Promoting Excellence in Investigative Journalism

US OBSERVER
Vindicating the Innocent

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FALSE ALLEGATIONS

Another Innocent Man Targeted by D.A. Ron Brown

By Edward Snook
Editor-in-Chief

Astoria, OR – For the majority of his life, 44-year-old Justin Simonson has been a resident of Clatsop County. He has always been on the right side of the law. That was until District Attorney Ron Brown (D.A.) crossed his path. Now, Simonson is facing over twenty years in prison for crimes centering around his Astoria property. It's a property which Simonson maintains D.A. Brown had shown interest in; wanting to procure it and convert it into a county-run training facility. According to Simonson, "The D.A., while prosecuting me for crimes I never committed, toured the property with a personal acquaintance of mine. I decided not accept the bid. I believe that decision has caused D.A. Brown to continue his false prosecution of

Justin Simonson

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INJUSTICE ALERT

District Attorney Ron Brown

"Most Evil Man in Clatsop County, Oregon"

Editor's Note: The nationally distributed US~Observer is dedicated to vindicating innocent men and women who are facing false criminal charges or who have been wrongly convicted. While the US~Observer prides itself on supporting good government, especially those who put their lives on the line to protect and serve, our investigations often uncover the bad apples in government – those who violate their oaths and turn away from the tenet of their positions. The US~Observer's only goal is to see that justice is served.

By Edward Snook
Editor-in-Chief

D.A. Ron Brown
Picture: © George Vetter

Clatsop County, OR – Over the past year the US~Observer has been investigating the case of Dave Samuelson. Our findings have uncovered more than enough evidence to prove Samuelson is innocent of the vindictively filed false charges - District Attorney (D.A.) Ron Brown is attempting to convict an innocent man. Our investigation has also uncovered other reports of abuse by Ron Brown in his official capacity.

Make no exception, Clatsop County D.A. Ron Brown is not trustworthy. He serves special interests, not the public. He is a self-serving attorney who places his vendettas above the law. Most assuredly, D.A. Brown does not seek justice as his oath requires him to.

DAVE SAMUELSON'S FALSE CHARGES

Dave Samuelson is 62 years old with no prior criminal convictions. He is a loving grandfather and has been well respected by parents and adored by students, who all know him as "Coach." The people of Jewell, Oregon believe in him and hope that

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Ex-Prosecutor and Police Chief Get Prison for Corruption

By US~Observer Staff

Honolulu, HI – A U.S. Judge has sentenced a once high-ranking prosecutor to 13-years in prison and her once police chief, ex-husband to 7-years in prison. The sentence was handed down to Katherine and Louis Kealoha on Monday, November 30.

Katherine and Louis Kealoha

According to the Associated Press, the ex-prosecutor "orchestrated a reverse mortgage scheme that forced her grandmother to sell her home, framed her uncle for stealing the Kealohas' home mailbox, stole money from children whose trusts she controlled as a lawyer, cheated her uncle out of his life savings, convinced her firefighter lover to lie about their affair and used her position as a prosecutor to turn a drug investigation away from her doctor brother."

The Kealoha's were once a respected power couple. During sentencing, U.S. District Judge Michael Seabright had some powerful words for the estranged couple. While Katherine was the mastermind, Judge Seabright told Louis, "you did master the

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IRS Relies on Fraudulent Evidence to Collect Fines and Taxes

By Ron Lee
Investigative Journalist

Michael Quiel and his former business partner Stephen Kerr were wrongly convicted in 2013 when their own tax attorney Christopher Rusch (now known as Christian Reeves), IRS Agent Bradly, and Assistant United States Attorney (AUSA) Monica Edelstein created evidence through false testimony during Quiel and Kerr's trial. This evidence was designed to not only secure a conviction but to also give the IRS the ability to eventually take a second bite from the pair and collect fallacious and exorbitant fines.

Michael Quiel

Quiel and Kerr's false conviction in 2013 was for the crime of willfully filing false tax returns; Kerr was also found guilty of failure to file Foreign Bank Account Report (FBAR) forms. In utterly every case of tax fraud, the defendant owes a tax debt. However, at Quiel and Kerr's sentencing hearing, US Federal Judge Teilborg ruled that the Government failed to prove any tax due, stating, *"...the Government has failed to carry its burden of proof by a preponderance of the evidence, much less by clear and convincing evidence, that the tax loss exceeds zero."*

That's right, they owed ZERO in taxes. Why then would these men have committed a tax crime if there was no tax to be owed? And how could Judge Teilborg sentence these men to prison after finding they owed absolutely nothing? But, Teilborg did.

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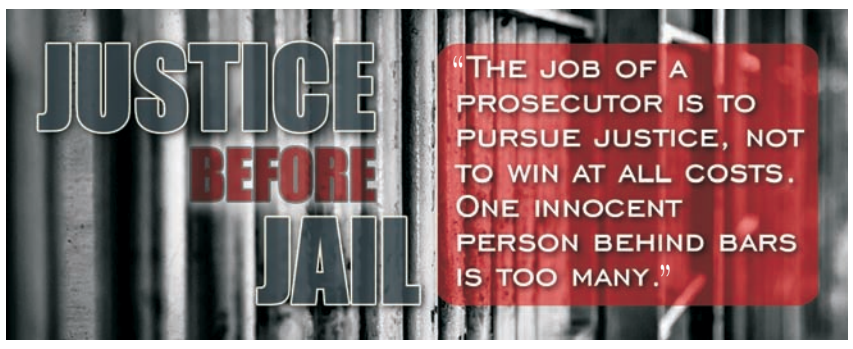
Contact Edward Snook at 541-474-7885 or send an email to editor@usobserver.com. ★

Pro-reform prosecutors need to fix mistakes of their predecessors



By Miriam Aroni Krinsky and Barry Scheck

(Davis Vanguard) - Against the backdrop of protests against racial injustice and the Covid-19 crisis playing out in our prisons and jails, criminal justice reform was on the ballot in a big way this year. And Americans made clear on Election Day that they are ready for change.

Nowhere is this more evident than in the field of prosecution, where reform-minded candidates ousted long-serving incumbents, won in both red and blue states and made gains in every region of the country. Dozens of these pro-reform prosecutors prevailed in places like Travis County, Texas; Los Angeles County; Orlando, Florida; and Pima, Arizona, on platforms that emphasized the need to stop criminalizing drug

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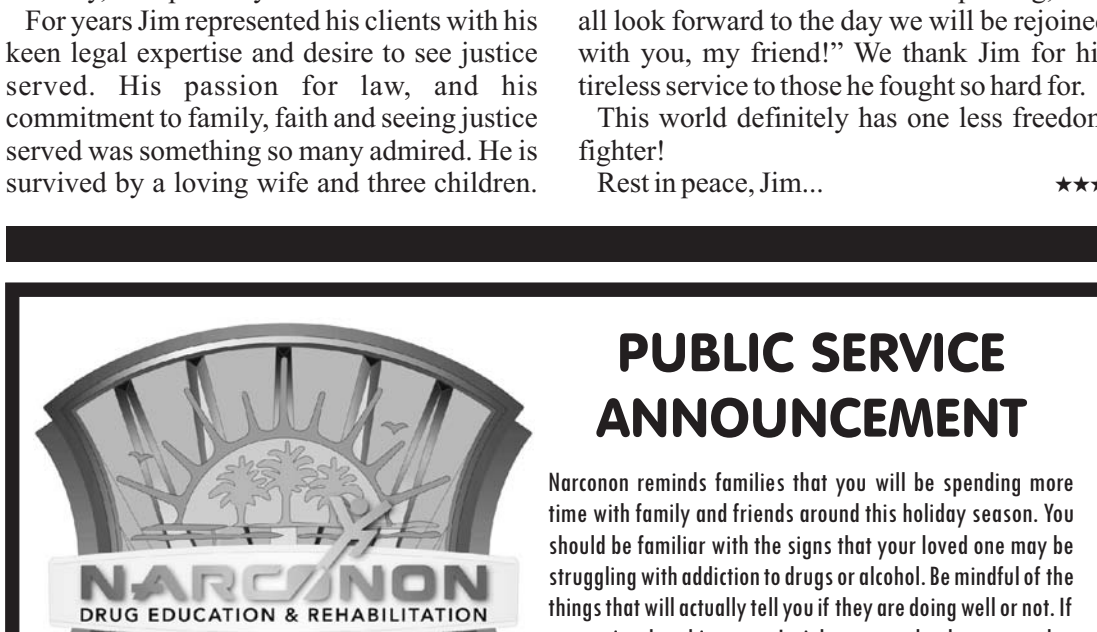
The Loss of a Freedom Fighter
Tribute to James Leuenberger



May 13, 1957 - December 2, 2020

December 2, 2020 is a day the US~Observer will never forget. Our long-time friend James (Jim) Leuenberger, a superior defense attorney, unexpectedly left this world.

For years Jim represented his clients with his keen legal expertise and desire to see justice served. His passion for law, and his commitment to family, faith and seeing justice served was something so many admired. He is survived by a loving wife and three children. Jim also left behind a handful of cases, many of which have upcoming trial dates.

Edward Snook, Editor-in-Chief of the US~Observer commented on his passing, "We all look forward to the day we will be rejoined with you, my friend!" We thank Jim for his tireless service to those he fought so hard for.

This world definitely has one less freedom fighter!

Rest in peace, Jim...

★★★

Continued from page 1 • Pro-reform prosecutors need to fix mistakes ...

use, invest in alternatives to incarceration, address racial disparities in the justice system, enhance police accountability and provide widespread transparency into prosecutorial decisions.

As this wave of new leadership enters office, those elected must remember that they have not just been entrusted to prevent future harm — they must also work to undo the damage their offices have already done. That begins by identifying wrongful convictions stemming from bad science, bias or misconduct by police or their own predecessors, and then moving to exonerate those affected.

At least 2,691 people have been exonerated since 1989 after serving more than 24,350 combined years behind bars — decades lost to incarceration for crimes they did not commit. While the time can be measured, the sacrifices and losses for the exonerees, their families and their communities are incalculable. And there are likely hundreds more innocent people in prison cells across the country.

Rate of Concealing Exculpatory Evidence, by Crime

Murder (908)	61%
Child Sex Abuse (270)	27%
Sexual Assault (320)	32%
Robbery (122)	28%
Other Violent Crimes (270)	44%
Felonious Assault (82)	*54%*
Attempted Murder (50)	*40%*
Manslaughter (45)	*42%*
Drug Crimes (317)	37%
White-collar Crimes (63)	46%
Other Non-Violent Crimes (130)	28%
ALL CRIMES (2,400)	44%

Table: Government Misconduct and Convicting the Innocent
NATIONAL REGISTRY OF EXONERATIONS
September 1, 2020

It is prosecutors who often determine whether an innocent person ends up — or stays — behind bars. Since an estimated 95 percent of cases are decided through plea bargains, prosecutors (not juries) frequently control the final outcome. In many cases, they even convince innocent defendants to plead guilty by threatening to recommend draconian sentences against those who choose to go to trial. When cases do go to trial, prosecutors decide which charges to file, witnesses to call, evidence to introduce and sentences to request.

A September report from the National Registry of Exonerations, which tracks wrongful convictions, found that prosecutorial misconduct, including concealed exculpatory evidence and witnesses allowed to perjure themselves, played a role in 30 percent of cases from 1989 to 2019 that later resulted in exonerations.

Prosecutors can start to turn this tide by preventing the kind of misconduct that can lead to wrongful convictions. They should enforce protocols around disclosure of evidence, dismiss charges tainted by misconduct like coercive interrogations or concealed evidence, and prosecute law enforcement officials who engage in things like witness intimidation or obstruction of justice.

Prosecutors must also safeguard against flawed forensic science, which often plays a role in wrongful convictions. For example, prosecutors regularly seek and defend convictions based on the testimony of experts who claim to identify culprits through bite marks left on victims, even though a recent study found these so-called experts cannot reliably distinguish bite marks from regular bruises. Or they explain a crime scene by analyzing bloodstain patterns, even though some of the techniques used to do so have been repeatedly discredited. It's on prosecutors to prevent bad science from reaching the courtroom in the first place.

Beyond preventing wrongful convictions, prosecutors have a duty to affirmatively identify and correct past misconduct. That's why reform-minded prosecutors across the country are establishing Conviction Integrity Units that work cooperatively with defense attorneys and innocence organizations focused on overturning wrongful convictions, like the Innocence Project, to determine whether prior convictions were, in fact, miscarriages of justice.

So far, 65 jurisdictions have such units, 28 of which were created since 2018 — and their work has already had a significant impact. In Hillsborough County, Florida, for example, a Conviction Review Unit in the State Attorney's Office — in partnership with the Innocence Project — led to the exoneration of Robert DuBoise. He had been convicted based on limited evidence, including bite mark analysis, and the testimony of a jailhouse informant — a category of witness whose credibility is inherently suspect as they often receive deals on their own cases in exchange for their testimony. DuBoise was exonerated using newly discovered DNA evidence that was thought to have been destroyed.

But it is not enough to correct injustices as they arise; prosecutors have an obligation to proactively identify past injustices, especially given advances in forensic science and technology. In light of the gross miscarriage of justice in DuBoise's case, the State Attorney's Office and the Innocence Project are collaborating to review all past cases that relied on bite mark evidence as a key factor in identifying a defendant at trial. This is the first audit of bite mark cases to be initiated by a prosecutor's office. Similarly, a number of other reform-minded prosecutors are systematically revisiting past sentences that are plainly excessive given current standards and the rehabilitation of the people convicted.

When addressing these wrongful convictions, it's important that prosecutors look beyond felonies. Misdemeanors make up 80 percent of criminal convictions but just 4 percent of exonerations. Individuals convicted of lower-level crimes simply don't have the resources, time or access to post-conviction counsel to address miscarriages of justice in these cases. Yet given the immense collateral consequences of having a criminal record, and the high volume of misdemeanor cases that can mask systemic problems if not reviewed, review units must examine these cases, too.

At a moment of national reckoning on racial injustice, reviewing past convictions is also critical to addressing the criminal legal system's pervasive racial disparities. Sixty percent of the 375 people exonerated around the country by DNA evidence since 1989 were Black. In murder and drug cases, Black exonerees were much more likely to be the victims of official government misconduct, most strikingly in death sentence cases, where 87 percent of cases involving Black exonerees involved misconduct compared to 68 percent for white exonerees. At a time when trust in law enforcement is at an all-time low, repairing community trust by addressing wrongful convictions is more important than ever.

The job of a prosecutor is to pursue justice, not to win at all costs. One innocent person behind bars is too many. Prosecutors must do better, learn from the mistakes that have already been made and ensure that future lives are not lost to systemic failures.

Miriam Aroni Krinsky is the executive director of Fair and Just Prosecution and a former federal prosecutor. Barry Scheck is the co-founder of the Innocence Project and a professor at the Benjamin N. Cardozo School of Law at Yeshiva University.

★★★

Tennessee man freed after nearly 15 years in prison for wrongful murder conviction

By Stefan Sykes

(NBC NEWS) - A Nashville man walked free this week after serving nearly 15 years of a lifetime sentence for a 1998 murder for which he was wrongfully convicted.

Joseph Webster, 41, was released from Davidson County jail Tuesday night and reunited with his mother, sons and other family members after the state approved a petition to overturn his murder conviction.

"Oh God is good, Joseph! You home baby. Oh Lord have mercy," Webster's mother said while embracing her son, video from NBC News affiliate WSMV in Nashville showed.

Webster's exoneration is the first in Nashville since the county's conviction review unit was established in 2016, said Webster's lawyer, Daniel Horwitz.

"Mr. Webster was the first person to apply for review from the Davidson County District Attorney's Conviction Review Unit," Horwitz said Friday. "That unit — and its processes and personnel — evolved in large part because of issues and problems identified during this case."

Webster stood trial in 2006 for first-degree murder in the 1998 slaying of Leroy Owens, according to court documents. Within hours of starting deliberations, the jury found Webster guilty, in part because of witness testimony that identified him as the killer, and was sentenced to life in prison.

But a decade later, the new unit designed to review cases that may have ended in wrongful convictions found critical flaws in Webster's trial. At the same time, Horwitz and his team started their own investigation.

Four years later, after new evidence and witness testimony was found, the district attorney's office announced it "no longer has confidence in the conviction of Mr. Webster" and recommended to a judge that "Mr. Webster's conviction be vacated and the charges against him dismissed."

"Given the avalanche of new exonerating evidence that we were able to develop through a new investigation, I was confident that we would reach this point eventually," Horwitz said. "I didn't know when or how, and there were certainly many low points along the way, but ultimately I did expect that we'd get here, no matter how long it took."

Joseph Webster now and 15-years ago

In 1998, Owens was in a parking lot in downtown Nashville when two men in a white station wagon chased him down and bludgeoned him to death with a cinderblock, according to court documents. Witnesses said they believed the motive was a drug debt and identified two Black men as the assailants.

One was described as having a medium build and weighing roughly 160 pounds. A witness picked Webster from a photo lineup as that suspect. But Webster was roughly 300 pounds and had visibly gold teeth, a descriptor no witness recalled either man having.

When Webster enlisted the help of Horwitz in 2016, the witness had since recounted her testimony.

"At that point, the only witness who had ever identified him as one of the perpetrators had already recanted her testimony under oath multiple times and had obvious credibility problems," Horwitz said.

He also had the weapon used in Owen's murder tested for Webster's DNA, and none was found.

"It was very clear to me that the evidence against him was extremely weak, that the investigation into this murder had been sloppy and incomplete at best, and that this was a very serious innocence claim," Horwitz said.

Evidence presented in the wrongful conviction case included the finding that a relative of Webster's, Kenny Neal, had bragged about committing the murder, according to court documents.

"I'm so happy, I really don't know what to say," Webster told WSMV the night of his release. "The hard part is over with and now I've just got to deal with this part, and that's the best part of it."

One of Webster's sons told the station it was the first time he had seen his father outside of prison.

"Every time I've seen him, he's been behind bars," Joquan Webster said.

"He loves his family and he's missed them every single day he was incarcerated," Horwitz said about his newly freed client. "He went straight to his mother's house, had his first home-cooked meal — meatloaf, cornbread, turnip greens, macaroni and cheese — in almost two decades, and started making up for lost time with his mom and his kids."

He said Webster is working on getting his voting rights restored, taking a driver's test again and planning to start his own trucking business.★

After 25 Years in Prison, Ernest "Jaythan" Kendrick is Exonerated In Queens

By Ruby Chavez

(Davis Vanguard) QUEENS, NY- Ernest "Jaythan" Kendrick has spent 25 years, a quarter century, in prison trying to prove his innocence.

But Thursday, November 19, 2020, Judge Joseph Zayas brought Kendrick's fight to an end, vacating his conviction. Kendrick walked out of Queens County Supreme Court in NYC as a free man after 25 years.

Kendrick said, "I'm very, very happy today because I never thought this would happen, although I hope and wish that it would."

Kendrick had been trying to prove his innocence and served a 25 year sentence in the process, noting, "I've just known one thing for the last 25 years: I did not commit this crime…Nobody really understands what it is to be in prison when you are innocent and you know you're innocent and you're behind that wall."

Kendrick was exonerated for a 1995 murder conviction because of newly discovered witnesses and DNA evidence that supported his long-standing claim of innocence.

Kendrick began fighting for justice in November 1994. He was a postal worker on leave due to his disability, arrested for the murder of a 70-year-old woman, who was stabbed to death during a robbery at Ravenswood Houses. At the time, Kendrick was living at the same location.

Hours after the crime, the police locked in on the Army veteran, confirming him as the main suspect. Kendrick had no criminal record and the description given was based on a 10-year-old boy.

There were two witnesses that the prosecution used primary evidence to convict Kendrick. The child from the third-floor apartment who saw the crime. The other was a man who claimed he had not seen the attacker, but later changed his statement to corroborate law enforcement's theory that Kendrick was the criminal in this case.

Ernest "Jaythan" Kendrick then and now

Kendrick's Innocence Attorney, Susan Friedman, argued, "This is a textbook case of wrongful conviction exposing the worst flaws in our system—racial profiling, unduly suggestive identification procedures, and a lack of police accountability at very least."

There was no physical evidence linking to Kendrick to the crime, yet he was convicted and sentenced to 25 years-to-life for murder and another 8 to 25 years for robbery.

The 10-year-old witness was asked to identify the suspect in a lineup. The 10-year-old asked the police officer if the "real murderer" was going to be in the lineup. The detective did confirm that the suspect would be—this contributes to about 69 percent of misidentifications.

There are more than 375 wrongful convictions overturned by post-conviction DNA evidence in the U.S, due to mistaken eyewitness identification.

The adult witness had recanted the identification he made. He admitted "he never could identify the perpetrator's face."

Friedman vouches for Kendrick by explaining, "Mr. Kendrick has endured an unimaginable injustice for over 25 years. He has spent decades trying to right this wrong, but the system failed him at every step… thankfully, the new evidence in this case, including DNA, has provided overwhelming proof of Mr. Kendrick's innocence."

The Innocence Project and law firm WilmerHale collaborated with the Queens District Attorney's Office in the reinvestigation of Kendrick's case for the past eight months. This resulted in his exoneration on Thursday.

"A textbook example of how a terrible wrong can be made right," said Judge Zayas.

Judge Zayas said, "In your case, the miscarriage of justice, in my view, is monumental. And it took way, way too long to discover—and you, sir, deserve better than that."

Kendrick hopes "if anything can come from this, it's that somebody needs to figure out how we can stop innocent people from going behind that wall," he said. after serving 25 years as an innocent man. ★★★

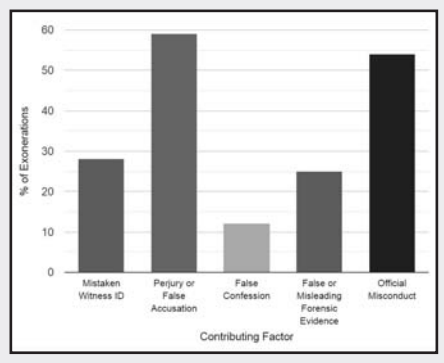
The National Registry of EXONERATIONS

The National Registry of Exonerations is a project of the Newkirk Center for Science & Society at University of California Irvine, the University of Michigan Law School and Michigan State University College of Law. It was founded in 2012 in conjunction with the Center on Wrongful Convictions at Northwestern University School of Law. The Registry provides detailed information about every known exoneration in the United States since 1989—cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence. The Registry also maintains a more limited database of known exonerations prior to 1989.

2,686
Exonerations since 1989

24,357
Years Lost - Total

9.1
Years Lost - Avg./Case



CONVICTION INTEGRITY UNITS

Several Conviction Integrity Units have accomplished a great deal in a short period of time, and there has certainly been an uptick in the number of prosecutor's offices that claim to have formed CIUs. It is still too soon to know whether this trend will produce a change in the way prosecutors operate generally.

LONGEST INCARCERATIONS

While the average time spent in prison for all of the exonerees in the National Registry of Exonerations is just under nine years, there have been some prisoners who spent an extraordinary amount of time imprisoned for crimes they did not commit. The Registry calculates prison time from the date of conviction. Therefore, our calculations exclude time spent incarcerated prior to conviction.

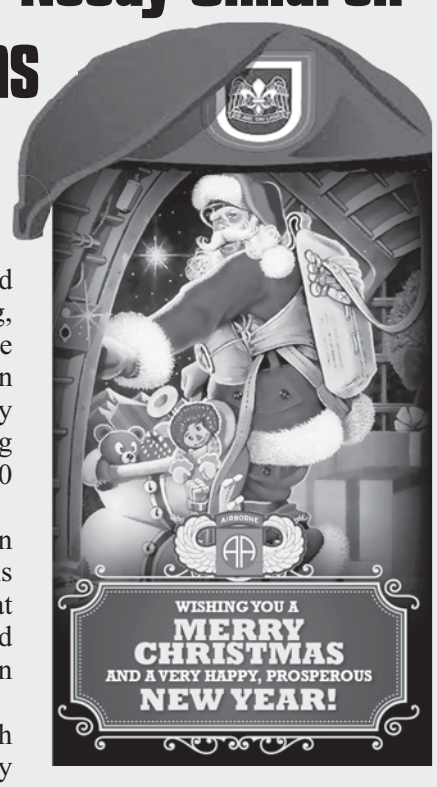
There were 177 exonerees who spent more than 25-years in prison each.

One way to end the need for exonerations is to stop convicting the innocent. ★★★

In The News

GOOD TIDINGS!

Paratroopers Donate Over 1,500 Toys to Needy Children for Christmas



By Daniel Villarreal

(MSN) - On Wednesday and Thursday, over 1,000 paratroopers from the 82nd Airborne Division of Fort Bragg, North Carolina took part in the second annual All-American Presents from Paratroopers toy drive (A2P2), donating anywhere from 1,500 to 2,000 toys to local children in need.

The event was held in partnership with the Travis Mills Foundation, an organization that treats families of wounded military veterans to vacation getaways in Maine.

By donating a toy, each paratrooper was automatically entered into a special raffle to participate in a parachute jump with a member of the Chilean military. Roughly 600 of the paratroopers won the prize, earning a special foreign patch for their uniforms for their effort.

The foundation plans to give the toys to different organizations throughout the state including the Fort Bragg

USO, the North Carolina Children's Home Society, the Armed Services YMCA, the Cumberland County Sheriff's Department and the Fayetteville Urban Ministry, the publication stated.

To qualify for the special jump, soldiers had to be assigned to an airborne unit and on active jump status, though active officers in the North Carolina National Guard and Army Reserve were also eligible to join, the Army Times reported.

The paratroopers did helicopter jumps for one day and cargo plane jumps for another into two designated drop zones. The vehicles operated at reduced capacity and all participants wore masks to help reduce the possibility of a COVID-19 outbreak.

Newsweek contacted the Travis Mills Foundation for comment.

The Travis Mills Foundation isn't the only state organization donating to North Carolinian children in need during the holidays.

The North Carolina Community Action Association, a group dedicated to helping impoverished families throughout the state, is holding a 12-days of Christmas challenge so that it may distribute presents and food boxes to families in need. The care packages average about $15 per individual and $100 per family.

North Carolina ranks 11th among U.S. states with the highest rates of childhood poverty, according to the U.S. Census Bureau. The data showed that children in the state experience poverty at a rate of 21.2 percent, and children in rural counties and the state's Eastern region were more likely to live in poverty.

An estimated 43 percent of all children in North Carolina live in poor or low-income homes, according to NC Child, a state child advocacy organization. The organization has reported that childhood poverty increases a child's chances for reduced success in school, more exposure to violence, hunger, abuse and neglect and parents caught in the judicial system. ★★★

Police Officers Purchase New Wheelchair for Man in Need

(MSN) Carrollton, TX - A Carrollton police officer's act of kindness over the weekend was captured on body camera video, police said.

According to the Carrollton Police Department, during a routine audit of body camera videos, officers stumbled across a welfare concern call on Saturday.

Police said the callers had reported that a homeless man's wheelchair had broken down and left him stranded.

One of the officers who responded to the call took it upon himself to purchase a new wheelchair for the man from a local pharmacy.

He brought the new wheelchair to the man in need and gave it to him for free. ★★★

ISIS Terrorist Released by Feds in Oregon Town after Grand Jury Indictment

(Judicial Watch) - An ISIS terrorist indicted by a federal grand jury for providing material support to the militant Islamist group has been released by federal authorities in Oregon. Even for the famously liberal west coast it may seem unbelievable, especially since a Republican appointee heads the Department of Justice (DOJ), the agency that made the bizarre decision. The defendant is Hawazen Sameer Mothafar, a 31-year-old U.S. resident charged with two counts of conspiracy to provide material support to a designated terrorist organization and one count of providing and attempting to provide material support to a designated foreign terrorist organization, in violation of Title 18, United States Code, Section 2339B(a)(1). Mothafar has also been charged with making false statements—denying his terrorist ties—in an immigration application and one count of false statement to a government agency.

Hawazen Sameer Mothafar

Since 2015 up until his arrest just days ago Mothafar conspired with ISIS, according to the nine-page indictment issued this month. He produced and distributed ISIS propaganda and recruiting materials created and edited in coordination with the terrorist group's official media operatives overseas. This includes the production, editing and distribution of many publications and articles in a pro-ISIS online media organization. Among his writings is a piece titled "Effective Stabbing Techniques," which provides detailed guidance on the best way to kill and maim a target during a knife attack. Mothafar also published a tutorial in an Arabic publication titled "How Does a Detonator Work," that explains in detail the use of explosive ignition devices. The same issue of the Arabic edition includes info graphics containing a picture of the Eiffel Tower in Paris and Statute of Liberty in New York on fire with a caption indicating that they will soon be attacked. Another one of Mothafar's propagandas encourages readers to carry out attacks in their home countries if traveling overseas to fight is not possible.

Most of Mothafar's work has appeared in a terrorist online media conglomerate known as Al Dura'a al Sunni or Sunni Shield that circulates pro-ISIS propaganda in writing, via videos and graphics. Mothafar also moderated private chat groups for the jihadist media outlet and had regular contact with ISIS leaders overseas, according to federal prosecutors. Evidently, he served as the tech trouble shooter, providing high-level jihadists with technical support that includes opening social media and electronic mail accounts for official use. A senior ISIS official in custody in Iraq told investigators that it was Mothafar's job to provide ISIS "new accounts when we needed new accounts as soon as possible," the indictment states. In December 2019, Mothafar tried to acquire information involving piloting a drone carrying an object for Saleck Ould Cheikh Mohamedou, an Islamic extremist convicted for trying to assassinate Mohamed Ould Abdel Aziz, the former president of the northwest African nation of Mauritania. Mohamedou is currently incarcerated there for the failed attempt.

While Mothafar was busy furthering terrorist missions in his adopted land, he repeatedly lied in U.S. immigration documents and to federal officials by denying ties to terrorist organizations. "This defendant is a legal permanent resident of the United States who abandoned the country that took him in and instead pledged allegiance to ISIS and repeatedly and diligently promoted its violent objectives," said Oregon's top federal prosecutor, Billy J. Williams, in a statement released by the agency. "Our national security prosecutors and law enforcement partners will continue to ensure that those who threaten our country are prosecuted to the fullest extent of the law." The special agent in charge of the Federal Bureau of Investigation (FBI) in Oregon said Mothafar was a leading figure in the Islamic State's media network who tried to incite "lone actor" operators globally. "When it comes to cases like this one, a computer and a keyboard can be powerful weapons against enemies of the Islamic State," the special agent, Renn Cannon, added.

Mothafar pleaded not guilty during a recent court hearing and is scheduled to be tried early next year. Federal authorities released him to his home in Troutdale, a town of about 16,000 on the eastern edge of Portland, pending trial with restrictions on travel and use of electronic devices. They should have kept him in custody considering the severity of the charges. They did not because he "has physical disabilities and is confined to a wheelchair," according to the DOJ, so the government did not seek detention. ★★★

Phoenix Will Pay $3 Million Settlement After Police Shot a Man During a Noise Complaint

The Officers Are Still Employed

By Billy Binion

(Reason) - The Phoenix City Council on Wednesday unanimously agreed to pay $3 million to the family of Ryan Whitaker, who was shot and killed several months ago by police investigating a noise complaint and who did not receive immediate medical assistance after the incident.

Taxpayers will be footing the bill. Taxpayers are also footing the bill for the salaries of the cops—Officer Jeff Cooke, who pulled the trigger, and Officer John Ferragamo, who too was on the call—as they are both still employed by the Phoenix Police Department (PPD).

On May 21 of this year, Whitaker's upstairs neighbor called in a noise complaint: "I have a domestic dispute going on…and I can tell they're just at each other's throats down there," a man is heard saying on a 911 call. "I hear slamming of doors, and—I don't know, somebody could be getting thrown into a door for all I know, but I hear all kinds of banging."

They were playing Crash Bandicoot, a video game, according to Whitaker's girlfriend.

When the officers arrived at Whitaker's apartment, no noise can be heard coming from the unit—potentially an indication that the complainant exaggerated the perceived danger.

Whitaker answered the door with a firearm at his waist, which he legally owned, and can be seen in the body cam footage immediately getting on his knees in surrender. Cooke then shot him twice in the back.

In voting to approve the $3 million settlement, Phoenix City Councilman Sal DiCiccio zeroed in on what came next: "We don't know if he would have lived or not," he said, according to the local Fox affiliate, "but the fact of the matter is it showed a strong callousness from those individuals that were there to not immediately call for [medical] help." The outfit describes DiCiccio as "usually vocal on his support of law enforcement."

Ferragamo is back on patrol, while Cooke is reportedly in a non-enforcement position. No criminal charges have been filed against them.

The PPD has developed somewhat of a sordid track record of late. The city shelled out $475,000 to Dravon Ames and his family after police brandished their weapons and threatened to shoot him and his pregnant fiancée when their 4-year-old daughter shoplifted a Barbie from a Family Dollar store in May 2019. "I'm gonna put a fucking cap right in your fucking head!" a cop can be heard saying in video footage captured via a bystander. That same officer, Chris Meyer, is seen kicking Ames after he had been handcuffed, and the family's suit alleges the officer punched Ames "very hard in the back for no reason." Meyer has since been terminated.

And in August of this year, Ramon Lopez died after a group of cops pinned him down on hot asphalt for several minutes, streaking his back with what appear to be burns. He was reported for loitering in a parking lot, "sticking his tongue out," and "looking at people's cars."

All three instances provide a gruesome window into excessive force. But they also put forward an important lesson on the potential effects of overcriminalization – particularly in Whitaker's and Lopez's cases – where armed agents of the state are routinely relied upon not only to address violent crimes, but to investigate minor inconveniences. ★★★

Justice Department Asserts Unreviewable Discretion to Kill US Citizens

By Megan Mineiro

(CN) Washington - Drawing alarm at the D.C. Circuit, a lawyer for the United States argued Monday that the government has the power to kill its citizens without judicial oversight when state secrets are involved.

"Do you appreciate how extraordinary that proposition is?" U.S. Circuit Judge Patricia Millett asked Justice Department attorney Bradley Hinshelwood, paraphrasing his claim as giving the government the ability to "unilaterally decide to kill U.S. citizens."

The hearing before the federal appeals court came as the government fights to hold off allegations by two journalists who say it wrongly targeted them as terrorists in Syria.

One of the journalists, U.S. citizen Bilal Abdul Kareem, says his interviews with al-Qaida-linked militants landed him on the U.S. kill list. Just in June and August 2016, Kareem says, the U.S. government targeted him five times, including one drone strike involving a U.S.-made Hellfire missile.

Though the United States has not confirmed whether Kareem or his co-plaintiff, Ahmad Muaffaq Zaidan, pose any such threat, it has withheld information related to their case on the basis of national security.

Arguing only on the claims brought by Kareem, the Justice Department's Hinshelwood conceded Monday that a strike against a U.S. citizen is a serious undertaking. Where the judiciary can step in, he said, is in ensuring that the state-secrets privilege was appropriately applied.

But Kareem's attorney, Tara Jordan Plochocki, argued the government was radically expanding sovereignty, domestically and abroad, allowed under state-secrets privilege.

"Whether that's in a parking lot in the United States or abroad in Syria, the government has claimed — for the first time ever in this case — that it has unfettered and unreviewable discretion to kill US citizens at will," Plochocki said.

Shrugging off Kareem's claims as baseless speculation, the government argued the alleged airstrikes occurred at a time when Syria was wracked by civil war.

"In all of these circumstances, he's not even the only person present, much less is there anything to suggest that he's actually the target of any of these specific attacks," Hinshelwood said.

The three-judge panel took seriously the defense that bombs pummeled Syria in 2016 as the conflict between the Assad regime and rebel groups roared.

U.S. Circuit Judge Karen Henderson, a George H. W. Bush appointee, said she viewed it as a "spectacular delusion of grandeur" that Kareem claims a series of U.S. missiles were aimed at him.

Expressing looser skepticism, Millett followed up saying: "Like Judge Henderson, I remember the news." The two judges heard the case together with Chief U.S. Circuit Judge Sri Srinivasan, who like Millett is an Obama appointee.

While Plochocki did not dispute that cities like Aleppo and Idlib were subject to severe and routine bombings, she argued U.S. attacks on Syrian territory were not indiscriminate.

"These happened with eerie precisions," the attorney argued, referring to the five alleged strikes against her client.

She later claimed the government was arguing Kareem needed to "provide the make and model of the missiles fired at him."

"Of course, that's not a reasonable expectation," Plochocki said. Urging the D.C. Circuit to remand the case, she argued such evidence would come out in discovery if the state secrets privilege is lifted.

★★★

Court Mulls Police Immunity in Texas Journalist's Case

Journalist Priscilla "Lagordiloca" Villarreal - *Photo: Josh Huskin*

By Crime and Justice News

(The Crime Report) - Priscilla Villarreal, who calls herself "Crazy Fat Lady," is a familiar figure in Laredo, Texas. She practices a form of journalism she calls "News on the Move." In 2017, police arrested her for committing two felonies. She was charged, essentially, with committing journalism: She got information from the government and published it, writes columnist George Will. Now she is suing the city, charging that her arrest was retaliatory. Her case involves "qualified immunity" for police. Villarreal has used her cellphone and her Facebook page, with 170,000 followers, to livestream and comment on crime scenes, traffic accidents, immigration enforcement and police behavior. Three years ago, she received information from a government source, including the name of a federal law enforcement officer who committed suicide — information the police were legally required to release. An arrest warrant was issued against her for violating the Texas Misuse of Official Information Statute.

Many states have laws that punish public officials for the unauthorized sharing of official information. The Supreme Court in the 1971 Pentagon Papers case affirmed the First Amendment right to publish information even if obtained from a government source who violated a duty or law in dispensing it. A judge dismissed Villarreal's criminal case, holding the Texas statute unconstitutionally vague. When she sued Laredo and some officers over her arrest, a district court held that the officers were protected by qualified immunity. Villarreal is asking the U.S. Court of Appeals for the Fifth Circuit to hold that those responsible for her arrest either knew or are culpable for not knowing that the law she was accused of breaking by gathering news was unconstitutional. If the Fifth Circuit agrees to hear this case and rules for Villarreal and against qualified immunity for her persecutors, this will increase pressure on the Supreme Court to rethink such immunity.

★★★

Tens of thousands of nursing home residents died from neglect and 'despair' during pandemic

By Paul Sacca

(The Blaze) - Experts found that tens of thousands of people in nursing homes "have died from neglect and sorrow related to the pandemic," according to an eye-opening report from the Associated Press.

The report stated that there have been more than 97,000 residents of U.S. nursing homes who have died during the coronavirus pandemic. A nursing home expert analyzed 15,000 U.S. long-term care facilities and estimates that for every two coronavirus victims in nursing homes, there is a person who died prematurely of other causes.

The report stated that the "excess deaths" in nursing homes could total over 40,000 since March.

"Interviews with dozens of people across the country reveal swelling numbers of less clear-cut deaths that doctors believe have been fueled not by neglect but by a mental state plunged into despair by prolonged isolation listed on some death certificates as 'failure to thrive,'" the AP reported.

Nursing home watchdogs claim that they have been "flooded" with reports of nursing home inhabitants suffering from neglect, including people being "kept in soiled diapers so long their skin peeled off, left with bedsores that cut to the bone, and allowed to wither away in starvation or thirst."

The article featured several surviving family members of the victims who have died at long-term care facilities for alleged neglect.

Barbara Leak-Watkins' 87-year-old Army veteran father, Alex Leak, went for a check-up in February, where he reportedly "had gone so long without water his potassium levels rocketed and his kidneys started failing."

Leak-Watkins, who is from North Carolina, said her father served in the military and always stressed the need to stay hydrated.

"The facility is short-staffed ... underpaid and overworked," Leak-Watkins told the AP, adding that if the nursing home "can't provide you with liquids and fluids to hydrate yourself, there's something wrong."

According to his death certificate, Leak died two weeks later of lactic acidosis, a buildup of lactic acid that can cause liver and kidney damage, which can be fatal.

Donald Wallace, a 75-year-old living at a nursing home in Alabama, "became so malnourished and dehydrated that he dropped to 98 pounds and looked to his son like he'd been in a concentration camp." Wallace suffered from septic shock and had "E. coli in his body from his own feces."

"He couldn't even hold his head up straight because he had gotten so weak," his son, Kevin Amerson, said. "They stopped taking care of him. They abandoned him."

Stephen Kaye, a professor at the Institute on Health and Aging at the University of California, San Francisco, who conducted the analysis for the Associated Press, explained how the COVID-19 pandemic affected long-term care residents who weren't directly suffering from coronavirus.

"The healthcare system operates kind of on the edge, just on the margin, so that if there's a crisis, we can't cope," Kaye said. "There are not enough people to look after the nursing home residents."

The nursing home trade group, American Health Care Association, dismissed the AP report of tens of thousands of long-term care facility non-coronavirus fatalities as "speculation," adding that the "disturbing stories" are not widespread.

Former prosecutor arrested for public indecency... again

(WKRC) Cincinnati - A former Hamilton City Prosecutor fired for walking around naked in the government building has been arrested again. Scott Blauvelt is charged with public indecency.

Blauvelt was driving along I-275 through Colerain Township Monday when according to court papers, he exposed himself to a woman who thought she was being followed by Blauvelt. She called police who arrested Blauvelt later that day.

Blauvelt pleaded not guilty to the allegations in court Tuesday. A judge allowed him to get out of jail without posting bond.

Ex-prosecutor Scott Blauvelt

In 2006, Blauvelt was caught on surveillance camera walking around naked after hours. A charge of public indecency was dropped due to a technicality because no one saw Blauvelt in person.

At the time, his attorney blamed the behavior on a bad reaction to medication. During later court filings, his attorney said Blauvelt had a mental illness.

In October 2018, OSP arrested Blauvelt for OVI. The trooper who stopped Blauvelt said he was naked with pants covering his lap.

Blauvelt also pleaded guilty in 2019 to a public indecency charge in Lebanon. A judge suspended his 30-day sentence. ★

Kansas prosecutor induced perjury to convict mailman of murder

After 12 years he was exonerated - will the prosecutor be punished?

By Melinda Henneberger

(Kansas City Star) - We always say that actions have consequences, but that depends whose actions we're talking about.

Olin "Pete" Coones, for example, is a working man from Kansas City, Kansas. A mail carrier with five kids, one wife, no police record and zero connections or clout, Coones spent 12 years in prison after a jury found him guilty of murder. You know, because actions have consequences.

And now that the charges against 63-year-old Coones have finally been dropped? Now that a judge has found that the cops missed crucial evidence and the medical examiner got the autopsy wrong and worst of all, the prosecutor suborned perjury, suppressed exculpatory evidence and presented testimony that was "patently untrue," where are the consequences for those actions?

The prosecutor in the case, Ed Brancart, is not only still practicing and still prosecuting, but is now the senior deputy attorney general for the state of Kansas under Attorney General Derek Schmidt.

Ed Brancart

He puts away nursing and home health aides and other service providers for Medicaid fraud, for which Kansas paid him just over $92,000 last year. Brancart also serves on the board of trustees of the Kansas Prosecutors Foundation, which describes its mission as helping to "strengthen the criminal justice system for the benefit of the public and the integrity of professional prosecution services."

Only, suborning perjury — inducing someone to lie under oath — is a crime, too. It's to lawyers what plagiarism is to a journalist, or what falsifying research is to a scientist. It's not like a malpractice finding against a doctor, which is usually the result of a mistake. Because suborning perjury is not a mistake, nor is suppressing evidence. These acts are intentional.

When I asked Stan Hazlett, who heads the Kansas office that disciplines attorneys, the Office of the Disciplinary Administrator, where suborning perjury falls on the spectrum of seriousness among all of the allegations his office looks at, he let out a little laugh. Which is the appropriate reaction, because this is like asking a judge in a criminal court where homicide falls on the spectrum of stuff not to do.

"That would be really serious," Hazlett said, and is a "very uncommon" finding.

What Brancart did, according to Wyandotte County Judge Bill Klapper, in his decision last week vacating Coones' sentence, is coerce testimony from Robert Rupert, a jailhouse informant he knew to be unstable and knew to have a history of dishonesty.

"The state suborned perjury," Klapper said. And Brancart "failed to disclose the threats he made" to get the testimony that ultimately helped convict Coones.

POLICE 'SHOVED A SHOTGUN IN MY FACE'

Then working as a Wyandotte County prosecutor, Brancart knew Rupert had offered to testify in another case after he didn't get the deal he wanted in return for offering to testify against Coones — in a case in which there was no physical evidence implicating him.

Brancart also stole, though the judge did not say that. He stole 12 years from Coones, who wasn't there for his children's graduations or weddings, for the death of his biological dad or the birth of any of his six grandchildren, the oldest of whom is 11 now.

In fact, none but the youngest of his grandchildren even knew of his existence until recently. Because Coones never thought he'd be free again, he'd begged his children not to pass the weight of the knowledge of his conviction on to the next generation.

At exactly 7 a.m. on April 7, 2008, Coones was driving his youngest daughter, Melody, then a high school freshman, and her brother Ben, who was a senior that year, to meet their school bus when police pulled in front of his car. At first, he thought he was being carjacked when officers in plain clothes jumped out with guns. But then other officers arrived in squad cars and handcuffed Pete, Ben and Melody, who was wearing her cheerleading uniform that morning, in full view of every kid on that school bus.

"They shoved a shotgun in my face," Ben Coones, who is 29 now, said in an interview with most of their family. But terrified as he was, he was also keenly aware that "the school bus stopped at the end of the street and sat there for a few minutes."

They held not only his dad but him and his sister, too, in separate interrogation rooms for hours, without counsel and without letting their mother Dee know where they were.

When they did go back to school, and for years afterwards, with teachers most of all, they were "the killer's kids." Dee put them in a different school, but the stories and the stigma followed.

"It went on for years," says Quinn, who was little then and is 20 now, "with teachers, staff, students."

"And he had to be perfect in school," says Dee.

Even the one teacher who was nice to Ben, and was trying to talk him out of dropping out of school at 17 to help support his family, told him, "You don't want to let other people's actions define you." That she thought she knew what those actions were was almost as hard on him as the taunts and the taint.

His father's actions, as Ed Brancart almost had to have known, weren't at all as presented in court.

CAN AG DEREK SCHMIDT LET BRANCART CONTINUE?

So what are the consequences? No one at the Kansas attorney general's office has been willing to say a word, Brancart included, though Schmidt surely can't think his senior deputy can continue to represent him or the people of Kansas in a court of law, or even with his signature on a legal document.

A complaint has been filed with the Kansas Office of the Disciplinary Administrator, though Hazlett can't acknowledge even that much, because the whole process is confidential. After an investigation and hearings, the office could recommend disbarment.

Meanwhile, what of all the other cases Brancart touched, both as a prosecutor in Wyandotte County and for the state?

There have to be serious consequences for all that was stolen from Pete Coones, whose only previous brush with the law was the speeding ticket he got en route to his mom's house on Mother's Day in 1977.

There have to be repercussions for cheating Dee Coones out of the husband who calls her "the most beautiful girl in the world" and "my girl since we were 7 and met in 4-H." And for cheating his kids out of the kind of father who knows to be proudest that they "are all successful in their marriages. Except the youngest, and he's not old enough."

The fraud that Brancart sold to the jurors in the case against Coones is surely no less serious than the Medicaid fraud cases he tries.

According to an article in the Kansas City Star by Melinda Henneberger:

Evidence at the crime scene pointed away from Coones: There was no sign of a struggle at Kathy Schroll's home. When police arrived, they found the front door ajar. Inside, nothing showed that Coones had ever been there. The gun used to kill Schroll and her husband was Schroll's own weapon, and there was gunshot residue and blood spatter on her left hand.

The gun was found next to her body, on her left side, with only her fingerprints on it. The medical examiner who did the original autopsy now says she shot herself in the back of her head, at an angle.

Coones was at home that night, according to his wife and five children. Sometime between 2 and 2:30 a.m. on April 7, 2008, Coones got up and cut through the living room on his way to the bathroom and back. Don't stay up too late, he told his college-age daughter and her boyfriend, who was staying with them, too. And please, he told them, sleep in your own rooms, OK?

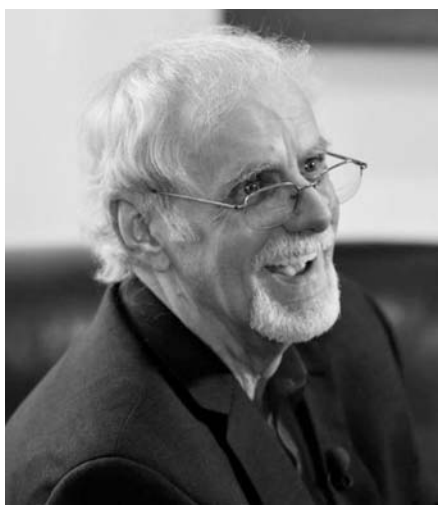
Authorities now believe, as they should have seen all along, that Kathy Schroll wasn't murdered at all, but killed her husband Carl and then herself, after framing Coones by calling her mother to say that Pete was in her house and was going to shoot them both.

CARETAKER STEALING FROM COONES' ELDERLY FATHER

Why? Coones had been suing to get his modest inheritance back from Schroll, who as a caretaker for his elderly father had helped herself to his bank account and made herself the beneficiary of his will.

At the time of her death, she was about to be busted for embezzling from the credit union where she worked. But the jury was never told that, and neither were Coones' lawyers.

They did know she had spent Olin Coones Sr.'s savings, but Brancart told the jury that police couldn't determine whether any crime had been committed, which was untrue. In fact, detectives had brought the case to the district attorney's office, and Brancart himself had declined to prosecute it.



Olin "Pete" Coones after his release

No physical evidence tied Coones to the deaths in Schroll's home, where there was no sign of a struggle or of forced entry. Both Kathy and Carl were shot with her own gun, which was found next to her body, on her left side, and there was gunshot residue and blood splatter on her left hand. Initially, detectives had correctly sized up the scene as a murder-suicide. Until, that is, they heard about the call to Kathy Schroll's mom at 2:21 a.m.

Less than five hours after that call, and two hours after first hearing Pete Coones' name, police stopped his kids from getting on the school bus. As they told Coones, who still wasn't as worried as he should have been, they knew they had their man. Detectives told them straight out that they wouldn't be looking any further, and that at least was true.

In the end, though, it was the testimony from Rupert, the jailhouse informant, who claimed that Coones had confessed to him during the one day they'd shared a cell, but who got almost all the details about the crime scene wrong, that put Coones away, at his second trial.

And if there are no consequences for the fact that, as Judge Klapper found last week, Brancart threatened Rupert with more jail time if he didn't go ahead and take the stand, well then what's to prevent other prosecutors from perverting the system that Pete Coones had always taught his kids they could believe in?

★★★

District Attorney arrested on ethics violation charges

From The Tribune staff reports

(Trussville Tribune) Montgomery, AL - The Lee County District Attorney is facing multiple ethics violation charges and was arrested on Sunday, Nov. 8, 2020.

Brandon Hughes, 46, of Auburn, was placed into the Lee County Detention Facility and was released after posting a $31,000 bond. The charges Hughes faces include five counts of using public position for personal gain, one count of conspiracy to commit theft and one count of perjury.

Brandon Hughes

"Hughes was indicted on five counts of violating the state ethics act for using his office for personal gain, including paying private attorneys with public funds to settle a matter that benefited himself and his wife," said Attorney General Steve Marshall's office. "Hughes was also charged with the illegal hiring of his three children to work for the Lee County District Attorney's Office. Finally, Hughes was charged with illegally using the authority of his office for his personal benefit by issuing a district attorney's subpoena to a private business to gather evidence for his defense to potential criminal charges."

In addition to the charges regarding violations of the state ethics act, Hughes was charged with conspiring to steal a pickup truck. That count of the indictment alleges that Hughes and others agreed to steal the truck from a business located in Chambers County and that they effectuated the plan by taking a Lee County search warrant into Chambers County and using it to force the business to release lawful possession of a 1985 Ford Ranger.

The final count of the indictment charged Hughes with first-degree perjury for providing false testimony under oath to the special grand jury.

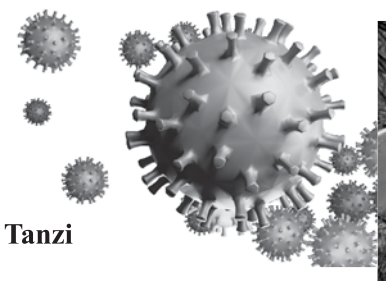
According to multiple reports, Hughes notified the Alabama Ethics Commission about possible violations in early 2020, but it is unknown if the charges are related to that report.

Hughes told the Opelika-Auburn News he will release a statement on Monday.

The five violations of the state ethics act charged in the indictment are Class B felonies, each punishable by two to 20 years in prison and a fine of up to $30,000. The charges of conspiracy to commit first-degree theft and first-degree perjury are Class C felonies, each punishable by one year and one day to 10 years in prison and a fine of up to $15,000.

★★★

Millions of Americans Expect to Lose Their Homes as Covid Rages



By Alex Tanzi

(Bloomberg) - Millions of Americans expect to face eviction by the end of this year, adding to the suffering inflicted by the coronavirus pandemic raging across the U.S.

About 5.8 million adults say they are somewhat to very likely to face eviction or foreclosure in the next two months, according to a survey completed Nov. 9 by the U.S. Census Bureau. That accounts for a third of the 17.8 million adults in households that are behind on rent or mortgage payments.

The CARES Act, signed into law last March, allows homeowners to pause mortgage payments for up to a year if they experience hardship as a result of the pandemic. Borrowers who signed up at the start of the program could face foreclosure by March.

The Centers for Disease Control and Prevention's nationwide temporary suspension on evictions -- aimed at stemming the spread of coronavirus -- is slated to end Dec. 31. The timing is far from ideal given millions of people are also set to lose their unemployment benefits at year-end without an extension from Congress.

Roughly half of households not current on their rent or mortgage payments in Arkansas, Florida and Nevada think there's a "strong chance" of eviction by early January. This equates to more than 750,000 homes where an eviction is the biggest worry, according to the survey.

By metro area, the threat of eviction is most pressing in New York City, Houston and Atlanta.

Coronavirus, which has killed more than 256,000 Americans so far, is on track to claim another 30,000 lives by mid-December, according to forecasts from the CDC. The model shows weekly cases and deaths both rising every week for the next month, the maximum range of the agency's projection.

President-elect Joe Biden in March expressed his support for rent freezes and eviction moratoriums due to the Covid-19 pandemic.

US~Observer Editor's Note: While President-elect Biden might be for rent freezes, he has been a proponent for continued shutdowns.

★★★

Appeals Court Rules, Cops Who Beat and Killed an Innocent Man Are Not Entitled to Qualified Immunity - But the Cops Who Watched Are

By Billy Binion

(Reason) - Two officers who beat and ultimately killed a schizophrenic man – who had been subdued and who had not committed a crime – are not entitled to qualified immunity and can thus be sued over the incident, the U.S. Court of Appeals for the 5th Circuit ruled last week.

The decision affirms the U.S. District Court for the Eastern District of Louisiana's ruling, which held that the pair violated Kendole Joseph's Fourth Amendment rights and used excessive force when they delivered 26 blunt-force blows to his face, back, chest, extremities, scrotum, and testes, resulting in his death two days later.

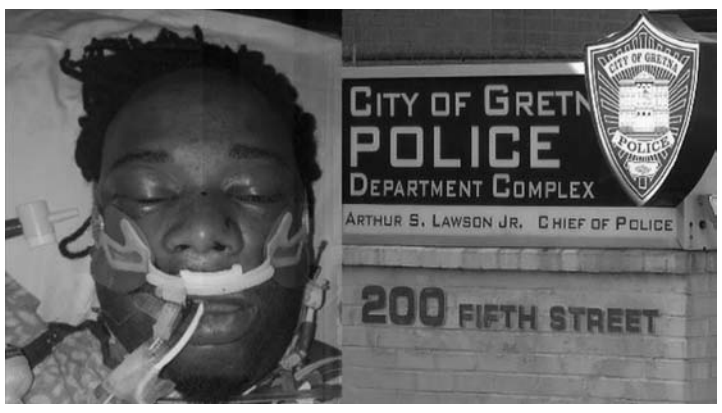
But while the 5th Circuit agreed that Joseph's rights were also violated by a group of bystander officers—who watched the beating, with some participating in ways stopping short of blunt-force—they granted them qualified immunity. The legal doctrine shields public officials from accountability when their misconduct and the associated circumstances have not been outlined almost exactly in a preexisting court decision, even in cases where the court agrees the plaintiff's constitutional rights were violated.

On February 7, 2017, the assistant principal at Gretna Middle School told Officers Thomas Thompson and Arthur Morvant, who work at the school, that a "strange guy," who was "nervous and shaky" and "not walking straight," was loitering outside the gate. After the two approached Joseph, they reported that he fled the area, yelling, "Help me from the police!" Morvant, who said it was clear Joseph may be "emotionally disturbed," alerted nearby officers that a "suspicious person" was on the move.

Officers Eddie Martin and Brandon Leduff heard Morvant's radio call and noticed Joseph shortly thereafter. They commanded that he come toward them; he instead ducked into a convenience store. The officers followed. By Martin's own admission, it did not appear that Joseph had a weapon on his person, nor did Joseph make any attempt to reach for one. Upon entering the store, they heard Joseph shouting, "Help me, help me, somebody call the cops" and "They're trying to kill me." Martin pointed his gun at Joseph and ordered him to get on the ground, at which point Joseph jumped over the convenience store counter and assumed the fetal position, face-down.

Martin then put most of his 300-pound body weight on Joseph and tased him for 11 seconds, demanding he put his hands behind his back. How he could have complied while Martin was on top of him remains unclear. Nine other cops – as well as Thompson and Morvant – would go on to join Martin and Leduff in the convenience store, all to apprehend a man who didn't pose a threat and who wasn't suspected of committing a crime.

Over the next several minutes, Martin beat Joseph with a baton, punched him in the face several times, and tased him again. Officer Duston Costa, one of the additional cops on the scene, kicked Joseph 12 or 13 times and punched him in the head repeatedly. The remaining officers, who had been



Kendole Joseph before he died

observing and offering varying levels of assistance, helped handcuff Joseph and place him in leg shackles before carrying him to a patrol car.

During the struggle, Joseph made a variety of pleas. He asked for someone to call "the real police." He assured the group that he "[did] not have a weapon." He called out for his mother.

Joseph, who had been experiencing a psychotic episode related to his schizophrenia, later died at a nearby hospital from his injuries.

"Though Joseph was not suspected of committing any crime, was in the fetal position, and was not actively resisting," writes Circuit Judge Don R. Willett, "Officers Martin and Costa inflicted twenty-six blunt-force injuries on Joseph and tased him twice, all while he pleaded for help and reiterated that he was not armed."

But as Willett reminds us, a clear constitutional infringement, as outlined here, is not sufficient to defeat a qualified immunity defense. Plaintiffs must show that the violation was "clearly established" in case law prior to the alleged offense—as if police officers are reviewing court precedents before going to work. The one exception: Defendants may lose qualified immunity protections absent relevant case law if their misconduct was so obviously unconstitutional that any "reasonable officer" would know. It was under the latter pretense that the district court denied Martin and Costa qualified immunity, though the 5th Circuit rejected that.

"The standard for obviousness is sky high," Willett notes, "and this case does not meet it." He instead highlights three court precedents—Newman v. Guedry (2012), Ramirez v. Martinez (2013), and Cooper v. Brown (2016)—which should have alerted Martin and Costa to the fact that beating a subdued man to his death violates the Fourth Amendment.

The cohort of bystander cops received qualified immunity after the plaintiffs failed to furnish a relevant court precedent. "We make no comment on whether Plaintiffs could have done so—the record in this case simply shows that they have not done so," says Willett. "The officers don't identify cases or make arguments either, but that is not their burden." That claim, he contends, likewise fails the obviousness test.

In combing through qualified immunity decisions, it would appear that the obviousness standard is indeed "sky high"—at least, as interpreted by the courts. Though there are several applicable examples, one is particularly instructive: Two cops received qualified immunity after allegedly stealing $225,000 while executing a search warrant. They "did not have clear notice that it violated the Fourth Amendment," wrote judges for the U.S. Court of Appeals for the 9th Circuit, as if stealing is not an obvious constitutional infringement. (Their opinion acknowledged that the officers "ought to have recognized that the alleged theft was morally wrong.")

According to Willett, the rigorousness of that standard is demanded by the Supreme Court, which, he says, "strictly enforces the requirement to identify an analogous case and explain the analogy." But it was the Supreme Court that, just three weeks prior, invoked the standard for obviousness when they reversed a lower court ruling granting qualified immunity.

The decision they struck down came from the 5th Circuit.

In that case, several prison guards originally received qualified immunity after locking a naked inmate in two filthy cells—one covered in "massive amounts" of human feces and the other with sewage on the floor. While the court conceded that the guards violated the man's Eighth Amendment rights, he was not afforded the right to sue because the amount of time he spent in those cells—six days—was not spelled out somewhere in previous case law.

The Supreme Court fundamentally rejected that argument in a 7-1 ruling. "No reasonable correctional officer could have concluded that, under the extreme circumstances of this case, it was constitutionally permissible to house [the inmate] in such deplorably unsanitary conditions for such an extended period of time," they wrote in an unsigned opinion.

Though the particulars of the two cases are obviously different, the legal reasoning needn't be. Both cases epitomize the perverted logic of qualified immunity, a doctrine that provides rogue government agents cushy protections not available to the little guy. If housing an inmate in deplorably unsanitary conditions isn't obviously a constitutional violation, and if beating a subdued man to his death isn't obviously a constitutional violation, then what is obvious? ★★★

Globalist Klaus Schwab: World Will "Never" Return to Normal After COVID

By Paul Joseph Watson

(Summit News) - In his book *Covid-19: The Great Reset*, World Economic Forum globalist Klaus Schwab asserts that the world will "never" return to normal, despite him admitting that coronavirus "doesn't pose a new existential threat."

Breitbart's James Delingpole unveils how Schwab is even more explicit in his book about the elite's plan for exploiting the COVID pandemic than in his public statements.

Schwab has continually pushed for COVID to be exploited to push for a new world order, claiming, "Now is the historical moment of time not only to fight the… virus but to shape the system… for the post-corona era."

However, he goes further in the book, making it clear that the financial elite will never allow life to return to normal, suggesting that rolling lockdowns and other restrictions will become permanent.

"Many of us are pondering when things will return to normal," writes Schwab. "The short response is: never. Nothing will ever return to the 'broken' sense of normalcy that prevailed prior to the crisis because the coronavirus pandemic marks a fundamental inflection point in our global trajectory."

The globalist makes this assertion despite admitting that the threat posed by COVID pales in comparison to previous pandemics.

"Unlike certain past epidemics, COVID-19 doesn't pose a new existential threat," he writes.

Schwab makes clear that the 'Fourth Industrial Revolution' or 'The Great Reset' will fundamentally change how the world operates.

"Radical changes of such consequence are coming that some pundits have referred to as 'before coronavirus' (BC) and 'after coronavirus' (AC) era. We will continue to be surprised by both the rapidity and unexpected nature of these changes – as they conflate with each other, they will provoke second-, third-, fourth- and more-order consequences, cascading effects and unforeseen outcomes," he writes.

Klaus Schwab

As Delingpole explains in his column, "The Great Reset" merely represents a re-packaging of the old globalist agenda which has been stuttering over the last decade.

Namely, technocratic dictatorial rule by a tiny elite, the "green new deal," the gradual abolition of private property, a guaranteed minimum wage that will see jobs replaced by robots, a crackdown on personal liberties and curtailing freedom of movement.

As we previously highlighted, the idea that the world will never return to normal post-COVID is being pushed by the establishment across the board.

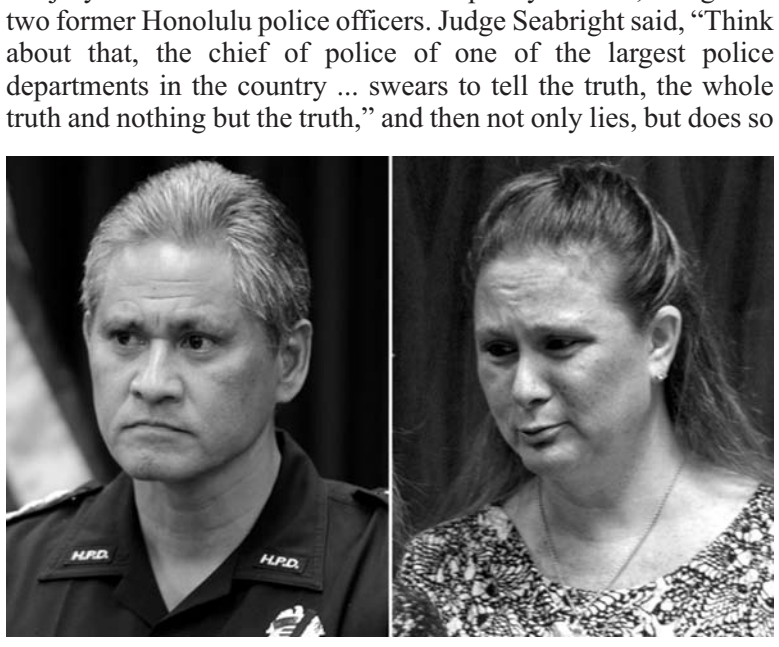
A senior U.S. Army official said that mask wearing and social distancing will become permanent, while CNN's international security editor Nick Paton Walsh asserted that the mandatory wearing of masks will become "permanent," "just part of life," and that the public would need to "come to terms with it."

★★★

Cont. from page 1 • Ex-Prosecutor and Police Chief ...

frame job that followed," and the corruption could not have happened without the Honolulu Police Department.

A jury convicted the Kealohas of conspiracy in 2019, along with two former Honolulu police officers. Judge Seabright said, "Think about that, the chief of police of one of the largest police departments in the country ... swears to tell the truth, the whole truth and nothing but the truth," and then not only lies, but does so



Louis and Katherine Kealoha

under oath.

60-year-old Louis Kealoha filed for divorce after they were convicted.

A prominent defense attorney told the US~Observer, "this case marks one of the rarest occurrences in modern day criminal justice. Police Officers, as rare as it may be to see one get convicted when they break the law, are convicted far more often than Prosecutor's and that is not to say Prosecutor's don't break the law. They do; but when they break the law, its mostly in secret, with far less exposure." ★★★

The views expressed herein are the author's own.

COMMENTARY

Your Right to Speak Out

Don't Call the Cops - Especially if Your Loved Ones Are Old, Disabled or Have Special Needs

By John Whitehead
The Rutherford Institute

(rutherford.org) - They shot at him fourteen times.

Walter Wallace Jr.—a troubled 27-year-old black man with a criminal history and mental health issues—was no saint. Still, he didn't deserve to die in a hail of bullets fired by two police officers who clearly had not been adequately trained in how to de-escalate encounters with special needs individuals.

Wallace wasn't unarmed – he was reportedly holding a knife when police confronted him – yet neither cop attempted to use non-lethal weapons on Wallace, who appeared to be in the midst of a mental health crisis. In fact, neither cop even possessed a taser. Wallace, fired upon repeatedly by both officers, was hit in the shoulder and chest and pronounced dead at the hospital.

Wallace's death is yet one more grim statistic to add to that growing list of Americans – unarmed, impaired or experiencing a mental health crisis – who have been killed by police trained to shoot first and ask questions later.

It's also a powerful reminder to think twice before you call the cops to carry out a welfare check on a loved one. Especially if that person is autistic, hearing impaired, mentally ill, elderly, suffering from dementia, disabled or might have a condition that hinders their ability to understand, communicate or immediately comply with an order.

Particularly if you value that person's life.

There are some things that don't change. Even as the nation grapples with the twin distractions of political theater and a viral pandemic, there are still deadlier forces at play.

This is one of them.

At a time when growing numbers of unarmed people have been shot and killed for just standing a certain way, or moving a certain way, or holding something – anything – that police could misinterpret to be a gun, or igniting some trigger-centric fear in a police officer's mind that has nothing to do with an actual threat to their safety, even the most benign encounters with police can have fatal consequences.

Unfortunately, police—trained in the worst case scenario and thus ready to shoot first and ask questions later—increasingly pose a risk to anyone undergoing a mental health crisis or with special needs whose disabilities may not be immediately apparent or require more finesse than the typical freeze-or-I'll-shoot tactics employed by America's police forces.

Just last year, in fact, Gay Plack, a 57-year-old Virginia woman with bipolar disorder, was killed after two police officers – sent to do a welfare check on her – entered her home uninvited, wandered through the house shouting her name, kicked open her locked bedroom door, discovered the terrified woman hiding in a dark bathroom and wielding a small axe, and four seconds later, shot her in the stomach.

Four seconds.

That's all the time it took for the two police officers assigned to check on Plack to decide to use lethal force against her (both cops opened fire on the woman), rather than using non-lethal options (one cop had a Taser, which he made no attempt to use) or attempting to de-escalate the situation.

The police chief defended his officers' actions, claiming they had "no other option" but to shoot the 5 foot 4 inch "woman with carpal tunnel syndrome who had to quit her job at a framing shop because her hand was too weak to use the machine that cut the mats."

This is what happens when you empower the police to act as judge, jury and executioner.

This is what happens when you indoctrinate the police into believing that their lives and their safety are paramount to anyone else's.

Suddenly, everyone and everything else is a threat that must be neutralized or eliminated.

In light of the government's ongoing efforts to predict who might pose a threat to public safety based on mental health sensor data (tracked by wearable data such as FitBits and Apple Watches and monitored by government agencies such as HARPA, the "Health Advanced Research Projects Agency"), encounters with the police could get even more deadly, especially if those involved have a mental illness or disability.

Indeed, disabled individuals make up a third to half of all people killed by law enforcement officers. (People of color are three times more likely to be killed by police than their white counterparts.) If you're black and disabled, you're even more vulnerable.

A study by the Ruderman Family Foundation reports that "disabled individuals make up the majority of those killed in use-of-force cases that attract widespread attention. This is true both for cases deemed illegal or against policy and for those in which officers are ultimately fully exonerated… Many more disabled civilians experience non-lethal violence and abuse at the hands of law enforcement officers."

For instance, Nancy Schrock called 911 for help after her husband, Tom, who suffered with mental health issues, started stalking around the backyard, upending chairs and screaming about demons. Several times before, police had transported Tom to the hospital, where he was medicated and sent home after 72 hours. This time, Tom was tasered twice. He collapsed, lost consciousness and died.

In South Carolina, police tasered an 86-year-old grandfather reportedly in the early stages of dementia, while he was jogging backwards away from them. Now this happened after Albert Chatfield led police on a car chase, running red lights and turning randomly. However, at the point that police chose to shock the old man with electric charges, he was out of the car, on his feet, and outnumbered by police officers much younger than him.

In Georgia, campus police shot and killed a 21-year-old student who was suffering a mental health crisis. Scout Schultz was shot through the heart by campus police when he approached four of them late one night while holding a pocketknife,

"Anyone who cares for someone with a developmental disability, as well as for disabled people themselves [lives] every day in fear that their behavior will be misconstrued as suspicious, intoxicated or hostile by law enforcement."

—Steve Silberman, The New York Times

shouting "Shoot me!" Although police may have feared for their lives, the blade was still in its closed position.

In Oklahoma, police shot and killed a 35-year-old deaf man seen holding a two-foot metal pipe on his front porch (he used the pipe to fend off stray dogs while walking). Despite the fact that witnesses warned police that Magdiel Sanchez couldn't hear—and thus comply—with their shouted orders to drop the pipe and get on the ground, police shot the man when he was about 15 feet away from them.

In Maryland, police (moonlighting as security guards) used extreme force to eject a 26-year-old man with Downs Syndrome and a low IQ from a movie theater after the man insisted on sitting through a second screening of a film. Autopsy results indicate that Ethan Saylor died of complications arising from asphyxiation, likely caused by a chokehold.

In Florida, police armed with assault rifles fired three shots at a 27-year-old nonverbal, autistic man who was sitting on the ground, playing with a toy truck. Police missed the autistic man and instead shot his behavioral therapist, Charles Kinsey, who had been trying to get him back to his group home. The therapist, bleeding from a gunshot wound, was then handcuffed and left lying face down on the ground for 20 minutes.

In Texas, police handcuffed, tasered and then used a baton to subdue a 7-year-old student who has severe ADHD and a mood disorder. With school counselors otherwise occupied, school officials called police and the child's mother to assist after Yosio Lopez started banging his head on a wall. The police arrived first.

In New Mexico, police tasered, then opened fire on a 38-year-old homeless man who suffered from schizophrenia, all in an attempt to get James Boyd to leave a makeshift campsite. Boyd's death provoked a wave of protests over heavy-handed law enforcement tactics.

In Ohio, police forcefully subdued a 37-year-old bipolar woman wearing only a nightgown in near-freezing temperatures who was neither armed, violent, intoxicated, nor suspected of criminal activity. After being slammed onto the sidewalk, handcuffed and left unconscious on the street, Tanisha Anderson died as a result of being restrained in a prone position.

And in North Carolina, a state trooper shot and killed a 29-year-old deaf motorist after he failed to pull over during a traffic stop. Daniel K. Harris was shot after exiting his car, allegedly because the trooper feared he might be reaching for a weapon.

These cases, and the hundreds—if not thousands—more that go undocumented every year speak to a crisis in policing when it comes to law enforcement's failure to adequately assess, de-escalate and manage encounters with special needs or disabled individuals.

While the research is relatively scant, what has been happening is telling.

Over the course of six months, police shot and killed someone who was in mental crisis every 36 hours.

Among 124 police killings analyzed by The Washington Post in which mental illness appeared to be a factor, "They were overwhelmingly men, more than half of them white. Nine in 10 were

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Didn't We Learn This Lesson 400 Years Ago?

By Simon Black

(SovereignMan.com) - 400 years ago, 102 Pilgrims were staring down what promised to be a brutal winter, after first coming to shore, and setting up a tiny village in Plymouth, Massachusetts.

The industrious, God-fearing Pilgrims decided to pull together and pool their resources and efforts to better survive winter. They created a commune, and elected a Governor to call the shots.

By the spring of 1621, half of the Pilgrims had died from starvation, disease, and exposure.

One of the Pilgrims, William Bradford, explained in his journal that communal living "was found to breed much confusion and discontent and retard much employment that would have been to their benefit and comfort."

Young single men found it unjust that they had to do all the hard work, but received no more reward for it. And wives "deemed it a kind of slavery" to be forced to do chores for men besides their husbands.

Clearly, this little experiment in collectivizing society had failed. So they reversed course, and tried something new; every man for himself.

This might sound harsh, or even counterproductive. But on the contrary, Bradford explained:

This had very good success, for it made all hands very industrious, so as much more corn was planted than otherwise would have been by any means the Governor or any other could use… The women now went willingly into the field, and took their little ones with them to set corn; which before would allege weakness and inability; whom to have compelled would have been thought great tyranny and oppression.

400 years later, it seems leaders have forgotten the lesson.

We are entering winter grappling with COVID-19, a lockdown-stunted economy, and as I noted Monday, millions of hungry Americans relying on food banks to survive.

And tyrannical governments seem to be doing everything they can to stop us from responding to these problems as we see fit.

We've been told to abandon any sense of reason, trust the experts, and "listen to the scientists".

But this month, New England Journal of Medicine published the results of a study to test the theory that extreme lockdowns are effective at controlling the spread of COVID-19.

The study, which enforced a strict quarantine and social distancing regimen on Marine recruits, found there is no correlation between strict lockdowns and reduced COVID-19 transmission.

In fact the control group, which went about life as normal, had a lower percentage of COVID infections (1.7%) compared to the test group under strict lockdown (2%).

So, will Governors "listen to the scientists"?

Hardly. Several states are going so far as to attempt to cancel Thanksgiving– or at least place a strict limit on the number of family members you can invite to your own home to share a meal.

Oregon recently decriminalized hard drugs– invite five people over to smoke crack, and you're all good. But if you are caught sharing a Thanksgiving meal with seven family members, you could face 30 days in jail and a $1,250 fine.

California says you can host no more than two other families, but everyone must stay outside, with guests seated six feet apart, in all directions.

The state of California will graciously allow your houseguests to enter your home… but only to use the bathroom.

(Meanwhile, the Governor of California, Gavin Newsom, was caught dining out maskless with about a dozen friends for a lobbyist's birthday party.)

But these are just the latest authoritarian escalations, which

should surprise no one.

Since March, Governors have simply been ruling by decree to shut down businesses, define who is an essential employee, and stop people from earning a living, even though courts have deemed these lockdowns unconstitutional.

But governors are ignoring the courts and imposing lockdowns anyway.

And we see the results– 11 million out of work, record consumer debt, corporate debt, and government debt, and a pandemic that has still not been controlled, despite the restrictions.

It took a 50% death rate from disease and hunger in Plymouth in the winter of 1620 to convince the Pilgrims that controlling people wasn't saving lives, or creating prosperity.

But individual liberty accomplished what authoritarianism and communism could not.

Now more than ever people need the freedom to make their own decisions, to decide for themselves if they want to open their businesses, earn a living, and have family over to share a Thanksgiving meal.

And if those basic freedoms which we all took for granted just one year ago seem out of reach, take one more lesson from the Pilgrims.

They hopped in a tiny wooden boat, and crossed the Atlantic at great personal risk just to have a shot at building a free life by their own design.

Today, it is not nearly as dangerous or difficult to find greener pastures.

Just removing yourself from a city goes a long way, as does settling amongst neighbors who aren't ready to turn you in to the Gestapo for celebrating Thanksgiving.

But also, don't be afraid to look overseas.

When people think that your personal liberty is a threat to them, it makes sense to at least consider the possibility that at some point, your home country may no longer be right for you.

★★★

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

COMMENTARY

The Government's Lust to Spy

By Judge Andrew Napolitano

(judgenap.com) - In 2019, agents of the federal and state governments persuaded judges to issue 99% of all requested intercepts. An intercept is any type of government surveillance — telephone, text message, email, even in-person. These are intercepts that theoretically are based on probable cause of crime, as is required by the Fourth Amendment to the Constitution.

The 2019 numbers — which the government released as we were all watching the end of the presidential election campaign — are staggering. The feds, and local and state police in America engaged in 27,431,687 intercepts on 777,840 people. They arrested 17,101 people from among those intercepted and obtained convictions on the basis of evidence obtained via the intercepts on 5,304. That is a conviction rate of 4% of all people spied upon by law enforcement in the United States.

Here is the backstory.

Readers of this column are familiar with the use by federal agents of the Foreign Intelligence Surveillance Act to obtain intercepts using a standard of proof considerably lesser than probable cause of crime. That came about because Congress basically has no respect for the Constitution and authorized the FISA Court to issue intercept warrants if federal agents can identify an American or a foreign person in America who has spoken to a foreign person in another country.

Call your cousin in Florence or a bookseller in Edinburgh or an art dealer in Brussels, and under FISA, the feds can get a warrant from the FISA Court to monitor your future calls and texts and emails.

This FISA system is profoundly unconstitutional; the Fourth Amendment expressly requires that the government — state and federal — can only lawfully engage in searches and seizures pursuant to warrants issued by a judge based upon a showing under oath of probable cause of crime. The Supreme Court has ruled consistently that intercepts and surveillances constitute searches and seizures. The government searches a database of emails, texts or recorded phone calls and seizes the data it wants.

Thus, when the feds have targeted someone for prosecution and lack probable cause of crime about that person, they resort to FISA. This is not only unlawful and unconstitutional, but also it is corrupting, as it permits criminal investigators to cut constitutional corners by obtaining evidence of crimes outside the scope of the Fourth Amendment. The use of the Fourth Amendment is the only lawful means of engaging in surveillance sufficient to introduce the fruits of the surveillance at a criminal trial.

If the feds happen upon evidence of a crime from their FISA-authorized intercepts, they then need to engage in deceptive acts of parallel construction. That connotes the false creation of an ostensibly lawful intercept in order to claim that they obtained lawfully what they already have obtained unlawfully.

Law enforcement personnel then fake the true means they used to acquire evidence — even duping the prosecutors for whom they work — so the evidence will appear to have been obtained lawfully and thus can be used at trial. At its essence, parallel construction is a deception on the court. If the deception is perpetrated under oath, it is perjury — a felony.

This corruption of the Constitution by those in whose hands we have reposed it for safekeeping happens every day in America.

The FISA-induced corruption has regrettably bled into the culture of non-FISA law enforcement, and even into the judiciary. The statistics I cited above are not from FISA — those numbers are secret. Rather, the statistics reflect the government's voracious appetite for spying that now pervades non-FISA law enforcement. This is so because judges accept uncritically the applications made before them for intercept or surveillance warrants.

Thus, even though the Fourth Amendment permits judges to issue warrants only upon the probable likelihood of evidence of a crime in the place to be searched or the person or thing to be seized, the attitude of what constitutes probable cause has been attenuated by both the law enforcement personnel who seek warrants and the judges who hear the applications. We know this because we have not seen a number like 99% of all warrant applications — every one supposedly based on probable cause of crime — granted. Nor have we seen only 4% of those intercepts resulting in convictions.

The rational conclusion is that the government's appetite for surveillance remains voracious, and judges — whose affirmative duty it is to uphold the Constitution as against the other two branches of government — have done very little to abate this.

So, what becomes of the remaining 96% of those on whom the government spied? That depends on whether the government charges anyone. If a person is charged and acquitted, and law enforcement unlawfully obtained evidence against that person, his remedy is either persuading the court to suppress the evidence thus resulting in the acquittal, or suing the law enforcement agents who unlawfully spied on him.

Yet, under current Supreme Court decisions about who can sue the government, if the government has spied on you and not charged you and not told you, you have no cause of action against the law enforcement agents who did this.

Stated differently, in 2019, at least 760,739 people in America were spied upon pursuant to judicial orders allegedly based upon probable cause of crime and were neither charged nor informed of the spying.

My Fox colleagues often deride my attacks on those who fail to safeguard our privacy because they argue, we have no privacy. Yet, as Justice Louis Brandeis wrote, the most comprehensive of rights is the right to be let alone. If we forget this, my colleagues will have the last laugh. If we expose its violation, we might know the joys of unmonitored personal fulfillment. ★★★

A Severely Symptomatic Lie About Asymptomatic Spread

By Daniel Horowitz

(The Blaze) - The American people were very patient in March as novel and irrational theories were posited regarding the uniqueness of SARS-CoV-2 — even to the extent that those theories forced a dramatic change to their lifestyles. However, eight months later, these same draconian policies are still in place after the theories undergirding those policies appear to be false. Nowhere is this more evident than with the theory about mass asymptomatic spread.

We have been told that every human being must be treated as a leper — a liability that must be shunned, isolated, and distanced in perpetuity. This mentality has affected every aspect of our lives. Why have we never done this in all our history, which has included viruses with much higher fatality rates? It was all supposedly because of the novel idea that most people spread this particular virus without showing symptoms, so we are all suspect for carrying and spreading the virus at any given time. That theory was always extremely speculative and unfounded, but a new study shows that eight months later, it is simply not true.

Beginning in May, the Chinese government conducted the largest mass testing for COVID-19 of anywhere on the globe. Out of 10 million people tested in Wuhan, just 300 were positive and were all asymptomatic. None of them spread it to their contacts. That is zero out of 1,174 contacts. According to the study, published in Nature Communications, none of those who tested positive produced live virus in the cultures. This explains very easily why none of them seemed to infect others.

We can dismiss this at our own peril simply because the study came from China, but let's not forget that the Chinese stand to benefit from the rest of the world panicking over asymptomatic spread and purchasing more personal protection equipment, a market dominated by Chinese companies. Moreover, this study harmonizes with other research and the prevailing common sense for decades.

Dr. Fauci himself, before this became political and a tool for control, stated very emphatically that "the driver of outbreaks is always a symptomatic person." "Even if there is some asymptomatic transmission, in all the history of respiratory viruses of any type, asymptomatic transmission has never been the driver of outbreaks," said Fauci in a January 28 press conference.

The World Health Organization said in May that asymptomatic spread was "very rare." Then, like any time a major scientific figure reveals the truth, the WHO suddenly recanted that position when the media raised a howl.

A U.S.-based study from the University of Florida, Gainesville, Department of Biostatistics, observed similar low rates of transmission among the asymptomatic. Researchers found symptomatic individuals transmitted the virus at rates 28 times higher than asymptomatic individuals. Another Chinese study from May found very weak transmission capability among asymptomatic infections.

We also know that as many as 50% of flu cases every year are asymptomatic, yet we never panic or assume they are drivers of community spread.

Thus, putting together all the information we have now observed from this virus, paired against "all the history of respiratory viruses of any type," why are we still pushing illegal, illogical, and immoral lockdown policies all based on a premise of mass asymptomatic spread that is rooted in zero evidence?

This study also lays waste to the entire premise of mass testing using high levels of amplification known as "cycle thresholds." What this study shows is that testing asymptomatic people with high cycle thresholds usually means that they merely have traces of the virus in them that are scientifically insignificant. "Virus cultures were negative for all asymptomatic positive and repositive cases, indicating no 'viable virus' in positive cases detected in this study," concluded the authors.

In September, a study on cycle thresholds funded by the French government was published and found that the accuracy of PCR tests using 35 cycles of viral RNA amplification is only about 3%. You know what that means? 97% of those people testing positive are likely false. As the New York Times reported in August, most labs in the U.S. use 40 cycle thresholds! Thus, there are very few people who are actually contagious and most of them have evident symptoms. The notion that perfectly healthy people can't get together for Thanksgiving is insane.

A state's power to quarantine extends only to the sick, not the healthy. To take away someone's liberty based on these fault tests without any due process violates the Constitution. How sad that it took a court in Portugal to recognize this right before any American court. Recently, a Portuguese judge ruled that any positive test that used more than 25 cycle thresholds is not reliable and cannot be used to force quarantine. He also questioned the entire legal premise of quarantining the healthy. What happened to the land of the free?

Truth be told, we are seeing the same perfidy regarding the efficacy of mask-wearing and school closures. Both policies are still being promoted with religious fervor despite a lack of evidence that they slow the spread one iota. Despite an uninterrupted stream of data and research both before and during the epidemic discounting these archaic views, Western governments are dogmatically reverting to the superstitious, accusatory, and panicked responses of the Dark Ages during the Black Plague.

"In summary, the detection rate of asymptomatic positive cases in the post-lockdown Wuhan was very low (0.303/10,000), and there was no evidence that the identified asymptomatic positive cases were infectious," concluded the Chinese study. "These findings enabled decision makers to adjust prevention and control strategies in the post-lockdown period."

In other words, following the data and the scientific research after eight months of torture has landed us in the same position we started this year – quarantining the healthy is counterproductive and achieves nothing in stopping the spread of a respiratory virus. The Chinese government learned to move on from authoritarian lockdowns of healthy individuals. The Western world, on the other hand, is still stuck on stupid, as the Chinese laugh all the way to the bank.

★★★

Predictive Policing or Targeted Harassment?

By C.J. Ciaramella

(Reason) - Rio Wojtecki, a 15-year-old Florida resident, hadn't been in trouble for nearly a year. But in late 2019, sheriff's deputies started showing up everywhere to "check up" on him.

Rio Wojtecki

Over four months, deputies from the Pasco County Sheriff's Office contacted Wojtecki or his family 21 times—at his house, at his gym, at his parents' work. When Wojtecki's older sisters refused to let deputies inside the house during one of their frequent late-night visits, a deputy shouted, "You're about to have some issues." He threatened to write the family a ticket for not having their address number appropriately posted on their mailbox.

Wojtecki was one of nearly 1,000 Pasco County residents who ended up on a list of "prolific offenders" created by the sheriff's predictive policing program. The scope of the program, launched in 2011, was first revealed by the Tampa Bay Times in a stunning investigation published this September.

Predictive policing, or "intelligence-led policing," is the use of algorithms and huge troves of data to analyze crime trends. Departments use predictive policing software to identify crime hot spots—but it can also be used, as in Pasco County, to create "risk scores" that supposedly identify individuals who are likely to be perpetrators or victims of crimes. While Pasco County Sheriff Chris Nocco touted the program as a futuristic tool to stop crime before it happens by keeping tabs on likely criminals, a former deputy interviewed by the Tampa Bay Times described the program's tactics this way: "Make their lives miserable until they move or sue."

The newspaper found eight other families who said they were threatened with or received code enforcement citations for offenses such as missing mailbox numbers and overgrown grass. Three of the targeted people had developmental disabilities. At least one family did move to a different county to escape the harassment.

During the last decade, several major cities have launched predictive policing programs, lured by the promise of an objective, high-tech method for reducing crime. But audits and research into the effectiveness of such efforts have yielded mixed to negative assessments. Chicago ended a predictive policing program in January following audits by the RAND Corp. and the city's inspector general that revealed serious flaws. Santa Cruz, California, banned the use of such policing tools in June. Portland, Oregon, stopped using one of its predictive policing algorithms in September.

Pasco County nevertheless defends its program. In fact, Nocco plans to expand it to include people frequently committed to psychiatric hospitals under Florida's Baker Act. ★★★

Continued from page 1 • IRS Relies on Fraudulent Evidence to Collect Fines and Taxes

Judge James Teilborg

He sent each of them to federal prison for ten months.

THE SET-UP

Tax Attorney Christopher Rusch had been Michael Quiel's tax attorney and subsequently sought to get involved with Quiel and his partner Kerr, and their company that funded business start-ups. Knowing that they wanted to break into the European market, Rusch approached them with a banking plan. He wanted to start a Swiss bank. Rusch convinced Quiel and Kerr that they would be able to secure European funds for their start-ups and all they would have to do was to become low-level owners of the bank. In fact, the terms were that they were to own so little, US law did not require them to report the ownership. To mirror the business structure Quiel and Kerr used in their U.S. based start-ups they would own 4%. Owning a small percentage could be viewed similar to owning a mutual fund with foreign ownership.

Quiel and Kerr gave Rusch an asset – in the form of stock in various companies – as their investment capital. Rusch took these assets, liquidated them, and used the funds to open his corporate bank. Rusch utilized UBS to facilitate the liquidation and then began the process of opening his own bank.

The small amount of money Quiel and Kerr did receive from this investment was counted as normal income and taxed at the rate of 35%. If they had sold the stock themselves, they would have had to pay a long-term capital rate of 15%. In essence, it would have been in their favor had they sold the stock themselves.

Rusch was the only party with access to the funds while they were in the Swiss accounts which was confirmed by bank officials during the trial. Much of Quiel and Kerr's money that was in the Swiss banks was never accounted for and is believed to have been stolen by Rusch.

While Rusch turned out to be a scam artist, no one could have expected the US Government forcing UBS into providing names of Americans who were account holders and who could be hiding their funds from the IRS. Quiel and Kerr's names surfaced, and the government came gunning for them.

Rusch lied, blaming everything on Quiel and Kerr and pleaded guilty on all counts, including a conspiracy charge. Quiel and Kerr were found innocent of conspiracy, the basis for all the charges, but both men were found guilty of filing false tax returns over a two-year period, and as previously stated, Kerr was found guilty of failure to file FBARs. Keep in mind, at this juncture, Rusch had been their tax attorney and therefore responsible for any and all tax filings.

Rusch, who changed his name to Christian Reeves after the trial, continues to offer "foreign investment services" to unsuspecting wealthy clients. Just how many of those clients have been scammed or imprisoned is anyone's guess – however, the US~Observer has been contacted by several who have been. And, why, if the government knew of Rusch's propensity toward illicit financial scams, have they continued to look the other way when Rusch breaks the law? Isn't it obvious? He made a deal.

More than one individual has filed a complaint with the Federal Bureau of Investigation (FBI) about Rusch, now Reeves, conning them and stealing their money. To our knowledge and to the complainants, the FBI has done nothing to hold Rusch accountable.

In fact it appears part of the corrupt agreement Rusch made with the IRS when he agreed to lie about Quiel and Kerr at trial is to continue to protect the crooked, snitch lawyer and go after the investors, solely because government thinks they have "deep pockets".

The government, spearheaded by then Secretary of State Hillary Clinton (who made millions for the Clinton Foundation, and for her husband who made money from speaking fees from UBS), wanted a few lowly convictions to make it appear they were being hard on foreign account "tax-dodgers," conspired with Rusch to create the crime. They could not admit that this lowly tax-lawyer-cheat was the real villain. They weren't interested in real guilt only the appearance they were doing what they set out to do. And the prosecution of Michael Quiel and Stephen Kerr goes down as one of the handful of prosecutions to come out of the government's phony push to expose thousands of "tax cheats" in the Swiss banking system.

Stephen Kerr

Christopher Rusch, now known as Christian Reeves

THE COURT'S HYPOCRISY

Quiel and Kerr's conviction has been appealed numerous times all with Judge Teilborg striking them down but not before his own hypocrisy has been exposed. In the same order on July 15, 2015, Teilborg maintains that Quiel and Kerr's appeal on the grounds there was an undisclosed deal made between Rusch and the government is false because they can prove no deal. He wrote, *"Defendants offer no affidavit or other evidence showing that such an agreement exists, and the Government has effectively denied the existence of an agreement, the Court will not hold an evidentiary hearing or grant a new trial."*

However in the same document Teilborg notes, *"...the Government does not expressly deny that the reason it has not monitored Rusch's post-trial activity is because of an undisclosed agreement to not monitor him and grant him leniency in his future dealings. For purposes of this order, the Court has interpreted the Government's statements as a denial of having any undisclosed agreement regarding future activities with Rusch. If the Government actually has any such agreement, and has artfully worded its representations to not directly address Defendants' allegations, the Government is ordered to correct the Court's interpretation immediately and the Court would deem any failure to correct the Court's understanding to be a fraud on the Court and a Giglio violation."*

One has to wonder what a reasonable person would conclude... Did Rusch have a deal to allow him to regain his passport almost immediately upon release from custody? Or, did he just get lucky? Has the IRS looked the other way when he sets-up fraudulent foreign bank services for others whom he has scammed? Or, is Christopher Rusch's alias Christian Reeves so good that the government can't connect the dots?

The US~Observer believes the court knows full and well that there was a deal and that the government won't ever concede this fact – a fact that, even according to the judge, would be instrumental in overturning these wrongful convictions.

THE IRS' 7-YEAR GRIFT

The IRS keeps a file on each taxpayer called an IRS Master File (IMF). Quiel and Kerr's files would have aided in their defense at trial, but Judge Teilborg did not allow for the IMFs to be produced, thereby playing a large role in the fraud in his courtroom. There was quite literally no other evidence that could have proved the men's innocence at trial than their IMF.

Even after he was convicted, Quiel continued to request his file, and the IRS kept denying him access.

In fact, Quiel's IMF was withheld until February of 2020. Apparently, that was long enough for the IRS to forget the fraudulent testimony its agents provided seven years earlier regarding the FBAR forms that aided in Quiel and especially Kerr's conviction, as well as enough time for them to overlook the judge's ruling that Quiel and Kerr owed no taxes.

The IRS is now seeking MILLIONS in fines and taxes from the men.

As many taxpayers know, what the IRS wants, it gets, or else...

The government conspired to use perjured testimony to falsely convict these taxpayers. Now, after imprisoning them and destroying their businesses, they are seeking to pilfer every last dollar these men have left.

This racket cannot be allowed to continue and the US~Observer will see that it doesn't.

UPDATE: Kerr's tax-owed has been dropped as of November 5, 2020. He, however, still faces exorbitant FBAR fines. The IRS still maintains Michael Quiel owes taxes for the years the court determined he owed nothing for, interest and penalties, and his own set of fines.

Both men deserve having never been tried and convicted in the first place, and efforts are underway to obtain a presidential pardon. If the pardon doesn't work, extreme heat will! ★★★

Continued from page 1 • District Attorney Ron Brown - "Most Evil Man in Clatsop County, Oregon"

the truth will win out over the false allegations that led to his false criminal charges.

The facts of Samuelson's case paint a remarkably interesting picture, one that shows him to be completely innocent and maliciously maligned.

It all began when a parent of a student-athlete approached Samuelson – who was the Jewell School varsity basketball head coach – with allegations of impropriety against Samuelson's assistant coach, Shannon Wood. Like any responsible person in a trusted position, Samuelson reported the allegations to the school superintendent. Never did Samuelson imagine that his decision would lead to him facing ten serious criminal charges, along with him being terminated from the position he loved.

Dave Samuelson

In essence, all Samuelson had done was report what a concerned parent told him. Once he disclosed the concerns Samuelson said, "Shannon Wood retaliated against me." The allegation he shared was about Woods' alleged "inappropriate relationship with a parent of a student." Both Wood, and the parent in question, Brian Meier, were having what appeared to be extramarital relations, which according to US~Observer sources, was witnessed by multiple students. Brian Meier, who was part of that allegation, was previously on the Jewell School Board.

Both Meier and Wood declined to comment for this article.

D.A. Ron Brown knew about the allegations regarding Wood, and "instead of pursuing the truth, he sent law enforcement officers to, scare, threaten and intimidate witnesses from telling what they had witnessed." Fortunately, one good law enforcement professional is on the record apologizing for the actions of the officer who put the D.A.'s squeeze into play. This incident was recorded and will be preserved for trial. One attorney involved said, "this statement will be very useful once Mr. Samuelson is acquitted and his civil lawsuit ensues."

Shannon Wood (left) and Dave Samuelson (right)

There have been many allegations levied against Shannon Wood and several people have come forward claiming they witnessed Wood's indiscretions, confirming what Samuelson had reported. One party alleged that one student witnessed Shannon Wood eating what appeared to be a "romantic dinner" with Brian Meier, outside of normal school activities. Other students claimed to have seen them in a hotel room together during an out-of-town sporting event. It was also reported that even more students had seen them acting inappropriately together at school functions. Several individuals who know both parties believe the two were having an extramarital affair. Claims of the two "accidentally" running into one another out-of-state take the cake with one witness sharing, "how do two people who are accused of being in an unfaithful relationship accidentally run into each other at a camping trip in Idaho?"

Within three days after Dave Samuelson reported what he was told to Jewell School Superintendent, Steve Phillips, Samuelson was charged with touching Wood – on the outside of her pants – on her butt on multiple occasions. Not surprisingly, it was only after Ron Brown worked with Wood, that an initially-claimed single pat on the butt turned into multiple pats. Wood's claim stated that the "touches" had happened more than a year earlier. The timing of the allegations against Samuelson have left many people believing it was a foolish attempt by Wood to point the finger at Samuelson - an illegitimate attempt to take the heat off herself.

Clatsop County, D.A. Ron Brown knows about everything. Brown has had evidence that supports Samuelson's innocence for going on a year, yet he has chosen to turn a blind eye to that evidence. Perhaps the biggest reason is due to Mr. Samuelson's wife, Ann. She is a former Clatsop County Commissioner and a "political adversary" of D.A. Ron Brown. Several prominent people in the community have stated that the false criminal charges against Mr. Samuelson are direct, "political retributions" against his wife, and that Samuelson would not be facing criminal charges if he was not married to Ann.

As the top prosecutor for Clatsop County, Ron Brown's primary duty is to seek justice within the bounds of the law, not merely to convict. D.A. Brown's political bias thus far has been undeniable. At a recent hearing, D.A. Brown offered to drop nine of the ten charges against Samuelson, if he would agree to pay Shannon Wood $5,000.00. Samuelson declined the attempted extortion and the offer immediately moved to $20,000.00. What was called a "settlement conference" is really nothing more or less than attempted legal blackmail – all directed by D.A. Ron Brown.

During another court hearing, the Judge informed Mr. Samuelson that, "the D.A. wants you to know this isn't personal." If it were not personal, why would there be a need to say that? Why would those who are close to D.A. Brown, whom Brown is not aware of having already talked to the US~Observer, say the complete opposite? There is only one answer: Because Mr. Samuelson's false criminal charges are exactly that; "political retribution."As the US~Observer investigated Samuelson's case and obtained evidence supporting his innocence we attempted to share some of it with D.A. Ron Brown. Instead of seeking justice, D.A. Brown did absolutely nothing. He has not responded to the factual evidence proving Samuelson's innocence as of the date of this publication.

In a 2019 article penned by the Daily Astorian, Brown referred to himself as, "the county hard-ass" after his predecessor, Josh Marquis retired, leaving Brown as the top prosecutor.

Causing a break in the ranks, some law enforcement in Clatsop County disclosed to the US~Observer how Brown has declined to prosecute hardened criminals whom they arrest. Perhaps Brown, "the county hard-ass" is burning bridges within law enforcement – with good cops. One thing is certain, the US~Observer has irrefutable evidence that Brown is currently prosecuting innocent citizens of the county, while declining to prosecute life-long criminals. This must be troubling for Clatsop County residents and equally troublesome for the honest law enforcement professionals within the community who put their lives on the line to arrest these criminals; criminals Brown will not prosecute.

For Dave and Ann Samuelson, justice can't come fast enough. Dave has already suffered a major heart-attack while facing these false and ludicrous criminal charges. Meanwhile, Ann has faced the threat of being charged with witness tampering. Documents and recordings prove Ann was investigated from 11/4/2019 to 11/9/2019, yet Ann has never even been interviewed about the false claims against her or her husband.

This one fact alone proves beyond any doubt whatsoever that the charges against Samuelson and the threat of charges against his wife Ann are a vindictive and malicious, one-sided action undertaken by the Clatsop County District Attorney's Office and the Clatsop County Sheriff's Department. The threats against the Samuelson's will likely continue until Dave Samuelson has his day in court and is acquitted of these bogus charges!

D.A. BROWN'S LAUNDRY-LIST OF CORRUPTION

More than Samuelson's case has clearly established that D.A. Brown does not operate with the best interest of the Clatsop County public in mind. The following facts clearly illuminate Brown's corruption:

1. In August of 2020, the US~Observer published allegations from a highly credible witness that Clatsop Deputy Sheriff Chance Moore committed the crimes of Witness Tampering and Obstruction of Justice. Ron Brown was made aware of this factual information and to date, has failed to even investigate. Brown's refusal to investigate this serious, alleged crime is every bit as bad as the crime being committed in the first place. It would be wise and prudent for Clatsop County Sheriff Matthew Phillips to take care of this cover-up before he gets drug into Brown's bizarre mess.

2. Ron Brown has failed to act on the fact that Shannon Wood's ridiculous complaint against Dave Samuelson was obvious retaliation – he instead, stacked the "pat on the butt" to ten pats on the butt.

3. Ron Brown has used law enforcement to scare, intimidate and threaten witnesses who have damning evidence against Shannon Wood. Brown has not investigated the Jewell School Board acting as judge and jury against Samuelson and another employee. Judge Peterson wrote a judicial opinion regarding this and a civil trial remains in the future against the School board and administration.

4. Ron Brown has reportedly conspired with other state agencies to further intimidate innocent people his office is prosecuting.

5. Brown has failed to acknowledge or investigate Shannon Wood's much more heinous complaints against other staff members at Jewell School, her lawsuit against the school, or parent complaints about her coaching at the school.

6. Ron Brown has turned a blind eye to the reported and conspired bad acts by Jewell School Dist. Superintendent Steve Phillips. Phillips stepped down from his last job over unethical actions for which he publicly apologized.

7. Ron Brown will not recognize Judge Paula Brownhill's denial of Shannon Woods' attempt to get a bogus restraining order against Dave Samuelson.

8. Ron Brown has been witnessed meeting and laughing with people whom Dave Samuelson has fought in court – people Samuelson is trying to protect his Grandson from.

9. Ron Brown has used his position to attempt to extort money from Samuelson via multiple plea deals where he offered to drop charges against Samuelson if he pays $5k, then $20k.

10. Ron Brown's own cousin, Greg Brown stated on social media after Brown became District Attorney, "My Cousin Ron now has the means to use the legal system to make your life a living hell..." Amazingly, this statement was taken directly from Ron Brown's own Facebook page, showing his overt pride in this abusive statement.

Ron Brown

11. Ron Brown has used his government position to retaliate against his political adversaries.

12. Ron Brown has declined to prosecute career criminals for felony crimes.

13. Ron Brown has declined to prosecute people who have been accused of child sex abuse by highly credible victims/accusers. A Portland Attorney has stated, "Clatsop County is not known for prosecuting child abuse."

14. Ron Brown has failed, on multiple occasions, to prosecute abusers of women who have reported being physically abused – even raped in one instance. Most of the domestic abuse survivors who talked to the US~Observer are deathly afraid of retaliation if they come forward.

15. Ron Brown has allowed drug dealers to allegedly sell drugs from the private property they were trespassing (squatting) on. He reportedly allowed this to occur so Sheriff's deputies could work with the dealers as "Confidential Informants" at the expense of the law-abiding Clatsop County private property owner.

16. Ron Brown has failed to prosecute people who have been cited/arrested for harassing and threatening a local Vietnam Veteran during his daily walks. This person now carries a gun everywhere, fearing for his life because of Ron Brown's inability to prosecute the criminals who have threatened him. This Veteran has lost all faith in Ron Brown.

17. Ron Brown has failed to prosecute criminals who have been arrested for felony theft – people who are also witnesses in cases where he needs their help to prosecute innocent, political adversaries of his.

18. Clatsop County law enforcement professionals have stated that Ron Brown has created an internal divide over declining to prosecute criminals they arrest.

19. Ron Brown has used a few law enforcement officers to threaten witnesses who have beneficial evidence; beneficial toward innocent people Brown is currently prosecuting.

20. One law enforcement officer in Clatsop County has stated that Ron Brown is corrupt and extremely dangerous!

So much for Ron Browns ethics, credibility, and morality… While the preceding accusations against Brown are overwhelming, be apprised that these are merely a few that have been vetted. The US~Observer has numerous others we are currently looking into. Stay tuned for much more...

Contact the US~Observer if you have any information regarding anyone named in this article - editor@usobserver.com. ★★★

California Cops Arrested Teens Who Recorded Use of Force — *Now They're Getting Paid*

By Zuri Davis

(Reason) - Four California high schoolers will be paid settlements because the Delano Police Department (DPD) used excessive force on them while they were walking to school.

The incident occurred on April 11, 2019. It began when Pablo Simental, Edwin Ardon, Isaac Ruiz, and Isai Ruiz were walking through a residential neighborhood toward Wonderful College Prep Academy. The group was on its way to obtain prom tickets.

DPD officers Ruben Ozuna, Michael Strand, and Guadalupe Contreras allegedly veered toward the group with a patrol vehicle, questioned them, and arrested them for jaywalking. When the teens pulled out their cellphones to record the interaction, the officers attempted to take the phones by force.

Simental was jailed with his hands handcuffed behind his back for hours, yet he was never charged with a crime. Neither of the Ruizes was charged either. Ardon faced a single charge of jaywalking. The DPD acknowledged the use of force but cleared its officers of misconduct, maintaining that the boys refused to listen to orders to exit the roadway.

The American Civil Liberties Union (ACLU), which filed a lawsuit on Simental's behalf, announced that the city of Delano had approved a settlement with the teens.

A copy of the settlement requests that each teen receive between $30,000 and $35,000. And the city and police department will write a letter to the Kern County district attorney and Kern County Superior Court to dismiss Ardon's jaywalking charge.

"Upon further review of this case, the DPD has determined that further prosecution of Mr. Ardon is not in the interest of justice in light of the circumstances of Mr. Ardon's arrest and the nature of the charges filed against him," the settlement reads.

The settlement also requires the DPD to update its training to prevent further arrests of citizens for exercising their First Amendment right to record police interactions. ★★★

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When good governments go bad...

History shows that societies collapse when leaders undermine social contracts

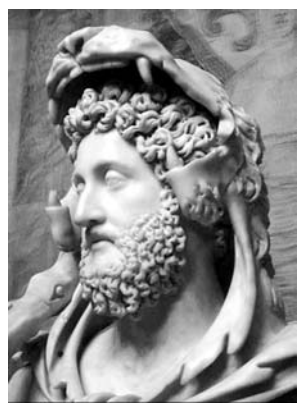
(Field Museum) - All good things must come to an end. Whether societies are ruled by ruthless dictators or more well-meaning representatives, they fall apart in time, with different degrees of severity. In a new paper, anthropologists examined a broad, global sample of 30 pre-modern societies. They found that when "good" governments--ones that provided goods and services for their people and did not starkly concentrate wealth and power--fell apart, they broke down more intensely than collapsing despotic regimes. And the researchers found a common thread in the collapse of good governments: leaders who undermined and broke from upholding core societal principles, morals, and ideals.

"Pre-modern states were not that different from modern ones. Some pre-modern states had good governance and weren't that different from what we see in some democratic countries today," says Gary Feinman, the MacArthur curator of anthropology at Chicago's Field Museum and one of the authors of a new study in Frontiers in Political Science. "The states that had good governance, although they may have been able to sustain themselves slightly longer than autocratic-run ones, tended to collapse more thoroughly, more severely."

"We noted the potential for failure caused by an internal factor that might have been manageable if properly anticipated," says Richard Blanton, a professor emeritus of anthropology at Purdue University and the study's lead author. "We refer to an inexplicable failure of the principal leadership to uphold values and norms that had long guided the actions of previous leaders, followed by a subsequent loss of citizen confidence in the leadership and government and collapse."

In their study, Blanton, Feinman, and their colleagues took an in-depth look at the governments of four societies: the Roman Empire, China's Ming Dynasty, India's Mughal Empire, and the Venetian Republic. These societies flourished hundreds (or in ancient Rome's case, thousands) of years ago, and they had comparatively more equitable distributions of power and wealth than many of the other cases examined, although they looked different from what we consider "good governments" today as they did not have popular elections.

"There were basically no electoral democracies before modern times, so if you want to compare good governance in the present with good governance in the past, you can't really measure it by the role of elections, so important in contemporary democracies. You have to come up with some other yardsticks, and the core features of the good governance concept serve as a suitable measure of that," says Feinman. "They didn't have elections, but they had other checks and balances on the concentration of personal power and wealth by a few individuals. They all had means to enhance social well-being, provision goods and services beyond just a narrow few, and means for commoners to express their voices."



Emperor Commodus

In societies that meet the academic definition of "good governance," the government meets the needs of the people, in large part because the government depends on those people for the taxes and resources that keep the state afloat. "These systems depended heavily on the local population for a good chunk of their resources. Even if you don't have elections, the government has to be at least somewhat responsive to the local population, because that's what funds the government," explains Feinman. "There are often checks on both the power and the economic selfishness of leaders, so they can't hoard all the wealth."

Societies with good governance tend to last a bit longer than autocratic governments that keep power concentrated to one person or small group. But the flip side of that coin is that when a "good" government collapses, things tend to be harder for the citizens, because they'd come to rely on the infrastructure of that government in their day-to-day life. "With good governance, you have infrastructures for communication and bureaucracies to collect taxes, sustain services, and distribute public goods. You have an economy that jointly sustains the people and funds the government," says Feinman. "And so social networks and institutions become highly connected, economically, socially, and politically. Whereas if an autocratic regime collapses, you might see a different leader or you might see a different capital, but it doesn't permeate all the way down into people's lives, as such rulers generally monopolize resources and fund their regimes in ways less dependent on local production or broad-based taxation."

The researchers also examined a common factor in the collapse of societies with good governance: leaders who abandoned the society's founding principles and ignored their roles as moral guides for their people. "In a good governance society, a moral leader is one who upholds the core principles and ethos and creeds and values of the overall society," says Feinman. "Most societies have some kind of social contract, whether that's written out or not, and if you have a leader who breaks those principles, then people lose trust, diminish their willingness to pay taxes, move away, or take other steps that undercut the fiscal health of the polity."

This pattern of amoral leaders destabilizing their societies goes way back--the paper uses the Roman Empire as an example. The Roman emperor Commodus inherited a state with economic and military instability, and he didn't rise to the occasion; instead, he was more interested in performing as a gladiator and identifying himself with Hercules. He was eventually assassinated, and the empire descended into a period of crisis and corruption. These patterns can be seen today, as corrupt or inept leaders threaten the core principles and, hence, the stability of the places they govern. Mounting inequality, concentration of political power, evasion of taxation, hollowing out of bureaucratic institutions, diminishment of infrastructure, and declining public services are all evidenced in democratic nations today.

"What I see around me feels like what I've observed in studying the deep histories of other world regions, and now I'm living it in my own life," says Feinman. "It's sort of like Groundhog Day for archaeologists and historians."

"Our findings provide insights that should be of value in the present, most notably that societies, even ones that are well governed, prosperous, and highly regarded by most citizens, are fragile human constructs that can fail," says Blanton. "In the cases we address, calamity could very likely have been avoided, yet, citizens and state-builders too willingly assumed that their leadership will feel an obligation to do as expected for the benefit of society. Given the failure to anticipate, the kinds of institutional guardrails required to minimize the consequences of moral failure were inadequate."

But, notes Feinman, learning about what led to societies collapsing in the past can help us make better choices now: "History has a chance to tell us something. That doesn't mean it's going to repeat exactly, but it tends to rhyme. And so that means there are lessons in these situations." ★★★

Continued from page 8 • Don't Call the Cops ...

armed with some kind of weapon, and most died close to home."

But there were also important distinctions, reports the Post.

"This group was more likely to wield a weapon less lethal than a firearm. Six had toy guns; 3 in 10 carried a blade, such as a knife or a machete — weapons that rarely prove deadly to police officers. According to data maintained by the FBI and other organizations, only three officers have been killed with an edged weapon in the past decade. Nearly a dozen of the mentally distraught people killed were military veterans, many of them suffering from post-traumatic stress disorder as a result of their service, according to police or family members. Another was a former California Highway Patrol officer who had been forced into retirement after enduring a severe beating during a traffic stop that left him suffering from depression and PTSD. And in 45 cases, police were called to help someone get medical treatment, or after the person had tried and failed to get treatment on his own."

The U.S. Supreme Court, as might be expected, has thus far continued to immunize police against charges of wrongdoing when it comes to use of force against those with a mental illness.

In a 2015 ruling, the Court declared that police could not be sued for forcing their way into a mentally ill woman's room at a group home and shooting her five times when she advanced on them with a knife. The justices did not address whether police must take special precautions when arresting mentally ill individuals. (The Americans with Disabilities Act requires "reasonable accommodations" for people with mental illnesses, which in this case might have been less confrontational tactics.)

Where does this leave us?

For starters, we need better police training across the board, but especially when it comes to de-escalation tactics and crisis intervention.

A study by the National Institute of Mental Health found that CIT (Crisis Intervention Team)-trained officers made fewer arrests, used less force, and connected more people with mental-health services than their non-trained peers.

As The Washington Post points out:

"Although new recruits typically spend nearly 60 hours learning to handle a gun, according to a recent survey by the Police Executive Research Forum, they receive only eight hours of training to de-escalate tense situations and eight hours learning strategies for handling the mentally ill. Otherwise, police are taught to employ tactics that tend to be counterproductive in such encounters, experts said. For example, most officers are trained to seize control when dealing with an armed suspect, often through stern, shouted commands. But yelling and pointing guns is 'like pouring gasoline on a fire when you do that with the mentally ill,' said Ron Honberg, policy director with the National Alliance on Mental Illness."

Second, police need to learn how to slow confrontations down, instead of ramping up the tension (and the noise).

In Maryland, police recruits are now required to take a four-hour course in which they learn "de-escalation tactics" for dealing with disabled individuals: speak calmly, give space, be patient.

One officer in charge of the Los Angeles Police Department's "mental response teams" suggests that instead of rushing to take someone into custody, police should try to slow things down and persuade the person to come with them.

Third, with all the questionable funds flowing to police departments these days, why not use some of those funds to establish what one disability-rights activist describes as "a 911-type number dedicated to handling mental-health emergencies, with community crisis-response teams at the ready rather than police officers."

Increasingly, funds are being directed towards technologies that support predictive policing and behavioral and health surveillance. For instance, HARPA (a healthcare counterpart to the Pentagon's research and development arm DARPA) would take the lead in identifying and targeting "signs" of mental illness or violent inclinations among the populace by using artificial intelligence to collect data from Apple Watches, Fitbits, Amazon Echo and Google Home. The Trump Administration has already awarded contracts worth $22.8 million to seven major corporations to develop artificial intelligence (AI) and machine learning connected to smartphone apps, wearable devices and software that can identify and trace contacts of "infected individuals," keep track of "verified" COVID-19 test results, and monitor the health states of infected and "potentially" infected individuals.

It wouldn't take much for these nascent predictive programs to give rise to healthcare versions of red flag gun laws, which allows the government to preemptively take action against individuals who may be perceived as potential threats. Where the problem arises is when you put the power to determine who is a potential danger in the hands of government agencies, the courts and the police.

In the end, while we need to make encounters with police officers safer for people with suffering from mental illness or with disabilities, what we really need – as I point out in my book *Battlefield America: The War on the American People* – is to make encounters with police safer for all individuals all across the board.

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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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SCOTUS Sets Stage to Challenge Qualified Immunity

By Dustin Leenhouts

(Mises.org) - On November 2, the United States Supreme Court ruled in the case *Taylor v. Rojas*. The petitioner in this case was Trent Taylor – an inmate in the Texas criminal justice system. Mr. Taylor alleges that in September of 2013 he was placed in a cell covered in human feces and left there for six days before being moved into a cell that was "freezing" for another four days. Mr. Taylor sued the corrections officers who were responsible for placing him in the cells, claiming that they violated his Eighth Amendment right not to be subjected to cruel and unusual punishment. The corrections officers involved in this case argued that they cannot be held liable for violating Mr. Taylor's Eighth Amendment rights because they have qualified immunity – a legal doctrine that grants sweeping immunity to government officials who engage in egregious violation of rights. The district court and the Fifth Circuit Court of Appeals ruled in favor of the correction officers.

Mr. Taylor then appealed to the United States Supreme Court. The court invalidated The Fifth Circuit Court's decision, claiming that Mr. Taylor's rights had been violated and that the corrections officers should not receive qualified immunity because "no reasonable correctional officer could have concluded that, under the extreme circumstances of this case, it was constitutionally permissible to house Taylor in such deplorably unsanitary conditions for such an extended period of time." The case was decided by a 7-to-1 vote with a sole dissent from Justice Clarence Thomas.

As Justice Samuel Alito points out in his concurring opinion, the United States Supreme Court typically avoids hearing cases where there is not an underlying question of how a doctrine or statute should be interpreted. This case did not involve a challenge to qualified immunity itself, but rather challenged the lower court's application of the doctrine. Typically, the Supreme Court would avoid hearing cases of this type. However, the court decided to rule on this case. This leaves us with a large question: Why did the court feel it was necessary to weigh in on this case?

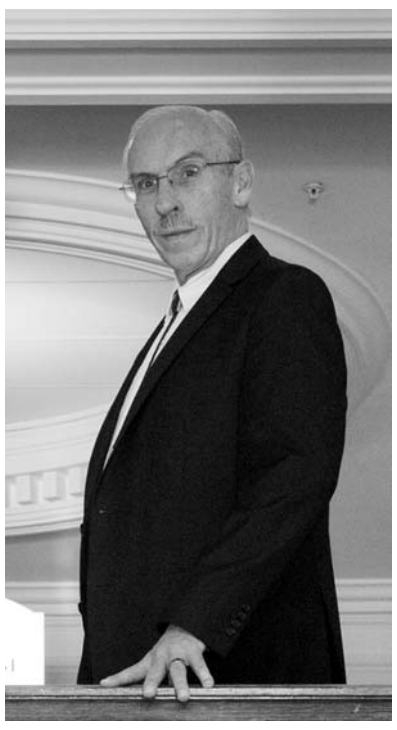
One possible explanation for their actions is that the court simply saw the facts of this case and decided that they were extreme enough to warrant an intervention. This seems unlikely considering the multitude of cases with similarly horrific fact patterns where the court has refused to grant cert. Such cases include incidents where officers shot a kid lying on the ground while aiming at a family dog, were accused of stealing $225,000, and told a police dog to attack a suspect on his knees with his hands behind his head. When you consider the fact that the court refused to rule on these cases, this interpretation of their actions in Taylor seems unlikely.

Another possible interpretation is that the court was attempting to fix a past mistake in the application of the doctrine. In the past, the court has ruled broadly on the question of qualified immunity. They have granted qualified immunity in many cases where it seems clear they should not have. This sends a message to the lower courts that they are to interpret qualified immunity broadly. It is possible that the court wished to fix this problem by giving an example where qualified immunity does not apply.

While both of these interpretations are possible, it seems more likely that the court is trying to set the stage for a challenge to the doctrine itself. The court recently granted cert in the case *Brownback v. King*. This case contains a direct challenge to the qualified immunity doctrine and has a horrendous fact pattern. If the court wants to reevaluate qualified immunity in a meaningful way, it would be helpful to have a more carefully defined standard for when it ought to be applied. Taylor might be the court's attempt at clarifying this standard for this exact reason.

Whatever the reason for the court's ruling might have been, Taylor got justice. Additionally, the fact that the court ruled against the state in this case should give us hope for future cases. Should they decide to rethink the qualified immunity doctrine this case would be a great place to start. ★★★

Continued from page 1 • Another Innocent Man Targeted by D.A. Ron Brown



Ron Brown - *Picture: © George Vetter*

me. I mean, how ethical is it to have a prosecutor tour a defendant's property while they are trying to lock him up for decades?" Simonson is right to wonder if there was more to his criminal charges than a plot by a couple who are still "trespassing" on his property.

Today, just like Dave Samuelson, another innocent man charged by D.A. Ron Brown and whose article is in this edition, Justin Simonson is facing prosecution for ten serious crimes. Our in-depth investigation has concluded Simonson did not commit these crimes and that D.A. Ron Brown is complicit in attempting to ruin a good man.

When asked about D.A. Brown one local attorney stated, "you can't make worse stuff up. What he (Brown) does to innocent men and women; some by prosecuting the innocent, some by not prosecuting the criminals, is a crime itself." This attorney stated that Brown has declined to prosecute several domestic violence cases – letting the abusers walk free while victims live in fear.

Simonson holds a United States Coast Guard License as a Merchant Marine and is a Port Captain for the largest fleet of Pilot and supply vessels in Oregon. His job requires frequent travel for both shore side and water side operations. He tragically lost his wife in 2019 to a battle with cancer. Then, shortly after the death of his wife, while Simonson was working at sea, he entrusted a man named Andrew Bue to process firewood on his property located in Astoria.

Little did Simonson know, Bue was a life-long criminal with a rap sheet that is nearly four pages long. Some of Bue's prior arrests include motor vehicle hit and run, possession of meth and heroin, theft, and many more crimes. According to US~Observer sources, Bue also has a history of working with D.A. Ron Brown as a confidential informant.

Upon Simonson's return from travel for work, he noticed Bue had moved a trailer onto his property. Simonson confronted Bue and told him he would need to get the trailer off his land. According to Simonson, "Bue agreed to promptly move the trailer upon finishing his work." Bue reportedly did not have a truck to pull it and was waiting for a friend to help.

What was meant to happen in a day or two has now evolved into more than seven months. After being told it would be just a few more days before the trailer would be moved, Simonson left again for work. When he returned, he found that not only was the trailer still there, but Bue was now "living and trespassing" on his property. Bue's girlfriend, Corey Jones, and his son were also living there. Making matters even worse, Bue and Jones were reportedly selling hard drugs – methamphetamines and heroin. People were allegedly coming and going during all hours of the night. Screams from women could be heard. Headlights shining through Simonson's windows – all while Simonson laid helpless in his own home with his two daughters. Simonson contacted police to file a report for trespassing.

Andrew Bue holding a child

Soon after, a Clatsop County Sheriff's Deputy showed up to Simonson's property. The deputy was not there because of Simonson's trespassing complaint, instead, he was there to recover stolen property from Bue. According to the deputy, Bue was in possession of a stolen wood-splitter. Simonson helped the deputy take the splitter by providing the right size hitch so the deputy could tow it away. Although Bue was issued a criminal citation for "receipt of stolen property," he was not trespassed from Simonson's residence. Simonson recalled the deputy saying, "because of COVID, we are not allowed to evict anyone right now." Simonson was shocked at this statement because Bue was not a "renter," he was "trespassing!" Simonson was left with no other option than to start the eviction process.

Witnesses state that Bue continued selling drugs while Simonson was forced to sit and watch. One witness stated, "not only did Justin have to endure watching the sale of hard drugs on his own property, but the police were also doing the same thing! They would park and watch the property constantly." It appeared that the police were using Bue as a confidential informant. Simonson's property was reportedly, "bait to try and catch the bigger dealers."

According to another witness, "Bue had a plan to get Simonson kicked off of his own land." Essentially, Bue's alleged plan was to claim Simonson was trying to kill him; all to continue trespassing and selling drugs with one twist; Simonson being removed from his own home.

Corey Jones

Then it happened. Bue's girlfriend, Corey Jones, called the police. She claimed that Simonson was shooting at the trailer. Several law enforcement officers were dispatched to Simonson's house to, "catch a crazy guy shooting guns at people." And the plan worked. Simonson was swarmed by police. They searched his property and found several legally owned firearms. They even found what appeared to be a gunshot hole in the trailer (which was later determined to not be a gunshot hole). Some of the law enforcement officers were overheard on personal body camera's praising each other for the "find." Simonson, who had never even been arrested before, and who adamantly denies shooting at the trailer, was now public enemy number one. Bue's girlfriend, Jones, who also has an extensive criminal history, had convinced the police to help execute "the plan." Some of Jones' previous arrests include robbery, burglary, possession of meth and heroin, delivery of heroin, and, go figure, trespassing! Her criminal rap sheet, like her boyfriend Bue's, is extensive.

It was reported that Jones and Bue have both lost custody of their children. Oregon Department of Human Services has allegedly deemed them unfit guardians. But, they've never reportedly faced child endangerment charges, like Mr. Simonson is currently facing, all due to their "false allegations."

Bue's trailer site on Simonson's property

Simonson was forced to wear an ankle monitor for several months despite having no history of violence or being a flight risk.

The details of this case are so overwhelming that anyone with half a conscience could see Simonson was set up. Everyone except for Ron Brown! Could Simonson's refusal to sell his property to the county be that vendetta Brown used to file phony criminal charges against him? The US~Observer believes that is one possibility.

Andrew Bue literally, as one witness put it, "told people what his plan was, executed the plan, and it worked."

Simonson had now been arrested and trespassed from his own property. He has not been there in over seven months because he has been restrained from being around Jones. To make matters even worse, Simonson's best friend, his dog, was taken by animal control on the night he was arrested.

Simonson, while incarcerated, was asked to sign a document that stated, "he was not in possession of any firearms, including at his residence." He declined to sign that document because he had not been home since he was raided in the middle of the night by police. Declining to sign that document meant Mr. Simonson would spend more time behind bars.

While he was locked-up, Simonson was reportedly held in solitary confinement without heat, his handcuffs had been applied too tightly, causing his wrists to bleed, and he lost 25-lbs.

Upon being released from jail, Simonson asked for an escort to his property so he could avoid more false criminal charges. Once he arrived back home, Simonson and the law enforcement officer inspected his property. In plain sight was one firearm – conveniently left behind. The gun was so visible that there is only one logical answer as to why. Not all the firearms were confiscated when he was raided, and one was intentionally left behind so that Simonson could be re-arrested for signing a document that said he was not in possession of a firearm. At the very least, it appears that someone (Brown) attempted to set-up Simonson; hoping he would return home and not report that the police conveniently left a gun on his table in plain sight. According to Simonson, "even the officer who escorted me home said there is no way that was left behind on accident."

It was just after he was released and homeless that Simonson said his best friend – his dog – was

Continued on page 15

Human Ageing Reversed in 'Holy Grail' Study, Scientists Say

By Anthony Cuthbertson

(Independent) - Scientists claim to have successfully reversed the biological aging process in a group of elderly adults.

In a first of a kind study, researchers from Tel Aviv University and the Shamir Medical Center used a form of oxygen therapy to reverse two key indicators of biological aging: Telomere length and senescent cells accumulation.

As the human body gets older, it experiences the shortening of telomeres – the protective caps found at the end of chromosomes – and an increase in old, malfunctioning senescent cells.

A clinical trial involving 35 adults over the age of 64 sought to understand whether a method called Hyperbaric Oxygen Therapy could prevent the deterioration of these two hallmarks of the aging process.

The subjects were placed in a pressurized chamber and given pure oxygen for 90 minutes a day, five days a week for three months.

At the end of the trial, the scientists reported that the participants' telomeres had increased in length by an average of 20 per cent, while their senescent cells had been reduced by up to 37 per cent.

This is the equivalent to how their bodies were at a cellular level 25 years earlier, the researchers reported.

"Since telomere shortening is considered the 'Holy Grail' of the biology of aging, many pharmacological and environmental interventions are being extensively explored in the hopes of enabling telomere elongation," said Shai Efrati, a professor at the Faculty of Medicine and Sagol School of Neuroscience at Tel Aviv University, and co-author of the study.

"The significant improvement of telomere length shown during and after these unique HBOT protocols provides the scientific community with a new foundation of understanding that ageing can, indeed, be targeted and reversed at the basic cellular-biological level."

It is the latest in a series of radical anti-ageing treatments, which seek to increase life expectancy and even make people look and feel younger.

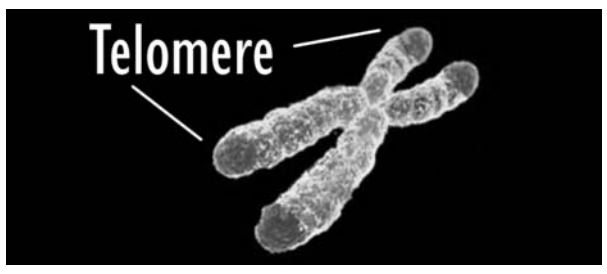
The idea is that ageing is a disease that can be cured just like any other.

In 2015, the head of a biotech company made headlines after becoming patient zero in a novel gene therapy she claimed could make permanent changes to her DNA in order to combat muscle loss and other age-related conditions.

BioViva chief executive Liz Parrish received criticism from scientists for her experimental drug trial but claims to have increased the length of her telomeres in the five years since and recently claimed that death is optional.

During the latest trial in Israel, the participants did not undergo any lifestyle, diet or medication adjustments, which have previously been found to have moderate effects on a person's biological age.

It is understood that instead the effects were the result of the pressurized chamber inducing a



state of hypoxia, or oxygen shortage, which caused the cell regeneration.

"Until now, interventions such as lifestyle modifications and intense exercise were shown to have some inhibition effect on the expected telomere length shortening," said Dr Amir Hadanny, co-author of the study.

"However, what is remarkable to note in our study, is that in just three months of therapy, we were able to achieve such significant telomere elongation – at rates far beyond any of the current available interventions or lifestyle modifications." ★★★

From CARES Act to Federal Prison

US~Observer Editor's Note: It is important for anyone facing charges related to CARES Act violations to have a superior defense team, especially if you are innocent. The US~Observer's services are indispensable in such cases. When paired with a legal team like that of Minns & Arnett you have the absolute best chance against the monster that is the federal government. Don't play games with your freedom. Contact us today – 541-474-7885.

By Michael Louis Minns

The federal government CARES so much it has set the bar very low for charging pandemic-stimulus crimes. A lot of innocent people will trip over it. Already, CARES prosecutions are flooding federal courthouses. One thing is certain, if you benefitted from CARES, you could potentially find yourself entangled in the government's web and face prosecution for crimes that you may have not knowingly committed.

The initial Coronavirus Aid, Relief, and Economic Security (CARES) Act, enacted March 27, 2020, made unprecedented, fast and potentially forgivable loans that, in the first round alone, totaled $350 billion. Soon thereafter, a quick second round added over $320 billion more. Aimed at preserving small businesses suffering under COVID, CARES included the Paycheck Protection Program (PPP) intended to allocate, after another increase, $659 billion for payment of payroll costs and workplace benefits. If the business promised to keep its employees and used the funds for permissible purposes, it could later fill out "debt forgiveness" forms and theoretically never pay the money back. Or, it could pay the money back at one-percent interest. The Act also includes Economic Impact Payments (EIPs) to help American businesses survive COVID. The CARES Act is administered by the Small Business Administration (SBA) with the Department of the Treasury's support.

WORDS OF ADVICE

If you have received CARES Act money and a special agent knocks on your door – get a lawyer. Be polite but ask to speak to a lawyer. Special Agents put people in prison. If a friend tells you she was approached by a Special Agent who had questions about you – call a lawyer.

One thing is certain, long after COVID is over, there will be vindictive prosecutions threatening both incarceration and financial ruin. It is important that if you are being targeted you have solid representation that knows how to wade through the laundry list of agencies that have aligned against you.

Log on to usobserver.com for Michael Minns' complete article. ★

IRS Reports $2.3 Billion in Tax Fraud in 2020

By Erika Williams

(CN) — The IRS uncovered $2.3 billion in tax fraud during the 2020 fiscal year, according to an annual report released by the agency on Monday.

The Criminal Investigation Division of the IRS said in its report that its current priorities include Covid-19-related fraud, cybercrimes and other tax-related crimes. The division also investigates non-tax-related crimes like money laundering and narcotics trafficking.

"Even in the face of a global pandemic, the CI workforce initiated nearly 1,600 investigations and identified $2.3 billion in tax fraud schemes," IRS Commissioner Chuck Rettig said in a statement. "This is no small feat during a challenging year, and their work is critical to protecting taxpayers and the integrity of our tax system."

Special agents adapted their investigative techniques this year in order to probe fraudulent claims made under federal coronavirus relief programs, according to the report.

These included false claims made under economic impact payments, Paycheck Protection Program (PPP) loans and refundable payroll tax credits from the Coronavirus Aid, Relief, and Economic Security Act.

"Clearly, unscrupulous individuals sought to exploit the economic safeguards put in place to buttress a nation in crisis," IRS Criminal Investigation Chief Jim Lee said in a statement. "These individuals and groups were instead met with a cadre of special agents determined to thwart their efforts."

Pointing out that "criminals don't stop committing crimes just because there is a national health emergency," the report details findings of certain individuals using the relief funds to purchase luxury items like yachts and sports cars.

One man whose efforts were thwarted by the IRS cadre was 29-year-old Miami resident David Hines.

The Florida man was charged with fraudulently obtaining $3.9 million in PPP loans and using some of those funds to buy a 2020 Lamborghini Huracan sports car worth $318,000.

The annual report looks back on major take-downs that occurred throughout the country between October 2019, when the 2020 fiscal year began, and Sept. 30.

The division says it initiated 1,598 cases this year and spent about 73% of its time working on tax-related probes.

It also reflected on the results of investigations that the Criminal Investigations Division had launched into dark corners of the internet.

On Aug. 13 for example, multiple IRS-based complaints were unsealed in the District of Columbia detailing a "coordinated effort to dismantle three terrorist financing cyber-enabled campaigns."

The online campaigns, which involved the al-Qassam Brigades, Hamas's military wing, al-Qaeda and ISIS, were interrupted by the IRS in what the agency on Monday called "the government's largest-ever seizure of cryptocurrency in the terrorism context."

"Pursuant to judicially-authorized warrants, U.S. authorities seized millions of dollars, over 300 cryptocurrency accounts, four websites, and four Facebook pages all related to the criminal enterprise," the report says.

One of these websites was a front for ISIS that allegedly peddled fake N-95 masks to hospitals, nursing homes and first responders amid supply shortages.

US~Observer Editor's Note: As pointed out above, prosecutions are focusing on "violators" of the federal coronavirus relief programs, log on to usobserver.com and read Minns' full article to learn more. ★★★

A "Living, Breathing" Constitution is Really a Dead One

By Michael Boldin and Mike Maharrey

(Tenth Amendment Center) - Many Americans today view the Constitution as a "living, breathing" document.

By living and breathing, they mean the Constitution was written as a "dynamic" document; flexible, so it can change with the times. Instead of maintaining a fixed meaning, judges, lawmakers and bureaucrats mold its various clauses and provisions to fit the needs of the day.

Woodrow Wilson was one of the first politicians to define and aggressively advocate this idea of a living, breathing document in his book Constitutional Government in the United States, and while stumping on the campaign trail in 1912.

Woodrow Wilson

"Society is a living organism and must obey the laws of life, not of mechanics; it must develop. All that progressives ask or desire is permission – in an era when 'development,' 'evolution,' is the scientific word – to interpret the Constitution according to the Darwinian principle; all they ask is recognition of the fact that a nation is a living thing and not a machine."

But a living, breathing Constitution is really a dead Constitution.

America's founding document essentially serves as a contract between the people of the states. Through the Constitution, they formed the Union, set up a general government to administer specific objects and delegated to it specific, enumerated powers.

You can't have a living, breathing contract.

Think about it. Would you sign a living, breathing mortgage? Would you enter into a living, breathing employment contract? Would you sign a living, breathing agreement with a builder to put an addition on your house?

Of course not! Because you would have no idea what that contract really means.

Contractual provisions have a fixed meaning. When you sign on the dotted line, you expect them to remain constant over time. When disagreements come up, both parties argue their position based on how they understood the contract when they signed it. Nobody would accept a banker saying, "Well, I know the mortgage meant so-and-so, but now it means something different. It's a living breathing mortgage."

That's absurd.

And a living breathing Constitution is no less absurd.

As Samuel Adams and James Otis. Jr put it, "in all free states the constitution is fixed."

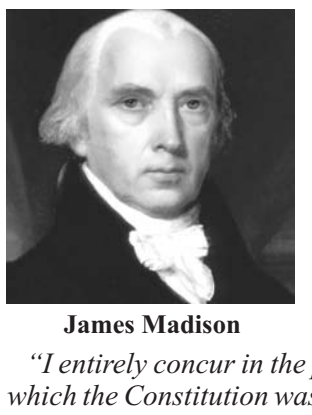
People can only live together and cooperate in a society with an agreed upon, consistently applied set of rules. We call this the "rule of law." The principle roots itself in the idea that no individual or institution stands above the law, and that rules consistently apply equally to all people in any given situation. Rule of law creates a bulwark against arbitrary power, whether wielded by a totalitarian leader, promoted by mob rule, or exercised by duly elected legislators.

The rule of law requires consistency. Otherwise, government becomes arbitrary. When the limits on government power become subject to reinterpretation by the government itself, it becomes limitless in power and authority.

That's exactly what we have today. The federal government makes up things as it goes along. The feds claim to power to tell you what kind of light bulb you can use, they force you tot buy health insurance, and they spy on everybody in America, all based on this living, breathing lie.

But how do we know what those enumerated powers really mean? How do we determine the extent of powers delegated?

The only rational way to understand the Constitution lies in an interpretive process known as originalism. To read the Constitution through an originalist framework means we seek to understand how the people understood it at the time. In other words, what they believed they were agreeing to. Otherwise, meaning becomes a moving target, subject to the changes in language and societal assumptions over time.



James Madison

James Madison asserted that we must view the Constitution in this way in a letter to Henry Lee.

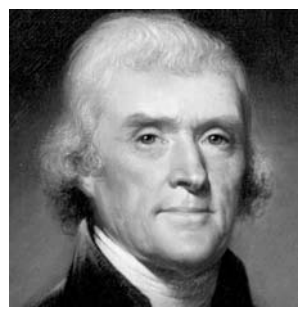
"I entirely concur in the propriety of resorting to the sense in which the Constitution was accepted and ratified by the nation. In that sense alone it is the legitimate Constitution. And if that be not the guide in expounding it, there can be no security for a consistent and stable, more than for a faithful exercise of its powers. If the meaning of the text be sought in the changeable meaning of the words composing it, it is evident that the shape and attributes of the Government must partake of the changes to which the words and phrases of all living languages are constantly subject. What a metamorphosis would be produced in the code of law if all its ancient phraseology were to be taken in its modern sense!"

Learning the ratifiers' understanding takes some research and digging. On the other hand, some mystical veil of historical fog doesn't obscure their view of constitutional powers. We have records of the ratification debates and the ratifying instruments themselves.

We also have the Federalist Papers and other documents written by supporters used to "sell" the Constitution to ratifying convention delegates, and the population at large. These essays were akin to a window sticker on a used car, explaining exactly what the people were "buying."

We have the numerous letters and essays written by opponents of the Constitution, along with letters written by framers and ratifiers. All of these sources help guide our understanding. With a little work, you will find the original meaning of the Constitution easily determined and understandable.

Thomas Jefferson himself advocated this process of constitutional interpretation.



Thomas Jefferson

"On every question of construction let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or intended against it, conform to the probable one in which it was passed."

It's time to kill this idea of a living breathing Constitution before it kills the Constitution.

(This article is based on a video blog published by the Tenth Amendment Center. If you log-on to usobserver.com you will find a link to the video.) ★★★

Poll: Most Americans Want Congress to Abolish Civil Forfeiture

By Nick Sibilla

(Forbes) - As cities debate "defunding the police," a new poll shows that most Americans support ending policies that let law enforcement fund themselves by seizing property. Thanks to a power known as "civil forfeiture," law enforcement agencies across the country can confiscate cash, cars, real estate, and other valuable property without ever filing criminal charges. Worse, the federal government, along with the vast majority of states, allow agencies to retain anywhere from 75% to 100% of the proceeds, creating a clear incentive to forfeit property.

Since civil forfeiture lets law enforcement self-finance without legislative approval or oversight, a movement to defund the police absent forfeiture reform runs the risk of backfiring. If their budgets are slashed, police departments and sheriff's offices can easily make up for the shortfalls by pursuing forfeiture cases even more aggressively.

Research has already identified surges in forfeiture activity when budgets get tight. A recent Institute for Justice report found that a 1 percentage point rise in local unemployment was associated with a 9 percentage point increase in the number of seizures. Meanwhile, "increased forfeiture funds had no meaningful effect on crime fighting." Likewise, a 2015 study by the Drug Policy Alliance identified a "forfeiture revenue spike immediately after police budgets were cut" in multiple cities in Southern California.

Even in states that tried to curb abusive seizures, whether by enacting conviction provisions to forfeit property or by redirecting proceeds away from law enforcement, a loophole lets local and state agencies do an end-run around state law. Though a program known as "equitable sharing," police and prosecutors can partner with a federal agency, forfeit the seized property under federal law, and then collect up to 80% of the proceeds.

Back in 2014, a multipart investigation into equitable sharing by The Washington Post published found that agencies had conducted nearly 62,000 cash seizures "without warrants or indictments." But abuse continues. Since 2014, the Justice Department has distributed more than $1.5 billion in equitable sharing funds to local and state agencies.

Yet current law is wildly out of sync with public opinion. A recent poll conducted before the election by YouGov and on behalf of the Institute for Justice found that 59% of Americans oppose "allowing law enforcement agencies to use forfeited property or its proceeds for their own use." In contrast, a mere 22% support the practice—an almost 3-to-1 margin. Opposition to equitable sharing was even higher, with 70% against the program.

Those surveyed were also asked about which federal programs they would want to fund with forfeiture revenue. By far, the most popular responses from a provided list were Social Security trust funds (38%) and drug treatment and rehabilitation (36%), with paying down the national debt placing third (28%). Although respondents could choose multiple answers, just under a fifth (19%) wanted forfeiture money to finance federal law enforcement operations. Even among Republicans, sending forfeiture proceeds to federal law enforcement came in third at 31%, behind Social Security (45%) and the national debt (34%), and just above drug treatment and rehabilitation (29%).

More broadly, only around a quarter of Americans (26%) support letting police seize property from people who haven't been charged with a crime. Without a criminal charge, much less a conviction, the government has no business taking property from Americans. In fact, 67% of Americans—including 60% of Republicans—said they would be more likely to support a Member of Congress who wants to abolish civil forfeiture entirely.

Those who want modern policing practices and have seen their efforts frustrated by partisan squabbling should look to overhauling civil forfeiture as an area where both parties can agree. One vehicle for reform is the FAIR Act, which has bipartisan support in both the House and Senate. This bill would abolish equitable sharing and redirect forfeiture proceeds away from law enforcement coffers and towards the Treasury General Fund. In other words, if enacted, the FAIR Act would eliminate the perverse incentives to police for profit that underpin civil forfeiture.

By curtailing one of the government's most abusive powers, Congress could help rebuild public trust and confidence in the police. It's time to defund civil forfeiture.

★★★

Continued from page 13 • Another Innocent Man Targeted by D.A. Ron Brown

adopted out. To this day, Simonson has not been told where his dog is.

Simonson is currently facing decades in prison while trying to maintain his reputation. He spends most of his time working to afford the legal bills that keep piling up because of Ron Brown. He had to go through the lengthy and costly $12,000.00 eviction process to acquire an order to force the removal of Bue and Jones from his property, which to this date has not been enforced. This amount is only a small portion of what Simonson has spent defending himself from Ron Brown's false criminal charges.

Costs continue to pile-up for Simonson, as no trial date has been set as of this publication.

He is still not allowed to go home, either.

Rest assured; Ron Brown is evil. If he can do this to these two fine men (Simonson and Dave Samuelson), he can do it to anyone who "steps out of line," just as his cousin has claimed on social media. The only difference being some of Brown's vindictive criminal charges are not against those who are out of line – they are against innocent men and women.

The evidence in Simonson's case as well as Dave Samuelson's, or lack thereof, will play a huge role once they have their day in court.

The US~Observer wrote to D.A. Ron Brown and has not received a response as of the date of this publication.

Additionally, Mr. Simonson has received new information regarding D.A. Brown's continued attacks against him. The actions by Brown and other State agencies will be brought to the public's attention in due time – Brown can rest assured of that!

The US~Observer has been in publication for 29 years investigating and reporting on injustices across the United States. Although it is no surprise to us that people like D.A. Brown can, and do violate their oath, these abuses should cause extreme concern for the residents of Clatsop County. Good law enforcement is often wrongly criticized because of bad prosecutors like Ron Brown. D.A. Brown works for you! He is responsible for serving justice in your county. Not only is he failing to do that, but he has also been named in multiple tort claims (intent to be sued). Is this the type of representation Clatsop County residents deserve?

If you or anyone you know has any information about D.A. Ron Brown, we urge you to contact the US~Observer immediately. We would also like to thank those who already have. We look forward to publishing another story where D.A. Ron Brown has reportedly failed to prosecute more drug dealers who have threatened an elderly Military Veteran during his daily walks. The Veteran now carries a gun because of Ron Brown's inability to prosecute real criminals.

Simonson's dog Max

Editor's Note: There are two sides (only one truth) to every story. Although the US~Observer has conducted an extensive investigation into Ron Brown, we ask that you do the same. Do not take our word for it – ask the tough questions and seek the easy answers for yourself. If Ron Brown can ruin the lives of two innocent men, we guarantee you that he has ruined many more innocent lives in his near 20-year career as a prosecutor in Clatsop County. Contact us today at: www.usobserver.com, or email: editor@usobserver.com or call: 541-474-7885.

To view the complete criminal histories of Andrew Bue and Corey Jones, go to usobserver.com and read this article online.

We urge anyone with information on the location of Justin Simonson's German Shepherd, Max, to contact us.

★★★

If You're in Trouble, We Help

By US~Observer Staff

Many people wonder how a newspaper can help a person facing criminal charges, or those who are being faced with being victimized in a civil issue.

People find it difficult to understand that maybe their first stop when they are falsely accused, charged or abused should be the US~Observer.

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

When an innocent person is charged with a crime, or taken advantage of civilly, the US~Observer conducts a thorough investigation. We obtain evidence that attorneys and licensed investigators cannot obtain because of the many licensing rules they must follow. We have no rules. When an innocent person's life, freedom or property are in jeopardy, we expeditiously get to the truth and facts, no matter what it takes.

CRIMINAL CASES

Concerning false criminal charges, when we have acquired conclusive evidence of innocence we go to the elected prosecutor responsible for filing those false charges, and give him/her the evidence. Then, we demand that they drop the false charges they have filed. If they refuse, we take them into our court – the court of public opinion. Here, the two things they are protective of, or are always concerned with, their reputation and career, become vulnerable.

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

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

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

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

Again, at the end of the day the prosecutor either drops the false charge(s) or their reputation and career are demolished and they lose at trial. They lose because we were able to obtain crucial evidence that no one else could.

CIVIL CASES

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

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

CRIMES UNANSWERED

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

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

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

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

★★★

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

★★★

The US~Observer's services have defeated over 5,000 false charges to-date.

Are You Facing False Criminal Charges?

Have You Been a Victim of False Prosecution?

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

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

You then rush to an attorney, pay him a huge retainer to cover the usual $200.00 per hour (if not higher), which he/she charges, to supposedly defend your innocence. The attorney usually files some motions, writes some worthless letters and makes many unproductive (unless they pertain to you accepting a plea bargain) phone calls until you are broke. Generally, you haven't even started your trial and 99% of the time the attorney hasn't completed any investigation.

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

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

There is only one way to remedy a false prosecution: Obtain conclusive evidence by investigating the accusers, the prosecutors – everyone involved with your case. In other words, complete an in-depth investigation before you are prosecuted and make the facts public, forcing a just outcome.

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. We want to win, just as you want to prove your innocence.

For justice sake, don't wait until they slam the door behind you before contacting us if you are innocent. Preventing a wrongful conviction is much easier than achieving a post-conviction exoneration.

Call Us Today!
541-474-7885

If you prefer email:
editor@usobserver.com

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

Faces of the US~Observer's VINDICATED

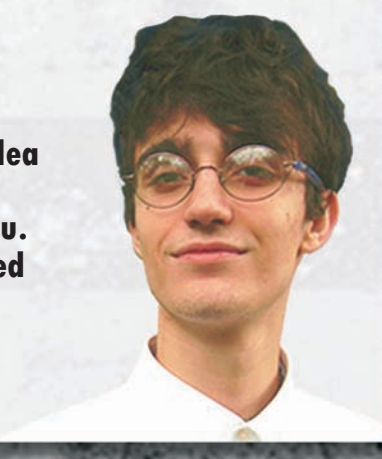
Shawn Yoakum
Employment Discrimination

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

Status: Compensated

Bryan Tucker
Sex Abuse

"I would have taken the plea deal for crimes I didn't commit if it wasn't for you. Thank you. I was acquitted because of you."



Status: Acquitted

The Bluetears
CPS / Child Custody

"Your help turned the tables in our case. We now have custody of our son."

Status: Reunited

Sheila Rodgers
Grand Theft/RICO

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

Status: Dismissed

Chris Hoover
Sex Abuse

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

Status: Dismissed

Ella Lee
Assault & Resisting Arrest

"...no amount of reading can convey the heart, the sincerity and dedication of care you receive from these guys. Through their hard work, I got my dismissal papers today... So sweet it is."

Status: Dismissed

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