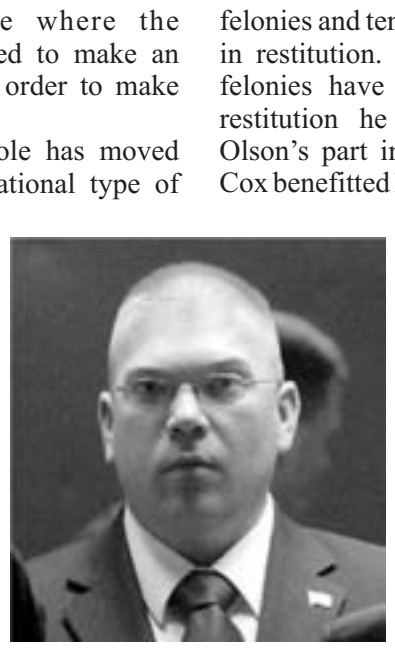
By every measure Cox was an outstanding citizen who had a reputation for helping others. Yet even after soliciting the opinion of two Assistant United States Attorneys, Bottini and Cooper, who each independently determined that legal action was not appropriate, the FBI continued to "investigate" him.

Schaeffer Cox, now 32 years old, is no longer the clean-cut "kid" he used to be - prison has changed that; his wrongful conviction has changed that. Sporting lengthy locks and a scruffy face, he looks more the part the government falsely portrayed him to be - the part of a ruffian ready to kill any and all federal, state, and local officials that stood in his way while he created a new America. It's a part that, frankly, lacked any proof and only ever relied on circumstantial evidence and claims by government paid witnesses. But, Cox's "investigation" and subsequent conviction have really formalized how the government attacks cases of "political" interest; those where the government decides they need to make an example out of someone, in order to make other people fall in line.



Schaeffer Cox

Law enforcement as a whole has moved away from the more observational type of investigating where they watch a person until that person commits a crime to a more proactive role as the one's with the criminal plan, oftentimes selling it to unsuspecting "suspects" whose only "crime" beforehand was to speak what they believe by exercising their first Amendment rights. Quite frankly, most people only speak out against government abuse in their bedrooms and from behind closed doors; Schaeffer Cox chose the pulpit, making him the perfect patsy for the government to tell the budding patriot movement in Alaska, to back off.



William "Bill" Fulton

Here is how it works, as it did in Cox's case...

The government enlists the aid of individuals who are typically facing criminal charges of their own, in exchange for greatly reduced or dismissed charges, as well as pay. These people are often nefarious in their own right and have usually been involved in crimes of dishonesty. You know, the perfect type of person you'd want to be a witness against you – nothing to lose and everything to gain by framing you. These people are known as Confidential Informants (CIs) or Confidential Human Sources, and in Cox's case there were two main CIs: Gerald "JR" Olson and William "Bill" Fulton.

Gerald "JR" Olson

Olson is a serial criminal who first ran drugs as a trucker then later took advantage of people as a contractor. According to the Alaska Dispatch, *"Gerald R. Olson, known as "J.R." and as "Jerry," first made headlines in 2005 when he was convicted for illegally installing septic systems in Peters Creek and Wasilla, most of which never worked. By fall 2009, he was again in trouble with the law, accused of stealing a $69,000 construction tractor."* He faced several felonies and tens, if not hundreds of thousands in restitution. It has been reported that his felonies have all been dismissed, and the restitution he faced paid for. Obviously, Olson's part in allegedly framing Schaeffer Cox benefitted him greatly…

Fulton, otherwise known as "Drop Zone Bill" has been reported as having an illicit affair with FBI agent Sandi Klein, one of the agents working the Cox investigation. In October of 2010, Fulton gained fame when he falsely arrested a reporter while supposedly providing "security" at a campaign event for then U.S. Senate Tea Party candidate Joe Miller. According to witnesses, he made death threat ultimatums to Cox and others when the Cox group refused to act violently. He even admitted to saying, "I am going to slit your f'ing throat and bleed you out at my feet you son of a b...." while holding a knife to the neck of Schaeffer's friend, Les Zerbe, who stood against Fulton saying they had no plan to act violently.

Fulton always claimed he had men and munitions ready to go and that Cox needed to get on board. Fulton made copies of recordings the government asserted did not exist and even recorded conversations with his handlers. He proved to be such an embarrassment to the government that they didn't even call him as a witness. It has been reported that Fulton will be releasing a book of his exploits – which reportedly will be full of self-aggrandizing pomposity.

In investigations of this kind, a CI's "handler" – the FBI agent overseeing him/her - sets the plan of attack and determines what type of information is needed to set up, entrap and bring their targeted person down. In other words, they begin the conspiracy. If this wasn't true and their targeted person had actually already committed a crime, they would simply arrest that person and try them for that crime. Instead, they concoct a scenario and ensure the target complies with their predetermined outcome. Much of it is staged beforehand for the CI, but there are plenty of times a CI has to think on their feet and literally make something up to keep the "investigation" going forward. If an "investigation" failed, so would any hope of payment or court leniency of the CI's charges or convictions. Much of this happened during the Federally condoned set-up of Schaeffer Cox, to the point that the plans that were prescribed to Cox and his co-defendants were, in fact, constructs of the CIs.There were many occasions during the Cox "investigation" where the CIs were told to tone it down, or, as Olson testified to during the trial, that he had been told "quite a bit" by his handler, "to not instigate stuff..." One of the biggest of these "instigations," and what ultimately led to Cox's conviction, was the "kill 2 for every 1" (2-4-1) plan and it's supposed companion "hit list."

According to Mike Anderson, a friend of Cox, the "hit list" also referred to as the "target

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In The News

WHAT THE?! SPOTLIGHTS

Almost half of newly-issued California driver's licenses went to illegal immigrants

(RT.com) - Four out of ten California drivers' licenses issued in 2015 went to immigrants who were in the US illegally, under a new and controversial state law. The time, effort and expense required by the program have got some citizens grumbling.

Assembly Bill 60, which was adopted in 2013 and came into effect last January, granted the right to acquire a driver's license in California to people living in the state illegally. Out of the 1.4 million total licenses in 2015, an estimated 605,000 had been issued to undocumented immigrants under the AB-60 program, according to the California Department of Motor Vehicles.

In the first six months of 2015, of the 759,000 original driver licenses issued in the state, more than half – 397,000 – were AB-60 licenses, the DMV said in July.

"We believe that this new law increases safety on California roads by putting licensed drivers behind the steering wheel," California DMV spokesman Artemio Armenta said.

A total of 830,000 undocumented immigrants applied for licenses, putting the acceptance rate at around 73 percent.

The program is expected to cost the state $141 million over a period of three years, according to the Orange County Register.

Governor Jerry Brown signed the bill into law in 2013, as part of a trio of immigration reform measures that included the removal of the word "alien" from California's labor code as a term describing illegal immigrants. Among other things, the new laws will also allow noncitizen high school students to serve as poll workers in elections.

Until the 1990s, states did not explicitly restrict driver's licenses to legal residents. The push for the bill came from state leaders and law enforcement officials arguing that roads would be safer with more licensed drivers.

"DMV committed to successfully implementing this new law to increase safety on California's roads by putting licensed drivers behind the steering wheel," said DMV Director Jean Shiomoto in a statement. "One year after AB 60 implementation there are 605,000 more drivers on the road who have passed all testing requirements and demonstrated their knowledge of California's rules of the road."

However, licenses granted to illegal immigrants have the words "federal limits apply" printed on them, which means that police officers in other states aren't required to accept them as a valid form of identification.

There are an estimated 2.4 million undocumented immigrants in California, meaning that the initiative has been enormously successful if measured by the proportion of illegals that now have licenses. In fact, the DMV had to hire around 1,000 temporary employees and opened four new processing centers to handle the surge in applications. It also extended hours of operation to included Saturday. Despite this increased capacity, many applicants in 2015 were unhappy with increased wait times at the DMV.

"I have mixed feelings," 76-year-old Kent Moore told the Orange County Register. "These folks have jobs. And they support families. If they go through the credential process, they shouldn't be denied.

"But I paid my dues. I've been a model citizen. I don't feel I should have to wait in line for hours, behind newly arrived people who are here illegally."

The DMV has since returned to its regular hours, and only 200 temporary employees will remain on staff by 2017.

Besides California, nine other states and the District of Columbia allow illegal immigrants to obtain driver's licenses. ★★★

Convicted Sex Offender Leads Transgender Rights Effort

By Austin Ruse

(Breitbart) - The homosexual leader of efforts in North Carolina to allow men to use women's bathrooms is a convicted and registered sex offender, according to documents made available to Breitbart News.

Chad Sevearance is president of the Charlotte Business Guild, which describes itself as "a network of LGBT professionals, business owners, employees and individuals in the Charlotte area who meet to nurture a network of business contacts; encourage fellowship and support among community business, professional and charitable pursuits; and provide and promote positive role models in the LGBT community."

Sevearance and his group have taken a lead role in seeking the right to allow males to use the restrooms and showers of females, including those of little girls, which is described by advocates as nothing more than nondiscrimination measures. Sevearance was quoted in the Charlotte Observer saying that because a recent bathroom "nondiscrimination ordinance" bill did not pass, "someone can ask me to leave a restaurant because I'm presumed to be gay or transgender."

In 1998, Sevearance worked as a youth minister and in that capacity allegedly lured younger men to his apartment to spend the night where Severance showed them pornography and tried to talk them into sex. One boy testified that he woke up to find Severance "fondling him." Severance was convicted on one charge of sexual molestation of a minor.

As a result of his 2000 conviction, Sevearance must register with the police on a regular basis for a minimum of ten years. His most recent mug shot and registration took place at the end of last year.

A reporter with the Charlotte Observer confirmed for Breitbart News that the Chad Sevearance they frequently quote is the same man who was convicted for sexual assault of a minor in 2000.

Repeated calls to the Charlotte Business Guild went unanswered.

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Public defender's office seeks volunteer lawyers

By Seth Dickerson


District Defender G. Paul Marx

(The Advertiser) - 15th Judicial District Defender G. Paul Marx announced recently that in the face of budget cuts to the office that have left him with a skeleton staff to defend indigent clients, he and his staff will work with the parish bar association to facilitate a volunteer lawyer program to help tackle the office's ever-growing pile of unassigned cases.

Marx, who oversees public defenders in Acadia, Lafayette and Vermilion parishes, said that he's open to getting pro-bono help with the tens of thousands of cases that pour into his office yearly. Less than 20 attorneys are left in the office to work on the 7,555 cases that were still pending as of Jan. 1, 2016 plus however many cases have come into the office since.

Judge Rick Michot started the conversation to have some lawyers work pro bono when he inserted a note into the bar association's newsletter last month, Marx said, where Michot he suggested he'd like to have private bar lawyers supplementing the work of the roughly 15 public defenders left in the office.

He said he's already gotten calls from lawyers looking to pitch in, and that the American Bar Association and 15th JDC policies have made private bar counsel an important part of the defenders' office. At this time, Marx said, there are no plans to appoint volunteer lawyers to cases, as the Louisiana Bar Association passed a resolution stating that criminal defense work requires more than basic knowledge of the law, so it's important that the lawyers volunteering their time can handle the cases they choose to take.

"The obligations of counsel are no less for clients who can't afford an attorney, so I don't want to ask lawyers or clients to bear the failure of our funding by risking licensure as attorneys or a person's right to counsel," Marx said.

Defenders in the 15th Judicial District handled 12,264 new cases in 2015. Last year, state public defenders handled more than 241,000 cases.

"The Public Defender Act was created with this vital part of criminal justice at the core of what we do every day, and it is no different in this crisis," he said. ★★★

Obama's war on coal hits democratic candidate for Gov. of Virginia hard

By Leslie Rubin

(ABC) - Charleston, WV — Officials in Tazewell County, Va., executed a seizure warrant at a coal company owned by gubernatorial candidate Jim Justice for allegedly failing to pay $850,000 in property taxes.


Jim Justice

Tazewell County Treasurer David Larimer said the seizure warrant was executed at Black River Coal LLC's mine in Bandy, Virginia by Tazewell County deputies. They seized machinery, tools and other property.

Justice has not directly commented on the warrant or the fact this his company has not paid the taxes.

"We have some delinquent taxes, like any county does, but nothing even close to this magnitude," Larimer says of the dollar amount that is owed to the county.

Larimer says the company has been late paying taxes for the last two years but did work out a payment plan in the past. The county though, received no response when it came to 2015's taxes and say the seizure warrant was it's last resort.

"The company is disputing the outrageous tax assessment on these idled mines. As the coal market improves, we are committed to working with the county on a fair assessment to reopen these mines and put coal miners back to work," Tom Lusk, a company spokesman, said in a prepared statement.

Larimer questions why Justice's company is just now claiming it was unfairly assessed.

"If the Justice corporation disputes that, then wouldn't you have thought they would have met with the commissioner to dispute what the assessments are when the tax tickets went out in October? I mean, here we are in March and I do a seizure warrant and they're saying, 'oh, this is an outrageous assessment.' It just makes no sense," Larimer said.

Larimer says the company should have taken it's claims of being outrageously assessed to the commissioner of revenue in the fall.

"The seizure warrant will be null and void if they pay their bill," he said.

This isn't the first controversy for a Justice owned company. One of his companies, Justice Energy, was just fined for more than $1 million for contempt of court, for allegedly failing to pay a contractor and then for failing to show up in federal court.

Justice is running for governor of West Virginia as a democrat. He faces state minority leader Jeff Kessler and former U.S. Attorney Booth Goodwin in the May primary.

★★★

FCC commissioner: U.S. tradition of free expression slipping away

By Rudy Takala

(Washington Examiner) - The American traditions of free expression and respectful discourse are slipping away, and college campuses and Twitter are prime examples, according to a member of the Federal Communications Commission.


FCC Commissioner Ajit Pai

"I think that poses a special danger to a country that cherishes First Amendment speech, freedom of expression, even freedom of association," FCC Commissioner Ajit Pai told the Washington Examiner. "I think it's dangerous, frankly, that we don't see more often people espousing the First Amendment view that we should have a robust marketplace of ideas where everybody should be willing and able to participate.

"Largely what we're seeing, especially on college campuses, is that if my view is in the majority and I don't agree with your view, then I have the right to shout you down, disrupt your events, or otherwise suppress your ability to get your voice heard," Pai added.

"Private actors like Twitter have the freedom to operate their platform as they see fit," Pai said, "[but] I would hope that everybody embraces the idea of the marketplace of ideas. The proverbial street corner of the 21st century, where people can gather to debate issues is increasingly social media, which serves as a platform for public discourse." Twitter announced last week it was establishing "Trust and Safety" panel to police speech on the site.

Pai concluded that if voters and institutions fail to defend free speech within their own spheres, it could lead to more government regulations curtailing that freedom.

"The text of the First Amendment is enshrined in our Constitution, but there are certain cultural values that undergird the amendment that are critical for its protections to have actual meaning," Pai said. "If that culture starts to wither away, then so too will the freedom that it supports."

Pai, who was appointed to the FCC in 2012, has consistently opposed the agency's efforts to impose more restrictions on speech. The commission ruled last year that the First Amendment did not apply to Internet service providers, a precedent that Pai and others pointed out could lead to more regulations on political speech, particularly on websites like the Drudge Report, in the future.

"It is conceivable to me to see the government saying, 'We think the Drudge Report is having a disproportionate effect on our political discourse," Pai noted shortly after the ruling. "The FCC doesn't have the ability to regulate anything he says, and we want to start tamping down on websites like that."

"Is it unthinkable that some government agency would say the marketplace of ideas is too fraught with dissonance? That everything from the Drudge Report to Fox News … is playing unfairly in the online political speech sandbox? I don't think so," Pai added. ★

Man freed from prison wins $2.5 million verdict

Police officers had lied about drugs

By Robert Patrick

(ST. Louis Today) ST. LOUIS - A jury in federal court here Friday awarded $2.5 million to a man who spent five years in prison in a case that involved two former St. Louis police officers, one of whom was convicted of stealing money and planting drugs.

"Finally, after 13 years of fighting, I've got exoneration — in my eyes," Michael Holmes said after the verdict. He called it "a measure of exoneration" because although his conviction was reversed, he is still fighting to be declared innocent.

Holmes claimed in his lawsuit and on the witness stand that former officers Shell Sharp and Bobby Lee Garrett, lied when they said that they found him with drugs in a 2003 raid.

Holmes was later charged, convicted at trial and sentenced to 20 years for crack possession and five more years for possession of a firearm in furtherance of a drug trafficking crime, despite proclaiming his innocence.

His 2007 appeal was rejected.

But both officers' reputations were called into question in 2008 and 2009. Defense lawyers said Sharp lied on search warrants, and prosecutors later dismissed some of his cases. Federal prosecutors accused Garrett of stealing money, dealing drugs and planting evidence on innocent people.

Garrett and a partner, Vincent Carr, were arrested in December 2008 and accused of planting evidence, stealing drug money, dealing drugs and arresting an innocent man. Criminal defense lawyers told the Post-Dispatch that dozens of clients had complained about Garrett over the years.

Another officer, sentenced to three months in prison for stealing money, said Garrett had pressured him into taking it.

Ex-cop Bobby Lee Garrett

Garrett was sentenced to 28 months in prison; Carr got 12 months.

A judge tossed out Holmes' criminal conviction in 2011. Prosecutors said at the time that other officers at the search could have testified in a new trial, but that the seized drugs had been destroyed and they wouldn't call Sharp or Garrett.

It was not clear who must pay the damages.

David B. Owens, one of Holmes' lawyers with the Chicago firm Loevy & Loevy, said it could be years before Holmes sees any money. The search occurred before the city assumed local control of the police department from the state, and Friday's verdict occurred afterward. A pending state lawsuit seeks to clarify the liability.

Holmes' 2012 lawsuit was one of a series against Garrett, Sharp and their partners or associates, claiming corruption that led to years spent in prison.

Missouri officials settled a suit against Sharp and Vincent Carr for $1 million in December 2014. That plaintiff, Stephen Jones, was freed in 2010 after 12 years.

Another civil suit, against Garrett was settled for $20,000 that year.

Most of the other suits were dismissed on procedural grounds or because the plaintiffs were still behind bars.

In closing arguments Friday morning, Roshna Keen, one of Holmes' lawyers, said that in a sense he is still imprisoned by the effect of officers' lies. She said Garrett's method of operation was to charge the innocent and let the drug dealers go so he could steal their money.

She asked jurors what a year wrongly imprisoned is worth. "Is it $500,000 a year? Is it more. Is it less?"

Robert Isaacson, of the Missouri attorney general's office, said "not one nickel" should go to Holmes, whom he characterized as a drug dealer using lies for profit.

But the jurors took only about an hour, including lunch, to decide in Holmes' favor. Keen said their speed showed whom they believed.

Outside the courtroom, Holmes told a reporter he suffers from PTSD and nightmares from his time behind bars. ★★★

Jury Acquits Woman Arrested for Protecting Her Dog From a Cop

By Jacob Sullum

Frame of video shot during incident

(Reason.com) - Last week a West Virginia woman who stood between her dog and a state trooper intent on killing him was acquitted of obstructing an officer by a jury in Wood County. It took jurors just half an hour to acquit 23-year-old Tiffanie Hupp after they watched the video of the incident that Hupp's husband, Ryan, shot with his cellphone.

Trooper Seth Cook came to the Hupps' house on May 9, 2015, in response to a dispute between a neighbor and Ryan's stepfather. There Cook encountered Buddy, a Labrador-husky mix who was chained outside the house. The dog, whom Hupp describes as "a big baby," ran toward Cook, barking, and Cook backed up. Even though the dog had reached the end of his chain and Cook was not in any danger, he drew his pistol. "I immediately thought, 'I don't want him to get shot,'" Hupp, who was in the yard with her 3-year-old son, told the Charleston Gazette-Mail. The video shows her stepping in front of Cook, at which point he grabs her, throws her to the ground, picks her up, leans her against his cruiser, and handcuffs her.

"The officer alleged in the complaint that she raised her arm," Hupp's lawyer, David Schles, told the Gazette-Mail, "but we did stop-frame [of the video] for the jury, and it showed she was stationary, her arms at her side....All she said was 'Don't do that,' and [Cook] grabbed her by the bicep and spun her around, and she ends up falling down."

After he heard about the case, Schles contacted Hupp and offered to represent her for free. "I thought it was outrageous, this girl is being charged for standing in her yard doing nothing but saying, 'Don't shoot my dog,'" he said. According to Photography Is Not a Crime (PINAC), Cook "testified that he was not afraid of the dog, but was following training that required him to kill all dogs that approach him, even if it was chained and wagging its tail as Buddy was doing in this case."

Hupp told PINAC her case hinged on her husband's video, which they did not have for weeks after the incident because Cook confiscated the phone, which he was unable to access because it was protected by a password. "Without that video, it's just my word against a state trooper," she said. "Nobody is going to believe my word over law enforcement." ★★★

FBI asks high schoolers, teachers to watch out for signs of student terrorism

(RT.com) - High sch students and teachers across the US are being encouraged to watch their peers for any telltale signs that might indicate they are about to commit an act of terror.

In an advice booklet entitled 'Preventing Violent Extremism in Schools', the FBI says students are "ideal targets" for terrorist recruiters aiming to carry out violent attacks on US soil.

While not as blatant as the 'Red Scare' US loyalty review boards or the neighborly snooping fueled by McCarthyism in the 1950s, the 28-page intelligence pamphlet does suggest young US citizens keep a close eye on one another's activities - even to the extent of monitoring student artwork and essays.

"Many times, fellow students or educators observe behaviors or are privy to another student's communications and commitment to a violent ideology that may be indicative of future intentions," the document states.

The booklet advises educators and students on the importance of identifying "leakage", which it explains as "clues prefacing a violent act". The phrase "leakage" was previously used in an FBI study called 'The School Shooter', which sought to instruct people on how to identify a future assailant.

These clues include "boasts, innuendos, predictions or ultimatums" conveyed in diary entries, drawings and even essays that could point to a criminal or violent activity before it has even been committed.

The guide also recommends high schools incorporate two-hour blocks of "violent extremism awareness training" into curricula.

The booklet follows other recently published FBI guidelines on teenage surveillance. A new FBI website, designed to stop teenagers from being radicalized, urges people to inform on peers using several private messaging apps; talking about traveling to places that "sound suspicious", or engaging in "unusual language".

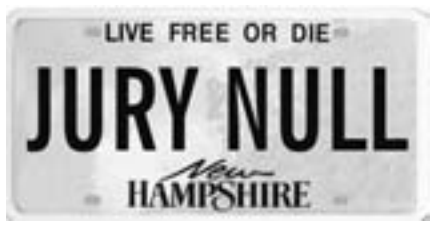
It also suggests that taking pictures of a government building might be a sign that a terrorist plot is underway. ★★★

New Hampshire House Passes Jury Nullification Bill, 184-145

By TJ Martinell

(Tenth Amendment Center) Providence, NH – The New Hampshire House has passed a bill that would require courts to inform juries of their right to vote "not guilty" when "a guilty verdict will yield an unjust result."

A coalition of nine representatives, led by Rep. Daniel Itse, introduced House Bill 1270 (HB1270) in January. The legislation would amend current law on jury nullification and require the court to explain that right to the jury upon request of the defense.



State law, RSA 519:23-a, currently reads, "In all criminal proceedings the court shall permit the defense to inform the jury of its right to judge the facts and the application of the law in relation to the facts in controversy."

If passed into law, HB1270 would amend this section to read, in part, "In all criminal proceedings the court shall inform the jury of its right to judge the facts and the application of the law in relation to the facts in controversy."

"It's an important distinction to require the court to inform the jury instead of having the defense do so," said Michael Boldin of the Tenth Amendment Center. "When it comes from an 'official' source like this, it becomes more likely that a juror will consider this option."

In a proceeding upon request the defense, the court would be required to inform the jury of their options, guilty, not guilty, and jury nullification. The exact statement from the court would include, "Even if you find the state has proved all of the elements of the offense charged beyond a reasonable doubt, you may still find that based upon the facts of this case, a guilty verdict will yield an unjust result, and you may find the defendant not guilty."

The House Judiciary Committee voted 9-8 that HB1270 "ought to pass." Today, the full House passed the bill by a vote of 184-145.

JURY NULLIFICATION OVERVIEW

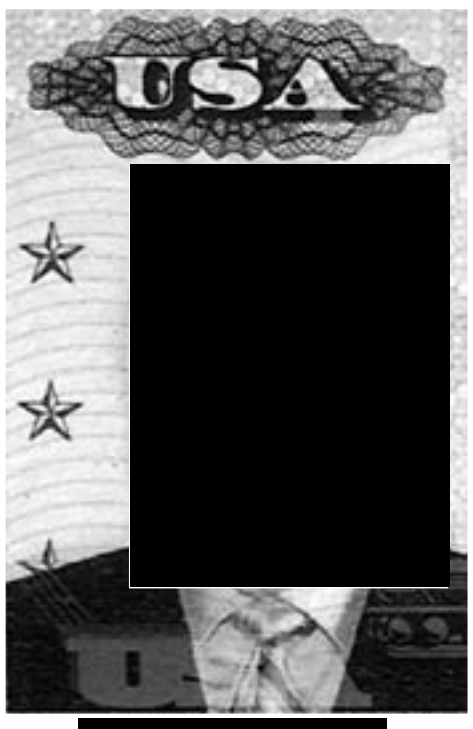
Juries have the power to nullify a law in an individual case by finding the defendant not guilty, even when he clearly violated the law in question. The jury can use its discretion to determine that the law itself is unjust, immoral, or unconstitutional, and refuse to convict.

The New Hampshire case of Doug Darrell demonstrates how jury nullification works in practice. Police arrested Darrell and charged him with felony cultivating marijuana. He claimed he used marijuana for religious and medical purposes. Although he was clearly guilty by the letter of the law, the jury refused to convict.

Thomas Jefferson defended jury nullification, writing that "if the question relates to any point of public liberty, or if it be one of those in which the judges may be suspected of bias, the jury undertake to decide both law and fact. If they be mistaken, a decision against right, which is casual only, is less dangerous to the State, and less afflicting to the loser, than one which makes part of a regular and uniform system."

Jury nullification provides a mechanism for the people to invalidate unjust laws. But most jurors don't realize they have this power and courts rarely inform them of this option. If HB1270 passes, defendants will have the opportunity to ensure they face a fully-informed jury. ★

Continued from page 1 • Multi-State Financial Scam - Investors Bilked out of $575k?



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 stupid things people do when their society breaks down

By Brandon Smith

A frequent mistake that many people make when considering the concept of social or economic collapse is to imagine how people and groups will behave tomorrow based on how people behave today. It is, though, extremely difficult to predict human behavior in the face of terminal chaos. What we might expect, or what Hollywood fantasy might showcase for entertainment purposes, may not be what actually happens when society breaks down.

It is also important to note that social and economic destabilization is usually a process, not an immediate event. This actually works in the favor of liberty activists and the preparedness minded. As a system moves through the stages of a breakdown, certain signals in the psychology of the population can be observed, and this gives us a warning as to how far down the rabbit hole we have actually gone.

Except in the case of a nuclear or EMP (electromagnetic pulse) event (which unfortunately are concerns because of the powder keg situation in Syria), vigilant liberty proponents could have considerably more time than the average person to preposition themselves safely. That said, there will be a host of expanding problems of a psychological nature we will have to deal with before, during and after the final leg down in the unfolding mess that internationalists often refer to as the "great global reset."

The following list is based on social behavior patterns commonly seen during systemic crashes through modern history (the past 100 years). These are some of the stupid things people do when as they begin to realize, at least subconsciously, that a SHTF scenario is in progress.

THEY DO NOTHING

It's sad to say, but the majority of people, regardless of the time or place in history, have a bad habit of ignoring the obvious. They may have an unconscious sense that danger is present, but never underestimate the power of men and women to waterboard their own instincts with a big bucket of intellectual idiocy.

It is not uncommon for large populations to sit calmly and idly, sometimes for weeks, in the midst of an economic or infrastructure crisis. Part of this is due to normalcy bias, of course. There is an immediate assumption amongst first world populations that "help is on the way" in the form of government aid. Faith in this aid can be so deluded that it is not until food and water stores are nearly exhausted that they finally begin to panic, or attempt to help themselves.

This gives the preparedness-minded a week or longer head start on the oblivious masses, but it is still a depressing state of affairs.

THEY SABOTAGE THEMSELVES WITH PARANOIA

Even in the early stages of a social breakdown when infrastructure is still operational, paranoia among individuals and groups can spread like a poison. Sometimes this is encouraged by a corrupt government, sometimes it just happens naturally.

The tendency is to begin seeing every other person as a potential competitor or threat rather than a potential ally. They make the assumption that all they need to do is to avoid contact with others and "outlast" most people during the ugliest phase of the breakdown. This assumption is foolish on two fronts. First, a society needs security and production in order to rebuild. If survivors of collapse strictly isolate from each other, practical security is absolutely impossible and thus, production is unlikely. Eventually, they will die along with everyone else.

Second, there are no guarantees whatsoever that our particular process of collapse will develop in a vacuum. That is to say, you might think that one day you will walk out of the hills after the worst of the crisis to a blank slate and rebuild, but certain organizations and systems may still be in place, or even dominate. Rarely in history have governments ever actually "disappeared" during societal collapse. In fact, governments have a habit of becoming even more powerful and despotic during and after large scale implosions of social systems. Survival is simply not enough if you walk out of those mountains alone only to find a totalitarian framework established on top of the ashes of the old world.

Organization with trustworthy people of like mind is essential not only for your survival, but the survival of future generations and the principles which you hold dear. Furthermore, guarded associations with your surrounding community are also necessary. This kind of organization must begin before the breakdown hits critical mass. It is far easier to organize before a disaster than after a disaster.

THEY BECOME SHAKY AND UNRELIABLE WHEN THE GOING GETS TOUGH

This is why early organization is so important; it gives you time to learn the limitations and failings of the people around you before the SHTF. If you have a large family, have lived in the same neighborhood and attended the same clubs and churches for most of your life, then you are probably well aware of who is solid and who will leave you in the dust when times become difficult. Even then, you are liable to discover that some people will disappoint you.

You do what you can with the help you have on hand, but the stresses of economic uncertainty, social unrest, increasingly oppressive government, and the lack of creature comforts can drive seemingly strong and confident people to do stupid and cowardly things.

They may be close friends or family; individuals you care for. Or, they may be newer associates attempting to build a preparedness group from scratch. If you notice a penchant for running from adversity today when standing fast under pressure is necessary, then there is a good chance these same people will crumble when staring down a societal nightmare tomorrow. Always make a point to know which persons you can rely on before you might need them.

THEY BECOME HOTHEADS AND TYRANTS

On the other side of the coin, there are those individuals who believe that if they can control everything and everyone in their vicinity then this will somehow mitigate the chaos of the world around them. They are people who secretly harbor fantasies of being kings during collapse. These folks are usually not very successful or well-liked in times of stability, and they long for conflict and destruction to make way for their "rebirth" so that they will receive the respect they think they always deserved.

Hotheads are a considerable liability as well, jumping headlong into strategically foolish situations and luring others into a zero-sum game. Their argument is always "If not now, then when!" As if the now and the when of a conflict are irrelevant and the fighting is all that matters. These people are the reverse of the unreliable cowards. They want blood. They want glory. They have something to prove, and they will sacrifice you and others to make this happen if the mood strikes them. Refusing to stand firm when calamity is on the horizon is a failing, but so is creating calamity because of a lack of intelligent planning. Finding people who understand the middle ground between these extremes will be a vital task for those who wish to survive and thrive during upheaval.

THEY BECOME POLITICAL EXTREMISTS

Throughout most modern collapses, two politically extreme ideologies tend to bubble to the surface — communism and fascism. Both come from the same root psychosis, the psychosis of collectivism. However, they are expressed is somewhat different ways.

To summarize down to very simple socio-psychological terms, communism is collectivism based on the demonization of individual merit and the demonization of production based on individual gain. Communism sees individualists as anomalies that threaten the greater good of the greater number. They usually seek to remove or eliminate individualists and individualist philosophies so that the collective may succeed as a single homogenized unit. Communists steal from the strong to artificially support the weak until the strong no longer exist.

Fascism is collectivism based on the idea that the strong prevail over the weak and that the weak survive only by the good graces of the strong. While communism demands forced charity to "harmonize" the unsuccessful with the successful until they are indistinguishable, fascism demands that the unsuccessful be erased so that there is no need to harmonize. It should also be noted that fascists see those who disagree with them as a "weakness" within their master collective that must also be eliminated.

Communism and fascism have a kind escalating and abusive love affair. The more insane and pervasive communists become with their attempts to dominate language and thought, the more communists use organized mobs to control public discourse, the more other people see fascist solutions as a viable way to deal with them. Brownshirt gangs beating communists (along with many others) to death in the streets is usually one of these solutions. This is exactly what took place in Europe during the Great Depression, and it could very well happen again throughout the West.

Both ends of the spectrum make it their top priority to gain control of government so they can use it as a weapon against the other side. The reality is, behind the curtain elitists are playing both sides, encouraging the public in the delusion that they can only choose between one or the other; between communism and fascism.

Ironically, as people flock to these extremist political views, they will invariably accuse fair minded liberty activists of being the "vicious extremists." The best liberty activists can do is to not fall into the trap of the false paradigm as well, and to fight smarter than either the communists or the fascists are capable.

THEY BECOME RELIGIOUS ZEALOTS

Extreme political views are not the only siren song during societal breakdown. Religious zealotry is readily abundant during crisis. Zealotry is essentially fanaticism to the point of complete moral ambiguity. Everyone who does not believe the way the zealot believes is the "other," and the other is an enemy that must be annihilated. In the realm of the zealot there is no such thing as "live and let live." Their ideology must reign supreme without question or opposition.

Zealotry is also not limited to major religions; it is also common in the cultism of ideologies. Cultural Marxism and third wave feminism, for example, are perfect examples of a different brand of religious zealotry. There is no logic or reason behind their beliefs or worldview, and no room for dissent. They have their own taboos and their own dogma, their own high priests and their own gods (government, mother earth, etc.) Their directive is to eradicate other beliefs and ways of viewing the world as "heretical" while rationalizing what they do using their own broad interpretations of their own "religious texts."

The ultimate goal of any zealot is to establish a theocracy, in which their belief system becomes the only known system. All other belief systems are forcibly buried and forgotten along with any people who get in the way.

THEY ABANDON THEIR MORAL COMPASS

Hollywood it seems has half the world convinced that in times of great distress, only the amoral will survive. Morally relative characters are painted as "heroic" leaders that are willing to "do what is necessary," while people with moral foundations who do not bend the rules of conscience or natural law in spite of terrible times are painted as weak or stupid, dying in horrible ways because they refused to adopt an "every man for himself" attitude.

The truth is the complete opposite. Morally relative people when discovered are usually the first to be routed out or the first to die in survival situations because they cannot be trusted. No one wants to cooperate with them except perhaps other morally relative people. Such congregations of evil do collaborate successfully for a time based on the concept of mutual criminality for mutual gain, but eventually, they will be hunted down by those they have wronged and wiped out.

Regardless of how they rationalize their activities or the short term gains they enjoy at the onset of collapse, moral relativists have the odds stacked against them in the long run.

Fear and instability are like a radioactive stew, a Chernobyl effect that breeds strange creatures in men. We look back at our history and think that we know and understand what we are capable of, or that such tragedies could never happen again. But chaos rises anew and the shadow side of each and every human being is put to the test. In most cases, it is self-ignorance in the individual that opens the door to collective demons. That said, the conditions of collapse that triggered societal fear in the first place are many times engineered by elitist interests for the very reason that in this way the masses can be made monstrous.

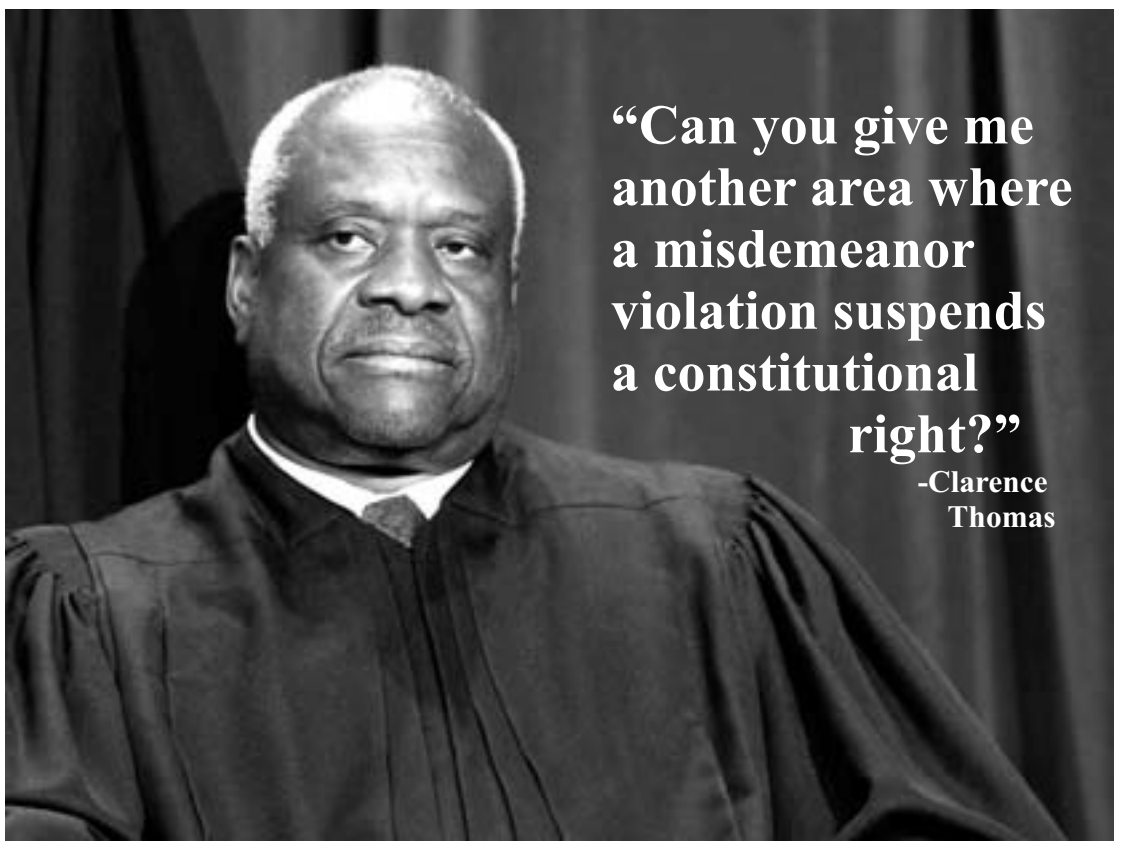
We make the defeat of such elitists more possible every time we avoid the stupidity of the choices above and continue down the path of conscience, courage, truth and wisdom. When fear is made inconsequential, we cannot be manipulated. And if we cannot be manipulated into fighting shadows, or fighting each other, then the only people left to fight are the very people that originally sought to divide us.

★★★

COMMENTARY Your Right to Speak Out

By Frank Miniter

After 10 Years, What Justice Thomas Said Is Huge For Gun Rights



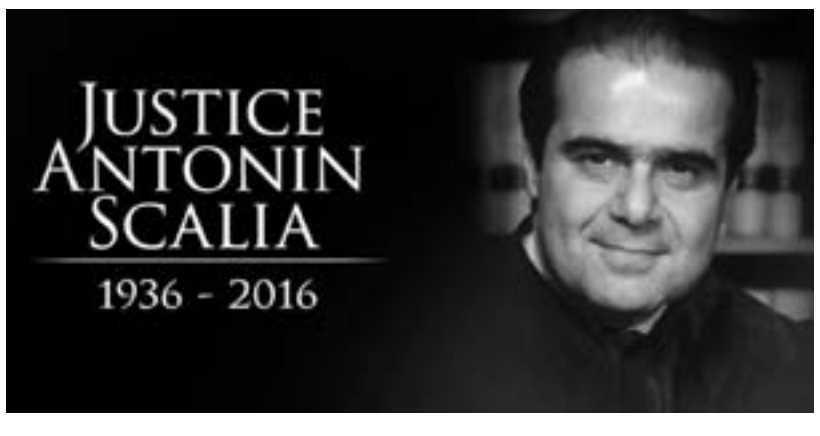
(Forbes) - After a decade of silence on the bench of the U.S. Supreme Court Justice Clarence Thomas opened his mouth and said, "Ms. Eisenstein, one question."

The other justices glanced over. The audience in the marbled court sat up. To Justice Thomas' right was an empty chair draped in black. Somewhere Justice Antonin Scalia must have been looking on with a smile.

Lawyer Ilana Eisenstein

Justice Thomas asked, "Can you give me—this is a misdemeanor violation. It suspends a constitutional right. Can you give me another area where a misdemeanor violation suspends a constitutional right?"

There is an old adage about the man of few words. When he speaks, he has something profound to say. Nevertheless, after Justice Thomas spoke the media has been focusing on the mere fact that he asked a question from the bench for the first time in a decade. Most in the media are wondering if the absence of the loquacious Justice Scalia has left a void Justice Thomas has opted to fill. Maybe, maybe not, but they shouldn't overlook the importance of what he had to say.



In this case the court is considering the constitutional limitations of a federal law that bans people convicted of domestic violence from owning guns.

With just a few minutes left in the hour-long session, Justice Department lawyer Ilana Eisenstein was about to sit down after answering questions from other justices when Justice Thomas opened his mouth. He wanted her to answer whether she knows of any violation of any other law that "suspends a constitutional right."

Many legislators in states and local municipalities have treated the Second Amendment of the U.S. Bill of Rights as if it is legally a privilege that they can give or take away as they see fit. Some have even required that a citizen prove to the satisfaction of local authorities that they really need to utilize their constitutional right to bears arms with proof they are being stalked or otherwise threatened. Though the U.S. Bill of Rights amended the Constitution as a list of restrictions on government power over the citizenry, such legislators make people beg and plead for their rights.

Justice Thomas' question shed light on this obvious constitutional infringement.

And the government's attorney couldn't answer it.

Eisenstein said, "Your Honor … I'm thinking about that, but I think that the -- the question is not -- as I understand your Honor's question, the culpability necessarily of the act or in terms of the offense–"

As Eisenstein stumbled Justice Thomas stepped in to steady her: "Well, I'm -- I'm looking at the -- you're saying that recklessness is sufficient to trigger a violation -- misdemeanor violation of domestic conduct that results in a lifetime ban on possession of a gun, which, at least as of now, is still a constitutional right."

Eisenstein tried again: "Your Honor, to address--"

Justice Thomas helped her: "Can you think of another constitutional right that can be suspended based upon a misdemeanor violation of a state law?"

Eisenstein said, "Your Honor, while I can't think of specifically triggered by a misdemeanor violation, other examples, for example, in the First Amendment context, have allowed for suspension or limitation of a right to free speech or even free association in contexts where there is a compelling interest and risks associated in some cases less than a compelling interest under intermediate scrutiny."

After that lawyerly attempt to dodge the straightforward question, Justice Thomas asked, "[H]ow long is this suspension of the right to own a firearm?

Eisenstein said, "Your Honor, the right is suspended indefinitely."

Justice Thomas said, "Okay. So can you think of a First Amendment suspension or a suspension of a First Amendment right that is permanent?"

The government's attorney kept rambling and attempting to deflect Justice Thomas' very simple constitutional question.

Justice Thomas again stepped in and forced her to admit that the cases being considered, which challenges a law that can take away peoples' Second Amendment rights for life, didn't even have to do with gun violence.

Justice Thomas asked, "So the suspension is not directly related to the use of a weapon?"

Eisenstein kept struggling and Justice Thomas kept pressing his simple constitutional point.

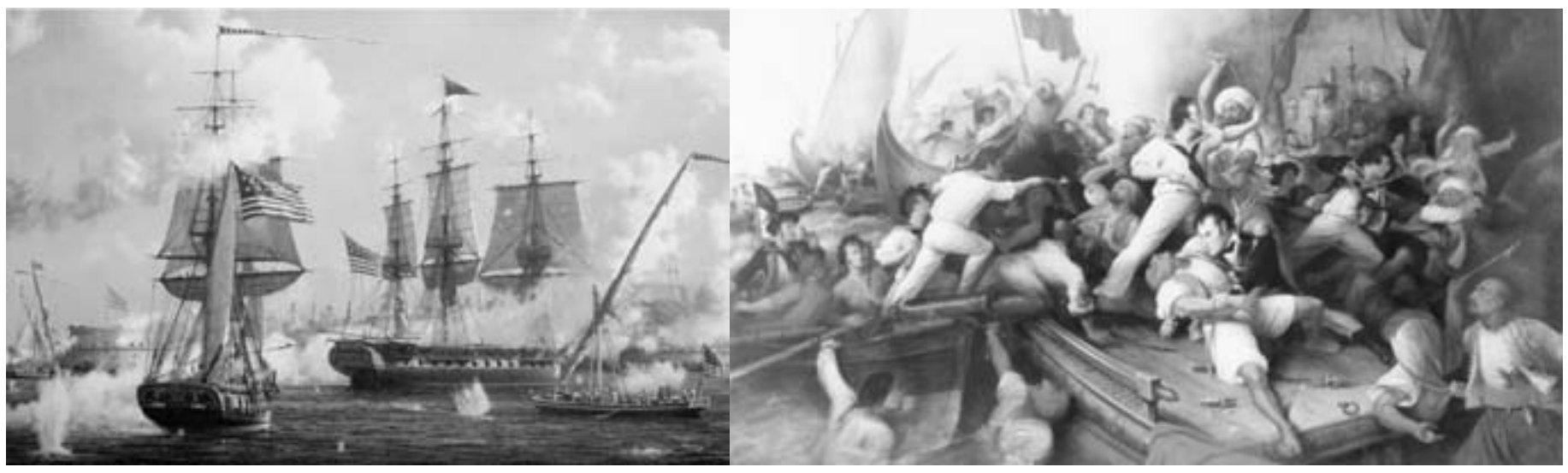
This has long been a difficult topic for constitutional advocates to raise, as the media will quickly accuse them of not caring about the victims of domestic violence—even though the victims are often also kept from obtaining a permit to own and carry a handgun for self defense.

This has taken us to a place where the mere accusation of domestic violence can take away a constitutional right for life. It has also meant that an 18 year old who is arrested in a bar brawl and then convicted can likely never, ever legally enjoy their Second Amendment rights again, no matter how good of a citizen they become after that young mistake.

Justice Thomas' line of questioning made it clear that each citizen's right to bear arms deserves more protection as we hopefully find better ways to balance individual rights with safety—ways that give a clearly reformed person the ability to regain their rights. The government attorney's obvious inability to explain why it is permissible to take away a constitutionally protected right for life based on a misdemeanor not even related to guns shows the weakness of her legal and moral stand. ★★★

Obama Claims "Islam Always Part of America"

By Keith Farrell



Fighting the Barbary Pirates all the way to the shores of Tripoli

(The Federalist Papers Project) - President Obama has continually asserted that Islam was "woven into the fabric" of the United States since its founding. Obama claims that Muslims have made significant contributions to building this nation. The claim is laughable to anyone who has studied US history. Historian David Barton spoke to Glenn Beck and tore the president's claims apart.

Barton found the first real contribution any Muslim made was in 1856 (80 years after the founding) when then Secretary of War Jefferson Davis hired one Muslim to help train camels in Arizona. Not exactly a resounding contribution, since the plan to fight Native Americans via camelback was soon dismissed.

But Muslims did have an influence on early America, and that influence was one of a foe. After winning its independence from England, American vessels no longer enjoyed British protection. France, dismayed that the US would not aid it in its war against England, also ceased protection of American ships. The result led to American vessels being raided and plundered by Muslim pirates from the Barbary Coast.

After agreeing to pay 10% of the new nations dismal GDP in exchange for passage, attacks continued. Thomas Jefferson, John Adams, and Benjamin Franklin were sent as representatives to mediate the problem. It was there that they discovered that the Islamic law the pirates followed made it their duty to attack non-Muslims.

"The ambassador answered us that [the right] was founded on the Laws of the Prophet, that it was written in their Koran, that all nations who should not have answered their authority were sinners, that it was their right and duty to make war upon them wherever they could be found, and to make slaves of all they could take as prisoners, and that every Mussulman who should be slain in battle was sure to go to Paradise," Jefferson wrote to Secretary of State John Jay, explaining peace was not possible.

Ben Franklin wrote of his experience: *"Nor can the Plundering of Infidels be in that sacred Book (the Qur'an) forbidden, since it is well known from it, that God has given the World, and all that it contains, to his faithful Mussulmen, who are to enjoy it of Right as fast as they conquer it."*

John Adams, in his report to Jay, wrote of the Muslim prophet Muhammad, and called him a *"military fanatic"* who *"denies that laws were made for him; he arrogates everything to himself by force of arms."*

By the time Jefferson became president the Barbary coast was extorting 25% of US GDP and attacks were still occurring. Jefferson wasted no time in signing a war powers request which launched the US's entire naval fleet to wage war on the Barbary pirates. Jefferson saw the fleet off, ordering the US sailors to chase the pirates all the way to Tripoli, giving rise to the famed verse from the US Marines' anthem.

President Obama is correct when he says that Muslims shaped this country, just not in how he means. They provided the context and need for the US Marines and provided our first lesson in battling extremism: It cannot be appeased. Extremism must be routed out through force. ★★★

"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

The Crazy Injustice of Denying Exonerated Prisoners Compensation

By Jessica Pishko

(San Francisco Mag) - Rafael Madrigal was at work on Wednesday, July 5, 2000, running the laminator machine at Proactive Packaging in Ontario, California. The machine was a vital component of the factory's production line, and without the 25-year-old there to keep it humming, the entire factory would have shut down. That same day, in East Los Angeles—about a 50-minute drive from Madrigal's workplace—a man named Ricardo Aguilera was shot in the back of the head in a drive-by.

Madrigal claims that he'd never met, let alone shot, Aguilera. And, regardless, there was no doubt that the two were miles apart at the time of the shooting: Madrigal's foreman even testified to that effect in court. Yet, based on shaky and contradictory eyewitness evidence, Madrigal was arrested, convicted of attempted murder, and ultimately sentenced to 28 years to life.

"I was literally living the American dream," Madrigal says. "Then everything got pulled out from under my feet." He'd survived a rough spell in East L.A., was working a steady job, and owned a house in Mira Loma. He had two sons, ages three and six, and his wife was pregnant. "I was hoping [the authorities] would realize the mistake," he says, "but days turned into a week, a week turned into a year. Before you knew it, 1 year turned into nearly 10."

In 2009—nine years and several attorneys later—a 34-year-old Madrigal was exonerated of Aguilera's shooting and walked out of prison with only the clothes on his back. His life had changed forever during his 2,817 days in prison. He couldn't go back to his house—his wife had been forced to sell it when she couldn't make the mortgage payments. His sons had become teenagers who barely knew him. And his daughter, who was born during his incarceration, had never seen him outside of a prison visiting room.

In hopes of recompense for a near decade of unjust imprisonment, Madrigal petitioned the Victim Compensation and Government Claims Board for $100 for every day he'd spent in prison, the max permitted by state law at the time. But far from ending his troubles, the request began a wholly new and equally exasperating struggle to reintegrate back into free society. And, like an astonishing number of innocent men and women who have been wrongly imprisoned in California, Madrigal would again feel the full weight of society's injustice.

According to the National Registry of Exonerations, 156 people have been exonerated in California since 1989, but a vast majority of them have not received the compensation of up to $140 a day that the state now offers to the wrongly imprisoned. Since the board's inception 15 years ago, it has approved the claims of only 22 out of 80 applicants. Many exonerated prisoners don't even bother with the onerous, often futile process.

Unlike convicted felons who leave prison on parole and are eligible for services ranging from addiction treatment to housing and employment assistance, exonerees like Madrigal walk out of prison with virtually nothing. They have years of their lives missing, and no accumulated savings, Social Security, or retirement benefits. Unlike for parolees, there is no statewide program to provide exonerees with assistance—and they often need it, as they are commonly maladapted, many of them having been in prison for over a decade. Quedellis Ricardo (Rick) Walker was exonerated in 2003 after over a dozen years in prison for a murder he didn't commit. He sums up the plight of exonerees as being forced to leave prison "with their lives in a paper bag."

Take Kenneth Foley: He was convicted of armed robbery in 1995 and sentenced to 25 years to life under the state's three-strikes law; he was exonerated in 2007, with the full support of the Santa Clara District Attorney's Office. Two long years later, in 2009, he was denied compensation for his 12-year wrongful imprisonment. Divorced, unable to get a job, and besieged by debilitating panic attacks from PTSD associated with repeated assaults while incarcerated, Foley wound up in an Arizona prison serving a 15-year sentence for vehicular manslaughter. In a sentencing report, he told a mitigation specialist that the outside world was "overwhelming" and that after being denied compensation, he felt "hopeless." He developed a distrust of police officers and, in the absence of any assistance from the state, descended into self-medication with drugs and alcohol. Had he been found guilty of the original armed robbery and then paroled, he might have qualified for drug treatment.

Lucy Carter is policy director for the Northern California Innocence Project at Santa Clara University School of Law, an organization that has helped over a dozen inmates obtain their freedom. She and other experts agree that the process of gaining recompense is cumbersome, slow, and frustrating, despite recent efforts to make it easier. For one thing, exonerees often receive less money than they're entitled to, a scenario common in other states as well. (Oddly enough, Texas—a state not known for its generosity to the incarcerated—is widely considered to have the best program: Exonerees receive a rapid lump sum payment of $80,000, plus an annuity, lost wages, and payment of attorney's fees, along with counseling, healthcare, and tuition to a state university.)

California exonerees must wait more than a year for their first check (if it comes at all) without benefit of services like counseling or housing assistance. If there's no one to pick them up at the prison gate, they're simply dropped off at a bus station. Faced with this kind of official indifference, exonerees are forced to turn to their attorney, church, and volunteer organizations for housing and food—it's not uncommon for a newly released prisoner to crash on his attorney's couch for a few months. They are forced to rely on already burdened pro bono attorneys and charities to right a wrong that is, ultimately, the government's responsibility.

Rafael Madrigal filed his request for compensation in 2009. Four years later, in June 2013, he had his first hearing with the Victim Compensation and Government Claims Board. It didn't go well.

Once a petition is filed, a hearing officer reviews the case, interviews witnesses, and makes a recommendation prior to the board's evidentiary hearing. The California Attorney General's Office also reviews the evidence and either opposes or supports the claim. Then, if the board signs off, the proposal wends its way through the California legislature, which must appropriate the funds, approve the measure, and send it to the governor's desk for a confirmation signature—all so that a man already determined by a judge to be innocent can receive a check. The process often takes years—and more often than not ends in a crushing denial. (Board representatives declined to speak about individual cases with San Francisco).

In Madrigal's case, the hearing officer, a young attorney fresh out of law school, delayed for over eight months before recommending that Madrigal be denied compensation. When Madrigal faced the board, he was accused of gang involvement and drilled about whether anyone would have known if he had left work early. He had done everything possible to show his innocence: He had passed a voluntary polygraph test and provided witnesses to testify to his whereabouts, and he had a judicial opinion in hand saying that he was innocent. But the board was unmoved.

"Honestly, it's like you're on trial again," he says. "Wait a minute—I went through a trial and appeal process, went through everything to show that I didn't do this. It's frustrating."

In the meantime, Madrigal's circumstances had grown even more desperate. One employer fired him when he voluntarily disclosed that he had been wrongly imprisoned. His older son was planning to attend college, and he fervently wanted to help. The unfairness of the situation rankles Madrigal. "I didn't raise my hand and say 'I'm here, put me in prison,'" he says. "It wasn't my mistake I was there. What about all the hurt we went through in these 10 years? To sit there and say we don't deserve anything—what is one supposed to do? We proved our innocence. You turn your back on us. That's not enough."

California's compensation statute is, ostensibly, designed to aid men and women who went to prison due to mistaken eyewitness identification, bad police work, or other factors that lead prosecutors and police to proceed without sufficient or reliable evidence. It's hard to conclude that it's working: Most petitions don't even proceed to the hearing stage; many are denied after a full hearing, which can include revisiting witness testimony (grueling for someone who just went through the trauma of prison and multiple court hearings). The denial of a compensation claim is often a denial of hope.

But denial is, far and away, par for the course. In order to be compensated, an exoneree must meet a nigh-impossible standard. The board requires proof that he or she is "more likely than not" innocent, one of the toughest standards among the 30 states with compensation statutes (many have no specific standard). In a radical departure from a criminal trial, the burden is on the exoneree to prove his or her innocence, which, in the absence of DNA evidence, can be challenging for someone without resources to hire investigators. In some states, including Missouri, DNA evidence is actually required for compensation. While California has no such requirement, exonerees here usually must prove that someone else committed the crime: The decision to release an exoneree from prison in no way translates into a determination of innocence under the compensation statute. In fact, the board often rehears the evidence and comes to its own decision. Even exonerees who've been found factually innocent (an additional legal step beyond mere release, indicating that the exoneree absolutely did not commit the crime) have been refused compensation.

Antoine Goff and John Tennison, for example, were teens in 1990, when they were both sent to prison with potential life sentences for killing a man in Hunters Point. Two teenage girls testified that they had seen Goff and Tennison at the scene, but their statements were inconsistent, and no other evidence linked the pair to the crime. Thirteen years later they were freed, following a 103-page opinion by Judge Claudia Wilken that declared them factually innocent based on evidence that the eyewitnesses had not only lied but been paid off from a secret witness fund by the San Francisco Police Department. (Goff and Tennison successfully sued the city for wrongful conviction.) San Francisco public defender Jeff Adachi, who was a young lawyer when he defended Tennison at his initial trial, describes the case as a "travesty of justice."

Nevertheless, the board denied Goff and Tennison compensation, arguing that the findings of the jury trial should take precedence—even though the jury had never heard most of the evidence and had made its decision based on tainted testimony at best. Additionally, the board focused on claims that Goff and Tennison had been involved in ongoing gang wars and therefore could not be considered completely innocent.

Goff was stunned when he didn't receive state compensation, because he had a finding of factual innocence backed by San Francisco's then district attorney, Terence Hallinan. "We just thought it was a no-brainer," he says. But then again, it wasn't the first time that the justice system had failed him. Short on funds, he took odd jobs before landing a permanent position in the custodial department on UCSF's Parnassus campus. Unlike others railroaded into a conviction, Goff received a $2.9 million civil settlement from San Francisco. Had he been left to wait for an elusive payment from the state, he admits, he "might've gone crazy."

The board's unduly high standards add "insult to injury," says Adachi. "I do think we have to reform the laws and provide triple damages when the state opposes compensation." Even when prosecutors violate the law, he continues, "there's no penalty. Prosecutors aren't held accountable for errors, so for them, there's no downside to simply continuing to deny that they were wrong."

Adachi hired the released Tennison as a legal clerk in his office, but many others are not as lucky. Another recent exoneree, Maurice Caldwell, a San Francisco native, was in prison for two decades for a murder he did not commit. Although he was released in 2011, he has yet to receive any compensation. The San Francisco District Attorney's Office, in fact, continues to oppose his compensation petition. Caldwell, who has a civil lawsuit pending against the city and would not comment for this story on the advice of his lawyers, injured his back and cannot work. He is currently subsisting on the generosity of others until the city, state, or both decide to remedy the mistakes they made.

The prosecutors who put away Tennison and Goff opposed their petition for compensation; the same was true of Caldwell's prosecutor. Madrigal had it even worse: The Los Angeles District Attorney's Office recharged him with the same crime after his release from prison. It subsequently offered him a plea deal, which he refused, and finally gave up due to lack of evidence. Nobody has ever thought to offer an apology, which, Madrigal says, "would at least give me a sense of relief." His compensation case is currently on appeal to a state court.

Even in a case like Rick Walker's, in which the DA's office supported the exoneration, the compensation was slow to come and insufficient. A retired assistant DA from Santa Clara County, Karyn Sinunu-Towery—who currently volunteers for the Northern California Innocence Project and has assisted Walker in his quest for release and compensation—believes there should be a restitution fund specifically for exonerees. She says that despite her support, "Mr. Walker still needed a state senator to sponsor a bill and see it passed before Mr. Walker could receive his long-overdue $100 per day for being falsely imprisoned by the state."

Walker is ready to tell anyone who's willing to listen about the state's treatment of exonerees. "I'm kind of a fortunate one," he says, because he was able to live with his mother after his release and within a year received $421,000 as recompense for his 12 years of unjust incarceration. He believes that

Continued on page 12

Continued from page 3 • The Federal Framing of Schaeffer Cox

list" was a complete fabrication by the prosecution. Anderson maintains what they claimed as a "hit list" was nothing more than the start of a database of publicly available information. Anderson claims he was the sole person to ever have possession of the database and the only time Cox ever asked him for information from it was when Cox wanted to visit and speak with a state trooper, whom he personally knew. Shortly thereafter, Cox and his wife went to the Trooper's home and spoke with him at length. This act resulted in one of the main charges of an original state case, "conspiracy to commit murder" of that same trooper - which Anderson was also indicted on. Eventually, the conspiracy charges in the state case were dropped because prosecutors could not use the FBI's recordings which were gathered without a search warrant, and there was no other evidence. Anderson was released as he faced no federal charges but was later subpoenaed by the prosecution to testify at Cox's federal trial.

Anderson maintains the database wasn't ever talked about as, or considered a "hit list" of any kind. It was as Cox put it, simply a way of being able to communicate with officials either in person, phone or by mail. Anderson claims that Cox didn't function like a man with a plan when he saw Cox three days before the arrests saying:

"The last time I saw Schaeffer before our kidnappings [arrests], he sat down on the floor and asked me what he should do. He clearly had no plan. I told him to clear up his misdemeanor charge and disband his groups. I was upset with him for the bombastic false statements he publicly made. He had resorted to the state's tool of deception."

Mike Anderson

As for the trial, Anderson asserts that he was waiting for more questions from the defense counsel during cross-examination, which ultimately never came. Anderson says he never got the chance to fully explain to the jury what the database was and how it had nothing to do with anything called "2-4-1". Anderson denies having ever heard of 2-4-1 until he was in jail along with Cox. For his failure to clarify that there was never a list or a plan, Anderson believes Cox's attorney, Nelson Traverso, completely mishandled Cox's case to the point where Cox should have a wonderful *Ineffective Assistance of Counsel* appeal.

As for the 2-4-1 plan itself, which greatly contributed to the conviction of Cox, and made infamous by US Attorney Skrocki, recent information has surfaced regarding the origins of the plan, and it didn't come from Schaeffer Cox. It was a plan used as a "war of words" during the Freeman Ranch standoff in Montana, years earlier in 1996. It was there that [CI] Gerald Olson, a young man, would first hear this rhetoric, only to use it these many years later and attribute it to Schaeffer Cox.

Norm Olson

According to Norm Olson, co-founder of Alaska Citizens Militia and who, in 1996, was in Montana to support the Freeman in their 81-day stand-off with the FBI, *"I first met [CI] Gerald Olson [no relation] during the Montana Freeman Standoff. We used 2-4-1; 3-4-1; 4-4-1 as a propaganda tool because we were facing another Waco-like situation. The only way we felt we could stop the federal forces was to threaten them with retaliation, with reprisal, with retribution. And they didn't attack that ranch."*

This proves that CI Olson, who used this rhetoric before, pushed his own preemptive agenda as though it was Cox's plan. Cox had never heard, let alone used this language before! I wonder how the jury would have reacted had they been informed of that dirty little secret?

On February 19th, 2011 – 5 days after a bench warrant was issued for Schaeffer Cox when he did not show up for a misdemeanor hearing on a state issue, a marathon six-hour meeting between Cox and others ensued where CI Olson again pushed the 2-4-1 plan, while he clandestinely recorded the entire meeting, yet the jury never got to hear the portion where Schaeffer Cox summarily rejected the idea of 2-4-1 saying:

"I'm not motivated by wanting to see their heads roll. I'm motivated by wanting my family to live free and prosperous and happy.

And with what you [CI Olson] were talking about for the 2-4-1 and stuff like that … or any sort of very aggressive, offensive maneuver … seems like to me, given the circumstances, that that would be more along the lines of looking for a fight rather than strategically and prudently waging a war … at least right now, and I can't speak to the future. But I can say that I think for right now, a 2-4-1 is -- is -- would -- would be running out ahead of the scale and sacrificing our self to no avail.

I lost my house, my business, my whole fortune... And I could, if I was looking for a fight and I was feeling vengeful, which what's wrong with feeling vengeful, man? We've been wronged. I could go out and I could sock it to them, and that would satisfy my animalistic reaction ... But it would -- it would be a detriment to the war ... Because only when there is no future and there is no hope for my wife and for my children can I then spend myself ... in costing the enemy. Because costing the enemy is not my objective. I would forgive them and have all sorts of redemption and go to a picnic with them if they'd leave me alone. You know, I don't have hatred towards them."

Definitely not a statement made by a man who allegedly conspired to kill people in cold blood.

US Attorney Skrocki tried desperately to shield the government from its practice of entrapment during his closing arguments, talking about how the government didn't do this, the paid informant witnesses didn't do that; the bottom-line is, it was a conspiracy that first and always involved Fulton and Olson, the government CIs, not Schaeffer Cox. It was their conspiracy and they continually pushed it on Cox and his friends. And, without any question whatsoever, they were instructed to do so by the Department of Justice!

If there is any question the government acted to entrap Schaeffer Cox, you only have to refer to their own determination as to what entrapment is. According to the Offices of the United States Attorneys:

Entrapment is a complete defense to a criminal charge, on the theory that "Government agents may not originate a criminal design, implant in an innocent person's mind the disposition to commit a criminal act, and then induce commission of the crime so that the Government may prosecute." Jacobson v. United States, 503 U.S. 540, 548 (1992). A valid entrapment defense has two related elements: (1) government inducement of the crime, and (2) the defendant's lack of predisposition to engage in the criminal conduct.Mathews v. United States, 485 U.S. 58, 63 (1988). Of the two elements, predisposition is by far the more important.

Cox did not have the predisposition to engage in the violence the government claims. The facts are indisputable. When pressed to act violently by the government's CIs, he always sided with his moral compass, and never agreed to it.

Let's face it, rhetoric drives society. It builds victors and villains based solely upon the political interpretation of that speech – the stance of the day carries with it the full force of "justice." But when does protected speech become an actionable offense? When do our spoken thoughts become crimes?

When the government says it does, as was evident in the Cox case - and the jury bought it.

Bottom line, Cox's speeches, not his actions, garnered the attention of the FBI - that is a fact. If his words didn't cause them any alarm, as Skrocki tried to allude to in his closing arguments at trial, Cox would have never been at the center of an investigation to begin with. Cox's case really was about the government stifling his 1st Amendment rights.

There was never a plan to initiate violence, as stated over and over as Cox continually would say things like, "we're not doing a Rambo, we're pulling a Gandhi." The only times Cox stated violence were in reference to moments where it would be defensive in nature, requiring an outside action for them to be actionable. As an example, "if someone pulls a gun on me, I'm going to kill them." It is a statement that does not suggest you are planning on murdering people. It requires an action for you to take action. Also, we've all said something like, "I'll kill him if he does ." Did you mean it, that you'd actually kill this person? Of course not. If everyone who used this type of language was put in prison, there would be no one left who was free! Even if you are a gun owner, or have a knife in your kitchen drawer when you make an outlandish statement like this, does that make your verbalization a real tangible threat? Not hardly, unless of course a deceitful and dangerous prosecutor learns of it.

Also, ask yourself: how far would you go to protect your family? Would it be fair to say you'd kill to keep them safe? Now imagine if after you said you would, out loud to a friend, you were arrested and convicted of conspiracy to commit murder... That is just about how outlandish the case against Schaeffer Cox was.

"At my trial, the prosecution just told a scary story about what I might have done some day if they hadn't 'taken me out.' Then they tried to block the jury from seeing the truth about what I ACTUALLY DID DO in real life, i.e. told the agent provocateurs 'NO,' then packed up my family to move out of the country to get away from the coercive CIs and their death threat ultimatums." – Schaeffer Cox

The fact is, the jury didn't hear the majority of the audio recordings in Cox's case. They only heard a few cherry-picked moments that painted him in a bad light. They never got to listen to the threats Cox faced by Fulton and others if he didn't go along with their plans. Nor did the jury get to read the emails sent by FBI Special Agent Sutherland that assessed Cox as not being a threat.

The jury also never heard that the conspiracy charges weren't in the initial indictment against Cox and that the Government had offered Cox a deal on much lesser charges.

US Atty. Karen Loeffler

"Had I known then what I know now, I would have accepted a plea deal on one or two of the minor weapons charges, which is what the government tried to get me to do. This would have avoided the conspiracy and solicitation to murder counts altogether." writes Cox for the website freeschaeffercox.com.

For the prosecution to prove the conspiracy, however, the jury had to be convinced that Cox wanted to kill someone, sometime in the future, without any real, non-hypothetical specifics.

A non-specific threat was exactly what the Skrocki prosecution deceitfully and successfully sold to the jury by disallowing a vast majority of its own recordings from being heard, and reports written by its own investigating special agents from being read. They kept the truth from the jury; the truth that Schaeffer Cox had been recorded wanting to leave Alaska with his family and keep away from Bill Fulton; not wage war or randomly kill people as they asserted, as the below FBI dispatch confirms:

FBI Dispatch Friday, March 04, 2011 5:33:00 PM

SC [Schaeffer Cox] is not willing to meet with CHS-2 [Fulton]. Does not want him [Fulton] to know he is still in Fairbanks. Wants CHS-I [Olson] to broker deal. SC willing to meet 'trucker' to discuss transport.

--Special Agent Rick Sutherland

So much information was withheld from the jury that US~Observer is creating an extensive on-line-only article outlining all of the evidence. In the near future, look for "The Conspiracy to Entrap Schaeffer Cox" on www.usobserver.com.

"At my trial, the prosecution just told a scary story about what I might have done some day if they hadn't 'taken me out.' Then they tried to block the jury from seeing the truth about what I ACTUALLY DID DO in real life, i.e. told the agent provocateurs 'NO,' then packed up my family to move out of the country to get away from the coercive CIs and their death threat ultimatums." – Schaeffer Cox

Let's face it, pre-crime or "thought crime" has become punishable by imprisonment in this "modern" America where every expression is steeped in, what a psychiatrist coined in 1970 as, microaggressions. The government is now able to determine who and what should be targeted just by the words and expressions people use, as evidenced by the Schaeffer Cox case and so many others that follow this cookie-cutter strategy of; create the crime, provide the contrived motivation, supply the tools, arrest, feed the jury full of deception and then send your target to a prison cell. So, look out Facebook users, your words just might hurt you because it all starts there!

Over the last several years there has been a surge of government distrust, especially of the police. In this day and age of ready video recording devices (smartphones), the police are under constant scrutiny of their actions. What these countless hours of video have shown is that the system as a whole is broken. Not all police are bad, true, many are outstanding, but even if you are a good cop and the system is rotten, how long does it take before the system taints what you do? Bottom line, the US Justice System no longer functions to dispense justice, rather it is designed to fine and incarcerate – kill if need be. The perception of your safety is all that matters.

Fortunately for Schaeffer Cox, the blinders are coming off and the truth can finally be seen for what it was; the government conspiring to entrap a young, idealistic, charismatic, patriot who believed that he had a right to stand up to their overreach.

It's time to call them out and hold them accountable. It's time to bring Schaeffer Cox home.

Karen Loeffler is the US Attorney for the District of Alaska and ultimately responsible for Schaeffer Cox's incarceration. It was under her watch that this travesty took place, and it should fall on her to rectify it. Call her office at (907) 271-5071.

Editor's Note: The US~Observer has been vigorously investigating the Schaeffer Cox case. There are hundreds of hours of audio, video and documentation that show Schaeffer Cox only ever spoke in a defensive manner, especially regarding his family. Cox was quite literally being hunted by the government for imprisonment, and he knew they were investigating him! Let that sink in. Why would he attempt a plan that is not only foolish, it would never have changed anything and only harmed the lives of the one's he loved. If anything can be said about Schaeffer Cox, it can be said that he isn't stupid.

The fact is, the jury in the Cox case was completely deceived by a prosecutor who twisted the manufactured "evidence" he cunningly fed to that naïve jury, just as he and others had done in other cases such as the infamous Operation Polar Pen convictions which were ultimately thrown out or vacated like Senator Ted Stevens'. Furthermore, Cox had absolute ineffective assistance of counsel, and the corrupted court condoned this complete mockery of justice!

Should you have any information regarding the Schaeffer Cox case, contact us immediately. We are especially interested in anyone who had dealings with Gerald "JR" Olson especially if Olson paid you restitution and/or Drop Zone owner Bill Fulton. If you were a juror in this case and you now see that you were deceived, please contact us immediately by calling 541-474-7885 or by email at editor@usobserver.com.

** Please read "CMUs: The Federal Prison System's Experiment in Social Isolation" on page 12 of this edition for a better understanding of what a CMU is and what Cox has had to endure. Cox was recently released into the general population and is no longer in the CMU.*

★★★

Continued from page 1 • Monuments Move - Landowners Lose ...

protected from prosecution by the surveying profession) and makes up new boundaries based on his own rules because it's good for his business; in the end though, he takes away the vested property rights of all landowners. In reality, this is a deceptive trade practice and a violation of the Consumer Protection and anti-fraud laws of all 50 states according to surveyor and lawyer, Jeffery N. Lucas.

By the way, the Attorneys General (AG) of the several states where this is happening simply will not prosecute because it involves crimes committed by members of a so-called "regulated profession" deemed 'sacred-cows' and exempt from enforcement action. It is not that the AG has no power to prosecute them; rather, it is that the crony system among surveyors and engineers is so powerful, that with actively practicing members of the profession sitting on the boards that are supposed to regulate surveyors, they cannot see that their fellow professionals are doing anything wrong. They are literally blinded by their own so-called "professionalism."

Judges today have even bought into this concept with the attitude that "the professionals know best" and certainly, judges, don't want to be seen as bucking the system. None of this bodes well for the landowners who are the consumers of surveyor services.

George Washington, Thomas Jefferson, Abraham Lincoln as well as Lewis and Clark, all had this one thing in common, they were surveyors. You see, 'In the Beginning…' there was vacant land and people wanted to own a portion of it to build their homes on; hence, the American Dream. Whether it was the east coast property acquisitions from the Native Americans or the Louisiana Purchase from the French or Mexican Land Grants, the pattern and practice was the same: Define the boundaries and then make it available for settlement by the public. Some settled as homesteaders, staking their claim and complying with certain minimum requirements, while others outright purchased their property. Either way, at the end of the day, the expectation was the same: all landowners knew where their boundaries were located because of monuments originally set by the great surveyors of the past.

For generations, the landowners of America have relied upon the original work performed by surveyors who established points of origin by placing monuments (such as a notched stone or markings on a witness tree or other objects of at least semi-permanent quality) and then from these original monuments, created the "Point of Beginning" for each parcel of land.

Along the eastern seaboard of the USA, original monuments were established first by the Pilgrims and early settlers, then eventually by surveyors, such as our first President. In the west, the General Land Office of the United States laid out the original monuments based on the Rectangular System of Surveying. However they were created, all current-day owners expect to look back upon the historical establishment of original monuments from which they can trace the perimeter of their property.

Today, there simply is not as much surveying work as in the boom days before the real estate bubble burst in 2008. Many surveyors need work because most of the available land that easily could be subdivided, has been developed and that which is left are tracts of land containing larger acreages, either owned by the government or by private interests, for which there is: 1) no authority to develop (public lands); 2) no current demand for subdivision; or 3) no financial backing available for development.

Left without 'rudder or sail,' the proverbial 'mariners of surveying' must find a way to support themselves and their families. For many of them, they have no other occupation, thus, the choice is "Survey or Starve;" which dictates that the surveyor must 'do something' to create business for himself.

Within the industry of surveying, there are those who consider surveyors to be "stewards of the nation's property boundaries." A surveyor has two choices, if he can state that he is unable to find an original monument then that is his excuse to postulate where such a monument should exist by using a fraudulent engineering computation, also known as a "Math Stakeout" or he can perform a legitimate "Retracement Survey." In the Retracement Survey, the surveyor must find the location of the original monuments that provide "control" for the area, some of which may be more than a mile away. If the nearest original monument is missing, the surveyor can reach out to the next nearest original monument for control or utilize existing structures to validate the retracement. A surveyor conducting a Retracement Survey is legally bound to follow the lines from original monuments, retracing the bearings and distances used by the original surveyors to reestablish the original boundaries or to locate the place where missing monuments were located before they disappeared; then, and only then, can he opine as to the particular application to the property of the landowner who hired him.

In a Math Stakeout, the surveyor simply creates by mathematical calculation what he thinks is the right adaptation of the boundary based on engineering principles, but, because he fails to start with the true original monument that originally provided control over the area, that surveyor performing the math computation absolutely cannot locate the original boundaries and will always be in the business of creating new boundary lines. In creating new lines, the surveyor can then sell his stock and trade to the unsuspecting landowner, who, if it involves an increase in his property, is delighted to pay handsomely to add a few acres at the expense of his neighbor and that is just human nature, to want to receive something for nothing.

The reality is that there is not one consumer in 10,000 who understands what surveyors do; which makes them easy prey for surveyors to commit the crime of property theft by fraud. This is worse than not understanding how your local brain surgeon operates. If the unscrupulous surgeon was to lure patients in with promises of improved intelligence and then perform lobotomies, the consumer of his healthcare services and his family would be sorely disappointed and might even sue the doctor. In like manner, the consumer of surveying services can be easily baffled by the surveyor's technical 'bull-loney,' so that he becomes convinced that he owns his neighbor's driveway or a large chunk of his neighbor's land; and then the legal battles begin.

To illustrate the severity of this problem: imagine, if you will, that a surveyor from Connecticut has declared that the original monuments defining the boundaries of an adjoining state, say Rhode Island, are "erroneous." Then the surveyor offers up a solution by mathematically creating new monuments and draws up a new boundary line between the two states and declares that the land within the newly defined area is really the property of Connecticut. Now, let's say, that the newly defined area involves only a mere three hundred (300) square miles (a trifling amount of land in the big scheme of things, right?). Since the total area of Rhode Island is a paltry 1,241 square miles, that would be roughly a one-fourth or a 25% of the land mass of the entire state of Rhode Island, which by now, our hypothetical surveyor, has claimed for Connecticut. Clever surveyor: after recording this fraudulent survey, it could take years and millions of dollars to correct the problem. Meanwhile, how many people and their lands would be adversely affected?

Connecticut, Rhode Island and Massachusetts corner marker

The people of Connecticut would be cheering while the folks in Rhode Island might be objecting and do you think a general uproar is likely? Maybe it would go viral on the Internet and even the "dumbed-down Mainstream Media" might report the story. What if Mexico was to do the same thing along the border with the USA gobbling up some of Texas, New Mexico, Arizona and California; in such a case, we might even see a declaration of war. In other words, property owners, especially US citizens are hard wired to defend what they believe is theirs (sometimes to the death) and that too is a part of the human condition. But, the law specifically states that surveyors are not to create disputes among neighboring landowners; so how can this be?

Dorothy and the late Butch Walker

Think about this, if a surveyor who wants to grow his business starts moving original property monuments (or makes them disappear so that he can recreate them) then he can move boundaries between neighbors at will, and it is likely that each landowner will demand his own survey (more business). All of a sudden, instead of a Starving Surveyor, there is plenty of business for all the surveyors and maybe a few engineers as well. Clever surveyors.

According to highly credible professionals I have interviewed, "One of these new-breed-of-surveyors actually refers to himself as the "Wizard" of North Idaho because he has developed a scam that allows him to dance around original monuments with words like "erroneous" and then adjust the location of those original monuments as he has developed a vast book of new business from the landowners who have been suckered into his operation. This surveyor is Hunter Edwards, whose father before him was a surveyor and the two of them figured out a scam that has not yet been unraveled, but it is based on the concept that the original General Land Office survey monuments set in the late 1800s were "erroneous" which they think gives them license to relocate those original monuments at will by applying a Math Stakeout solution rather than performing a retracement survey."

Hunter Edwards

The professionals continue, "The cost of these shenanigans by the Edwards clan to landowner Dorothy Walker has been the loss of over 40 acres, all done surreptitiously by sneaky little changes in documents recorded at her home of Idaho County. Dorothy has studied the problem and qualifies as the one in 10,000, but she still cannot get responsible survey work from the Edwards clan because they are being protected by the other professionals who also think this Math Stakeout Solution is good for business and refuse to look at the Edwards' professional ethics violations and the Edwards' failure to follow established procedure required by Idaho State law; their reaction is simply to ignore it. The Edwards clan of surveyors are also being given a pass by the Idaho Attorney General who refuses to prosecute them because regulation is left up to the professional board composed 100% of practicing surveyors. Has the proverbial fox been left to guard the hen house?"

Well folks, this is exactly what is happening all over America today and it is happening in Idaho and specifically, it has happened in Idaho County, which is one of the most unlikely settings, although the place is bucolic and it is an area that is still filled with big game and a very desirable place to live or have a cabin because it is so remote. Shamefully, there are those in Idaho County who would set false monuments and take your land in a heartbeat and the operative force behind them are the surveyors who subscribe to the improper and illegal process of "proportioning" in corners with a Math solution when the evidence of the position of the original corner is right before their eyes. To be clear, the process of proportioning or the Math Stakeout can never find the original boundary lines or monuments and it is doomed to always be the source of land theft.

With the amount of land development and subdivisions drastically down in America today, the trend has been to create work for surveyors by either removing or relocating the original "permanent" survey monuments that have been relied upon for over a hundred years, and then claiming that such monuments have been "located" by applying the Math Stakeout solution costing some landowners large portions of their property.

This attack on the sovereign rights to property ownership is fostered by the new breed of surveyor mentioned above who believe they can simply state that the original monument, set over a hundred years ago is "erroneous." A nebulous term that really has no meaning unless placed in context of a multi-faceted and highly detailed analysis; and when applied, the detailed analysis will show where the original monument is actually located. Yet, this term "erroneous" is the basis reportedly used by the Edwards clan and other surveyors of similar persuasion for moving boundary lines hundreds of feet without regard to the retracement of the original monuments.

Understanding why we are 'where we are at' is as important as anything. Surveying is complicated to some and mysterious to others, but the effect of losing land can be understood by everyone. Readers with similar issues should contact their state legislators and demand that this problem be investigated in their home state before rights become vested based on the fraudulent surveys developed by Starving Surveyors, who are not quite so hungry any more thanks to all the payments from defrauded landowners.

Will Goode is an investigative reporter for Independent News International, World Report who is willing to tackle difficult issues even though not politically correct. He can be contacted through the Editor, Pat Shannan at www.iniworldreport.com.

Editor's Note: There is another reason that unethical surveyors record fraudulent surveys and that is because they are paid to knowingly do so. We will address this more as it relates to the Walker case in the near future.

Anyone with information on those involved in the Walker case or fraudulent surveying in general is urged to contact Edward Snook at 541-474-7885 or by email to editor@usobserver.com.

Are you losing your property because of bad surveying? Have you been defrauded? Call us – we just might be able to help you.

★★★

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CMUs: Fed Prison System's Experiment in Social Isolation

By The Center for Constitutional Rights

WHAT IS A COMMUNICATIONS MANAGEMENT UNIT (CMU)?

In 2006 and 2008, the Federal Bureau of Prisons (BOP or "Bureau") secretly created the Communications Management Units (CMUs), prison units designed to isolate and segregate certain prisoners in the federal prison system from the rest of the BOP population. Currently, there are two CMUs, one located in Terre Haute, Indiana and the other in Marion, Illinois. The CMUs house between 60 and 70 prisoners in total, and over two-thirds of the CMU population is Muslim, even though Muslims represent only 6 percent of the general federal prison population.

Unlike other BOP prisoners, individuals detained in the CMUs are completely banned from any physical contact with visiting family members and friends. Other types of communication are also severely limited, including interactions with other prisoners and phone calls with friends and family members.

Individuals detained in the CMUs receive no meaningful explanation for their transfer to the unit or for the extraordinary communications restrictions to which they are subjected. Upon designation to the unit, there is no meaningful review or appeal process that allows CMU prisoners to be transferred back to general population.

Many CMU prisoners have neither significant disciplinary records nor any communications-related infractions. However, bias, political scapegoating, religious profiling and racism keep them locked inside these special units.

The Bureau's purpose and process for designating federal prisoners to the CMUs remain undisclosed to the public.

WHO IS DETAINED IN THE CMU?

The Bureau claims that CMUs are designed to hold dangerous terrorists and other high-risk inmates, requiring heightened monitoring of their external and internal communications. Many prisoners, however, are sent to these isolation units for their Constitutionally-protected religious beliefs, unpopular political views, or in retaliation for challenging poor treatment or other rights violations in the federal prison system.

At the Marion CMU, 72 percent of the population is Muslim, 1,200 percent higher than the national average of Muslim prisoners in federal prison facilities. The Terre Haute CMU population is approximately two-thirds

Muslim, an overrepresentation of 1,000 percent. The Muslims detained in these two CMUs are both African American (many who converted during their time in the prison system) and prisoners of Middle Eastern descent.

CMUs also house individuals with "unpopular" political views, such as environmental activists. Many of these prisoners were brought to the CMU as a calculated means to "integrate" the units after critical press attention to the targeting of Muslims. Also commonly detained in the CMU are prisoners who have been active in organizing prisoners' rights, participated in lawful social justice movements, organized worship sessions, or filed grievances based on mistreatment and/or conditions of confinement. Although the Bureau maintains there are broad guidelines determining who is eligible to be sent to these isolation units, thousands of prisoners in the general population fit the criteria – begging the question, why these men?

Marion, IL Federal Prison and CMU

THE CMU: AN EXPERIMENT IN SOCIAL ISOLATION?

Unlike other prisoners in the BOP, CMU prisoners are forbidden from any physical contact with their children, spouses, family members and other loved ones that visit them. They are not even allowed a brief embrace upon greeting or saying goodbye. While the BOP claims these units were created to more effectively monitor communications, there is no security explanation for banning physical contact during visits as visitors are comprehensively searched before visits, and prisoners are strip searched before and after visits. The ban on physical contact during visits contradicts the Bureau's own policy recognizing the critical importance of visitation in rehabilitation and prison re-entry. The CMUs' visitation policy is even more restrictive than that of the BOP's notorious "supermax" prisons, where prisoners have over four times more time allotted for visits than prisoners in the CMU.

The Bureau has also placed severe restrictions on phone access. As with visits, the Bureau has recognized the importance of telephone communications with family and loved ones in the rehabilitation process as well as in maintaining family relationships during incarceration. In spite of this, CMU prisoners were until recently permitted only one 15 minute call a week— when, in apparent response to threatened litigation, the Bureau permitted one extra 15 minute call a week. Other BOP prisoners receive 300 minutes a month for phone calls.

Prisoners in the isolation units are barred even from contact with other prisoners in the general population. In addition to the stigma of being placed in what is widely know as the "terrorist" unit, individuals detained in the CMU have limited access to educational and other opportunities, including programs that facilitate reintegration and employment efforts upon their release.

SECRECY, TRANSPARENCY AND ACCOUNTABILITY IN THE FEDERAL PRISON SYSTEM

These isolation units have been shrouded in secrecy since their inception. CMUs were created without public knowledge and without the opportunity for the public to comment as required by law. In 2010, the BOP attempted to redress this violation by, three years after the fact, finally disclosing CMU policy for public comment. Furthermore, individuals are designated to CMUs with no explanation and without a way to seek return to the general population—a due process violation that allows for the abuse of power, retaliation and racial and religious profiling.

Aref, et al. v. Holder, et al. is a federal lawsuit challenging the policies and conditions at the two CMUs, as well as the circumstances under which they were established. The Center for Constitutional Rights (CCR) filed the case in the U.S. District Court for the District of Columbia in March 2010 on behalf of several plaintiffs, including prisoners and their family members. The defendants in the lawsuit include Attorney General Eric Holder; Harley Lappin, Director of the BOP; D. Scott Dodrill, Assistant Director of the Correctional Programs Division of the BOP and Leslie Smith, head of the Counterterrorism unit of the Federal BOP.

In March of 2015, the court denied procedural due process and retaliation claims, holding that CMUs do not impose an atypical and significant hardship on prisoners. The district court judge held that prisoners have no liberty interest in avoiding placement in CMUs, and thus did not consider an extensive record documenting arbitrary and discriminatory CMU placements and the lack of any meaningful review.

The ruling is currently being appealed.

US~Observer Editor's Note: Please read the article "The Federal Framing of Schaeffer Cox" on the front page of this edition. Cox has endured 4 years on the inside of a CMU. ★★★

Continued from page 9 • The Crazy Injustice of Denying Exonerated Prisoners Compensation

a newly exonerated person requires "at least 50 grand and someone with good sense to show him what to do with it. He has to set up and establish himself. He doesn't need to wonder where his next month's rent comes from. He needs clothing. He needs direction. Is he going to school? Is he going to work? Is he going to concentrate on his physical being or his emotional or spiritual being?"

The laws are changing for the better, albeit slowly. In 2013, Senator Mark Leno successfully supported a bill to streamline the compensation process and make a finding of factual innocence binding for the board. In October 2015, after about 15 years at $100, the compensation per day of incarceration was increased to $140 in a bill jointly sponsored by state senators on opposite sides of the aisle, Leno and Yuba County Republican senator Jim Nielsen. Leno was surprised and disappointed to learn from this reporter that most exonerees applying for the funds are denied. "Someone who has been wrongfully convicted," he says, "should not have to struggle to get the compensation that the state owes him or her."

The process remains arduous, even for those with powerful backers. Ronald Ross was wrongfully convicted of attempted murder and freed after seven years in prison. Represented by Reid Mullen at Keker & Van Nest in San Francisco, he received $229,000 from the board last year after about two years. Even with the state AG's support, free representation from a prestigious law firm, and a general consensus that he was innocent, winning his compensation was a difficult, years-long slog.

For Goff and Tennison, the changes in the compensation process came too late; the finding of factual innocence in their case would now automatically qualify them for compensation. Both men sued the city and won multi-million-dollar settlements, but these civil rights lawsuits take time and resources to pursue. And, in the end, there is no way to measure the losses the wrongfully imprisoned suffer by missing irreplaceable experiences: weddings, funerals, child rearing, marriage. Madrigal's father died, his daughter was born, and his younger son became gravely ill while he was in prison. He's heartbroken that he missed what he sees as the prime years of his kids' childhoods. "Every time you get to see your kids," Madrigal says, "they ask, 'When are you coming home?'" He would tell them that he was coming home soon. "I could never say, 'I'm coming home tomorrow,'" he says.

Since his release, Madrigal has worked hard to savor each moment, but he is still haunted. He still often wakes at 4 a.m., as he did in prison. "It wasn't easy readapting to society,"

he says. "It was just hard. You're living in a five-by-eight cell 23 hours a day. You just can't say, 'OK, everything is normal.' It was learning how to live again."

Madrigal has a job and is slowly putting his life back together. His oldest son is in college and hopes to become a biology teacher. Madrigal expresses nothing but admiration for his kids and how hard they have worked. He's grateful for the support of his family, which makes the insinuations he hears that he is not innocent all the more heartbreaking for him. "I would have never put my family through this if it wasn't true," he says of his fight for redress. To him, the monetary compensation is, above all, about acknowledging a harm: "Materialistic stuff comes and goes," he says. "All the money in the world wouldn't give back what I lost when I went into prison."

★★★

Articles and Opinions

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

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

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

Get involved & send YOUR comments or concerns to the Editor
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Jury Duty, Oh No ... *Oh Yes!* Here's Why

By Joseph Snook

(US~Observer) - "Oh no... I couldn't have possibly known I was selected for jury duty; I've been out of town!"

Similar excuses may have worked while telling a teacher your homework was incomplete - years ago. However, in a court of law, such excuses are limited. The anticipation of becoming a Juror is abhorred by most, for whatever possible reason, and there are many. The moment that letter is received, informing you of the special date to appear, you start searching for the perfect reason to excuse yourself, *"I'll do almost anything to avoid jury duty..."*

Should that be your response?

Is there an automatic assumption of guilt when someone has been charged with a crime? Are jurors not adequately compensated? Set aside the list of excuses to avoid jury duty, put yourself in the shoes of the person relying on your service, and talk about it.

Consider this; you are the defendant, and you are innocent (which ALL defendants are "presumed" to be). You are the 3-5% of those criminally charged in the U.S. willing to roll the dice at trial. You are relying on the professionalism and strategy of your attorney. You are also up against a government that has no limit to its reach. Unlimited funds are being used to gather evidence against you - even if the evidence is questionable, or, false. Sharp looking experts with astonishing credentials and resumes are lining up for the prosecution to bolster the charges leveled against you. The media has already published your name, photograph, and the crimes you have been charged with, and seemingly more often, they've added a blurb from someone in uniform that purports guilt. The published photograph is usually an unfavorable mug shot. There's a police report published, claiming there is FACTUALLY a victim. Still, after all of the pressure by government and media implying guilt, you believe the evidence will prove opposite. You refuse to accept that a juror will believe a person wearing a badge instead of you, your attorney, or the evidence. Despite how optimistic you feel about your case, you know being convicted is possible.

Citizen and police video on social media, exonerations of people falsely convicted, egregious mandatory minimum sentencing, discovery of faulty forensic science, and films such as "Making a Murderer," have undoubtedly fueled public scrutiny over the tactics used by law enforcement at all levels. These important issues, in part, have contributed toward the National push toward Criminal Justice Reform.

Could this be your calling, to help stop a wrongful conviction? Or, is this your chance to help lock away a dangerous criminal?

A juror is potential relief from an abusive government, a vexatious litigant, or, a fictitious victim. Jurors also convict. Serving as a juror should not be a burden, it should reinforce the belief that justice is being served, regardless of the verdict. Being a Juror is one of the most important responsibilities ever bestowed upon an individual - Juror's hold someone's life in their hands. Some day it could very well be your life in question, including the life of those who depend on you, and for that reason alone, you should re-think jury duty.

Who would you want to be your juror? By answering this, you may have just found the reason to stop making excuses. And for those of you who take this duty serious; salute!

This article is part of a series on juries in the United States. Our next piece in this series will talk about modern juries and important concerns they should have, but often may not consider. Are juries today, different from those not so long ago? Has the role of a juror been impeded? ★★★

Continued from page 1 • Habeas Denied in Faire Murder Case ...

presentation in court on September 14, 2015 without benefit of counsel, and that the incarceration continued in violation of the Sixth Amendment rights as made applicable to the state under the Fourteenth Amendment, and in violation of Article I, Section 3 of the Washington Constitution."


Attorney Stephen Pidgeon

In responding to Pidgeon's motion, Prosecutor Karl Sloan had the gall to attempt to deceive the court by stating that a public defender appeared at each of James Faire's hearings after his original attorney Nicholas Blount withdrew from the case, including, on two occasions, Melissa MacDougall. MacDougall already "represented" Angela Nobilis (James Faire's co-defendant on two charges) and was barred by the Rules of Professional Conduct from participating in a co-defendant's defense!

On March 7, 2016, Judge Christopher Culp denied Faire's Writ of Habeas Corpus, however, he removed illegal restrictions on Faire's freedom before trial such as drug testing, etc. In essence, Culp condoned the fact that a Defendant can sit in jail for months and months and appear at numerous hearings without an Attorney – I vehemently disagree with him.

Attorney Stephen Pidgeon has stated that he is preparing an Interlocutory Appeal to the WA Court of appeals regarding the Habeas Motion that Culp denied.

Prosecutor Karl Sloan was almost venomous at the hearing, as he attempted to defeat the Motions. Amazing, given the fact that this out of control prosecutor has absolutely no evidence against James Faire. And what's worse, is that he is factually protecting proven criminals and their well-documented crimes in this case.

OKANOGAN CITIZENRY SPEAKS OUT

The US~Observer has received in excess of 40 calls from Okanogan residents with complaints of abuse, negligence and unethical actions pertaining to Prosecutor Karl Sloan, the Okanogan County Sheriff's Office and the Okanogan County Public Defender's Office (OCPDO).

STATE VIOLATES CONSTITUTIONAL RIGHTS (IN WORK)

Attorney Melissa MacDougall is the administrator of the OCPDO pool. MacDougall's responsibilities include, but are not limited to, the assignment of appropriate counsel to accused individuals. Former investigators and public defenders who served in the county's criminal justice system have come forward with information indicating just how allegedly corrupt, incompetent and ruthless the OCDPO is and how MacDougall works in perfect tandem with Okanogan County Prosecutor Karl Sloan. One complainant states, "Public defenders are overworked and underpaid." Another states, "Melissa MacDougall [the public defender contract pool administrator] has no time to oversee the PD system. This has led to a massive turnover of the lawyers under her."


Prosecutor Karl Sloan

Another told us, "James Faire will never get a fair trial in Okanogan County if he is represented by a public defender." Another credible caller informed us that, "MacDougall and Sloan actually work together. When Karl was running against Judge Rawson for his seat on the Superior Court in 2012, she had campaign posters in her public defender's office backing Sloan. She has openly showed disdain for Rawson more than once." And yet another person states, "MacDougall and Michael Prince work together. They were both sued in Grant County for not representing their clients, then they migrated to Okanogan where they have continued the same practices that they were sued for in Grant County." These claims are validated in part by the fact that MacDougall was appointed to represent James Faire's co-defendant Angela Nobilis and MacDougall recused Judge Rawson from Nobilis' case. After firing MacDougall weeks ago, Nobilis stated, "I don't know anything negative about Judge Rawson and I had no idea that my own attorney had worked with the prosecutor in my case to unseat Judge Rawson until I was informed by the US~Observer."

According to the Washington State Bar Association (WSBA) Standards for Indigent Defense Services:

The caseload of public defense attorneys shall allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation. As used in this Standard, "quality representation" is intended to describe the minimum level of attention, care and skill that Washington citizens would expect of their state's criminal justice system.


Judge Christopher Culp

Under the "oversight" of MacDougall, court records show James Faire was without the benefit of counsel between August 18, 2015 and January 11, 2016. Regardless of the lack of legal representation, Faire was consistently brought before the court, a clear violation of his state and federal constitutional rights.

Faire's only recourse to address the fact that he did not have legal counsel was to write a letter to the court. Public defenders Michael Prince, Myles Johnson (no longer with the public defender contract pool) and Kelly Seago failed to file "notices of appearances" on Faire's behalf, signaling a refusal to take the case. Court audio captures the fact that Seago was scolded by Superior Court Judge Henry Rawson during three separate hearings which occurred between October and December of 2015. Seago spluttered out a series of excuses month after month until finally James Faire was forced to hire private counsel. On January 11, 2016, Seago blurted out yet another ill-thought-out excuse (she blamed the court clerk) on her failure to file the "notice of appearance," this time before Superior Court Judge Christopher Culp.

With so much on the line, one has to ask, where is the oversight of MacDougall and the public defenders? The County Commissioners are responsible for awarding public defense contracts. According to the Okanogan County Commissioners website, the Okanogan County Commission derives its legislative powers directly from Washington State statutes:

"The primary legislative powers of the board of commissioners are found in RCW 36.32.120. The powers include: construction and maintenance of public buildings; granting licenses; fixing the tax levies for the county and having the same collected; authorizing payments owed by the county and auditing all officers having control of county monies; managing county property and county funds; prosecuting and defending all actions for and against the county; and making and enforcing by appropriate resolutions and ordinances and all such police and sanitary regulations not in conflict with state law."

In 2012, MacDougall openly campaigned on behalf of Sloan who sought a seat as a superior court judge. What would you do if you walked into your attorney's office and found out he/she was campaigning for the corrupt prosecutor who was intent on falsely convicting you? Sources state "it is well known that within the community, Attorney Melissa MacDougall and Prosecutor Karl Sloan are good friends and their families have been known to spend the holidays together." By now, I'm sure you have the same question we have: have MacDougall and Sloan also violated the professional code of conduct by divulging information about cases to one another? Worse yet, has McDougall colluded with Sloan, in a spirit of friendship, to allow false convictions? Some of our readers in Okanogan have alleged exactly that.

Regarding this case, three things are quite clear: **(1)** Okanogan County's supposed justice system has completely violated James Faire's and Angela Nobilis' Constitutional Rights. **(2)** This same corrupted justice system is factually headed for a train-wreck and **(3)** The members of this abusive Okanogan County Cabal will, without question be held accountable before this case is over…

Editor's Note: Anyone with information on any of the people who are named in this article is urged to contact Edward Snook at 541-474-7885 or by email at editor@usobserver.com.

This is a continuing investigation. Previous articles which can be read online at usobserver.com include:

"Escaped with Their Lives, Then Charged with Murder - The James Faire Story"; "The Conspiracy to Frame James Faire - The Power of 'Trust'"; "Turning a Blind Eye to Justice - Okanogan County Prosecutor Sloan's Mission to Convict At All Cost"; "Facts Behind the Curtain - James Faire's False Prosecution"; and "911 Call Draws Prosecutor Into Conspiracy - Sloan Commits Federal Crime".

More detailed information and ways to materially and otherwise support James Faire are at the following Faire Foundation sites:

www.fairefoundation.org
www.facebook.com/FaireFoundation

★★★

Legalizing Weed Has Done What 1 Trillion Dollars and a 40 Year War Couldn't

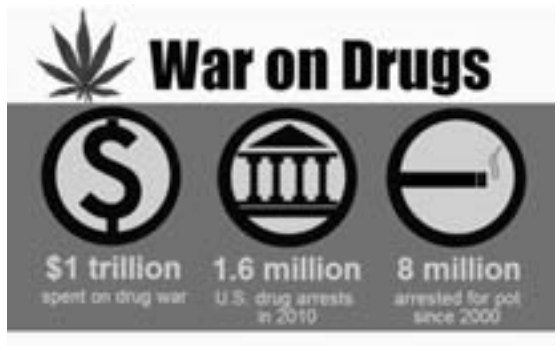
(ANTIMEDIA) - The Mexican drug cartels are finally meeting their match as a wave of cannabis legalization efforts drastically reshapes the drug trafficking landscape in the United States. It turns out that as states legalize cannabis use and cultivation, the volume of weed brought across the border by Mexican drug cartels dramatically decreases — and is putting a dent in their cash flow.

A newly-released statistical report from the U.S. Border Patrol shows a sharp drop-off in cannabis captured at the border between the United States and Mexico. The reduction in weed trafficking coincides with dozens of states embracing cannabis use for both medical and recreational purposes.

In fact, as the Washington Post reports, cannabis confiscations at the southern border have stumbled to the lowest point in over a decade — to only 1.5 million pounds. That's down from a peak of four million pounds in 2009.

Speaking to Anti-Media, Amir Zendehnam, host of the popular show, "In the Clear with Amir" on cannabis-oriented network Z420.tv, told us what he thinks of these new statistics:

"The economics of the cannabis industry show us that with healthy competition in the market, prices drop, quality rises, violence diminishes, and peaceful transactions increase. As constant new research emerges detailing the plant's benefits, the negative stigma of using cannabis, both medicinally and recreationally, is diminishing, raising the demand for high quality product.



"Colorado, for example, is experiencing an economic boom that has never been seen in the state. The biggest issue in Colorado today is what to do with the huge amounts of revenue and economic success the state is gaining as a result of legalization. The Colorado model has proven that legalization reduces crime rates, cuts prices, pushes unfavorable competition out of the market, provides cleaner products with heightened transparency, and increases the standard of living for society as a whole.

"The only people hurt by continued societal acceptance and legalization of cannabis are the cartels and their friends, who have flourished for decades as a result of drug prohibition.

"As legalization spreads across the U.S. and the rest of the world like wildfire, I predict the industry will soon become one of the most dominant and beneficial industries humanity has ever seen."

And the new competition from legal states has taken a big bite out of the entire illicit Mexican marijuana food chain. "Two or three years ago, a kilogram [2.2 pounds] of marijuana was worth $60 to $90," a cannabis farmer in Mexico said in an interview with NPR. "But now they're paying us $30 to $40 a kilo. It's a big difference. If the U.S. continues to legalize pot, they'll run us into the ground."

Consumers are also starting to see the difference. Cheap low quality Mexican cannabis has become almost impossible to find in states that have legalized, while prices for high quality home-grown have steadily decreased.

This is good news for Mexico. A decreasing flow of cannabis trafficking throughout the country will likely lead to less cartel violence as revenues used to buy weapons dry up. Drug war-related violence in Mexico was responsible for an estimated 27,000 deaths in 2011 alone — outpacing the entire civilian death toll of the United States' 15-year war in Afghanistan.

These developments reinforce criticism of the War on Drugs as a failed policy. Making substances like cannabis illegal simply drove the industry underground, helping make America the largest incarcerator in the world.

Legalizing cannabis will also save the United States a great deal of money. As Mint Press News reported:

"Since Richard Nixon declared a war on drugs in June 1971, the cost of that "war" had soared to over $1 trillion by 2010. Over $51 billion is spent annuallyto fight the drug war in the United States, according to Drug Policy Alliance, a nonprofit dedicated to promoting more humane drug policies."

Early reports from Colorado's cannabis tax scheme show that revenues that will ostensibly help schools and rehabilitation efforts by flooding the state with cash. In fact, Colorado became the first state to generate more tax revenue from cannabis than alcohol in one year — $70 million.

But why stop with cannabis legalization? As more and more drug propaganda is debunked thanks to the legal weed movement, it's time to also advocate for drug legalization across the board. The drug war's criminalization of substances has done nothing to stem their use, and has simply turned addicts into criminals, even though plenty of experts agree that addiction is a health issue, not a criminal one.

Maybe it's time for the U.S., Mexico, and other countries to embrace the Portuguese and Irish model of treating addiction to drugs like an addiction to alcohol or cigarettes, using rehabilitation — rather than incarceration — to confront the problem.

★★★

Rep. Jason Chaffetz wants to take guns away from 'Rambo' BLM, Forest Service agents

By Amy Joi O'Donoghue

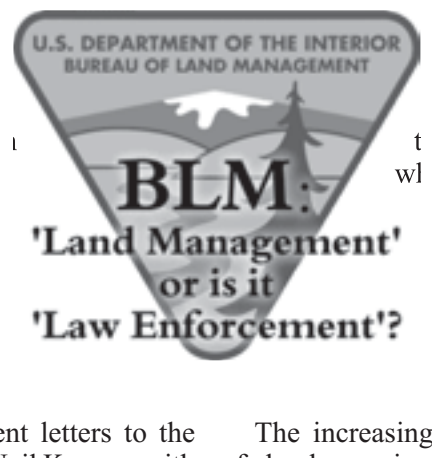
Rep. Jason Chaffetz

(Desert News) Salt Lake City, UT — Law enforcement agents with the Bureau of Land Management and the U.S. Forest Service are too "Rambo" to Rep. Jason Chaffetz's liking, so he wants to take away their guns and authority.

"These agents are more Rambo and less Andy Griffith than I would like," he told the Deseret News Tuesday.

Chafftez, R-Utah, said he plans to introduce a bill next week to strip those two agencies of their law enforcement authority and instead set up a system of block grants to states with a lot of federal lands within their borders to augment local law enforcement response.

"Let's not kid ourselves. The blood pressure is running high, especially in southern Utah, and I don't want anyone to get killed," Chaffetz said, adding his bill has the support of his colleagues in the House.



Chaffetz said he also wants to issue subpoenas to the "out of control" federal agencies to learn why they want to purchase submachine guns. He said he has had repeated meetings and sent letters to the BLM's national director, Neil Kornze, with no satisfactory response to his questions.

"I want to know what kind of arsenal they have. I'm met with blank stares," he said. "They're wholly unresponsive. They don't feel compelled to answer our letters."

He said the BLM abruptly canceled its contracts with local county sheriff's offices in Utah and relationships have diminished in a significant way. He met with local sheriffs Tuesday to discuss his proposal, with a couple of the men predicting that the congressman's legislation will receive support.

"I think it will have some support among sheriffs and probably widespread support among rural sheriffs," said Kane County Sheriff Tracy Glover.

Glover said he enjoys productive relationships with federal law enforcement, but agents' duplication of local sheriff's deputy duties has been a long-standing concern.

Chaffetz said generally there has been a continued decrease in the level of cooperation from federal agents.

"The BLM is refusing to do any business in Utah," he said, referencing canceled contracts. Yet if someone is lost or injured in a national forest or BLM-managed land, it is local deputies who respond and spend the resources, he said.

Chaffetz said it makes more sense to have elected county sheriffs with public accountability in charge of law enforcement functions in their own geographic areas.

"If it is really serious, you're going to call the FBI anyway," he said.

Glover said his county is 4,000 square miles and his agency has a lot less turnover than federal counterparts.

"Lastly, I think we are closest to the people. We're the elected officials. We get the reports, we get the phone calls, we get the communication from our local residents," he said.

Garfield County Sheriff Danny Perkins added there have been instances of federal law enforcement activity that have unfolded in his county unbeknownst to his deputies.

"We have had situations in my county where we have not been contacted and we should have been, and as a result, there were other crimes t wl t area," he said. "It is not like we don't patrol these areas. It's not like we are not there. And when crimes are not addressed, that is bothersome to me."

The increasing militarization of certain federal agencies has caused political angst and rural pushback in Utah and other parts of the West, especially as public lands issues have become more heated.

In 2014, Rep. Chris Stewart, R-Utah, announced efforts to defund law enforcement functions of agencies that include the U.S. Environmental Protection Agency and the U.S. Department of Education.

Stewart said the armed teams of federal agencies are doing more harm than good and are unnecessary.

Both Chaffetz and Stewart say potentially volatile situations that merit law enforcement response are best left to the area's local sheriff's offices or police who are familiar with the topography and residents. If tensions continue to escalate — such as the armed ranchers' occupation of a federal wildlife refuge in Oregon earlier this year — the FBI should be called in.

Perkins added that his office has cooperative relationships with other federal agencies, such as the Drug Enforcement Administration.

"I have our local DEA agents on speed dial and they are there to help us and respect us," he said. "But it makes more sense to have local law enforcement in a county under the directive of the sheriff." ★★★

Wis. Gov. Scott Walker Signs Law Granting Authorities Broader Strip Search Powers

By Barry Donegan

(Truth In Media) - Wisconsin Republican Governor Scott Walker signed a bill on March 1 which expands the circumstances in which police and correctional officers can conduct strip searches on detainees and inmates suspected of misdemeanor and other minor crimes.

Previously, individuals detained or jailed on non-felony crimes could only be strip searched if they were to be held among other people for at least a 12-hour period. The Associated Press notes that Walker's new law removes that 12-hour minimum time requirement.

The Associated Press also reported that Republican supporters of the bill argued that allowing law enforcement and corrections authorities to strip search anyone who will be detained or incarcerated among others will lead to safer jails and will help protect officers. Democratic opponents countered that the bill could result in civil rights abuses.

"Unfortunately, strip searches are extremely uncomfortable, there's no question. But for the family of an inmate or an officer who gets killed by the shank that was hidden and not found because no strip search was performed, they're going to go through much more discomfort than the strip search," argued bill author Rep. Joel Kleefisch (R-Oconomowoc) according to The Capital Times.

Rep. Evan Goyke (D-Milwaukee), a critic of the law, said that the 12-hour requirement had originally been put in place to prevent people who are jailed or detained briefly for civil violations like non-payment of a fine from being strip searched.

The signing of the new law comes on the heels of the Milwaukee Common Council's January approval of the payment of a $5 million settlement to 74 African-American residents who raised allegations that they were forced by police to submit to illegal body cavity and strip searches during a drug investigation. ★★★

Concealed carry permit holding customer fatally shoots ax-wielding attacker at 7-Eleven

(FoxNews.com) - A customer at a 7-Eleven store outside Seattle shot and killed a masked man who attacked a clerk with an ax early on March 13th.

Investigators said the shooting happened at the store in White Center at approximately 5:45 a.m. local time. Witnesses said the man entered the store and swung a hatchet toward the customer before turning his attention to the clerk.

As the assailant attacked, the customer pulled out a pistol and fired, hitting the suspect. The clerk suffered minor injuries to his stomach and the suspect was pronounced dead at the scene.

The customer who shot the suspect is described as a 60-year-old Seattle man who visits the store every morning to get coffee. His name was not immediately released.

Authorities said the man who shot the attacker had a concealed carry permit and likely would not face charges as a result of his action.

"This could have been a lot worse," King County Sheriff's Sergeant Cindi West told KCPQ. "The clerk could be the one laying there dead on the floor right now."

The motive for the assault was not clear. Investigators said the ax-wielding man remained silent throughout the assault. The assailant's identity was not immediately revealed, and authorities described him only as a man in his 40s.

US~Observer's Note: The anti-2nd Amendment group probably thinks the man who justifiably used his weapon should be imprisoned. We here at the US~Observer think he should get a medal.

★★★

But who will bell the cat?

By Edward Kroll

If I were to say, "The machinery of state criminal justice systems is disproportionally controlled by district attorneys," I doubt I would get much disagreement from the defense community. Unfortunately, the general public probably doesn't fully understand the power of prosecutors. But, that tide may be changing. Recently, conservative New York Times columnist David Brooks wrote a piece on solving America's destructive policies of mass incarceration. He took inspiration from John Pfaff of Fordham Law School, whom Brooks found to be "wonderfully objective, non-ideological and data-driven." In looking at all the factors that contribute to mass incarceration, it wasn't harsh laws but rather the prosecutors that drove it.

Pfaff suggests that prosecutors have become more aggressive in bringing felony charges. Twenty years ago they brought felony charges against one in three arrestees, but now it's around two in three. Why? Per Professor Pfaff, the prosecution function is political, and they want to show toughness to raise their profile as they look to get reelected or move to higher office.

Interestingly, it appears that the United States is the only country that elects its prosecutors. Further, says Pfaff, prosecutors are paid by the county and prisons are run by the state, so the financial burden of what prosecutors do (at least in terms of felony incarceration) is not theirs to bear. But it is difficult to prove these theories since "the prosecutorial world is largely a black box." With a decentralized system of elected prosecutors, changing this behavior is our Everest.

In Oregon, district attorneys and the ODAA are the single greatest barriers to state-level sentencing reform. For definitive proof you need only look at the 2013 bipartisan effort to reform Oregon's sentencing laws. From that "blue ribbon" commission came a fairly comprehensive set of reforms that was supported by virtually all players in the justice system, except one. The prosecutors.

In the spectrum of elected officials, DAs are simply the most powerful, especially when it involves criminal justice policy. Knowing that, you might reason that there would be quite a scramble to land one of these jobs. Yet there are few contested elections for DA positions, and voters and the press generally pay little attention to the office. Most DAs choose to step down in the middle of their term, with their hand-picked successor waiting in the wings. The successor puts in for the appointment, and with no other candidates, the Governor's office must de facto make the appointment.

Is it tough to put yourself in the spotlight and challenge a DA? You bet. But doing so could lead to real change in culture and policy.

Without involvement from voters, community organizations, opinion leaders or the media, the immense power that DAs wield goes unchecked. And this power is generally in the hands of white males. When you look around Oregon you see little in the way of ethnic and gender diversity and less in the way of public scrutiny.

What appeared to be a contested election in Multnomah County a few years back fizzled. Well-respected DA Mike Schrunk decided to retire, but instead of stepping down mid-term he chose to let the citizens of Multnomah County have their say in his replacement. Three candidates declared—Sean Riddell, formerly of that office and the DOJ; Rod Underhill, the then-current chief deputy; and Kellie Johnson, then a senior prosecutor then in that office. The first two candidates are white males. Due to many issues that need not be rehashed here, Mr. Riddell dropped out of the race. Ms. Johnson soon followed, leaving Mr. Underhill as the last one standing. Thus, there was no contest, no debate, and no public examination of the district attorney's roles, policies and practices.

So, what's the point? The point is that the defense bar is in the best position to challenge the "black box" and to shine a public light on the negative impact of DA policies. It should be our job to make sure the media is asking the right questions: "What do you think is the most effective way to deal with low-level drug offenders? Would the exorbitant cost of prison and jails impact your charging and plea bargaining policies? Are you aware of racial disparities in drug law enforcement? What would you do to minimize these disparities? How would you handle the fatal use of force involving the police? What would you do to reduce the number of juveniles brought into the criminal justice system?"

Why not take it a step further? Consider running for district attorney or make yourself available for consideration for appointment. Frequently, DAs leave office before their term ends. Sometimes it is unplanned and sometimes it is a strategically planned departure made in the hopes of moving an "heir apparent" into office. In any case, defense lawyer participation can help focus the policy discussion and improve accountability.

Of course, discussing this idea reminds me of the old Aesop's Fable of belling the cat. All the mice agreed that putting a bell on the cat was a necessity, but none were able to do so.

Is it tough to put yourself in the spotlight and challenge a DA? You bet. But doing so could lead to real change in culture and policy. Maybe you are not ready to take the challenge but can think of someone who is. Talk it up in your county. Identifying and recruiting viable and committed candidates is the first, and maybe toughest, step. There are a number of former prosecutors in our ranks.

Make no mistake – the DAs are well funded and politically connected. But we can be too. Make it a point to introduce yourself to political leaders and the Governor's office. Talk to OCDLA–PAC chairman David McDonald. Money is a vital ingredient of the political process, and he reports a significant uptick in donations and participation. DA's or heirs apparent typically draw strong support from law enforcement agencies as well, but in at least some areas, those agencies themselves are losing the public's trust.

Challenging DAs and fostering change is not impossible. Most recently, former public defender and OCDLA lobbyist John Hummel challenged a sitting DA in Deschutes County and won. DA Hummel has taken a leadership role regarding the recent OSP crime lab irregularities; his previous defense experience is tempering the conversation.

It takes planning, focus, discipline and smart-on-crime messaging to effectively campaign for a DA seat. And it will take more than one new voice and one new perspective to change a culture. But, change can be made and defense lawyers can play a big role. Just think about it.

OCDLA Board President Ed Kroll practices law in Hillsboro. This article first appeared in the November-December 2015 issue of The Oregon Defense Attorney journal. ★★★

Due Process is Dead: A Staggering 95% of All Inmates in America Have Never Received a Trial

By Claire Bernish

(Free Thought Project) - In the Land of the Free, one-quarter of the entire planet's prison population, some 2.2 million people, currently languish behind bars; yet, an astonishing number of them — around 2 million — have never been to trial. Indeed, these figures categorically debunk the notion the criminal justice system in the United States maintains any semblance of its formation's original intent: to ensure the guilty suffer punishment befitting their crimes, while the innocent avoid false conviction.

As the fundamental basis for the justice system in the United States, the Sixth Amendment states: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

Justice, as an untold — though no doubt, appalling — number can attest, has been utterly abandoned for the interests of the careless expedience, apathetic convenience, and unabashed profiteering of the U.S. prison-industrial machine.

"The reality is that almost no one who is imprisoned in America has gotten a trial," explains award-winning journalist, Chris Hedges, in a recent Truthdig column. "There is rarely an impartial investigation. A staggering 97 percent of all federal cases and 95 percent of all state felony cases are resolved through plea bargaining." Of those millions who bargained away their right to a trial by accepting plea deals, "significant percentages of them are innocent."

Plea bargaining failed in its attempt to facilitate pragmatic justice seen in earlier courts, before the advent of the "adversary system and the related development of the law of evidence," as John H. Langein once described. After the Civil War, as Judge Jed S. Rakoff explained in the New York Review of Books, rising crime and immigration rates began to burden the system and plea bargains offered an acceptable solution. In other words, court proceedings were at one time swift and simple, and though such expediency might have seemed a desirable quality in the past, the incontrovertible reality at present is a system wholly focused on speed at the expense of the necessary — in fact, imperative — assumption of innocence of the accused.

Indeed, for incontrovertible proof the court system no longer functions for the people — neither in its capacity to protect the public from the actual criminals, nor in its ostensible assurances no innocent person will be punished unfairly — take even a cursory glance at the trial system. Plea bargains have actualized a replacement of justice with a farcical, well-oiled machine of incarceration. "In actuality," as Rakoff described,

Of all federal criminal cases, "fewer than 3 percent went to trial. The plea bargains largely determined the sentences imposed."

Plea deals are presented to defendants as a way to escape the near certainty of a heavy-handed sentence should they be found guilty by a jury at trial — because defense attorneys' and prosecutors' most pressing goal is to prevent a trial in the first place. "Once you are charged in America," Hedges said, "whether you did the crime or not, you are almost always found guilty."

"our criminal justice system is almost exclusively a system of plea bargaining, negotiated behind closed doors and with no judicial oversight. The outcome is very largely determined by the prosecutor alone."

In part, such 'unconditional guilt' begat the need for The Innocence Project — "a national litigation and public policy organization dedicated to exonerating wrongfully convicted individuals through DNA testing and reforming the criminal justice system to prevent future injustice." Since 1989, there have been 337 DNA-related exonerations with individuals having served a combined total of around 4,606 unjustified years — an average of 14 years, each, before being freed. Of those 337 cases, 31 individuals, who had served over 150 combined years, "pled guilty to crimes they didn't commit — usually seeking to avoid the potential for a long sentence (or a death sentence)," states The Innocence Project's website.

"If all of the accused went to trial, the judicial system, which is designed around plea agreements, would collapse. And this is why trial sentences are horrific. It is why public attorneys routinely urge their clients to accept a plea arrangement. Trials are a flashing red light to the accused: DO NOT DO THIS. It is the inversion of justice." Of the students he teaches in prison, those "who have the longest sentences are usually the ones who demanded a trial."

While the rich and powerful, especially those associated with corporations and banks, are able to escape significant punishment — even when their crimes affect millions of people, such as those complicit in the 2008 financial crash — the poor, whether guilty or not, fall victim to this slanted system. As Hedges summarized:

"If you are poor, you will be railroaded in an assembly-line production, from a town or city where there are no jobs, through the police stations, county jails and courts directly into prison. And if you are poor, because you don't have any money for adequate legal defense, you will serve sentences that are decades longer than those for equivalent crimes anywhere else in the industrialized world … Being poor has become a crime. And this makes mass incarceration the most pressing civil rights issue of our era." ★★★

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*

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VINDICATED

over 4,400 cases to-date. Here are a few:

Chris Hoover — **Charge: Sex Abuse**

Status: Dismissed

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

Al Perelstein — **Victim: Investment Scam**

Status: Compensated

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

Sierra Brownlow — **Charge: Assault**

Status: Dismissed

"Thankfully, my Dad found the US~Observer."

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

Status: Dismissed

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

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

Status: Dismissed

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

Kevin Driscoll — **Charges: Felony Rape**

Status: Acquitted

"The US~Observer fought and won my freedom, and cost the District Attorney and Prosecutor their jobs."

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