

BADGER FLATS GAZETTE

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"Cabal at the DP Corrals"

The *Badger Flats Gazette* is published at least once a month with Special Reports issued when the "Good ol' Boys" least expect it.

Combating Domestic Terrorists

Commentary by Gene Forte

The Badger has little doubt that there will be a number of corrupt public officials that are going to come un-glued by what they would consider my arrogance in not being afraid of them. *The Badger* also has little doubt that there will be a number of ethical public officials that are going to appreciate that I am trying to draw the corrupt ones out. To be candid, I consider the corrupt, uncivil civil servants that abuse our rights nothing more than domestic terrorists that need to be ousted. Let me explain.

Many rational and reasonable nonconspiracy type people, who have seen only a fraction of the hard evidence in court records that I compiled against the Good ol' Boys in Monterey County, say I should fear for my life. They tell me to watch my back. These are folks you could see in church, or at a local school function.

They are not radicals. They are not activists. They are just normal, level headed Americans. Many danced to my accordion music when I was a farm boy growing up in Los Banos. They know me, my family, and my roots. They know that I am not a radical, and also know that I will not back down from thugs. I am an American through and through.

Many wonder why in the world I haven't been found laying face down floating in the Old Gravel Pit.

I submit to you that when intelligent, normal, rational, everyday people have grown to accept the possibility, that an American who stands up to government corruption could end up either dead or disappeared, then foreign terrorists should be the very least of America's worries.

The real terrorists are living right here among us. They are in control of what should be our government. Heck, we're casting a vote and sending them off to Washington. We Americans have been brainwashed into thinking we just don't have any choice. A recent movie, "V for Vendetta," summarized in one line what every American should ponder, "People (See *DOMESTIC TERRORISM*, back page)

LONGEST HOUR AND NO RETURN CALLS

The Badger reached Mayor Montejano on his cell phone six days prior to this printing and requested an interview. Montejano said he was on another line and would call back in about an hour. The Badger is still waiting. The Badger left a message for Council member Geraldine Chambers six days ago requesting an interview. There has been no return phone call.

SPECIAL REPORT: PART II

CABAL AT THE DP CORRALS

by Gene Forte

PREFACE

The following is a compilation of information from interviews conducted with confidential sources, public officials that spoke on the condition of anonymity, citizens that have contacted *The Badger* after reading Part I, "THE DOS PALOS Y's," and a few public officials that agreed to be interviewed by *The Badger*. While reading the article, you will see a special note from *The Badger* to Attorney General Bill Lockyer. (Fig. 3, p. 3) The reason for such will become clearer to Badger readers in future segments.

This Special Segment contains personal opinions and commentary of its author and suggests scenarios that are *somewhat speculative in nature*. As the saying goes, the only two things you can be sure about in life are death and taxes...or is that death and dishonest public officials?



Digging For The Truth

For first time readers, *The Badger* suggests that you get your paws on Part I to get up to speed. Even as this segment goes to print, there are new pieces to the puzzle being dug up by *The Badger* for your consideration. At present, *The Badger* already has enough information to choke a good-sized horse. Most of it is extremely unpleasant for any American that would like to go to sleep at night *wanting to believe* that all is well in our country.

If that is your objective, and you prefer not to hear about citizens demanding answers from public officials running amuck, and public officials accusing citizens of sticking their noses in government matters where it doesn't belong, *The Badger* may not be your cup of tea.

The Badger recommends for those that wish to avoid such unpleasant topics to get a copy of either the Merced Sun-Star, Fresno Bee, or Los Banos Enterprise. These three papers are owned by McClatchy Newspapers. Readers can then frolic through the pages and catch some of the latest paid political campaign advertisements with great one liners like, "Your Voice, Your issues," "A Vote For Me, is a Vote for You," etc.. The brain is soothingly washed of any unpleasant thoughts.

In fair disclosure, the author of this article has a Federal Lawsuit now pending called Forte vs. Knight Ridder, McClatchy Newspapers, et al, C06-03948RS, alleging that they are involved in concealing public official corruption in Monterey County.

BLIND PIGS, ACORNS & CABALS

In the previous segment, "The Dos Palos 'Y's," *The Badger* took a bite at providing its readers information that it dug up. It described what was taking place in the neighboring prairies of Dos Palos as a *cabal*.

However, after being cornered by his teenage children to explain what cabal means, and only being able to curtly reply "some sort of a mess kids", he snuck into his den and looked it up. Here is the definition according to Encarta.

ca-bal [kə bál]

noun (plural ca-bals)

Definition:

1. group of plotters: a group of conspirators or plotters, particularly one formed for political purposes
2. secret plot: a secret plot or conspiracy, especially a political one
3. clique: an exclusive group of people

intransitive verb (past and past participle ca-balled, present participle ca-bal-ling, 3rd person present singular ca-bals)

Definition:

conspire as group: to form a group and plot together against somebody or something

In honesty, *The Badger* has used the word "cabal" in the past to describe situations that were in a mess. But, messes have no plots. Therefore, using the word cabal to describe a mess is not quite accurate.

A cabal has a plan, a plot, and plotters. It is not a mess to those that orchestrate a plot. *The Badger* believes that a well-planned cabal would only create the illusion of a mess.

As a young Badger, his father, Johnnie Forte, once told him, "even a blind pig finds an acorn once in awhile." Meaning that, even though *The Badger* may have not applied the word quite accurately before, this time he is right on target. It describes precisely what *The Badger* suggests is taking place in Dos Palos.

In most cases where one bad act
(See *CABAL*, Page 2)

(CABAL, from page 1)

needs to be covered up by an increasingly greater bad act, it becomes an all-consuming ball of fire. The ball of fire is now poised to consume a good number of Merced County public officials.

The Badger suggests that what has been concealed to this point and now being revealed to you in this article for your consideration could cause members of the Dos Palos City Council, Mayor Albert Montejano, Merced County District Attorney Larry Morse, and Merced County Sheriff Mark Pazin to be prosecuted for what is called a Misprision of a Felony.

They say justice is blind, and if the law is applied equally, a couple of individuals that were only following orders may not be able to escape accountability, but hopefully to a much lesser degree than those giving the orders.

The Badger wants to make it abundantly clear that it is not providing any legal advice or legal opinions. *The Badger* is expressing its own opinion. In no way is *The Badger* attempting to have anyone proclaim individuals guilty without a fair trial.

Please read the definition of what a **Misprision of a Felony** (See Fig. 1 below) is. Keep it in mind as you read the section **"Behind Closed Doors."**

The Badger can almost hear the Merced County Good ol' Boys loading up the hunting guns, but suggest they speak to their Grand Pappy, Attorney General Bill Lockyer.

The Badger has good reason to believe that AG Lockyer will warn them to stand still so they don't trigger the trap that when sprung will catch him and the Monterey County Good ol' Boys also. (See AG Note, Fig. 3).

BEHIND CLOSED DOORS

Country Western singer Charlie Rich had fantasies running wild about what takes place between a man and a woman "with the lights down low," and "behind closed doors". Regrettably, when citizens of Dos Palos consider what *The Badger* speculates was going on behind closed doors at City Hall, they may very well demand that the doors be taken off the hinges.

The document (See Fig. 2) is purported to be the typewritten notes in their entirety taken by Dos Palos City Manager Daryl Fonseca of his conversation with

USC TITLE 18 §§ 4. Misprision of felony

Whoever, having knowledge of the actual commission of a felony cognizable¹ by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

¹cognizable

1. **able to be known:** able to be known or perceived by the human mind (formal)
2. **law within law court's jurisdiction:** falling within the jurisdiction of a particular court of law and therefore able to be tried by that court

Fig. 1—Definition from the United States Code (USC). Definition of cognizable by Encarta.

08-16-06

The District Attorney, Larry Morse called to say that the Chief, or the City Attorney or the City Manager must be allowed to move forward to terminate (Officer Tweedledee).

"(Officer Tweedledee) should be allowed to resign if he desires. (Officer Tweedledum) resigned and he can't work in Merced County. The DA's office is still evaluating whether to press felony charges."

"(Officer Tweedledee) is dead to us as a cop. He is a flagrant example of dishonesty. I (DA Morse) have personally read the report. (Officer Tweedledee) lied, lied, lied, and then admitted that he lied. All of this can be discovered."

"(Officer Tweedledee) is through as a police officer in Merced County. He cannot take the witness stand in any crime. He has no credibility as an officer or as a witness."

"If (Officer Tweedledee) chooses not to resign then he will be criminally charged with a felony...and he will be convicted."

"There's no Skelly hearing or other protective cover in a situation like this."

"The council must not stand in the way of staff seeking his termination. We (DA) will wait until August 31st."

"If the council wants to be responsible for crimes not being prosecuted because of (Officer Tweedledee's) lack of credibility then we'll have to look at their role. We sure don't want to go in the direction of obstruction."

"If you don't accept the city attorney's or city manager's report of my statement. I'll (DA Morse) come in and explain this in closed session to the council myself."

Fig. 2—Were these statements attributed to DA Morse presented to City Council Members? (Note: *The Badger* has replaced the actual police officers' names with "Officer Tweedledee" and "Officer Tweedledum.")

Merced County District Attorney Larry Morse on August 16th, 2006. (*The Badger* has blanked out the actual names of the police officers and used the alias names of "Officer Tweedledee and Officer Tweedledum.")

The Badger reasonably speculates the document was read to Mayor Montejano, DP City Attorney Scott Jordan, and members of the Dos Palos City Council on August 22nd, 2006, behind closed doors.

For the record, *The Badger* will swear on a stack of bibles that he did not secure the document from Fonseca. At the same time, *The Badger* challenges Attorney General Bill Lockyer and his Good ol' Boys to try and wrench from *The Badger* how he did get it.

The Badger suggests that you refer to the section called, **"ARE FELONIES BEING COVERED UP?"** in the last issue, "The Dos Palos 'Y's" of October 14, 2006. It acknowledges that two officers were indicted

for *misdemeanors, not felonies.*

Let's take a closer look at some of the statements allegedly made by District Attorney Larry Morse to City Manager Fonseca. (See excerpt below.)

"Officer Tweedledee should be allowed to resign if he desires. Officer Tweedledum resigned and he can't work in Merced County. The DA's office is still evaluating whether to press felony charges."

"Officer Tweedledee is dead to us as a cop. He is a flagrant example of dishonesty. I [DA Morse] have personally read the report. Officer Tweedledee lied, lied, lied, and then admitted that he lied. All of this can be discovered."

"If Officer Tweedledee chooses not to resign then he will be criminally charged with a felony.... and he will be convicted."

"There's no Skelly hearing or other protective cover in a situation like this."

(Excerpt from document, Fig. 2 above):

Now, even though *The Badger* always discloses that he is not an attorney, he also submits that he does have common sense and can read. *The Badger* hopes that you will also apply common sense and basic reading skills.

Please do not let yourself be intimidated by the mantra set upon us common folk that only an attorney can read a law and tell us what it means. In reality, laws were written to be easily understood

(Continued on page 3)

(Continued from page 2)

so a person knows if they break one.

From *The Badger's* reading of the law, District Attorney Larry Morse absolutely and positively qualifies as a "Whoever" as defined under **USC TITLE 18 §§ 4. Misprision of felony.** (Fig. 1). Read the law code again.

There is no doubt that it was clear (cognizable) to DA Morse that a felony had been committed since DA Morse allegedly told such to Fonseca. DA Morse did not appear to have a doubt in his mind that Officer Tweedledee would be convicted because DA Morse said so, and it was due to DA Morse reading the report himself.

It also seems logical that DA Morse would be required to bring Officer Tweedledee before a judge for trial or suffer the legal consequences of **USC TITLE 18 §§ 4.**

It is not a matter where DA Morse decided not to prosecute Officer Tweedledee because he didn't have enough evidence, or didn't think he could get a conviction. *The Badger* personally believes and submits that it is not within the discretion of the DA not to prosecute a case that DA Morse knows he could get a conviction upon. In other words, *The Badger* believes the DA has no choice.

The Badger believes that if such was the case, then the law is not being applied equally to all, and special treatment is being given to Officer Tweedledee.

It appears logically to *The Badger* that it should be the end of the line for DA Morse. Resignations, an investigation, and prosecution of DA Morse would be in order.

The Badger grimaces to think that this is probably not the first time that DA Morse has done this. Further, it would be reasonable to assume that other members of the Merced County District Attorney's Office knew about this matter also. *The Badger* has yet to directly confirm this, but understands that AG Lockyer intends to or already has directed DA Morse and the Merced County District Attorney's Office to investigate his ex-boss, the ex-District Attorney Gordon Spencer (but that is another story and is something along the lines of "Foxes Guarding the Chicken Coop").

Now, here's the real kicker of a concern — how to get DA Morse and accomplices to be held accountable to the same laws that us common citizens live under. It seems that Attorney General Bill Lockyer would be the one to have to bring the charges.

Fortunately, the author of this article happens to have Attorney General Bill Lockyer as the opposing attorney in the case of Forte vs. O'Farrell, M72599, defending a Monterey Superior Court, Judge Robert O'Farrell. The author will be filing a sworn

Personal Note to AG Lockyer : Bill, would you like to explain to the public as to why, while you were the attorney defending Judge Robert O'Farrell (Forte vs. Judge Robert O'Farrell, M72599), you didn't see a problem with Judge O'Farrell being the judge on his own case? You forced me to file a motion to disqualify him. As you know Bill, it's all in the court records!

Fig. 3 — Personal Note to AG Lockyer

declaration in the case concerning DA Larry Morse and company, and bring it to the direct attention of Attorney General Bill Lockyer by Proof of Service.

The Badger will let you know what AG Lockyer has to say about it, if he says anything at all.

IT'S GOING TO GET A LOT WORSE BEFORE IT GETS WORSE!

The Badger wants to give credit where credit is due and admits that the above heading was borrowed from none other than Ms. Lily Tomlin. It well describes what *The Badger* thinks is going to happen after this special segment hits the street. *The Badger* will explain and speculate after you digest a few more of the statements allegedly made by DA Morse to Fonseca, and that he very possibly read it to the DP City Council.

Let *The Badger* speculate for a

"The council must not stand in the way of staff seeking his termination. We (DA) will wait until August 31st."

"If the council wants to be responsible for crimes not being prosecuted because of Officer Tweedledee's lack of credibility then we'll have to look at their role. We sure don't want to go in the direction of obstruction."

"If you don't accept the city attorney's or city manager's report of my statement. I'll (DA Morse) come in and explain this in closed session to the council myself."

(Excerpt from document, Fig. 2 on page 2):

moment and provide some *what if* scenarios for you to consider.

What if, out of the above statements, the one that most concerned the City Council members was the one regarding their own liability? It certainly appears that DA Morse was delivering a not so thinly veiled threat that the council members' own derrieres could be swinging in the wind along with Officer Tweedledee.

But one might ask, when and how? Perhaps that is exactly the question City Council Members reasonably asked oh, lets say, DP City Attorney Scott Jordan?

Suppose City Council members may have incorrectly assumed that DA Morse was saying they could be brought up on the same charges that Twiddle-Dee was. It could sound as if DA Morse was telling the City Council they better have Officer Tweedledee take the get-out-of-jail-card or they could be in trouble themselves!

Maybe, Mayor Montejano and the City Council members breathed a sigh of relief if DP attorney Jordan explained, hypothetically of course, that DA Morse was referring to future situations that Officer Tweedledee may become involved with.

Let The Badger give you a possible scenario that DA Morse could be rattling his saber about that could come back and haunt City Council Members.

Let's say, for example, that Officer Tweedledee was the arresting officer and key witness to a murder anywhere in MERCED COUNTY. Prior to the indictment, or during the trial, the alleged murderer's attorney got

hold of Officer Tweedledee's personnel file in the course of discovery. The matter surfaces that Officer Tweedledee had "lied, lied, lied, and then admitted that he lied" while under oath during an official investigation.

The case against the alleged murderer goes bye-bye, and the victim's family then starts to look around to nail the idiots that permitted Officer Tweedledee to remain an officer in MERCED COUNTY. The idiots in this case would be anyone that covered the matter up.

This is what *The Badger* believes DA Morse was referring to as, "Officer Tweedledee is dead to us as a cop" and the not-so-veiled threat that, "If the council wants to be responsible for crimes not being prosecuted because of Officer Tweedledee's lack of credibility then we'll have to look at their role. We sure don't want to go in the direction of obstruction."

But let's say that, even after that was possibly explained to them by someone such as DP Attorney Scott Jordan, it still didn't phase them all that much.

Heck, they might have even figured that they had the goods on DA Morse if he tried to muscle them into to doing something they didn't want to do, such as getting rid of Officer Tweedledee who was maybe a favorite of the Mayor and some City Council members?

In the first segment, *The Badger* explained in simplest terms the theory of the unwritten public official axiom of, "If you rat on me, I will rat on you." Another variation, which is, "If you don't rat on me, I won't rat on you," often comes into play at this point. Either way, it is the very strong opinion of *The Badger* that the end result of both axioms is that public officials betray citizens, and it is precisely the problem that is destroying our country.

With that kept in mind, potentially, certain City Council Members and the Mayor could feel pretty confident that they could do what they want and punish anyone that stood in their way...or anyone that took action to fire Officer Tweedledee.

The Badger thinks you should know that there were only three people that were actually taking steps and processing the paper work to terminate Officer Tweedledee.

They were DP Police Chief Barry Mann, DP City Manager Darrell Fonseca, and DP City Attorney Scott Jordan.

The Badger understands that the process of termination of Officer Tweedledee would start with Chief Mann who customarily discusses it with DP City Manager Fonseca. DP City Attorney Scott Jordan would also be

(See **WORSE**, page 4)

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(DOMESTIC TERRORISM, from page 1)
 should not be afraid of their governments. Governments should be afraid of their people.”

To make it clear, I do not fear the government that I was brought up believing in, and the one that our constitution promises us to have. I also certainly do not fear our uncivil civil servants that have elevated themselves to being referred to as public officials. In the same breath, it would be disingenuous and irrational of me to tell you that I believe that every single public official we have is corrupt. They are not.

However, and this is a very big however, the good ones feel they are powerless to overtake the corruption. Why? Corruption and treasonous politicians are in the driver's seat and they have taken control. Americans today have been taught to keep their distance and their place, and they have been whipped into submission.

The information that I will be sharing with you in *The Badger* is going to be both educational and shocking. I am not going to sugar coat what I have found to make you sleep easier at night. It is my intention to trigger, inside my readers of all ages, an outrage similar to the guy in the movie *Network*, that yanked his T.V. from the wall, tossed it out the window, and yelled, "I'm mad as hell and I am not going to take it anymore."

For with that outrage, I believe comes hope that something can be done to take our country back. If it requires me to embarrass individuals publicly for saying things such as, "Government corruption, that's just the way it is. There's nothing that can be done about it! It's not my job, etc.," then so be it.

Thank you for the overwhelming response and acceptance that *The Badger* has thus far received. Please continue to spread the word. Send me letters, your opinions and comments for printing. Also, kindly encourage subscription and merchants to contact *The Badger* to become distributors. *The Badger* does not accept any advertising and will be supported only by subscriptions.

(WORSE, from page 3)

consulted and directed to do the paperwork. *The Badger* has also been informed by confidential sources that Mayor Montejano warned Fonseca in no uncertain terms that if paperwork proceeded to terminate Officer Tweedledee without the final blessings, so to speak, from the City Council, it could lead to Fonseca being terminated.

Let's see, Fonseca is now fired, and Mann is on suspension...Hmmm?

THE WORST GETS A LOT WORSE

The following unanswered questions really twist *The Badger's* tail to no end, and it should outrage any citizen. The author has been a high level retained executive recruiter for 20 years. Prior to encountering the Good ol Boys in Monterey County and having to battle them for five years, he had a very successful business placing top-level *ethical* executives.

Prior to executives being made an offer for employment, their references are always checked. I think my Badger readers are following the trail I am going down. That's right! How were Officer Tweedledee's tracks going to be covered?

It is pretty clear that the reason why Officer Tweedledee was not going to be prosecuted for a felony was so that Officer Twiddle Dee could remain in law enforcement. Ask yourself the following:

1. When Officer Tweedledee applied at another law enforcement agency outside of Merced County,

what would they be told when they called to check his references?

2. Wouldn't they want to speak with Chief Mann or DP City Manager Darrell Fonseca?
3. Would Chief Mann and DP City Manager Fonseca candidly disclose the issue of a forced resignation, or would they be ordered to be tight lipped?
4. Would DA Morse inform the DA, in the county where Officer Tweedledee went to, about the covered-up felonious deed?
5. What would Officer Tweedledee's personnel file look like if it was checked into, and in fact, what does it look like now?
6. Are there documents sealed due to the old mantra, "The investigation is confidential?" Have documents been destroyed?
7. Or, is the new law enforcement agency that hires Officer Tweedledee going to keep the dirty little secret quiet if they do find out?

It seems clear that DA Morse knew that Officer Tweedledee was an accident waiting to happen. In utter disregard for the citizens of other counties, and of our own Merced County, he now encouraged felonious future conduct of Officer Tweedledee. DA Morse, in fact, ratified it by not prosecuting it.

The lives of citizens and the credibility of all good peace officers is at stake.

All of the public officials that were aware of the matter, and have now become aware of the circumstances of the Dos Palos cabal, have a responsibility to do something about it.

If they do not do so, they further destroy the public trust of law enforcement, our government, and public officials. If public officials turn a blind eye to this, or say that it is not in their jurisdiction, or not within their power and pass this on as a hot potato, they should be forced out of office. There should be absolutely no quarters given and no excuses accepted.

The Badger is providing a copy of this segment to the public officials and individuals running for public office (listed below in Fig. 4) requesting that they respond in writing as to what action they are going to take immediately on behalf of the citizens of not only Dos Palos, but also for a much larger group, the citizens

- Gov. Arnold Schwarzenegger
- Attorney General Bill Lockyer
- Congressman Dennis Cardoza
- Senator Jeff Denham
- Mr. Wiley Nickel (Senate Candidate)
- Merced County Supervisor Jerry O'Banion
- Merced County Board of Supervisors
- The FBI
- Congressman Gerry Machado
- Senator Chuck Poochigian (AG Candidate)
- Mr. Jerry Brown (AG Candidate)

Fig. 4 — Public officials and individuals running for public office that The Badger is sending a copy of this segment to. Will they take action?

of the United States of America:

The replies from these individuals and offices will be posted in their entirety in the *Badger Flats Gazette* when received.

A FEW QUESTIONS TO PONDER

1. If DA Morse was/is aware that the Mayor and City Council were preventing Fonseca and Mann from terminating Officer Tweedledee, and they possibly orchestrated the firing of Mann and Fonseca, for doing so, why isn't DA Morse speaking up?

2. Should DA Morse come clean concerning his not prosecuting what he has allegedly admitted in a conversation with Fonseca was a felony by Officer Tweedledee? Should he turn himself in for action to be taken against him for Misprision of a Felony?

3. Would Merced County Sheriff Mark Pazin, who would have read the report concerning the felony that DA Morse says Officer Tweedledee committed, also be on the line for prosecution under **USC TITLE 18 §§ 4. Misprision of felony** for closing his eyes to what DA Morse was doing ?

4. Once Attorney General Bill Lockyer has been served notice of what could be considered reliable evidence of a **Misprision of a Felony** by Merced County District Attorney Larry Morse, Merced County Sheriff Mark Pazin, DP City Council Members, and DP Mayor Montejano, should he commence an open public investigation?

5. If there is substantial evidence in court files in Monterey County that indicates AG Lockyer has committed positive acts to conceal corrupt acts by Monterey County District Attorney Dean Flippo, should AG Lockyer, or any of his staff in the Attorney General's Office be permitted to conduct the investigation without stringent civil oversight?

Badger Stew or Morse Flambé ?

The author, Gene Forte, has already disclosed that he has a pending Federal Lawsuit against McClatchy Newspapers, alleging that they were involved with concealing public official corruption in Monterey County.

Recent awards have been given to McClatchy Newspapers due to their reporting on the matters concerning ex-District Attorney Gordon Spencer. The *Badger* yawns.

Even though the organizations giving such awards may have had the best intentions, there is no way of their knowing what matters McClatchy Newspapers has not been reporting upon, or why.

Let's see if McClatchy Newspapers jumps into *The Badger's* breaking story of "Cabal at the DP Corrals." A copy is being sent directly to Mr. Hank Vander Veen, Publisher of the Merced Sun-Star, and Mr. Gene Lieb, Publisher of The Los Banos Enterprise.

The views and opinions expressed in the *Badger Flats Gazette* are solely those of the writers and do not necessarily reflect the views and opinions of Badger Flats, LLC. Readers are encouraged to phone in, or write in with information, opinions, etc. Your name will be kept confidential if requested.