

BADGER FLATS GAZETTE

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"SILENCE IS GOLDEN"



"SILENCE IS GOLDEN"

First coined by John D. Rockefeller, it means "no apology to the public is necessary." A buddy of his, William Vanderbilt, chimed in with the crass *up yours* line of "the

public be damned."

They're likely chanted by McClatchy Newspapers, owner of The Los Banos Enterprise and The Merced Sun Star, while sucking up political advertising dollars for covering up uncivil civil servants' hi-jinks.

The current civil servant cover up by McClatchy concerns the deadly toxin MTBe and a public claim filed against Merced County officials by Mr. Marion Santos, owner of Santos Ford/Toscano RV (biggest payer of LB City Sales Taxes).

Our story picks up on Christmas Day '07 when the LBE slipped in an article with gross omissions of relevant facts concerning the quest of California Dairies Inc./Los Banos Foods seeking a reduction of approximately \$160,000.00 of its water rate to survive the MTBe contamination.

City councilmen are going along with a ruse to let corporate Chevron and erstwhile Merced County uncivil civil servants off the liability hook under the guise of helping CDI/LBF. The worst is yet to come from the mouths of City officials. Read on.

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Shhhh!

MERCED COUNTY OFFICIALS & "THE MTBE COVER UP"

BY GENE FORTE



Los Banos Foods

Corporate Owned Chevron
1164 E. Pacheco Blvd.

Overview: The Badger has been waiting for uncivil civil servants and their buddies at McClatchy Newspapers since the October 2007 issue "The Buck Stops Here!" to fall into their own stew.

It takes patience. Letters become the metaphorical "paper trail" for you now to follow.

But, before we jot on down the paper trail with newcomers to the story, let's briefly recap what's gone on so far.

In October 2007, The Badger was the first to inform citizens that California Dairies' Los Banos Foods (LBF) at 1155 Pacheco Blvd

had their water well contaminated with MTBe (**Methyl tertiary-butyl ether**).

Readers learned that the contamination had been due to a leaking underground fuel storage tank belonging to the corporate owned Chevron at 1164 Pacheco Blvd, directly across the street from LBF.



The Badger didn't pull out an *Acme-handly-dandy-MTBe-detector-o-meter* that enabled it to figure out where the MTBe came from.

The facts were gathered from files of the Merced County Department of Environmental Health (MCDEH) and a government website called GeoTracker (Fig. 1a and 1b on pages 4 and 5).

The Badger doesn't actually wonder why brainiac city leaders are spending money on an outside environmental firm as Councilman Faria states, "to determine the best course of action to take regarding our water supplies and the Los Banos Foods water supply contract."

There is no insight that can be provided by an environmental remediation firm about discounting a water contract from the City to Los Banos Foods.

But, they certainly can provide the City of Los Banos with a whopper of a bill to listen to stupid questions. (Take a look at an old newspaper article called "Lodi's Losing Gamble" on page 37 for a glimpse of the future. Los Banos' civil servants seem to be going down the same path as Lodi.)

(MTBe, see page 3)

Forward Done Backwards

by Gene Forte



In every Badger, I try to nutshell my thoughts for easy reading of intertwining events taking place. If I do so too much, the essence of what I believe is important for citizens to consider is lost. Details are important in my telling stories. It is for that reason that I have decided to finally write a full length book.

The theme "Silence is Golden" is meant to convey that the media you have been conditioned to trust to keep a watchful eye on government actually works in tandem with civil servants to conceal the corruption. My interview with the associate Dean of the USC Annenberg School of Journalism gives insight to the image of journalists in our culture. Images are in most cases not reality and more like mirages.

The media's pay off is political advertising and all of the benefits of being the propaganda machine for what I call are the good ol' boys. As example, few citizens realize that the vast majority of all media in the country is controlled by a handful of media moguls.



For all intents and purposes, it is a government sanctioned monopoly for the government's benefit. It is the media who gets politicians elected by coyly brainwashing you into voting for who the government wants you to elect. Citizens walk away thinking that they made an informed decision based upon what the media informed them of. Remember, from *Mr. Smith Goes to Washington* to *Tomorrow Never Dies*, it was the media mogul that controlled everything.

You will be given glimpses as to how the Grand Jury system, which is supposed to be under the control of citizens, is not and is just another sham. Across the next months,

you are welcomed to witness exactly how far out of control our civil servants are as The Badger continues to pull back the curtain on civil servants of Merced County and the State of California

In this Badger, you will see the actual emails/letters between me and City officials revealing what I consider their nonsensical game of avoiding answering questions directly.

The Councilman Faria merry-go-round is a good example, and I am



greatly disappointed with Councilman Faria thus far. I have been run around by far more artful dodgers than

Councilman Faria, and I am hopeful that he will change his ways. I would like to think that there is still hope for him, but I cannot say anything positive unless I actually see the proof by his actions.

Readers may recall that I had at one time publicly stated that I thought Faria had the potential of being a fine mayor. I now take that back and reassess my position. Councilman Faria is emulating what he thinks makes a good politician by not giving straight answers, and always feeling strongly both ways. Good politicians make poor representatives of the people.

Perhaps, my first opinions were prejudiced by my watching him sing and play the piano so beautifully at church, and the fact that I like him personally.

You will find a letter that I have authored to Mr. David O'Reilly, CEO of Chevron (Page 59) and a letter to Mr. William Vaughn City attorney (Pg. 60), trying to avert City officials from tossing \$160,000.00 of city revenues out the window to help Chevron out.



Silence is Golden delves into newspapers getting political advertising bucks. It shows how McClatchy Newspapers/Los Banos Enterprise has kept concealed Marion Santos' claim made against Merced County civil

servants that he alleges tried to muscle him out of money to cover up their playing footsy with Chevron.

Lost in Space is where The Los Banos Enterprise travels when information about uncivil civil servants is dropped in their lap. Citizens are told nothing about it.

Would you Believe.... asks if you really think that the City officials did not read, or know about the content of The Buck Stops Here! from October 2007 which went into detail about the MTBe contamination of Los Banos Foods by the corporate owned Chevron.



Elsie & Los Banosans v. The 500lb Gorilla talks about the clout of Chevron to have cases dismissed against them because Supreme Court Justices own their stock and how the influence comes right here to Merced County to affect citizens' pocketbooks.

Tommy Jones Sued makes citizens aware of the lawsuit filed against Mr. Tommy Jones, not as Mayor of the City but as an individual and clarifies that the City of Los Banos has not been sued.

The Cookie Crumbles gives my perspective on the Charles "Cookie" Thornton killing of civil servants in Kirkwood, Missouri.

Don't be intimidated by the size and please be patient as you may need to jump from page to page to follow the story. The Badger is made to be read over and over. Each time you read it, you may think about something in a way that you didn't consider before.

The next few months are going to find me knee deep in civil servant alligators I am wrestling, and I make no promises as to when or how soon another Badger will be available.

But, The Badger always comes out when the good ol' boys least expect it.

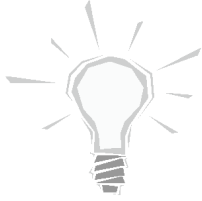
THE END



(MTBe, from page 1)

NOW HERE'S AN IDEA!

Now, here's an idea for our City Hall civil servants, or maybe it's just too wild! But, since it might gain about \$160,000.00 in water revenues for the city, maybe it's worth a shot?



Why don't our civil servants have City Attorney Bill Vaughn call the corporate Chevron

offices and tell them to pay the City of Los Banos the difference between the regular business water rate and the discounted water rate contract they plan to give to Los Banos Foods?

What if Chevron asks, "Why should they?"

Have Mr. Vaughn clip out a copy Fig. 1a of GeoTracker (page 4) that shows that the Merced County Department of Environmental Health (MCDEH) determined that the MTBe contamination to LBF was caused by Chevron.

Mr. Vaughn is a plenty smart and frugal fella. He may even suggest the City save the long distance call to Chevron and his billable time and ask that Los Banos Foods call them instead to ask for the check directly.

If my idea is too complicated for Councilman Faria and the other geniuses at City Hall to grasp, maybe citizens should consider throwing the whole bunch out and start from scratch. Citizens certainly wouldn't be losing anything.

IT'S A COVER-UP STUPID!

You know when things just don't make sense, there is usually a very simple explanation.



In this case, it all boils down to our own city civil servants trying to cover the butts of other county civil servants that The Badger caught trying to muscle Marion Santos.

The Badger reported that Santos filed a Merced County Claim against the MCDEH and the Merced County District Attorney's office.

The claim alleged Santos had been threatened with criminal prosecution to cover up the malfeasance or incompetence of MCDEH in handling the remediation of the MTBe contamination to the Los Banos Food wells caused by the corporate owned Chevron station at 1164 Pacheco Blvd.

After the Badger report came out, Santos' claim was rejected by the county in November '07. It was not rejected after any investigation, but by what is called "operation of law."

It is a sleight of hand whereby civil servants avoid holding other civil servants accountable by letting the period to take action lapse, and the rejection becomes automatic.

THE ENTERPRISE LOST IN SPACE?

So where was McClatchy Newspapers' The Los Banos Enterprise and the Merced Sun Star while all of this was going on?

Well, besides gathering up political advertising bucks to sucker you into voting, one of their reporters was calling The Badger to find out how bad it was for their good ol' boy civil servant buddies.



On October 17th, 2007, Reporter Scott Jason of McClatchy Newspapers/Merced Sun -Star asked if The Badger would provide the proof that Merced County DA threatened Santos with criminal prosecution. Within hours, Jason had the information, and The Badger has not heard from Jason since, despite multiple requests. See Fig. 2a (below and 2b—2f (page 6-8).

Santos was contacted by Jason who referred Jason to The Badger article "The Buck Stops Here!" Gene Lieb of the Los Banos Enterprise told Santos that Jason was doing a story on the MTBe contamination of Los Banos Foods and the county claim of Santos.

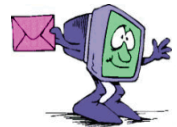


Lieb told Santos that Jason said he had talked to all of the other people involved, such as District Attorney Morse, and was just waiting to speak with Santos again. Santos never heard from Jason again.

No story ever materialized.

(MTBe, see page 7)

Subject: Request for DDA Maclear Letter/Santos Claim, etc.
From: geneforte@badgerflats.com
Date: Wed, Oct 17, 2007 9:39 am
To: sjason@mercedsun-star.com
Bcc: geneforte@sbcglobal.net



October 17th, 2007

Hello Jason:

Thank you for the phone call this morning.

In response to your request for the DDA Maclear letters (September 2006 & August 2007) I will be sending such via fax due to problem with our a scanner this morning.

You will find attached to this email a copy of The Badger Flats Gazette which I request you refer to as the source of your information.

If you have any further questions, please feel free to call.

Thank you.

Gene Forte
The Badger Flats Gazette

Fig. 2a—Email to Jason after his call to Gene Forte. Jason received the information confirming DDA Maclear threat.

Risk Management

CHEVRON #9-0769 (LOS BANOS)
 1164 PACHECO BLVD
 LOS BANOS , CA 93635
CASE STATUS: OPEN
[SHOW THIS SITE ON MAP](#)
[RETURN TO REPORT MAIN MENU](#)

LOCAL AGENCY (LEAD AGENCY) - CASE #:
2443
 MERCED COUNTY LOP - (ELS)
REGIONAL BOARD - CASE #: 5T24000045
 CENTRAL VALLEY RWQCB (REGION 5F) -
(WWG)
CONTACT: WARREN GROSS - (559) 445-
 5116
CUF REIMBURSEMENT
AMOUNT: \$1,490,000
RB RECORD FILE #:

<u>CASE TYPE</u>	<u>BENEFICIAL USE</u>	<u>BASIN (CALCULATED)</u>
DRINKING WATER AQUIFER	MUNICIPAL AND DOMESTIC SUPPLY INDUSTRIAL PROCESS SUPPLY	SAN JOAQUIN VALLEY (5-22)

VULNERABILITY BASIS
 WITHIN A 1000 FT RADIUS OF A DRINKING WATER WELL OR SURFACE WATER BODY USED AS A SOURCE OF DRINKING WATER.

MTBE THREAT CLASSIFICATION
 A - HIGHEST PRIORITY

MTBE THREAT DESCRIPTION

MTBE CLEANUP CLASSIFICATION
 1 - ~0-5 YEARS TO REACH DOWNGRAIDENT RECEPTOR

MTBE CLEANUP DESCRIPTION

DRINKING WELLS IMPACTED
 1

IMPACTED DRINKING SOURCE DESCRIPTION
 INDUSTRIAL WELL AT FOOD PROCESSING FACILITY WITH DETECTABLE LEVELS OF MTBE (UP TO 11 UG/L AS OF 12/8/03). DETECTIONS OF MTBE JUST ABOVE DETECTION LIMIT (0.5 UG/L IN APRIL OF 2006.

NEAREST SURFACE WATER BODY (CALCULATED) **DISTANCE TO SURFACE WATER (CALCULATED)**

ECOLOGICAL RISK DESCRIPTION

RB RECORD FILE #

PLUME/CONTAMINANT DESCRIPTION

SOIL DESCRIPTION

PRIORITY

CASE DESCRIPTION

Fig. 1a—Geotracker Luft Report—Risk Management from <http://geotracker.swrcb.ca.gov/reports> for Corporate Chevron located at 1164 Pacheco Blvd. It cannot get any clearer that the corporate Chevron is responsible for contaminating the Los Banos Foods processing facility water well with MTBe. Councilman Faria said that he didn't ask MCDEH about it because he knew already. He later contradicted himself.

Risk Management

SANTOS TEXACO #2 (LOS BANOS)
1009 PACHECO BLVD E.
LOS BANOS , CA 93635
CASE STATUS: OPEN
SHOW THIS SITE ON MAP
RETURN TO REPORT MAIN MENU

REGIONAL BOARD (LEAD AGENCY) -
CASE #: 5T24000507
CENTRAL VALLEY RWQCB (REGION 5F) -
(WWG)
CONTACT: WARREN GROSS - (559) 445-5116
LOCAL AGENCY - CASE #: 24238
MERCED COUNTY LOP - **(ELS)**
CUF REIMBURSEMENT AMOUNT: \$429,453
RB RECORD FILE #:

CASE TYPE DRINKING WATER AQUIFER
BENEFICIAL USE
BASIN (CALCULATED) SAN JOAQUIN VALLEY (5-22)

VULNERABILITY BASIS
ABOVE AN AQUIFER, WHICH IS A SOURCE OF WATER SUPPLY FOR A COMMUNITY.

MTBE THREAT CLASSIFICATION
B - SECOND HIGHEST PRIORITY

MTBE THREAT DESCRIPTION

MTBE CLEANUP CLASSIFICATION
2 - ~5-20 YEARS TO REACH DOWNGRAIDENT RECEPTOR

MTBE CLEANUP DESCRIPTION

DRINKING WELLS IMPACTED
0

IMPACTED DRINKING SOURCE DESCRIPTION

NEAREST SURFACE WATER BODY (CALCULATED) **DISTANCE TO SURFACE WATER (CALCULATED)**

ECOLOGICAL RISK DESCRIPTION

RB RECORD FILE #

PLUME/CONTAMINANT DESCRIPTION

SOIL DESCRIPTION

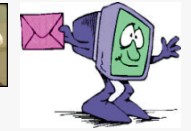
PRIORITY
3 - THIRD HIGHEST PRIORITY, CLASS 3

CASE DESCRIPTION
APN #026-182-020 HOLES OBSERVED IN THE 7500 GALLON GAS UST LOCAL OVERSIGHT PROGRAM SITE #24238

[Geotracker Home](#) | [Site/Facility Finder](#) | [Case Finder](#) | [MTBE/Case Reports](#)

Fig. 1b—Geotracker Luft Report—Risk Management from <http://geotracker.swrcb.ca.gov/reports> for Santos Chevron (listed as Santos Texaco) located at 1009 E. Pacheco Blvd. Santos did not contaminate LBF with MTBe.

Subject: Santos Claim, Forte Claim, Link to Badger Flats Gazette, "The Buck Stops Here"
From: geneforte@badgerflats.com (Add as Preferred Sender) 
Date: Thu, Oct 18, 2007 7:51 am
To: Scott Jason <sjason@mercedsun-star.com>, Gene Lieb <GLieb@Losbanosenterprise.com>
Bcc: geneforte@sbcglobal.net

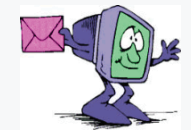
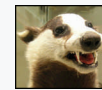


Scott:
 You will find the link below to the most recent edition. I left a copy of it for you with Mr. Lieb at The Los Banos Enterprise yesterday.

Thanks.
 Gene Forte

http://www.badgerflats.com/pdfs/The_Buck_Stops_Here.pdf

Subject: Badger Flats Gazette/Santos Claim/Forte Claim/Interview & Comments
From: geneforte@badgerflats.com (Add as Preferred Sender) 
Date: Wed, Oct 31, 2007 8:11 am
To: Scott Jason <sjason@mercedsun-star.com>
Bcc: geneforte@sbcglobal.net



October 31st, 2007

Dear Mr. Jason:

I would like to interview you and seek your comments as to why you and the Merced Sun-Star have not reported upon the Merced County claim filed by Mr. Marion Santos against Merced County DA Larry Morse and members of the Merced County Department of Environmental Health.

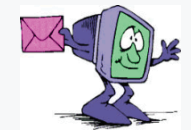
I would also like to interview you seek your comments as to why you and the Merced Sun-Star have not reported upon my Merced County claim filed against Merced County DA Larry Morse and members of the Merced County Department of Environmental Health.

Please respond as soon as possible and let me know when a good time to conduct the interview would be so that I may include your comments in my article in the Badger Flats Gazette.

Thank you.

Gene Forte

Subject: Badger Flats Gazette/No Response to Request for Comments
From: geneforte@badgerflats.com (Add as Preferred Sender) 
Date: Thu, Nov 01, 2007 10:02 am
To: Scott Jason <sjason@mercedsun-star.com>
Bcc: geneforte@sbcglobal.net



November 1st, 2007

Mr. Jason:

I have not yet had a response to my request for an interview with you seeking your comments as to why the Merced Sun-Star and yourself have not reported upon the Merced County claims of Mr. Santos and myself.

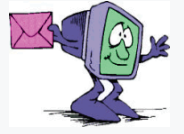
Please respond so that I may include your comments in my article.

Thank you.

Gene Forte
 Badger Flats Gazette
 209-829-1116

Fig. 2b-2d—Emails to Jason requesting an interview as to why McClatchy has not reported upon the Merced County claim of Santos saying that civil servant DDA Maclear threatened Santos with criminal prosecution. Maclear denied he did and says he couldn't.

Subject: Failure to Communicate with Badger Flats Gazette
From: geneforte@badgerflats.com (Add as Preferred Sender) 
Date: Fri, Nov 02, 2007 1:59 pm
To: Scott Jason <sjason@mercedsun-star.com>
Bcc: geneforte@sbcglobal.net



Mr. Jason:

This is now the third or fourth time that I have attempted to obtain comments from you to include in my article as to why the Merced Sun-Star has failed to report upon either the Merced County Claim of Mr. Marion Santos, or my Merced County claim which are related.

You have not responded in any way.

The two essential stories of interest to the public I believe are:

1. Mr. Marions Santos, the number 1 payer of City Taxes of Los Banos claims he was threatened with criminal prosecution by the Merced County District Attorney in order to cover-up negligence and malfeasance by Merced County Department of Environmental Health with private remediation firms.
2. Investigative newspaper reporter (me) defamed and muscled by Merced County DA for exposing threat of criminal prosecution of Mr. Marion Santos and that the investigative research done by me is what Mr. Santos' claim is based upon.

It seems that McClatchy Newspapers would be screaming bloody murder and that their First Amendment Right of Freedom of the Press was being violated if the same was done to them, or any other newspaper.

Is McClatchy Newspapers saying The Badger Flats Gazette, or I as a reporter for it, should not be protected under Freedom of the Press because I have a lawsuit against McClatchy alleging it of defaming me and actively covering up public official corruption?

Again, I request for you to respond to my inquiry for comments to be included in my article in the Badger Flats Gazette.

I respectfully remind you that I showed you professional journalistic courtesy in providing two letters of Deputy DA Macclear within minutes of your request.

Thank you.

Gene Forte

Fig. 2e—Fourth email requesting failure of McClatchy Newspapers to report. McClatchy continues to cover up any allegations of civil servants malfeasance with private remediation firms.



(MTBe, from page 3)

WOULD YOU BELIEVE.....

That after over 7,000 copies of "The Buck Stops Here!" were distributed throughout Los Banos (including City Hall) and downtown businesses for over two months, none of the city council members knew about the MTBe problem at Los Banos Foods reported by The Badger?



Councilman Tom Faria was quoted as saying,

"I knew we had an arsenic problem around here, but I hadn't heard about an MTBe problem."

Los Banos Public Works Director Dwayne Chisam declared,

"The MTBe problem likely comes from gas stations that used to be located on Pacheco Boulevard near Los Banos Foods."

Mayor Jones was quoted saying (and came darn close to uttering a coherent sentence),

"I think anytime we're looking at a way to retain our businesses it's definitely in the right direction."

The Enterprise article said,

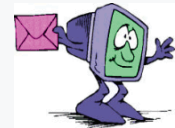
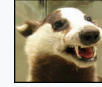
"City Manager Steve Rath has publicly

stated that Los Banos Foods is the city's largest tax provider, adding further incentive to accommodate the business."

Councilman Mike Villalta, not wanting to appear to be snoozing at the wheel, questioned Chisam whether allowing Los Banos Foods to use 500,000 gallons of water a day would increase citizens' water rates. Chisam reportedly assured Villalta it would not.

(Note: The Badger was not at the council meeting and is relying upon the purported accuracy of the December 25th, 2007 article by The LB Enterprise.)

Subject: No Response to Multiple Requests by Badger Flats Gazette
From: geneforte@badgerflats.com (Add as Preferred Sender) 
Date: Mon, Nov 05, 2007 12:47 pm
To: Scott Jason <sjason@mercedsun-star.com>
Bcc: geneforte@badgerflats.com,



November 5th, 2007

Mr. Jason:

Please respond to my request for comments as to why you and the Merced Sun-Starr are not reporting upon the claims of Mr. Marion Santos and myself against the Merced County DA's Office and the Merced County Department of Environmental Health (MCDEH).

I have noticed you are writing about contamination issues and each article seems to be a PR puff for the water board, as an example:

"The state's water board is set to clean up the soil and water in a South Merced neighborhood that was contaminated by leaking underground oil tanks decades ago." **(Councilman opens oil-spill discussion Residents will get an opportunity to learn about the cleanup efforts By SCOTT JASON)**

The claim of Mr. Santos is very timely and relevant when it alleges collusion by MCDEH and MCDA to hoodwink the public of funds with private environmental remediation firms.

Again, please respond so that I may include your comments in my article in The Badger Flats Gazette.

Thank you.

Gene Forte

Fig. 2f—Final email to Scott Jason. If you want to get a few laughs, you should listen to Jason in the audio explaining what his story is about. Jason, in a report about higher prices for Christmas in Merced County, told citizens to expect the prices of Xmas lights to go up to \$5.00 per hundred. I got mine for \$1 buck a hundred at Lowes. My point is the man is moronic.



(MTBe, from page 7)

**SERGEANTS FARIA,
VILLATA, RATH,
CHISAM & JONES, ET
AL.**

The Badger was scratching its whiskers wondering how *not one* of the civil servants quoted in the LBE saw nothing, heard nothing, and knew nothing about the extensive Badger article concerning Los Banos Foods and the MTBe problem.



In an effort to help City civil servants find out what they missed, The Badger sent Faria, Villalta, Rath, and Chisam the letter found at Figure 3, page 10, with a copy of The Badger.

The package that was given to the civil

servants in question was a duplicate of one sent to Judge Hugh Flanagan, Supervising Judge to the Merced County Grand Jury.

The letter to Judge Flanagan requested an investigation of the tampering with both the Merced County Claim process and a Merced County Grand Jury Complaint by Merced County Supervisor Jerry O'Banion and Merced County Counsel James Fincher.

Not to leave you on a cliff hanger, but you can peruse the first two pages of the letter to Judge Flanagan at Figure 5, page 14-15 and his response, Figure 6, page 16.

It will be covered in more detail in future Badgers. A brief glimpse of what will be addressed can be garnered from the article entitled, "Merced County Grand Jury Useless as Teets on A Boar."

To date, Villalta and Rath have not responded directly in any way. Chisam, who

said he was going to be putting together a joint response, went missing in action until February 6th, 2008.

Take the time to compare the letter sent to Chisam (Fig. 3, page 10) and his response, (Figure 4, page 11) which basically was nothing short of irrelevant blah, blah. My response is on Figure 4b, page 12.

You should also keep in mind that the package of information Chisam was presented clearly indicated with supporting documentation that The City of Los Banos should not be offering to pay any damages caused to Los Banos Foods by the corporate owned Chevron.

When The Badger sends an email to a civil servant that should be able to be answered with a simple response, it becomes a painstaking game of cat and mouse. One email leads to another and ultimately to no

(MTBe, see page 9)



(MTBe, from page 8) understandable response from civil servants but only double speak. For an examples of this "double speak," also see Forte's exchange with Faria (Figure 7, beginning on page 18) and letter to the Water Board, Mr. Warren Gross (Figure 4c, page 13).

BADGER VENTURES OUT OF DEN

There is nothing that the Badger dislikes



more than venturing out to a meeting and watching civil servants jerking citizens' chains.

But, in an effort to make sure there would be no chance of plausible deniability (see definition below) by the esteemed civil servants of Los Banos of what was contained in the "Buck Stops Here!", I brought about 50

copies of it to the City Council meeting on January 16, 2008.

And, just to make sure that my point was clear concerning liability regarding the MTBe issue at Los Banos Foods, I said the following publicly during the "open mike" period (see below): THE END

Los Banos City Council Meeting on January 16, 2008, Gene Forte speaking:



"Hello, Council, Mayor.

My name is Gene Forte. I want to talk about and make comment about an article that came out in the Los Banos Enterprise, I believe on December 25th, regarding a matter that the City Council and city has taken under consideration— discounting the water rate, the business rate, to Los Banos Foods of California Dairies due to a contamination of MTBe inside of the well.

Mr. Chism, the public works director, said inside of the interview that he thought that the contamination was coming from a gas station that *used to be* on Pacheco Blvd.

Mr. Faria said that he was aware of arsenic problems in Los Banos but not of any MTBe contamination.

Mr. Villalta said that he wanted to make sure that everything was put on the table because he wanted to make sure the water aquifer wasn't somehow depleted more rapidly due to the water that was going to be used by Los Banos Foods.

It just so happened that in October of 2007, the Badger Flats Gazette had made an extensive article about the MTBe contamination at the Los Banos Foods. It provided inside of it the information that the contamination was caused by the Los Banos Chevron located at 1164 E. Pacheco Blvd. That's directly across the street.

That wasn't *my* determination, that was determined by Merced County Department of Environmental Health. Therefore, I would suggest that the council, before it considers going ahead and lowering the water rate to a business or any business in town, should go ahead and ask the question, where did the

contamination come from?

Now, it did astound me quite frankly. I did send a letter to Mr. Chism, Mr. Villalta, Mr. Rath, Mr. Faria. Mr. Rath has not responded to it. Mr. Chism has not responded to it. Mr. Chism said he was going to make a joint response for everyone.

I asked him, 'Did they happen to read the Badger Flats Gazette? Did any of their constituents tell them about it?' About 7,000 editions were spread out.

Copies were sent to the City Attorney, Bill Vaughn. There are stacks right here, and my God, nobody heard about it.

But you know, Mr. Cotta, who is head of the California Dairy Food operation out of Turlock, he read the Gazette and he knew about it! Know what I really believe?

I believe the members of the City Council already knew that there was contamination at Los Banos Foods, and I think they should suggest to the Corporate Chevron Gas Station, before we lower the rate, that they should put out the dime for it.

Why should we pay for it? Why should we pay for the loss that is caused to our city, or now to Los Banos Foods, because of Chevron? Make them the responsible parties, and let's not go ahead and skirt around the issue.

If there are any questions about any of this, I have some more copies of the Badger Flats Gazette.

It will tell you who you can contact – the person's name is Mr. Eric Swenson at the Merced County Department of Health. He was in charge of it. If you'd like to see the documents, over 15,000 documents I've reviewed, that were written by them stating that it does come from the Chevron gas station across the street, then I think we've just gone ahead and saved the city about

\$160,000 and gained about \$160,000 in revenue, if everybody goes ahead and makes sure they don't try to hide the issue.

In closing, and I appreciate the time, but, Mr. Rath, I expect answers to questions when I send them to you, as I do to every city councilman also. That's all I ask.

The next issue of the Badger Flats Gazette will include all the emails, and it's going to be a scorcher letting people know how things are not being reported correctly.

At the Los Banos Enterprise, they didn't say anything about the Merced County claim by Mr. Marion Santos. By the way, Supervisor Jerry O'Banion is going to have a complaint filed against him. For what? Tampering with the Merced County claim process and a grand jury investigation. But that is an entirely another story.

Thank you all for your time. Any questions?"

Mayor Jones: "Thank you for your comments."

Plausible deniability is the term given to the creation of loose and informal chains of command in governments and other large organizations. [Badger's comment: In other words, no clear line of responsibility is made].

In the case that assassinations, false flag or black ops, or any other illegal or otherwise disreputable and unpopular activities become public, high-ranking officials may deny any connection to or awareness of such act, or the agents used to carry out such act.

http://en.wikipedia.org/wiki/Plausible_deniability

Badger Flats Gazette

Friday, January 04, 2008

Mr. Dwayne Chisam, LB Public Works Director
 Mr. Tom Faria, LB City Councilman
 Mr. Michael Villalta, LB City Councilman
 Mr. Steve Rath, LB City Manager
 Mr. Corey Pride, LB Enterprise

HAND DELIVERED WITH ENCLOSURES
 COVER LETTER ALSO BY EMAIL

Re: MTBe/Los Banos Foods, Los Banos Enterprise Interview

Dear Gentlemen:

I write this letter about a recent Los Banos Enterprise article dated December 25th, 2007 entitled "Water rate will be cut for business" concerning MTBe contamination and Los Banos Foods. It appears that none of you had the opportunity to read the October 2007 issue of The Badger entitled "The Buck Stops Here!" If you did, you would have had a lot more information to base your decision upon, and very possibly a few more options that you may not have considered.

Mr. Chisam would have known that the Merced County Department of Environmental Health (MCDEH) determined the source of the contamination to be the Chevron Gas Station located at 1164 Pacheco Blvd., not from "gas stations that used to be on Pacheco Blvd."

I find it somewhat incredible that Mr. Faria had not read, or glanced at one of the 5,000 copies of the October issue that focused upon the MTBe at Los Banos Foods and Mr. Marion Santos' Merced County claim about it. The claim alleges that either through negligence or malfeasance MCDEH had botched the remediation of Los Banos Foods contamination and was trying to cover it up by threatening Mr. Santos with criminal prosecution. You will each find a complimentary copy enclosed, and I ask that you inform me if you had read it before you had your interview with the Los Banos Enterprise.

In an effort to help Mr. Villalta "tie everything in" and "get it all out in the open," he is being provided (as is each of you) a December 6th, 2007 document with supporting exhibits which was sent to Judge Hugh Flanagan, Supervisor to the Merced Grand Jury. It provides evidence that Merced County Counsel James Fincher, Merced County Supervisor Jerry O'Banion and MCDEH Director, Jeff Palsgaard, may have attempted to tamper with a Grand Jury Complaint and the Merced County Claim process of both Mr. Santos and myself. (There is an addendum errata being prepared by AEC to Exhibit #6).

It would seem reasonable that if MCDEH is found to be responsible for bungling the remediation job that ultimately closed down the LB Foods Well, they should foot the bill for the additional water costs.

It is incredulous that the Los Banos Enterprise can say they are making citizens aware of the MTBe cabal which now envelopes Los Banos Foods without mentioning a word about Mr. Santos' claim.

I will be contacting each of you individually for an interview and comments. If you have any questions, please feel free to call.

Sincerely,

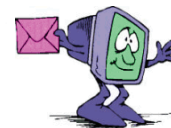

 Gene Forte

Enclosed: Badger Issue, The Buck Stops Here Issue/ Document (with exhibits) to Judge Hugh Flanagan

Page - 1 -

688 Birch Court, Los Banos, California 93635
 Phone: (209) 829-1116 Fax: (209) 829-1952

Figure 3—Letter sent with a copy of the Badger Flats Gazette, The Buck Stops Here, along with a document which Councilman Faria referred to it as "a comprehensive and well-assembled collection of relevant materials that deserves my attention." Faria then acts like he has no clue that the MTBe contamination was caused by the corporate Chevron.



Subject: MTBE
From: "Dwayne Chisam" <dwayne.chisam@losbanos.org>
Date: Wed, 6 Feb 2008 09:16:15 -0800
To: "'Gene Forte'" <geneforte@sbcglobal.net>
CC: "'Sharon Hogan'" <Sharon.Hogan@losbanos.org>

DRAFT

Dear Mr. Forte:

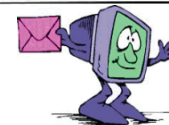
On behalf of the City of Los Banos as City Engineer and Public Works Director I am responding to your inquiries and concerns regarding water quality issues relative to Los Banos Foods request to connect to the City's domestic water supply system. I have completed the review of the documents that you have provided to me. As you may already know the City currently relies solely on groundwater sources for its domestic water supply and is sensitive to water quality issues that may affect that supply. Currently with the careful siting of wells and selection of aquifer production zones, the City has been successful in developing groundwater sources meeting the domestic Water Quality Standards. In reviewing the materials relative to the Santos/Chevron corporate underground storage tank cleanup issues, I have concluded that the City's domestic water system has not been adversely impacted whatever the source of the contamination in the localized area of interest to you. Of course the larger issue to the City of Los Banos is what affect the events cited in your materials may have on the ability of the City to continue to supply safe and potable water to the citizens of Los Banos. I have requested that the City Attorney monitor the pending claim filed by Mr. Santos to assure that the public's interest is protected. I note that you made a public records request of the County of Merced. Would you be willing to share all of the documents that were furnished to you pursuant to the Public Records Act? Thank you for bringing this matter to my attention.

Figure 4—Response from Chisam that is not responsive to my letter.

Subject: Chisam Letter
From: geneforte@badgerflats.com
Date: Wed, Feb 13, 2008 10:09 am
To: William Vaughn <cityattorney@losbanos.org>

Hello Bill:

I received an email from Dwayne Chisam wherein he stated:



"I have requested that the City Attorney monitor the pending claim filed by Mr. Santos to assure that the public's interest is protected."

Would you please inform me:

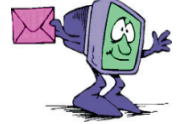
1. How you are specifically "monitoring the pending claim"?
2. How your "monitoring" of the claim would specifically "assure that the public's interest is protected"?

Thanks.

Gene

Figure 4a—Email to City Attorney Bill Vaughn.

Subject: Re: Corporate Chevron MTBe Contamination to Los Banos Foods Water Well
From: Gene Forte <geneforte@sbcglobal.net>
Date: Wed, 13 Feb 2008 10:27:11 -0800
To: dwayne.chisam@losbanos.org



Hey Dwayne:

Sorry I didn't get back to you sooner but I have had a very nasty cold for the past 10 days.

I believe that I have a copy of the Public Records stuff on CD and of course you can have a copy of it.

I will try to drop a copy of it by City Hall by the end of the week.

With that said, in reference to your response it appears you didn't either read the package carefully enough, or you didn't read The Badger I gave you "The Buck Stops Here!" because you miss my point that I know I made very, very clear.

Did you read "The Buck Stops Here"?

The whole point of my contact with you and the City Council was to tell you that the City should not be discounting the business water rate to LBF for the damages caused to LBF by the MTBe contamination of their well found by MCDEH to have been caused by the corporate Chevron at 1164 Pacheco Blvd. unless the City is guaranteed that Chevron is going to pay what ever that discount is.

Also, I ask you:

1. Do you think the City should incur a loss of water revenues due to the MTBe contamination problem caused to LBF by Chevron?

I look forward to your response.

Thanks.

Gene

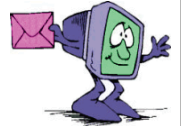
Figure 4b—My response to Chisam's email (Fig. 4), page 11.



THE DA VINCI CODE: WHY THE GRAND JURY PROCESS DOESN'T WORK

- (1) Each fall, applications for service are received by the Jury Commissioner and reviewed by the Grand Jury Judge.
- (2) By court policy, and at the discretion of the Grand Jury Judge, up to seven members of the previous year's jury may serve a second term to provide continuity.
- (3) The Grand Jury Judge appoints a foreperson to preside at meetings.
- (4) Some subjects to be investigated are brought about by letters from citizens regarding complaints of alleged mistreatment by officials, suspicion of misconduct, or governmental inefficiencies. Such complaints are kept confidential.
- (5) A large portion of the public mistakenly believes that an individual appearing before the Civil Grand Jury, particularly a public official, suggests malfeasance or misfeasance. This entails having public officials appear before the jury to provide information to the jury relative to their departments or offices.
- (6) The Grand Jury Judge, the District Attorney, the County Counsel, and the State Attorney General act as advisors, but cannot limit actions of the jury, except for illegality.
- (7) Members of a Grand Jury are sworn to secrecy, thus assuring all who appear that their complaints will be handled in an entirely confidential manner.
- (8) The law provides that every Grand Juror must keep secret all evidence adduced before the Grand Jury, anything said by a Grand Juror, or the manner in which a Grand Juror may have voted on a matter. By law, it is a misdemeanor to violate the secrecy of the Grand Jury room. A Grand Juror must not confide any information concerning testimony of witnesses or action of the jury even to a spouse or close friend. "Leaks" concerning Grand Jury proceedings inevitably will impair or even destroy the effectiveness of Grand Jury efforts.

Subject: LOP 24238/Marion Santos
From: Gene Forte <geneforte@sbcglobal.net>
Date: Tue, 29 Jan 2008 12:44:06 -0800
To: Warren Gross <wgross@waterboards.ca.gov>
CC: Alan Pereira <alwest022@sbcglobal.net>, Jon Buck <jonbuck@advanced-ec.com>, Ron Duff <RDuff@waterboards.ca.gov>



January 29th, 2008

Mr. Gross:

I write this letter at the request of Mr. Santos informing you that he did return as anticipated but was greeted with service of a lawsuit for \$314,000 by Tetra Tech, Inc..

Therefore, the discussion of getting together with you to discuss further merry-go-round remediation assessment has not yet taken place. Mr. Santos has been inundated with the paper war now started by Tera Tech in the form of Interrogs, admissions, etc. and has yet chosen an attorney to represent him. If you don't know how that game is played it is suggested you review the City of Lodi fiasco with attorneys ripping off \$16million and counting instead of remediating the problem.

I have also not yet ascertained from Mr. Santos what he wishes to do concerning the non-responsive answers from yourself and Mr. Harlow.

With that said, Mr. Santos requests that you provide a list to himself and to Mr. Jon Buck of anything you think he may need to do to stay in compliance, and also provide a list of items you wish to discuss at the meeting you have proposed.

Regrettably, the USTF and those connected to it, you, Mr. Duff, MCDEH, CVRWQCB has done nothing to assist Mr. Santos in determining if the work done thus far by Tetra Tech, Moore Services, etc., under the direction of MCDEH was in fact actually needed or justifiable.

Notwithstanding such fact, all the civil servants attitude connected to this cabal is to "just move on" while the outrageous negligence and possible malfeasance of MCDEH continues to crush Mr. Santos.

Here are a couple of final questions that Mr. Santos requests an immediate answer:

1. Did MCDEH determine that the MTBe contamination to the wells of Los Banos Foods was caused by the Corporate Chevron located at 1164 Pacheco Blvd?
2. Did MCDEH ever conclusively determine that Santos' Chevron contributed to the MTBe contamination to the wells of Los Banos Foods?

Once Mr. Santos has received your responses to the two above questions.

If you have any questions please call.

Thanks.

Gene Forte

Figure 4c—Email to Mr. Warren Gross of the California State Water Board asking two simple questions.

Badger Flats Gazette

COPY

December 6th, 2007

Honorable Hugh Flanagan
 Merced County Grand Jury, Supervising Judge
 Superior Court of California
 627 W. 21st Street
 Merced, CA 95340

CERTIFIED MAIL

Re: Request for Investigation of Grand Jury Tampering & Merced County Claim Interference

Dear Honorable Hugh Flanagan:

I write this letter to request that you either investigate or request an investigation by the Attorney General's Office, or other appropriate investigative agency, of events which evidence that Merced County Counsel James Fincher (MCC Fincher) and Merced County Supervisor Jerry O' Banion (MCS O'Banion) have breached the confidentiality of and tampered with the Merced County Grand Jury (MCGJ) process, and interfered with the Merced County Claim process for the benefit of the Merced County District Attorney's Office (MCDAO) and the Merced County Department of Environmental Health (MCDEH).

Prior to my addressing the transparent track covering attempts of MCC Fincher and MCS O'Banion in their letter to Mr. Marion G. Santos, III dated November 14th, 2007, I will present a meat and potatoes summary of the events that reveal the smoke rising from their surreptitious conduct.

The old adage "where there is smoke, there is fire" applies. Your honor is being requested to peer into the smoke according to your judicial canon of ethics to do so.

TAMPERING WITH & BREACHING CONFIDENTIALITY OF GRAND JURY

On Wednesday November 7th, 2007, the MCGJ received complaints filed by myself and Mr. Marion Santos against the MCDAO and the MCDEH. (Exhibit "A", USPS Delivery Confirmation)

On Thursday November 8th, 2007 MCS O'Banion contacted Mr. Santos on behalf of himself, MCC Fincher, and MCDEH to arrange a meeting to "see if anything could be worked out before matters got out of control." (Exhibit "B" item #5, Declaration of Marion G. Santos, III)

On Monday November 12th, 2007 Mr. Santos sent a fax to MCS O'Banion asking if the proposed meeting was about his Merced County Claim, his MCGJ Complaint, or both. (Exhibit "C", Mr. Santos' fax to MCS O'Banion)

On Wednesday November 14th, 2007 MCS O'Banion responded by faxed letter to Mr. Santos saying that "he was unaware of the Grand Jury complaint and that Merced County Risk Management deals with claims". MCS O'Banion acknowledged his awareness that he "didn't believe it would be appropriate to talk about either." (Exhibit "D", MCS O'Banion faxed letter to Mr. Santos).

A comprehensive reading of the letter of MCS O'Banion to Mr. Santos discloses that MCS O'Banion was practicing the art of double speak, and contradicting himself from beginning to end.

688 Birch Court, Los Banos, California 93635
 Phone: (209) 829-1116 Fax: (209) 829-1952

Page - 1 -

A few examples of such are:

1. MCS O'Banion informs Mr. Santos that Merced County Risk Management Department deals with claims while being aware that:
 - A. MCC Fincher advises the Merced County Risk Management Department on assessment of Merced County Claims.
 - B. MCC Fincher would be defending the MCDAO and the MCDEH in any subsequent litigation filed by Mr. Santos (or myself), after the claim was rejected.
 - C. Claims against Merced County are put before the Merced County Board of Supervisors for approval or rejection.

2. MCS O'Banion while admitting that it would be inappropriate for him to speak about the Merced County Claim communicates in writing to Mr. Santos that MCS O'Banion's:
 - A. efforts are centered upon getting the clean-up of the project on track rather than Merced County turning the project over to the Regional Water Quality Control Board.*
 - B. belief that a meeting with Mr. Santos and his counsel, MCC Fincher, Environmental Health Director Jeff Palsgaard, and himself would be beneficial in keeping the issue local.*
 - C. having a meeting is an attempt in coming to an amicable resolution regarding the clean-up of Mr. Santos' property.*

*Specific issue concerning the Merced County claim.

3. MCS O'Banion while he says that he is "unaware of the Complaint filed with the Merced County Grand Jury" by Mr. Santos fails to mention that:
 - A. MCC Fincher with whom MCS O'Banion was acting with is an advisor to the MCGJ and could have known of the complaint filed the day before.

To say that MCS O'Banion was being disingenuous with Mr. Santos would be too kind when a prudent person takes into consideration that MCS O'Banion was acting on the behalf of MCC Fincher and MCDEH Director Jeff Palsgaard in arranging the meeting.

The MCC Fincher/MGJ, MCS O'Banion, and MCDEH Director, Palsgaard, were privy to each other's actions and certainly should have known their actions were far worse than merely inappropriate.

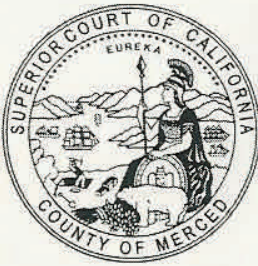
For one to believe nothing inappropriate was being knowingly orchestrated by MCC Fincher, MCS O'Banion and MCDEH director Palsgaard one would have to believe that:

- A. MCS O'Banion did not discuss the information in or provide a copy of the fax he received from Mr. Santos to MCC Fincher, or MCDEH Director Palsgaard informing them that Mr. Santos was asking if the meeting was pertaining to either his Grand Jury complaint, the Merced County claim, or both.
- B. MCS O'Banion did not provide or discuss the content of his faxed letter to Mr. Santos with MCC Fincher and/or MCDEH's Palsgaard.

If a reasonable person was to conclude that:

- A. MCS O'Banion *did* discuss the content of Mr. Santos' fax to MCS O'Banion with MCC Fincher and/or MCDEH's Palsgaard.
- B. MCS O'Banion *did* discuss his faxed letter response to Mr. Santos with MCC Fincher and/or MCDEH's Palsgaard which concluded with:

Figure 5—2nd page of letter to Judge Hugh Flanagan, Supervising Judge of Merced County Grand Jury and the puppeteer.



SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

FROM THE CHAMBERS OF
HUGH M. FLANAGAN
JUDGE

December 18, 2007

Gene E. Forte
688 Birch Court
Los Banos, CA 93635

Re: Request for Investigation of Grand Jury Tampering & Merced County Claim Interference

Dear Mr. Forte:

This letter will acknowledge receipt of your certified mail dated December 6, 2007, which included an 8-page letter plus 13-exhibits. The Court has not reviewed all the exhibits but the Court did review your letter as we contemplated what would be appropriate activity to take pursuant to your request. It does appear that you have already contacted members of the Grand Jury, or at least submitted requests to the Grand Jury.

I am the Judicial Officer who is responsible for advising the Grand Jury for this year. I cannot however become involved in Grand Jury Investigations nor initiate my own investigations into matters of concern that address public officials. I cannot intercede during inquiries by the Grand Jury unless there is a specific request from the Grand Jury. I may not control the Grand Jury as to what is being reviewed or how an inquiry is being conducted.

One of the specific functions of the Grand Jury as a body is weighing allegations of misconduct against public officials to determine whether to present formal accusations requesting the removal from office, and acting as the public's "watch dog" by investigating and reporting upon affairs of local government.

I am therefore forwarding your correspondence and exhibits to the chairman of the Grand Jury for such further action, as the Grand Jury deems appropriate.

Very truly yours,


HUGH M. FLANAGAN
Judge of the Superior Court

HMF/mm

CC: Grand Jury

Figure 6—Response from Judge Flanagan to letter written him in Figure 5, page 14. There has been no response from the Grand Jury. They probably asked County Counsel Fincher if they can indict him and O'Banion. I bet Fincher told them no. What do you think?

THE ZEN OF BUILDING A BADGER CPO TRAP

(a tongue-in cheek tutorial by Gene Forte)



Digging For The Truth

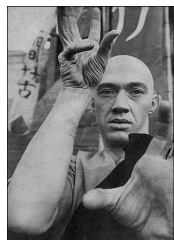
It's time to learn how to build a formidable Badger Certified CPO Trap to defend your property, possessions, and loved ones against pesky marauding CPO's (corrupt public officials).

The CPO's nature not to hold each other accountable has created a virtual CPO population explosion now leading to a marauding frenzy.

Notwithstanding the CPO's best efforts to cover their looting and pillaging of citizens, 8 out of 10 Americans do not trust the government any farther than they could toss the Washington Monument.

This is why you should pay close attention to the fine art of building a Badger Certified CPO Trap. The old motto "an ounce of prevention is worth a pound of cure" should be heeded.

Remember, patience is a virtue and practice makes perfect (and don't give a dirty-rotten-CPO a second chance). Feel at peace and as confident as a young Kwai Chang Caine (the kick-butt Kung Fu-ing grasshopper). Be the trap because no matter what you do to avoid it, you will always be the prey for the CPO.



Realize that while you can practice "peace, love, dove" like a Flower Power child from Haight Ashbury, you have another life force within you. You will possess the Ch'i to metaphorically destroy several eternal organs of the scavenging CPO without getting blood on your flowers. Everything you need to know is already inside of you.

BEWARE TO WATCH YOUR BACK!
Your Badger Certified CPO Trap is



Minute Badgers In Basic Training

defending you against a dark force that will show you no mercy during its attack, or in its escape from the trap.

Remember, just because you're paranoid, it doesn't mean there isn't somebody out there trying to get you.

Now, let's get started by first getting your mind set with the proper attitude.

ZEN Rules to Follow for a Successful CPO Trapping Experience

Rule 1: Don't go out looking for trouble or become over anxious about trapping a CPO. Just like a Boy Scout, be prepared. Focus upon living a good life and attempt to reap the benefits of your hard work. The more successful you are, the more enticing you become to the parasitical CPO. The CPO will find you.

Just Obey The Law

Rule 2: Do not break or stretch any laws. The CPO has the ability when trapped by you during their attack to make it appear that you are breaking the law, not them. Do not give them any ammunition. Learn to weather their low punches, personal attacks, and not playing by the laws which you, on the other hand, must strictly follow. It may sound corny, but the truth ultimately does come out, even though it may be only after your death.

Rule 3: Don't become discouraged. When friends, relatives, and the general public tell you that you are waging a losing battle, life is short, you can't fight city hall, etc., go out and get a copy of the "Impossible Dream." Think about every movie you have seen, or book you have read where the good guy runs from the bad guys. You will find it a very, very short list.



Remind nay-sayers that "A coward dies a thousand deaths, a hero just once." Consider getting some new friends. Try to get rid of your relatives by singing the Impossible Dream off tune to them every time they come around while glaring at them maniacally with a kitchen pot on your head.

Rule 4: Be compassionate, but not a sap. Accept that the CPO's are nasty little creatures that can't help themselves. Simultaneously, accept that if you allow them to get away with harming you, they will wander down the road to hurt the next person. If you don't do

something to try to correct the error of their ways, then you are enabling them.

Rule 5: Don't feel guilty about crushing them. Remember not to seek vengeance or retribution. Always try to wipe the smile off your face if you fantasize about them being tarred and feathered or beheaded in your dreams. Rest assured, it will never happen in real life no matter how many times you pray for it, or how many curses you cast upon them. (If you do know any good curses that have been found useful, The Badger would be interested in hearing about them).

Rule 6: If Rules 1-5 don't blow your hair back, or are not your cup of tea, when you go to sleep at night, consider yourself a gladiator fighting for your life. Make those CPO's that tried to steal from you rue the day they were ever born.

BARE ESSENTIALS FOR CPO TRAPPING



1. **BAIT:** CPO's are not finicky stealers. They are attracted to anything you have of value, or the prospect of having, that is not theirs, i.e., money, property, or your access to it via relatives, family, friends or associates. Remember they will find you.

2. **EQUIPMENT:** Typewriter, computer, or other word processing device that will allow you to type letters to build what is called a "paper trail."

3. **PROTECTIVE EQUIPMENT:** Hand held recording device to turn on anytime you meet with a CPO with other CPO's that say they want to help you with your problem.



4. **EMERGENCY FIRST AID KIT:** A rubber mallet, tiny pin, or low voltage cattle prod, to either hit, prick or shock yourself anytime you start thinking that another

CPO is going to go against another CPO you trapped stealing from you.

5. **BACK-UP MEDICAL SUPPLIES:** A large sledge hammer, ice pick, or high voltage cattle prod that could barbecue one of Tommy Lewis' herd instantly. Use it on yourself if you start checking McClatchy Newspapers' The Los Banos Enterprise to see if they have reported upon the information you gave them about the CPO you trapped.



REMEMBER: PRACTICE MAKES PERFECT

The art of trapping corrupt public officials is all in the power of the pen and the heart. THE END

Subject: Re: Interview Request/Los Banos Foods/MTBe/Santos Merced County Claim, etc.
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Fri, 4 Jan 2008 17:53:24 -0800 (PST)
To: geneforte@badgerflats.com



Thanks for the letter Gene. I will go to City Hall and pick up the packet at my earliest convenience. I have not yet read the articles to which you refer in the Badger.

Tom

geneforte@badgerflats.com wrote:

Please find the attached cover letter which was included with the package left for each of you at City Hall today at approximately 2:15PM.

Thank you.

Gene Forte

Subject: PS
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Fri, 4 Jan 2008 18:22:59 -0800 (PST)
To: geneforte@badgerflats.com



Hi Gene.

I just read the articles online. I will do as much independent research as I can on the issue. If you have any further related articles, documents, etc., I would very much appreciate your directing me to them.

Thanks again.
 Tom

Subject: Re: Interview Request
From: Gene Forte <geneforte@sbcglobal.net>
Date: Sat, 05 Jan 2008 11:12:22 -0800
To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>



Hey Tom!

Are you saying that you not only didn't read anything about the MTBe problem at Los Banos Foods and Marion Santos' Merced County Claim against MCDEH in The Badger.....

but also no one around town who read it mentioned the matter to you? WOW!

I dropped off dozens of copies at City Hall and in the councils' chambers.

I guess it isn't such a small world after all and Los Banos isn't such a small town.....or are you just pulling my leg?

Well.....anyway... you will find the packet that was left for you at City Hall consists of almost 250 pages of evidence.

I appreciated your quick response, look forward to our interview and of course wish you and yours a very Happy New Year!

Gene Forte

ELSIE & LOS BANOSANS VS. THE 500lb. GORILLA, ET AL.
A Commentary by Gene Forte



Recently, a California Supreme Court case against Chevron was dismissed due to the Appellate justices owning stock in Chevron. Therefore, after 10 years of litigation and without legal finality to the case, it just vanished off the books.

Hundreds of Lockheed workers that had claimed physical ailments from working with Chevron chemicals are now left out in the cold.



Many Americans are unable to grasp the severity of such an anomaly. Professors at law schools say only, "It's very odd" making sure not to incur the wrath of California Chief Supreme Court Justice Ronald George.

All Chief Justice George said was, "This is a very unusual situation, and I hope it doesn't recur." What a crock!

The odds of the Supreme Court granting a hearing about a case is extremely rare. But then to dismiss the case, because the justices think that it would give the appearance of bias if they heard the case because they own stock in Chevron, is a cartoon from the Far Side.



Chevron Don't you think their action of dismissing the case without a hearing is worse? It is outright bias and prejudice in favor of Chevron that they own stock in. Think about it.

It should give you a brain freeze. The case cannot be appealed to the Federal Court because there are *allegedly* no Federal issues. It shouldn't take a rocket scientist to figure out that the act of Chief Justice George and the California Supreme Court dismissing the case without a hearing should be the Federal issue itself.

(ELSIE, see page 19)

Figure 7—Series of emails with City Councilman Tom Faria. Come get on the merry-go-round.

(ELSIE, from page 18)



There is an interesting issue that arises, though, in trying to hold Chief Justice George and his band of scallywags

accountable. It is called absolute judicial immunity and a whole other topic.

It is no wonder why California Dairies/Los Banos Foods would rather come to the City of Los Banos with hat in hand requesting a lowering of the business water rate than butt heads with Chevron.



Los Banos Foods certainly cannot look for help from Merced County Department of Environmental Health officials caught draining the Underground Storage Tank Fund under the guise of protecting citizens from MTBe.



Other elected civil servants such as Los Banos City Councilmen who want-to-be future-Mayors will adhere to the code of silence of other civil servants with the McClatchy Gang riding shotgun and sheering the sheep for their future votes.

Should California Dairies/Los Banos Foods be afforded the respect and the help of a community that it helped in so many ways for so many years?

Absolutely.

The best way the citizens of Los Banos can help Los Banos Foods and themselves is not by slitting open a green vein, but by not letting the rampaging Chevron Gorilla, corrupt civil servants, and McClatchy Newspapers get away with the nonsense they're trying to pull.



California, when ranked according to gross revenues, is the 6th largest nation in the world. It is being run by corrupt government officials that would be put on trial in other countries (if they were lucky), found guilty of corruption, and then summarily executed. I kid you not.

(ELSIE, see page 20)

Subject: Re: Interview Request
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Sat, 5 Jan 2008 11:46:27 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



#4

No, I am not pulling your leg. You know, Gene, I have not had one single constituent contact on this issue until now, and staff only recently briefed us on their plans. Rest assured, however, I will not rest until I have resolved this matter to my satisfaction.

Also, did you not send the packets to Tommy, Anna, and Joe? Can you tell me why?

Once again, I appreciate your information. And if you could do me a favor and email me with the Badger link each time you publish? That way we can be sure it gets to us.

Thanks again.

Tom.

Subject: Re: Interview Request
From: Gene Forte <geneforte@sbcglobal.net>
Date: Sat, 05 Jan 2008 16:50:59 -0800
To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>



#5

I will take you at your word.

I sent a copy of the cover letter ONLY to Mayor Jones and Bill Vaughn.

Anna and Joe were not quoted in the interview with the LBE and that is why I did not send them a copy of the document (yet).

Thanks.

Gene

Subject: Re: Interview Request
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net> (Responses in brackets)
Date: Sat, 5 Jan 2008 18:16:00 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



#6

I will take you at your word. [Glad to hear that. My word is always given in honesty and sincerity, based on the best information I have at the time.]

I sent a copy of the cover letter ONLY to Mayor Jones and Bill Vaughn.

Anna and Joe were not quoted in the interview with the LBE and that is why I did not send them a copy of the document (yet). [Are you referring to the Dec. 24 Enterprise article?]

Thanks. [You're welcome.]

Gene

Figure 7—Continued series of emails with City Councilman Tom Faria.

Subject: Re: Interview Request
From: Gene Forte <geneforte@sbcglobal.net>
Date: Sat, 05 Jan 2008 22:19:25 -0800
To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>



Yes!

Tom, this is a very serious issue that is only a tip of the iceberg..

If you need assistance guiding you through the documentation you are welcome to come and sit with me at my home in my study.

You can ask me any questions you like to help bone you up on this matter of the USTF and LBF..

Gene

(ELSIE, from page 19)



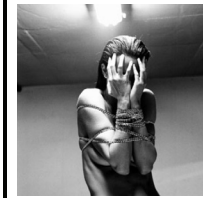
The thing that keeps them in power is the media that falsely calms the citizens and doesn't squeal on them while the judicial industry suckers Californians out of billions of dollars in legal fees in the courts seeking the elusive butterfly of justice.

The real hell of the matter is that every other state in the union follows the same pattern of California. I hate to say it, but the government is corrupt and quite frankly needs to be overthrown.

Subject: Re: Interview Request
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Sat, 5 Jan 2008 23:17:15 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



Thanks Gene.



Citizens feel helpless in not knowing where to start to take our country back and are fooled into thinking that their vote in an election really counts. It doesn't and when you do vote, you're just encouraging the continued abuse of a government that has run its course.

Subject: Is lower water rate a done deal?
From: Gene Forte <geneforte@sbcglobal.net>
Date: Mon, 07 Jan 2008 14:18:01 -0800
To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>



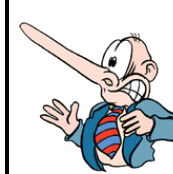
Hey Tom!

Has the lower rate for LBF been approved or is it just being contemplated?

If it is being contemplated when is it to be voted upon?

Thanks.

Gene



Don't underestimate the power of the people, but don't be fooled by thinking that any politician you vote for really has your interest at heart. You're nothing but a bobble on a string that he, or she, is able to display showing they got you fooled and under control.

Subject: Re: Is lower water rate a done deal?
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Tue, 8 Jan 2008 09:33:17 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



Hi Gene.

I did a cursory read through of your packet. My concern as a councilman of Los Banos is that of any MTBE contamination in our water supplies. I appreciate the information and will be looking forward to any more that you discover during your inquiries. Please keep me in the loop of any findings on this contamination issue.

As for the water rate, we have given staff to negotiate it, but I am not aware as to the date that the contract is scheduled to come back to council for final approval.

Thanks again,
 Tom

The conundrum for MCDEH is that it would also have to admit that they did in fact bungle the endless "remediation assessment" with private billion dollar remediation firms, such as Tetra Tech, Inc. Tetra Tech has now sued Marion Santos to try and collect over \$300,000.00 of remediation assessment they claim he owes.

Santos says that Tetra Tech knew the work was not needed; he was over charged and fraudulently coerced into a contract by the Merced County District Attorney's Office with his own attorneys, Somach, Simmons and Dunn that had an undisclosed marketing scheme relationship with Tetra Tech called TerraLocator.

There will be a MCDEH civil
 (ELSIE, see page 21)

Figure 7—Continued series of emails with City Councilman Tom Faria.

(ELSIE, from page 20)

servant dog pile on Santos trying to justify the wasted money for remediation assessment of a contamination to Los Banos Foods that they knew was not caused by Santos, but by Corporate Chevron. The Tetra Tech complaint alleges that because Santos paid the first few months of work totaling \$80,000.00 with no questions asked, like a good little boy, he had no problems with the contract.



Tetra Tech leaves out that Santos stopped paying when his attorneys quit after being asked about TerraLocator,



an undisclosed marketing venture between Tetra Tech and Santos' attorneys.

Tetra Tech also of course does not mention that the UTF rejected requests for reimbursements of the money paid to Tetra Tech by Santos submitted by Somach Simmons and Dunn.

It is a row of dominoes toppling and under any and all scenarios, the civil servants must justify their actions by covering up the truth. The State Water Regional Quality Control Board has already been caught having questionable meetings with MCDEH about Santos' claim. Letters and questions go unanswered from them and the Underground Storage Tank Fund, leaving Santos in the dark.



It all circles back to unaccountable civil servants. If you catch them stealing from you, the entire government closes ranks to stop you from exposing them. Civil servants need to portray all citizens that have a grievance with them as sore losers and complainers unworthy to be listened to.

Such is not often the case especially with the rampant corruption of the government and it certainly is not the case here.

THE END

Subject: Re: Ostrich Maneuver? Responses To Questions 1-6 Below Requested

From: Gene Forte <geneforte@sbcglobal.net>

Date: Tue, 08 Jan 2008 11:17:58 -0800

To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>

BCC: geneforte@sbcglobal.net



#11

Hi Tom:

A "cursory review" does not diminish the responsibility of a civil servant, or permit a civil servant to put blinders on to side-step an issue that puts other civil servants on a hot seat of accountability.

Prior to any civil servants for Los Banos voting to cut the revenues to the city due to MTBe contamination to California Dairies' Los Banos Foods (LBF) water well by the malfeasance or negligence of other civil servants it seems reasonable that a full independent investigation be conducted.

1. How much more "findings on the contamination issue" to the LBF well do you want besides the fact that it was caused by the corporate owned Chevron at 1164 Pacheco Blvd according to Merced County Department of Environmental Health (MCDEH)?

2. Why doesn't the City of Los Banos have City Attorney Bill Vaughn ask Chevron to pay the costs for the water or file a lawsuit against them?

Another point is that California Dairies, Inc. has sales of over \$2.5 billion annually.

3. Why doesn't LBF tell Chevron to pay for the higher costs of the water?

Now of course I don't want to be characterized as attacking a "sacred cow" but it seems somewhat an overstatement that LBF will close up if they have to pay the full water business rate and melodramatic of Sy Le saying it "broke his heart" when he couldn't pump water.

4. Are you saying that as a civil servant protecting the interests of citizens of Los Banos that:

A. The number one payer of City sales taxes, Marion Santos being threatened with criminal prosecution connected to LBF/MTBe.

B. The evidence of potential tampering with a Grand Jury Complaint and the Merced County claim process connected to LBF/MTBe by Merced County civil servants Supervisor O'Banion, Merced Counsel Fincher and MCDEH Palsgaard.

(question 4 continued).....does not warrant your full attention and more than a "cursory review"?

5. If you think it is a concern who do you think should be responsible to make sure it is investigated?

I refer to your verbiage "cursory review" as the precursor to the "ostrich maneuver" to say that you didn't know about what was brought to your attention because you only looked at it cursively.

6. How much time did you take in reviewing the information that was provided you?

Honestly Tom, I am trying very hard to give you the benefit of the doubt in believing when you told me you never read the article in The Badger which highlighted the MTBe issue at LBF and that none of your constituents brought the article to your attention. Every person I have spoken to about it thinks you are not being forthright.

Your curt response is making it very difficult for me to continue to take you at your word, but I will, and let others form their own opinions.

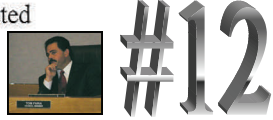
I would appreciate your response to the questions (numbered 1-6) contained in this letter so that I may include them in my article which will be coming out this week.

Thanks.

Gene Forte

Figure 7—Continued series of emails with Councilman Faria. Regrettably, Faria is practicing the unsavory art of being a politician. Do you believe Faria didn't read The Badger?

Subject: Re: Ostrich Maneuver? Responses To Questions 1-6 Below Requested
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Tue, 8 Jan 2008 15:02:42 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



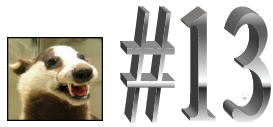
Hi Gene.

I must say I am extremely surprised by the tenor of your letter. I sent you a friendly email telling you that I had immediately begun the process of reviewing your concerns and not sidestepped the issue, and you come back to me with accusations of disingenuousness and "ostrich" behavior. This issue is extremely important and deserves more than just one evening of study to develop a clear picture.

Please allow me the time to do what needs to be done in this matter. I hope to be able to address your attached questionnaire in time for your next issue.

Thanks,
 Tom

Subject: Re: Additional Questions and Clarification
From: Gene Forte <geneforte@sbcglobal.net>
Date: Tue, 08 Jan 2008 16:35:40 -0800
To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>



Hey Tom!

No, you sent me what I consider a blow off letter with any further anticipated "cursive review" by you contingent upon my doing something more. You have enough information at this time to choke a horse.

You did not tell me that you were going to continue review the information. You referred to the document as a packet which infers that it was menial in substance. It is not.

When you said:

"My concern as a councilman of Los Banos is that of any MTBE contamination in our water supplies"

It implied that the specious events alleged by Mr. Santos in his claim were not important, or any of your concern.

I informed you that every single person that I have discussed your telling me that you were unaware of the article "The Buck Stops Here!" or the MTBe issue at Los Banos Foods doesn't buy it.

I'm being candid with you.

I told you in the last email:

"Your curt response is making it very difficult for me to continue to take you at your word, but I will, and let others form their own opinions."

When I said I will still take you at your word, it means what it says.

With that said, I add some additional questions for you to answer:

1. If the contamination of MTBe to Los Banos Foods was found by the Merced County Department of Environmental Health (MCDEH) to have been caused by the corporate owned Chevron at 1164 Pacheco Blvd. why wouldn't the City tell LBF to ask Chevron for the money for the added cost of water?
2. Why doesn't the City of Los Banos have City Attorney Bill Vaughn ask Chevron to pay the costs for the water or file a lawsuit against Chevron if they do not want to ruffle the feathers of California Dairies?
3. Were you aware that California Dairies, Inc. that owns Los Banos Foods has sales of over \$2.5 billion annually?
4. Do you believe that LBF will move out of Los Banos if the water rate is not cut for them?



**THE SHADOW KNOWS
 BY GENE FORTE**

**WHO KNOWS WHAT
 EVIL LURKS IN THE
 HEARTS OF MEN?**

**THE SHADOW KNOWS...
 HA, HA, HA...!**

"THE WEED OF CRIME BEARS BITTER
 FRUIT
 AND CRIME DOES NOT PAY.
 AIDING THE FORCES OF LAW AND
 ORDER
 THE SHADOW SAVES THE DAY!"

**IN THE LAST BADGER:
 THE BUCK STOPS HERE!**

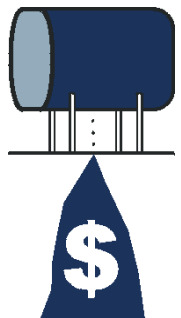


(Los Banos, CA).
 Merced County
 officials messed
 with the wrong
 citizen, Mr.
 Marion Santos

and he told them "The Buck Stops here!" Santos claims they threatened him with criminal prosecution. President Harry S. Truman made the phrase famous preaching accountability by public officials.

Santos filed a public claim against **DA Larry Morse, the Merced County District Attorney's Office and the Merced County Department of Environmental Health** on September 27th, 2007. (See "The Buck Stops Here" issue of the Badger at www.badger.flats.com, Pg. 5)

The Badger has been very busy these past months learning about the Underground Storage Tank Fund (USTF). It seems to be a virtual treasure trove for dubious public officials throughout the country and opportunistic remediation companies.



Under the guise of protecting

(Shadow see page 23)

Figure 7—Continued series of emails with City Councilman Tom Faria. Getting dizzy yet?



(SHADOW, from page 22) citizens from Methyl Tertiary-Butyl ether (MTBe) poisoning, public officials assist remediation companies in siphoning money out of the UST Fund like there is no tomorrow. The Badger will show you how it can be done.



Who's watching over the public officials and the private environmental companies

doing the siphoning? Ever hear of the expression, "Foxes guarding the chicken coop?"

The claim filed by Santos is based upon information derived from what started as a favor for a friend turning into an investigation spanning four months and counting, by yours truly.

Santos claims he was threatened with criminal prosecution by the



Merced County District Attorney's Office to cover up the bungling of the Merced County Department of Environmental Health's (MCDEH) remediation of MTBe contamination of a water well at California Dairies/Los Banos Foods located at 1155 Pacheco Blvd.

Documents reveal that MCDEH had determined the source of the MTBe contamination was from the corporate owned Pacheco



Chevron Station located at 1164 Pacheco Blvd., NOT SANTOS' Los Banos Chevron located at 1009 Pacheco Blvd.

So, why was the bite put on Santos? The Shadow Knoows.....

THE END

5. You have been provided information concerning the Merced County claim of Mr. Marion Santos alleging malfeasance and negligence of MCDEH involving the remediation of MTBe contaminants to Los Banos Foods. Do you believe that MCDEH should be held financially responsible along with Chevron if through their negligence or malfeasance they contributed to exasperating the MTBe problem at LBF?

6. If LBF moved out of Los Banos due to the higher cost of water caused by the MTBe contamination of their water well by Chevron would you support the City filing a lawsuit against Chevron or MCDEH?

I of course look forward to your replies.

Thanks.

Gene Forte

Continued from page 22



#13

Subject: Re: Additional Questions and Clarification
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Wed, 9 Jan 2008 10:30:09 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



#14

Hi Gene.

I am going to give you a list of statements of my position at this time and what I am doing and plan to do.

- 1. Any contamination of Los Banos' water must be diagnosed and remedied at the expense of the party(ies) who caused the contamination.
2. I am presently involved in not only researching the issue, but contacting experts and officials who can provide me additional informational and procedural support in this area.
3. As Mr. Santos is presently involved in court proceedings, it is not proper for me to comment on those proceedings until the courts have ruled.
4. As for referring to your documents as a "packet," many of our city council meeting agenda attachments are about the same length and are called packets, so you inferred what I did not intend to imply.
5. You stated that I have enough information to choke a horse. Yes. But I wish to gather more to be even better-informed than I am now.
6. Concerning the City's contract negotiations and arrangements with Los Banos Foods, I will not support any agreement that does not serve the public good through fairness to all parties involved.
7. Finally, you must know that I, like you, are in constant search for the truth, which in the world of politics and high finance is not always easy to find.

Once again, thank you for your work in service of the public good. It is much appreciated by this councilman.

Sincerely, Tom

Figure 7—Continued series of emails with City Councilman Tom Faria. Faria wants to give statements instead of answering questions. It's called feeling strongly both ways.

Hi Tom:

Even though I appreciate your list of statements of your position I request and prefer answers to my specific questions.

You will find below your email with my responses and follow-up questions if any interspersed within.

Email from: Tom Faria
January 9th, 2008
Time: 10:30AM

(THE RED HIGHLIGHTS ARE RESPONSES TO FARIA BY GENE)



#15

Hi Gene.

I am going to give you a list of statements of my position at this time and what I am doing and plan to do.

1. Any contamination of Los Banos' water must be diagnosed and remedied at the expense of the party (ies) who caused the contamination.

RESPONSE BY GENE: If MCDEH has already diagnosed and found the MTBe contamination to Los Banos Foods comes from the corporate Chevron a 1164 Pacheco Blvd. would you support the citizens of Los Banos lowering the water rate to LBF, or have Corporate Chevron foot the bill at the regular water rate which would increase revenues for the City?

2. I am presently involved in not only researching the issue, but contacting experts and officials who can provide me additional informational and procedural support in this area. I have let city staff know that the issue of water contamination is of the highest priority. From what I have read and heard, MTBE particularly is an insidious contaminant that is able to work its way through aquifers and even many of their dividing geological barriers. Once again, this is a very serious issue, and I have no intention to treat it any other way.

RESPONSE BY GENE: A simple point to remember, water and any contaminants within it such as MTBe does not run uphill.

3. As Mr. Santos is presently involved in court proceedings, it is not proper for me to comment on those proceedings until the courts have ruled. Suffice it to say that I hold the Santos family name in the highest regard and wish to see no damage done to them or their reputation.

RESPONSE BY GENE: Mr. Santos is not involved in any court proceedings at present or waiting for any ruling. The County of Merced rejected his claim without an investigation and by operation of law. In other words they let the statutory period of time to lapse to respond. Damage has already been done to his reputation by being threatened with criminal prosecution.

Do you think an investigation should have been conducted?

4. As for referring to your documents as a "packet," many of our city council meeting agenda attachments are about the same length and are called packets, so you inferred what I did not intend to imply. It is a comprehensive and well-assembled collection of relevant materials that deserves my attention, which I am giving it. I spent a little more time with it last night, and will continue to study it as we go along.

RESPONSE BY GENE: Thanks for the compliment regarding the "comprehensive and well assembled collection of relevant materials". I have about another 15,000 pages I can direct you to that I have studied over 8 months.

5. You stated that I have enough information to choke a horse. Yes. But I wish to gather more to be even better-informed than I am now. I do not believe one can be too heavily armed with information when serving the public good, and I have only just begun this process.

Figure 7—Continued series of emails with City Councilman Tom Faria.

CHICAGO BADGER BITE



Have you heard about Christine Beatty, Detroit Mayor Kwame Kilpatrick's chief of staff, resigning amid allegations that she and the mayor lied under oath about an affair. Apparently she aided him in

more ways than one.

Two police officers, who were fired for investigating complaints that the Mayor was using his security squad to stand watch, sued and received a payout of \$8.5 Million.

Wow! If it was only that simple for a citizen to get paid off for a claim. Wonder if any of those tight lipped security officers had a minicam of the action?

It seems if you want to get big pay-offs you need to be a civil servant that sues a civil servant agency. The money then stays in the same family so to speak. I point you to Monterey where judges are suing the county for asbestos poisoning in the courthouse. What about county employees at Latoracca Correctional Facility Prison planning on suing the county over arsenic poisoning?

Have you ever heard of insurance capping?
THE END

COMBATING DOMESTIC TERRORISM

Commentary by Gene Forte

The Badger has little doubt that there will be a number of corrupt civil servants 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 civil servants 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 non-conspiracy 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

(COMBATING TERRORISM,, see page 25)

(COMBATING TERRORISM, from page 24)



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 movie, "V for Vendetta," summarized in one line what every American should ponder, "People 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

RESPONSE BY GENE: There comes a point of what is called analysis paralysis. The questions posed to you are not complicated and do not require you becoming an environmental engineer. The work has already been done by MCDEH.

6. Concerning the City's contract negotiations and arrangements with Los Banos Foods, I will not support any agreement that does not serve the public good through fairness to all parties involved. I will not support the City (people) of Los Banos' picking up the tab for malfeasance of any person, organization, or business.

RESPONSE BY GENE: Would you support the citizens of Los Banos picking up the tab for the MTBe pollution to LB Foods water well if it was found by MCDEH to have been caused by the Chevron located 1164 Pacheco Blvd.?

Would you support the citizens of Los Banos picking up the tab for the MTBe pollution to LB Foods water well if it was found to have been exasperated by the negligent handling of the remediation project by MCDEH?

7. Finally, you must know that I, like you, are in constant search for the truth, which in the world of politics and high finance is not always easy to find. I am not done with this issue by a long shot, and I appreciate your communications concerning it. I will keep in touch, and as I gather more detailed information on the issue, I will be able to be more specific in my responses. And, hopefully together, we will solve this problem.

RESPONSE BY GENE: In philosophical response to your philosophical statement I have found there is no truth in politics due to questions never being answered directly so that politicians (glorified civil servants) can go either way the wind Blows and the money flows to escape accountability.

8. Once again, thank you for your work in service of the public good. It is much appreciated by this councilman.

RESPONSE BY GENE: You're welcome!

ADDED RESPONSE BY GENE: With the above said, I respectfully once again request that you provide answers to my specific interview questions and add two more to the list:

1. Did anyone from the City ask Los Banos Foods if they knew who contaminated their well?
2. Did LBF tell anyone from the City that the corporate owned Chevron at 1164 had been found by MCDEH to be the source of the MTBe contamination?

Look forward to your response and I appreciate your time.

I will add that I think it should have only taken me one email to you and one email from you in response with answers.

Thanks.

Gene

Continued from page 24



#15

Subject: Re: The Badger is Going To Press!
From: "Manuel \"Tom\" Faria" <manuefaria@sbcglobal.net>
Date: Thu, 10 Jan 2008 13:07:18 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



#16

Thanks for the note, Gene. At this time, my statement is all I am prepared to give. Please contact me before the next edition and I will give you whatever more I can.

Tom

Figure 7—Continued series of emails with City Councilman Tom Faria.

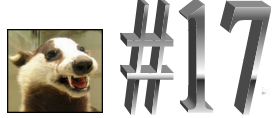
shocking. I am not going to sugar coat what I have found to make you sleep easier at night. It is my intention to trigger, inside my readers of all ages, an outrage similar to the guy in the movie Network, that yanked his T.V. from the wall, tossed it out the window, and yelled, "I'm mad as hell and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

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.

For with that outrage, I believe comes hope that something can be done to take

Thank you for the overwhelming response and acceptance that *The Badger* has thus far received. Spread the word.
THE END

Subject: Re: The Badger is Going To Press!
From: Gene Forte <geneforte@sbcglobal.net>
Date: Thu, 10 Jan 2008 13:20:41 -0800
To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>



January 10th, 2008

Hey Tom!

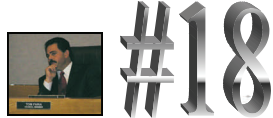
Thanks for the reply.

I would suggest you provide answers to the questions already posed so that I may include them in next week's edition which will come out Thursday, January 17th, 2008.

Thanks again for your time.

Gene Forte

Subject: Touching bases
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Mon, 21 Jan 2008 18:27:59 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



Hi Gene.

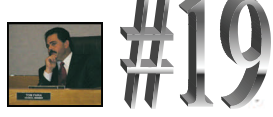
Thank you for coming to the council meeting last week and speaking in the public forum. I am reading over your documents again, and again. There is a very large amount of information here and I wish to be sure I have it all straight in my mind. Please keep me posted of any and all developments you can share. The currency of democracy is information, and the more we have, the better we can serve the people.

Also, please send my regards to Mr. Santos and let him know that I am pursuing his case within my capacities as a councilman and a citizen.

Have a great evening.

Sincerely,
Councilman Tom Faria

Subject: Re: Additional Questions and Clarification
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Wed, 23 Jan 2008 10:20:36 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>

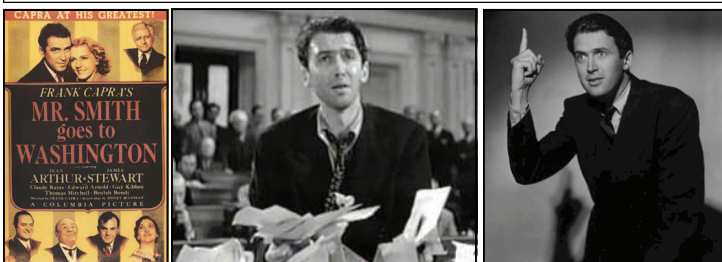


Hi Gene.

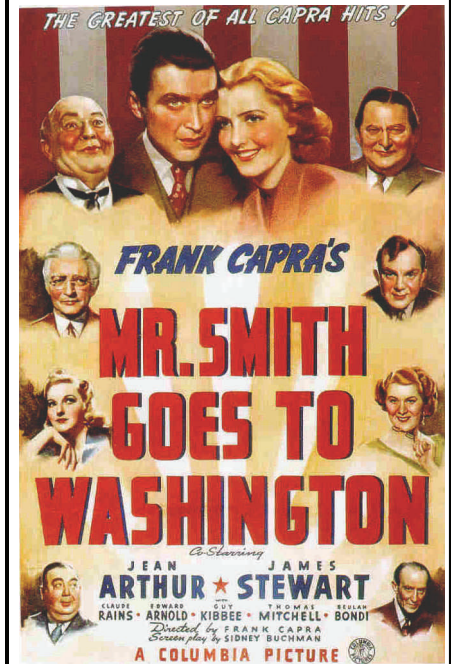
I am still pursuing this issue gathering more information. Can you give me any extra information about Roger's well at LBF?

Thanks,
Tom

Figure 7—Continued series of emails with City Councilman Tom Faria.



This Badger is dedicated to Frank Capra's "Mr. Smith Goes To Washington" that was only a vision of things to come with media controlling the government.



A Summary

Frank Capra's classic comedy-drama opens as a succession of reporters shout into telephones announcing the death of Senator Samuel Foley.

Senator Joseph Paine, the state's senior senator, puts in a call to Governor Hubert "Happy" Hopper reporting the news.



Hopper then calls powerful media magnate Jim Taylor who controls the state -- along with the lawmakers. Taylor orders Hopper to appoint an interim senator to fill out Foley's term; Taylor has proposed a pork barrel bill to finance an unneeded dam at Willet Creek, so he warns Hopper he wants a senator who "can't ask any questions or talk out of turn."

After having a number of his appointees rejected, at the suggestion of his children, Hopper nominates local hero Jefferson

(MR. SMITH, see page 27)

(MR. SMITH, from page 26)

Smith (played by actor James Stewart), leader of the state's Boy Rangers group.



Smith is an innocent, wide-eyed idealist who quotes Jefferson and Lincoln and idolizes Paine, who had known his crusading editor father.

In Washington, after a humiliating introduction to the press corps, Smith threatens to resign, but Paine encourages him to stay and work on a bill for a national boy's camp. With the help of his cynical secretary Clarissa Sanders, Smith prepares to introduce his boy's camp bill to the Senate.

But when he proposes to build the camp on the Willets Creek site, Taylor and Paine force him to drop the measure.

Smith discovers Taylor and Paine want the Willets Creek site for graft and he attempts to expose them, but Paine deflects Smith's charges by accusing Smith of stealing money from the boy rangers. Defeated, Smith is ready to depart Washington, but Saunders, whose patriotic zeal has been renewed by Smith, exhorts him to stay and fight.

Smith returns to the Senate chamber and, while Taylor musters the media forces in his state to destroy him, Smith engages in a climactic filibuster to speak his piece:

"I've got a few things I want to say to this body. I tried to say them once before and I got stopped colder than a mackerel. Well, I'd like to get them said this time, sir. And as a matter of fact, I'm not gonna leave this body until I do get them said."

Written by Paul Brenner, All Movie Guide. Original parts in movie played by: Senator Paine (Claude Rains), Governor Hopper (Guy Kibbee), Media Magnate Taylor (Edward Arnold), Secretary Sanders (Jean Arthur) THE END

Subject: Re: Additional Questions and Clarification
From: Gene Forte <geneforte@sbcglobal.net>
Date: Tue, 29 Jan 2008 14:27:30 -0800
To: "Manuel \"Tom\" Faria" <manuefaria@sbcglobal.net>



Hey Tom!

Sorry for the delay in getting back to you I had to file a Federal Appeal last week and I went into hibernation mode till it was done.

What information do you want about the Roger's Well?

When is the city council going to vote on the request for decrease of water business rate to LBF?

Gene

Subject: Re: Additional Questions and Clarification
From: "Manuel \"Tom\" Faria" <manuefaria@sbcglobal.net>
Date: Tue, 29 Jan 2008 16:55:28 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



Gene Forte <geneforte@sbcglobal.net> wrote: (Forte's Questions in brackets)

Hi Gene.

How's your appeal going?

[What information do you want about the Roger's Well?] Anything you can tell me. I have seen some test numbers on it, and I would like to find out more about it. Where did Roger's well get its name? Do you know of any other underground fuel tanks located near there besides the present filling stations that could have contributed to the contamination?

[When is the city council going to vote on the request for decrease of water business rate to LBF?] I do not know yet. If you have any more research on MTBE, please forward it to me. I am researching this extensively with my available resources, but I do not feel that I have all the information I need. Whatever you have that you think I can use, I'll take.

Thanks again,
Tom

Gene

Figure 7—Continued series of emails with City Councilman Tom Faria.



The views, opinions, and commentary expressed in the *Badger Flats Gazette* are solely those of Gene Forte and do not necessarily reflect the views and opinions of Badger Flats, LLC. All copyrights reserved.

Gene Forte is currently a plaintiff in the case of Forte vs. Knight Ridder, McClatchy Newspapers, O'Farrell, AG Lockyer, et al., Case No. C06-03948-JW. Forte also filed a Merced County claim against Merced County Assistant DA Matt Maclear and officials of MCDEH. Forte also has a claim filed against Merced County Counsel James Fincher, Merced County Supervisor Jerry O'Banion, and Brad Smith/Merced County Risk Management Department.

To obtain previous issues of the Badger, contact: (209) 829-1116. You may also go online to <http://www.badgerflats.com> to download or view issues. Readers are encouraged to phone in, or write in with information, opinions, etc. Your name will be kept confidential if requested.

Subject: Blue clay comments and MTBE
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Tue, 29 Jan 2008 17:11:03 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



#22

Hi Gene.

Here is why I asked about the blue clay: This is what Mike Amabile posted on Our Los Banos.

FYI the city of Los Banos gets all its drinking water from an aquifer that is below the blue clay line. The blue clay line is around 600 feet deep. The blue clay acts as a barrier and prevents most toxins from penetrating from above. The water that is under the blue clay comes from the Sierra Mountains. It does not feed from above. The toxins along Pacheco will not enter our city's water supply. Now farming is a different story, most farm wells are drilled above the Blue Clay line.

Thanks again.
 Tom

Subject: This email should have preceded the other.
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Tue, 29 Jan 2008 22:49:56 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



#23

Do you know whether MTBE can go through the blue clay that Amabile is mentioning in his post? I am also checking on the actual depth of all our city's wells .

Thanks again.
 Tom

Subject: Re: This email should have preceded the other.
From: Gene Forte <geneforte@sbcglobal.net>
Date: Wed, 30 Jan 2008 07:01:50 -0800
To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>



#24

Don't have a clue but I can ask environmental consultants.

However, that is side stepping the issue.

It was determined by MCDEH there is MTBe in the well of Los Banos Foods. MCDEH determined it came from the Corporate owned Chevron at 1164 Pacheco Blvd.

Los Banos Foods is asking the City to cut its rate based upon the MTBe problem caused by the Corporate Chevron..

End of story.

Gene

Subject: Re: This email should have preceded the other.
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Wed, 30 Jan 2008 10:07:22 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



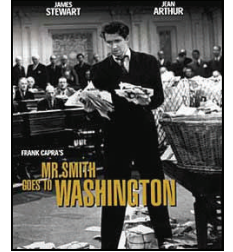
#25

No sidestepping here Gene. I am trying to take this thing head on. I do not feel council was given everything it needs to do its job, so I am asking for your help if you have the time. Like you, when I confront an issue, I want to be armed with every piece of evidence possible, let alone my concern for the water supply of the citizens of Los Banos.

Figure 7—Continued series of emails with City Councilman Tom Faria.

IMAGE OF JOURNALISTS IN POPULAR CULTURE

In the classic movie Mr. Smith Goes to Washington (1939) with James Stewart, the plot line was that the media mogul of the state controlled the governor and all of the state politics.



In *Tomorrow Never Dies* (1997), media mogul Eliot Carver is taking over the world and controls politics.



Here's a couple of Carver's lines: "Mr. Wallace, call the President. Tell him if he doesn't sign

the bill lowering the cable rates, we will release the video of him with the cheerleader in the Chicago motel room."

What about this one, "Soon I'll have reached out to and influenced more people than anybody in the history of this planet, save God himself. And the best he ever managed was the Sermon on the Mount."

You are now seeing the 2008 remake where media moguls, such as Dean Singleton, CEO of Media News, helps control citizens for governments and wars worldwide.



What is your perception of the journalist and where did you get it from?

Much of the public perception of attorneys is drawn from Perry Mason or Mattlock which are also images engineered by the media. Is our perception reality? How would Mr. Smith Goes To Washington 2008 be different

(IMAGE, see page 29)

(IMAGE, from page 28)
than the 1939 movie?

The Badger had the pleasure of interviewing Professor Joe Saltzman's about his new book, *FRANK CAPRA AND THE IMAGE OF THE JOURNALIST IN AMERICAN FILM*.

I haven't yet read it, but from what I can glean, it looks like it will be very interesting. I have included a layout of some of images of journalists with captions by Saltzman.



Saltzman is no lightweight in journalism. He is the director of the Image of the Journalist in Popular Culture (IJPC), the author of *Frank Capra and the Image of the Journalist in American Film*, and an award-winning journalist who is professor of journalism and former associate dean at the Annenberg School for Communication at the University of Southern California.

The Badger hopes to have more interviews with Professor Saltzman in the future. The best way to purchase his book is to go to Image of Journalists in Popular Culture at IJPC.org, or through the USC University Bookstore. You will also find it through Amazon. THE END



Subject: Re: Additional Questions and Clarification
From: "Manuel \"Tom\" Faria" <manuefaria@sbcglobal.net>
Date: Wed, 30 Jan 2008 12:21:11 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



I am frankly confused about the threat of prosecution by DA after Marion's obvious due diligence with the cleanup. He tore the station apart and moved tons and tons of soil. Doesn't prosecution usually involve some element of intent to do harm? You have a great deal more legal experience than I; that is why I ask.

I will not vote to approve any water contracts with any business until I am satisfied that all the financial and health-related conditions necessary to protect our aquifer and our citizens are met. I am still gathering information on the water system here from a variety of sources, both within and without the city, and am not yet satisfied with my results.

Keep the contact coming, Gene. I appreciate it very much.

Sincerely,
Councilman Tom Faria

Subject: Re: Additional Questions and Clarification
From: Gene Forte <geneforte@sbcglobal.net>
Date: Wed, 30 Jan 2008 12:54:36 -0800
To: "Manuel \"Tom\" Faria" <manuefaria@sbcglobal.net>



You are starting to get the picture, a little.

The DA says that he never threatened Marion with criminal prosecution or fines of \$40,000.00 per day. The DA says that I made that story up for my own personal and political gains.

The reason why the DA is denying it is because it opens up a huge can of worms of what has been going on concerning the MTBe remediation of the corporate owned Chevron site that contaminated LBF and the beyond negligence of the part of MCDEH. MCDEH was searching for more money to continue the charade. Marion had been approached by John Windecker, operator of the corporate Chevron, and asked if he was interested in selling his station. Marion said he was not interested.

Windecker then called Eric Swenson at MCDEH and was trying to find out how much MCDEH thought they were going to hit Marion for remediation assessment. Thereafter, the metaphorical dogs were released on Marion.

How do I know this? I have the written notes of MCDEH.

The problem with the DA's denial is that three of Marion's attorneys confirmed (one of them Charles Peluso) that Marion was threatened with criminal prosecution and fines of \$40,000 per day, there is a letter from the DA saying that he was delaying prosecution of the action, and typed notes of MCDEH's Eric Swenson who was present at the meeting with the DA and Marion that also says that Marion was threatened with \$40,000 in fines.

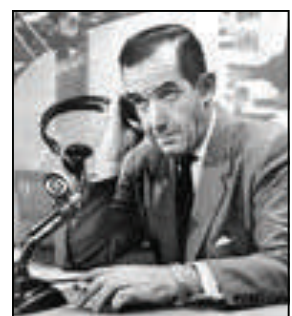
You need to ask yourself why the Los Banos Enterprise did not mention a word about Marion's Merced County claim, and why they didn't mention any of the issues when they reported upon LBF coming to the city asking for a discount?

Gene

Figure 7—Continued series of emails with City Councilman Tom Faria.



David Brinkley & Chet Huntley (far left).
Walter Cronkite (left).
Edward R. Murrow (right)



Subject: Re: Additional Questions and Clarification
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Wed, 30 Jan 2008 13:40:49 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



#28

I seem to think that Marion's case is just one piece of this very convoluted puzzle, but a very important one. Roger's well numbers were over twice the state maximum for a long period of time, so it was destroyed; but none of our staff even mentioned Roger's Well, which I think is an important part of the story as well. Eric Sweson did give the numbers to me when I asked and told me they are public information. Mike Amabile is on Our Los Banos saying that the city's wells are all below the blue clay and safe from MTBE contamination, so I am researching that and trying to find out whether that even makes a difference because MTBE seems to be able to pass through subterranean holding structures more efficiently than water. I am worried that LB Foods' pumping helps to localize the plume, and that if they stop, it will cause the plume to spread even further, eventually into the city's wells, then the city would have to pay for remediation instead of LB Foods.

Got to get back to my students.

Thanks again,
 Tom

Subject: Re: Additional Questions and Clarification
From: Gene Forte <geneforte@sbcglobal.net>
Date: Wed, 30 Jan 2008 13:59:50 -0800
To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>



#29

Tom:
 Once again, LBF should not have to pay for the contamination caused by the corporate Chevron. Also, if Los Banos City wells are contaminated by the MTBE from the Corporate Chevron the corporate Chevron should pick up the tag, not the city.

Did you ask Swenson point blank to confirm that the corporate Chevron was the source of the MTBE contamination to LBF?

Gene

Subject: Re: Additional Questions and Clarification
From: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>
Date: Wed, 30 Jan 2008 14:25:38 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



#30

No. I only asked him for the numbers on the wells.

Subject: Re: Additional Questions and Clarification
From: Gene Forte <geneforte@sbcglobal.net>
Date: Wed, 30 Jan 2008 14:32:03 -0800
To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>



#31

Why in the world not? Don't you want to know?

Subject: Re: Additional Questions and Clarification
From: Gene Forte <geneforte@sbcglobal.net>
Date: Wed, 30 Jan 2008 15:23:58 -0800
To: "Manuel \"Tom\" Faria" <manuelfaria@sbcglobal.net>



#32

Tom:

I received the below reply from you but there was no answer to my question.

Gene

Profile of Joe Saltzman Author of *Frank Capra and the Image of the Journalist in American Film*



Joe Saltzman received his B.A. in Journalism from the University of Southern California and his M.S. from the Columbia University Graduate School of Journalism.

After working for several years as a newspaper reporter and editor, Saltzman joined CBS television in Los Angeles in 1964, and for the next ten years, produced documentaries, news magazine shows, and daily news shows.

He won more than fifty awards including the Columbia University-DuPont Broadcast Journalism Award (the broadcasting equivalent of the Pulitzer Prize), four Emmys, four Golden Mikes, two Edward R. Murrow Awards, a Silver Gavel, and one of the first NAACP Image awards.

He was among the first broadcast documentarians to produce, write, and report on important social issues, including *Black on Black*, a ninety-minute program with no written narration on what it is like to be black in urban America in 1967; *Rape*, a 30-minute 1970 program on the crime that resulted in changes in California law; *The Junior High School*, a two-hour program on education in America in 1970; and *Why Me?* a one-hour program on

(PROFILE, see page 31)

(Continued from page 30)

breast cancer in 1974 that resulted in thousands of lives being saved and advocated changes in the treatment of breast cancer in America.

In 1974, he created the broadcasting sequence in the USC School of Journalism. During his tenure at USC, Saltzman, who has won three teaching awards, has remained an active journalist producing

medical documentaries, functioning as a senior investigative producer for *Entertainment Tonight*, and writing articles, reviews, columns, and opinion pieces for hundreds of magazines and newspapers.

He has been researching the image of the journalist in popular culture for a dozen years and is considered an expert in the field. See next page for interview.

THE END



Subject: Re: Additional Questions and Clarification
From: "Manuel \"Tom\" Faria" <manulfaria@sbcglobal.net>
Date: Wed, 30 Jan 2008 15:30:57 -0800 (PST)
To: Gene Forte <geneforte@sbcglobal.net>



#33

Gene.

I'm sorry. It got sent accidentally before being finished. I will address your question to Eric the next time I call him, which will be quite soon.

Tom

Summary: As of Feb. 16, 2008, there have been no more emails from Faria. It appears from the above photo that Faria is listening very closely during a council meeting, or is he?

It would be outrageous if city civil servants gave up \$160,000.00 in revenues to bail out Chevron.
THE END

THE BIBLE ACCORDING TO LUKE CHAPTER 11



And one of the lawyers answering saith to him: Master, in saying these things, thou reproachest us also.

46 But he said: Woe to you lawyers also, because you load men with burdens which they cannot bear and you yourselves touch not the packs with one of your fingers. Woe to you lawyers... He speaks of the doctors of the law of Moses, commonly called the scribes.

52 Woe to you lawyers, for you have taken away the key of knowledge. You yourselves have not entered in: and those that were entering in, you have hindered.

53 And as he was saying these things to them, the Pharisees and the lawyers began violently to urge him and to oppress his mouth about many things,

54 Lying in wait for him and seeking to catch something from his mouth, that they might accuse him.



Hey! I didn't write it. I just preach it!
Pope Benedict XVI

INTERVIEW WITH PROFESSOR SALTZMAN

Washington's" conclusion would probably work well today with someone like Tom Hanks in the role.



The control of the news media would have to be revised (running down kids with newspapers wouldn't happen today – or probably then).

But, Capra was far ahead of his time in showing the dangers of a news media controlled by one person or one corporation, and that could be expanded to reflect what is going on today with more and more news media controlled by fewer and fewer international conglomerates.

The Internet would have to be included and that would change much of what happened in the film.

Gene: Wouldn't it be more correct to say that the international conglomerates are primarily US media companies, excluding Rupert Murdoch who still had his gathering of top level power brokers, politicians at Pebble Beach last year under armed guard with a media blackout?

Joe: The problem is that the news media is now owned by major corporations international in scope.

That makes it more difficult to deal with the people who run the media, as the Writers Guild of America is finding out in this year's negotiations.

Gene: To what degree does the media influence who gets elected?

Joe: Not much – except in a negative way. The news media jumps on the slightest hint of scandal and repeats the gossip over and over and over again until it seems to be a major issue.

When that gossip/scandal is revealed to be untrue or exaggerated, there is rarely the same kind of coverage correcting the misinformation. So the news media does influence who becomes a viable candidate by omission rather than commission.

Gene: In several movies, one newspaper goes against another newspaper vying for the confidence of the people. I forget which classic movie portrays the competing newspaper being in bed with corrupt city government.

What would happen today in real life?

Would papers report or with the newspaper industry in the tank, would it be a collective, "Don't report upon anything that could further weaken the

(INTERVIEW, see page 33)

Gene: I would like to put some excerpts from your book in the Gazette, what are your three favorite and why?

Joe: The Conclusion is my favorite section because it expands the discussion of Frank Capra and the image of the journalist in American film to discuss the broader issues involved in the image of the journalist in film.

The introductions to the Female Reporter and the Publisher, I believe, also break new ground in the discussion of the image of the journalist in popular culture.

Gene: If you were doing a remake of Mr. Smith today, what would have to be changed to keep it realistic?

Joe: Not much. Filibusters are still allowed and "Mr. Smith Goes to



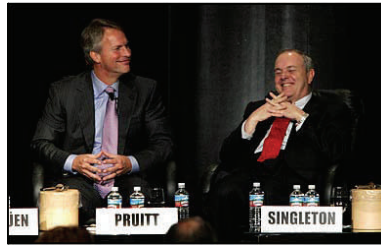
Senator Smith goes on a one-man rampage against the reporters who ridiculed him in the newspapers. Nosey (Charles Lane) runs into the National Press Club in Washington, DC, but a mob of reporters grabs Smith before he can punch the reporter in the mouth in *Mr. Smith Goes to Washington* (Columbia Pictures, 1939).

Media moguls get cozier

Hearst and Dean Singleton say there's no illegal deal — but just look at the evidence

BY G.W. SCHULZ

Tuesday December 12, 2006



The Bay Area's daily newspaper barons are trying to overcome a federal judge's concerns that their recent deal is illegal and anticompetitive. But the bonds between the Hearst Corp. and Dean Singleton's MediaNews Group have only grown closer since Judge Susan Illston ruled last month that their local dealings look fishy.

In a court declaration filed Dec. 6, Hearst senior vice president James Asher revealed that the two companies were jointly planning to acquire "one newspaper in the Northeast," which went unnamed, and hoped to soon spend another \$25 million buying the Daily Breeze, a paper in Torrance.

MediaNews, Asher revealed, is also considering using Hearst's Shared Services Center in North Carolina, where Hearst employees would handle some of Singleton's accounting. Those revelations add considerably to real estate investor Clint Reilly's charge that the two publishing giants are preparing to carve up and share the entire Bay Area newspaper market.

Hearst has already put up \$300 million to help MediaNews buy the Contra Costa Times, the San Jose Mercury News, and some 30 smaller papers, giving Singleton's firm control over nearly every central Bay Area daily except Hearst's Chronicle. The move was consistent with Singleton's longtime strategy of turning would-be competitors into partners.

Reilly's suit seeks to block that billion-dollar media consolidation. Hearst even asked MediaNews to print the San Francisco Chronicle more than a year ago, Asher stated, but the company has since announced it will outsource that function to a Canadian company for \$1 billion.

Joe: Most of the problems with news media coverage today involves overkill. They go after a trivial story, usually involving a celebrity, and they cover it over and over again including misinformation (because they want to get it out as fast they can) and poor reporting.



Few news media worry about spinning public perception, starting false stories, etc. It's mostly a crime of omission, not commission. They just don't report the stories that truly affect our lives — political stories, economic stories, international stories, complicated stories.

They tend to fill the news holes with trivia, celebrity stories, crime stories, weather, and sports and leave the important stories for someone else to report. And those someone else's are getting hard to find.

Figure 8—Article from the San Francisco Guardian. Humbly put, I was the real potential deal buster. Above photo: Greg Pruitt, CEO, McClatchy Newspapers, Dean Singleton (right).

(INTERVIEW, from page 32)
public trust in newspapers in general and hurt our revenues, etc., or more importantly, hurt their influence upon public opinion?

essentially covers non-controversial stories that support that status quo.

Any story that is out of that area is either ignored or briefly reported. There is also the urgent requirement that news media keep their audiences and any story that might offend their readers or viewers — especially those who have influence -- is a story they would rather not report.

Gene: Isn't that what dictates the true value of a newspaper, or media, is its ability to spin public perception, i.e., start a false story, then let the correction of it be a whisper?



Joe: In real life, omission is the real sin. It isn't that the news media do not cover stories. The stories that are never reported are the stories that take real work to uncover. So the news media



Gene: What do you think of the deal between MediaNews Group, Hearst, Knight Ridder, et al?

(INTERVIEW, from page 33)

Joe: Not familiar with “the deal” so I’ll answer this in general. The media is being gobbled up by just a few international conglomerates (about seven own most of the media that give us the information today) and this means less competition, less investigative reporting, less foreign bureaus, less everything.

The information we get is usually from just a few sources – especially international news. It is easier to control what the public gets to hear and see when there are just a few sources of information.

Gene: *Regarding The MediaNews Deal [See Figure 8, page 33, for excerpts of the article]:*

Do you have any comment? Do you feel it is bad or good, or indifferent?



Joe: It is just part of the continuing problem of the news media being controlled by too few people. Whether a deal is specific or just acknowledged, if you have a small number of powerful

international news media, the chances of getting good investigative reporting (especially on subjects sensitive to these powerful corporations) and complete coverage of the important stories that affect our lives grow dim.

Gene: *How realistic is Mr. Smith Goes to Washington? Is the media vilified too much or not enough?*

Joe: The concept of the publisher controlling the news media and thereby keeping information from the public is a bit exaggerated in the film, but such publishers – i.e. Hearst, Pulitzer – did exist in Capra’s memory and in Capra’s time and formed the basis of the evil publisher in the film. Capra seems to have predicted the future even if the villain is a bit exaggerated.



Ann Mitchell (Barbara Stanwyck), editor Henry Connell (James Gleason), and a gaggle of news photographers set up publicity shots for the fake John Doe (Gary Cooper) in an effort to win public approval in *Meet John Doe* (Frank Capra Productions, 1941). The newspaper stunt snowballs into a national phenomenon.



Rupert Murdoch (right) owner of News Corporation with JFK. Strange (or not), I wasn’t able to find any photos of Singleton or Murdoch with United States Presidents besides this one. Have presidents after JFK ever got together with any media moguls and are just camera shy?

Gene: *Does media control our government or government control our media? Or is that semantics?*

Joe: The media and the government work hand in hand supporting the status quo and the people who pay their bills. It is difficult for news media to be a free press when it is owned by the same

(INTERVIEW, see page 35)



In *Here Comes the Groom* (Paramount Pictures, 1951), reporter Pete Garvey (Bing Crosby) concocts a real estate fraud and, with the help of his editor, George Degan (Robert Keith), tries to discredit his former girlfriend's fiance. The real estate tycoon shows up to end the charade and the misuse of the press.

(INTERVIEW, from page 34)

people who elect our officials – the rich and the powerful.

Those who now own the media do not want to ruffle government into doing anything that would damage the franchise, the ability to make as much money as possible. So government and those owning the media work hand in hand to support those policies that benefit people in higher tax brackets, in Big Business. None of this evil, or even planned out.



It just happens when the interests of both the owners of the news media and the people who run the government turn out to be the same. Unpopular

opinions, people without influence or power, the poor, the weak, the sick, the old – these citizens are ignored not only by the news media, but also by the local, state and national governments.

Gene: *Would the key difference between Mr. Smith '39 and a Mr. Smith '08 be that the '08 media would be controlling more than a state, and something more like a nation?*

Joe: I think with the Internet, and with the diverse local and state news media, control as featured in Mr. Smith 1939 would be impossible. Many bloggers would report what is going on and criticize the news media for ignoring a great story. The key difference in 2008 is the Internet and the many voices speaking on the Internet. That may be the great equalizer in the power struggle between the citizen and the news media/government combine. And that would be a great part of the story in Mr.

Smith 2008.

Gene: *Isn't the diverse local and state news media something of the past because the majority of all newspapers, daily, or local are owned by the same company?*

Joe: Yes and no. Recent studies show that community newspapers – small newspapers/web sites covering individual towns and communities – are growing and doing very well. And they are independent. Using the Internet to print their newspapers keeps down costs and gets a good audience.

Gene: *In regards to the Internet, isn't it susceptible to misinformation from government or media conglomerates at this time also?*

Joe: The Internet is filled with misinformation from all sorts of sources including government, media conglomerates, individual bloggers,

(INTERVIEW, see page 36)



In the middle of the *Times* city room in *The Power of the Press* (Columbia Pictures, 1928), the city editor (Robert Edison) congratulates cub reporter Clem Rogers (Douglas Fairbanks Jr.) for getting his first page-one story as the more seasoned reporters gripe that it was all beginner's luck.

(INTERVIEW, from page 35)

gossip blogs, etc. But at least it is a free source of information that occasionally forces the larger news media to do stories they otherwise would ignore.

Responsibility of the media is not something that is legislated. It is part of the tradition of this country but nowhere is it written that a business – and the news media are businesses – must serve the public interest.

Journalists have always believed that any organization enjoying freedom of the press has a responsibility to serve the public interest.

But journalists have always been naïve in thinking that the people who owned newspapers or magazines or radio stations or TV stations were



thinking first of the public interest, then of making profit.

Those owning the media have always been interested in profit first. Some were convinced that by serving the public interest, their media would have more prestige, hence more profits and went that route. Many more believed that profit must be made at any cost, including the public interest.

Gene: *Do you believe that media's most important function is to report on corruption within the government if it exists?*

Joe: One of the news media's most important functions is to keep a watchful eye on all elected officials and

businesses that take advantage of the public. That was true in the 19th century and that is true today.

Gene: *Is it the responsibility of media that once its watchful eye sees government corruption, it should be reported upon no matter if it ruffles feathers of the government? Or, is Freedom of the Press 2008 to mean Freedom to not report upon government corruption?*

Joe: Those who believe that the responsibility of media is to watch out for government and business corruption no matter what are bitterly disappointed in today's news media and for good reason. But there is no law, no code of ethics, which can force any business to behave responsibly.

Gene: *What happens if the media was to work with government to keep government corruption concealed?*

Joe: There are a thousand pieces of government corruption that go unreported every day. Secrecy in government is at an all time high and even news media that try to expose government corruption are fighting an uphill battle. What happens when the news media can't keep up with exposing government corruption and lies is what has happened to the United States in the 21st century.

Gene: *Is it that one festers the other? In other words, is government corruption so rampant and spinning out of control due to the media not reporting upon it earlier? If the media changed, would the government come back in line?*

Joe: Most politicians want power to promote themselves, their friends, and

their causes. Very few are dedicated to serve the public. This has been true since the beginning of recorded history.



The public is served only when it is in the best interests of the people in power – and sometimes clever leaders realize that a public that is treated well is a public that will treat them well.

Even with good news media reporting, politicians and government still hold great power over the citizen. But at least by shining a public spotlight on corruption in government, that particular corruption can be challenged and perhaps overcome. And this is seldom happening today.

Gene: *Could you share with me how many individuals do you think, if you do, the government has working feed stories to the wire services, etc..?*

Joe: No idea. But public relations specialists work in every area of government including the military and most of the information the news media publishes on a daily basis comes from special interest groups, both government and private, that have a special interest in convincing the public of their points of view.

The Badger thanks Professor Saltzman for his time and insightful comments.
THE END

TETRA TECH TURNS UP THE HEAT



Mr. Marion Santos and M.G. Santos Inc. has been sued by a billion dollar remediation firm, Tetra Tech Inc.,

claiming that he did not pay over \$314,322.57 under a contract for remediation assessment work at his gas station located at 1009 Pacheco Blvd., Los Banos.

Santos claims he was coerced by threat of criminal prosecution to enter into a fraudulent contract with Tetra Tech suggested by his attorneys, Somach, Simmons and Dunn, Sacramento. The attorneys didn't disclose to Santos their joint

internet marketing scheme with Tetra Tech called TerraLocator.

Santos had already paid Tetra Tech over \$80,000.00 for purported remediation assessment work ordered by the Merced County Department of Environmental Health (MCDEH).

The MTBe ball started rolling toward Santos after the corporate owned Chevron at 1164 Pacheco Blvd. (directly across the street from Los Banos Foods) was \$10,000.00 shy of spending the \$1,500,000.00 available to them from the Underground Storage Tank Fund.

The MCDEH had to start looking for new blood to fritter away to enrich private remediation firms, uncivil civil servants, and law firms.

Citizen's private insurance policies and personal assets become fair game to uncivil civil servants funding their jobs, remediation companies and attorneys. They are another form of the parasitical carpetbaggers of 2008.

Corruption



Digest

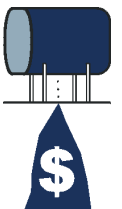
The Badger suggests to look in the direction of Lodi to see how it was done. Even though the problem started

to surface in 2004, it is still going strong on the Lodi City Council Agenda as of December 2007 under present litigation, City of Lodi v. Michael Donovan, an individual; Envision Law Group, LLP, et al., San Francisco Superior Court, Case No. CGC-05-441976.

Is the Central Valley Regional Water Quality Board going to point a finger in the direction of MCDEH with the mantra of " let's just move on" while the USTF continues then to get drained by them and other remediation firms?

Don't count on it for a second!

Imagine for a moment the staggering millions, if not billions of dollars being wielded around by county officials' statewide and nationwide. It is a treasure trove for civil servants, private remediation firms, and attorneys. Here's an excerpt (see left).



THE END

Excerpt from *Lodi's losing gamble*

Ken Garcia

Monday, January 19, 2004

LODI HAS NEVER been known as a gambling mecca, but that might change after the revelation that city officials brokered the public trust on a high- flying legal and financial scheme.

That's the best way to describe a gambit where the city spent \$23 million during the past seven years on a pollution cleanup plan only to have the money go to high-priced lawyers with nary a penny spent on environmental restoration.

Last week the town's gambit unraveled, and it remains unclear who will be left holding the bill. One thing for sure -- Lodi's perilous venture to pursue insurance money from polluters to pay to clean up contamination caused in part by the city itself has given it new status as the Enron of environmental oversight.

For this dubious achievement, the 60,000 residents of this farm-belt community can thank Lafayette attorney Michael C. Donovan, the architect of a legal shell game that has netted his law firm more than \$14 million, nearly half of the town's annual operating budget.

Donovan's powers of persuasion may have been topped only by his creativity: He convinced city officials to follow him down a path strewn with warning signs, including the approval of a \$16 million loan from Lehman Bros. to pay for its never-ending court battles.

"Michael Donovan concocted this strategy and it was doomed from the start, " said Sacramento attorney Lori Gualco, who represents Guild Cleaners, one of the 15 businesses sued for cleanup costs by the city. "It's just unfortunate that the city council, the city manager and the city attorney went along with it."

THE CARPETBAGGERS



While middle-class Americans are being systematically bankrupted, some parasitic Carpetbaggers are making fortunes.

Foreclosure and debt collection mills can't keep enough attorneys on staff. They're recruiting kids from law schools that have no sense of ethical business practices, teaching them to swing hatchets that would make Simon Legree blush.

If you wonder why California is leading the way to financial ruin, take into consideration it has more attorneys and is the largest judicial industry in the world. Legal fees skim the cream off the top of every business project. Attorneys are always there with their hands in the pot, first and last.

At the early stage, an attorney will tell you your project is the greatest thing since sliced white bread. Then, if the project goes south, he is the first there picking your bones for any past due legal fees he piled up on you. If you don't slit open a wrist, he'll slit it for you.

Case in point, Mr. Michael Vergara of Somach, Simmons & Dunn. Vergara slithered his way into Mr. Marion Santos' life after Santos was threatened with criminal prosecution by Merced County Assistant District Attorney, Matt Maclear.



Maclear denies making such threat and admits that it would be improper.

Maclear letters to Santos published in the Badger show he is lying through his teeth. The threat of criminal prosecution by Maclear for a civil matter would be considered akin to coercion done under the color of law.

Vergara went along with the ruse to drain Santos of money. Vergara next suckered Santos into entering a contract with an undisclosed marketing

scheme partner of Vergara's called Tetra Tech, Inc. The marketing scheme is called TerraLocator. When the Badger asked Vergara why he did not disclose the relationship, he slithered back under a rock. Tetra Tech joined him about a week later and is now suing Santos for \$315,000.00.

Vergara threatened to sue Santos for purportedly unpaid legal fees. But, when Santos asked the collection mill Vergara hired for proof of billings, there has been no response for over two months. It appears Vergara sues his own clients like a ravenous vulture and recently sued Riverside Motorsports Park for allegedly not paying \$120,000.00 in legal fees.



A recent article authored by Ms. Corinne Reilly/Merced Sun Star entitled, "Under oath, Condren says Riverside Motorsports Park (RMP) has no money." John Condren is the CEO of RMP.

Sources at RMP who spoke on the condition of anonymity said Reilly's report was a lop-sided hatchet job.

The Badger has learned that Reilly was present on a conference call with the investment bankers of RMP and Condren. Reilly obtained information that would contradict her innuendos of RMP being without funds. None of those statements made it to print.

Sources at RMP say that the Merced Sun-Star's, publisher, Joe Kieta, has an

axe to grind with RMP's Condren. The Badger is investigating why and what uncivil civil servant or politico McClatchy Newspapers may be wielding it for.

A selective clipping out of lines by Reilly from, at minimum, an unethical and sleazy Vergara email to Condren prior to the lawsuit indicates The Merced Sun-Star does not want anything seen that could portray Vergara in a bad light, and the edge of their axe. Vergara writes:

"I believe that the RMP website and press releases are intentionally written to create the impression that RMP is rolling in money and making payment to others." (Vergara)

Reilly leaves out Vergara's next knife to the belly line which reads:

"Other actual or potential creditors or investors will likely be dispelled of such belief after our lawsuit becomes public this Friday. I believe that the financial condition of RMP will be of significant interest to local media, investors, politicians, and citizens."

It is a clear attempt to coerce RMP into paying money under the threat of a smear campaign to cripple RMP's ability to survive prior to filing litigation. It is not considered ethical and borders on the line of being illegal, if it's not already over.

Vergara didn't snap the tail of Maclear because they are snakes from the same nest. As Baretta would say....And that's the name of that tune! THE END



The Depression

Citizens lost everything they had. There were no jobs, no homes, and no food.

Notice the sign advertising bailiff services. I would venture to guess a wider photo could reveal an attorney's office next door!





Appellant hereby requests the Appellate Court for a rehearing. A reconsideration of the ruling filed on January 31, 2008 is warranted due to the error this Appellate Court has perpetrated through the misconstruing of the facts and application of the laws in order to protect other civil servants.

INTRODUCTION

Shame on you all. Didn't your parents ever tell you that you shouldn't lie?

Talk about a hatchet job of a ruling.

Instead of addressing all of the intentional errors in your ludicrous ruling, I will only point in this introduction to one example of your attempting to impugn my integrity by you yourselves lying.

You know Justice Connie, you should have learned something from when I jammed AG Lockyer's, et al, feet down his throat with the law when I defeated the vexatious litigant "purported motion." You shouldn't attack a man's good name. Even though I certainly do not support or condone the execution of civil servants as Charles "Cookie" Thornton did, I certainly understand his frustration when he felt his good name was being assassinated.

I do have to say that if there is an afterlife, one of the first things I want to check out when I get there is if there is any video tape of the meeting of the deceased councilmen, Cookie Thornton, and God. Albeit, I hope that Ronnie George and you, Justice Connie, don't get there first and attach a copyright to it, if you know what I mean. I also will add that it would be great to hear God inform any attorneys, brought up from hell representing the civil servants, that any proffered defense of quasi-immunity, judicial immunity, or absolute immunity and the like doesn't apply.

At any rate, who knows, maybe the truth did come out in the end as Cookie put in the note left on his bed. Perhaps the truth was that the civil servants were doing all the things he said to deny him his right to justice, with the media covering it up?

In my opinion, that still did not give Thornton the right to kill them. *Please make sure you do not edit that line out as Deputy AG Paul Hammerness did in the defeated vexatious litigant "purported" motion. Thanks.*

While my court filings indicate assistant county counsel I-can't-get-a-job-in-the-private-sector-real-world, Ms. Tracy Kirkbride, lies through every pore of her body, you have the mendacity to say in your ruling, page 4, footnote 2) that I mis-characterized the letter of August 24th, 2005. I certainly did not. (I have attached a copy of the letter to this brief.) The three of you are prevaricators of the truth.

Why don't you hold me in contempt for saying so, and let me publicly show how disingenuous you are?

With that said, you really should have taken the cue from Justice Elia who was wise enough to head for the hills. Don't think for a moment that I didn't realize that Justice Elia headed for the door without mentioning the word self-disqualification from hearing my cases.

Now, I know that you are all just following orders from the big guy George to hold the front line against me. But, I only remind you that is the excuse that a number of the guards at Nazi concentration camps used. They were still ultimately found guilty of crimes against humanity.

With that said, you will find now the balance of the petition for re-hearing. I would have to be as crazy as that poor tortured Cookie Thornton to expect that you will grant it, which I am not. I would have to be even crazier to think if I took it up to George's California Supreme Court, it would be heard. I just don't own enough stock in Chevron to swing that deal.

Prior to closing on my introduction, I will only say that your honors ruling upon my Anti-Slapp motion based upon speculating upon the innocence of McKee's aiding the obstruction of justice has the cart way before the horse. McKee being innocent or guilty of aiding the obstruction of justice, my being innocent or guilty of false arrest *after* performing a Citizen's Arrest (that did not take place) are all irrelevant to the merits of the appeal.

Your speculation of Kanalakis concern for the safety of McKee and that is why he faxed him the letter is sheer clap-trap. In summary, your approach is akin to McGreal in that, as long as a civil servant does not investigate the violations of the law by another civil servant, they can then say there is no violation of the law they know of, so they can't be held accountable either. It is the ostrich maneuver, and as I explained to McGreal, it is the "Na-na-de-na-na you can't get us approach" used by civil servants to thumb their noses at citizens being violated by civil servants like you guys.

But, please, please old wise Pharisees, see the error of your decision and grant me a reversal of your erroneous ruling.

McKee v. Forte, filed 2/15/08: The introduction pours salt on their open wounds about the defeated vexatious litigant motion, video tape fiasco (See Loose Lips, pg. 56), their blatant misstatement of facts to support their ruling and the recent Chevron dismissal. The additional 10 pages of the brief are legalese.



MR. TOMMY JONES SUED

by Gene Forte

through the deception until they encounter the corruption of the government firsthand.

One would think that the media would report upon the battle I have been in for seven years. Without an attorney, I have written and won appeals exposing judicial corruption. I have forced judges into retirement, and defeated the top three government officials of the State of California when they tried to silence me.



My story is about evidence that our civil servants and newspapers work together to deprive citizens of their civil rights when they have uncovered government corruption.

The citizens of Los Banos have the opportunity to witness how McClatchy

Newspapers/The Los Banos Enterprise stays silent concerning uncivil civil servants.

APOLOGIZE PUBLICLY OR BE SUED

On November 13th, 2007, I sent a certified letter to Mr. Tommy Jones, the current Mayor of Los Banos, requesting that by December 14th, 2007 he publicly apologize to myself and my family for stating that he knew for a fact that I was dangerous member of the Ku Klux Klan. See Figure 9, below left.

A copy of the letter was also sent by email to Mr. William Vaughn, Los Banos City Attorney, and to Jones. I did not ask for any monetary compensation but only that Jones place a full page ad in The Los Banos Enterprise and The Paper unequivocally apologizing and admitting that he had stated such and that he had no basis for doing so.



All I wanted was the apology.

In the afternoon on December 14th, 2007, I received a phone call from a Mr. Andrew Ratliff of Weakley Ratliff Arendt & McGuire LLP located in Fresno. Ratliff informed me that he represented Mayor Jones and the City of Los Banos. Ratliff said he would be getting a letter out to me shortly.

Before filing a lawsuit against a government agency or civil servant (in most cases), you first need to file a public claim and have it rejected. Once the claim is rejected, you then must file your litigation within six months or you are basically out of luck.

I followed the proper procedure and filed my claim against Mayor Jones and the City of Los Banos on May 7th, 2007.

As expected, I received what I refer to as "The Scarlett Letter," rejecting the claim on June 20th, 2007. The clock then started ticking giving me until December 20th, 2007 to file the litigation.

ATTORNEY TRICKS



There is technically no law in the books that prevents an adversary attorney into tricking you (JONES, see page 41)

FORTE

Tuesday, November 13th, 2007

Mayor Tommy Jones
c/o William Vaughn, Los Banos City Attorney
525 J Street, Suite A
Los Banos, CA 93635

Certified Mail & Email

Re: Request for Unequivocal Public Apology/Response due by December 14th, 2007

Dear Mayor Jones:

I write this letter to give you a final opportunity prior to my filing a costly lawsuit against you and the City of Los Banos to publicly apologize to me and my family for stating that you knew for a fact that I was a dangerous member of the Ku Klux Klan.

If you agree to place and pay for a full page advertisement in the Los Banos Enterprise and The Paper unequivocally apologizing and admitting that you had stated such and that you had no basis for stating such I will agree in writing not sue you or the City of Los Banos.

If I have not received an affirmative written response no later than Friday, December 14th, 2007 from either you, Mr. William Vaughn, City Attorney for Los Banos, or an authorized representative of yours that you agree that you will make such public apology, I will have no choice but to proceed with filing the lawsuit.

Let your conscience be your guide.

Sincerely,

Gene Forte
Gene Forte

Figure 9—Letter written by Gene Forte to Mayor Tommy Jones requesting an apology.

(JONES, from page 40)



into blowing your case, but there are clear provisions that make it un-favored by the court for attorneys to take advantage of each other by trickery or deceit.

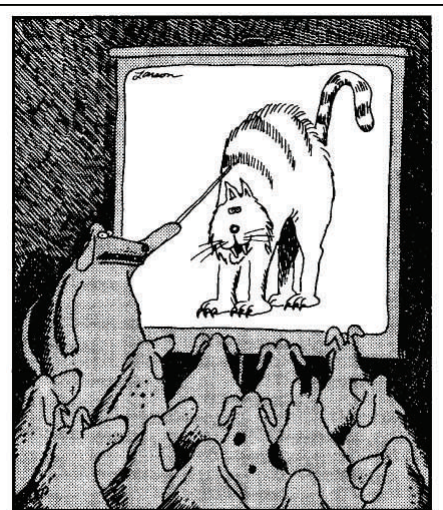
Now, there is a very real distinction that a person that is *in pro per* (represents themselves) needs to make sure he is aware of.

Even though he is supposed to be accorded the same civility and professional courtesy due an attorney, he is not.



Basically, the *in pro per* is fair game for every underhanded trick the opposing attorney can throw at him. The court just closes their eyes to it while it sloshes down drinks with the opposing attorney after hours.

When Ratliff said he would be responding with a letter, I specifically asked him when I could expect it. Ratliff then said, "Oh, in a few days or so." I pressed for an exact date. At that point, Ratliff seemed irritated and put on his best deep throaty, "I am an attorney" sort of voice, and said he didn't know exactly when.



"Now, in this slide we can see how the cornered cat has seemed to suddenly grow bigger. ... Trickery! Trickery! Trickery!"

I then explained to Ratliff that, by my count, the day for my filing the complaint would expire on December 20th, 2007. There was immediately another change in the tone and demeanor of Ratliff. I could hear the irritation and frustration in his voice in realizing that his trick did not work.

Ratliff told me that there was nothing he could do concerning such but he would get the letter out to me in response for Mayor Jones and the City of Los Banos.

Did I really believe that Ratliff was going to send me a letter? No, I am not that big of a bunny, but I was going to keep with the theme of this Badger and give him some more rope that I can comment upon now.

I waited until the late afternoon of December 18th, 2007 to see if I would receive anything from him. Nothing came. I didn't hear a peep from Ratliff.

A TRICK OF MY OWN



On December 18th, 2007 at 4:08PM, the Merced County lawsuit #150880 of Eugene E. Forte vs. Tommy Jones, et al, was filed.

The City of Los Banos was NOT named as a defendant and Tommy Jones was NOT sued in his capacity as the Mayor of Los Banos.

Basically, it is my position that the citizens of Los Banos should not have to pay for the stupidity of Jones. Jones should not be able to drain the City coffers for legal defense funds for him telling people that I was a dangerous member of the Ku K Klux Klan.

I do add this proviso, if somehow the City tries to step in to pay for his legal fees or tries to claim somehow that he was performing a mayoral duty by saying that I was a member of the KKK, then it is a whole new ball game.

Jones, after ducking service of the complaint by Wyatt Legal Services for a few days, was finally served by what is

called substitute service on December 26th, 2007 by having it given to Ms. Jana Souza, Human Resources at City Hall.

OUT OF THE BLUE

Friday, January 25th, 2008, was the last day for Mr. Jones to file an answer to my complaint against him. On that day, the long lost Mr. Ben Ratliff calls me and asks if I would grant him an extension for time in filing the answer for Mr. Jones.



Beyond my saying no, I asked for Mr. Ratliff to verify that he realized that Mr. Jones was not sued as Mayor of Los Banos, and I did not think it would be appropriate for the city to be representing Mr. Jones.

Ratliff said that even though he represented the city in other matters, he was representing Jones in his private capacity. I asked Mr. Ratliff to clarify that in a letter. On January 28, 2008, I again requested clarification of his representation (see Figure 10, page 42). So far, none has come.

The last attorney that had contacted me was a Mr. Kevin Little who had represented Jones in his lawsuit against the city for the Los Banos Police officers allegedly planting crack cocaine in his car.

At the time I was contacted by Little, I asked questions as to how Little was representing Mr. Richard Byrd in a lawsuit against Mr. Greg Hostetler of Ranchwood Homes, ex-DA Gordon Spencer, Sherriff Pazin and others. You may recall the Byrd lawsuit alleges that DA Spencer, et al, conspired to pay under the market value for Byrd's property while they had him in jail on trumped up charges. It had been reported that Hostetler had funded Jones' return to politics and Jones during the lawsuit against the city.

It would seem unlikely that if Little received money from Hostetler that he could reasonably represent Byrd now against Hostetler without having a conflict of interest.

There was no response either from

(JONES, see page 43)

Forte

Monday, January 28, 2008

Mr. Benjamin Ratliff
Weakley Ratliff Arendt & McGuire LLP
1630 East Shaw Avenue, Suite #176
Fresno, CA 93710

FAXED ONLY

Re: Forte v. Jones, Meet & Confer

Dear Mr. Ratliff:

I write this letter to commemorate our conversation of last week and express frustration that I have not received a letter from you confirming that you are not representing the City of Los Banos. It is now the second time that you did not follow up on informing me your position after calling me asking for more time.

The first instance is when you called on the deadline of Mr. Jones needing to agree to make a public apology or be sued. You asked for an extension saying that I would get a letter from you in a couple of days. It never came.

Last week you call me on the day Mr. Jones' answer to the complaint was due and asked for me to waive his default. I said I would not, but told you that I would not waste the courts time or mine rushing out to take a default judgment.

You informed me that you do represent the City of Los Banos on other matters but you are not representing Mr. Jones on behalf of the City of Los Banos. Therefore, the City of Los Banos is not picking up the tab for your services.

I bring this to your attention because attorney, Mr. Kevin Little, informed me in writing that he had represented Mr. Jones. I had never been told otherwise until now.

Be that as it may, as I had informed you I plan on taking the depositions of several city officials. You are informed so that it will be clear that I do not expect you to be in a dual role of representing city councilmen in depositions while defending Mr. Jones.

I would strenuously object to the court over such dual representation.

Therefore, as a meet and confer I request that you disclose to me such will not take place. If you are not willing to do so I will make a motion to the court and seek sanctions for having to address the issue which could cause much delay to the discovery process.

Please respond no later than Wednesday, January 30th, 2008, via fax or email. Thank you.

Sincerely,

Gene Forte



688 Birch Court, Los Banos, California 93635
Phone: 209-829-1116 email: GeneForte@BadgerFlats.com

(JONES, from page 41)



Jones or Little to the letter asking for disclosure. (See Figure 11, right.

THE LOS BANOS ENTERPRISE SHOULD REPORT, BUT THEY DIDN'T?

On May 18th, 2007, when the claim was first filed against the City and Mayor Jones, they put together their first propaganda hit piece to try and tip the scales in favor of Jones.



The Badger responded with an edition called "The Truth" laying out specific examples of what The Los Banos Enterprise was hiding from citizens about the claim filed by me.

It is required of news organizations that report upon a story that they believed was of public interest, i.e., the claim filed by me against Jones, to update the public upon any significant development.

For example, if they reported that a person had been convicted of murder, and then later found out that the man was acquitted because of DNA, they would have to tell you he was found not guilty.

The sticky paper the LBE is stuck to at this point is that they didn't tell you that my claim was



rejected. The reason why they didn't report was because I presented them a letter in response to their request for an interview asking me what my next steps were going to be after the claim was rejected.

I told them in the letter that I would either file a separate lawsuit or amend it to the complaint I now have in Federal Court against McClatchy Newspapers. (See Figure 12, page 44)

LBE was then sucked into another hole they dug for themselves in that they

February 26, 2007

Mayor Tommy Jones
525 J Street, Suite A
Los Banos, CA 93635

OPEN LETTER TO MAYOR TOMMY JONES

Re: Request for Interview

Dear Mayor Jones:

I hesitated for a moment and wondered if I should be sending this letter to your attorney, Mr. Kevin Little, who you had respond for you and I said hell no. If you want to give him this letter, that is up to you. But, I request that you do not have your attorney soak the City of Los Banos for my communications with you as Mayor.

You know, I had unknowingly spoken with your attorney due to my investigation of the lawsuit of BYRD vs. SPENCER, PAZIN, HOSTETLER. Before I knew he was your attorney.....

.....Quite frankly, I find it unsettling that when I was discussing with your attorney, Kevin Little, the lawsuit he filed against Spencer, Pazin, Greg Hostetler, et al., that he didn't tell me he represented you.

For the record, I respectfully request for you, Mayor Jones, to disclose if you have ever received any financial loans, contributions, or support, from Mr. Greg Hostetler, or if your attorney, ever received any funds from Mr. Hostetler, at the time you were pursuing a lawsuit against the City of Los Banos, thereafter, or before?.....

.....PLEASE CONFIRM INTERVIEW TIME.....

.....Please get back to me by March 15th, 2007, confirming some potential dates. If you have any questions, please feel free to give me a call, or have your attorney call me on your dime, not the City of Los Banos'. Thank you.

Sincerely,

Gene Forte

Figure 11—Excerpts from letter to Jones requesting clarification regarding attorney Kevin Little and Greg Hostetler.

never told citizens that they were defendants in a lawsuit by me which should have been done for fair disclosure to readers.

It's the old once they told one lie, they had to tell ten more to cover it up, or in this case, when you are dealing with propaganda, once they omit one important fact, they have got to keep omitting them.

There are allegations within the complaint against Jones concerning the

complicity of the McClatchy Gang (See Figure 13, page 45. The complaint alleges that besides defaming me by saying he knew for a fact that I was a dangerous member of the KKK, Jones also defamed me by knowingly telling a lie that he knew would be published by the LBE by saying that he and I never even spoke on May 5th, 2007.

The LBE had more than enough reason to know that Jones could not be considered an uninterested party and

(JONES, see page 44)

June 21, 2007

Mr. Gene Lieb
 Ms. Minerva Perez
 McClatchy Newspapers/Los Banos Enterprise HAND DELIVERED/12:10PM
 1253 West "I" Street
 Los Banos, CA 93635

Re: Quotable Response to your Inquiry

Dear Ms. Perez:

I write this letter in response to your phone messages left on June 20th and 21st, 2007, inquiring if I intended to file a lawsuit against the City of Los Banos and Mayor Jones after the rejection of my claim for Mayor Jones stating to myself and others that he knew for a fact that I was a dangerous member of the Ku Klux Klan.

A certified letter dated May 22nd, 2007, was received by you requesting that you inform me why you did not disclose to your readers that:

1. McClatchy Newspapers is a defendant in a the Federal Lawsuit, Forte v Knight Ridder, McClatchy Newspapers, et al, C06-03948-JW
2. "My side of the story that you had asked for and was given in writing" showed that I had declared under penalty of perjury that I was not, nor have a ever been a member of the KKK.
3. My wife is Chinese American and I am a Catholic.
4. The KKK does not permit anyone to be a member that is married to a non-white or is a Catholic.

There were other matters concerning omissions in your article including that you asked no questions of council members that were standing only a few feet away from where Mayor Jones and I had the conversation that Mayor Jones said never took place. In other words, if you spoke to any of the council members who would tell you that they saw Mayor Jones and I speaking that day, Mayor Jones' blanket denial and statement that the conversation did not take place would go up in smoke like the trails from a crack cocaine pipe.....

.....In response to your question, my complete answer is "**I intend to either file a new lawsuit and/or amend it into the current complaint of Forte v. Knight Ridder, McClatchy Newspapers, et. al., C06-03948-JW which will be reported in detail in The Badger Flats Gazette**".

Please notice that I put the above in quotation marks and request that you be mindful not to truncate what I have told you or misquote me as you did in your previous article.

Thank you.

Sincerely,

Gene Forte

Figure 12—Excerpts of the letter from Forte to the Los Banos Enterprise. There was no response.

(JONES, from page 43)



should have attempted to verify the truthfulness of his statement.

LBE was provided with details from me as to who was in the vicinity of the discussion between Jones and myself, i.e., City Council members Faria, Villalta, Ballati, Souza, Fire Chief Quintinni, Mrs. Jerry O'Banion, etc. but LBE did not make any effort to cross check the information.

WHAT IS FAIR TO BOTH BLACKS & WHITES



Don Imus was jerked off the radio waves for referring crassly to some young African-American co-eds as "nappy headed ho's" which I submit pales in comparison to the action of Jones, an elected official.

Why on God's green earth shouldn't a white man defend his good name and reputation against a black man defaming him and his family?

I would be one of the first to admit that African Americans in our nation have been treated badly in the past and have suffered greatly. In the same breathe, I will also say there is prejudice on both sides.

Why should I, a white person, be defamed by an African American? Why should I or my family be put in harm's way because Jones got too big for his britches and was going to test his powers as an uncivil civil servant?

I explained in an open letter to Jones in my last edition (The Buck Stops Here!) how I felt about what he had done as follows:

"My nine year old son, Juston

(JONES, see page 45)

worried the other day about wearing his Badger Flats Gazette baseball shirt to the store. Why? He wondered if somebody that believed your [Jones] saying his dad was a member of the KKK might beat him up. It made my heart ache.."



Excerpts from complaint of Forte v. Jones, Case No. 150880:

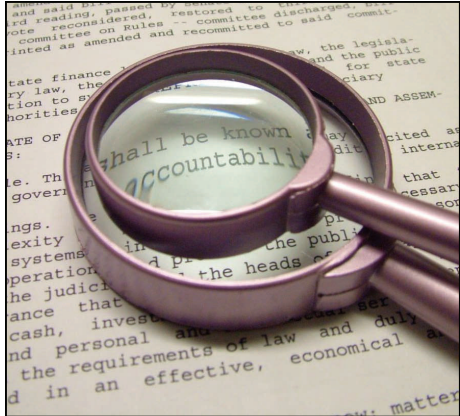
27. Defendant Jones intentionally and maliciously knowingly made a false and defamatory statement concerning the reputation and conduct of plaintiff as a writer and person about a material fact in an interview with The Los Banos Enterprise, owned by the McClatchy Newspapers Corporation, that defendant Jones knew would be published to the public at large.

28. Defendant Jones denied in the interview with The Los Banos Enterprise that Defendant Jones had spoken with plaintiff at the Los Banos Parade May Day on May 5th, 2007 in order to fraudulently mislead the public as to the true events of May 5th^d, 2007 and to do further defame the reputation of plaintiff so that plaintiff would be painted in a bad light and plaintiffs' allegations against Defendant Jones would not be taken seriously and plaintiff would be discredited to the public at large and be submitted to scorn and humiliation.

29. Defendant Jones falsely stated to The Los Banos Enterprise, knowing that his statements would be published to the public at large, that plaintiff had falsely stated that defendant Jones had said that plaintiff was a member of the Ku Klux Klan because plaintiff was angry at defendant Jones for not interviewing with plaintiff. In doing so, defendant Jones publicly accused plaintiff of defaming defendant Jones per se in order to deny plaintiff his legal right and/or otherwise cause plaintiff damage to his reputation by being submitted to shame, mortification and hurt feelings from being accused of being a prevaricator of the truth to the public at large by a public official holding the title of mayor.

30. The Los Banos Enterprise notwithstanding their knowledge of the probable falsity of the statement made to them by defendant Jones in stating that he did not speak with plaintiff on May 5th, 2007 at the Los Banos May Day Parade intentionally failed to investigate the truthfulness of Defendant Jones' statement due to the hostility and anger the Los Banos Enterprise had toward plaintiff for his lawsuit of Forte v. McClatchy Newspapers, et al. C06-03948-JW. The Los Banos Enterprise relied upon a source, Defendant Jones, who they knew to be biased against plaintiff in a reckless disregard of the truth and with knowledge of the probable falsity of the statement made by Defendant Jones published such defamatory statement made by Defendant Jones in order to defame plaintiff for the benefit of Defendant Jones.

31. Defendant Jones knew that his knowingly fraudulent and false statement would be announced to the public at large and be repeated by those reading The Los Banos Enterprise Defendant Jones knew that anyone reading such statement of Defendant Jones saying that he did not speak to plaintiff at the May Day Parade would reasonably understand it to mean that plaintiff Forte had lied about the incident in order to defame and cause damage to Defendant Jones. Such despicable conduct by Defendant Jones is so mean, vile, base or contemptible that it would be looked down on and despised by reasonable people.



ACCOUNTABILITY

Jones answered the lawsuit. The time for public apologies has passed and none will now be accepted. It is anticipated that discovery will begin and depositions will be taken of city councilmen.

Council members may think they will use the old "I really don't want to comment upon the matter due to the pending litigation." It won't work in a deposition, and I will make sure that a judge explains to them why not.

Even though Jones and his attorney Ratliff knew Jones was not sued as Mayor of Los Banos, Jones' answer included the following statement:

"Defendant TOMMY JONES, individually and in his official capacity as a public official and Mayor of the City of Los Banos, hereby submits his Answer to the Complaint for Defamation pursuant to CCP 446 as follows:"

Tommy Jones is going to try the old "I'm immune trick." I assure you, he is not, and his attorney must be a couple of cards shy of a full deck in trying to pull it off.

If you take the time to review the road I have traveled with civil servants trying to defame me when I hold them accountable, you will understand why I take a strong position against such nonsense. THE END

Figure 13—Excerpts from the complaint Forte v. Jones regarding the Los Banos Enterprise.

MERCED COUNTY GRAND JURY PROCESS



"Useless as Teets on a Boar Hog"

by Gene Forte

Preview: Another useless teet of the boar for citizens seeking redress of a grievance against an uncivil civil servant is the Grand Jury process.

I have bolded lines from the website of the Merced County Grand Jury. (See bottom Pg. 12, panel 40) When you read the sentences consecutively you will have something similar to a Da Vinci code broken for you.

You should quickly surmise that the Grand Jury is ultimately under the influence of the supervising civil servant judge and its' civil servant advisors. As example, the Grand Jury would go to County Counsel to ask if a civil servant can be legally held accountable for screwing a citizen?

The short answer is only if the civil servant does not have either immunity or quasi immunity. How many time does that happen? Facetiously, the odds are probably better for you to hit the lottery twice when you didn't buy a ticket once.

As an example, here in Merced County the Grand Jury would ask Merced County Counsel Advisor James Fincher if he could be prosecuted for tampering with the Grand Jury. I would be willing to bet both my huevos, Fincher would say no.



The supervising Grand Jury Judge gets to pick *who he thinks* is the best one of the citizen jurors to be the best *foreman in his opinion*. Therefore, the judge can certainly chose the citizen juror that will give him the least amount of trouble.

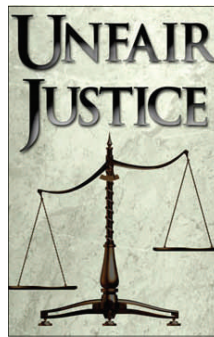
citizen juror that will give him the least amount of trouble.

I would bet that no supervising judge would pick the likes of me to be foreman of the Grand Jury. Honest, I just started laughing thinking about the consequences of that being done.

TEXAS STYLE GRAND JURY

If you want affirmation as to who really controls Grand juries look no further than a recent story titled the "Runaway Grand Jury" January 18th, 2008, in Texas, (AP).

The Texas Grand jurors indicted Texas Supreme Court Justice David Medina for evidence tampering and his wife Francesca for arson that caused nearly \$1,000,000 in damages to their home.



The following day the DA dropped the charges. The Grand jurors who voiced their outrage publicly may be charged with contempt and serve up to 30 days in jail. The DA would be the one prosecuting them.

It's eerily timely as you will as you read the claim that I field on January 16th, 2008, alleging that Merced County Counsel/Grand Jury Advisor/ McKee and Merced County Supervisor Jerry O'Banion tampered with, and breeched the confidentiality of the Grand Jury. (See page 14, Fig. 5)

Who really controls the Merced Grand Jury? It certainly is not citizens. It is the civil servant advisors just as in Texas.

THE FLAWED PROCESS

The Badger wants the current citizens serving as grand jurors to understand that it is not criticizing them but the Grand Jury *process*. It is my right to do so and I am not attacking them personally. I know nothing about them.

Now, I suppose they can throw in my face how many trees they have ordered pruned, or cracks they have ordered fixed in sidewalks as proof they are effective. I only ask that they show me one case where they have thrown some sleazy civil servant in the slammer for screwing with a member of the public.

Don't get me wrong, I am not saying that the Grand Jurors are in the financial pocket of anyone, but even though the Grand Jury is touted to the public as the final bastion for citizen oversight absent control of civil servants (they are suppose to watch), *it is not*.

There may be citizens that have talked to previous Grand Jury members and have been assured of what a valuable contribution they made as jurors. They may have been told that the jurors are sworn to secrecy by the ominous grand jury process.

Again, no offense, but it's like giving some adults secret code rings for a year like they used to get in cereal boxes. Ex-jurors then keep up the pretense of the secrecy of their getting that tree pruned that blocked the view of a stop sign.

The Grand Jury civil servant advisors are the proverbial flies in the ointment. In this case, let's say they are the "flies in the milk" since it deals peripherally with matters concerning California Dairies' Los Banos Foods.

Merced County Counsel James Fincher is an Advisor to the Merced Grand Jury along with Merced County Superior Court/Grand Jury Judge Hugh Flanagan.

It is no small matter that County Counsel Fincher would also be the one *defending any civil servants* that get caught doing something they shouldn't be doing, such as DA Morse, or Merced County Department of Environmental Health, Director Jeff Palsgaard, all subjects of the county claim by Santos and myself.

Have you got the sensation that there is an innate conflict of interest brewing?



Who do you go to if there is evidence that McKee and Supervisor O'Banion tampered with the Grand Jury complaint process and the Merced County Claim Process against you? Do you go to DA

ASK NOT..... & WHAT WE CAN DO

by Gene Forte



"Ask not what *your country* can do for you.
Ask what you can do for *your country*"

Very few baby-boomers are unfamiliar with the famous one liner of John F. Kennedy's inaugural address speech of January 20th, 1961. It was patriotic and rabble rousing.

There is also something very clear about his words.

JFK did not say,

"Ask not what *your government* can do for you. Ask what you can do for *your government*".

It is time to take the take the advice of JFK. I submit that the best thing we can do for "*our country*" is to get rid of *the government* which has a strangle hold on it. Replace it with a *new government* just like our founding fathers did.



Let me propose a simple and bloodless way of doing so that is not very revolutionary or original.

In fact, it's getting back to basics and The First Amendment.

Freedom of Speech and Freedom of the Press encompassed within The First Amendment are the main two elements needed to control a government from overpowering citizens.

"The First Amendment of the United States protects the right to freedom of religion and freedom of expression from government interference."

"The Supreme Court has also recognized that the government may prohibit some speech that may cause a breach of the peace or cause violence."

"Despite popular misunderstanding, the right to freedom of the press guaranteed by the first amendment is not very different from the right to freedom of speech.

It allows an individual to express themselves through publication and dissemination. It is part of the constitutional protection of freedom of rights or privileges not afforded to citizens in general."

Excerpts from, "Wex, everyone's resource for law learning" sponsored by Cornell University Law School.

Our founding fathers realized it, ergo, that is why it is in The First Amendment.

The word "press" is now interchangeable with the word "media."

The basic concept is that media must be free from all government influence and not punished for informing citizens what the government does wrong to citizens.

Today, the government influences every aspect of media. The government (not citizens) has allowed the media to monopolize itself to control public opinion and not tell the citizens of the corruption of government.

With the above said, the first thing that needs to be done to get rid of the current government is to destroy the illusion that the media reports upon government corruption earnestly.

When it is shown that the media is concealing what citizens are suppose to know about uncivil civil servants for

the government, it is a whole new ball game.

You will notice the Supreme Court, which is only an appendage to the government, attempts to put a limitation on free speech for the benefit of government by saying "government may prohibit some speech that may cause a breach of the peace or cause violence." No doubt we would all be speaking with hard English accents if our founding fathers were so restricted.



Would the Supreme Court high priests consider talk of throwing out the current government "a breach of the peace"? Sure, because it would cause a breach in their flow of paychecks and in a tyrant's peace.

Face it, there now is no true peace for citizens that are enslaved by a government that is not theirs.

I direct your attention to the *Elsie vs. 500lb Gorilla*

(page 18) to see what kind of charlatans the California

Supreme Court that is controlled by Chevron. The difference between the United States Supreme Court Justices and the California Supreme Court Justices is that they probably own more stock in Chevron.



We need to first take away the government's ability to control public opinion and hide behind the media by crippling the media.

When citizens stage peaceful demonstrations reminiscent of the protests of the 60's on the front steps of

(ASK NOT, see page 48)

(ASK NOT, from page 47)

newspapers, and it does not get national media attention, other citizens' eyes across our country will open.



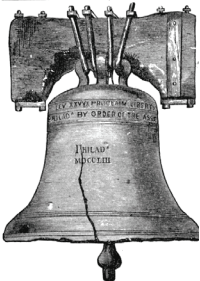
It starts small, and in fact it needs to in order to draw attention to the rest of the country. As a small to mid-size community, Los Banos has the

opportunity to start the ball rolling by showing that McClatchy Newspapers, a media giant, hides information concerning government corruption against citizens from its citizens.

In other words, if we are able to eventually get 3,000- 4,000 citizens standing in front of the Los Banos Enterprise demanding answers as to why they didn't report upon the public claim by the number one payer of City taxes, Marion Santos, saying he was being essentially extorted by public officials, and other papers don't write about it, the point is proven.

The local media did not report upon a matter that would be of significant concern to citizens about government strong-arming citizens. The information I also have in the court files exposes the direct connection between the top government officials of our state and a media cover-up.

As they say, the bell cannot be un-rung, and no matter if McClatchy Newspapers reports after the fact, or not, the fact still remains that they did not report before a foot was placed on their neck. Therefore, how in the word can anyone trust what they do report at a later date?

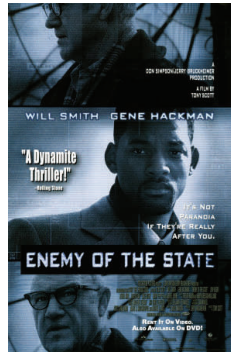


If we are able to cut off or expose a tentacle of McClatchy Newspapers, The Los Banos Enterprise, it is a tremendous first step in the right direction.

Even at minimum, if we proved that we could not bring national embarrassment to McClatchy Newspapers, we also win by failing.

In other words, we have won because we have proven that the media across the nation is concealing citizens' demanding answers from a media giant about their concealing government corruption.

The unique opportunity for our small city to do this is also amplified by the case I have been building for seven years that provides solid evidence that the top three government officials of our state were aided by McClatchy Newspapers to conceal judicial corruption in Monterey County.



Make no mistake about it, the top officials of the government that needs to be replaced know who I am, and they are very concerned how I have brought them to the brink of being exposed.

At present, I will have to take the front line of a battle for a local businessman, Marion Santos, that encountered public officials that leads directly to millions upon millions of dollars being drained of the Underground Storage Tank Fund.

You can help by spreading the word and spreading the Badger. Tell friends and fellow citizens there is a battle raging and the news of it is being systematically kept from them by the minion propagand newspaper machines of the government that must be replaced.



Spread the news to friends in other cities. Ask them to tell their local newspapers. When they find their newspapers stay silent, it will become more and more evident what the game of the government that is not ours is.

Trust me, other citizens throughout the country know that their newspapers are playing the same games with them as ours is here, and they are fed up about it.

What you can do to start to help is tell friends that Marion and myself are

putting everything on the line to fight back against a government's and the media's non-accountability to citizens.

If they believe that it is time for the government and media to be accountable for their actions, they can help in a very easy way by supporting Marion's businesses, Santos Ford and Toscano RV, and ask others to do so also.

Nothing would make the government and their media minions more nervous than if an American could prosper from exposing government corruption and the media's direct participation in it instead of suffering from it. It could start a chain reaction!



THE END

(GRAND JURY, from page 46)



Morse who is the subject of the claim that was tampered with?

Can civil servant Grand Jury Advisor,

County Counsel Fincher tamper with the grand jury and be immune to prosecution? Sure, because DA Morse would be the one to prosecute Fincher, his civil servant client! Dizzy yet?

The Shadow Knows, and it is no big secret it just isn't going to happen. You need some practical experience to know that you are really own your own.



You also start to learn that no civil servant in the process will do anything to step on the toes of another civil servant.

The minute you explain what you are complaining about to a civil servant, you are doomed to having no civil servant help you due to their own self interests. In fact they work to stop you for their own self-interests. THE END

MORE TO COME AS THE STORY DEVELOPS

A COOKIE CRUMBLES

by Gene Forte



When I first heard that Charles Lee "Cookie" Thornton in Kirkwood, Missouri had killed three City Officials, two police officers, and wounded a mayor and a reporter, I wasn't surprised in the least bit.

I didn't say Hooray for Cookie! Only a crazy person would cheer, and I'm not crazy. I could not, did not, and will not justify Cookie's acts, which is quite different than being able to understand why Cookie snapped.

The dealings I have had with uncivil civil servants and reporters in California for 7 years gives me a very unique perspective to speak from. It is those experiences that allow me to provide meaningful commentary from a more credible perspective than media folk and civil servants that are up in arms.

With that said, I would like to give you my reactions and comments interspersed with glimpses of my own experiences.

"ALL WE WANT IS JUSTICE! SHOOT THE MAYOR!"

My first reaction was to wonder what the city officials could have done that caused Cookie to crumble? I got on the internet perusing news articles.

The earliest news reported that Cookie, before shooting, shouted "All we want is justice. Shoot the Mayor!"

Later, news reports deleted "All we want is justice" down to only "Shoot the Mayor!"



It seems the media didn't want the public to worry about something as trivial as a person shouting

about wanting justice.

The reports held no surprises and there was a remarkable continuity to them as if they all came from the same press room.

It was reported that the tragic event took place in a serene Norman Rockwell community where everyone knew each other and nothing ever happens.

The descriptions of Kirkwood brought memories of Mayberry, RFD where friendly unarmed police officers like Andy and Barney walked the streets.



At any moment, I was expecting to hear the reactions of Aunt Bea to the horrific event.

The councilmen, mayor, policemen, and reporter that were shot were reputed to be local folk heroes.

It was said that Cookie was a black gadfly asphalt contractor who had filed bankruptcy in 1999. He repeatedly accused the City Council member folk heroes of being corrupt and prejudiced against him. Cookie was convicted twice of disorderly conduct during city council meetings.

1. gadfly: somebody annoying: somebody regarded as persistently annoying or irritating.

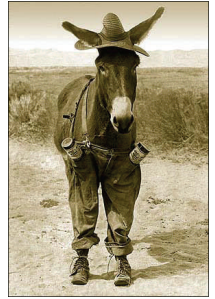
One of the convictions stemmed from an incident where Cookie called the mayor a jack-ass and had the audacity to neigh like one.

The term jack-ass and his neighing were considered vulgar and offensive to a city councilwoman, Ms. Connie Karr. Cookie was then arrested and dragged from the council chambers, kicking and screaming by a police officer. It was said that Cookie had a personal vendetta against those he killed because they had him arrested.

Well, I have never filed bankruptcy. I have said that I considered Mayor Jones a metaphorical jack-ass for spreading the

rumor that he knew for a fact that I was a dangerous member of the KKK.

In fact, I filed a lawsuit against the jack-ass for doing it.



I was arrested in a courtroom by a Judge Robert O'Farrell for disqualifying him with what is called a Peremptory Challenge. The court record shows that I was saying "pardon me your honor, excuse me your honor, you're not letting me speak" when he was trying to stop me from doing so.

O'Farrell said I was belligerent and contemptuous. He ordered me handcuffed behind my back for three hours and had the bailiff throw me against a concrete wall while he stood grinning at me in a dark hallway out of the view of witnesses. O'Farrell then denied me an attorney, tried me himself, found me guilty, and sent me off to jail for the rest of the day.

O'Farrell acted as judge, juror, and an executioner (but without a gun).

O'Farrell said I was screaming, struggling, and fighting with the bailiff. A few months later, neutral eye-witness attorneys testified under penalty of perjury that they saw me do nothing disrespectful. They said I didn't scream, struggle, or fight with the bailiff, and I certainly didn't speak in a disrespectful tone of voice to O'Farrell.

It is my position that O'Farrell wanted to trump up an arrest of me so I would be publicly branded as a crazed person with the help of his news reporter amigos splashing it as front page news (which they did).



(COOKIE, see page 50)

(COOKIE, from page 49)

Forevermore, anything I say about O'Farrell being corrupt would be perceived as said by someone who had a personal vendetta against him. O'Farrell became the civil servant victim of a disrespectful, angry, disgruntled litigant.

I was convicted in a court of law and for most citizens, that is all they need to know. It makes it official and legal.



It doesn't matter if I say I didn't get justice in the court of Judge "Roy Bean" O'Farrell, who found me guilty.

The details leading up to my arrest in the

courtroom were not reported. Such as the fact that O'Farrell was not assigned the court motion I made to take the deposition of the person that would reveal O'Farrell had fixed the case against me with my attorney, Larry Lichtenegger and another attorney, Mr. Dennis McCarthy. He just popped up on the stand and said he "took the case."

The public also did not know that the attorney, Dennis McCarthy, was the attorney that morning at the hearing trying to stop me from taking the deposition of the witness who he had hidden a document for, so that the witness' (his client) perjury would not be revealed.

The public would not know that just a few days prior to being arrested, O'Farrell had received my opening appellate brief requesting that his ruling dismissing my lawsuit against Lichtenegger be reversed.



O'Farrell was not assigned the Lichtenegger case either. But, when I made a motion to take the deposition of

Lichtenegger, O'Farrell popped up and dismissed the case which stopped me from deposing Lichtenegger.

Lichtenegger said that his deposition testimony would only "foment discomfort amongst the local judiciary" and O'Farrell certainly agreed.

The appeal O'Farrell read with supporting evidence was all about O'Farrell's acts of fixing the trial with Lichtenegger and McCarthy. To say that O'Farrell was probably madder than a wet hen when he walked into the courtroom and "took the case" would be an understatement.



A few months later, the ruling of O'Farrell was overturned dismissing my case against Lichtenegger. The Sixth Appellate Court was asked to address the matter of O'Farrell and my attorneys fixing the case, but didn't say a word about it in their ruling. It was as if it never happened.

The day after I won the appeal, I suffered a heart attack in a courtroom and was taken by ambulance for emergency open heart surgery.

I won't go into all of the details now, but O'Farrell had accused me of being a bad father and of being mentally unstable. The media made sure to print that as front page news without interviewing me, or getting my side of the story.

The local media also did not feel it important to inform the public that I had O'Farrell's ruling overturned, or that I suffered a heart attack in the courtroom

and underwent open heart surgery.

What I found interesting is that the newspaper was directly across the street from the courtroom I suffered the heart attack in. Even after I contacted them from my hospital bed and had my wife send the proof to them of my winning the appeal and exposing the corruption, no one ever contacted me about it, even until this day.

Now, hypothetically speaking, I submit that if I ever went nuts (*which I won't*) and killed O'Farrell (*which I won't*), no one would ever report about my winning appeals evidencing the corruption or attorneys saying that I wasn't being contemptuous. *No one has yet.*

The only thing that would be reported is that I killed O'Farrell because I was a mentally unstable, a bad father who had a personal vendetta against O'Farrell who had found me guilty of contempt of court.

Therefore, unless I see the video tape of exactly what Cookie did at the City Hall meetings, I'm not going to necessarily believe any court finding of a judge in Kirkwood. Who knows, maybe the judge who tried Cookie did lunch with the Mayor and every one of the deceased City Council members personally. Like I said, who knows?

SQUARE PEGS AND ROUND HOLES

Cookie filed lawsuits against the City of Kirkwood and the council members which is the right way to do things if you think you have a legitimate grievance. But he was trying to force a square peg into a round hole.



The early ones were written by an attorney who later made a motion to the

(COOKIE, see on page 51)

(COOKIE, from page 50)

court to withdraw as Cookies' counsel saying that Cookie had filed documents without his knowledge or permission.

I read some news reports that said Cookie had mortgaged his mother's house to pay for legal fees.

I'm only speculating but I think the reason why the attorney may have baled out of Cookie's cases was because he had drained Cookie of all of his money.



Attorneys have a general propensity that when they want to dump a client they tell the court it is because the client did something wrong.

Lichtenegger told me he needed to withdraw from my case to save himself from judges getting angry at him because I was exposing trial fixing by them. In court papers he filed he said it was because I was asking him to do things that were unethical.

Cookies' federal court case which was dismissed on January 28th, 2008 claimed his Constitutional Right of Freedom of Speech was violated. By all accounts, the dismissal was said to have been the straw that broke the camel's back.

Cookie's federal lawsuit was filed without an attorney. He did not have a grasp of the law or how to articulate his legal claims. The vast majority of media only reported that Cookie's case was dismissed. They did not point out that he was not represented by an attorney.



M.M.M-078:

It appears that Cookie fell for what I found to be a sucker's play where Federal Court procedures encourage in proper litigants to write their complaints in plain

language with the assurance the Federal Court will translate it to legalese. (Note: Don't believe that for a second.)

After reading the court transcripts, I can tell you that Cookie did not have a snow ball's chance in hell of winning any of them. The first major obstacle Cookie had to overcome is what is called qualified quasi-immunity.



Translated, it means that a civil servant could theoretically urinate on your face in public but as long as the civil servant says he thought he was doing it in the performance of his job because you looked thirsty and he was trying to help you out, well, you can't sue him for it.

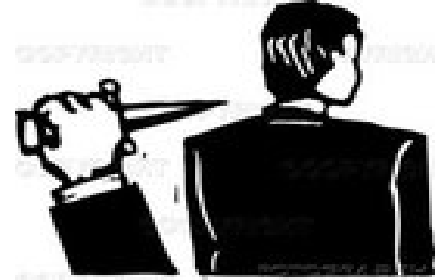
I will also say that Cookie seemed fairly articulate and respectful when speaking to the Federal judge from the court transcripts I read, but somewhat naïve as to what was taking place. I sense that he felt that now that he was in Federal Court, he would get a fair break that he was not getting in the state courts. Perhaps, that is why when the Federal judge dismissed his case, it was the final straw.

For those that have not been in a courtroom situation, they are unaware how a judge can talk in code to the opposing counsel while at the same time making you feel that he is going to rule in your favor. When he rules against you, it's like being struck by lightning.



From a personal perspective, Lichtenegger, my attorney, made a motion to the court (O'Farrell) to withdraw 38 days prior to the trial I was a

real estate plaintiff in, and after I had already paid him \$75,000.00. Lichtenegger told O'Farrell that we had irreconcilable differences and that I was asking him to do unethical things.



When I offered legally recorded phone conversations with Lichtenegger saying he was, "throwing me to the lions to save himself, judges were manipulating trial dates and sabotaging motions, and that Judge Terrance Duncan had been gotten to throw the case," O'Farrell didn't want to listen to them.

O'Farrell then let Lichtenegger withdraw and denied me a continuance of the trial to get a new attorney. I then went before Judge Duncan and lost the trial and about a million bucks.



Judges don't want to hear about judges fixing trials. It would be bad for the judicial industry. Face it, who would want to pay legal fees knowing it's a rigged game and justice is a farce.

The most important pledge of the judiciary, and it is written as part of their judicial code of ethics, is to "Uphold the appearance of fairness." It's a con.

There is a huge difference between "keeping up the appearance" of fairness and true fairness. It has come to mean keeping the unfairness and corruption concealed instead of exposing it.

(COOKIE, see page 52)

(COOKIE, from page 51)



So, just because Cookie lost in court it doesn't mean that what he said hadn't happened, that he was wrong, or that the City Council members were not corrupt, or not abusing him.

However, it still did not give Cookie the right to summarily execute them.



AUNT BEA HAS SOME ISSUES

The LA Times reported that the brother of Cookie, Gerald Thornton, while laying flowers down in front of City Hall was screamed at by a woman saying,

"You don't deserve to be here! Your brother is the reason we're grieving."

Gerald Thornton, a lanky black gentleman who walks with the aid of a cane, was "jostled" by only a few of the god fearing people of Kirkwood paying

jostle: to knock or bump against somebody, or push or elbow somebody deliberately, sometimes as an expression of aggression or hostility.

homage to their fallen civil servant heroes as they walked by, others had the good manners only to "glare" at Gerald.

As I perused internet blogs, I found that the Aunt Beas in that lovely little haven of Kirkwood were saying they should bulldoze down Meacham Park where Cookie lived.

Meacham Park is "historically and predominantly populated with blacks." There is a furor over Cookie's comments about white city council members having a plantation-like mentality.

I watched a taped news interview of Cookie's brother, Gerald Thornton, by a

reporter who I would describe as follows:

"We got the bubble-headed-bleach-blonde who Comes on at five She can tell you about the plane crash with a gleam In her eye Its interesting when people die- Give us dirty laundry" (Don Henley, Dirty Laundry)

Gerald said that Cookie had declared war against those he believed had abused him and declared war on him. Gerald said Cookie targeted his perceived enemies, took out their defenses (referring to the policemen), and killed them.

The reporter did not ask how or why Cookie thought he was abused but repeatedly spoke over the top of Gerald asking only one question to the point of shouting which was,

"Were you surprised by the shooting when you heard about it?"

It seemed that she wanted Gerald to say,

"Heck no, not at all! I loaded the gun for him and was waiting outside in a get-away car."

Blogs are saying that the Thornton family should take responsibility for what Cookie did and be held accountable.



President Bush at a black history month event on Tuesday, February 13th, 2008 said, "The noose is not a symbol of prairie justice, but of gross injustice. Lynching is not a word to be mentioned in jest."

Hopefully, those good god fearing townfolk of Kirkwood that elected the white city council members and mayor were listening to President Bush's

speech and don't put some rope in the toolboxes of the bulldozers.

People who had known Cookie for a long time said he was a happy-go-lucky sort of a fellow that always greeted you with a smile and tried to help everyone.

Acquaintances said the only thing they ever saw Cookie upset over was his issues with City Hall.

Beyond that glimpse of a happy-go-lucky guy gone crazy, I just cannot tell you all of the bad things (though singularly repetitive) that have been reported about Cookie. Cookie is forever damned.

A sign in front of Kirkwood City Hall reads, "South St. Louis City mourns for Kirkwood's fallen Heroes!"

Mark my words, within the year there will be statues sitting on the front lawn of Kirkwood City Hall, and rightfully so.

They should be commemorated because they did not have the opportunity to prove themselves innocent of what judge, juror, and executioner Cookie alone found them guilty of.

ASSASSINATION OF ONE'S GOOD NAME IS AKIN TO MURDER

Speaking frankly, Cookie was a black man living in a State that is not known for its overt fondness of black people or racial tolerance.

The Realm of Missouri is member of what is called the Imperial Klans of America – Knights of the Ku Klux Klan.



They are well funded and organized.

(COOKIE, from page 52)

Here is an example of what The Realm of Missouri accomplished in 2001:



The United States Supreme Court declined to review the Ku Klux Klan/Missouri Adopt-A-Highway clean-up program case.

This denial lets stand a lower court's decision, which stated that Missouri must allow the Klan to join the litter clean-up program.

"The First Amendment does not need to protect pretty words and noncontroversial groups," said Sandra Davidson, MU associate professor of law.

"Thus, it is controversial groups such as the KKK that end up making case law supporting freedom and tolerance, even of intolerant groups." (Professor S. Davidson, University of Missouri)"

Cookie was a standout athlete on the high school track team and still holds the state record for the triple jump. He started his own construction company, and even though he filed bankruptcy, he still amassed close to \$500,000.00 in debt, meaning that at some point in time, he was also making money.

I would speculate Cookie earned more money than your average black person, or perhaps even your average white person in Missouri. I would also say that accomplishing such for a black man in Missouri is not an easy task.

With that said, I would also think that Cookie took pride in his accomplishments as any man would. Maybe Cookie thought the only thing that he had left was

his good name, and he spent every penny he had trying to cleanse it.

Perhaps, he felt his good name was being trashed by those he was accusing of being corrupt to discredit him to cover up their own crimes against him? It appeared from what I gathered that his wife was no longer living with him.

At that point, he may have thought to himself he had nothing more to live for, and he snapped. Like they say, the assassination of one's good name is akin to murder, and trust me it is very painful.

Again, from a personal experience perspective, I can relate to what he may have been feeling.



Deputy Attorney General Paul Hammerness emulating the infamous king of smut, the late Senator Joe McCarthy, made a motion to declare me what is called a California Vexatious Litigant.

Hammerness swore to the court that I supported the murdering of judges and judicial hangings. Attorneys know that the accusation alone, even though totally false accomplishes what they want to discredit someone. It is called a smut ball.

The motion was made on behalf of Chief Justice Ronald George, Governor Schwarzenegger, and then Attorney General Bill Lockyer.

Let me make this very clear, it was not an "official action" by the State of California but done in their personal capacity. They just used citizens' funds for the ruse.

To be declared a California Vexatious Litigant, I would have had to repeatedly sued Chief George, Schwarzenegger

and Lockyer, and/or filed slanderous documents and frivolous pleadings.

I never sued any of them.

The retired Judge John Golden who heard the motion denied it on each and every single count and then some. It was a sham.



Judge Golden found that Supreme Court Justice George, Schwarzenegger and Lockyer didn't even have legal standing to bring what he called a "purported motion". He found that none of my filings in my cases were frivolous or slanderous.

Golden further found that there was no evidence whatsoever that I ever supported the murder of judges and judicial hangings, but actually the opposite.

My opposition papers warned them of the danger of not exposing the judicial corruption I had evidence of before citizens who were encountering the same problems started killing public officials.



Hammerness brought the motion when he was defending Judge O'Farrell (but did not bring it on behalf of O'Farrell) and repeatedly referred to my being arrested for contempt as the reason why I sued O'Farrell.

After Judge Golden ruled against the top three top government officials of the state, The Monterey Herald was provided a copy of the order.

No newspaper mentioned one word about it. Imagine, a lowly in pro per defeating the top three civil servants of

(COOKIE, from page 53)

the 6th largest economy of the world with evidence of their corruption, and no newspaper said a word about it.

My winning opposition contained hundreds of court exhibits showing exactly how and why George, Schwarzenegger, Lockyer were trying to silence me by discrediting me with the "purported motion."



Several months later, I submitted evidence of Monterey County Judge Michael Fields improperly handling a case against another Judge Diana Hall in Santa Barbara. Overnight, before damage control could be put in place, my name was briefly mentioned in a national news release.

Almost as quickly as my name appeared in the first reports, it was stricken from all the following. Hammerness faxed a court order to media organizations saying that I had been declared a vexatious litigant.

Even though they knew that I had defeated the motion, The Monterey Herald then authored a Sunday front page 2000 word article called "County judiciary under fire."

In it, they said that I had been declared a vexatious litigant and was arrested for contempt by O'Farrell. The Herald

questioned how I supported myself alluding that I may be a drug dealer. They stated that Judge O'Farrell questioned my mental stability and my treatment of my children.

About two weeks later, The Herald printed a small correction on the back page saying that due to an error in the court record, they had said I had been declared a vexatious litigant when I had not.

It was a set-up between O'Farrell and his buddies at the Herald, who became part of McClatchy Newspapers, to defame and discredit me to keep me from exposing them.

When I asked Judge Golden to refer the state officials over for investigation, he disqualified himself from the case without giving the required written reason why, and vanished.



With that said, I would say that Cookie would have snapped a lot sooner if he had been submitted to what I have been through.

COOKIES' LAST PROCLAMATION

Cookie left a one line note on his bed proclaiming, "The truth will come out in the end." The media is calling it a suicide note, but Cookie did not shoot himself. There are discrepancies in that some media reports say that the note read, "The truth will win in the end."

Cookie may have thought that since he would have national media attention, someone would tell his side of the story. Cookie was naïve.

He didn't realize the newspapers of our nation are owned and controlled by a small handful of people who will not bite government hands that feed them for any reason. The less known as to what happened, how and why, is best

left buried.

Heaven forbid, in the government's way of thinking, if it was discovered that the city council members were partaking in denying Cookie his right to justice, it could turn into a national culling season on government officials by those that have been pushed to the edge.

I have little doubt that Cookie may have thought that the local media was under the control of the local officials.

I've never been to Kirkwood, but I did have a radio program broadcast nationally. I heard from scores of people in many states that believe their local media is in bed with local government.

In Monterey County, Merced County, Sacramento County, Fresno County and Ozaukee County, Wisconsin, the media is in bed with government. I have no reason to doubt that Kirkwood is not the same.

The councilwoman killed, Ms. Connie Karr, was a journalist for many years as can be seen on page 55, see right. I can't say if Ms. Karr helped keep a lid on what Cookie thought may have been happening to him or not.

Cookie did wound a reporter, Todd Smith, during the shooting. His brother Gerald said Cookie picked his victims with purpose.



I noted that witnesses said that Cookie held his guns straight up in the air when he was trying to find those he wanted to kill.

It seems that Cookie wanted to make sure he didn't accidentally shoot what he considered innocent bystanders who were not part of the war he believed had been declared on him, and that he believed he was engaged in.

For you to get a sense of what efforts Cookie made to get his story reported, you will find excerpts "Fig. 14, page 55" from a story by Randal Roberts.

(COOKIE, see page 55)

**Always Trust What You Read
Without QUESTION**



All Written With YOU In Mind

Cheerfully provided by all those who know what is best for everyone, everywhere.

(COOKIE, from page 54)



I got a sense he was reporting on a sensationalistic conversation with Big Foot. Roberts faults Cookie by saying he was arguing his case like he was talking to a judge. It does take two to argue. See Fig. 14, bottom.

Randall then says he didn't do a story on it because he didn't have much of a case. I will only say, thank you, Judge Randall, for your ruling which may have contributed to the shootings.

Perhaps, if someone would have told Cookie's side of the story, he wouldn't have snapped. They didn't have to agree with what he said, just report *what he was saying*.

Cookie may have been blinded by the images of journalists that have been created from movies and the media themselves. (See *Images of The Journalist in Popular Culture*, page 28). I know I was.

The public has no idea what takes place unless they actually try to get a reporter to listen to a story about civil servant corruption. I've had reporters tell me that it happens so often they don't bother to report on it, or that I am only upset because it was happening to me.

It now doesn't matter if the truth was that the City Councilmen were members of the Ku Klux Klan with videotapes of them taking bribes to put Cookie out of business.

Even if the council members were guilty of everything Cookie accused them of, their deaths at Cookie's hands have made them heroes, and Cookie shouldn't have killed them.

Maybe if Cookie had read "The Zen of Building a Badger Trap for a Corrupt Public Official" (page 17), he would have understood that Rule #1 is to never break the law against those that control the law, especially if they are breaking the law against you.

Maybe he would have known better not

to take the law into his own hands.

THE AFTERMATH

In the aftermath of the tragedy, civil servants across the country are demanding tighter security to protect them from crazed citizens like Cookie.



The government will grant itself even more protection from citizens since 9-11 and use the "Cookie going over the edge saga" to ratchet down tighter on citizens that have issues with government corruption.

Internet blogs are awash saying there are other "crazy citizens" blaming government for their problems and whining about not receiving justice. Could the blog originators be government agencies? Who knows, but that's not the point. The banter is there to confuse uninformed citizens fooled by the media and the government into thinking everything is just hunky dory.



I have to be extra careful when I reach into my pocket for my silver handheld recorder in a courtroom, or the last words I may hear are, "Look out! He's got a gun!" while a bullet whizzes through my head.



THE END



During Mrs. Karr's career as a journalist, she was known by her maiden name, Connie Conroy. Former colleagues say she was a feisty, witty, tenacious news hound while working for the now-shuttered St. Louis Globe-Democrat.

There, she worked as a copy editor and reporter and was regarded as a tremendous advocate for her co-workers. She was among a group of employees who worked in 1985 to force the newspaper's owner, Jeffrey M. Gluck, into bankruptcy after paychecks started bouncing. A judge ruled in the employees' favor.

Mrs. Karr's journalism career also included stints with the short-lived tabloid, the St. Louis Evening News and the Moline (Ill.) Daily Dispatch.

When the Globe-Democrat closed, Mrs. Karr went to work for Casey Communications, a public-relations firm. She then worked as a media-relations specialist for Maritz Inc. and in public relations for Millennium Communications."

Excerpt: St. Louis Post-Dispatch

"My Conversation with Charles "Cookie" Thornton"

"I don't remember much about the conversation, but enough of it to know that this morning when I heard NPR report that a lone gunman had walked into a city council meeting in Kirkwood, Missouri and killed five people and wounded two, the first thing that popped into my head was, "I wonder if it was that Cookie dude."

"I spoke with him on the phone – and he may have even come by....but my memory is shoddy on that."

"He called a few staff writers, pleading to each of us to write about his case. We bounced around the idea of writing a news story on his plight."

"I recall him being calm but determined, almost as if he was arguing his case not to a reporter but to a judge."

"It seemed so obvious to him that he was the victim of a broken system, and that a miscarriage of justice was occurring. Ultimately, we decided not to do a story because, well, Thornton didn't have much of a case."

Figure 14—Excerpts from story by Randall Roberts/LA Times.

WHO IS DEAN SINGLETON & WHAT IS MEDIA NEWS?

(Excerpts from The New York Times, May 22nd, 2006 by Katharine Q. Seeyle)



Mr. Singleton, 54, a bantam figure with flinty blue eyes, is indeed thought of as something of a magician in the newspaper world — having transformed himself from the son of a ranch hand in a tiny town in Texas to a media baron who now controls a newspaper empire that sprawls from coast to coast. He has, in a manner of speaking, sawed many of his competitors in half, only to have them hop off the table and become his partners.

His company, the privately held MediaNews based in Denver, owns 55 dailies including The Denver Post, The Detroit News, The Daily News of Los Angeles and The Berkshire Eagle, plus more than 100 nondailies. With the addition of the Knight Ridder papers — The San Jose Mercury News, The Contra Costa Times and The Monterey County Herald, all in California, and The St. Paul Pioneer Press — MediaNews has become the nation's fourth-biggest newspaper company, up from seventh.

He earned a reputation as a merciless cost-cutter early in his career and is still known for "clustering" properties — buying contiguous papers so he can combine back-office and even editorial operations.

Most recently, and strikingly, he enlisted the Hearst Corporation, which owns The San Francisco Chronicle, his chief rival, to help him buy Knight Ridder papers, completing a ring of 30 papers around San Francisco.

While Mr. Singleton said he had no worries about antitrust violations, the Justice Department and the California attorney general's office are reviewing his arrangements."

LOOSE LIPS SINK CHIEF JUSTICE GEORGE



Ms. Gail Tunnell, Secretary to the Commission on Judicial Appointments, torpedoed her boss Chief Justice Ronald George by accidentally providing evidence of his breaking the law against me. Let me explain briefly.

I had spoken at a public hearing to the nomination of Monterey Judge Wendy Duffy to the Sixth Appellate Court. Only four speakers were allowed to speak, US Magistrate Wunderlich, Senator Joe Simitian, retired Judge Phillips, and myself. The only public record of the hearing is a video tape. Under the Guidelines of the Commission on Judicial Appointments, a citizen is permitted to obtain a copy upon request. My request was denied.

The video tape reveals that Chief George, AG Lockyer, and Sixth Appellate Court Justice Conrad Rushing, who were presiding over the hearing, were provided evidence of judicial corruption by Judge Duffy, and not only ignored it, but rudely silenced me at the hearing.

(LOOSE LIPS, see page 57)

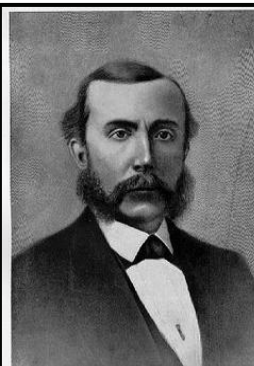


A political cartoon depicting the Vanderbilt railroad monopoly



William Henry Vanderbilt

"Silence is Golden" originator, John D. Rockefeller (right). "The public be damned" originator, William Vanderbilt (left).



THE JIG IS UP by Gene Forte

The lawsuit I had filed in Federal Court ultimately requested an injunction to stop the sale of The Monterey Herald, San Jose Mercury News, and other California newspapers involved in the Media News transaction. The jig was up!

McClatchy Newspapers was acting as a straw-man conduit for the Knight Ridder sale to Media News to technically avoid anti-trust violations.

Mr. Joe Alioto of San Francisco fame was on his cell phone with me for over an hour while he was representing mogul billionaire, Clint Reilly, in a lawsuit trying "SUPPOSEDLY" to stop the Media News' purchase of the California Newspapers.

Reilly was the money behind AG Lockyer becoming Attorney General who was reviewing the transaction of Media News that Singleton said he had no worries about.



Clint Reilly (left). Joe Alioto (right)

After months of waiting for Federal Judge James Ware to issue a decision if he had jurisdiction in my case, within in an hour of my requesting an injunction hearing against the sale, Judge Ware ruled he did not have jurisdiction. Judge Ware then pulled the hearing off calendar saying that it was moot because he could not rule on it.

Within two hours after that, a press conference was held by Alioto announcing they reached a settlement with Media News whereby they would no longer try to block the sale provided Reilly could write a column in the newspaper of Media News.

Let me boil this down. A decision concerning jurisdiction takes all of about 10 minutes. Ask an attorney.

The lawsuit of Reilly v. Media News was a sham performance to make the public believe that someone was watching out for their interest.

When I filed the request for the injunction, my papers set out exactly what I anticipated Judge Ware would do and what Alioto and Reilly would do to make sure that the sale actually took place and that my injunction hearing with the evidence that would really stop the sale would not surface.

THE END

Badger Flats Gazette

Wednesday, January 30, 2008

Ms. Gale Tunnell
Supreme Court of California
350 McAllister Street
San Francisco, California 94102

FAXED ONLY

Re: Request for Copyright Fee

Dear Ms. Tunnell:

I write this letter to request that you, or the Commission on Judicial Appointments inform me what amount I will need to pay as a copyright fee, and to whom, to obtain a copy of the video tape of the public hearing held May 16th, 2005 confirming Judge Wendy Duffy's nomination to the Sixth Appellate Court.

Also, please provide me the appropriate forms so that I can submit my request. Excerpts of the tape are going to be used in a documentary focusing upon Chief Justice George's commitment to keeping judicial corruption concealed from the public.

There are even going to be excerpts of your chatty conversation with Ms. Holton confirming that Chief Justice George and his colleagues, ex-AG Bill Lockyer and Justice Conrad Rushing changed the Commission Guidelines and attached the copyright to the public proceeding *after my request* to prevent me from getting a copy of it.

I would also be interested in getting you on video for a brief interview if possible. Let me know if you will grant me one. If not, I can probably just use outtakes from your anticipated upcoming videotaped deposition.

Now, isn't that exciting! Who knows people might start asking you for your autograph!

At any rate, I request that you provide me the requested information within the next 5 business days, meaning no later than Wednesday, February 6th, 2008. Do say hello to Ronnie for me!

Sincerely



Gene Forte
Investigative Reporter

Page - 1 -

688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 Fax: (209) 829-1952

(LOOSE LIPS, from page 56)

Two months after my request was denied (for the 6th time), George changed the Guidelines by attaching a copyright to the public hearing tape (Citizens, look for your royalty check). In a one in ten million screw up, an employee of the Commission called leaving me a message saying I could *view* the tape *but not copy it*. Not knowing she didn't disconnect from my voice mail, she then called Tunnell to tell her she called me as instructed. Tunnell, not realizing she and the employee were still connected to my voice mail, told the employee, among other unsavory things, *that in fact*, Chief George changed the guidelines *to specifically prevent me from getting a copy of it*. Talk about a kick in the groin for George! I have now requested the forms and amount of fee for the copyright. There has been no response.

The next thing I'll probably be told is that a dog ate the tape. It is not a small matter when civil servants change laws specifically for just little ol' me (and it is a major, major, no, no). THE END



February 18th, 2008



Mr. Gross:

It took over 2 1/2 weeks for you to respond to two simple questions with answers that contradict information on GeoTracker.

Your February 15th, 2008, rambling letter containing five pages of accompanying rhetoric attempts to point an accusatory finger in the direction of Mr. Santos based upon sheer take me to the moon, water runs up hill speculation with no supporting empirical data whatsoever. I read Mr. Jonathan Buck of Advanced Environmental Concepts the first two pages of your letter. He tells me that you have mis-characterized his statements to you which I will address after further discussion with him and his complete review of the letter once received.

It clearly appears the objective of the SWRCB is to cover up the wasteful assessment fiasco by its brethren MCDEH officials and their draining of the USTF for the benefit of private remediation firms and Chevron Corporation by trying desperately to prove something different than what has already been proven. I urged you not to take sides and stay neutral. I submit you have not.

Be that as it may, my two simple questions of January 29th, 2008 were:

1. Did MCDEH determine that the MTBe contamination to the wells of Los Banos Foods was caused by the Corporate Chevron located at 1164 Pacheco Blvd?
2. Did MCDEH ever conclusively determine that Santos' Chevron contributed to the MTBe contamination to the wells of Los Banos Foods?

According to the GeoTracker Risk Management sheets printed out today February 18th, 2008, from the State Water Resources Control Board's site the correct answers to the above questions are:

1. Yes.
2. No.

Correct me if my reading of the Risk Management report attached are incorrect, and if so, how and why? I did go over it with Mr. Buck and he concurred I was reading them correctly.

If so, it is beyond incredible, and not believable that you, Mr. Swenson, and Mr. Harlow do not want to admit what is on GeoTracker, at least for the normal citizen not accustomed to dealing directly with civil servant non-accountability. I admit that I am not normal in that regards. Most citizens who are unfamiliar in dealing with civil servants that have been caught with their proverbial teets in a ringer would find it difficult to phantom why you would proffer such an outright misstatement of fact as you did in your letter of February 15th, 2008. The simple answer is what else can you do except help Mr. Santos hold MCDEH accountable, which you won't.

In the letter you state:

"My review of the case file for 1164 Pacheco Chevron indicates that petroleum hydrocarbons, including MTBe, were released from that station and that active soil and groundwater remediation was underway at the station from April 2003 to January 2005. Pumping of the Los Banos Foods Roger's well was conducted as an additional method of MTBe removal until 2006. According to Eric Swenson, Chevron installed and maintains the wellhead treatment systems. **Neither he nor I am aware of any formal determination of responsibility for the MTBe occurrences in Los Banos Foods wells.** [Emphasis added]

From the start, I cautioned you not to cover up for MCDEH and to approach the matter with neutrality. You have not. It appears it is now time to bring in the Attorney General's Office and watch them fall all over themselves to pull you guys off the hot seat while under public scrutiny.

As a final, point, I suggest you and Mr. Harlow give your saber rattling at me a rest. You sound ridiculous.

You and Mr. Harlow are offering Mr. Santos legal advice concerning his relationship with me. Are you an attorney, Mr. Gross? I didn't find you listed unless you are also known as Donald Warren Gross.

I did do a State Bar check and found that there was an attorney by the name of Loren Joseph Harlow listed with a Fresno telephone number of (559) 431-4743 listing his specialty as Environmental Law.

You will find attached the State Bar print out. I called the number and the person who answered said they were ACS Engineering that also did environmental work. The person also said that they did not know a Mr. Loren Harlow. It appears that Loren, if it is the same Loren Harlow, may have at one time either been employed at ACS, or it's predecessor, or doing some moonlighting.

As always Mr. Santos wishes to continue to make sure the groundwater of the citizens of Los Banos are protected. However, he is unwilling to stand by and allow SWRCB to cover the negligence of MCDEH, or permit a wasteful spending cabal as the one that nearly bankrupted the City of Lodi for the enrichment of private remediation firms and attorneys. In closing, I still wish to thank you for confirming that Mr. Santos is not out of compliance on any environmental matters in regards to his station. If you have any questions, please feel free to give me a shout!

February 18th, 2008: Forte email to Warren Gross of the Central Valley Regional Water Quality Control Board.

Badger Flats Gazette

Monday, February 18th, 2008

Mr. David J. O'Reilly, Chief Executive Officer
Chevron Corporation
6001 Bollinger Canyon Road
San Ramon, California 94583-2324

FAXED & CERTIFIED MAIL

Re: Chevron #9-0769, 1164 Pacheco Blvd., Los Banos, California

Dear Mr. O'Reilly:

I write this letter to inform you of a matter that requires your attention due an MTBe contamination of the California Dairies Inc. /Los Banos Foods (CDI/LBF) water well which was determined to have been caused by your above referenced station according to the Merced County Department of Environmental Health as recorded on GeoTracker (see attachment).

Chevron has already received \$1,490,000.00 in reimbursement for remediation efforts of the subject MTBe contamination to CDI/LBF from the Underground Storage Tank Fund. There is no question concerning continued financial responsibility for a problem directly related to such contamination which I will now explain.

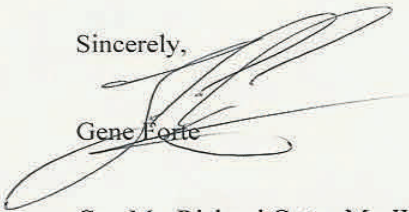
In December 2007, CDI/LBF informed the City of Los Banos that it had to stop pumping water from their well due to the MTBe contamination. CDI/LBF then requested that the City of Los Banos discount its standard business water rate by about fifty percent which equates to approximately \$160,000.00 annually.

The Badger Flats Gazette wishes to aid a long time and faithful business member of the community in its time of need without the citizens bleeding green. Therefore, I am publicly suggesting to Los Banos City Council members that the City Attorney, Mr. William Vaughn, obtain Chevron's written guarantee to pay any difference between the regular business rate and the discounted rate prior. If such guarantee cannot be obtained, then other options should be considered to assist CDI/LBF obtaining appropriate compensation from Chevron.

I had briefly interviewed Mr. Richard Cotta, CEO, of CDI/LBF a few weeks ago and found him to be an affable gentleman. It seems you and he can come to an agreement (without costly litigation) that does not cause the citizens of Los Banos to suffer financial repercussions due to damages to CDI/LBF by Chevron.

With that said, I request that you provide me a written response as to Chevron's position on this matter within the next 10 business days, so that I may publish it in the Badger Flats Gazette. If you have any questions I can answer for you, please do not hesitate to call. Thank you for your time.

Sincerely,



Gene Forte

Cc: Mr. Richard Cotta, Mr. William Vaughn

enclosure: GeoTracker

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688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 Fax: (209) 829-1952

Letter to Chevron: City Councilmen who have aspirations of being the next Mayor are attempting to gain votes from employees of California Dairies Inc./Los Banos Foods and citizens grateful for the contributions of CDI/LBF to Los Banos by providing a discount to their business water rate of approximately \$160,000.00 annually. The same civil servants are attempting to divert attention away from the bungling/or malfeasance of Merced County Department of Environmental Health officials and private remediation firms that sources say are in the pocket of Corporate Chevron by letting Chevron off the hook at the expense of citizens. The State Water Resources Board at their website GeoTracker (http://geotracker.swrcb.ca.gov/reports/luft_risk.asp?global_id=T0604700012&assigned_name=MAINSITE) identifies that the CDI/LBF water well was impacted with MTBe by the corporate Chevron located at 1164 Pacheco Blvd.. The above letter attempt to make sure that CDI/LBF is helped by Los Banosans by making sure Chevron bleeds green, not citizens and not CDI/LBF.

Badger Flats Gazette

Monday, February 18th, 2008

Mr. William Vaughn, City Attorney
525 J Street, Suite A
Los Banos, California 93635

FAXED & CERTIFIED MAIL

Re: Chevron #9-0769, 1164 Pacheco Blvd., Los Banos, California

Dear Mr. Vaughn:

You will find attached the letter sent to Mr. David O'Reilly, CEO of Chevron. It is self explanatory and concerns the proposed discounting of the City business water rate to California Dairies Inc. /Los Banos Foods (CDI/LBF) due to the contamination of MTBe of CDI/LBF found by the Merced County Department of Environmental Health (MCDEH) to have been caused by the Chevron Station located at 1164 Pacheco Blvd. You will find the attached information sheet from GeoTracker verifying such.

It is my public position published in The Badger Flats Gazette that no discount should be given unless there is a guarantee that Chevron would pay the City the difference between the regular business rate and the proposed discounted rate.

Logic denotes that CDI/LBF should have looked first to Chevron to pay any damages from not being able to use their wells. If CDI/LBF receives a discount from the City then CDI/LBF will have no damages to ask Chevron to pay for. Ergo, Chevron is off the hook at the expense of Los Banos citizens due to the asinine acts of their city officials. Perhaps, the city officials would be more mindful of money if it came out of their own personal pockets?

If the City does not point the finger of liability at Chevron to pay the amount for lost City revenues, then it seems the City could not look to Chevron because the City willingly caused the damage to itself. Ergo, again Chevron is off the hook at the expense of citizens. As you know, I am not an attorney such as you, so please correct me if my thinking is wrong. Thus far, it seems that all moves in this deal are for the benefit of Chevron by letting them off the hook. Why? Is it because MCDEH is working with Chevron on other sites they are draining money out of the Under Ground Storage Tank Fund with and does not want to bite the hand that feeds them?

Mr. Dwayne Chisam has informed me that you have been directed to "monitor" the claim of Mr. Marion Santos, and therefore the City is aware through you of the allegations of malfeasance by Merced County civil servants with remediation firms and Chevron concerning the MTBe contamination to LBF.

The City seems to be opening up a Pandora's Box in that if it grants a discount of its business water rate to one business, it seems others businesses, present and future, should and would be rightfully entitled to the same discount.

Quite frankly, it is incredible that the City got itself into the mess to begin with while knowing that deep pockets Chevron was the clearly the responsible party. One way to look at it is that the City is needlessly throwing away revenues to save Chevron liability *under the guise* that by doing so it will help CDI/LBF. I think most citizens would agree that CDI/LBF should be helped but the best way would be by standing side by side with CDI/LBF against Chevron, not bleeding green to save Chevron money.

At any rate, please provide a copy of this letter to the City Council, and let me know what your thoughts are on the matter. I also ask that you inform me if you intend to contact Chevron, or not. Thanks!

Sincerely,


Gene Forte

Enclosure: GeoTracker/Letter to D. O'Reilly

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688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 Fax: (209) 829-1952

Letter to City Attorney: The letter attempts to keep Los Banos civil servants from providing a discount of approximately \$160,000.00 annually in its business water rate to California Dairies Inc./Los Banos Foods whose well was contaminated with MTBe by the Corporate Chevron Station located at 1164 Pacheco Blvd.. The discount ultimately benefits Chevron by releasing their financial liability for the contamination. It is my position that Los Banosans should stand along side of CDI/LBF that has contributed greatly to the prosperity and growth of Los Banos. You will find on the inside back cover my letter directed to Mr. David O'Reilly, CEO of Chevron with a copy sent to Mr. Richard Cotta, CEO of California Dairies, Inc..