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Brothers Behind Bars Newsletter...

July 2013 – Issue 2...



NCOM – National Coalition Of Motorcyclists / AIM - Aid for Injured Motorcyclists

AIM / NCOM - Free Legal And Legislative Consultation

Free All Brothers Behind Bars...

Editor: Mike SOS MC Retired...

Giving money & power to Gov't is like giving whiskey & car keys to teenage boys. - P.J. O'Rourke, Civil Libertarian

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Prairie Rattlers MC; North Dakota donates \$ 25.00 a month...

Rough-Riders MC; North Dakota who donates \$30.00 a month

Wildman; Pennsylvania who donates \$ 10.00 a month

In memory of **Outlaw Kenny** from *North Carolina* who died in a motorcycle accident on July 6th (see article)... R.I.P. Kenny...

Congratulations to **Free Soul Guyro** on your upcoming release on August 20th...

Congratulations to **Damned Deacon Scotty** on your release to a Half-Way House...

Congratulations to **Sin City Deciple Joker** on your upcoming release on August 2nd...

Welcome **Mongol Piper** to the NCOM Brothers Behind Bars Newsletter Mailing List...

Welcome **Mongol Ghost** to the NCOM Brothers Behind Bars Newsletter Mailing List...

Happy Belated Birthday **Mongol Wolf** on July 12th...

Happy Birthday **Sons Of Silence Nomad Tattoo Joe** on August 10th...

Happy Birthday **Outlaw Rambo** on August 19th...

Happy Birthday **Outlaw Yankee** on August 3rd...

Happy Birthday **Mongol Peg-Leg** on August 16th...

Congratulation **Invader Nomad Breaker** on Aug 29th as a 38 year member...

Editor's Note: Thanks goes to **Wildman** from *Pennsylvania* on his donation pledge of \$ 10.00 per month... Thank You...

National Coalition of Motorcyclists...

An Idea Whose Time Has Come...

You do not need a Title to be a Leader, it's built in...

There is no "I" in Brotherhood...

Editor's Note: In the interest of cost savings, If you can share One copy of this newsletter where I am sending multiple copies to the same institution, please let me know... Thanks, Mike

Editor's Note: Currently we are sending over 365 copies of this newsletter to members of **73 Motorcycle Clubs**...

Editor's Note: For *May* there were 2 issues, For *June* there was 1 issue, For *July* this is the 2nd issue ...

Editor's Note: I would like to Thank my Wife "Kari" for getting these Newsletters ready to be mail...

Disclaimer: The News Media does NOT always tell the Whole Truth... It tends to sensationalize the News to Sell Newspapers...

In Fact, Many Times the News Media gets the Facts Wrong!!!

Editor's Note: It is too hard to keep up with counts, But for your info here are the Clubs that are getting the Brothers Behind Bars Newsletter (**73 Clubs**) in Prison: Avengers, Bandidos, Banshees, Barons, Black Pistons, Boozefighters, BPM, Breed, Brother Speed, Brotherhood Nomads, Brothers Of Wheels, Damned Deacon, D.C. Eagles, Death Squad, Derelicts, Devils Diciples, Diablos, El Forastero, Finks, Fly-In-Wheels, Forsaken Few, Free Souls, Galloping Goose, Ghost Riders, Grim Reapers, Gypsy Joker, Hells Angels, Hells Lovers, Hells Outcasts, Hermanos, Hessians, Hidalgo's, Highwaymen, In Country Vietnam, Iron Coffins, Iron Horsemen, Invaders, Iron Wings, Iron Mustangs, Legion Of Doom, Liberty Riders, Long Riders, Marauder's, Misfits, Mohawk Valley Riders, Mongols, Motopsychoz, Nomads, Outlaws, Pagan's, Peckerwood, Phantom's, Pharoahs, Reapers, Renegades, Sadistics, Satans Soldiers, Scorpions, Set Free Soldiers, Sin City Deciples, Sons of Legion, Sons Of Silence, Sovereign, Sundowners, Thunderbirds, Unforegiven, Vagos, Vietnam Vets / Legacy Vets, Y-Rohirrin, Warlocks Pa, Warlocks, Winos Crew And Wheels Of Soul... With newsletters going to Australia, Canada, England, France, Finland, Germany, Norway, Sweden, & Wales...

Editor's Note: I produce this National Coalition of Motorcyclists Brothers Behind Bars Newsletter which is a non-partisan newsletter for Bikers by Bikers. Information from the Newsletter contains News Articles & other information that may be of interest to a biker behind bars. Financial support for this Newsletter comes mainly from NCOM, Motorcycle Clubs, And Confederations Of Clubs...

Editor's Note (For BBB Only): Being a Patch holder in Good Standings does have it privileges... And this is one of them... If you are a Patch Holder in Good Standings & contact me, include your Chapter too... If you are Not a patch holder of a MC in Good Standings, Don't write me & request that I add you to the mailing list. You will only get rejected, as I only make very few special exceptions.

News Article Sources: All News Articles contained in this NCOM Brothers Behind Bars Newsletter, unless source is specified, are obtained from the following 3 Web Sites: *Road Scholars* (Wolf From Atlanta), Outlaw Biker World, White Trash News & Becky Cakes...

Editor's Note (New): I would like to Thank all of the contacts from all of the Motorcycle Clubs that verify if requesting member is in Good Standing with their Club; & all of the other assistance that you give me, such as address changes, being released, & soliciting donations...

Court OKs Barring High IQs for Cops – May 2, 2013 – U.S.A. – By Mary Noble; <http://politix.topix.com> - If you want to join law enforcement, don't be too smart... Police are allowed to rule out applicants for having high IQs, a Fed court has ruled. The 2nd US Circuit Court of Appeals judged that the city of New London did not discriminate when they rejected Robert Jordan's application, because everyone who took the test was evaluated by the same standards. Jordan scored 33 points in the test, equating to an IQ of roughly 125. New London police interview only candidates who score between 20 & 27, "on the theory that those who scored too high could get bored with police work & leave soon after undergoing costly training," ABC reports. Nationally cops score on average 21-22, an IQ of 104. Jordan became a prison guard after failing to join the police.

Silence Isn't Always Golden, Supreme Ct. Rules - June 17, 2013 – U.S.A. – By Brett Snider, Esq.; <http://blogs.FindLaw.com> - Suspects who are not in custody, & thus not entitled to Miranda warnings, can have their silence used against them unless they expressly invoke their Fifth Amendment right to remain silent, the U.S. Supreme Court has held. In a 5-4 decision handed down Monday, the Court in *Salinas v. Texas* determined that a suspect's silence after being asked a question during a voluntary police interview can be used against him during his criminal trial, reports the Associated Press. Though Miranda shields defendants from the dangers of police interrogation, a suspect's protections are weaker when he is not in custody.

Not In Custody, No Miranda: In *Salinas*, the Court noted that a suspect does not have to be read his Miranda rights when he is not in custody. In situations prior to custody & questioning by police, there is much less danger of police coercion, so a suspect's pre-Miranda silence is not automatically protected. That means a suspect who volunteers to answer questions, then stops & decides to remain silent, must invoke his 5th Amendment right to remain silent; if not, that silence can potentially be used against him.

Express Invocation: There are no magic words that a suspect needs to use in order to invoke his right to silence, but something needs to be said. In *Salinas*, the defendant freely answered police questions about a murder investigation, but then fell silent when asked if his shotgun would match shells found at the murder scene, USA Today reports. Without more than remaining mute, the Supreme Court plurality found that *Salinas*' silence was ambiguous, & that he could have been thinking of a way to lie just as easily as he may have been intending to invoke his rights.

Silence Used in Court: Generally, a defendant cannot have his silence as a trial witness used against him, but this does not apply fully to his choices to remain silent before trial. A prosecutor, under *Salinas*, is free to let the jury consider the fact that, prior to arrest or custody, the defendant answered some questions but chose to remain silent for others. Remember, if you are asked to come in for police questioning, it isn't an arrest, & no Miranda warnings are needed to have any voluntary statements, or even silences, admitted as evidence against you. For legal advice about what to do in your specific situation, you may want to consult an experienced criminal defense lawyer near you.

Senior Moment (Woman's): Several days ago as I left a meeting; I desperately gave myself a personal TSA pat down. I was looking for my keys. They were not in my pockets or my purse. A quick search in the meeting room revealed nothing. Suddenly I realized I must have left them in the car. Frantically, I headed for the parking lot. My husband has scolded me many times for leaving the keys in the ignition. My theory is the ignition is the best place not to lose them. His theory is that the car will be stolen. As I burst through the door, I came to a terrifying conclusion. His theory was right. The parking lot was empty. I immediately called the police. I gave them my location, confessed that I had left my keys in the car, & that it had been stolen. Then I made the most difficult call of all, "Honey," I stammered; (I always call him "honey" in times like these.) "I left my keys in the car & it's been stolen." There was a period of silence. I thought the call had been dropped, but then I heard his voice. "Are you kidding' me", he barked, "I dropped you off"!!! Now it was my time to be silent. Embarrassed, I said, "Well, come & get me." He retorted, "I will, as soon as I convince this cop I didn't steal your car." Yep it's the golden years...

Staying in bed on Sunday morning, shouting out God!!! Does not constitute going to Church...!!!

Operation Pure Luck - June 28, 2013 – *California / Nevada / Utah / Arizona / Texas / New York / Hawaii* – By The Aging Rebel; www.AgingRebel.com - The ghostly Fed propaganda war against the Vagos MC manifested as a press conference yesterday. The presser was the alleged climax of 4-year-long investigation of the Vagos. The investigation's funny name was Operation Pure Luck because if anybody actually is convicted as a result of all this it will be pure luck. Bragging it up at a podium were U.S. Atty for the District of Nevada U.S. Atty Daniel Bogden, Clark County District Atty Steve Wolfson & Joseph Riehl who is the Special Agent in Charge of the ATF field office in San Francisco. The officials announced that 31 people associated in some way with members of the Vagos, Green Machine, Wicked Riderz & Bandidos MCs had been charged in a hodgepodge of mostly unconnected Fed & state cases. At least one member of the Chosen Few MC, a black club, was also arrested. Defendants were arrested in 7 states. A Las Vegas Metro Police spokesman named Bill Cassell said there were arrests in Nevada, California, Utah, Arizona, Texas, New York & Hawaii.

Many Stealth Defendants: There were 25 actual arrests yesterday but only 7 suspects were named. Those suspects were Donald Dussell, Victor Ramirez & Edward Chelby of Hawaii & Chard Kruger, George Ward, Steven Shaw & Michael Hughes of Nevada. The charges against the named suspects appear to be related to insurance fraud & the harsh expulsion of former members of some motorcycle club. The obvious state cases carry Nevada Gang Enhancement allegations. Since yesterday's press conference was about not much, the officials who spoke at it were unusually sophisticated & vague. "Numerous undercover operatives & confidential informants infiltrated multiple groups on multiple occasions," Las Vegas Metropolitan P.D. Assistant Sheriff Greg McCurdy said. "Those groups were the Vagos, the Wicked Riderz, the Green Machine, the Bandidos & the Chosen Few.... We've had a lot of different incidents where these outlaw motorcycle gangs have wreaked havoc in our neighborhoods. So when this opportunity presented itself we decided to move forward." Fox News is calling Operation Pure Luck a "real life Sons of Anarchy bust." The cable news network also described the operation as a "huge success." More than 200 police participated in yesterday's raids in Nevada. Officials at the press conference claimed that 43 guns, more than 7 pounds of methamphetamine, almost 6 ounces of cocaine, 2,000 prescription pills & \$8,100 were seized during those raids.

Two Fed Cases: Only one of the defendants named yesterday is involved in a Fed case. Michael Hughes & Todd Wigner have been indicted for distribution of hydrocodone in a Fed case called U.S. versus Hughes et al. Six more men have been indicted in a Fed case titled U.S. versus Kane et al. Those men are Robert "BK" Kane, William "East Coast Billy" Congero, Steven "Big Steve" Carr, Robert "Mayhem" Coleman, Eric Panter & Thomas "Tommy Mac" McNamara. Those men are accused of attempting "to obtain property consisting of \$5,000.00 in U.S. Currency belonging to the victim, an individual identified as L.T., a former member of the Vagos MC, with his consent, by means of actual & threatened force, physical violence, & fear of injury, to wit: the defendants physical attacked or assisted in the physical attack of L.T., the theft of his H-D motorcycle & personal effects, & the attempted burglary of his home...." That incident appears to have occurred on June 17th, 2009.

Two indicted in motorcycle gang murder – June 28, 2013 – *Alabama* – By Hal Scheurich; www.Fox10tv.com - Two of 6 suspects authorities said were involved in the killing of a Devil's Disciples motorcycle gang member in Sept 2012 have been

indicted by a grand jury. The indictments were handed down June 18, 2013. Fred Weiss, 45, & Mary Hockett, 49, have both been indicted by a Baldwin County grand jury. Authorities said they both played a role in the murder of 54-year-old Samuel Dixson of Milton, Florida last Sept. Investigators said Weiss was the man who shot & killed Dixson & Hockett hindered prosecution. Dixson was a member of the Gulf Coast chapter of the Devils Disciples motorcycle gang. His body was found near Styx River, just a short distance from a gang clubhouse house off County Road 64 in the Wilcox Road area. That's where investigators said the murder happened. Several members of the Devil's Disciples motorcycle gang were at the house partying before the shooting. Afterwards, the house was set on fire. Three days after the shooting, police said Weiss & another defendant in the case, Adam Mayton, turned themselves in & admitted to the murder. Prosecutors said Hockett, Ruth Ann Boyles, Charles Ozier & Bruce Talbot all hindered prosecution in the case & have charges pending. Indictments haven't been handed down on the other 4 defendants yet. Next for both Weiss & Hockett will be their arraignment. That's set to be heard by Judge Jody Bishop on July 24. Mary Hockett is out of jail on \$5,000 bond. Weiss is still in jail. His bond is set at \$1 million.

Hells Angels celebrate new clubhouse as cops form ring of steel – June 29, 2013 – *Australia* – By Jonno Nash; www.TheAustralian.com.au - Police formed a ring of steel around a bikie clubhouse opening party tonight as those inside judged a stripping competition. Officers searched hundreds of partygoers before they entered the Hells Angels event. Dozens of uniformed police & horse-mounted officers kept a close eye on the gang's newest clubhouse in Seaford – its 4th in Victoria. The police show of force comes after officers raided the clubhouse yesterday confiscating thousands worth of booze for tonight's event. Detectives from the bikie-busting Echo Taskforce & liquor licensing taskforce Razon, as well as dozens of uniformed officers, raided the new Darkside Chapter's home. But the party was hardly dry with loud music blaring from the club house & 1 witness claiming men in Hells Angels insignia had been drinking since 9am. One police officer said there was even a stripping contest inside. The Patrick Court premises were shot up by someone using a machine gun or semi-automatic a fortnight ago.

Biker group members congregate in Grand Falls-Windsor – June 30, 2013 – *Canada* – By www.CBC.ca - The Outlaws motorcycle group holding annual run... Biker gang members from across Canada have congregated in central Newfoundland this weekend. The Outlaws motorcycle group is holding its annual run in Grand Falls-Windsor. The RCMP said there are between 15 to 20 full-fledged members & their associates visiting the town, & that this is the first time the Outlaws have held such a gathering outside Ontario. Police forces from across the country have ramped up their presence around town in response. Len Isnor, a detective with the Ontario Provincial Police & a biker gang expert, said the members are usually on their best behaviour. "They know that the police are here, they're used to the police presence," said Isnor. "What we do ... we come here & monitor their activities. Our number one priority is to keep the community safe, so that they can enjoy their Canada Day weekend also." Police expect the bikers to leave sometime on Sunday. The Bacchus biker gang has been in central Newfoundland since January 2011. The Outlaws arrived in Aug 2012. Newfoundland & Labrador is the only Atlantic Canadian province with 2 'one per cent' outlaw motorcycle gangs. There are chapters of both in Grand-Falls-Windsor.

Fake Drug Checkpoints Trick Drivers, but Are They Legal? – July 1, 2013 – U.S.A. – By Brett Snider, Esq.; <http://blogs.FindLaw.com> - DUI checkpoints are generally legal to check if drivers are drunk. But what if police use a fake drug checkpoint sign to catch drivers with illegal drugs? In Mayfield Heights, Ohio, police have set up yellow signs that say "Drug Checkpoint Ahead." But really, there's no such thing. Instead, officers are observing drivers' reactions & then pulling over the ones who "react suspiciously" upon seeing the fake warning, reports The Plain Dealer of Cleveland. Whether this ruse works to snag drug suspects is one thing, but is this deceptive practice legal?

Fake Checkpoints, Real Arrests: Prosecutors in Mayfield Heights believe so, & officers have already made arrests & drug seizures from these fake checkpoints. Basically, officers are targeting drivers who seem to freak out upon seeing the fake drug checkpoint sign. These arrests have often been aided by drug-sniffing dogs, which the U.S. Supreme Court has upheld as legal without a warrant, as long as a driver has been legitimately detained for a traffic violation. The Supreme Court, however, has also ruled on the issue of when police can set up checkpoints. According to the Court, there are only 2 legitimate purposes for checkpoints:

- To check for contraband near the nation's border, and
- To check for impaired driving.

In both of these cases, officers have a strong legitimate interest in having a checkpoint (national security & driver safety, respectively) to stop vehicles without suspicion of a crime. So in order to not violate the Fourth Amendment, officers employing fake checkpoint signs cannot stop a driver unless they have specific & articulable facts supporting reasonable suspicion that a crime has been committed.

Doubts About Legitimacy: Last week, some drivers fell right into the trap by making sudden turns into grassy medians & emergency vehicle crossings, police told the Plain Dealer. But one driver who was pulled over near a fake checkpoint said that he was just trying to "pull over to the side of the road to check directions." Still, he allowed officers to search his vehicle anyway, reports The Associated Press. Generally, an officer who pulls a driver over on suspicion of a traffic violation has no right to search the driver or his vehicle without more evidence. But if the driver gives consent to a search, then it's game on. Part of the genius of the fake deception is that police play to most drivers' naiveté. They're pulling over scared citizens, knowing that most will not refuse questions or searches of their vehicles. Police do not have to inform you of your legal options or rights unless you are in custody. So a bit of deception in the use of fake drug checkpoints may indeed be perfectly legal.

How did America's police become a military force on the streets? – July 1, 2013 – U.S.A. – By Radley Balko; www.ABAjournal.com - Editor's Note: In a remarkable speech at the National Defense University in May, President Barack Obama signaled an end to the war on terrorism; maybe not an end, it turns out, but a winding down of the costly deployments, the wholesale use of drone warfare, & even the very rhetoric of war. Click here to read the full editor's note.

Are cops constitutional? In a 2001 article for the Seton Hall Constitutional Law Journal, the legal scholar & civil liberties activist Roger Roots posed just that question. Roots, a fairly radical libertarian, believes that the U.S. Constitution doesn't allow for police as they exist today. At the very least, he argues, police Depts, powers & practices today violate the document's spirit & intent. "Under the criminal justice model known to the framers, professional police officers were unknown," Roots writes. The founders & their contemporaries would probably

have seen even the early-19th-century police forces as a standing army, & a particularly odious one at that. Just before the American Revolution, it wasn't the stationing of British troops in the colonies that irked patriots in Boston & Virginia; it was England's decision to use the troops for everyday law enforcement. This wariness of standing armies was born of experience & a study of history—early American statesmen like Madison, Washington & Adams were well-versed in the history of such armies in Europe, especially in ancient Rome. If even the earliest attempts at centralized police forces would have alarmed the founders, today's policing would have terrified them. Today in America SWAT teams violently smash into private homes more than 100 times per day. The vast majority of these raids are to enforce laws against consensual crimes. In many cities, police Depts have given up the traditional blue uniforms for "battle dress uniforms" modeled after soldier attire. Police Depts across the country now sport armored personnel carriers designed for use on a battlefield. Some have helicopters, tanks & Humvees. They carry military-grade weapons. Most of this equipment comes from the military itself. Many SWAT teams today are trained by current & former personnel from special forces units like the Navy SEALs or Army Rangers. National Guard helicopters now routinely swoop through rural areas in search of pot plants and, when they find something, send gun-toting troops dressed for battle rappelling down to chop & confiscate the contraband. But it isn't just drugs. Aggressive, SWAT-style tactics are now used to raid neighborhood poker games, doctors' offices, bars & restaurants, & head shops—despite the fact that the targets of these raids pose little threat to anyone. This sort of force was once reserved as the last option to defuse a dangerous situation. It's increasingly used as the first option to apprehend people who aren't dangerous at all.

Our 'Runt Piglet' Amendment: The Third Amendment reads, in full: "No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law." You might call it the runt piglet of the Bill of Rights amendments—short, overlooked, sometimes the butt of jokes. The Supreme Court has yet to hear a case that turns on the Third Amendment, & only one such case has reached a Fed appeals court. There have been a few periods in American history when the Gov't probably violated the amendment [the War of 1812, the Civil War & on the Aleutian Islands during World War II], but those incursions into quartering didn't produce any significant court challenges. Not surprisingly, then, Third Amendment scholarship is a thin field, comprising just a handful of law review articles, most of which either look at the amendment's history or pontificate on its obsolescence. Given the apparent irrelevance of the amendment today, we might ask why the framers found it so important in the first place. One answer [lies in] the "castle doctrine." If you revere the principle that a man's home is his castle, it hardly seems just to force him to share a portion of it with soldiers—particularly when the country isn't even at war. But the historical context behind the Third Amendment shows that the framers were worried about something more profound than fat soldier hands stripping the country's larders. At the time the Third Amendment was ratified, the images & memories of British troops in Boston & other cities were still fresh, & the clashes with colonists that drew the country into war still evoked strong emotions. What we might call the "symbolic Third Amendment" wasn't just a prohibition on peacetime quartering, but a more robust expression of the threat that standing armies pose to free societies. It represented a long-standing, deeply ingrained resistance to armies patrolling American streets & policing American communities. And, in that

sense, the spirit of the Third Amendment is anything but anachronistic. As with the castle doctrine, colonial America inherited its aversion to quartering from England. And as with the castle doctrine, England wasn't nearly as respectful of the principle in the colonies as it was at home. The first significant escalation of the issue came in the 1750s, when the British sent over thousands of troops to fight the Seven Years' War (known in the United States as the French & Indian War). In the face of increasing complaints from the colonies about the soldiers stationed in their towns, Parliament responded with more provocation. The Quartering Act of 1765 required the colonists to house, feed & supply British soldiers (albeit in public facilities). Parliament also helpfully provided a funding mechanism with the hated Stamp Act. Protests erupted throughout the colonies, [and] some spilled over into violence, most notably the Boston Massacre in 1770. England only further angered the colonists by responding with even more restrictions on trade & imports. Parliament then passed a second Quartering Act in 1774, this time specifically authorizing British generals to put soldiers in colonists' homes. The law was aimed squarely at correcting the colonies' insubordination. England then sent troops to emphasize the point. Using general warrants, British soldiers were allowed to enter private homes, confiscate what they found, & often keep the bounty for themselves. The policy was reminiscent of today's civil asset forfeiture laws, which allow police to seize & keep for their Depts cash, cars, luxury goods & even homes, often under only the thinnest allegation of criminality.

A Battle Over Armies: After the American Revolution, the leaders of the new American republic had some difficult decisions to make. They debated whether the abuses that British soldiers had visited upon colonial America were attributable to quartering alone or to the general aura of militarism that came with maintaining standing armies in peacetime—and whether restricting, prohibiting or providing checks on either practice would prevent the abuses they feared. Antifederalists like George Mason, Patrick Henry, Sam Adams & Elbridge Gerry opposed any sort of national army. They believed that voluntary, civilian militias should handle issues of national security. To a degree, the federalists were sympathetic to this idea. John Adams, Thomas Jefferson & James Madison had all written on the threat to liberty posed by a permanent army. But the federalists still believed that the Fed Gov't needed the power to raise an army. In the end, the federalists won the argument. There would be a standing army. But protection from its potential threats would come in an amendment contained in the Bill of Rights that created an individual right against quartering in peacetime. Even during wartime, quartering would need to be approved by the legislature, the branch more answerable to the people than the executive. Taken together, the Second, Third & Tenth amendments indicate the founders' desire for the power to enforce laws & maintain order to be primarily left with the states. As a whole, the Constitution embodies the rough consensus at the time that there would be occasions when Fed force might be necessary to carry out Fed law & dispel violence or disorder that threatened the stability of the republic, but that such endeavors were to be undertaken cautiously, & only as a last resort. More important, the often volatile debate between the federalists & the antifederalists shows that the Third Amendment itself represented much more than the sum of its words. The amendment was in some ways a compromise, but it reflects the broader sentiment—shared by both sides—about militarism in a free society. Ultimately, the founders decided that a standing army was a necessary evil, but that the role of soldiers would be only to dispel foreign threats, not to enforce laws against American citizens.

Fed Force Arises: Before the Bill of Rights could even be ratified, however, a rebellion led by a bitter veteran tested those principles. Daniel Shays was part of the Massachusetts militia during the Revolutionary War. He was wounded in action & received a decorative sword from the French general the Marquis de Lafayette in recognition of his service. After the war ended, Shays returned to his farm in Massachusetts. It wasn't long before he began receiving court summonses to account for the debts he had accumulated while he was off fighting the British. Shays went broke. He even sold the sword from Lafayette to help pay his debts. Other veterans were going through the same thing. The debt collectors weren't exactly villains either. Businesses too had taken on debt to support the war. They set about collecting those debts to avoid going under. Shays & other veterans attempted to get relief from the state legislature in the form of debtor protection laws or the printing of more money, but the legislature balked. In the fall of 1786, Shays assembled a group of 800 veterans & supporters to march on Boston. The movement subsequently succeeded in shutting down some courtrooms, & some began to fear that it threatened to erupt into a full-scale rebellion. In Jan 1787, Massachusetts Gov. James Bowdoin asked the Continental Congress to raise troops to help put down the rebels, but under the Articles of Confederation the Fed Gov't didn't have the power. So Bowdoin instead assembled a small army of mercenaries paid for by the same creditors who were hounding men like Shays. After a series of skirmishes, the rebellion had been broken by the following summer. Shays' Rebellion was never a serious threat to overthrow the Massachusetts Gov't—much less that of the United States—and it was put down relatively quickly, without the use of Fed troops & with little loss of life beyond the rebels themselves. But its success in temporarily shutting down courthouses in Boston convinced many political leaders in early America that a stronger Fed Gov't was needed. Inadvertently, Shays spurred momentum for what became the 1787 Constitutional Convention in Philadelphia. The impact of Shays' Rebellion didn't end, however, at Philadelphia. Memories of the rebellion & fears that something like it could destabilize the new republic blunted memories of the abuses suffered at the hands of British troops & made many in the new Gov't more comfortable with the use of Fed force to put down domestic uprisings. In 1792, just 5 years after the ratification of the Bill of Rights, Congress passed the Calling Forth Act. The new law gave the president the authority to unilaterally call up & command state militias to repel insurrections, fend off attacks from hostile American Indian tribes, & address other threats that presented themselves while Congress wasn't in session. In addition to the concerns raised by Shays' Rebellion, growing discontent over one of the country's first Fed taxes—a tax on whiskey—was also making the law's supporters anxious. Two years later, in 1794, President George Washington used the act to call up a militia to put down the Whiskey Rebellion in western Pennsylvania. So ideas about law & order were already evolving. The young republic had gone from a country of rebels lashing out at the British troops in their midst to a country with a Gov't unafraid to use its troops to put down rebellions. But American presidents had still generally adhered to the symbolic Third Amendment. For the first 50 years or so after ratification of the Constitution, military troops were rarely, if ever, used for routine law enforcement. But, over time, that would change.

Slow Change: The Civil War & Reconstruction rekindled historic antipathy toward the use of military troops in the streets. And 4 major wars during the 20th century kept militarization in its intended context—protecting Americans by fighting overseas. But as the Vietnam War abated, policymakers turned the war

footing inward, transforming law enforcement against illegal drugs into a “war.” There was nothing secretive about this transformation. President Richard Nixon declared a “war on drugs” in June 1971. But as that war has unfolded over several decades, we seem not to have noticed its implications. On Feb. 11, 2010, in Columbia, Mo., the police Dept’s SWAT team served a drug warrant at the home of Jonathan Whitworth, his wife & their 7-year-old son. Police claimed that 8 days earlier they had received a tip from a confidential informant that Whitworth had a large supply of marijuana in his home. They then conducted a trash pull, which turned up marijuana “residue” in the family’s garbage. That was the basis for a violent, nighttime, forced-entry raid on the couple’s home. The cops stormed in screaming, swearing & firing their weapons; & within seconds of breaking down the door they intentionally shot & killed one of the family’s dogs, a pit bull. At least one bullet ricocheted & struck the family’s pet corgi. The wounded dogs whimpered in agony. Upon learning that the police had killed one of his pets, Whitworth burst into tears. The Columbia P.D. SWAT team recorded many of its drug raids for training purposes, including this one. After battling with the police over its release, a local newspaper was finally able to get the video through state open records laws & posted it to the Internet. It quickly went viral, climbing to over 1 million YouTube views within a week. People were outraged. The video also made national headlines. On Fox News, Bill O’Reilly discussed it with newspaper columnist & pundit Charles Krauthammer, who assured O’Reilly’s audience that botched raids like the one in the video were unusual; he warned viewers not to judge the war on drugs based on the images coming out of Columbia. Krauthammer was wrong. This was not a “botched” raid. In fact, the only thing unusual about the raid was that it was recorded. Everything else—from the relatively little evidence to the lack of a corroborating investigation, the killing of the dog, the fact that the raid was for nothing more than pot, the police misfiring & their unawareness that a child was in the home—was fairly standard. The police raided the house they intended to raid, & they even found some pot. The problem for them was that possession of small amounts of pot in Columbia had been decriminalized. They did charge Whitworth with possession of drug paraphernalia for the pipe they found near the marijuana—a \$300 fine. Most Americans still believe we live in a free society & revere its core values. These principles are pretty well-known: freedom of speech, religion & the press; the right to a fair trial; representative democracy; equality before the law; & so on. These aren’t principles we hold sacred because they’re enshrined in the Constitution, or because they were cherished by the founders. These principles were enshrined in the Constitution & cherished by the framers precisely because they’re indispensable to a free society. How did we get here? How did we evolve from a country whose founding statesmen were adamant about the dangers of armed, standing Gov’t forces—a country that enshrined the Fourth Amendment in the Bill of Rights & revered & protected the age-old notion that the home is a place of privacy & sanctuary—to a country where it has become acceptable for armed Gov’t agents dressed in battle garb to storm private homes in the middle of the night—not to apprehend violent fugitives or thwart terrorist attacks, but to enforce laws against nonviolent, consensual activities? How did a country pushed into a revolution by protest & political speech become one where protests are met with flash grenades, pepper spray & platoons of riot teams dressed like RoboCops? How did we go from a system in which laws were enforced by the citizens—often with noncoercive methods—to one in which order is preserved by armed Gov’t agents too often conditioned to see streets & neighborhoods as battlefields & the citizens they serve as the enemy? Although there are plenty of

anecdotes about bad cops, there are plenty of good cops. The fact is that we need cops, & there are limited situations in which we need SWAT teams. If anything, bad cops are the product of bad policy. And policy is ultimately made by politicians. A bad system loaded with bad incentives will unfailingly produce bad cops. The good ones will never enter the field in the first place, or they will become frustrated & leave police work, or they’ll simply turn bad. At best, they’ll have unrewarding, unfulfilling jobs. There are consequences to having cops who are too angry & too eager to kick down doors, & who approach their jobs with entirely the wrong mindset. But we need to keep an eye toward identifying & changing the policies that allow such people to become cops in the first place—and that allow them to flourish in police work.

A Cop Remembers: Betty Taylor still remembers the night it all hit her. As a child, Taylor had always been taught that police officers were the good guys. She learned to respect law enforcement, as she puts it, “all the time, all the way.” She went on to become a cop because she wanted to help people, & that’s what cops did. She wanted to fight sexual assault, particularly predators who take advantage of children. To go into law enforcement—to become one of the good guys—seemed like the best way to accomplish that. By the late 1990s, she’d risen to the rank of detective in the sheriff’s Dept of Lincoln County, Mo.,—a sparsely populated farming community about an hour northwest of St. Louis. She eventually started a sex crimes unit within the Dept. But it was a small Dept with a tight budget. When she couldn’t get the money she needed, Taylor gave speeches & wrote her own proposals to keep her program operating. What troubled her was that while the sex crimes unit had to find funding on its own, the SWAT team was always flush with cash. “The SWAT team, the drug guys, they always had money,” Taylor says. “There were always state & Fed grants for drug raids. There was always funding through asset forfeiture.” Taylor never quite understood that disparity. “When you think about the collateral effects of a sex crime—of how it can affect an entire family, an entire community—it just didn’t make sense. The drug users weren’t really harming anyone but themselves. Even the dealers, I found much of the time they were just people with little money, just trying to get by.” The SWAT team eventually co-opted her as a member. As the only woman in the Dept, she was asked to go along on drug raids in the event there were any children inside. “The perimeter team would go in first. They’d throw all of the adults on the floor until they had secured the building. Sometimes the kids too. Then they’d put the kids in a room by themselves & the search team would go in. They’d come to me, point to where the kids were & say, ‘You deal with them.’” Taylor would then stay with the children until family services arrived, at which point they’d be placed with a relative. Taylor’s moment of clarity came during a raid on an autumn evening in November 2000. Narcotics investigators had made a controlled drug buy a few hours earlier & were laying plans to raid the suspect’s home. “The drug buy was in town, not at the home,” Taylor says. “But they’d always raid the house anyway. They could never just arrest the guy on the street. They always had to kick down doors.” With just 3 hours between the drug buy & the raid, the police hadn’t done much surveillance at all. The SWAT team would often avoid raiding a house if they knew there were children inside, but Taylor was troubled by how little effort they put into seeking out that sort of information. “Three hours is nowhere near enough time to investigate your suspect, to find out who might be inside the house. It just isn’t enough time for you to know the range of things that could happen.” That afternoon the police had bought drugs from the stepfather of 2 children, ages 8 & 6. Both were in the house at the time of the raid. The stepfather wasn’t. “They

did their thing,” Taylor says. “Everybody on the floor, guns & yelling. Then they put the 2 kids in the bedroom, did their search, then sent me in to take care of the kids.” Taylor made her way inside to see them. When she opened the door, the 8-year-old girl assumed a defense posture, putting herself between Taylor & her little brother. She looked at Taylor & said, half fearful, half angry, “What are you going to do to us?” Taylor was shattered. “Here I come in with all my SWAT gear on, dressed in armor from head to toe, & this little girl looks up at me, & her only thought is to defend her little brother. I thought, ‘How can we be the good guys when we come into the house looking like this, screaming & pointing guns at the people they love? How can we be the good guys when a little girl looks up at me & wants to fight me? And for what? What were we accomplishing with all of this? Absolutely nothing.’ ” Taylor was later appointed police chief of the small town of Winfield, Mo. Winfield was too small for its own SWAT team, even in the 2000s, but Taylor says she’d have quit before she ever created one. “Good police work has nothing to do with dressing up in black & breaking into houses in the middle of the night. And the mentality changes when they get put on the SWAT team. I remember a guy I was good friends with; it just completely changed him. The us-versus-them mentality takes over. You see that mentality in regular patrol officers too. But it’s much, much worse on the SWAT team. They’re more concerned with the drugs than they are with innocent bystanders. Because when you get into that mentality, there are no innocent people. There’s us & there’s the enemy. Children & dogs are always the easiest casualties.” Taylor recently ran into the little girl who changed the way she thought about policing. Now in her 20s, the girl told Taylor that she & her brother had nightmares for years after the raid. They slept in the same bed until the boy was 11. “That was a difficult day at work for me,” she says. “But for her, this was the most traumatic, defining moment of this girl’s life. Do you know what we found? We didn’t find any weapons. No big drug operation. We found 3 joints & a pipe.”

Funding the Flame: By the mid-1990s, the Byrne Formula Grant Program that Congress had started in 1988 had pushed police Depts across the country to prioritize drug crimes over other investigations. When applying for grants, Depts are rewarded with funding for statistics such as the number of overall arrests, the number of warrants served or the number of drug seizures. Those priorities, then, are passed down to police officers themselves & are reflected in how they’re evaluated, reviewed & promoted. Perversely, actual success in reducing crime is generally not rewarded with Fed money, on the presumption that the money ought to go where it’s most needed—high-crime areas. So the grants reward police Depts for making lots of easy arrests (i.e., low-level drug offenders) & lots of seizures (regardless of size) & for serving lots of warrants. When it comes to tapping into Fed funds, whether any of that actually reduces crime or makes the community safer is irrelevant—and in fact, successfully fighting crime could hurt a Dept’s ability to rake in Fed money. But the most harmful product of the Byrne grant program may be its creation of hundreds of regional & multijurisdictional narcotics task forces. That term—narcotics task force—pops up frequently in case studies & horror stories. There’s a reason for that. While the Reagan & [first] Bush administrations had set up a number of drug task forces in border zones, the Byrne grant program established similar task forces all across the country. They seemed particularly likely to pop up in rural areas that didn’t yet have a paramilitary police team (what few were left). The task forces are staffed with local cops drawn from the police agencies in the jurisdictions where the task force operates. Some squads loosely report to a state law enforcement agency, but oversight tends to be

minimal to nonexistent. Because their funding comes from the Fed Gov’t—and whatever asset forfeiture proceeds they reap from their investigations—local officials can’t even control them by cutting their budget. This organizational structure makes some task forces virtually unaccountable, & certainly not accountable to any public official in the region they cover. As a result, we have roving squads of drug cops loaded with SWAT gear who get more money if they conduct more raids, make more arrests & seize more property, & they are virtually immune to accountability if they get out of line. In 2009 the U.S. Dept of Justice attempted a cost-benefit analysis of these task forces but couldn’t even get to the point of crunching the numbers. The task forces weren’t producing any numbers to crunch. “Not only were data insufficient to estimate what task forces accomplished,” the report read, “data were inadequate to even tell what the task forces did for routine work.” Not surprisingly, the proliferation of heavily armed task forces that have little accountability & are rewarded for making lots of busts has resulted in some abuse.

The Tulia Raid: The most notorious scandal involving these task forces came in the form of a massive drug sting in the town of Tulia, Texas. On July 23, 1999, the task force donned black ski-mask caps & full SWAT gear to conduct a series of coordinated predawn raids across Tulia. By 4 a.m., 6 white people & 40 blacks—10 percent of Tulia’s black population—were in handcuffs. The Tulia Sentinel declared: “We do not like these scumbags doing business in our town. [They are] a cancer in our community; it’s time to give them a major dose of chemotherapy behind bars.” The paper followed up with the headline “Tulia’s Streets Cleared of Garbage.” The raids were based on the investigative work of Tom Coleman, a sort of freelance cop who, it would later be revealed, had simply invented drug transactions that had never occurred. The first trials resulted in convictions—based entirely on the credibility of Coleman. The defendants received long sentences. For those who were arrested but still awaiting trial, plea bargains that let them avoid prison time began to look attractive, even if they were innocent. Coleman was even named Texas lawman of the year. But there were some curious details about the raids. For such a large drug bust, the task force hadn’t recovered any actual drugs. Or any weapons, for that matter. And it wasn’t for a lack of looking: The task force cops had all but destroyed the interiors of the homes they raided. Then some cases started falling apart. One woman Coleman claimed sold him drugs could prove she was in Oklahoma City at the time. Coleman had described another woman as 6 months’ pregnant—she wasn’t. Another suspect could prove he was at work during the alleged drug sale. By 2004, nearly all of the 46 suspects were either cleared or pardoned by Texas Gov. Rick Perry. The jurisdictions the task force served eventually settled a lawsuit with the defendants for \$6 million. In 2005 Coleman was convicted of perjury. He received 10 years’ probation & was fined \$7,500. In the following years, there were numerous other corruption scandals, botched raids, sloppy police work, & other allegations of misconduct against the federally funded task forces in Texas. Things got so bad that by the middle of the 2000s Perry began diverting state matching funds away from the task forces to other programs. The cut in funding forced many task forces to shut down. The stream of lawsuits shut down or limited the operations of others. In 2001 the state had 51 federally funded task forces. By the spring of 2006, it was down to 22. Funding for the Byrne grant program had held steady at about \$500 million through most of the Clinton administration. The Bush administration began to pare the program down—to about \$170 million by 2008. This was more out of an interest in limiting Fed influence on law enforcement than concern for police abuse or drug war excesses.

But the reaction from law enforcement was interesting. In March 2008, Byrne-funded task forces across the country staged a series of coordinated drug raids dubbed Operation Byrne Blitz. The intent was to make a series of large drug seizures to demonstrate how important the Byrne grants were to fighting the drug war. In Kentucky alone, for example, task forces uncovered 23 methamphetamine labs, seized more than 2,400 pounds of marijuana, & arrested 565 people for illegal drug use. Of course, if police in a single state could simply go out & find 23 meth labs & 2,400 pounds of marijuana in 24 hours just to make a political point about drug war funding, that was probably a good indication that 20 years of Byrne grants & 4 decades of drug warring hadn't really accomplished much. During the 2008 presidential campaign, Barack Obama criticized [George W.] Bush & the Republicans for cutting Byrne, a Fed police program beloved by his running mate Joe Biden. Despite Tulia ... & a growing pile of bodies from botched drug raids, & the objections of groups as diverse as the ACLU, the Heritage Foundation, La Raza & the Cato Institute, Obama promised to restore full funding to the program, which, he said, "has been critical to creating the anti-gang & anti-drug task forces our communities need." He kept his promise. The 2009 American Recovery & Reinvestment Act resuscitated the Byrne grants with a whopping \$2 billion infusion, by far the largest budget in the program's 20-year history.

9/11 Opens A Spigot: Police militarization would accelerate in the 2000s. The first half of the decade brought a new & lucrative source of funding & equipment: homeland security. In response to the terrorist attacks of Sept. 11, 2001, on the World Trade Center in NY City & the Pentagon in D.C., the Fed Gov't opened a new spigot of funding in the name of fighting terrorism. Terrorism would also provide new excuses for police agencies across the country to build up their arsenals & for yet smaller towns to start up yet more SWAT teams. The second half of the decade also saw more mission creep for SWAT teams & more pronounced militarization, even outside of drug policing. The 1990s trend of Gov't officials using paramilitary tactics & heavy-handed force to make political statements or to make an example of certain classes of nonviolent offenders would continue, especially in response to political protests. The battle gear & aggressive policing would also start to move into more mundane crimes—SWAT teams have recently been used even for regulatory inspections. But the last few years have also seen some trends that could spur some movement toward reform. Technological advances in personal electronic devices have armed a large percentage of the public with the power to hold police more accountable with video & audio recordings. The rise of social media has enabled citizens to get accounts of police abuses out & quickly disseminated. This has led to more widespread coverage of botched raids & spread awareness of how, how often & for what purpose this sort of force is being used. Over just the last 6 years, media accounts of drug raids have become less deferential to police. Reporters have become more willing to ask questions about the appropriateness of police tactics & more likely to look at how a given raid fits into broader policing trends, both locally & nationally. Internet commenters on articles about incidents in which police may have used excessive force also seem to have grown more skeptical about police actions, particularly in botched drug raids. It's taken nearly a half-century to get from those Supreme Court decisions [upholding questionable searches & police tactics] in the mid-1960s to where we are today—police militarization has happened gradually, over decades. We tend not to take notice of such long-developing trends, even when they directly affect us. The first & perhaps largest barrier to halting police militarization has probably been awareness. And that at least seems to be changing.

Whether it leads to any substantive change may be the theme of the current decade.

Sidebar - Warring Against Crime: In a remarkable speech at the National Defense University in May, President Barack Obama signaled an end to the war on terrorism; maybe not an end, it turns out, but a winding down of the costly deployments, the wholesale use of drone warfare, & even the very rhetoric of war. Prompted by the odious attacks on New York City & Washington, D.C., in 2001, he said, we took the battle, for better or worse, to Afghanistan & to Iraq and, surreptitiously, to Pakistan to punish those deemed responsible. We moved on the home front, as well; perhaps too quickly, some would argue—"hardening targets, tightening transportation security, giving law enforcement new tools to prevent terror," as the president described the domestic defense agenda. Some of this hardening & tightening was obvious. Surveillance cameras be-came as ubiquitous as concrete barriers. Office buildings tightened security. Passengers were screened for weapons before boarding planes. But in local law enforcement some of the "new tools" made available to even the smallest police Depts helped accelerate changes in policing, changes that some say altered the way police Depts behave. Today, police Depts—or some of their key enforcement operations—appear to be on a war footing. Many dress in commando black, instead of the traditional blue. They own military-grade weapons, armored personnel carriers, helicopters & Humvees. Their training is military. Their approach is military. They are in a war against crime & violence & terror that they argue never ends. Just ask those at the finish line of the Boston Marathon on April 15. In his new book, *Rise of the Warrior Cop*, journalist Radley Balko points out that this militarization of police Depts had taken hold several decades before 9/11. He argues, in the following excerpt, that a few appropriate applications of those tactics & weaponry have obscured their routine use each day, against U.S. citizens accused of ordinary crimes, in ways that would have been repugnant to the nation's founders. "To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance," the president noted in his recent speech. "For the same human progress that gives us the technology to strike half a world away also demands the discipline to constrain that power—or risk abusing it." Whether or not you agree with him, it is an issue that Balko has been chronicling for years at the local & national levels. And in this particular moment of national introspection about the efficacy of traditional warfare against the threat of determined terrorists, Balko poses the question about its efficacy against common crime.

Dorothy & Edna, 2 "senior" widows, are talking. Dorothy: "That nice George Johnson asked me out for a date. I know you went out with him last week, & I wanted to talk with you about him before I give him my answer." Edna: "Well, I'll tell you. He shows up at my apartment punctually at 7pm, dressed like such a gentleman in a fine suit, & he brings me such beautiful flowers! Then he takes me downstairs. And what's there: a limousine, uniformed chauffeur & all. Then he takes me out for dinner; a marvelous dinner, lobster, champagne, dessert, & after-dinner drinks. Then we go see a show. Let me tell you Dorothy, I enjoyed it so much I could have just died from pleasure! So then we are coming back to my apartment & he turns into an Animal. Completely crazy, he tears off my expensive new dress & has his way with me 3 times!!!" Dorothy: "Goodness gracious!... so you are telling me I shouldn't go ??". Edna: "No, no, no... Course not... I'm just saying, wear an old dress".

Celebrating independence in a land that spies on its citizens – July 2, 2013 – U.S.A. – By David Gewirtz; www.zdnet.com - As we come to this Fourth of July, some citizens are up in arms over what some might call another "long train of abuses & usurpations," as it was originally written in the Declaration. I'm speaking, of course, about the NSA/PRISM stink. John Adams was quite the party animal. After signing the Declaration of Independence on July 4, 1776, he wrote to Abigail, saying of the day, "It ought to be solemnized with pomp & parade, with shows, games, sports, guns, bells, bonfires & illuminations, from one end of this continent to the other, from this time forward forever more." Screeeeeeech. Rewind. Let's get a few things straight, shall we? First, Adams never said the Fourth of July should be celebrated. He was convinced July 2 was the big day. Why? Well, as it turns out, the Second Continental Congress voted to approve a resolution of Independence on July 2. Adams, it turns out, wrote his most effective policy statement (you know, the bonfires, bells, guns, games, parties, parades & illuminations one) on July 3, 1776 — not July 4. That's okay — we now celebrate July 4 because, while everyone voted on July 2, the Founding Fathers signed on July 4. And that's what really matters, right? Well, not so much. According to George Mason University, pretty much nobody signed the document on July 4. Some of our founders signed it on July 2, some signed it during a signing ceremony on August 2 (which, arguably, was the closest to the scene we all have in our heads) & some of the rest got around to signing it one day (there are, apparently, no records of which day) in Jan of 1777. That's not to say that revisionist history is a modern invention. Yes, the document does say — right at the top, in big bold letters — "In Congress, July 4, 1776." And yes, in later years, both Adams & Jefferson will claim the document was signed on July 4, 1776. Even so, historians have been able to prove that was just the date on the document & it was absolutely not signed on July 4. The one thing about July 4 that is true? John Adams died on July 4, 1826 & TJ also died on July 4, 1826, just hours apart. For those of you who don't have copies of the Declaration & the Constitution — in case there's a need for quick reference — sequestered in the bathroom magazine stand, or installed as apps on your smartphone, or sitting on your computer desktop as high-res images, the Declaration pretty much says to King George, "You are not the boss of me." And yes, I do have the above. All three. The Declaration says that America, as a nation, is no longer subject to the rule of King George. It's the Constitution, ratified eleven years later, that defines how our nation would operate. The details of U.S. citizen rights wouldn't be codified until 1791 in the Bill of Rights. As we come to this July 4, some citizens are up in arms over what some might call another "long train of abuses & usurpations," as it was originally written in the Declaration. I'm speaking, of course, about the NSA/PRISM stink that's been all over the news for the past month. We've had deep discussions about the meaning of metadata, we've worried about how to protect ourselves from the NSA & other eavesdroppers, & we've lost some faith in our tech giants. None of this changes what America's counterterrorism forces do as part of their job protecting the lives of American citizens. After all, as Jason Perlow so eloquently stated, the NSA has been all up in your privacy junk since 1952. So how do we reconcile all this news with our yearly, officially-sanctioned barbecue & bottle-rocket festival? How can we celebrate our independence when our own Gov't seems to see nothing wrong in tracking & collecting all our digital footprints? First, understand that not all is as it seems. In the same way that we celebrate Independence Day on the Fourth of July, even though nothing particularly interesting or memorable actually happened on July 4, 1776, we should understand that the snippets of PowerPoints

being reported by the Guardian & Washington Post are just that: snippets. Americans aren't being told the whole story, not because they can't handle it (after all, the press eats this stuff up), but because disclosing the details of how we track & defend against nation state enemies of America & terrorist actors is not in our strategic best interests. So, while some press reports may make it seem like the NSA is listening in on all your phone calls or reading all your email, the Gov't just isn't that into you. There has been a positive result from all these stories, though. We're discussing privacy again. We're discussing a future based on digital communications. We're thinking through the implications of digital tracking, & we're even discussing how the mainstream media got the PRISM story so hopelessly wrong. This sort of intelligent (if somewhat overwrought) discussion is a big part of what America is all about. Independence Day (whenever it really happened) came about because our Founding Fathers were introspective enough to think through the meaning of governance. They were able separate the frivolous ("Prudence, indeed, will dictate that Gov'ts long established should not be changed for light & transient causes") from the intolerable ("a history of repeated injuries & usurpations, all having in direct object the establishment of an absolute Tyranny over these States"). Our Founding Fathers spent decades thinking about what it meant to be a nation, how individual rights can be balanced with the needs of the nation as a whole. They got some of it right (the Constitution, the Bill of Rights), & even knew that some of it would go off the rails (political parties), & they laid a groundwork for a future that's worked relatively well for almost 250 years. So this Independence Day, cook up those hot dogs, grill up those burgers, march through your towns, set off your illuminations & have a great time. John Adams insisted you do, & partying like it's 1776 will honor his name. But as you do, as you take that last ill-advised bite of the third helping of that oh-I-ate-too-much apple pie, think about what privacy means to Americans going into the future. Think about how much privacy we're willing to give up for services from Facebook & Google. Think about how our Constitution & Bill of Rights apply to digital communications. Finally, spend a moment to hoist a toast to the efforts of the thousands of faceless Gov't servants who've bravely & selflessly fought back the tyranny of terrorists these last years.

Take My Ass To Jail: A Tennessee State trooper pulled a car over on I-24 about 2 miles east of the Alabama/Tennessee State line... When the trooper asked the driver why he was speeding, the driver said he was a Magician & Juggler & was on his way to Chattanooga to do a show at the Shrine Circus & he didn't want to be late. The trooper told the driver he was fascinated by juggling acts & told the driver if he would do a little juggling for him he wouldn't give him a ticket. He told the trooper he had sent his equipment on ahead & didn't have anything to juggle. The trooper said he had some flares in the trunk of his patrol car & asked if he could juggle them. The juggler said he could, so the trooper got out 5 flares, lit them & handed them to him. While the man was juggling, a car pulled in behind the patrol car. A drunken good ol'boy from Alabama got out, watched the performance, then went over to the patrol car, opened the rear door & got in. The trooper observed him & went over to the patrol car, opened the door & asked the drunk what he thought he was doing. The drunk replied, You might as well take my ass to jail, cause there ain't no way in hell I can pass that test.

Foreign aid might be defined as a transfer of money from poor people in rich countries to rich people in poor countries. - Douglas Casey, Classmate of Bill Clinton at Georgetown University

Don't worry, the U.S. Gov't is tracking your snail mail, too – July 3, 2013 – *U.S.A.* – By Andrew Nusca; www.zdnet.com - And here you were worried about your e-mail inbox. How's that for big data? The U.S. Postal Service, an independent agency of the U.S. Fed Gov't, photographed the exterior of about 160 billion pieces of mail it processed last year under a secret surveillance program first introduced in the wake of anthrax attacks in 2001, according to a new report. The New York Times' Ron Nixon reports on the USPS' "mail covers" & "Mail Isolation Control & Tracking program," which together give the Gov't a "sweeping" view of the communications sent between its citizens. He reports: The mail covers program, used to monitor Mr. Pickering, is more than a century old but is still considered a powerful tool. At the request of law enforcement officials, postal workers record information from the outside of letters & parcels before they are delivered. (Actually opening the mail requires a warrant.) The information is sent to whatever law enforcement agency asked for it. Tens of thousands of pieces of mail each year undergo this scrutiny. The Mail Isolation Control & Tracking program was created after the anthrax attacks in late 2001 that killed 5 people, including 2 postal workers. Highly secret, it seeped into public view last month when the F.B.I. cited it in its investigation of ricin-laced letters sent to Pres Obama & Mayor Michael R. Bloomberg. It enables the Postal Service to retroactively track mail correspondence at the request of law enforcement. No one disputes that it is sweeping. "It is not known how long the Gov't saves the images," Nixon adds. As with the recent scandal over the widespread surveillance of telephone & digital communications by the U.S. Nat'l Security Admin, the key issue here is how the program has broadened considerably since its inception: a tool once used actively to investigate only those people suspected of committing a crime is now used more defensively, to record as much data as possible. That information includes the names, addresses, return addresses & postmark locations of a piece of mail, according to the report. That gives the Gov't "a pretty good map of your contacts," according to one of Nixon's sources, even if the agency isn't actually reading the contents of the envelope or package. A mail cover request can be granted for up to 120 days for the purpose of either "criminal activity" & "Nat'l security." Challenges to them have failed because courts do not consider there to be a reasonable expectation of privacy for the exterior of a piece of mail.

When Are Police Allowed to Shoot, Kill Dogs? Legal – July 2, 2013 – *U.S.A.* – By Brett Snider, Esq.; <http://blogs.FindLaw.com> - Sometimes the victims of lethal force by the police are not men, but man's best friend. In an undated video uploaded to YouTube, Leon Rosby is shown being arrested by officers in Hawthorne, CA, only to have his pet Rottweiler shot by police when it appears to come to its owner's rescue, reports The Huffington Post. Officers can use lethal force on humans when they fear for their safety or the safety of others, but what about dogs & other pets?

Officer Safety: In a statement released by Hawthorne police, the officer's choice to shoot & kill Rosby's dog, Max, was justified by the fear that the 2-year-old Rottweiler would "imminently bite the officer(s)," reports Los Angeles' KCAL-TV. Although killing a dog isn't the same matter as shooting & killing a human, officers are generally justified in using deadly force to subdue human suspects when they are:

- Suspected of a severe crime,
- Posing an immediate threat to officer, and
- Actively resisting arrest.

There is likely a lower standard for dogs, since only humans have Fourth Amendment protections.

Seizure of 'Property'? While having a pet killed right in front of you is traumatic (remember Old Yeller?), police may actually be illegally seizing property if they shoot & kill your beloved pet. Some Fed courts have ruled that dogs are indeed property under the Fourth Amendment. But if officers acted reasonably in shooting them, there is no option to recover damages. It is unclear how future courts would rule if Rosby files a lawsuit against the Hawthorne P.D. But courts would likely focus on whether officers were justified in shooting Max 4 times for making "aggressive movements," as police are claiming.

Police Animal Procedure: According to a 2010 Los Angeles P.D. report, there were 15 dogs shot by LAPD officers over the course of a year. Breeds often seen as dangerous, like pit bulls & Rottweilers, made up more than 80% of the dogs shot by officers. Additionally, many police manuals authorize an officer to shoot & kill "potentially dangerous" animals when they pose a risk to safety. Still, an officer may have to undergo an internal investigation, like those performed by LAPD's Force Investigation Division, for pulling the trigger on an animal. Internal investigations won't bring back a beloved pet, but the investigators' findings may be the perfect basis for a lawsuit for emotional distress.

On July 22nd at 1pm in the Capitol Annex in Frankfort – July 3, 2013 – *Kentucky* – By <http://kmakba.com/> - The KMA/KBA will be testifying on 3 issues that came up during the last legislative session. The hope is that all questions / concerns that the legislators have on these bills will be answered prior to the session allowing for easier passage. If you are able to attend we would love to fill the room. Please wear your leathers & if you have been affected by any of the following issues please send me an email describing your situation to president@kmakba.com ... We will relay those stories to the committee members. Here are the issues we will be testifying on: **1.** Right of way violations / Vulnerable users bill - this bill would increase penalties for car drivers that injure or kill a biker due to negligence of some type. **2.** Being able to turn left at an intersection where the traffic signal is inoperable or does not detect the motorcycle. **3.** Allowing motorcycles to park in municipal parking garages. Some garages, mainly in the larger cities, have banned motorcycles from using these facilities. Thank you in advance & hope to see lots of you there. If not as you see your legislators over the summer at the various county fairs, church picnics & such please be sure to mention that we are in support of the above issues. Jay Huber

Biker gang member charged in shooting - July 3, 2013 – *Pennsylvania* - By www.Post-Gazette.com - A member of the Pagan's motorcycle gang, angered that a black man was hanging around his house in Elizabeth Township with a group of his stepdaughter's friends Sunday night, retrieved a rifle & opened fire on the man & several others, according to police. Charles Motte, 51, is charged with attempted homicide, aggravated assault & related offenses. Police said Mr. Motte, who was wearing Pagan colors & insignia, came home Sunday night to find several young people, all friends of his stepdaughter, in front of the house. One of them, Mykhael Kelley, 19, is black. Using a racial slur, Mr. Motte yelled that he didn't want Mr. Kelley at the house, then went inside & retrieved a .22-caliber rifle & fired a shot from an upstairs window at Mr. Kelley & a friend, Kelsey Gory, 18, as they stood in the driveway along with several other witnesses. Police took Mr. Motte into custody & confiscated 2 rifles after searching the house. He was being held in the Allegheny County Jail.

Norwegian 'mafia' felled for contract killing – July 3, 2013 – *Norway* – By www.TheLocal.no - A court in Norway has freed 4 men with ties to the Bandidos motorcycle gang from charges of organized crime, but found them guilty of contract killing & extortion. Three of the men have previously been members of the Bandidos network & were charged under Norway's anti-mafia laws. Jæren District Court found 3 men not guilty of organized crime on Wed. The regional Stavanger Aftenblad reported the court could not felled them for mafia charges due to lack of evidence. Norway's mafia law requires that a group of at least 3 people can be proven to have worked together to break the law. The sum total of suspected criminal activities must also carry a minimum 3-year penalty for the law to come into effect. The court instead convicted the 3 men & a fourth suspect of taking money to perform contract killings, as well as extortion. The verdict stated that while there was evidence that pointed to the men working in unison, only 2 men could have worked together - making the anti-mafia law inapplicable. Neither could the court prove that the men had cooperated in the extortion.

Happy Independence Day – July 4, 2013 – *U.S.A.* - Nothing quite says Happy Birthday America, Like drinking beer & playing with explosives...

Press Release from the Warlocks National, LLC – July 4, 2013 - *Florida* - A documentary series will be released on Friday, July 5, 2013 to be aired on the Discovery Channel entitled "Warlocks Rising." This documentary purports to depict some members of the Warlocks MC in various personal activities & in various club activities & events. The depictions aired during this series will be the result of the participation of individuals & of the editing process utilized by the publisher. Nothing depicted in this series should be interpreted as being approved or ratified by the Warlocks National, LLC, or any individual chapter or member of the Warlocks Motorcycle Club. Indeed, there are many members of the Warlocks Motorcycle Club who do not approve of this series nor the activities & opinions depicted or expressed therein. Roger B. Butcher, P.A.; P.O. Box 620069; Oviedo, Florida 32762-0069 - Phone: (407) 321-6635 Email: ButcherLaw@aol.com - Direct Line: (407) 808-4535 - Attorney for Warlocks National, LLC

The Tyranny of Out-of-Touch Leaders – July 4, 2013 – *U.S.A.* – By FAMM; www.FAMM.org - Happy Fourth of July. I'm trying to drum up some genuine enthusiasm for the holiday but I keep coming up short. I mean, I'm happy we gained our independence from Great Britain & who doesn't like a good barbeque & fireworks? In fact, I just learned that John Adams hoped we would celebrate the Declaration of Independence with fanfare. On July 3, 1776, Adams wrote to his wife, Abigail: It ought to be solemnized with pomp & parade, with shows, games, sports, guns, bells, bonfires, & illuminations, from one end of this continent to the other, from this time forward forever more. So, celebrating Independence Day with gusto is pretty much mandatory considering one of the founding fathers said we should. I'm trying, really. But I keep getting sidetracked by the 2 million people in prison in this country whose problem isn't an English king, but American legislators who pass mandatory sentencing laws. They have no freedom at all. I recently received a letter from an 83-year old Vietnam Vet who is taking care of his disabled wife as well as his son's wife & four-year old daughter because his son is serving 15 years in Fed prison for a marijuana conviction. His plaintive words were simple, but piercing: "I need my son at home." His son has already served 4 years in prison. Will someone please tell me what benefit the

country gains by keeping him there another 11 years? As frustrated as I feel about the unbelievably long prison sentences people are serving, I know that the future is not all gloom & doom. In fact, it's looking brighter than it has in a long time. Voices from across the political spectrum are calling for criminal justice changes. Conservative commentator Richard Viguerie recently wrote in the Wall Street Journal that "...it's not just the excessive & unwise [criminal justice] spending that offends conservative values. Prisons, for example, are harmful to prisoners & their families. Reform is, therefore, also an issue of compassion." Compassion has too often been absent in conversations about sentencing policy, usurped by a thirst for retribution & plain old punishment. While that is still a common refrain among policymakers, a new chorus is taking shape. States across the country are passing bills that reduce punishments for nonviolent offenders (Oregon did so this week) & in Congress the Justice Safety Valve Act that would give judges more flexibility to sentence below the mandatory minimum has been introduced in both houses. A recent New York Times editorial said the bill "deserves committee hearings & passage soon." I agree. These are good signs that change is on its way. I just wish it would happen quickly. I'd love to belt out "God Bless America" tomorrow, knowing that America's sentencing flaws would soon be corrected. But we're not there yet. We're getting close- closer than we've been in the 22 years I've been doing this work. And one day – not too far away – we'll be free of the tyranny of sentencing laws imposed by out-of-touch leaders. Then I'll burst into song on the Fourth of July. For now, enjoy the fireworks & don't forget those in prison. Best, Julie Stewart; Pres, FAMM

Why I Love Old Women: She walked up, & tied her old mule to the hitch rail. As she stood there, brushing some of the dust from her face & clothes, a young gunslinger stepped out of the saloon with a gun in one hand---and a bottle of whiskey in the other. The young gunslinger looked at the old woman & laughed, saying, "hey, old woman, have you ever danced?" The old woman looked up at the gunslinger & said, "No, I never did dance... Never really wanted to." A crowd had gathered as the gunslinger grinned & said, "well, you old bag, you're gonna dance now," & started shooting at the old woman's feet. The old woman prospector - not wanting to get her toe blown off - started hopping around. Everybody was laughing. When his last bullet had been fired, the young gunslinger, still laughing, holstered his gun & turned around to go back into the saloon. The old woman turned to her pack mule, pulled out a double-barreled shotgun, & cocked both hammers. The loud clicks carried clearly through the desert air. the crowd stopped laughing immediately. The young gunslinger heard the sounds too, & he turned around very slowly. the silence was almost deafening. The crowd watched as the young gunman stared at the old woman & the large gaping holes of those twin gun barrels. The barrels of the shotgun never wavered in the old woman's hands, as she quietly said, "Son, have you ever licked a mule's butt?" The gunslinger swallowed hard & said, "No m'am. But... I've always wanted to."

There are a few lessons for us all here: 1. Never be arrogant. 2. Don't waste ammunition. 3. Whiskey makes you think you're smarter than you are. 4. Always, always make sure you know who has the power. 5. Don't mess with old women; they didn't get old by being stupid...

The graveside service just barely finished, when there was a massive clap of thunder, followed by a tremendous bolt of lightning, accompanied by even more thunder rumbling in the distance... The little old man looked at the pastor & calmly said, "Well, she's there."

Area police ready for Hells Angels' rally week in Rockford – July 5, 2013 – *Rockford, Illinois* - By Chris Green; www.RRStar.com - When are Hells Angels rallies uneventful? Rockford police believe it's when there is a strong presence of uniforms. They expect that will be the case when the motorcycle club rumbles into town July 28 through Aug. 3 for its 2013 USA Run, which is expected to draw 500 to 1,000 bikers. From here, they'll travel to Sturgis, S.D., home of one of the largest annual motorcycle rallies in the world. Illinois State Police, Winnebago County & area L.E. personnel have been talking with Rockford for weeks to prepare for the gathering of a group classified by the Justice Dept as an outlaw gang long entrenched in a culture of drugs & weapons trafficking, extortion, money laundering, theft & violent crime. "The public is definitely going to see an influx of motorcycles & motorcycle gang members, & they are going to see an influx of law enforcement personnel, too," Rockford Lt. Marc Welsh said. USA Run will be at Lyran Park, a secluded Kishwaukee riverfront camp site south of Chicago Rockford International Airport. Many Hells Angels will camp overnight, but many have booked rooms at several hotels near East State St & Interstate 90. They'll be visible at shopping & dining spots in Rockford, Cherry Valley & Belvidere. Welsh has studied the action plans of police agencies in each city where Hells Angels have rallied since 1996. "I kind of took the good, the bad & the ugly from all of them & formulated our plan," he said. The 2009 Run in Carlton County, Minn., saw only speeding tickets, minor traffic violations & one DUI arrest. In an act of bravado the next year in Gunnison County, Colo., 20 Hells Angels spread across west- & eastbound lanes of traffic before officers stopped the group & found a New York chapter V.P. carrying a gun in his waistband. Richard E. West was indicted for being a felon in possession of a firearm. In 1996 in Steamboat, Colo., a shooting occurred at a hotel occupied by Hells Angels. Club members barred police from investigating for several hours while other members removed evidence from the site. Welsh doesn't know why Winnebago County was chosen for this year's USA Run, although Rockford is home to a Hells Angels chapter. The private clubhouse at 1109 Rock St. is surrounded by a chain-link fence. A member entering the club last week declined to comment...

Man killed in high-speed motorcycle crash identified - July 6, 2013 - *North Carolina* – By www.wsocvt.com - A member of a motorcycle club was killed when he crashed as officers were following him early Sat morning. Troopers said Cleveland County police & Rowan County officers were following Kenny Brown, 41, of Mocksville after they spotted him speeding in Rowan County. They said Brown was a member of the Outlaws motorcycle gang & was riding a H-D. Troopers said Statesville authorities took over the situation when Brown reached Statesville. Authorities said they were not chasing Brown, but were keeping him in sight as he drove more than 100 mph through Statesville & into Troutman. Brown wrecked his motorcycle & died at the scene.

USPS Logs Mail for FBI, & It's Legal – July 6, 2013 – *U.S.A.* – By Brett Snider, Esq.; <http://blogs.FindLaw.com> - Although it may surprise you, the U.S. Postal Service is logging your mail & sharing it with Fed law enforcement. And the practice is completely legal. Surprise might be an understatement for what New Yorker Leslie Pickering was feeling last September, when he opened his mail to find a handwritten card instructing postal workers to copy the exterior of his mail before it reached him, reports The New York Times. The post office could be doing the same with your mail, & the law is on their side.

Photographing Mail as It's Processed: The USPS did confirm that they were tracking Pickering's mail, but declined to explain why. It could be because Pickering is the ex-spokesman for a radical environmental group that was deemed an "eco-terrorist" group by the FBI, reports The New York Times. Though Pickering stepped away from that role more than a decade ago, it may help to explain why he & many others have their mail tracked & photographed, without a warrant, under the Mail Isolation Control & Tracking (MICT) program. The secret Gov't program was revealed in a Fed criminal complaint, in which an FBI source expounded on MICT's ability to "photograph & capture an image of every mail piece," reports The Smoking Gun. To be clear, MICT doesn't read the content of the letters, but it does make a photo & data record of the exteriors of thousands of letters, packages, & parcels that pass through USPS facilities, reports the Times.

MICT Is Legal & Isn't Going Away: Critics might compare this program to prior FBI or National Security Agency surveillance of phone & internet records -- warrantless searches which were justified under Patriot Act-era laws & a fairly loose standard of proof. Because MICT only looks at the outside of letters, which are publicly viewable, there is no reasonable expectation of privacy that is being violated by MICT collecting a backlog of millions of letter exteriors. The U.S. Supreme Court has used similar reasoning to explain why the police are free to go through your trash set out on the curb without a warrant or probable cause. Despite fears about privacy or constitutional violations, the MICT program is by all accounts still in operation, & will continue to be until political or legal forces move against it.

Wolf Creek resident pens memoir on years as an outlaw biker – July 7, 2013 – *Utah* – By Peggy O'Neill; <http://helenair.com> - A life spent on a motorcycle provides plenty of time to think. That's the case for Wolf Creek author Ralph "Teach" Elrod. After 3 or 4 false starts, Elrod finally sat down last March & started writing down all the things he'd thought about during the his time on the road. Most of those thoughts were of his early days as a member of the Barons MC — an outlaw motorcycle club that started in Salt Lake City in 1966. Those thoughts eventually turned into a nearly 300-page memoir, called "Kick Start: Memories of an Outlaw Biker," which Elrod recently published through Friesen Press. "There were so many interesting stories, so many interesting characters, I had to sit down & write about it," Elrod said. Elrod, who is 70 years old, became a member of the Barons MC in 1969, shortly after leaving a career as an elementary school teacher. The career was short-lived - only 5 years - but it earned him the lifelong nickname of "Teach." By the early '70s, Elrod was president of the Barons, a title he held for most of that decade. There are some rough scenes & rough language in "Kick Start," but it reads as though Elrod is sitting next to you telling you his stories, which he recalls in quite vivid detail. "I wrote about the good times & bad times," Elrod said. "I tried not to coat it. It's as truthful & straightforward as I can make it. Some of it brought tears to my eyes - it was hard to think about how tough it was on my family. There's a good side & bad side to everything. Sometimes there was collateral damage to the people who hung out with us. It's not all fun & roses." The book includes chapters of crimes that Elrod was falsely accused & later cleared of. He also writes candidly about his daughters — one of whom was raped & another who was almost the victim of a serial killer. In a chapter called "Hundreds of Bearded, Bedraggled, Beer-Swiggling Motorcyclists from Around the Nation Circling the White House & U.S. Capitol Yesterday," which is named after the lead paragraph in a 1975 Washington Post article, Elrod writes about a demonstration he & his fellow club members participated in to

protest the helmet law. At the time, the national Dept of Transportation was considering cutting millions of dollars of Fed funding to states that had not passed helmet laws. Elrod is quoted in the article: "Traffic regulations are state laws & this is a blackmail by the Fed Gov't." Elrod lives in a house he built on 40 acres near Wolf Creek. He still wears the colors & patches of the Barons MC. He rides Harley Davidson — a shiny red special model only sold to former firefighters. Elrod served with the Wolf Creek volunteer fire Dept for 24 years & was the fire chief for 6 of those years. Elrod said he has few regrets about his life as an "outlaw biker." "Everyone has that rebellious spark inside," he said. "We're just the ones who let it go." At his 50th high school reunion in Boise, Idaho, Elrod said he was approached by a classmate who said: "Oh, you're the one who dropped out." Elrod responded: "I didn't drop out. I wanted life to be an adventure." Elrod will be signing books at the Montana Book & Toy Company on July 13 from 1 to 3 p.m. His book can be ordered from friesenpress.com or from amazon.com.

2013 Motorcyclist Fatalities Pass 25-Death Milestone – July 8, 2013 – *Minnesota* – By <https://dps.mn.gov> - June the Deadliest Month for Riders this Year... More motorcyclists have died this year on Minnesota roads compared to last year at this time, according to the Minnesota Dept of Public Safety Motorcycle Safety Center. Twenty-six riders have lost their lives in 2013; there were 18 motorcycle deaths at this time last year. Already in July 5 riders have died, including 3 on July 4 in 2 separate crashes. That follows a deadly June when 10 riders were killed, making it the deadliest month for riders in 2013. So far this year, there have been 162 traffic fatalities in Minnesota, 16% of which are riders. There were 55 motorcyclist deaths in 2012. DPS officials point to many of the same contributing factors for the rider deaths this year including motorcyclist's error & failure to yield the right-of-way. 2013 Fatal Motorcycle Crash Facts:

- Age: 46% of the motorcyclists killed were over the age of 50; 31% were under 30.
- Deer: Two of the fatal crashes involved a collision with a deer, a common trend within the last decade. During 2002-2012, 43 motorcyclists have been killed in a crash with a deer.
- Helmet Use: Of the 22 motorcyclists with helmet-use cited in crash reports, over half (15) were not wearing a helmet. Seven riders were wearing a helmet.
- Contributing Factors: Nearly half of the crashes involved another vehicle. In the motorcycle-only crashes, failure to negotiate a curve was cited 8 times.
- Location: Over 60 percent of the crashes occurred in a rural area & over one-third in the 12-county metro area. Top 4 deadliest counties include:
 - Hennepin: 4
 - Dakota, Pine & Crow Wing: 2

MMSC Program Coordinator, Bill Shaffer, encourages motorists to share the roads, drive at safe speeds & look twice for motorcyclists. He also says riders should wear full protective gear, including a DOT-approved helmet, brightly colored jacket, rider pants, boots & gloves. Most importantly, he encourages riders to get trained. "Training is a life-saving option that teaches riders crash-avoidance techniques to stay safe on the road," says Shaffer. "Any experience level is welcome; you can never get too much training as a new rider, returning rider or experienced rider."

About the Minnesota Dept Public Safety: The Minnesota Dept of Public Safety comprises 11 divisions where 2,100 employees operate programs in the areas of law enforcement, crime victim assistance, traffic safety, alcohol & gambling, emergency

communications, fire safety, pipeline safety, driver licensing, vehicle registration & emergency management. DPS activity is anchored by 3 core principles: education, enforcement & prevention.

About the Minnesota Motorcycle Safety Center: The Minnesota Motorcycle Safety Center (MMSC) provides high-quality rider education, training & licensing to prevent motorcycle crashes & the resulting fatalities & injuries. It was created in the early 1980s to address record high motorcyclist fatalities. The MMSC provides on-cycle & classroom rider training courses, develops awareness campaigns & informational materials, & coordinates third-party skills testing for motorcycle license endorsement through the Basic Rider Course & evening testing at select DVS Exam Stations. Motorcycle safety is a component of Toward Zero Deaths (TZD), the state's primary road safety initiative. A primary vision of the TZD program is to create a safe driving culture in Minnesota in which motorists support a goal of zero road fatalities by practicing & promoting safe & smart driving behavior. TZD focuses on the application of 4 strategic areas to reduce crashes — education, enforcement, engineering & emergency trauma response.

Recent MMSC Activity & Statistics:

- Ridership is at record-high levels in Minnesota, with more than 237,000 registered motorcycles and 405,000 licensed operators.
- 2012 Minnesota Motor Vehicle Crash Facts reports 55 rider deaths, a 33 percent increase from 2011 & 14 percent of the total traffic deaths. The first time rider fatalities have gone up since 2008.
- Motorcycle rider training courses run April through October & are available for new & experienced riders – register at motorcyclesafety.org: <https://dps.mn.gov/divisions/ots/mmsc/Pages/default.aspx>.
- MMSC added 2 new courses to their 2013 curriculum, the SMARTrainer Plus Course & the BRC Refresher Course.
- 7,438 students took a rider training course in 2012 with the MMSC. In the last 5 years, more than 40,000 students have been trained.
- MMSC provides several pieces of motorcycle safety & training collateral, available to order, at no cost. Order materials: <https://dps.mn.gov/divisions/ots/mmsc/Pages/default.aspx>.
- Commissioner Mona Dohman appointed 15 to the Motorcycle Safety Advisory Task Force (MATF) for the 2013-2015 term. To learn more about what MATF does, visit: <https://dps.mn.gov/divisions/ots/mmsc/about/Pages/advisory-committee.aspx>.

Biker gangs moving into New Mexico – July 9, 2013 – *New Mexico* – By Kim Holland; www.KRQE.com - 'Vagos' already challenging Bandidos for influence... Since the 1970s, the Bandidos motorcycle gang has used intimidation & threats of violence to keep rival bikers from establishing a foothold in New Mexico, police said. The strategy worked until the last couple of years, when another motorcycle gang called the "Vagos" established a chapter in Albuquerque, according to gang detectives from Bernalillo County & Santa Fe. "They're one of the faster-growing clubs," said the Santa Fe P.D. detective, who requested anonymity because he works undercover. "Now they just want to expand across the U.S. They want to be the big dog." Other gangs like the Mongols & the Hells Angels are also sniffing around New Mexico, he said. And that means turf wars, which could ensnare innocent civilians, might be looming, the detectives said. "I do expect there to be a rise in violence," said the Bernalillo County Sheriff's Office detective. The Santa Fe

detective agreed. "If they're disrespected or something happens where they take offense – if it's a civilian, someone with their family – they'll take action," he said. A former member of the Bandidos, who recently got out of the gang & also requested anonymity, said civilians could easily get drawn into conflict with the bikers. "All the time," the former Bandido said. "I've seen it in bars. I've seen it, like I said, at stop lights. I've seen it at parties. God, it could happen anywhere." There are currently 11 Bandido chapters around New Mexico, & members have their hands in shootings, stabbings, drug dealing, thefts & prostitution, according to the former Bandido member & police. The detectives said their job is to document all the biker gang members they can, & try to keep the peace at bike rallies or when they know members are about to commit a crime. New Mexico is appealing to the gangs because 3 major interstates crisscross the state, which can be used to easily move drugs & stolen goods, police said. "They're some of the most violent people in society or anywhere," the former Bandido said. "(Their attitude is) we'll do what we want, when we want, how we want, with who we want. Nobody can stop us." The man said he was a Bandido in Albuquerque for 5 years & still fears for his life. "They tell you just like this: 'If we call you, you better come,'" he said. " 'We don't care if your child or wife is dying. You better show up.' I've seen brutal violence. I know there's been people missing. I still watch my back."

Hells Angels bikers wanted after brawl at Johnny's Bar – July 10, 2013 – *California* – By www.KSBW.com – Two Hells Angels bikers are wanted for attacking a 23-year-old man in a popular & historic bar during the 2013 Hollister Motorcycle Rally. The Hollister Motorcycle Rally happened for the first time in 5 years last weekend. On the first day of the rally, a group of Hells Angels members entered Johnny's Bar at 526 San Benito Street. One biker in the group walked up to a man who was hanging out with friends & punched him in the face, police Captain Carlos Reynoso said. "The victim fell to the ground from the unexpected punch. Then another man also wearing a Hells Angel jacket approached the victim & kicked the man in the head," Reynoso said. "The 2 suspects pushed their way through security guards & fled out the back gate of the bar," Reynoso said. The victim & witnesses said they had no idea what motivated the attack. On Wed, Hollister police asked for the public's help identifying the brawling bikers. Police are also analyzing video surveillance that was provided by the owner of Johnny's Bar, Charisse Tyson. Johnny's Bar is included in history books about American motorcycles because it was around when the Hollister riot of 1947 happened & inspired the movie "The Wild One," starring Marlon Brando. Some historians believe that the American biker image was born when a group of rowdy bikers went wild with partying & spontaneous motorcycle races in Hollister on the July 4 weekend of 1947. Despite the bar's rowdy history, Tyson said she is committed to making her patrons feel safe & welcome. Police said she has been working closely with them to find the victim's attackers. Anyone with information on Saturday's attack can call Hollister police officer Matt Weiss at 831-636-4330. The first suspect was described as 5 foot 8 inches tall, heavy set, has a gray mustache, & was wearing a Hells Angels Patch. The second suspect was described as a white man, 6 foot 2 inches tall, weighs 250 pounds, has many tattoos, & was also wearing a Hells Angels jacket.

One time when I was on drugs, I thought I was a runner up in a local Black Hills Beauty Pageant. Only to find, out when sober, I was standing in line waiting for the shiter at Buffalo Chip! My God, I give Lance Armstrong a pat on the back!

Gang member back behind bars - July 11, 2013 – *Indiana* – By Rebecca S. Green; www.JournalGazette.net - Pre-trial release revoked over Whitley charges... Identified as a member of the Outlaws motorcycle gang in a Nov racketeering indictment, a Fort Wayne man was released under court supervision while his case progressed through the system. But when court officials found out that Dax Shephard, 42, was charged in Whitley County in late May with felony theft, a U.S. District judge in Indianapolis revoked Shephard's pre-trial release. He is now in jail in a different county under the custody of the U.S. Marshals Service, according to records. Along with fellow Fort Wayne resident Steve Reynolds, Shephard was named in a massive federal indictment of more than 40 people related to the Outlaws motorcycle gang. The initial indictment was issued last summer in U.S. District Court in Indianapolis & accused a variety of individuals inside the gang & outside – including a business owner & a hospital employee – of racketeering. Drug trafficking, insurance fraud schemes & running illegal gambling were among the various rackets outlined in court documents. For example, motorcycle gang members are accused of using violence & the threat of force to collect personal debts from people in Indianapolis & elsewhere. The members are also alleged to have operated an illegal lottery scheme in Indianapolis that trafficked in thousands of dollars a day. Shephard was indicted in November, accused of participating in a pair of robberies in August & Sept 2011. The August robbery is alleged to have occurred in northern Indiana. Court documents outlining the reason his pre-trial release was revoked said Shephard worked as a filter repairman & through that job gained access to the pharmacy counter at the Columbia City Kroger store. He was seen entering the aisle where the narcotic hydrocodone was located, & a later inventory check revealed 400 pills were missing. Stores in Mishawaka & Plymouth also reported missing pills after Shephard worked at the pharmacies, according to court documents. Reynolds was accused of robbery, extortion & using a telephone to arrange an illegal prescription drug transaction, according to the indictment. In Feb, Reynolds was sentenced to 5 years & 10 months in prison after he pleaded guilty to racketeering & extortion. In June, federal prosecutors filed paperwork for forfeiture of Reynolds' property – including cash taken from the Outlaws' Fort Wayne clubhouse at 1202 W. Main St.; any items bearing the Outlaws insignia taken in raids at the clubhouse last summer; as well as .38-caliber handgun taken from a home in the 1200 block of Elm Street, according to court documents.

Little Bruce & Jenny are only 10 years old but they know they are in love. One day they decide that they want to get married, so Bruce goes to Jenny's father to ask him for her hand. Bruce bravely walks up to him & says, "Mr. Smith, me & Jenny are in love & I want to ask you for her hand in marriage." Thinking that this was just the cutest thing, Mr. Smith replies, "Well Bruce, you are only 10... Where will you 2 live?" Without even taking a moment to think about it, Bruce replies, "In Jenny's room. It's bigger than mine & we can both fit there nicely." Mr. Smith says with a huge grin, "Okay, then how will you live? You're not old enough to get a job. You'll need to support Jenny." Again, Bruce instantly replies, "Our allowance, Jenny makes 5 bucks a week & I make 10 bucks a week. That's about 60 bucks a month, so that should do us just fine." Mr. Smith is impressed. Bruce has put so much thought into this. "Well, Bruce, it seems like you have everything figured out. I just have one more question. What will you do if the 2 of you should have little children of your own?" Bruce just shrugs his shoulders & says, "Well, we've been lucky so far." Mr. Smith no longer thinks the little shit is adorable.

Opinion on Georgia's Forced Blood Draws – July 11, 2013 – *Georgia* - Written by: Matt Danielson, McGrath & Danielson; The Motorcycle Law Group... Sent to me by: Mack (ABATE of Minnesota)... I was asked by the Director of ABATE of Georgia to give my opinion on the police forcibly taking blood, pursuant to a search warrant after a DUI detention. I was sent a link to a news story & asked about the legality, & how this affects my advice on how to conduct yourself during a traffic stop. As usual I was able to take a short answer & lengthen it into a book. Below is the link to the news story that I was sent & my response. I share both if you are interested. Keep in mind that the issue here is quite different than being asked questions at a traffic stop, or being asked for consent to search you, your belongings, or your motor vehicle. In the latter case the officer does not have probable cause of any wrong doing. Therefore, absent your consent he may not search. As for statements, you always have the right to remain silent. Even a search warrant does not change that. The DUI situation is quite different. In this instance the police officer has probable cause that a person is violating the law by driving drunk. That may be weaving, the smell of alcohol, slurred speech, glassy eyes, or any number of factors. They are also armed with a search warrant to obtain the blood. This gives them the right to obtain the blood. There is case law that supports the use of reasonable force to affect a search warrant. When I was a prosecutor we would obtain search warrants for a suspect's DNA. If the suspect did not cooperate we forcefully took it. The strapping down of the person certainly looks bad, but it can also be argued that it is for the safety of the suspect. You want the suspect to be very still while a needle is being inserted in his or her arm. Otherwise you can cause physical harm. Once the warrant is executed, the suspect is released from the restraints. The suspect has suffered no harm. (No harm other than having a needle inserted in his or her body by the government). The legal question in this situation is whether that amount of force is reasonable given the fact that, 1) the crime in question is a misdemeanor; and, 2) the law already provides a remedy for refusal in that you lose your license for a year. That is where this issue will be fought. All of that being said, this story does not change the way a citizen should assert his or her during a police/citizen encounter. It also does not change my advice in any way. Here are the rules when dealing with the police. **1. Shut up.** Do not engage in conversation. You are not helping yourself. Give your driver's license & registration. If you are asked give your name. Otherwise, the Only thing that should come out of your mouth in response to any question is "Officer if you have a ticket to write do so otherwise I would like to leave." If anything other than that comes out of your mouth you are making a grave error. If you find yourself thinking that another response is smart, clever, or helpful - stop. It isn't. Don't say it. Simply say "Officer if you have a ticket to write do so otherwise I would like to leave." Here is an example: *Officer:* License & registration please. *Citizen:* (gives both) *Officer:* Do you know how fast you were going? *Citizen:* Officer if you have a ticket to write do so otherwise I would like to leave. *Officer:* Where are you coming from? *Citizen:* Officer if you have a ticket to write do so otherwise I would like to leave. *Officer:* What are you hiding? *Citizen:* Officer if you have a ticket to write do so otherwise I would like to leave. *Officer:* Do you have anything in your vehicle that I should know about? *Citizen:* Officer if you have a ticket to write do so otherwise I would like to leave. **There are 2 exceptions** to this. In many states if you have a permit to carry a concealed weapon & you are armed, you have a legal duty to disclose that fact when you are approached by a law enforcement officer. Of course if you are carrying a concealed weapon & do not have a permit to do so please see Rule 1 above. Make sure

you know the law in your state. The other exception is when you are asked for consent to search. That brings us to rule 2. **2. Never, ever, ever,** for any reason consent to a search of your person or property. If you are asked for consent the answer is no. If you are asked why you will not consent then revert to Rule 1 above. Here is an example: *Officer:* License & registration please. *Citizen:* (gives both) *Officer:* Do you know how fast you were going? *Citizen:* Officer if you have a ticket to write do so otherwise I would like to leave. *Officer:* Do you have anything on you that I should know about? *Citizen:* Officer if you have a ticket to write do so otherwise I would like to leave. *Officer:* What are you hiding? *Citizen:* Officer if you have a ticket to write do so otherwise I would like to leave. *Officer:* May I search you? *Citizen:* No. *Officer:* Why not, what are you hiding? *Citizen:* Officer if you have a ticket to write do so otherwise I would like to leave. *Officer:* May I search your bike? *Citizen:* No. *Officer:* You must have something you do not want me to see. *Citizen:* Officer if you have a ticket to write do so otherwise I would like to leave. *Officer:* I can call the drug sniffing dog you know. *Citizen:* Officer if you have a ticket to write do so otherwise I would like to leave. (if an officer holds you for a canine absent reasonable suspicion that you have narcotics then your stop has become an illegal detention). **The last thing that** I would address is the issue we discussed concerning being pulled over in a standard motor vehicle. You had indicated that some had advised to merely roll the window down an inch or 2 & hand your license through the window. I have heard that advice given & have never understood why. An officer can simply order you out of the car. In *Pennsylvania v. Mimms* the Supreme Court created a bright-line rule that when an officer lawfully stops a vehicle, the officer, without any reason to suspect the driver is armed, can always demand that the driver get out of the car to reduce the possibility that the driver can make unobserved movements. The Court concluded that removing the driver from the car is a trivial invasion because the driver is stopped already. The Court applied the same reasoning to removing passengers. In fact, in *Maryland v. Wilson*, the Supreme Court stated that the danger to an officer from a traffic stop is likely to be greater when there are passengers in addition to the driver in the stopped car. The officer therefore has the right to remove both drivers & passengers. I hope this helps. I will stress that all of the above is my opinion as to the law as it stands now. It is not my opinion of what the law should be. It is my opinion as to what the law currently is as interpreted by the courts. If you have any other questions please do not hesitate to contact me. Matt Danielson, McGrath & Danielson; The Motorcycle Law Group 1-800-321-8968 www.Motorcyclelawgroup.com

Social Security: After retiring, I went to the Social Security office to apply for Social Security. The woman behind the counter asked me for my driver's license to verify my age. I searched my pockets & realized I had left my wallet at home. I told the woman that I was very sorry, but I would have to go home & come back later. The woman said 'Unbutton your shirt.' So I opened my shirt revealing my curly silver hair. She said 'That silver hair on your chest is proof enough for me' & she processed my Social Security application. When I got home, I excitedly told my wife about my experience at the Social Security office. She said, "You should have dropped your pants..... you would have gotten disability, too!"

I was always taught to respect my elders,
But it keeps getting harder to find one...

Roundup man gets prison in gun case – July 11, 2013 – *Montana* - By Clair Johnson; <http://BillingsGazette.com> - For James Arthur Reynolds, a convicted felon with a long record, possessing a .45-caliber handgun, as required to join the .45s Motorcycle Club in Roundup, cost him about 3 years in federal prison. Senior U.S. District Judge William Nielsen on Wednesday sentenced Reynolds, also known as “Snow,” to 37 months in prison for his guilty plea to being a felon in possession of a firearm & ammunition. The sentence was the high end of a range that began at 30 months. “You dodged a bullet on that armed career criminal (enhancement). It would have been a 15-year mandatory minimum,” the judge told Reynolds. Reynolds, 56, initially faced a career criminal enhancement because of his record, but in the end, the enhancement didn’t apply & the guideline range was for less time. His attorney, Assistant Fed Defender Steve Babcock, asked for a guideline term. Assistant U.S. Attorney Lori Suek said a high-end sentence was “minimally sufficient” because of Reynolds’ record. Reynolds, she said, is “somebody we’ll probably see again.” Reynolds said he took responsibility for his conduct. He apologized to his 2 co-defendants, his wife, Janice Marie Snare, known as “Mudflap,” & a friend, Jack Daniel “Bootleg” Thompson, both of Roundup. Both got convicted for helping Reynolds acquire the handgun. Snare & Thompson were sentenced recently to 2 years of probation & community service. “Neither of them would have been involved if I’d thought straight. I really can’t say why I did it,” Reynolds said. He told the judge he was new to the area & wanted to belong to a group. Nielsen gave Reynolds the high end as recommended by the prosecutor & noted his long list of convictions on a variety of crimes, including weapons, assaults, escape & burglary, since 1978. When Reynolds gets out of prison, he becomes “a menace” to the community, Nielsen said. “You haven’t shown any respect for the law. I hope you mature out of this kind of conduct. I hope this is enough to deter you from future criminal conduct,” the judge said. “I can just about say you’ll never see me again,” Reynolds said. Reynolds got charged after officers found him asleep in a ditch next to a motorcycle on Highway 87 North between Billings & Roundup on July 14, 2012. He told officers he was headed home & got sleepy. A records check showed Reynolds had a felony warrant for revocation on burglary & theft charges in Beaverhead County & arrested him. He also was an absconder from Montana Dept of Corrections supervision since 2005. Officers found on Reynolds a loaded .45-caliber handgun magazine & marijuana. Reynolds eventually admitted to owning a .45-caliber handgun & said he was “a prospect” for the .45s MC in Roundup. To be a prospect & later a “fully patched member,” a person had to own a .45-caliber gun, the prosecution said. Thompson, a fully patched member, bought Reynolds a Hi Point .45-caliber semi-automatic pistol at Shipton’s in Billings. He was accompanied by Snare, who was convicted of transferring a firearm to a prohibited person.

Luv, Huggies & Depends: Do you know why baby diapers are called Luv’s & Huggies while old people’s diapers are called Depends? Well, it’s because if a baby craps in his pants, you are still gonna Luv’em & Hug’em. But, if an old person craps in his pants, will he still be Luv’ed or Hugged? Well, that Depends on if your ass is in the Will or not.

The quote of the month is by Jay Leno: “With hurricanes, tornados, fires out of control, mud slides, flooding, severe thunderstorms tearing up the country from one end to another, & with the threat of bird flu & terrorist attacks, are we sure this is a good time to take God out of the Pledge of Allegiance?”

Confederation of Clubs - Goals: A Coming Together Goals:
http://www.aimncom.com/coc/coc_goals.htm

1. **Bring the Patch holders Together...**
 - a) Communication between clubs.
 - b) A judicial coming together (not legislative) to protect our rights through the courts.
2. **Fight Police Harassment & Discrimination...**
 - a) Introduce anti-discrimination legislation, similar to the Unruh Act in California, in Confederation States that presently leave Bikers unprotected; A.I.M. attorney to work with state Motorcycle Rights Organization on new laws. A.I.M. attorney to work with state MROs on new laws.
 - b) Form delegation of patch holders & other affected bikers, that together with their local A.I.M. attorney, present police harassment grievances to the police chief and/or civic entity responsible.
 - c) Discriminatory establishments notified by the A.I.M. attorney that suit will be filed if they don’t cease & desist.
3. **Proclamation of Intent...**
 - a) Working with local state MRO on legislative matters (ie. helmet issues, anti-biker discrimination, etc).
 - b) Working with the National Coalition of Motorcyclists on National & Federal matters: (ie. helmet issues, federal Gang Bill, etc).
 - c) Support Aid to Injured Motorcyclists by introducing the A.I.M. numbered card (Special card only for patch holders) & program to the members & allowing A.I.M. to set up at events.

The 11th Husband: A young man married a beautiful woman who had previously divorced 10 husbands. On their wedding night, she told her new husband to "Please be gentle; I'm still a Virgin". "What?" said the puzzled groom. "How can that be if you've been married ten times?" "Well, husband #1 was a Sales Representative; he kept telling me how great it was going to be. Husband #2 was in Software Services; he was never really sure how it was supposed to function; but he said he'd look into it & get back with me. Husband #3 was from Field Services; he said that everything checked out diagnostically but he just couldn't get the system up. Husband #4 was in Telemarketing; even though he knew he had the order, he didn't know when he would be able to deliver. Husband #5 was an Engineer, he understood the basic process but he wanted 3 years to research, implement, & design a new state of the-art method. Husband #6 was from Administration; he thought he knew how but he wasn't sure whether it was his job or not. Husband #7 was in Marketing; although he had a product, he was never sure how to position it... Husband #8 was a Psychiatrist; all he did was talk about it. Husband #9 was a Gynecologist; all he did was look at it. "Husband #10 was a Stamp Collector; all he ever did was lick it.... God I miss him." But now that I've married you, I'm so excited". "Wonderful", said the husband, "but why? "You're with the Gov't .. This time I Know I'm gonna get screwed."

U.S. Defenders:

- We don't accept applications. We accept commitments...
- If we all do a little bit, Then no one has to do a lot...
- There can be no "I", there has to be "We"...
- One heart, One Voice...

National Coalition of Motorcyclists...
 An Idea Whose Time Has Come...