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FIVE CARD BADGER

by Gene Forte



Dedicated to my father, Johnnie Forte, who passed away on Thanksgiving Day, 1977, miss you.

PREFACE

For my new subscribers, and my old, I always feel it necessary to give a heads up of what we are going to be covering in each edition and why. When you buy a subscription to the Badger, you're with me for at least a year. There are no refunds or turning back. Of course, any disenchanted readers could use The Badger for litter boxes or bird cage lining. But actually, I think my readers will do just the opposite and keep their copies in a special safe place to share with family and friends.

You see.....The Badger is not anything like a traditional newspaper. The Badger is an ongoing investigative chronicle narrated by both the chronicler and the chronicled, which in this case is one and the same, me. It has all the elements of a good story and more. I plan on Badger readers getting hooked on wanting to know what happened since the last segment, and always checking their mail boxes for the next issue. Or, at least checking the obituaries to see if I have met with a specious or curious demise (Disclosure: There are no refunds even upon my death).



Digging For The Truth






The Badger is playing a game of Five Card Badger (Poker) with what is commonly referred to as "The Good ol' Boys." The Good ol' Boys are somewhat of an urban legend. Do they really exist? Who are they? Are they organized? In the movie, The Usual Suspects, Verbil Kent, said, "The greatest trick that Satan pulled on the world was first getting it to believe that he didn't exist." The Badger submits the Good ol' Boys have the same strategy.

In this segment, I plan for us to be covering a lot of territory, and I do mean us. The Badger does not intend to provide you only its own opinion of what is taking place. You are going to be given pieces of an ever expanding puzzle. The pieces will be presented in the form of letters, court filed documents, court rulings, and newspaper articles. Some in more detail than others, some in less. Some areas will be intentionally left hanging in mid air.

Even though The Badger will try to make the information as easy to understand as possible, you will have to do some thinking on your own and reach your own conclusions as to what is unfolding. **Up-front, all readers (FIVE CARD BADGER, see page 2)**

TRAILING THE BADGER

In order to make it a little easier for you to trail the Badger articles, you will find icons throughout the paper. They are designed to lead you through the article from one page to the next and indicate phone calls, emails, etc. In this edition, the icons represent::

-  Five Card Badger
-  Posting on Two Posts
-  Mayor Elect Tommy Jones
-  Your Vote/ Candidate Interviews
-  Under Color of Law
-  Phone Interviews
-  Emails



**YOUR VOTE:
NOT WORTH THE CHAD
THAT IT'S PUNCHED
OUT ON?**

Commentary by Gene Forte

Originally, when I decided to start the Badger Flats Gazette, it seemed to me that a Special Election Report on the candidates running for the various public official positions would be a natural. I thought it would be timely, relevant, and people that know of my reputation of being somewhat tough on public officials may like to see what I had to say.

But the best laid plans of mice and Badgers went slightly askew. My attention was drawn to the neighboring prairie of Dos Palos instead. The results of this culminated in two special quasi investigative reports entitled, "The Dos Palos Y's" and "Cabal at the DP Corrals." As luck would have it, it turned out all for the better. There is an adage that I hold dear to my heart which is, "If given the choice of being lucky in life, or skillful, always choose lucky."

I really couldn't have asked for a better example so close to home that demonstrates that an American's vote isn't worth the chad that it gets punched out on. While public officialdom was melting down in Dos Palos, citizens/residents of Merced County were pleading with public officials they voted into office last time around to do
(YOUR VOTE, see page 12)

MAYOR-ELECT TOMMY JONES



Commentary by Gene Forte

The following commentary is directed to our Mayor-elect Tommy Jones with questions requesting a public response. A copy will be given to the City Attorney, Mr. Bill Vaughn, for delivery to Mayor-Elect Tommy Jones.

I hope that fellow Los Banosans don't take offense that I am not willing to jump on the, "Right or wrong, he's our mayor and you've got to support him bandwagon." I'm willing to walk to my own tune for now, and I have the best interests of the City at heart.

Additionally, I don't want anyone to think I'm the Pope, and have never sinned or made a mistake. In fact, I am not so sure that the Pope would even claim such.

(MAYOR JONES, see page 13)

POSTING ON TWO POSTS



Preface

Many of you newbie Badgers out there were first introduced to The Badger through the special reports on what I called the Dos Palos cabal. Not to worry, The Badger is not going to leave you hanging in mid-air, and there are going to be periodic posts as new developments arise.

The Merced Sun-Star continues to report the obvious, such as Mayor Montejano was given his walking papers, along with Geraldine Chambers by the voters. Ex-Chief Mann is still contemplating resigning, and new councilman, Johnny Mays, says they would like to see fired City Manager, Darrell Fonseca, come back to work.

(TWO POSTS, see top right on page 16)

(FIVE CARD BADGER, from page 1)



need to realize they are in no way being provided any legal advice or legal opinions even though, at times, there may be liberal reference to matters of law with actual laws cited. Along the way, the Badger hopes to deliver to you some "news you can use" which is garnered from a combination of country boy common sense and street smarts and again hopefully, delivered in an educational and entertaining way.

Do not get overwhelmed by thinking you have to finish reading The Badger in one sitting. It has been designed so that you can easily stop at any captioned section, and pick up fresh later on. Discuss what you are reading with family, friends, and children. Share what you learn with them and ask their opinions.

In this Badger, just as in the last, you will also find some direct personal notes to specific public officials such as Attorney General Bill Lockyer and publishers of the Merced Sun-Star, to name a few.

So, with that said, put on your thinking caps! Grab your Sherlock Holmes cloak, hat, and pipe, for as Holmes would tell Watson, "the game is afoot with the Good ol' Boys," and enjoy.

A TYPICAL DAY AT THE OFFICE & NOT-SO-SECRET SOURCES

I thought a way to ease into the information in this edition was to build it

around a couple of my typical days in the office, and a couple of typical conversations with an old friend of mine of 36 years, Clinton. He was the best man at my wedding. Clinton's Dad, George, held me while I sobbed like a baby on Thanksgiving Day, 1977, at his home in New York. I had called my dad, Johnnie Forte, to wish him seasons greetings and found out that he had died suddenly of a heart attack that morning in his easy chair.

It is as good a time as any to mention that Clinton is an African American (See Fig. "B", page 27). His family took me into their family, and I always considered his father as my second father, and his five sons as my brothers. I was honored to be part of the inner family at his funeral this last year.

I want to make the distinction concerning race because in this issue's commentary about the recent mayoral election, our new Mayor Tommy Jones may take it as being overly harsh. I certainly do not want to be accused of being a racist as he once accused individuals unknown of planting drugs in his car. Clinton and his brothers are my best friends and my brothers. They have always teased me saying that I was a black man in another life, and if I was in this one, I would be dead by now. They very well may be right.

Let me now take you into what a couple of my days and some of my conversations have been like in the last couple of weeks. As we go along, I will reference inserts in the Badger which will not only

provide you proof of what I say, but of what I do and did. You will now need to read the insert (Fig. 1) and comments so as not to get lost.

You have now found out one of my not-so-secret sources of information that keeps me abreast of what is going on in the outside world. Clinton is a voracious reader. Personally, I am not, unless it is something that I have a keen interest in.

Within minutes of hanging up the phone, I jumped on the Internet and found the the story "Lockyer not tough enough for some" in the LA Times on October 29th, 2006. The subtitle says, "Critics say the attorney general, now running for treasurer, has failed to diligently prosecute corrupt officials. He defends his record," by Paul Pringle, Times Staff Writer. (See Fig. 3 on page 3).

Now, before I give you my opinion of the article and how it relates to The Badger's articles of October 14th, 2006 and October 26th, 2006, Merced County DA Morse, the cabal in Dos Palos, and me tightening the screws on the Good ol' Boys, I would like for you to read the article in its entirety. You will find the article on page 3, Fig. 3.



BAIT & SWITCH?

The title of the article, "Lockyer not tough enough for some" got me excited. I thought Lockyer was going to be blasted!

Instead however, I came away feeling like I got hit in the head with a shovel. The content just didn't jive with the title. It felt like a bait and switch.

The Badger came away growling, feeling like it was an endorsement and defense of Lockyer's record and actions. I mean, as a person reads the article, the long and short of it is that AG Lockyer seems to be a pretty tough guy and he is doing his job.

Lockyer has nailed those corporate bad guys. So what if some special interest

(FIVE CARD BADGER, see page 4)

NOVEMBER 1ST, 2006: 10:30AM (PHONE CONVERSATION)



CLINTON: So, Gene, what have you been doing to draw the noose tighter around the boys lately?

GENE: Well, I'm getting ready to Amend the Federal Complaint naming Attorney General Bill Lockyer, Chief Justice Ronald George, Governor Schwarzenegger and James Burrus, Head of the FBI, Criminal Investigation unit as defendants, along with a list of other motley public official minions alleging that they've been working with The Monterey Herald, McClatchy Newspapers, and others to keep public corruption concealed from the public.

Tomorrow, I present my oral argument to the Sixth Appellate Court on that out of this world ruling by Judge Terrance Duncan trying to get Lichtenegger the squealer off the hot seat from squealing on them all.

CLINTON: You know these guys just hate you with a passion. But nothing is better than to be disliked by a bunch of rats.

Oh, that reminds me! I was going to call you about an article that came out in the LA Times on Sunday. I think you should take a look at. It's about your buddy Lockyer.

GENE: Really? I'll see if I can find it on the internet. That was October 29th, 2006?

CLINTON: Yeah. Check it out.

GENE: So, have you had a chance to read the most recent Badger Flats Gazette?

CLINTON: Honestly, not completely yet, but I'm planning on doing it today.

GENE: Cool, you're a busy guy, don't worry about me being crushed by these people.

CLINTON: Don't start with me! If there is anything that I am not worried about is them being able to crush you. You just don't crush that easy.

GENE: Hey! Gotta go. I'll check out the article on Lockyer, you read the Badger and we'll catch up later.

CLINTON: Cool, and watch your back.

GENE: Always do. Oh, by the way, any and all of you FBI Agents that may be listening to the call, have a nice day and go out there and get some bad guys. As you already know, I ain't one of them.

Fig. 1—Conversation between Gene and his friend, Clinton, on November 1st, 2006

The Rampart Verdict

By Charles Rappleye

Wednesday, September 4, 2002 - 12:00 am

"Those federal investigations — by the FBI and by the Justice Department — netted jail time for confessed felons Perez and Durden, but nothing more. In fact, the decision by federal authorities to prosecute Perez helped stymie any further examination. "They shut him up," said Wigodsky. "If their intent was to get to the bottom of Rampart, their first and most forceful act was to make sure that no one got to the bottom of Rampart."

Alternate public defender Gary Wigodsky calls local prosecutors to account on the same score. "What did we learn from Rampart?" Wigodsky asked. "We didn't learn that some cops are corrupt. We already knew that. **We learned that information on corruption is suppressed — by the district attorney, by the city attorney, by the police agencies.**"

Wigodsky said prosecutors and the police are bound by law to turn over any evidence that might impeach the credibility of an officer, and has gone to court to force them to comply. **But District Attorney Steve Cooley has given little ground, ordering his deputies not to disclose suspected misconduct unless an officer has been indicted — a much narrower standard than the one adopted by his predecessor, Gil Garcetti.** "

Fig. 2— Excerpt from "The Rampart Verdict"

CALIFORNIA ELECTIONS

Lockyer not tough enough for some

Critics say the attorney general, now running for treasurer, has failed to diligently prosecute corrupt officials. He defends his record.

By Paul Pringle Times Staff Writer/Copyright, 2006, Los Angeles Times.

Energy companies, loggers and automakers have felt the wrath of California Atty. Gen. Bill Lockyer. So have sexual predators and civil rights violators.

But fellow politicians suspected of corruption? Not so much.

During his nearly eight years as the state's top law enforcement authority, Lockyer has prosecuted just a handful of elected officials on corruption charges, the most prominent being a San Bernardino County supervisor.

In cases involving higher-profile officeholders, Lockyer either referred the investigations to another agency or declined to file charges.

A Democrat, Lockyer is now running for treasurer against Republican Claude Parrish, a state Board of Equalization member.

Watchdog groups and others say the half-dozen prosecutions brought by Lockyer reflect a protect-your-own culture among politicians that also marked the performance of his predecessors.

"We were high on Lockyer, and we were very disappointed because we thought he should diverge from this pattern," said Jamie Court, president of the Santa Monica-based Foundation for Taxpayer and Consumer Rights, which promotes corporate and political reform.

"There is a real trepidation to go after a member of the fraternity, even if it is a wayward member you don't agree with," said Court, who praised Lockyer's actions in areas such as corporate crime.

Lockyer and his supporters insist he is tough on corruption.

"When there are complaints or visible corruption issues that need to be investigated, we have never, ever neglected to do that investigative and prosecutorial work," Lockyer said.

The attorney general's chief deputy for legal affairs, Bob Anderson, a 33-year veteran of the office, said Lockyer had not injected politics into decisions on corruption prosecutions.

"I'm satisfied we're doing as much as we can," Anderson said. "A lot of cases come to us and we look at them, and there's nothing there."

But a former deputy attorney general, William Prah, who retired during Lockyer's first term, called the office's efforts on corruption cases a "joke."

"The tiger doesn't have any teeth," said Prah, who spent 29 years in the office.

Court's organization and California Common Cause were disappointed that Lockyer did not file criminal charges against former Insurance Commissioner Chuck Quackenbush and former California Secretary of State Kevin Shelley, both of whom resigned amid allegations that they had diverted tax money to political purposes and otherwise abused their offices. Quackenbush and Shelley said they did nothing illegal.

More recently, the attorney general has been criticized for not investigating questionable spending by a state children's commission founded by filmmaker Rob Reiner. Lockyer referred the matter to the Sacramento County district attorney.

He said his office had a conflict because it had provided legal advice to the commission. Lockyer's staff routinely serves as legal counsel to state agencies, but attorney general spokesman Nathan Barankin said that, in the case of Reiner's panel, the advice breached a "wall" between the office's civil and criminal operations.

Court was skeptical. "The standard for criminal prosecution is really high in Lockyer's office, higher than it is under the law," he said.

Common Cause policy advocate Ned Wigglesworth said the attorney general's statements that corruption investigations turned up insufficient evidence can sound like a "convenient out," especially because the office does not disclose the findings in detail.

"The public becomes cynical," Wigglesworth said.

Ann Crigler, chairwoman of USC's Political Science Department, agreed. She said elected prosecutors find it easier to avoid corruption cases in favor of crime-fighting initiatives with no risk of political blow-back.

"It's more about their future ambitions and how they need to seek party support," Crigler said. "There are plenty of other universally agreed-upon cases that will give you a high profile and be less controversial."

Lockyer noted that local district attorneys have handled most criminal cases against elected officials. But the attorney general's office has concurrent jurisdiction, is free to launch its own cases and can make them a statewide priority. The office is called in when a district attorney has a conflict in a prosecution.

The state Fair Political Practices Commission, charged with enforcing civil laws on campaign finances, occasionally refers cases to the attorney general if there are possible criminal violations.

Spokeswoman Whitney Barazoto said the commission makes only a few referrals a year, at most. She said she did not know of any that had resulted in prosecutions in recent years.

In Orange County, Lockyer has been criticized for his handling of investigations targeting Dist. Atty. Tony Rackauckas and Sheriff Michael S. Carona.

The Rackauckas probe resulted in a 2002 Orange County grand jury report that accused him of intervening on behalf of campaign contributors in cases before his office.

Lockyer brought no charges, and Rackauckas denied any wrongdoing.

In 2004, Lockyer opted not to pursue accusations that a Newport Beach businessman improperly funneled campaign money to Carona. Lockyer determined that Rackauckas should conduct the investigation, even though the district attorney and sheriff had the same political advisor, former state Republican Party chairman Michael Schroeder, whose wife also works for Rackauckas.

Still pending are investigations into claims that Carona sexually harassed two women and whether he illegally collected \$130,000 from his election committee for expenses that were not itemized. The latter complaint went first to the Fair Political Practices Commission and then to Lockyer's

office, which sent it back to the civil panel.

"Politics enters too many of these decisions," said Shirley Grindle, an Orange County watchdog who pushed for the Rackauckas and Carona inquiries. "It's disgusting."

Grindle said she believed Rackauckas crossed a line by collecting campaign donations from district attorney's office employees in 1998, a charge he denied. She said Lockyer's office "shined it on."

Lockyer said he had done a good job in Orange County and termed "silly" the notion that politicians shield each other from prosecutions.

"I rely on the recommendations of the professional staff," he added. "There has not been a single instance when I stopped an investigation or stopped a prosecution they were recommending."

In 2004, Lockyer's office prosecuted San Bernardino County Supervisor Jerry Eaves, who pleaded guilty to conspiracy for accepting free Las Vegas trips from a businessman with a billboard project before the county. Earlier, the office won bribery convictions of former San Bernardino City Council members Valerie Pope-Ludlam and Edward Negrete.

In another Lockyer case, an Assembly member-elect, Jan Leja of Beaumont, pleaded guilty to charges in 2000 that she falsified campaign finance statements.

Last summer, Lockyer's staff launched an embezzlement investigation of former Merced County Dist. Atty. Gordon Spencer. Lockyer said he would not participate in the case because Spencer was a friend.

In 2005, Lockyer did not remove himself from a probe into whether Spencer illegally impersonated a district attorney's investigator to help his son in a consumer dispute. Lockyer's office found that Spencer did not commit a crime.

Meanwhile, Lockyer's office has taken up the prosecution of a Santa Barbara County judge accused of money laundering. The case is on hold for a Commission on Judicial Performance review.

Lockyer also prosecuted several former associates of Quackenbush and Shelley.

If elected treasurer Nov. 7, Lockyer would be responsible for safeguarding the state's investments. Wigglesworth said Lockyer's record on corruption could be relevant: "The treasurer has a watchdog role, and there is some parallel between that and the A.G.'s office."

Before he became attorney general, Lockyer served 25 years in the Legislature. He considered running for governor this year.

The watchdog groups say Lockyer should have established a division in his office to focus on corruption, in part because many district attorneys do little to combat the problem. An exception is Los Angeles County Dist. Atty. Steve Cooley, whose office has prosecuted 31 elected officials and candidates since 2001.

Lockyer said he did not believe the attorney general's office should significantly expand its role in local corruption cases.

"I don't think there is any great benefit in having a larger state police force," he said.

*

paul.pringle@latimes.com / Reprinted with permission Oct. 29, 2006

(FIVE CARD BADGER, from page 2)



watchdog groups believe Lockyer should have set up a division to combat public corruption because *they say* District Attorneys "do little to combat the problem." The exception, those watchdog groups say, is LA County DA Steve Cooley who has prosecuted 31 elected officials and candidates since 2001.

I mean, they should know, Cooley is in their own back yard so to speak. Hmm? I wonder if they ever heard of "The Rampart Scandal." (Fig. 2, page 2, emphasis added).

It is a little hard for the Badger to swallow without coughing up a fur ball or two that they aren't aware that DA Cooley has been accused of the most heinous, look the other way actions.

Heck, look how up and above board Lockyer was when he stepped away from investigating our own ex-DA Gordon Spencer for embezzlement this last summer in 2006, right?

Obviously, Lockyer and Spencer had built up a very special and close relationship since 2005 because Pringle just glossed over quickly that Lockyer did not step away from the investigation of ex-DA Spencer illegally impersonating a district attorney's investigator to help his son in a consumer dispute.

I guess Pringle didn't think there was a conflict to point out because Lockyer found that ex-DA Spencer did not commit a crime, right? I mean Lockyer did investigate ex-DA Spencer and just didn't turn the other way. Right?

Now, I hope none of my young Badger pups are starting to run around in circles yelping with glee for Good ol' Grandpa Lockyer quite yet. But, it would be understandable.

But, hey, I've got a Federal lawsuit pending against Lockyer alleging that he and the media are covering up public official corruption that they are involved in. Even though I try to be as objective as possible, I always have to take into consideration that I just might be over critical or skeptical.

With that in mind, The Badger decided to run a test. If Paul Pringle was looking for a story of Lockyer being remiss about prosecuting public official corruption, The Badger could give him one. In fact, it is much more than just being "remiss." It is a story about a citizen (me) that has the goods on a number of public officials including AG Lockyer himself in court records.

PRINGLE ON THE LINE



The Badger sent the email, shown in Fig. 4 (top right), off to Paul Pringle:

As any of you that have ever sent letters off to reporters may have found, you very seldom get a call back, and most certainly not in the same day. The Badger was caught off guard by getting a call back within hours and missed the call. But, The Badger persisted, and shot off the email shown in Fig. 5 (above right) to Pringle after leaving him a voice message.

The Badger hit pay dirt and within about thirty minutes or so, Pringle called back.

The phone conversation with Pringle was very, very enlightening to The Badger for a number of reasons. Sorry, I won't go into great detail now, but suffice to say, my phone skills and communication skills used as a high level executive recruiter certainly came in handy!

NOVEMBER 1ST, 2006, 11:07AM

EMAIL TO: PAUL PRINGLE

RE: The Most Explosive Story About Lockyer



Paul:

You will find attached the article I authored in my paper The Badger Flats Gazette. It is only the tip of the iceberg concerning the corruption that AG Lockyer is directly connected to in Monterey County.

In your article you reference Judge Diana Hall. The proceeding was halted against her in November 2005 by the declaration that I filed in my case against Judge Robert O' Farrell who AG Lockyer is defending in Monterey County.

You also reference DA Gordon Spencer and Merced County. You will see that my article also focuses upon the crime committed by DA Morse who is suppose to be investigating ex-DA Spencer.

It is very curious to me that the articles about AG Lockyer came out just a couple of days after I sent AG Lockyer a copy of the Badger Flats Gazette.

Please call.

Gene Forte
209-829-1116

Fig. 4—Email from Gene to Paul Pringle

NOVEMBER 1ST, 2006, 4:29PM

EMAIL TO: PAUL PRINGLE

RE: LOCKYER



Paul:

Sorry I missed your call. I was on another line and called you back within two minutes.

I look forward to your return call.

Thanks.

Gene
209-829-1116

Fig. 5—2nd email to Pringle

NOVEMBER 1ST, 2006, 5:30PM

EMAIL TO: PAUL PRINGLE

RE: OUR CONVERSATION OF TODAY



Paul:

For the record, during our conversation of today of 19 minutes you barely grasped that Judge Robert O'Farrell could not be the judge of his own case of Forte vs. O'Farrell. You in fact stated that you thought there would be no problem in a judge handling a case in such manner and saw no problem with AG Lockyer saying it was okay.

There is no doubt you know why AG Lockyer and the Monterey Good ol Boys are sweating about the evidence I have on them and it is your job to help keep a lid on it.

You don't even know how much you revealed to me that you knew while you were trying to play obtuse.

Thanks.
Gene Forte

Fig. 6—3rd email to Pringle

(See page 30 for income earned as an executive recruiter as proof of skills.)

It is amazing the amount of information that can be gained from someone who is trying to pull a Sergeant Schultz, "I see nothing, I know nothing, and I hear nothing!" It is equally fascinating to me how much one can find out regarding how much someone knows when they want you to believe they know nothing about what you are talking about.



SORRY, NO CAN TELL.....

Now, this is also one of the areas I am going to leave hanging in mid air. I sense that the Good ol Boys are trying to have someone look over my shoulder to see if they can find out what my down card is in that game of 5 Card Stud we're playing.

But to give you a little hint, here is my final email, see Fig. 6 (above), to Pringle recapping our conversation.

5 CARD STUD BADGER STYLE

You recall I said I was playing a game of 5 Card Stud with the Good ol' Boys. Badger readers, for the price of the subscription, get to be a spectator.

Now, for those of you that are unfamiliar with the game, the winning of it generally pivots on the card that is held face down. It is called the card *in the hole*. In other words, you keep one face down that only you see, or peek at, if you will, and the other four are dealt face up, one at a time.

With nothing wild, except for maybe The Badger, a good winning hand would be a pair.

Now, The Badger thinks it has one heck of a hole card that, when shown in the end, may very well have a lot of show-me-I'm-from-Los Banos folks shaking their heads. Could the Badger really be affecting the
(FIVE CARD BADGER, see page 5)

(FIVE CARD BADGER, from page 4)



article in the LA Times? Or is it card tricks?

CARD 1: DELUSIONAL

Before The Badger starts weaving around the traps set in its path and springing them on the Good ol' Boys and their minions, The Badger is going to turn one of the cards up in that game of stud poker, and push a tall stack of chips into the pot.

I am giving my opponents, the Good ol' Boys, an opportunity to take a shot at saying that I am delusional, (see Fig. 7, page 5), if they dare to do so. Why? Well, I am stating publicly that my Badger articles of October 14th, 2006 and of October 26th, 2006, were what caused the LA Times article to be written.

I believe that the minions of Lockyer and the Good ol' Boys are working feverishly to counter the wrecking ball that is swinging toward them. Prior to the end of this article, I will provide information that you, the reader, can decide is either lightning striking twice, coincidence, or proof that the little ol' Badger is rattling some awfully big cages.

Further, I assert that DA Morse, AG Lockyer, McClatchy Newspapers, the defendants in the Federal Lawsuit C06-03948JW, and a good number of Merced County Public officials are sweating bullets over what has been reported by The Badger in, "Cabal at the DP Corrals."

If you are a new Badger reader, you need to get your paws on The Badger issues, Segment I & II. If you have a copy and don't remember what was talked about, I suggest you refresh your memory. Even if you think you recall what was said, I still suggest you take a few minutes and read them again, keeping in mind the article by Pringle (Fig. 3 on page 3).

But in a nutshell, for those of you that do not have a copy, The Badger has been saying that Attorney General Bill Lockyer has been covering up public official corruption with the help of complicit District Attorneys such as Monterey County DA Flippo, and now Merced County DA, Larry Morse.

(FIVE CARD BADGER, see page 6)

delusion



de·lu·sion [di loo-zh'n] (plural de·lu·sions)

noun

Definition:

- false belief:** a persistent false belief held in the face of strong contradictory evidence, especially as a symptom of a psychiatric condition
- mistaken notion:** a false or mistaken belief or idea about something

[15th century. < Latin *delusion*- < past participle of *deludere* (see *delude*)]

- de·lu·sion·al** adjective

Fig. 7—Definition in MSN Encarta:

"The Badger Flats Gazette is going to explain how if it kicks the shin of AG Lockyer and the Good ol' Boys in Monterey, the Merced County District Attorney rolls into action to protect what in the movie *Blazing Saddles*, the Governor called, "our phony baloney jobs."

"On Wednesday, September 28th, 2006, I informed four people, Mayor Mike Amabile, Mr. Dave Brown, Mr. Joel Whitehurst, and Mr. Tony Dutra that the Merced County District Attorney's Office did not want to let the public know that they had given two Dos Palos Police officers get-out-of-jail-free cards for dumping a person outside of the city limits of Dos Palos so that the County Sheriffs would have to handle the matter instead of themselves. I also told each that the Merced DA was not taking action, and that was going to be a breaking story in the Badger. I also told them that I was going to be laying this directly upon AG Lockyer who is suppose to make sure that DA's do their job and not cover up crimes."

"Well, coincidentally, the following day, on September 29th, 2006, the Merced Sun-Star ran a story saying that the Merced County DA indicted two Dos Palos Police Officers for "dumping" a prisoner and false arrest. It boils down to a violation for police officers not doing their job and a misdemeanor. But, that was only a quarter of the story, and not where the real problem lays for us citizens, the Merced County DA, and AG Lockyer."

"The end result of the Good ol' Boys

at the DA's Office trying to keep the illegal acts of bad officers from public view jeopardizes the integrity of all the good police officers. I personally think that our good officers deserve much better than that. AG Lockyer certainly does not want to expose that the DA's office have involved themselves in what would be legally termed a misprision of a felony. Which means in simple terms, they have implicated themselves in covering a felony up."

"Why? Well, I am sure that DA's have even more evidence of cover-ups by AG Lockyer than I do, because it is business as usual for them, and they have all done it before. It's the old if you rat on me I will rat on you."

"The Badger takes the position that everything possible should be done to make sure that our police officers are afforded the dignity they deserve."

"Is Attorney General Bill Lockyer going to conduct an investigation?"

"Does the Badger have hard evidence that Attorney General Bill Lockyer has been covering up public official corruption in conspiracy with District Attorney Offices throughout California?"

"Look for the Badger Flats Gazette, and the next episodes similar to the Bullwinkle Show when we find out is it,

'Badger Stew a la Lockyer' or 'Bill, Tell Me It Ain't So!'"

Fig. 8—Excerpts from *The Badger Flats Gazette* issue of October 14, 2006

"While reading the article, you will see a special note from The Badger to Attorney General Bill Lockyer. The reason for such will become clearer to Badger readers in future segments."

"*The Badger* can almost hear the Merced County Good ol' Boys loading up the hunting guns, but suggest they speak to their Grand Pappy, Attorney General Bill Lockyer. *The Badger* has good reason to believe that AG Lockyer will warn them to stand still so they don't trigger the trap that when sprung will catch him and the Monterey County Good ol' Boys also."

"Special Note to AG Lockyer: Bill, would you like to explain to the public as to why, when you were the attorney defending Judge Robert O'Farrell in the case of Forte vs. Judge Robert O'Farrell, M72599, you didn't see a problem with Judge O'Farrell being the judge on his own case, and I was forced to file a motion to disqualify him? As you know, it's all in the court records, and is only the tip of the iceberg!"

"The Badger has yet to directly confirm this, but understands that AG Lockyer intends to, or already has directed DA Morse and the Merced County District Attorney's Office to investigate his ex-boss and ex-DA Gordon Spencer (but that is another story and is something along the lines of "Foxes Guarding the Chicken Coop")"

"Now, here is a real kicker of a concern which comes of being able to get DA Morse and accomplices to be held

accountable to the same laws that us common citizens live under. It seems that Attorney General Bill Lockyer would be the one to have to bring the charges."

"Fortunately, the author of this article happens to have Attorney General Bill Lockyer as the opposing attorney in the case of Forte vs. O'Farrell, M72599, defending a Monterey Superior Court, Judge Robert O'Farrell. The author will be filing a sworn declaration in the case concerning DA Larry Morse and company and bring it to the direct attention of Attorney General Bill Lockyer by Proof of Service."

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

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

"5. If there is substantial evidence in court files in Monterey County that shows that AG Lockyer himself has committed positive acts to conceal corrupt acts by Monterey County District Attorney Dean Flippo, and which AG Lockyer himself could be prosecuted for under **USC TITLE 18 §§ 4. Misprision of felony**, should AG Lockyer, or any of his staff in the Attorney General's Office be permitted to conduct an investigation which could lead to a proclamation of their own purported innocence?"

Fig. 9—Excerpts from *The Badger Flats Gazette* issue of October 24, 2006

Propaganda

Propaganda is information. This information has been designed to make people feel a certain way or to believe a certain thing. The information is usually political.

It is hard to tell whether the information is true or false. Very often, the information is confusing and unfair.

The word 'propaganda' comes from Latin. At first, it meant 'ideas to be spread around'. But in First World War, it came to mean 'political ideas that are supposed to be misleading'.

Propaganda is like advertising in some ways. But advertising is usually trying to sell something and propaganda is usually political.

Propaganda is often used during wars. There it can be very useful. It can take the form of posters, TV advertisements, and radio announcements. Sometimes it keeps the people of a country happy - telling them that their country is fighting well and telling them how important it is that the enemy is defeated. Sometimes it tries to begin hatred to the enemy. The information could tell people that the enemy is evil or making them seem not human. Sometimes a government gives propaganda to the enemy - telling them that the war is going badly for them and that they should stop fighting.

When a country is not at war, propaganda can still be used. The government may use propaganda to change what people think about a political situation. A group may try to change the way people act towards an issue.

Propaganda is similar to censorship. While propaganda tries to give people false ideas, censorship tries to stop people from seeing the truth.

Propaganda is also used to win people by tricking them. Some people say that cults use propaganda to get people to join them.

Fig. 10—Wikipedia's Definition of Propaganda

(FIVE CARD BADGER, from page 5)



Figure 8, (top right on page 5), has a few of the statements printed in The Badger Flats Gazette, Segment I, "The Dos Palos 'Y's", October 14th, 2006, concerning Lockyer, DA's, and public corruption.

Do you see any similarities between what The Badger was saying and what AG Lockyer was responding to, or as Pringle puts it, "defends his actions"? No, yes, maybe, not yet?

Well, let me provide you a few more statements in Fig. 9, bottom right on page 5, printed in The Badger Flats Gazette, Segment II, "Cabal at the DP Corrals," October 26th, 2006, again concerning Lockyer, DA's, and public official corruption.

Okay, Badger pups, do you see any striking similarities between the articles printed in the Badger and the Pringle article? Does it seem like the LA Times wants the public to believe that Lockyer is doing a good job and does not let public official corruption slide?

CARD 2: PROPAGANDA

The Badger now, flips over another card and pushes another taller stack of chips into the pot, and asks, are you familiar with the word, Propaganda?

For a framework of discussion, the Badger has included the definition of "Propaganda," Fig. 10, (above) courtesy of Wikipedia, a free encyclopedia written in simple English for easy reading. Please take the time to read it and think about it while we go on.

The article leads in with, "Energy companies, loggers, and automakers have felt the wrath of California Atty. Gen. Bill Lockyer. So have sexual predators and civil rights violators." WOW! Pretty glowing so far for Bill!

The Badger thought wrath was generally dispensed by God.

But, I mean, what kind of a wild man would be critical of someone like that for heaven sakes? All-in-all the article seems to say, Bill Lockyer is quite a guy and it seems

that there was an awful whole lot more of praise handed out than criticism to defend.

So, why was the article titled, "Lockyer not tough enough for some," with a tag line of "Critics say the attorney general, now running for treasurer, has failed to diligently prosecute corrupt officials. Defends his position." As you know, first impressions can sometimes fool a person.

The criticism was more of a posturing, i.e., "But fellow politicians suspected of corruption? Not so much." Not so much, means that Lockyer is doing something, not nothing.

The Badger, to make sure it was not just hissing over nothing, went through the article, counting the paragraphs, and giving pluses for positive comments about Lockyer, negatives for negative comments, and zeros for paragraphs that basically contained neither a negative or positive. These were the results:

44 Total Paragraphs
26 Positive Comments about Lockyer (81%)
6 Negative Comments about Lockyer (19%)
12 Neutral

Therefore, unscientifically of course, if we take away the neutral paragraphs and use 32 paragraphs as the base, 81% of the article was positive comments about Lockyer and 19% was negative.

But don't take my word for it, or my assessment of it. Try it yourself and see what you come up with. Go to Fig. 3 on page 3 and do the following:

Put a (+) sign in front of the paragraph that said something positive about Lockyer, a (-) sign in front of the paragraph for those that said something negative, and a (0) for paragraphs which said basically nothing positive or negative.

CARD 3: INTEGRITY

By and large, newspapers have always touted the integrity of their news. You've heard all of the one liners, "News you can trust," "Your trusted news source," etc.. It equates the value of what the reader receives.

But, The Badger now turns up a third card in his poker game and accuses the LA

Times of giving a whole new meaning to selling integrity. The more correct phrase should be, "Integrity for Sale."

Most Americans have been brought up believing that the news you read can be trusted. The First Amendment has been pounded into us since our first spoken words, through subliminal messages, right along with what is called Freedom of the Press. (See Fig. 11, below).

The press is there to protect us and let us know what is going on. The press fears not our government, and our government has no control over the press. (The Badger just coughed up a couple of hair balls.)

Some of you may remember those old movies that portray one newspaper exposing that the competitor newspaper is in bed with a bunch of crooked politicians. The crowds cheer, the good newspaper triumphs over the bad evil doer.

You don't even have to go back to the old movies to get the same type of story line. In the James Bond movie, "Tomorrow Never Dies," Eliot Carver is an evil media mogul taking over the world and controlling every image people see. In the recent "V" for Vendetta," the media is portrayed as the mouth piece of the government to keep people in fear of their own shadow and to make sure they need the government to protect them from themselves.

So where is the stretch of the imagination when The Badger tells you that the adage "fiction is based on reality" rings especially true concerning newspapers covering up public corruption. The Badger submits there is evidence in court files sitting in the Monterey Superior Court that most Americans believe newspapers would be running front page news stories about.

But instead of doing so, they have been keeping the story buried and hidden from the public because when it gets out, it is going to (FIVE CARD BADGER, see page 7)

subliminal

sub·lim·i·nal [sub lĭmĭn'1]

Definition: **without awareness:** entering, existing in, or affecting the mind without conscious awareness "subliminal messages" [Late 19th century. < sub- + Latin *limin-* "threshold"] "subq·limq·iq·nalq·ly adverb

A **subliminal message** is a signal or message embedded in another object, designed to pass below the normal limits of perception. These messages are indiscernible to the conscious mind, but are alleged to be perceptible to the subconscious or deeper mind: for example, an image transmitted so briefly that it is only perceived subconsciously, but not otherwise noticed. Subliminal techniques have occasionally been used in advertising and **propaganda**; the purpose, effectiveness and frequency of such techniques is debated.

Fig. 11—Definition of "subliminal" from MSN Encarta, and description of "subliminal message" from Wikipedia.

(FIVE CARD BADGER, from page 6)



destroy the public's trust in newspapers. The Badger submits that if that was to happen, where would all of the politicians go to spend their millions of advertising dollars for campaigns?

The Badger submits that the LA Times has their integrity for sale and has already sold out just as McClatchy Newspapers has. Even though the LA Times is not named in the Federal lawsuit of Forte vs. Knight Ridder, McClatchy Newspapers, et al., the allegations are an indictment of the newspapers and media industry in general. They are all in the same pot until one of them steps up and takes a swing at bringing the truth out.

The truth is that there is more than substantial evidence that McClatchy Newspapers, and formerly Knight Ridder, with AG Lockyer and other corrupt public officials, have been concealing information concerning not only public official corruption, but their attack against a citizen (that's me) that has been fighting it.

Now, why would the LA Times want to put velvet gloves on when speaking about Lockyer, or as The Badger suggests, do an article that had much more of the flavor of a public relations piece highlighting Lockyer's wrath against the bad guys?

What would cause them to sell short their integrity? Recent news articles have announced that the LA Times is going up for sale. They haven't been doing very well. Subscribers are down, and the internet is taking away revenues. Could it be that the top three answers as to why they would sell short their integrity would be, Money, Money and Money?

CARD 4: POLITICAL

The final week before AG Lockyer was elected to Treasurer, he still had about \$10,000,000.00 left in his campaign fund. Do you think it possible that a sizable portion of that moolah was available to go to newspapers in California, including the LA Times? Do you think a sizable portion of the money Lockyer already spent on his election campaign went to buying advertising in newspapers or other media connected to the

newspapers?

Did McClatchy Newspapers, Media News, or other newspapers get any of Lockyer's campaign advertising bucks? You can bet your sweet petunia they did!

You will see in Figure 12 below, the list of California newspapers that endorsed Good ol' Daddy war bucks Lockyer taken directly from his website. How many of those newspapers do you think old sugar daddy Lockyer dropped some sugar on?

Did it have anything to do with their endorsements of him? Are there any campaign restrictions on how much money a paper is limited to receiving from a candidate that they are also publicly endorsing? The Badger doesn't think so, but if any of my readers know differently, please let the Badger know.

Do you think that the dollars that Good ol' Grand Pappy Lockyer and his cronies spent with the LA Times could have influenced the writing of the article by Pringle? What about this one, does a Badger go poop in the prairie?

CARD 5: THE MARTHA CARD



It's now time for the Badger to make one final bet before he flips his hole card over. Without hesitation, The Badger pushes all of the chips he has stashed in his den into the pot and calls the Good ol' Boys.

What could be the card giving the Badger so much confidence? What is his ace in the hole, so to speak? Well, The Badger is not ready to flip it up quite yet.

Badger readers first need to ante up by refreshing their recollection to some previous articles, or as the case may be, reading them for the first time. By doing so, reader/spectators will be able to see how the Good ol' Boys rig the deck to give the illusion of a fair

game.

The rigging is done by a slight of hand, using news articles that create the illusion that McClatchy Newspapers, and other media, are not shills covering for The Good ol' Boys. (See definition of "shill", Fig. 13, below)

The illusion that the media needs to maintain, and have you believe in, is that their (FIVE CARD BADGER, see top right on page 9)

Black Propaganda

Black propaganda is propaganda that purports to be from a source on one side of a conflict, but is actually from the opposing side. It is typically used to vilify, embarrass or misrepresent the enemy. It contrasts with **grey propaganda**, the source of which is not identified, and **white propaganda**, in which the real source is declared. The term is also sometimes used as a synonym for particularly malicious wartime propaganda or falsification of information that is captured by an enemy.

Black propaganda may be generated by altering genuine enemy propaganda in such a way as to distort its message. This is a particularly powerful tool if the target audience has a poor understanding of the language of the enemy.

Fig. 14—Definition from Wikipedia.

Shill

A **shill** is an associate of a person selling goods or services who pretends no association to the seller and assumes the air of an enthusiastic customer. The intention of the shill is, using crowd psychology, to encourage other potential customers unaware of the set-up to purchase said goods or services. Shills are often employed by confidence artists.

The word "shill" is probably related to "shillaber", a word of obscure early 20th century origin with the same meaning.

Shills are illegal in many circumstances and in many jurisdictions because of the frequently fraudulent and damaging character of their actions. However, if a shill does not place uninformed parties at a risk of loss, but merely generates "buzz," the shill's actions may be legal. For example, a person planted in an audience to laugh and applaud when appropriate, see "claque", or to participate in on-stage activities as a "random member of the audience", is a type of legal shill. 'Shill' can also be used pejoratively to describe a critic who appears either all-too-eager to heap glowing praise upon mediocre offerings, or who acts as an apologist for glaring flaws. In this sense, they would be an implicit 'shill' for the industry at large, as their income is tied to its prosperity.

Fig. 13—Definition of "Shill" from Wikipedia, the Free Encyclopedia

California Newspapers Continue to Endorse Lockyer

San Diego Union-Tribune, Bakersfield Californian, Stockton Record, Pasadena Star-News among new endorsements

Sacramento – Attorney General Bill Lockyer continued to receive endorsements from newspapers across California in the race for State Treasurer, including the Bakersfield Californian, Stockton Record, Marin Independent Journal, Pasadena Star News, Santa Cruz Sentinel and even the San Diego Union Tribune.

"Californians should elect Attorney General Bill Lockyer..." the Californian's editorial suggests. "Lockyer's varied career – he has been a teacher, legislator, and attorney general – prepares him well to manage the wide variety of duties the treasurer has. Lockyer is the best choice for state treasurer." (Bakersfield Californian, October 16, 2006)

The Pasadena Star-News said, "Lockyer is a proven public servant...we support him for treasurer." (Pasadena Star News, October 22, 2006)

The San Diego Union-Tribune, a newspaper not known for it's praise of Democratic candidates, had these glowing words to say about Lockyer, (Note: we had to cut a few words due to space constraints.): "We...endorse him... Lockyer...he's...smart. We...give Lockyer the...election endorsement..." ;)

The Union-Tribune also noted in their endorsement that "were Lockyer treasurer, it is incomprehensible that Californians might someday wake up to learn that the state had lost billions of dollars because he made complex financial decisions without due diligence. That is not the case with Parrish." (San Diego Union-Tribune, October 19, 2006)

In addition, Lockyer has also received the endorsement of the San Francisco Chronicle, the Oakland Tribune, La Opinion, the Los Angeles Times, the Sacramento Bee, the Riverside Press-Enterprise, the Fresno Bee, Alameda Times Star, Fremont Argus, Hayward Daily Review, San Francisco Bay Guardian, Tri-Valley Herald, Monterey County Weekly, and the San Mateo County Times.

Fig. 12—Article from Attorney General Bill Lockyer's website

FBI Says They're Tough on Official Corruption, But Are They?

by Gene Forte

Did you know that public official corruption is ranked as the fourth highest priority of the FBI?

The FBI's official position is summed up as, "Abuse of the public trust cannot and must not be tolerated. Corrupt practices in government strike at the heart of social order and justice. And that's why the FBI has the ticket on investigations of public corruption as a top priority."

With that being the case, why is it that some *want-to-get-your-vote politician* doesn't make striking down public official corruption job number one? Well, I'll tell you my humble opinion why. The philosophy of going-along-to-get-along with his or her fellow public officials is far more important to his or her political career than your one time vote.

What never ceases to amaze me is that every political campaign manager I have spoken to tells me that the public is not interested in public official corruption according to the polls they conducted. I submit that if a poll is conducted that doesn't ask the question, then you won't get a response. In other words, "Don't ask the question you don't want the answer to."

A public official/politician knows better than most of us citizens that there is not a thing that can be done to take them down for public official corruption. Even though the FBI touts this as one of their highest priorities, in reality, they will only react when another public official rats on another. How often does that happen? About once in a very blue

moon, and then, of course, politics are involved.

The real story of the public official corruption gets buried by partisan views. As an example, what is taking place in Merced County concerning DA Gordon Spencer is left hanging in mid air. The simple question as to who left the barn door open never gets answered. The old, "the investigation is confidential" is used to politely tell citizens it's none of their business.

When a citizen picks up every newspaper, or tunes into every TV channel, and the same statement is made, then it starts to become what is commonly accepted as a truism. In that regards, I go along with the character of Ferris Bueller, who said that "isms" aren't good.

The question really needs to be simply asked, "Why are investigation of public officials by public official confidential?" Could it be that newspapers do not push the envelop on such a question because they want to make sure they get plenty of those political advertising bucks?

The Badger Flats Gazette is going to delve into those areas and not just with cheap talk. The Badger is going to encourage its readers to comment and give their opinions which will be posted regularly.

Currently, yours truly has a Federal lawsuit pending against Knight Ridder/McClatchy Newspapers alleging that they have been intentionally omitting facts and stating false facts to aid the covering up of public official corruption in Monterey County. At last count, there are eight judges under investigation due to a piece of evidence I filed in November 2005.

The Monterey Herald, however, makes sure never to mention my name, even in its article of just last week concerning one of the judges of the Superior Court. It makes sure never to mention that the evidence causing the investigations was filed in my court case. Why? Well, we'll go into detail about that in the Badger.

Let me leave you with a couple of things to think about starting with a question. Have you ever heard of "Operation Greylord"? I doubt very much if you have.

It was an FBI Sting Operation which took place in Chicago in 1984. At the root of the investigation were the fixing of traffic tickets for bribes. All in all, 92 public officials had been indicted, including 17 judges, 48 lawyers, 8 policemen, 10 deputy sheriffs, 8 court officials, and 1 state legislator.

Some of you may recall when I was writing the "Tar & Feathers" column in "The Paper" in November of 2005, I focused upon the investigation conducted by Monterey County District Attorney Flippo of a Commissioner Richard Rutledge for ticket fixing.

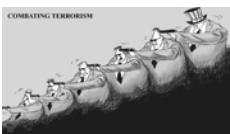
Well, across the next year, Badger readers will be following a blow by blow knock down fight between myself, McClatchy Newspapers, Governor Schwarzenegger, AG Lockyer, and the Good ol' Boys of Monterey County.

I will also show you how the public corruption in Monterey ties right back here to Merced County and DA Gordon Spencer. It is a very small world indeed.



Fig. 15—Article from the Badger Flats Gazette issue of October 14, 2006

COMBATING DOMESTIC TERRORISM



Commentary by Gene Forte

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

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

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

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

However, and this is a very big however, the good ones feel they are powerless to overtake the corruption. Why? Corruption and treasonous politicians are in

the driver's seat, and they have taken control. Americans today have been taught to keep their distance and their place, and they have been whipped into submission.

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

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

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

Fig. 16—Article from the Badger Flats Gazette issue of October 24, 2006

1	Eugene E. Forte	ORIGINAL FILED
2		06 NOV -3 PM 2:49
3		RICHARD W. WIEKING
4	geneforte@badgerflats.com	CLERK
5	Plaintiff, In Propria Persona	U.S. DISTRICT COURT
6		NO. DIST. OF CA S.J.
7		
8		UNITED STATES DISTRICT COURT
9		NORTHERN DISTRICT OF CALIFORNIA
10		SAN JOSE DIVISION
11	EUGENE FORTE,	Case No. C06-03948 RS JW
12	Plaintiff,	
13	vs.	
14	Knight Ridder, a corporation;	SECOND AMENDED
15	The Monterey Herald, a corporation;	COMPLAINT FOR VIOLATION
16	McClatchy Newspapers, a corporation;	OF CIVIL RIGHTS AND
17	California Attorney General Bill Lockyer;	DEFAMATION
18	California Office of the Attorney General;	
19	Deputy AG Paul Hammerness; Deputy AG	DEMAND FOR JURY TRIAL
20	James Schiavenza, Deputy AG Tyler Pon;	
21	California Governor Arnold Schwarzenegger;	
22	California Chief Justice Ronald George;	
23	Monterey County DA Dean Flippo;	
24	Monterey County ADA Terry Spitz;	
25	Chief Investigator Sue Stryker;	
26	Monterey County Counsel Charles McKee;	
27	Monterey County Sheriff Michael Kanalakis;	
28	Monterey County Judge Robert O'Farrell;	
	Monterey County Judge Stephen Sillman;	
	Lee Cooper, Assigned Retired Judge;	
	Richard Rutledge, an individual; Jayne Speizer,	
	an individual; Royal Calkins, an individual;	
	Virginia Hennessy, an individual; George	
	Sanchez, an individual; Caroline Garcia,	
	an individual; Tony Ridder, an individual;	
	Gordon Yamate, an individual; Craig Smith,	
	an individual; FBI Agent James Burrus;	
	and DOES 1 - 100, incl,	
	Defendants.	
	Forte v. Knight Ridder C06-3948RS	Second Amended Complaint

Fig. 17— Cover page to Second Amended Complaint filed in Forte v. Knight Ridder, McClatchy, et al. on November 3, 2006

(FIVE BADGER CARD, from page 7)



reporting is not political propaganda, and that they are not in bed with any part of our government, especially the FBI, that is here to protect us Americans from crooked politicians that may be spending millions of dollars with newspapers and other media to get elected.

(Note: The Badger will be discussing the different types of recognized Propaganda in future issues. For now, The Badger also inputs for you to think about the definition of "Black Propaganda" from Wikipedia, see Fig. 14 on page 7).

In the October 14th, 2006, edition of the Badger there was a lengthy commentary entitled, "FBI Says They're Tough on Official Corruption, But Are They?" For new Badger readers that may not have access to the article, it is viewable in its entirety in Fig. 15, top of page 8.

In the October 24th, 2006, edition of the Badger, there was a commentary entitled, "Combating Domestic Terrorism." As a courtesy again, you may read it in its entirety in Fig. 16, bottom of page 8.

On Friday, November 3rd, 2006, at 2:49PM, the Federal Complaint C06-03948JW, Forte vs. Knight Ridder, The Monterey Herald, McClatchy Newspapers, et al., added Governor Schwarzenegger, Attorney General Bill Lockyer, Chief Justice Ronald George and Assistant FBI Director, James Burrus, along with a few other minor public official minions. (See cover page of complaint in Fig. 17 (left).

The Badger wants to focus you specifically on the allegations made against FBI Director James Burrus, which are viewable in Fig. 18 top of page 10.

On Sunday, November 5th, 2006, an article was reported by Greg Gordon in the Washington Bureau of McClatchy Newspapers. Fig. 19 on page 11 reprints the article in full for you.

United Press International also ran a capsulated version of it on November 5th, 2006. When UPI, just like a company called The Associated Press, picks up such information, it then blasts it across thousands of media outlets. The Badger will share with its readers in future segments how UPI and The Associated Press are organized and how they function. (Hint: Associated Press has a board of directors comprised of the leading publishers and CEO's of each major newspaper in the country, i.e., Greg Pruitt, CEO of McClatchy sits on their board of directors. Mr. Dean Singleton, C.E.O. of Media News that owns the Monterey Herald is Chairman of the Board of the Associated Press. It goes downhill from there.)

On November 6th, 2006, the Monterey Herald (of Monterey County) ran the same full article, changing the title to, "Crooked politicians beware: FBI ramping up public-corruption probes." (See Fig. 19, page 11.)

Like The Badger forewarned you, you were going to need to do some reading and thinking. If you have read the above inserts, you are now ready to see the hole card. The Badger does not intend to go into great detail at this time, but asks you to compare the article by Greg Gordon of McClatchy Newspapers with the article in the Badger Flats Gazette on October 24, 2006 and the allegations in the complaint filed on (FIVE CARD BADGER, see bottom left, page 10)

NOVEMBER 7TH, 2006, 10:00 AM
 EMAIL TO: GREG GORDON
 RE: Federal Complaint filed Against FBI, James Burrus/Printed or Planting?

Greg:

You will find attached the relevant pages to the Federal Complaint which was filed on Friday, November 3rd, 2006, against James Burrus of the FBI alleging that he is concealing public official corruption with McClatchy Newspapers in Monterey County with the Monterey Herald.

It is certainly more than interesting that your article just happened to come out on Monday November 6th, 2006, as a front page article in the Monterey Herald, isn't it?

It seems more than reasonable that the Federal Complaint would be a great follow up to your story.

Heck, it almost seems like you read a copy of the Badger Flats Gazette and portions of the complaint prior to your writing the article? Did you? Be honest!

If you say not, here are a couple of the last Badger segments for your reading enjoyment.

You will also find attached the article by Paul Pringle of the LA Times entitled 'Lockyer not tough enough for some'.

It is as if lightning struck twice for the Badger Flats Gazette in that Segment II had been released just two days before that article was planted, oh, pardon me, I mean printed, in the LA Times?

Please call me if you have any questions.

Gene Forte
 209-829-1116

Fig. 20—Email from Gene to Greg Gordon of McClatchy Newspapers, reporter of the article, "Crooked politicians beware: FBI ramping up public-corruption probes" printed on November 5th and 6th, 2006.



27. Defendant James Burrus (“Burrus”), Acting Assisting Director, Criminal Investigative Division of the FBI, is a citizen and resident of the United States of America. Burrus has intentionally and maliciously ignored the fact that his agents, Madison and Merkel of the Monterey County FBI’s Office, have not taken information from Forte concerning the public official corruption emanating in Monterey County.

Burrus is doing so in an attempt to conceal the fact that the public official/judicial corruption in Monterey reaches to the highest levels of public officials in the State of California including AG Lockyer, Gov. Schwarzenegger, and Chief Justice George. Burrus has falsely stated that the FBI has investigated the information presented by Forte, and that they had informed Forte that no crimes have been committed.

Agent Bruce Whitten of the San Francisco FBI’s Office, public official corruption unit, spoke briefly with Forte on September 18, 2006. When Agent Whitten was provided only a brief overview of the activities of Flippo in obstructing justice in the case of *Forte v. DA Flippo, et al.* MAR125367, Whitten stated that it certainly caused him great concern. At such time, Forte informed him that he had spoken to Agents Madison and Merkel of the Monterey office approximately three years previous, and they had not taken any information from him but, in fact, ran from Forte’s home because they did not want to have either their meeting and the information they were receiving recorded or Forte’s wife present.

Forte informed Whitten that he made numerous attempts to contact both Madison and Merkel and their superiors. There was never any response from any FBI agents about the matter. Forte then continued for several months to make contacts with agents at the FBI office in San Jose. In doing so, each agent refused to provide their name and always stated that Agent Madison and Merkel had already closed the investigation. One agent was so brazen to say the reason why he would not provide his name was so that he would not be caught in the link to be held accountable. As Forte attempted to state that Agents Madison and Merkel had received no information, the FBI agents would hang up the phone.

It was obvious to Forte that Agent Madison and Merkel had included false information about their meeting with Forte to paint Forte in a bad light and not credible. As the judicial corruption/public corruption continued to escalate against Forte due to the overwhelming amount of evidence he was compiling, Forte occasionally attempted to make contact with the FBI. The FBI agents knowingly ignored Forte and would always reference back to Madison and Merkel already reviewing the information provided in order to discredit and put an end to the conversation.

Agents would state that from the record that Forte had contacted the FBI several times, which in fact was true, but of course each of those conversations ended abruptly before any information was provided due to the demeaning attitude and condescending comments by the FBI Agents not willing to give their names.

It is a ruse by the FBI. Burrus authored a letter on March 24, 2006 to Congressman Sam Farr which falsely stated that the FBI had received and reviewed information. Forte responded to Burrus’ and informed him that the statements in his letter were totally inaccurate and false. Forte had no further response from Burrus. In his conversation on September 18th, 2006, with Agent Whitten, Whitten stated that he would contact Madison and Merkel, and call Forte back within a couple of days.

After two weeks of waiting for Whitten’s return phone call, Forte called Whitten who then informed Forte that he would have to speak directly to Madison and Merkel. When Forte asked Whitten why he had not returned Forte’s phone call as he had stated he would, he told Forte that he really hadn’t intended to. Therefore, if Forte had not called Agent Whitten, the matter of being able to report public official corruption would have been left hanging in mid air. Forte then contacted and left a message for Monterey county FBI agents Madison and Merkel on October 3, 2006.

After not receiving a phone call back from them, Forte then contacted Whitten on November 3, 2006 and informed Agent Whitten that the Monterey agents whom he had been directed to, again did not return his calls. Agent Whitten replied that he was on another line and could not talk. Forte requested a return phone call. Whitten said he was not going to do so, and hung up the phone. The course of conduct evidenced by Agent Whitten has been repeated across the years by FBI Agents from the Monterey Office, the San Jose Office and the San Francisco Office.

The ploy exhibited by the FBI is to publicly state that public official corruption is one of their highest priorities, but in the case of high ranking public official corruption, they do nothing. The conduct of the FBI and agents under the direction of James Burrus is being sanctioned by Burrus to cover and conceal the public official corruption in Monterey County at the request of Congressman Sam Farr who is aligned with a number of individuals who belong to what has been called by local Monterey attorneys as the Monterey County Good ol Boys, involved in the public corruption and within his own political party, as an example, AG Lockyer. With respect to all actions described herein, Burrus was acting under color of law and within the course and scope of his duties. Burrus is sued in his individual capacity for purposes of monetary damages, and in his official capacity for purposes of the declaratory and ancillary relief requested herein.

Fig. 18— Excerpts from Forte v. Knight Ridder, McClatchy, et al. allegations (claims) against FBI Acting Director James Burrus. Compare to Fig 19

(**FIVE CARD BADGER**, from page 9)



November 3rd, 2006, at 2:59PM, to see if you can identify any similarities.

The Badger just couldn’t help but try to contact Reporter Gordon, just like he had Reporter Pringle.....so...

DEJA VU A LA PRINGLE

GETTING MR. GORDON ON THE LINE

With that in mind, The Badger decided to run a **another** test. If **Greg Gordon** was looking for a follow-up story regarding the **FBI** being remiss about prosecuting public official corruption, The Badger could give him one. In fact, it is much more than just a story. It is a story about a citizen (me) that has the goods on a number of public officials including **FBI Director, James Burrus**

himself, with Attorney General Bill Lockyer in court records.

(Note: The Badger is getting a little tired so he just cut and pasted the above paragraph above from ‘Getting Pringle on the line’ and changed the words that are bolded.)

The Badger became aware of the article on November 7th, 2006, and sent the email shown in Fig. 20, bottom left on page 9.

As any of you that have ever sent letters off to reporters may have found, you very seldom get a call back, and most certainly not in the same day. **BUT**, The Badger was **NOT GOING TO BE** caught off guard **LIKE HE ONCE WAS BEFORE** by getting a call back within hours, and **MISSING THE CALL LIKE HE DID WITH PRINGLE FROM THE LA TIMES. SO, THE BADGER WAITED.... AND WAITED..... AND WAITED.....AND**

WAITED..... AND IS STILL WAITING.

(Note: Okay, so The Badger fudged a little again and did some cutting and pasting of the paragraph above from “Getting Pringle on the line” again, and changed the words that are bolded.)

IS THE BADGER DELUSIONAL?

When The Badger read all these articles, he thought, what an amazing coincidence! Or, had he accidentally eaten some hallucinogenic mushrooms out in the prairie? Would anyone else make the connection? Would people think he was delusional if they could see the oddity of lighting striking twice, and actually thrice in the same spot, so to speak?

The reality is that there were articles in (**FIVE CARD BADGER** on page 11)

Crooked politicians beware: FBI ramping up public-corruption probes

By Greg Gordon

McClatchy Newspapers

WASHINGTON - The new chief of the FBI's Criminal Division, which is swamped with public corruption cases, says the bureau is ramping up its ability to catch crooked politicians and might run an undercover sting on Congress.

Assistant FBI Director James Burrus called the bureau's public corruption program "a sleeping giant that we've awoken," and predicted the nation will see continued emphasis in that area "for many, many, many years to come."

So much evidence of wrongdoing is surfacing in the nation's capital that Burrus recently committed to adding a fourth 15- to 20-member public corruption squad to the FBI's Washington field office.

In the past year, former Republican Reps. Duke Cunningham and Bob Ney have pleaded guilty to corruption charges. FBI agents are investigating about a dozen other members of Congress, including as many as three senators. The Justice Department also is expected to begin seeking indictments soon after a massive FBI investigation of the Alaska Legislature.

If conditions warrant, Burrus said, he wouldn't balk at urging an undercover sting like the famed Abscam operation in the late 1970s in which a U.S. senator and six House members agreed on camera to take bribes from FBI agents posing as Arab sheikhs.

"We look for those opportunities a lot," Burrus said, using words rarely heard at the bureau over the last quarter century. "I would do it on Capitol Hill. I would do it in any state legislature. ... If we could do an undercover operation, and it would get me better evidence, I'd do it in a second."

Philip Heymann, who oversaw the Abscam investigation as chief of the Justice Department's Criminal Division during the Carter administration, expressed surprise to learn of the FBI's willingness to attempt another congressional sting after the outcry from Capitol Hill over Abscam.

"It shows courage at the FBI," said

Heymann, now a criminal law professor at Harvard University. He said he concluded, after watching a recent public television documentary and listening to experts, that "there is more corruption (on Capitol Hill) than I ever thought imaginable" and that a single FBI sting "might result in very large numbers of prosecutions."

But even without an undercover operation, Heymann and other observers say they have been pleased with the GOP-controlled Justice Department's willingness to pursue old-fashioned investigations, even if they hurt congressional Republicans in Tuesday's elections.

Nationally over the last year, 600 agents worked 2,200 public corruption cases, resulting in 650 arrests, 1,000 indictments and 800 convictions, Burrus said.

"Operation Rainmaker," the FBI's broad investigation of a Washington lobbying ring, has already led to a handful of convictions, including Ney's guilty plea last month. The inquiry was one reason for the resignation last year of House Majority Leader Tom DeLay, R-Texas, who also faces state campaign finance charges. Other investigations seem to be sprouting everywhere.

But Reid Weingarten, a former Abscam prosecutor who now is a high-profile Washington criminal defense lawyer, said he would bet that the flurry of congressional cases has resulted from evidence "falling in their (investigators') laps," rather than a programmed FBI hunt for corruption.

The FBI does appear to be stepping up its use of electronic surveillance and has conducted stings of state politicians. Bureau agents secretly taped Rep. William Jefferson, D-La., before finding \$90,000 in his freezer during a raid last May. Cell phones were wiretapped for four months in an investigation of Rep. Curt Weldon, R-Pa., government sources say.

In "Operation Tennessee Waltz," 10 Tennessee state officials, including five current and former legislators, have been prosecuted in a scheme in which hidden cameras whirred as FBI undercover agents offered payoffs in return for help for a dummy company. Burrus said some targeted Tennessee legislators were moving so quickly

that "we were actually having to discuss how we were going to slow it down" so that bills aiding the phony firm didn't become law.

A separate undercover inquiry led to the indictment of three members of San Diego's city council.

In Alaska, the FBI has more than doubled its manpower in a sweeping investigation of allegations that an oil industry services company bribed state legislators, people familiar with the inquiry said. On Aug. 31 and Sept. 1, the FBI conducted two dozen raids and searched the office of state Sen. Ben Stevens, son of U.S. Sen. Ted Stevens, R-Alaska.

Burrus declined to discuss any investigation, but said the FBI will focus on more state capitals over the next year, "because we have seen a trend in cases that leads us to believe there's more out there."

When he arrived as deputy chief of the criminal division in 2004, he said, field offices frequently told him they had "no idea" how to pursue public corruption leads. Since then, he said, agents in about 30 of the bureau's 56 field offices have been trained. FBI agents in Washington have studied congressional activities that might invite bribes, such as hard-to-trace "earmarks" in which members appropriate money for pet projects, often keeping their involvement off the public record.

"Public corruption cases have to be fished out," he said, noting that crooked politicians tend to do secret deals with one other person and often try to disguise their actions as "for the public's good."

Controversial new legal theories are also helping prosecutors bring cases in which they can't prove outright bribes. A vaguely written, 28-word 1988 law, for example, makes it a fraud for a politician to deprive taxpayers of his "honest services." It was among the charges lodged against Cunningham, Ney, former lobbyist Jack Abramoff and the San Diego councilmen.

Burrus said the FBI has to prove "that this person engaged in the activities specifically to receive this stream of benefits and knew that stream of benefits would stop if he did not support these particular projects."

Fig. 19—Report by Greg Gordon from the Washington Bureau of McClatchy Newspapers printed on November 5, 2006

(FIVE BADGER CARD, from page 10)



the Badger Flats Gazette and a Federal lawsuit filed, all pertaining to Attorney General Bill Lockyer, James Burrus of the FBI, and McClatchy Newspapers.

Shortly afterwards, articles that are an inverse mirror image that seem like PR spin pieces suddenly appear in the LA Times that endorses Lockyer. In addition, McClatchy Newspapers (Washington Bureau) touts the upcoming wrath of James Burrus of the FBI against public official corruption. (Note: The Badger borrowed the word "wrath" as in "Wrath of Lockyer" by Pringle.)

So, has the Badger been hit in the head with a shovel too many times by the Good ol' Boys, or should he be called a Martha, and who is Martha anyway?

THE MARTHA CARD

The Badger submits that his hole card has been the "Martha Card." Never heard of it? Well, The Badger will get to explaining what it is.



But, first a brief comment on the other four cards. The lack of integrity of the press, politicians not being trusted, that political paid advertising influences newspapers endorsements of candidates, and the existence of what is known as the art of propaganda, are matters that most Americans would agree have a high probability of being a reality.

The Badger doubts if anyone would be considered delusional by any stretch of his imagination in having a personal opinion about them one way or the other. Americans, though, being forced to keep their shoulder to the grind stone to pay taxes, mortgages,

children's educations, insurance, and for their funerals have no time to really think about what is going on.

Apparently, the psychiatrists also had no time, resources, or ability to determine if what Martha was telling them had any basis in fact. Martha said she was seeing all of the above cards coming together in one insidious hand. Martha spoke of a grand conspiracy. Therefore, the scholarly and wise psychiatrists diagnosed Martha as "mentally ill" and "clinically delusional."

Martha was locked in closets by her husband, and her phones jerked from the walls, to stop calls to reporters in the middle of the night as she supposedly rambled about some grand, unbelievable conspiracy afoot.

Have you guessed who Martha is yet?

(FIVE CARD BADGER, see page 12)

(FIVE CARD BADGER, from page 11)



The Press, at the direction of the Good ol' Boys, had a hey day publishing, as an example, a fantasy Christmas list which included, "A new Princess phone for Martha, and a lock for it for her husband."

But it was crazy, delusional Martha who had the last and best laugh when all of the insidious cards were turned on the table. It revealed the game called, "Watergate."

Yes, it was Ms. Martha Mitchell. It was her husband, US Attorney General, John Mitchell, who was said to have locked her in closets, and the fantasy Christmas list was that of the only guy to seriously give the Mickey Mouse Watch a run for its money, Vice President, Spiro Agnew.

After Watergate went public, the psychiatrists reversed their diagnosis of Ms. Mitchell. The reversal has become known as the Martha Mitchell effect (see Fig. 21 below).

John Mitchell, later said that had it not been for Martha, Watergate would have never been known of.

CARDS ON THE TABLE



The cards have now been laid on the table for you, The Badger reader, to view. It is up to you to decide:

1. Was the article written by McClatchy Newspapers about James Burrus of the FBI in reaction to articles in The Badger and the filing of the Federal Lawsuit against James Burrus, McClatchy, et al., a couple of days before?

2. Was the article written on October 29th, 2006, by Paul Pringle of the LA Times about AG Lockyer in reaction to The Badger's

The **Martha Mitchell effect** is the process by which a psychiatrist, psychologist, or other mental health clinician mistakes his or her patient's belief in real events for delusion and diagnoses accordingly.

Origin: Psychologist Brendan Maher named the effect after Martha Beall Mitchell. Mrs. Mitchell was the wife of John Mitchell, Attorney General in the Nixon administration. When she alleged that White House officials were engaged in illegal activities, her claims were attributed to mental illness. Ultimately, however, the relevant facts of the Watergate scandal vindicated her.

"... the delusion may be assumed to be false by a doctor or psychiatrist assessing the belief, because it seems to be unlikely, bizarre or held with excessive conviction. Psychiatrists rarely have the time or resources to check the validity of a person's claims leading to some true beliefs to be erroneously classified as delusional. This is known as the Martha Mitchell effect, after the wife of the attorney general who alleged that illegal activity was taking place in the White House. At the time her claims were thought to be signs of mental illness, and only after the Watergate scandal broke was she proved right (and hence sane)."

Fig. 21—The Martha Mitchell Effect from Wikipedia

articles?

3. Should one be considered delusional (see Fig. 7, bottom left on page 5) if they think so based upon what you have seen thus far?

4. Is it more comforting to believe that none of the events are related to each other and blame it on synchronicity? (See Fig. 22, to the right for definition).

5. Have you been subliminally trained to trust the news which may actually now be political propaganda? (See Fig. 11, bottom right on page 6).

Think about it.

END OF STORY (for now).

synchronicity

syn·chro·nic·i·ty [singkrə nissətee]

noun

Definition:

1.

Same as **synchronism** (sense 1)

2. **coincidence of events that seem related:** the coincidence of events that seem related, but are not obviously caused one by the other. The term was first used in this sense in the work of the psychologist Carl Jung.

Fig. 22—Definition from MSN Encarta

(YOUR VOTE, from page 1)



something to help them. No public official stood up or said a word about it.

A number of them were too busy donning aprons and serving food at a get together for a Wiley Nickel for Senate fund raiser next to the O'Banion Hall at the Los Banos Fairgrounds to bother with what they must have considered such a trivial matter. It is almost like a trip into the Twilight Zone when you consider that both Wiley Nickel and Merced County Supervisor, Jerry O'Banion, son of the man the hall is named after, are residents of Dos Palos.

On October 27th, 2006, I sent copies of my report, "Cabal at the DP Corrals," which

contained a typewritten document by ex-Dos Palos City Manager, Darrell Fonseca, of his conversation with Merced County District Attorney Larry Morse to a number of public officials including Supervisor O'Banion and Wiley Nickel. The document reveals that DA Morse knowingly allowed a Dos Palos police officer, who he knew he could convict of a felony, to resign so that the police officer could potentially continue in law enforcement.

The information was also sent to a number of other Merced County public officials, The Los Banos Enterprise, and the Merced Sun-Star asking them for a response and to take action. I will go into greater detail about such in this edition of the Badger.

LOS BANOS ELECTIONS & SOME OF THE CANDIDATES

I conducted interviews with all of the candidates running for Mayor, except Mayor-elect Tommy Jones, and at least spoke to a number of the individuals (not all) running for City Council. The following is a very brief take on each one I spoke with and my opinions.



KEITH SNOW:



I think out of all of the candidates Keith would get the award for having the most heart and willingness to fight through any adversity. It is in his nature. He does not know what the word defeat means, and I don't think you could get him to sell you out or anyone out for any price. He would tow the line about development and he would be voracious and tenacious if given the job of Mayor.

Keith, however, has what some may consider a shortcoming in that he tends not to let people communicate with him during a conversation. He filibusters. It is not that he is being rude or trying to talk over the other person, it's just that he is so excited about communicating his point that he tends not to let the other person have a chance to speak. That does not mean he doesn't listen. I think that Keith is so intelligent he already believes he knows what the other person is going to say. That is not saying that he doesn't, but he needs to learn to afford the other person the opportunity to say it in his own words.

However, out of the candidate field, I thought there were others that would be better suited for the Mayoral position. I would suggest that Keith look to being involved in being a City Council Member or the like, and the City should look to tap him as a resource.

I want to thank Keith for trying to help make Los Banos a better place. It took an awful lot of intestinal fortitude to step up to the plate to do so. We all have things we can learn from Keith, how he continues in his life, making his efforts to contribute to our society, all with a smile on his face.



SUZANNE PARATORE:



I think I would give Suzanne Parratore a medal for being the most diplomatic. Suzanne avoided speaking badly about other candidates directly, but certainly possesses the ability to make known what she feels is not her cup of tea, in traits of others.

That is a good thing, but I personally prefer for people to be more direct and tell me if they like someone or not. In other words, when I ask somebody who they would vote for mayor if they were not running, and they hesitate to give me an answer, I wonder why?

(YOUR VOTE, see page 13)

(YOUR VOTE, from page 12)



I think that Suzanne, if mayor, would rule with an iron fist, and tend to put people around her she felt she could trust. I am not so sure if Suzanne would be able to differentiate from a person having a honest good faith difference of opinion with her, without thinking that they may only be disagreeing with her because they don't like her.

By this, I mean that many of us old time locals are sometimes wrongly, and sometimes rightly, criticized for not warmly accepting new residents.

I think that Suzanne should consider that not all old locals are unwilling to give up the mayoral spot to (what some would call) a newcomer that doesn't know what a "coot" is.

I also think that Suzanne is a little too self-conscious about her personal life style choices. In other words, it is her choice if she wishes to ride a Harley, have a tattoo, or whatever. It does not mean that she is a drug dealing, contract hit man for the Hell's Angels in any stretch of the imagination. It shows that she made a choice, and is willing to live with it, which actually is a good thing that politicians do not do.

I hope that Suzanne continues in her effort to be a resource to improving Los Banos.

 **ROGER PRUITT:**



I think that I would give Roger the medal for the person that most looks like a mayor, talks like a mayor, and walks like a mayor. If the election was to be won on sheer good looks and charisma, Roger would win hands down.

Unfortunately, such was not the case for Roger.

Now, some of you may recall that I somewhat gently skewered some old friends of mine, being Mayor Amabile, Councilman Mike McAdam, and City Attorney Bill Vaughan, when they appointed Roger to the city council last year.

The reason was because I had also submitted my application for the position, and when I appeared for my oral presentation before the council with about a dozen others, we were all limited to speaking for approximately five minutes.

Roger was not present, did not give a presentation, but he was the one the council picked. Well, I then said, wait a second, did the city council members meet with Roger prior to picking him? Was he given more than five minutes? Bottom line, it just didn't seem proper.

As I told Roger, when he first sat down in my office for the interview, just like I told Mayor Amabile....."Please don't do that kind of stuff." I told them if they wanted to have Roger be the council person, don't put on a show like they're really giving everyone a fair shot at it.

They were not, it was a set up, and when that is done, it makes me wonder how many other things they are pulling like that that I don't know about.

With that said as a disclosure, I will still say that I like both Mayor Amabile and Roger. McAdam, if you are reading this, you know I still like you too. Any day you want to play a hand of Indian Poker, just let me know.

While I am on personal notes to friends here, Bill Vaughn, you haven't returned my call asking you for an interview. Please don't get me started.

Back to Roger, I think Roger would make a great mayor, however, even though I am sure he got a great number of votes due to the endorsement of Mayor Amabile, I think it hurt him in the long run.

The reason why is that people could get the sense that it was going to be a continuation of what many say they didn't like seeing around the city.

Personally, I think he would have made his own decisions, and even though Mayor Amabile may at times would like to throw his two cents in, once Roger was in the driver's seat, he, like a kid finally getting full control over the car, would bow his head and take a stand on his own issues.

I also want to say that I think Mayor Amabile would not try to overly influence matters. Mayor Amabile, in many ways has become so attached to the baby he had been bringing up, it is hard for him to cut the umbilical cord.

Bottom line, I think Roger was the most qualified candidate for managing a city fiscally, but for a more radical change, I am not sure he would be.

I sincerely hope that Roger is around to throw his hat into the ring again and that our City continues to look to him as a resource. I think I would put Roger in charge of bringing new business into the community.

 **JOE SOUSA:**



Joe gets the medal hands down for integrity, openness, and smarts.

In just the few minutes I spoke with him while gobbling down a burger, I got more straight answers per minute than many of the candidates I spoke to.

(YOUR VOTE, see page 14)

(MAYOR JONES, from page 1)



Also, I suggest that no one tries to hit the, "It's because he's a black man and I'm white" rhetoric. I don't care about the color of a person's skin. You could say that basically I am color blind. That is why my wife is yellow, and one of my best friends is black.....(See Fig. "B" on page 27). I look at the heart not the skin, so don't even go there.

With that said, let's move on.



THE FIVE SWEARS

The Badger made five separate direct attempts to gain an interview with Mayor-elect Tommy Jones. Each time, Tommy swore directly to The Badger's face that he would get back to The Badger to have the interview. It never happened.

Before The Badger bites into Tommy, it is going to document the series of broken sworn promises that were made.

1. First, on September 14th, 2006, Tommy confirmed an appointment. He then called back saying that he could not make the appointment because he was going to be out of town. Tommy said, "I swear to you I will get back to you and do this." Tommy did not call back.

2. About two weeks later, The Badger noticed Tommy putting up a "Vote for Tommy" sign on Ortigalita Road. The Badger stopped and asked him why he hadn't called back. Tommy said he was busy, but quote, "I swear to you, I swear to God, Gene, I am going to call you." The Badger told Tommy it suggested that he not swear to what he was not going to keep. Tommy said, again, that he absolutely was going to call. Tommy did not call back.

3. A couple of weeks after that, The Badger ran into Tommy at a fundraiser for Wiley Nickel. Again, The Badger asked Tommy why he hadn't called, and Tommy swore that he had been busy. Tommy said, "I swear I'm going to get back to you, it is on my list of things to do." The Badger, again, suggested to Tommy not to swear to things he was not going to do. Tommy swore that he was going to call the Badger. Tommy did not call back.

4. After that, The Badger bumped into Tommy at the OLF Casino Night on October 14th, 2006. In the presence of then Councilman Mike McAdam, The Badger asked Tommy why he had not called back. Tommy swore that he wasn't avoiding calling The Badger, but had been very busy. The Badger then asked Mr. McAdam to advise Tommy that he really should call The Badger back and not get the Badger ticked. Everyone laughed, and Tommy said, "I swear I am going to get back to you."

The Badger then took Tommy aside, out of ear shot of Councilman McAdam, and said, "Tommy, if you think I am going to skewer you about the matter of the drugs, you are wrong. I am not. But, please Tommy, quit screwing around telling me you're going to do something and then not doing it. You are going to leave me no choice but to make comments about this later." Tommy said he understood and said, "I swear I will get back to you." Tommy did not call back..

5. After that, The Badger happened to see Tommy at the Tiger's homecoming (MAYOR JONES, see bottom left of page 14)

(YOUR VOTE, from page 13)



Joe knows the ins and outs of what's been going on behind closed doors for a number of years, and he knew where skeletons may be that should be brought out of the closets. When I asked what public official should go first that Los Banos had, I thought he gave me the right answers.

When I asked who he thought was backing certain mayoral candidates and why, he told me his opinion, and I agreed.

I think that the only thing that worked against Joe getting the position of mayor was the write-in situation. Joe thought a little too long and too hard before he got into the ring.

This brings me to one point concerning Joe stepping into the mayor's position, and I certainly hope he runs again. I would suggest that Joe practice at coming to his conclusion to take action quicker. In other words, Joe could have been a great mayor probably five years ago, just as he could today. Joe, though, waited until he was retired to take action upon it. I have no doubt that he has been thinking about it for a number of years, but for one reason or another, he delayed.

I think this in part is kind of indicative of a very conservative and pragmatic personality. I certainly am not saying those are negatives.

Some would consider me to be too much of a risk taker, likening me to stepping in front of a machine gun's nest before I knew the enemy was out of ammo (I always say I counted the bullets). Therefore, Joe, remember I'm the guy that has taken on the entire judicial/political system of California. Don't expect me to be too conservative in taking actions or risks.

But, the point I want to make is that Joe needs to believe totally that his destiny, or fate if you will, is to be mayor of Los Banos, if such is true or not makes no difference. He needs to believe in that first, and therefore, when he wins one day, he won't be a bit surprised.

Please, Joe, the City needs people such as yourself, keep trying.



CARYN COX:



I think I would give Caryn the medal for being the most aggressive and unrelenting in her pursuit of things she is concerned about. As an example, whoever that kid was that brought the gun to school out in Volta should think about changing his name.

Caryn, I think, tends to have a long memory about things she feels strongly about, and she will pursue the matter until there is nothing left to pursue.

She is a professional business woman that knows how to make things work and handle her money. However, I think there are many men out there that would not agree with her that money is handled better by a woman.

I think Caryn would be the person that, had she been elected mayor, Los Banos would have seen some of the most radical changes in the shortest time. It is in her nature. It is why she is successful at closing a real estate deal.

She knows how to fixate upon what she wants to accomplish and then get it done. With that comes the good and the bad. The good is that the job gets done, the bad is that sometimes there is very little input from anyone else.

I think that Caryn may have a tendency to overpower anyone that has an opposing opinion. That certainly is a good trait if the opposing opinion is not a good one, but sometimes I think when working in an environment of team efforts, opposing opinions are not necessarily all bad ones.

But sometimes opposing opinions that are good are delivered by individuals that may not be quite strong enough to take the heat that I believe Caryn can generate.

Therefore, I only think that Caryn should really consider whether being in public office is where she really wants to be. There is no doubt that she could handle the position of Mayor, the only question I would have is, would those surrounding her be able to take the heat?

I wish her the best of luck in the future.

(YOUR VOTE, see page 15)

you knew he would show up. Or, if he missed the first time, he would be there the second. In my book, Red has more credibility than Tommy Jones.

If those that voted for Tommy don't want to subscribe to my newspaper, well, I'm sorry about that. I mean no personal offense to you or your vote. You voted who you personally thought was best. I do not fault or criticize you in any way.

The Badger states without hesitation that it is also entitled to its opinion, and it is not swayed by advertising dollars or political advertising bucks like the big boys. See Fig. 23 (below) of an article published in the Chronicle Sacramento Bureau indicating Lockyer's campaign dollars of minimally \$10 million. In addition, Fig. 12, page 7, shows the numerous Newspaper endorsements Lockyer had, all potential recipients of some portion of that \$10 million advertising dollars.

Getting back to Tommy, I am also stating publicly that there is no defense for what Tommy did in swearing to The Badger on five separate occasions that he was going to do something but did not. If Tommy did not want to do the interview all he had to say was, "No, Gene, I don't want to do the interview." Then all the Badger could say was, Tommy did not want to be interviewed.

So, it's certainly not just the not calling back that is the bone of contention for the Badger. It is the deliberate lies that The Badger was told with a straight face of sincerity by Tommy. Tommy, with his big smile is a very personable guy. That smile combined with the sincere swearing really both charmed and fooled The Badger.

The Badger may be extra sensitive to the matters of people swearing to things due to the Dos Palos mess and an officer swearing to tell the truth, that did not. This has caused a whole bunch of trouble for an awful lot of people trying to cover it up.

(MAYOR JONES, see page 15)

"TREASURER: 'Lucky' Lockyer winning lightly contested race by Lynda Gledhill, Chronicle Sacramento Bureau Wednesday,

November 8, 2006

-- Democrat Bill Lockyer, who is termed out after serving eight years as state attorney general, was winning handily late Tuesday over Claude Parrish in the race to become the state's next treasurer.

Parrish, a Republican from Palos Verdes in Los Angeles County, served for the past eight years on the Board of Equalization. He did not campaign aggressively for the position and was vastly outmatched in campaign funds by **Lockyer, who raised \$10 million before the current contribution limits kicked in.**

Lockyer said he wants to help plan for California's future growth by improving the state's infrastructure. Because the treasurer's role is limited in this area, Lockyer said he would work to have a good relationship with the governor and lawmakers. He made news in 2003 when he admitted that he voted for Arnold Schwarzenegger in the gubernatorial recall election."

Fig. 23—Chronicle Sacramento Bureau.

(MAYOR JONES, from page 13)



football game. The Badger had the honor of being asked to drive the soon to be elected King Willie Frederick and Queen Letycia Garcia in the parade to the stadium. While The Badger was parked on the sidelines out of the vision of the crowd, and the King and Queen were in the middle of the field, he saw Tommy beneath the goal posts. I shook my head and smiled.

Tommy then came over to the car and said he knows that he had not called The Badger. Tommy said, "I swear I have been busy, and I swear to God I am going to be

calling you." Tommy did not call back.

TOMMY VS. RED

The Badger knows that he is going against what appears to be the popular vote, but based upon the direct personal encounters that The Badger has had with Tommy Jones, The Badger believes there could have not been a worse choice for Mayor than Tommy Jones.

Heck, many of you may remember Mr. Red Hawkins, God rest his soul, running for public office. At least when he said he was going to be there to pump out your cesspool,



(YOUR VOTE, from page 14)



TOM FARIA:



I give Tom the medal for best all around candidate for anything. In other words, after listening to Tom speak, and asking him some questions, I sincerely felt that he may have been better suited for being Mayor than a councilman.

Tom said he thought he lacked the technical experience to be Mayor, and he very well may be correct. But I believe that he has heart, integrity, intelligence, and most of all, common sense, just like Joe Souza, and to me, that outweighs any technical deficiency.

I think Tom is going to shake things up, and I hope that he doesn't pull back on his opinions of matters, or not take actions upon something because some bureaucrat tells him that "technically" it can't be done, or it hasn't been done before.

I wish Tom also the best of luck.



MIKE VILLALTA:



I give Mike the award for honesty, forthrightness, and not trying to fake it when he doesn't know an answer to a question. Mike, flat out says, "I don't know, but I will find out."

I've known Mike ever since we were in high school together. I don't think I have ever heard an offensive word uttered from his mouth about anyone. Such are good traits and certainly will get you a lot of votes.

I only caution that Mike should consider that he may have to make a few people unhappy along the way and that comes with the territory. Over compromising to every voter is not a good thing, because not every voter wants the same thing. I am not saying that Mike will do that, I am just saying that Mike, in my opinion, tends to be a nice guy and never wants to offend anyone.

Mike, I believe, will come up with innovative ways of using resources that the city has, but never uses. Such will be a good thing for getting new business into this city. He knows how to sell the assets that Los Banos has from his experience at recruiting teachers for our system, he just now has to adjust his presentation slightly.

Go for it Mike and I wish you much success.

END OF STORY

(MAYOR JONES, from page 14)



It has caused a bad moon rising for DA Morse for seemingly letting someone that he apparently knew had committed perjury to get away with it.

Now, there's one heck of a good example for Tommy to follow if DA Morse doesn't get called out to explain it.

It appears that Tommy has no fear of telling a lie. He watches big boy politicians do it day in and day out. I assert that Tommy believes himself to be the king of the roost at this time, and I submit the air is awfully thin where his head is at.

Is there any reason for me to believe that when Tommy takes the oath of office and swears to be a good mayor, or whatever, that he really means it? Based upon my direct experience with him, absolutely, positively not.

Why should The Badger?

THE "TOMMY SCANDAL"



When I first was going to interview Tommy, I thought about the matter of the alleged planting of drugs on him a few years ago, and decided I would ask Tommy just a couple of questions to clear the air, and then move on to other matters. I had no intention to print any of it in The Badger, and I had told him that when I saw him at the OLF Casino Night.

But as time wore on without Tommy responding, and the broken, "I swear to you's" continued, I re-thought the issue. Even though The Badger did not want to be accused of disrupting the voting process with a scandalous matter, I now apologize to my readers for what I consider in retrospect, shirking away from controversy, and what should be my duty as a newspaper.

The topic of what I call the "Tommy

Scandal" would have been absolutely appropriate to be addressed openly. I had taken a wait and see attitude if McClatchy Newspaper's Los Banos Enterprise was going to say anything about the "Tommy Scandal."

As far as I know, they didn't, but honestly, I don't read their paper, so I am not positive. I will also give a calculated guess in betting that they did not.

Therefore, shame on us both. I will not let it happen again.

I SWEAR THE DRUGS WERE PLANTED!



You know, The Badger has heard a number of stories about the incident concerning crack cocaine, or other type of drugs being planted in Tommy's car. As I understood it, Tommy was saying that someone was out to get him, and he was framed. I can hear Tommy saying, "I swear the drugs were planted."

The long and short of it was that a lawsuit was filed by Tommy, it was settled, and everything went away. Well, you know something, Tommy, that's not good enough for me, and it just isn't your personal business..... and I will tell you why.

You accused what I understand to be Los Banos law enforcement officers of framing you. If that did happen, you should not stop short of outing them publicly. When you stop short of doing such, it endangers me and every good citizen in our city.

Further, it is an insult to good police officers that would never do such a thing. You now left a stigma and black mark on this city – that our officers cannot be trusted and an innocent person can get framed by them.

Don't give me the horse crap about

moving on, and letting the matter heal for the City's sake. If you are the person who is now entrusted for the future of our city, then you owe it to our city to let it either prove its officers innocent, or take the responsibility of being guilty of framing you.

In actuality, the city will win both ways, and so will you. The guilty parties will be outed, and the city will be known for not tolerating such conduct. You will be proven forevermore innocent.

Whoever cut this deal when it was happening, or ratified it, and I suspect it may have been Mayor Amabile, made a really bad decision.

The matter should be opened back up.

THE BADGER'S PERSONAL INTEREST

There is another major concern that I personally have. Right now, I am publicly taking on what I consider to be some of the most corrupt judicial/public officials that one can imagine. If a pipe of crack cocaine gets dropped in my car, will I be afforded the same understanding that you received? I think not.

So far, the Good ol' Boys have tried to do things to me they are still spitting teeth out over, i.e., I had to turn in my guns because the Monterey County Counsel said he thought I was going to kidnap and batter him. It was not decided in a courtroom with a hearing. Since such time, the motion calendared to be heard about it has been stalled for over ten months.

Why? Because each judge assigned to hear it disqualifies themselves. Why? Because they are going to have to nail the Monterey County Counsel's tongue to the floor for going into court, without me being present, and getting such order under false pretenses. In fact, a judge didn't even sign the order as required.

In other words, Tommy, if somebody says I did something wrong, that I didn't do, and then tries to frame me to cover their lies, I will pursue them to the end of time. It is precisely why the Good ol' Boys, including Attorney General Bill Lockyer, who I served with a summons and complaint on November 15th, 2006, are in such trouble.

Let me tell you, Tommy, I have not made the sacrifices I made to come back to my home town to get blindsided, or set up. It is where I intend to raise my children and to be buried. I have no intention of letting the public official corruption, that I have become an expert in spotting and addressing, thrive here.

Therefore, I want to know how you were framed, by who, and why, for my own protection, and for that of every other citizen of Los Banos. If there are people in law enforcement in our city that have not been outed that framed you, then I want to help you expose them.

If you cannot prove that you were framed, or you do not want to address this matter publicly, then I want you out as mayor before you even start. It is as simple as that.

NOTE: Do me a favor Tommy, don't swear you're going to get back to me, just please do. Because you know what, I swear to you that I will not let this matter rest until you do.

END OF STORY

(TWO POSTS, from page 1)



The Merced-Sun Star also re-reported on November 10th, 2006, that two ex-Dos Palos police officers, Hector Soria and David Humphrey, could face up to a year in prison for failing to fulfill their official duties and false imprisonment.

Now, The Badger does not want to throw a damper on what some DP citizens possibly consider as their triumph, and certainly wants to commend them on their efforts.....but the adage, "all is well that ends well," does not apply to public officials running amuck.

Yes, the voters have spoken, but none of the culpable parties that caused such a travesty to take place have. There are still a number of glaring unanswered questions that have been brought to light by The Badger that reasonably should be addressed publicly.

Citizens and residents of Merced County should not permit this matter in Dos Palos just to be another example of public officials not being held accountable, and go about with business as usual. It is just like the weed in your garden that you don't pull out by its roots. It will come back, and most of the time, twice as big as before.

The main concern that The Badger has is that in the last issue a document (Fonseca's typewritten notes) was produced that showed that District Attorney Larry Morse seemingly is not applying laws equally to all citizens. The document evidences a plan for behind closed door meetings and to obstruct justice.

There is evidence that a petition that was circulated as the basis to oust ex-Police Chief Barry Mann contained not only alleged forgeries, but has been alleged to have been circulated by ex-Mayor Albert Montejano, allegedly misinforming citizens of what in fact they were really signing.

No, The Badger believes that justice has not yet been truly served and if the matter is not fully aired publicly, the next cabal is going to be far worse.

The most troubling matter from The Badger's perspective, and what should concern residents of Merced County, is that the major newspapers, The Merced Sun-Star, Fresno Bee, and Los Banos Enterprise (all McClatchy) are not addressing reliable evidence shared with them by The Badger that indicates a need for an investigation of the Merced County District Attorney's Office.

As a disclosure, Gene Forte, reporter for The Badger and author of all of its content, currently has pending a Federal lawsuit, C06-03948JW, Forte vs. Knight Ridder, McClatchy Newspapers, et al., alleging that they have been intentionally concealing public official corruption in Monterey County from the public.

With that in mind, The Badger will share with you some recent discussions with District Attorney Larry Morse, Merced County Supervisor Jerry O'Banion, ex-Dos Palos City Manager Darrell Fonseca, and some emails between The Badger and The Merced Sun-Star.

ONE PUBLIC OFFICIAL RESPONDS, SORT OF....

The last issue of The Badger was sent to the following list of public officials (Fig. 24), and wannabe public officials seeking office, asking them to respond by November 6th, 2006, if they were going to

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

Fig. 24 — Public officials and individuals running for public office that The Badger sent a copy of this segment to.

of first letter and Fig. 26 of reminder letter).

The Badger commends Supervisor O'Banion for graciously being responsive by returning the call. The conversation started off with some nice chit chat as to how Supervisor O'Banion and myself recalled hunting pheasants and the like on my father's property years ago over on Wilson Road. Even though he and I had not spoken at any great length before, I found him quite pleasant and personable. Heck, I even joked and told him why I now understood how he's been elected and re-elected. What's not to like about him?

I assured Jerry (I don't think he would think me disrespectful by using his first name), that I had no vendetta against public officials in Merced County, or himself specifically. It was re-assuring when he said he didn't think I did. In candor, I really don't find it pleasurable asking questions that tend to make some people uncomfortable.

I have to tell you I almost didn't ask the questions I knew I had to. But, I did.

The conversation, though not verbatim, or not necessarily in the exact order, went something as laid out in Fig. 27 (top left on page 17).

THE BADGER'S IMPRESSION OF SUPERVISOR O'BANION

The Badger likes just about everyone and always appreciates speaking with someone that is artful with words. It was quick to see after a few minutes of exchanging pleasantries as to why Mr. O'Banion has been successful, not only as a Supervisor, but in life.

Personally, I like to believe since I spent the last twenty years recruiting top level executives who generally make upwards of \$300,000-\$1,000,000 a year for major corporations, that my skills sets are honed to very quickly read a person and decide if the person I am speaking to is either substance or flash. (See page 30 for income made as an executive recruiter.)

This means in simpler terms, or using another analogy, can the person do the walk or just do the talk?

My take on Mr. O'Banion is that he is of substance and Merced County most certainly has a valuable asset in him as a resource.

Now, of course, here comes the however.

(TWO POSTS, see top right on page 17)



Fig. 25—Email to Supervisor Jerry O'Banion on Oct. 27, 2006

take any action on behalf of the citizens of Dos Palos and Merced County:

The only public official to respond, even though late, and after a second letter, was Merced County Supervisor Jerry O'Banion, on November 13th, 2006. (See Fig. 25 below

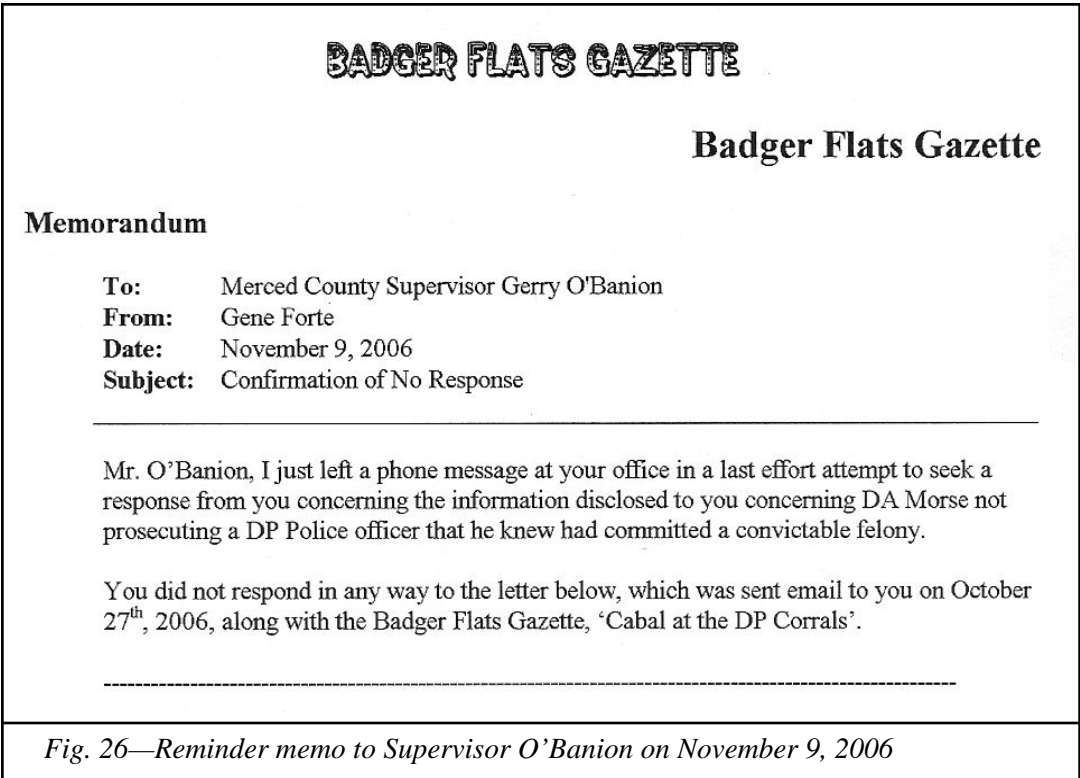


Fig. 26—Reminder memo to Supervisor O'Banion on November 9, 2006

PHONE CONVERSATION WITH SUPERVISOR JERRY O'BANION



The Badger: Did you read The Badger, Jerry?

Jerry: Yes.

The Badger: What do you think of the typewritten notes of Fonseca of his conversations with DA Morse saying that he was going to let a DP officer resign that Morse knew he could convict of a felony?

Jerry: Well, I don't know anything about the law. (DA) Larry Morse said you didn't talk with him before you wrote the article.

The Badger: So, you and Larry talked about what I wrote in The Badger?

Jerry: A little.

The Badger: By the way, I understand you mentioned to a mutual friend of ours that you thought I was going to be sued?

Jerry: No, no, I didn't say that. I said that you were putting yourself out there to be sued.

The Badger: Yeah, well, I think you know about my battle with a bunch of Good ol' Boys in Monterey County that I'm nailing against the wall.

My plan, if you want to call it one, is to make sure public officials here in Merced County, tow the line, and don't try and pull the same nonsense on people here.

I also plan on putting you fellas on the spot about what is going on in Monterey County. Now, I'm not asking anyone to be a cheerleader for me or champion my cause.

All I have ever asked is that the matter of the public official corruption that I am dealing with in Monterey be addressed honestly and openly.

It is for that reason that I started the Badger Flats Gazette, and also why I became so interested in the matter in Dos Palos.

From the notes of Fonseca, and what I have learned, it seems that an investigation should be called for, and nobody is doing anything about it.

Jerry: Yeah, I think you mentioned the matter of you and the guys in Monterey before.

The Badger: Okay, well, you read the notes of Fonseca that I put in the Badger?

It's pretty clear that Larry was saying that he was going to meet with the City council behind closed doors, if need be, and explain to them in no uncertain terms why they should not stand in the way of the officer Larry said he could convict of a felony from being terminated.

What do you think of that?

Jerry: I think you ought to talk to Larry directly about that instead of me being a go between.

The Badger: Well, I probably will. But, I want you to tell me what you think of it.

Do you think Larry, the DA, should be meeting with City council members, behind closed doors, and talking about not criminally prosecuting a police officer that Larry said he knew he could convict of a felony?

Jerry: I don't know, I think you should ask Larry about that.

The Badger: Well, don't the notes of Fonseca give you concern that Larry was letting a police officer that he thought he could convict of a felony resign, and stay in law enforcement?

Jerry: Well, I don't know if Larry said those things, or if Fonseca typed those notes?

The Badger: Well, you could easily find out by calling up Fonseca and asking him about it like I did when I got the notes, or asking Larry about it?

Jerry: Why should I?

The Badger: (Laughs) That's an easy one. It's your job to make sure that things get looked into that are brought to your attention of this magnitude.

Jerry: I think you should talk to Larry.

The Badger: Okay. Why don't you call a press conference and ask publicly that the matter be addressed openly?

Jerry: No. I think you ought to talk to Larry.

(O'BANION PHONE CONVERSATION, see bottom right on page 18)

(TWO POSTS, from page 16)



I also think Mr. O'Banion is a very artful dodger and a good politician. Which in some ways, is one and the same. Jerry has learned to be in all the right places at all the right times, i.e., I always see Jerry at functions where the community is mingling, and his visibility is acknowledged. No matter what they say, there is nothing negative about that. It is what it takes to get the votes.

The lyrics by Carly Simon from "You're So Vain," come to mind— "You're where you should be all the time and when you're not you're with, some underworld spy, or the wife of a close friend, wife of a close friend."

Now, all you Badger readers hold your horses for a moment! The Badger is in no way inferring that Jerry meets with underworld spies or the wives of close friends. The Badger just thinks that Jerry might get a kick out of having that tune in mind the next time he struts around at a public function.

With that said, I will now address the artful dodger characteristics, which The Badger believes is the systemic problem with our public officials. It causes them to be unwilling to stand up and take a stand or hold another public official's toes to the fire when needed.

A person of substance, such as Mr. O'Banion, encounters what is called his "Sword of Damocles." You know, that double edge that cuts both ways. Jerry can't play dumb to the obvious. If he was a dumb guy, he could get away with it, but when you are easily recognized as being smart, then you have nowhere to hide.

The Badger has no doubt that Jerry knows that there is enough reliable information to call for an investigation of DA Larry Morse, ex-Mayor Montejano, and members of the Dos Palos City Council. It shouldn't matter how much Jerry may like DA Morse, or how far back they go.

When you take that oath for public service, you have assured the people you will do what it takes to maintain the public trust in the integrity of our government. Not doing so destroys the public trust.

As The Badger understands it, Jerry was a big supporter of DA Morse and instrumental in helping Morse get to where he is today. Regretfully, DA Morse has gotten himself into a quagmire that needs to be investigated openly, publicly, and with great civil oversight.

The Badger submits that due to the questionable conduct by ex-DA Gordon Spencer and the lawsuit by a Mr. Richard Byrd, against Sheriff Pazin regarding a questionable land deal with Greg Hostetler and others, the residents of Merced County cannot be subjected to any further questionable behind the door dealings by public officials.

A final report card so to speak by The Badger for Supervisor Jerry O'Banion would look like this: (See Badger's note following.)

Communication Skills	A
Political Skills	A
Artful Dodger Skills	A+
Risk Avoidance	A+
Passing the Buck	A+
Self Integrity	A
Holding Public Officials Accountable	F
Maintaining Trust of Public	D-

Fig. 27—Conversation between The Badger and Supervisor Jerry O'Banion (not verbatim) (11/13/06)

(TWO POSTS, see page 21)



UNDER THE COLOR OF LAW

NON LEGAL LEGAL OPINION

Below in Fig. "A", is a shortened, incomplete version of the legal definition of "Under the Color of Law."

The Badger submits that he is no Perry Mason, or Clarence Darrow. I am not an attorney. That being the case, why is it that I have now won two appeals that I have written with only the assistance of my wife and without any attorneys?

Could the Monterey judges making the rulings getting overturned by me be so inept or dumb that they don't know the law? Or are they intentionally making bad rulings "under the color of law" to frustrate and delay my attempts to get justice? Are they trying to keep my case from getting before a jury?

Are they hoping to drive me to have another heart attack in the courtroom, or delay everything until they skate off claiming the statute of limitations has passed to hold them accountable? I state unequivocally and without a doubt, "Heck, yes they are!"

I submit that all of the information to enable the FBI and the Justice Department to get convictions against some of the top public officials of our state are in the court records. The FBI knows it, and it is precisely why they are portending not to know it. They are bald faced liars.

You will see in Fig. 30 (top right) of the published "TRAC Record Report" which identifies the more than dismal record of the FBI and Justice Department prosecuting alleged violations of citizens by public officials acting under the color of law.

Would any citizen really wonder why cases are not pursued against public officials for violations of a citizen's rights done under the color of law? I think not.

(**COLOR OF LAW**, see page 19)

Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law

"This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S."

"Acts under 'color of any law' include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties."

"This definition includes, in addition to law enforcement officials, individuals such as **Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc.,** persons who are bound by laws, statutes ordinances, or customs."

Fig. "A" - Definition of "Color of Law"

UNDER COLOR OF LAW –TRAC Report (excerpts)

Police officers, prison guards and other government officials who improperly abuse the rights of individual Americans have long been recognized in federal law as a threat to society as a whole. That's why, immediately after the Civil War, Congress approved Title 18 USC 242 -- a statute making it a crime to deprive any person of their rights "under color of law."

But, as case-by-case Justice Department records make very clear, a law on the books does not always translate into a law that is enforced. In this particular case, for example, the latest available Justice Department data show that federal prosecutors declined to file charges against virtually all -- 98.7% -- of the individuals who the investigative agencies had concluded were in violation of 18 USC 242.

Here are the numbers. In the first three months of FY 2004 the Justice Department in one way or another disposed of matters against 230 individuals where this law was the principal charge. For 227 of these matters, the Justice Department declined to file formal charges. In three of the cases the individuals were prosecuted and convicted.

By almost any measure, the proportion of official abuse cases that the prosecutors decided they would turn down is extraordinarily high. The best way to understand this reality is to examine the department's declination rates under other statutes.

For individuals targeted for tax evasion (26 USC 7201), 40% were declined. For those persons who the agencies felt had violated a law against the sexual exploitation of minors (18 USC 2252), 51% were declined.

For those the agencies felt should be charged with embezzling funds from federal programs (18 USC 0666), 61% were declined. And finally, for matters charging an individual with attempting to re-enter the United States after being previously removed (8 USC 1326), only 7% were refused.

As already noted, 18 USC 242 has been on the books since the middle of the 19th century. But it wasn't until the early 1960s -- under President Kennedy -- that the

Justice Department became marginally more active in enforcing this and other civil rights laws. It also was in this period that the historically reluctant Federal Bureau of Investigation took on the lead role in investigating all kinds of civil rights cases.

But, as the data make very clear, the role of the federal government as the court of last resort when it comes to dealing with abusive government officials has long been spotty, with almost all of the matters recommended for prosecution by the FBI being declined by the assistant U.S. Attorneys.

The question is why? In a statement to Congress several years ago the Civil Rights Division acknowledged that only a very small number of such cases ever resulted in a prosecution. Given the special nature of such cases, the division contended, this outcome was not surprising.

"The victims of most official misconduct cases tend to be unsympathetic while the defendants often are well respected members of the community," the division explained. "As a result, virtually all of these cases require extensive and time consuming investigative efforts on the part of both the lawyers and the investigators."

But the statement does not directly and fully explore why almost all of these matters referred to the Justice Department for prosecution are rejected. Is it just because some of the complainants are unsympathetic? Or that many of the accused are police officers? Or do the data also suggest systematic failures in the quality of the investigations, almost all of them by the FBI?

As noted in TRAC's previous report on the handling of all kinds of civil rights violations, however, every time an assistant United States attorneys makes a decision about how a particular case will be processed he or she is required to explain the reasoning that led to the chosen action.

Copyright TRAC REPORT 2004: The Transactional Records Access Clearinghouse (TRAC) is a data gathering, data research and data distribution organization associated with Syracuse University.

Fig. 30— Excerpts from the TRAC REPORT 2004: The Transactional Records Access Clearing House

(O'BANION PHONE CONVERSATION from page 17)

The Badger: All right. Do you have his number?

Jerry: Let's see, uh, I'll call you back with it.

The Badger: Okay. Thanks, do you know how soon that will be?

Jerry: Probably within the hour.

[Just like clockwork and actually well within the hour, Mr. O'Banion called back.]

The Badger: Hi Jerry!

Jerry: Here's Larry's number. XXX-XXXX

The Badger: Thanks. Now, Jerry, did you tell Larry to be nice to me? Did you give him a head's up about me? (Laughs)

Jerry: (Laughs) He's going to be nice to you.

The Badger: So, Jerry, do you have anything you would like me to tell my readers as an official comment on the matter in Dos Palos, or a comment about my article?

Jerry: No, I don't want to say anything about it. You print what you want.

The Badger: Okay, and Jerry, really, thanks for getting back to me.

Jerry: Sure, no problem.

The Badger: Oh, Jerry. I am sure you and I are going to speaking more about this in the future. It's not over.

Jerry: I am sure we will.

(END OF CONVERSATION)

GO BACK TO PAGE 16, "BADGER'S IMPRESSION"



Fig. 27—Conversation with Supervisor O'Banion on November 13, 2006, continued from page 17



(*COLOR OF LAW*, from page 18)



NEITHER FELON NOR CRIMINAL

In most cases, according to the "TRAC Report," the plaintiff bringing the charges are not ones that most citizens would endear themselves to. Most of them would not find sympathetic ears of the public. I submit that they, in large part, are criminals. At least, that is what the record shows, and Americans are led to believe.

The evidence I have, and who I am, is much different. I am not a convicted felon or criminal defendant looking for a way out. My charges are focused upon public officials and judges running a game of trying to crush me because I caught them fixing a real estate trial that I was the plaintiff in.

I fought back when no attorneys would stand up to the plate in fear of reprisal to their careers. (See Fig. 31, right). I am using the laws of our country in the way they should be used, caring not whose political toes are stepped on or whose careers are rightfully ruined for violating the rights of an American (in this case by the name of Gene Forte) in seeking redress of a grievance.

It is for this reason that Americans are not hearing about my case against the Good ol' Boys. The news media is keeping a lid on it because it also implicates how they keep public official corruption concealed for those that pay them big political advertising bucks.

SWORD OF DAMOCLES FOR THE GOOD OL' BOYS



In summary, I contend that the judges have been disguising their crimes against me under the color of law. They write rulings that, even though they may be in my favor, tend to give the legally uneducated or unaware the appearance that I somehow lost. Or, as in the appeals I have won, justices pretend the judge ruling against me had some lofty legal reason to rule as improperly as he did.

Did it take a country boy as myself, with no legal education, training, or law degree to correct the legal scholars' obvious mistakes? It just doesn't make logical sense! Unless, you consider that the judges ruling against me knew they were wrong in doing it from the git go.

If this is taken into consideration, you then to need to ask yourself, if it is a fair and just system, then why in the world would a judge do such a thing? If they did so, which they did, then there is something that is not fair and just. They are intentionally making bad rulings pretending they are ruling according to the law when in fact they are doing so *under the color of law* to frustrate my attempts to have my grievances addressed.

If you conclude that intentionally wrong rulings would not exist in a fair and just system, then it all starts to make sense when I say that the judges are covering up the crimes of other judges and attorneys I caught obstructing justice.

The double edge sword the Good ol' Boys have been cut with is the fact that I have written and won two appeals of what I said are crooked rulings by crooked judges. The Appellate court justices have not mentioned a word about the evidence of corruption they have seen in their written opinions no matter

(*COLOR OF LAW*, see page 20)

Excerpts from "State commission requests judge's campaign reports," October 29, 2006
Fields' golf tourney fundraiser possible target of scrutiny

By VIRGINIA HENNESSEY
Herald Salinas Bureau

"...The state Commission on Judicial Performance has broadened its investigation into possible misconduct by Monterey County Superior Court Judge Michael Fields to include scrutiny of his election activities."

"...One possible area of scrutiny is an annual golf tournament at which Fields has sought campaign contributions from business leaders and local attorneys, many of whom appear before him in court. According to one source who spoke on the condition of anonymity, Grodin is aware of the tournament and the objection that some in the legal community have to it."

"...**Speaking on the condition of anonymity, citing fear of potential retribution the courtroom**, several attorneys objected that they feel compelled to contribute or risk being treated unfairly in Fields' courtroom. They also said the accumulation of a campaign "war chest" discourages others from running against the judge."

"... 'That's irritated me for years,' said one local lawyer of the tournament. 'There's a perception when you contribute to someone who is not up for re-election and who is unlikely to be challenged in the future, why is that money being contributed to begin with and, second, what happens if I don't contribute? What happens to my clients?'"

"...The California Code of Judicial Ethics requires that judges 'uphold the integrity and independence of the court' and 'avoid impropriety and the appearance of impropriety in all' activities."

"...The commission's investigation into Fields was triggered in November when former court clerk Crystal Powser filed a sworn declaration saying she had been invited by Fields to Ventura, where he was presiding over a disciplinary hearing for Santa Barbara Judge Diana Hall.

In her declaration, Powser said Fields made sexual advances and told her that he and the other two judges on the disciplinary panel had discussed the ongoing case in private and already decided Hall was guilty. She also said Fields made light of the fact that Hall's live-in girlfriend's name was Dykeman.

The commission promptly removed Fields from the panel, then impaneled three new judges to hear the case. The disciplinary charges against Hall are still pending."

Fig. 31—Excerpts from an article printed in the Monterey Herald on October 29, 2006

Forte

November 9th, 2006

Presiding Justice Conrad Rushing
Court of Appeal Sixth Appellate District
333 West Santa Clara Street, #1060
San Jose, CA 95113

FAXED ONLY

Re: Appellant Forte vs. Respondent Lichtenegger, M70711

Dear Presiding Justice Conrad Rushing:

After taking a few days to think about it, I decided it was important for me not only as an as a litigant, but as an American, to document what took place at the hearing before you and the other justices on November 3rd, 2006.

During my brief presentation, which was well under seven minutes, I asked specifically if the court was going to address the matter of the obstruction of justice, outlined in my appeal, by District Attorney Dean Flippo with Judge Robert O'Farrell while Attorney General Bill Lockyer was representing Judge O'Farrell. As the words came out of my mouth, Justice Elia let out a puff of air that was injudicious, insulting, and distracting from my presentation.

Justice Elia seemed shocked that I called attention to it on record. You said that I was "doing good up to that point and that I should think about that." I asked you to clarify what you meant by the statement. It was also at that time, that Justice Elia chimed in saying that I was being theatrical. The audio recording of the proceeding which I have is the best evidence of the exact words, but I submit that I am not too far off the spot, if any.

First, I don't believe that any justice on any appellate court should consider the request by a citizen asking for public official/judicial corruption to be addressed to be considered theatrical. Second, I considered your statement, and the tone it was made in, to be a veiled threat that if I continued to inquire whether the appellate court was going to have the matter investigated according to your judicial canon of ethics to do so, that you would punish me by denying me my appeal.

You responded by saying that you were not going to answer any questions, nor were you going to tell me if you were going to address the matter in the writing of your opinion. The appeal of Judge Terrance Duncan's decision shows, with court filed evidence, that he denied due process by not having the Noticed Motion for Reconsideration heard. It also shows that, in defense of my legal malpractice case against Lichtenegger, Respondent Lichtenegger said that Judge Duncan essentially fixed the underlying case (it is evidenced by legally taped recorded phone conversations). These are issues that a reasonable person would believe the appellate court justices should be very concerned about. At least, this is what the public at large is made to believe.

As you know, I have already won an appeal before you previously which outlined the rampant public official/judicial corruption in Monterey. I requested for you to address it, but you coyly avoided mentioning a word about it in your opinion. As I informed the court in such appeal, the self-incrimination stakes for yourselves went off the Richter scale after Judge

(*LETTER TO COURT*, see page 20)

Fig. 32—Letter from Gene to the Sixth Appellate Court asking them to address corruption

(LETTER TO COURT, from page 19)

O'Farrell arrested me in the courtroom after I properly and respectfully exercised my right and served him with a Peremptory Challenge which immediately disqualified him.

I realize that your granting me my previous appeal gives the "appearance of fairness" by this court. But, the "appearance of fairness" is quite different than true fairness. I won my appeal because I was right on the law and the facts. You did me no special favors, and I of course would not ask none. Your ruling allowed you to lower those Richter scales of self-incrimination against yourselves to the uninformed observer.

But, when all of the facts are laid out before that same uninformed observer, it reveals that you sent me back to a lower court that you, not only as a reasonable person but as a jurist, should be concerned evidences a snake pit of corruption. The evidence is all in the court files.

Therefore, you knowingly threw me back into the pit to be submitted to further violations of my civil rights to a fair tribunal. It is not only my opinion, but that of attorneys that will not speak out publicly about the matter in fear of reprisal. Recently, The Monterey Herald, even though nothing more than a shill for the Monterey County Good ol' Boys, quoted attorneys wishing to remain anonymous saying they feared retribution by judges on the Monterey bench if they did not contribute money to Judge Michael Fields' golf tournaments.

If attorneys fear retribution in the courtroom from the judges, is it unreasonable for me to say that I should be concerned about the same? I filed a declaration in the case of Forte vs. O'Farrell that has at least six judges under a "fox guarding the chicken coop" investigation.

Your intentionally not interceding with a request for an investigation, as required by your judicial canons to do so, gave The Monterey County Good ol' Boys the green light to do more heinous things to me. AG Lockyer, without having legal standing to do so and without any provocation (except that I was exposing the corruption of his client Judge Robert O'Farrell), filed a vindictive, slanderous, *purported motion* to declare me a vexatious litigant. It was flat out denied by Retired Judge John Golden. Judge Golden himself called and labeled it a "purported" motion. It was an assault, and clearly an abuse of process which can not be afforded any litigation immunity. Judge Golden then disqualified himself without explanation as required when he was requested to report the evidence of corruption by AG Lockyer and minions.

When I informed Judge Duncan that Lichtenegger had intentionally slammed a metal door into my back shortly after my open-heart surgery knocking me to the ground when my wife was serving him court documents, I asked Judge Duncan to caution Mr. Lichtenegger through his counsel, Mr. Gerard Rose, about such conduct. Judge Duncan just laughed and told me "perhaps I should not go near Mr. Lichtenegger."

Mr. Rose was present at the hearing, and Judge Duncan only smiled and then winked at Mr. Rose. A reasonable person knowing these facts that are in the court record, and which I have the transcripts of, would well understand why I now have a very low tolerance to any more of this judicial bashing free-for-all being done to me under the color of law and being sanctioned by your inactions.

Therefore, I request that you present this letter, as my most respectful request possible, to Justice Elia not to attempt to bully me, or yell at me, as if I was some type of a dog to be whipped into submission. I will be keeping a prudent eye on Justice Elia during my next presentation, and if such is done, I will respectfully request that I be permitted to make a full record of any injudicious conduct on record and in detail on the spot.

It is clear that Justice Elia partook in such injudicious conduct because he did not want to have on record that you and the other justices have been ignoring the rampant public official/judicial corruption I have been battling in Monterey County.

I intend to continue to accord all of the Justices of the Sixth Appellate Court the respect they deserve, and accordingly to the same level of respect that is given me. Make no mistake about this, the appeals that are now going to be coming forward concerning Judge Cooper rendering rulings when there was a pending Challenge for Cause against him, of Judge O'Farrell being the judge of his own case with the blessing of his attorney, Attorney General Bill Lockyer, of Judge Adrienne Grover rendering rulings in a case while she and the entire Monterey Court Bench was disqualified unbeknownst to me, and Monterey County Counsel McKee obtaining an ex parte Temporary Restraining Order because I was requesting Monterey County Sheriff Kanalakis to effectuate a lawful citizen's arrest on my behalf, are going to focus more and more on the rampant public official/judicial corruption. There is no way one can talk about the legalities of law when one is dealing with a lawless court. [SEE COMMENTS IN FIG.32]

I stand before you not only as an appellant, but also as a publisher of a newspaper, The Badger Flats Gazette, seeking the truth and an answer to a reasonable question. What is the Sixth Appellate Court going to do about the judicial/public official corruption in Monterey County that I have encountered and that you have been made aware of?

Are you going to take notice of the message, or continue to try and shoot the messenger to silence him?

Respectfully submitted,

Gene Forte

Note: I am providing a copy of this letter to all attorneys for the parties in the cases which will be coming up before the Appellate Court as a professional courtesy and to avoid the appearance of any ex parte communications with the Sixth Appellate Court..

Fig. 32—Letter from Gene to Sixth Appellate Court asking them to address corruption. There is no doubt in my mind that the Sixth Appellate Justices are getting very concerned. The paragraph that outlines upcoming appeal issues, such as Judge O'Farrell being the judge in his own case, etc., can all be proven.. In part, it is what my Federal Complaint is based upon. I won the appeal, even after I wrote this letter, but they did not address the corruption. I am not getting fairness. I'm getting the "under the color of law" run around. I am doing what attorneys should do, but do not, in protecting our rights.

(COLOR OF LAW from page 19)



how much I request that they do. (See Fig. 32, page 19-20).

Some may very incorrectly assume that since I won the appeals that I wrote without an attorney, I am receiving justice. Nothing could be farther from the real truth. The winning of the appeals proves that I have not been receiving justice in the lower court. I assert that the Appellate court justices know darn well the reason why.

The appellate court sits on their hands while I throw the evidence of corruption in their faces — never commenting or doing anything about it. They then send me back to the court they know from reliable evidence presented is nothing more than a kangaroo court at best.

Generally, the appeals that I have done myself would cost a citizen upwards of \$35,000 each to have an attorney do for them. It takes me more time than it would an attorney. I have to be methodical in making sure that every door that the Appellate court could use as an out to justify the ruling of the lower court is nailed shut.

I make it so there is no plausible denial if they make a wrong ruling to support the ridiculously bad rulings of the lower court. However, I am not able to recoup any money for my time spent away from my business to support my family. I can only get my costs back.

Normally, costs are only the filing fee of \$655.00 and a few dollars for copying.

So what have I won? Only the chance to go back to the snake pit again to be beat over the head by crooked self interested judges making more bad rulings. As an example, after winning the appeal against my attorney for legal malpractice, it was sent back to the lower court. My ex-attorney Lichtenegger, the defendant who I was suing, then made what is called a summary judgment motion to have the case dismissed again.

I then defeated that motion after several months. Lichtenegger is now making what he calls a second "renewed" summary judgment motion without any new evidence (which is required). I'll tell you, even though I am not an attorney, what he is doing is horse poop and the judges all know it. But it buys all of them time and attempts to crush my spirit.

I tell the Sixth Appellate Court Justices in my appeals that if they rule against me based upon what I have presented is the law, it will self-incriminate them with the lower court. In future editions, I will discuss specifically some of my arguments.



NOT ABE LINCOLN

Am I some sort of a country boy legal genius akin to Abe Lincoln, or our founding fathers, that is able to correct the rulings of what are *suppose to be honest competent* judges? As flattering as that may be, I say I am not.

But, if my adversaries and the judges want to use that as a defense to cover their tracks of intentionally bad rulings to fix cases against me, well, okay, I'll go along with it.

Then I immediately say, okay, then if I'm so smart, somebody should take seriously my non legal legal opinion that the judges whose rulings I am overturning are a bunch of

(COLOR OF LAW see page 22)

(TWO POSTS, from page 17)



Note To Jerry: You need to work on addressing publicly the matter in your own backyard in Dos Palos. High grades in Risk Avoidance, Artful Dodger Skills, and Passing the Buck are not good. *It just denotes how good you are at bad traits.* You can do much better, Jerry.

DISTRICT ATTORNEY LARRY MORSE

Preface

If any Badger readers think I take pleasure in putting on the spot what in other situations may be good men or women who may have consciously made a serious error in judgment, or committed an act of indiscretion, you have me all wrong.

Honestly, I have a great deal of compassion for even the Monterey Good ol' Boys, though I believe some of them would have thrown a party had I died during my heart attack in the courtroom a couple of years ago.

I cannot let their callousness, bitterness, or hatred of me for attempting to have them held accountable poison me.

What really drives me to do the unpleasant is what I consider my obligation to my children and my children's children so they can have a truly fair justice system. Not just the *appearance* of a fair one.

Also, I feel grateful that I have been given a combination of skills that enable me to possibly help right a wrong for those that may have suffered at the hands of individuals that thought they were above our laws.

It is for such reasons that I do not turn away from bringing to light matters for others to make the final decision of judgment.

WANT TO WOBBLE?



Now, if some of you Badgers out there thought the above caption was referring to a variation of the Watusi, and The Badger was asking District Attorney Larry Morse to Wobble, you're way wrong!

Well, maybe you're half right, depending how you look at it after you read the summary of our conversation. (Note: For you dance buffs out there, you are correct in that what we call the Watusi is also known as **The Wabble** and **Waddle**. But, it is still not what DA Morse and I were doing.)

Please excuse The Badger for some tongue and cheek humor to break the ice as The Badger nervously embarks on a very, very serious subject, the future career of DA Larry Morse and Officer Hector Soria.

With that said, the recap of the conversation between The Badger and DA Morse is not verbatim, or necessarily sequentially correct of the interview with District Attorney Larry Morse on November 13th, 2006.

The Badger does submit that its content reflects accurately the tone and substance of the conversation, and DA Morse's explanation of a "Wobbler" and how
(TWO POSTS, see bottom right on page 22)

PHONE CONVERSATION WITH DISTRICT ATTORNEY LARRY MORSE



The Badger: Hello, Gene Forte.

DA Morse: Mr. Forte, DA Larry Morse returning your call.

The Badger: Just call me Gene, Larry. Now, did Jerry (Supervisor O'Banion) tell you to be nice to me? I hope he did! I told him to. (Laughs)

DA Morse: (Laughs) Yeah! I'm nice to everybody.

The Badger: Well, first of all thanks for getting back to me so quick. I have no doubt you know why I am calling you. Did you read a copy of my paper, The Badger Flats Gazette?

DA Morse: Yeah, I think I saw some of it.

The Badger: Let me tell you, I've heard some good things about you from some people I know, and I hate to put you on the spot, but there are some questions, and some things I see that just don't make sense. They concern me.

Now, I don't know what you have heard about me, if anything, but I have been dealing head on with what I call some Good ol Boys over in Monterey County for the last five years who are just about at the end of their rope.

I don't want you to think I am out to get you, but I don't mince my words much.

DA Morse: Look in my position, if I got worked up, every time somebody said something about me I didn't like, I'd be worked up all the time.

The Badger: Yeah, I guess that's why I can't be in public office. I'd be getting ticked every time somebody said something I didn't appreciate.

Look, Larry, why didn't you prosecute Soria for a felony? According to the notes of Fonseca, you told him that you knew Soria had lied, lied, and then admitted he lied.

Let's see, you also said if Soria didn't resign, he would be criminally charged and he will be convicted.

Seems pretty clear from what Fonseca says you told him.

DA Morse: Well, what Soria did with Humphrey, is what we call a Wobbler. Which means that the charges against Soria and Humphrey could either be brought as a felony or a misdemeanor. A Wobbler means the case against them can be brought as a misdemeanor, or a felony.....either way depending upon the surrounding circumstances.

In this case, Soria and Humphrey, took the guy out of the city limits and dropped him off at the Chic's Market. When the Merced County Sheriff's booked him, he was extremely drunk, he made a mess all over himself.

The person that now is going to be the witness against Soria and Humphrey is not going to remember necessarily or clearly anything that Soria and Humphrey did to him.

So, it becomes a judgment call on my part as to if there are what would be called aggravating circumstances attached to the false imprisonment.

So based upon the Wobbler concept, I felt that it was be pretty futile in bringing a felony charge.

The Badger: Well, thanks for that, but I don't want to get the issues confused about what you are talking about, and what I am talking about, which is evidenced by the notes of Fonseca of your conversation with him.

I understand from your explanation as to what a Wobbler is, and how it applies to your decision in not prosecuting the charges of false imprisonment, with no aggravating circumstances, and no credible witness, as a misdemeanor.

But, from the notes of Fonseca, that is not the crime committed by Soria that you knew he had committed and that you believed you could get a conviction upon.

The notes say, "If Officer Soria chooses not to resign then he will be criminally charged with a felony and he will be convicted."

Did you tell Fonseca that or words to that effect?

DA Morse: Well, I don't know exactly how that might have come up, but like I said, because there were no aggravating circumstances, it was basically a judgment call on my part, because of it being a Wobbler, it could go either way, as a misdemeanor or felony.

You know, the only contention I have with you, if you want to call it that, I mean, you certainly can do what you want...but before I was a DA, I was a newspaper reporter, and I always tried to talk to the people I was doing a story about before I did it.

The Badger: Sure, I understand, and I actually did give you a call and left a message for you before I completed the article. For one reason or another, I didn't get a call back.

(MORSE PHONE CONVERSATION on page 22)

Fig. 28—Conversation between The Badger and DA Morse (not verbatim) on November 13, 2006

(MORSE PHONE CONVERSATION from page 21)



DA Morse: I didn't get the message, or I would have called you.

The Badger: I have no doubt that you would have, you were responsive this morning. I will make sure to tell my readers about it. I honestly don't think you would have avoided me.

I got to tell you Larry, you sound like a nice fella and I really don't take pleasure in going through this stuff.

DA Morse: Hey, it comes with the territory. You're just doing your job.

The Badger: You know, if the public officials in Monterey would have been as responsive as you have been so far, they wouldn't have gotten themselves into the mess they are now.

It started out with one stupid crime of some attorneys fixing a real estate case that has turned into a big mess by people trying to cover it up.

Attorney General Bill Lockyer and I are toe-to-toe on this, and I got to tell you it's not looking good for him.

But, that's another story.

But, it also reminds me, changing the subject from Dos Palos for the moment...

Are you going to be the one investigating the deal about ex-DA Gordon Spencer, Sheriff Pazin, and Greg Hostetler, et al., concerning Richard Byrd and that land deal, or is Attorney General Bill Lockyer?

[NOTE 1: The Badger is going to exclude interview content specific to Spencer, Pazin, Hostetler, etc., for inclusion in a future report in progress called: The Simon Lagree Gang of Merced County or Nothing Wrong Here?]

NOTE 2: The Badger is also going to include additional excluded information in a second report in progress: "AG FOXyer Guarding the Chicken Coop."]

DA Morse: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

The Badger: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

DA Morse: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

The Badger: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, if it's not, I think that the public would think it should be!
(Laughs)

But, getting back to the Dos Palos matter, so I am making myself clear.

There are two very distinct and separate matters. One for what you are prosecuting Soria and Humphrey for concerning the false imprisonment, which is a misdemeanor, which could wobble as you say if there were aggravating circumstances to a felony.....

.....and the other is a completely different matter specific to Soria telling lies, perjury, during an official law enforcement investigation which would be a felony.

Are you saying that a crime of perjury which is a felony, can wobble down to a misdemeanor?

DA Morse: Well, I don't know how those statements were made, the investigation was done by the Sheriff's Department.

The Badger: But, according to Fonseca's notes, lets see..... "I (DA Morse) have personally read the report. Officer Soria, lied, lied, lied, and then admitted that he lied. All of this can be discovered."

Did you tell that to Fonseca?

DA Morse: Hmm. I....I don't know if those were my exact words.

The Badger: But if Soria did do that, and you knew that he did that....I mean that is a pretty serious matter. Perjury is perjury and an officer lying, or anyone lying during an investigation to a government agency such as the Sheriff, well, as I understand, is a felony.

DA Morse: Well, I don't know how accurate Fonseca's notes are....

The Badger: Okay, excuse me...I didn't mean to interrupt....but let me ask you about something else contained in the notes.....

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

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

(MORSE PHONE CONVERSATION see page 23)

Fig. 28—Conversation with DA Morse (not verbatim) on November 13, 2006, continued from page 19

(COLOR OF LAW, from page 20)



treasonous, crooked scoundrels. I mean, based upon my record, I should know, right?

No, I'm not Chicken Little, or a Boy Crying Wolf. I have the evidence to indict some very big Good ol' Boys. Like I said, I have the legal wins to validate that I should be taken seriously. The problem for the system in California, right now, is that the indictment of the officials and the evidence I have would crush the public's faith in the judiciary.

In actuality, it is a good thing for us citizens, and a bad thing for the Good ol' Boys who say it is better to leave their dirty laundry in the closet for us not to see.

The record of my success is the "proof in the pudding" so to speak. See Fig. 35—38 page 28. I have caught the Good ol' Boys and all of their minions with their pants down. I, like Toto, have drawn the curtains open on the Wizard, and the Wizard doesn't like it.

There is a ruse being played upon myself and every other living American that believes he can get justice in our system today. The ruse will continue to be played upon your children and grandchildren if not stopped.

It's not whether I'm right or wrong concerning my particular case of legal malpractice against attorneys. It is the fact that no public official or judicial officer has yet had the guts enough to call for a legitimate investigation of my information.

Even though the TRAC Records (see Fig. 30 on page 18) show the number of cases brought for prosecution of acts by government officials violating a citizen's rights under the color of law indicates that I have a snow balls chance of hell of getting justice, I will continue. I owe it to myself, my children and my country.

END OF STORY

(TWO POSTS, from page 21)



he states it applies. See Fig. 28 on page 21.

CONVERSATION WITH DARRELL FONSECA

The Badger felt compelled, after speaking with DA Morse, to give a call to ex-City Manager Darrell Fonseca to make sure there was no question as to what The Badger had been told about the typewritten notes of Fonseca's conversation with DA Morse. See Fig. 29 on page 24.

NOTE: The Badger knows that two other articles were authored by the Merced Sun-Star on November 18th, 2006. They were, "New Dos Palos mayor vows to 'right the wrongs' of City Council" and "Interim Dos Palos city manager says chief was fired," after the above conversation with Fonseca on November 13th, 2006. Neither of the articles made any reference to DA Morse and the Fonseca notes.

WAS A FELONY CONCEALED?

Many of you know that in the last edition, based upon the typewritten notes of Dos Palos Manager Darrell Fonseca, of his conversation with District Attorney Larry

(TWO POSTS, see page 23)

(TWO POSTS, from page 22)

Morse, I asserted that in my opinion that DA Morse could, and should, minimally be investigated for what is called a Misprision of a Felony.

I want to make this again abundantly clear, that I am not a lawyer. I am not rendering any legal opinions. It is not my place, or yours, to be the judge, juror, and executioner, so to speak, of DA Morse or of Officer Soria.

I feel equally as strong that public officials cannot be trusted to conduct investigations of each other. Nor should public officials pick the independent investigators that are going to investigate them. Each time it is done, we citizens, we Americans, walk away having less faith in our justice system.

At the time I wrote my last article on DA Morse, I had not yet spoken to DA Morse. A message had been left for him, but for one reason or another, it had not been returned. I put no blame on DA Morse, and quite frankly, I could have left it at the wrong office of the District Attorney. It makes absolutely no difference, either way. I would not have changed my opinion based upon what was evidenced in the typed notes of Fonseca. (See Fig. 33, bottom right on page 25).

In simplest terms, I am asserting that when DA Morse informed Darrell Fonseca that DA Morse, in no uncertain terms, knew that Officer Hector Soria had committed perjury, and that DA Morse knew he could get a conviction upon such felony offense, then DA Morse had no choice but to pursue the indictment of Soria for felony perjury.

When DA Morse opted, instead, to allow Soria to resign, DA Morse and those working upon the case in the District Attorney's Office technically committed what is called a Misprision of a Felony. The legal definition is below in Fig. 34. It is not a complicated concept.

It simply means that when a *person in the position of authority*, knows that a felony has been committed he/she must take action to prosecute it, as what I submit the case is concerning DA Morse, or bring it to the attention of someone that can. Again, even though this concept of our laws applies to all, *it especially applies to our public officials*. When this simple law is not enforced, public officials are able to let each other off the hook, and conspire to commit crimes.

We as citizens are helpless.

You will see that I have included the legal definition of Misprision of a Felony.

USC TITLE 18 §§ 4. Misprision of felony

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

¹**cognizable**

1. able to be known: able to be known or perceived by the human mind (formal)

2. law within law court's jurisdiction: falling within the jurisdiction of a particular court of law and therefore able to be tried by that court

Fig. 34—Definition of Misprision from United States Code

(MORSE PHONE CONVERSATION from page 22)



It appears that you were saying that you were going to go in behind closed doors with the City Council, can you do that?

DA Morse: I didn't say that. No, I don't recall saying that, or anything like that. The matter with Soria was a criminal matter and the City Council wouldn't have anything to do with it.

The Badger: Are you saying that Fonseca lied about that....because, that was one of the things that I made sure that Fonseca said he had no doubt about you told him.

DA Morse: Well, I don't know how Fonseca made the notes.

The Badger: Well, look Larry, we have been on the phone for some time and I really appreciate your speaking to me, and again some of the questions I needed to ask, well, you know, I just don't know if I am cut out for this type of a deal.

DA Morse: Like I said, I used to be a reporter and I know what it is like, but you got to do what the job requires.

The Badger: Where were you a reporter?

DA Morse: I was a reporter for seven years out in Arkansas, and I know that not everybody is happy with the stuff that gets written about them at times.

The Badger: Well, I didn't record our conversation, I just took notes the best I could. I will try to accurately reflect what we talked about.

DA Morse: Sure. Understood. Like I said, I try not to sweat about what is said about me, and take it in stride. I have no hesitation of picking up the phone and getting vociferous if necessary and if I need to.

The Badger: Again, thank you for all the time, and your explaining to me what a wobbler is.

I mean, I'd hate to have to come out and put you under citizen's arrest. (Laughs)

DA Morse: (Laughs) Well, that's certainly appreciated.

The Badger: Now, I'll let you get back to your job...so you can go out there and catch some bad guys.

DA Morse: Thanks, Gene!


GO BACK TO PAGE 22, "TWO POSTS" 

Fig. 28—Conversation with DA Morse (not verbatim) on November 13, 2006, continued from page 20

Please read it and keep it in mind as you read the typewritten notes of Fonseca of his conversation with DA Morse.

CONCLUSION...FOR NOW



The Badger looked up what a "wobbler" was, as explained to me by DA Morse, on a pricey well known legal research site, West Law, commonly used by attorneys. It is not one of those, free, shoot from the hip deals.

A "wobbler" is a statute (a law passed by Congress or state legislature) that allows a JUDGE at the time of sentencing of a person to decide the person should be classified as a felony or a misdemeanor.

As The Badger understands it, this "wobbler" term came into existence due to what is called the "Three Strikes Law" so that when a person that may have been charged

with a violation that could be either a misdemeanor or a felony, the sentencing judge could find the person guilty of a lesser offense and avoid being sent to jail for the rest of his miserable life ("miserable" is The Badger's own personal opinion).

To the Badger's understanding, the catch is that not all violations of law can be "wobbled." In other words, **perjury is a felony**, and in no circumstances found yet by The Badger, is perjury considered a misdemeanor. (See Fig. 48 below.) The Badger also checked with two criminal attorneys who said the same thing. Perjury is a felony, not a misdemeanor, and cannot be wobbled down. As you may recall, this is what got an awful lot of people ticked off (**TWO POSTS**, see page 26)

Perjury: CALIFORNIA CODES SECTION 118-131

118. (a) Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of Perjury.

126. Perjury is punishable by imprisonment in the state prison for two, three or four years.

Fig. 48—The law defining perjury.

**CONVERSATION WITH EX-DOS PALOS CITY MANAGER,
DARRELL FONSECA**



The Badger: Darrell, this is Gene Forte calling. How have you been?

Fonseca: Hi, Gene. Fine, busy. What's going on?

The Badger: Well, I just had a phone conversation with DA Larry Morse, and I also spoke with Supervisor O'Banion.

Fonseca: Really. Did they call you, or did you call them?

The Badger: Actually, they both returned my calls. The reason why I wanted to speak with you is because I went through the typewritten notes you said you had taken of your conversation with DA Morse, and even though I know I have already asked you this two or three times, I just wanted to ask you once more.

How accurate are your notes?

Fonseca: I think very accurate. I made them shortly after he and I got off the phone.

The Badger: Are you sure that DA Morse told you that "If Officer Soria chooses not to resign, then he will be criminally charged with a felony and he will be convicted?"

Fonseca: Absolutely, that is what he told me.

The Badger: Did DA Morse tell you, "If you don't accept the city attorney's or city manager's report of my statement, I'll (DA Morse) come in and explain this in closed session?"

Fonseca: Yes, that is what he told me.

The Badger: You're positive?

Fonseca: Yes, because when DA Morse told me that he was going to be talking to us about basically a criminal matter about Soria, well, it just sounded kind of weird. It seems that he was wanting Soria to resign just so all of this would go away.

Why?

The Badger: Well, DA Morse says that he didn't say anything like that, but I got to tell you, I had a suspicion from the tone of his voice, and the way he said it, that well, it just didn't ring true.

So, Darrell, you're standing behind your typewritten notes?

Fonseca: Absolutely, I will affirm everything in the notes that you showed me. I still don't know how you got them.

The last time I had saw those notes was when I left them on the table with the City Council at that closed session.

I don't suppose you're willing to share with me where you got them from? (Laughs).

The Badger: (Laughs) Not likely, Darrell, not likely.

I do want to ask you some additional questions.

Fonseca: Sure.

The Badger: Has anyone from the Merced Sun-Star contacted you and asked you about your notes, or the conversation you had with DA Morse?

Fonseca: No, I haven't heard from anyone, well, I think maybe I spoke to someone right after the elections, but not about anything having to do with DA Morse, it was just about was I glad that some people had been voted out, or something like that, but I didn't see any of that in print.

The Badger: So, you haven't heard from a Victor Patton, one of their reporters that was doing the stories on the Dos Palos matter?

Fonseca: No, I met him once or twice at a council meeting when all of this stuff was going on, but other than that, no.

The Badger: Well, the reason why I ask is that I had emailed Patton a copy of The Badger directly to him, which of course contained your typewritten notes, and I brought his attention to the matter concerning what I considered a serious matter about DA Morse covering up the felony. (See Fig. 41, top left on page 25). I get an email back from him saying that he is going to discuss it with his editor that day. (See Fig. 42 on page 25).

I then sent him another email when I don't hear anything back asking if he spoke to his editor, and again I don't hear

anything back. (See Fig. 43 on page 25).

I then give him a deadline to respond to, and I then get an email from Mike Fitzgerald, the editor of the Merced Sun-Star, telling me to direct any future correspondence to him. (See Fig. 44 on page 25).

I shoot an email directly back to Fitzgerald saying fine, now would you answer the questions in the email sent to Patton. Again, as of today, I have not heard anything back. (See Fig. 45 on page 25).

Fonseca: So, basically, it looks like they don't want to know anything about this?

The Badger: Apparently not. But, what really irks me is that who they really don't want to know about this is the public.

The only thing I have seen since I provided the Merced Sun Star with the information and the deadline of November 9th, 2006, was basically a re-hash of the two officers being brought up on misdemeanor charges.

I mean they first ran the story about that a couple of days after I had told Mayor Amabile and a couple of others about the pressure I was putting on AG Lockyer, sometime around the end of September.

It certainly isn't fooling me.

I believe that since I am putting the pressure upon about addressing DA Morse not prosecuting the felony of perjury that he told you about, the Merced Sun Star wants to make it seem like they are talking about what I am talking about...and they are not.

Fonseca: You know, I was wondering myself why that was a front page story, I saw it too.

The Badger: Well, Darrell, there are an awful lot of things going on that is being caused by the evidence I have on AG Lockyer and the boys. The matter of Gordon Spencer getting partially toasted to date was also in reaction to the pressure I am exerting on Lockyer.

The Merced Sun-Star being given a reward for supposedly bringing the matter to light is nothing more than window dressing. When people see the emails I have between myself and Chris Collins before all of the stuff about Gordon Spencer hit the fan, and before AG Lockyer started to come down on him, they are going to be wondering what the heck is going on.

Before I go, a couple of quick questions.

I heard that Johnny Mays would like to see you come back as City Manager, have you heard anything about that?

Fonseca: Yeah, Johnny has been pretty vocal about that, but I also understand that Michael Burns, the new mayor-elect, and Jim Kelley, the other new city councilman, have made similar comments.

The Badger: Great, well, Darrell, I got to get back to finishing The Badger, it is going to be pretty big this time.

Hey, how do you think The Badger is being received by folks over there in Dos Palos, do you think it had any effect on the elections?

Fonseca: I think that your paper had a big effect on the outcome of the elections, and I have heard nothing but positive comments from everyone I have spoken to.

It's funny, the TV stations and other media that were around when the stuff was going on waiting for the outcome of the elections went silent when the election happened. I am not even sure any of them reported on it after the fact.

The Badger: Well, there you go. Look Darrell, thanks again.

(END OF CONVERSATION)

GO BACK TO PAGE 22, "CONVERSATION WITH DARRELL FONSECA"



Fig. 29—Conversation with ex-Dos Palos City Manager Darrell Fonseca on November 13, 2006 (Not verbatim, but accurate)

Subject: DA Morse Committing Misprision of a Felony by Concealing Felony of DP Police Off
From: [Gene Forte <geneforte@sbcglobal.net>](mailto:geneforte@sbcglobal.net)
Reply-To: geneforte@sbcglobal.net
Date: 11/2/2006 4:52 AM
To: VPATTON@MERCEDSUN-STAR.COM, [Gene Lieb](mailto:Gene.Lieb), hvanderveen@mercedsun-star.com

November 2nd, 2006
 'Chief Ponders Deal or No Deal'



Mr. Patton:

You will find attached the copy of the Badger Flats Gazette which was provided to your publisher Mr. Hank Vander Veen and Mr. Gene Lieb, publisher of the Los Banos Enterprise last week. Did Mr. Vander Veen or Mr. Lieb, present you a copy of such since you are the reporter now covering the Dos Palos story to investigate?

Did you read it?

Do you think the public should know, or would be interested in knowing, that DA Morse did not prosecute a DP Officer that he knew he could convict for committing a felony that was directly connected to Mayor Montejano warning Fonseca he would be terminated if the officer was terminated?

Please respond to this email and my questions.
 Thank you.

Gene Forte
 209_829_1116

Fig. 41—Email to Victor Patton of the Merced Sun-Star on 11-02-06

Subject: RE: DA Morse Committing Misprision of a Felony by Concealing Fel
From: [Victor Patton <vpattton@mercedsun-star.com>](mailto:vpattton@mercedsun-star.com)
Date: 11/2/2006 9:28 AM
To: ['geneforte@sbcglobal.net'](mailto:geneforte@sbcglobal.net)

Thanks for the attachment and the info. I will be sure to discuss it with my editor today.....VP



Fig. 42—Email from Victor Patton on 11-02-06

Subject: Misprision of a Felony by DA Morse & Dos Palos
From: [Gene Forte <geneforte@sbcglobal.net>](mailto:geneforte@sbcglobal.net)
Reply-To: geneforte@sbcglobal.net
Date: 11/8/2006 8:18 AM
To: VPATTON@MERCEDSUN-STAR.COM
Cc: [Gene Lieb](mailto:Gene.Lieb), [Hank Vander Veen](mailto:Hank.Vander.Veen)

November 8th, 2006
 Mr. Patton:



You have not responded to my emails since you informed me on November 2nd, 2006, you were going to discuss with your editor "that day" the matter of DA Larry Morse deciding that he was going to allow a Dos Palos police officer that "he knew he could convict of a felony" to resign and thereby continue in law enforcement.

You have written, by my count, three additional articles about the matter in Dos Palos since receiving the information. You have not mentioned a thing about it to the public.

If I do not have a response from you today by 4:00PM, informing me specifically why your paper has not informed the public of the reliable information provided you (which can be easily verified by your speaking with Daryl Fonseca to confirm that the document in the Badger is in fact a copy of the document he typed of his conversation with Morse, and it accurately reflects what DA Morse told him), I will take that as positive affirmation that the Merced Sun-Star has made the conscious decision to keep such information from the public so DA Morse does not come under scrutiny and is held accountable for covering up a felony by a police officer.

It appears that if DA Morse did willfully conceal such convictable felony of a law enforcement officer that any investigations by Morse of ex-DA Gordon Spencer, or Sheriff Pazin, or any other public officials, would be worth about as much as the price for a copy of your daily newspaper.

I personally submit that since it appears that McClatchy Newspapers willfully does not report to the public reliable evidence of public officials giving other local public officials get out of jail free cards, your paper is worth less than the cost of the paper it is printed upon.

You have until 4:00PM today to respond. Thank you.

Gene Forte, Badger Flats Gazette

Fig. 43— 2nd email to Victor Patton on 11-08-06

Subject: FW: Misprision of a Felony by DA Morse & Dos Palos
From: [Mike Fitzgerald <mfitzgerald@mercedsun-star.com>](mailto:mfitzgerald@mercedsun-star.com)
Date: 11/8/2006 11:12 AM
To: ['geneforte@sbcglobal.net'](mailto:geneforte@sbcglobal.net)
Cc: [Joseph Kieta <jkieta@MercedSun-Star.com>](mailto:jkietta@MercedSun-Star.com)

Hi Gene: Please direct any further and pertinent correspondence to me, not our reporters.
 Thanks!



Mike Fitzgerald
 City Editor

Fig. 44—Email from the City Editor of the Merced Sun-Star, Mike Fitzgerald on 11-8-06 after email sent in Fig. 43

Subject: Re: FW: Misprision of a Felony by DA Morse & Dos Palos
From: [Gene Forte <geneforte@sbcglobal.net>](mailto:geneforte@sbcglobal.net)
Reply-To: geneforte@sbcglobal.net
Date: 11/8/2006 11:26 AM
To: [Mike Fitzgerald](mailto:Mike.Fitzgerald)
Cc: [Victor Patton](mailto:Victor.Patton), [Gene Lieb](mailto:Gene.Lieb), [Hank Vander Veen](mailto:Hank.Vander.Veen)

Hi Mike:



Sure! Victor did not tell me to do so.

But, be that as it may, please respond to the email and the questions posed to Victor Patton and you by the end of today.

Thanks!
 Gene

Fig. 45— Email sent to Fitzgerald in response to his email in Fig. 44

08-16-06 (FONSECA'S NOTES)

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

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

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

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

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

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

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

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

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

Fig. 33— Notes by Fonseca of his conversation with DA Morse. DA Morse has confirmed since the printing of these notes in the October 24, 2006 issue of the Badger Flats Gazette that "Tweedledee" is Officer Soria and "Tweedledum" is Officer Humphrey.

(TWO POSTS, from page 23)



at ex-President Bill Clinton committing perjury during his deposition.

Many didn't care about the sex in the oval office as much as they cared about President Clinton lying about it while under oath.

WHY PERJURY IS SUCH A SERIOUS CRIME

Without truthful testimony, the justice system will not work, and like Tony Baretta might say, and "that's the name of that tune!" Period. Not a hard thing to understand. Right?

The key component which supposedly makes our laws work is that when people give testimony in court, it must be truthful and reliable. If not, then it comes to who can lie the best and not get caught. If there is no severe punishment for perjury, then individuals can think, "Heck, what do I have to lose except a slap on the wrist" versus "what do I have to gain" like getting away with murder. Without truth and the severe penalty for not telling the truth, the justice system goes out the window.

From The Badger's research, police officers lying during an investigation is a huge no-no, and certainly is perjury to the max. Take for instance, if a police officer wanted to kill someone he may have caught sleeping with his wife. He sees the guy in a dark alley, shoots him, plants a gun on him, and then files a police report saying the guy drew a gun on him, and he shot the guy in self defense. Such report is done basically under the terms of penalty of perjury, But it is all lies.

Do you think the punishment for getting caught lying about that would be a misdemeanor? I personally think not.

You will see the insert of a portion of the "Rampart Scandal" in Los Angeles in Fig. 2 on page 3. In summary, the largest police force in the world, the LAPD, was put under Federal consent decree due to massive corruption. It was caused by officers lying about their drug deals, frames, etc..

PROTECTING OUR GOOD POLICE OFFICERS



We as citizens owe it to our police officers not to let DA Morse go soft on ones that have been caught doing something that would embarrass all good officers. The Badger feels strongly about this. Police officers risk their lives for us everyday, and they deserve our protection in return.

Let me get off of my soapbox and get back to our own little Merced County, Dos Palos, and DA Morse.

DA Morse, during my conversation with him, certainly seemed like a nice man and very well probably is, however, and again this is a big however, I just don't think he was being honest with me, and I'm going to tell you why.

One, even though I am not an attorney, and it is only my opinion, I just don't think the perjury that DA Morse said he knew that Soria had committed could be charged as a misdemeanor.

How do I know that? Well, first, I know based upon the opinion of an attorney who should know, DA Morse, and what DA

Morse told Fonseca. I quote, "he (Soria)" will be criminally charged with a felony and he will be convicted."

Now of course, Fonseca could be lying about it. But I don't think so. What did or does Fonseca have to gain? When The Badger first discussed the typewritten notes with Fonseca, he genuinely appeared to be surprised, shocked would be a better word, that the Badger had them.

In honesty, The Badger does not think Fonseca knew the gravity of the statements that DA Morse had made to him which I believe has put DA Morse in a very, very bad position at this time.

Further, DA Morse did not deny saying that he told Fonseca such. What DA Morse attempted to do with me was to keep referring back to the false imprisonment charge, which could be a wobbler, because it could be either a misdemeanor or a felony, determined by the sentencing judge or DA Morse in bringing the initial indictment.

The misdemeanor could be changed into a felony if, during the trial, it was discovered, let's say, that the officer beat the guy with a night stick, tied a rope around him, and drug him behind the squad car at 30 miles an hour before they dumped him off out at Chic's Market. Of course, I am not saying they did that, I'm just making the point. Get it?

APPLES & ORANGES



Refer to the pseudo transcript of my conversation with DA Morse where I keep saying I am not talking about the false imprisonment. (See Fig. 28 page 22).

I kept on saying, I am talking about the perjury (felony, apples). DA Morse wanted to talk about the false imprisonment (misdemeanor, oranges) without identifying the switch. In my opinion, I assert that DA Morse knows that he has made a seriously bad decision that would have remained unknown to anyone if the notes of Fonseca hadn't turned up and were released by The Badger.

Why did DA Morse do it? Well, I personally think that he tipped his hand somewhat when he tried to say he didn't know exactly how the statements were taken from Soria and Humphrey, it was done by the Merced County Sheriff's Department (Mark Pazin).

What I think that DA Morse was trying to allude to, but backed away very quickly from, was that maybe Soria and Humphrey did not make the statements under penalty of perjury. Even though again, I am not an attorney, I submit that it doesn't make a difference, and I am just about 99.9999% positive that the laws will back me up on that.

Soria and Humphrey knew they were being questioned concerning a matter that could lead to criminal indictments, and they were being questioned by law enforcement agencies. It's not like it was no big deal.

POINTS TO PONDER



I am going to move to some final points, even though there are many areas that gave me concern that DA Morse may not have been forthright with me. One, it was DA Morse's emphatic denial of telling Fonseca he would come in and meet with the Mayor and City Council behind closed doors.

There was too much of what I would call a build up, according to the notes of Fonseca, of DA Morse reaching the final ultimatum, i.e., "If the council wants to be responsible for crimes not being prosecuted because of Officer Soria's lack of credibility, then we'll have to look at their role. We sure don't want to look at obstruction."

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

The Badger doesn't have as an option to consider that possibly Fonseca misunderstood what DA Morse told him. The reason being, is that DA Morse flat out said he didn't say anything like that (concerning coming in and meeting with the City Council). When taking such into consideration, it means that either Fonseca or DA Morse are not being truthful.

In this case, The Badger, in its opinion, believes that Fonseca's notes are accurate and DA Morse is being less than truthful.

Why? Well, The Badger believes from his conversation with DA Morse that DA Morse is a very articulate gentleman. DA Morse is also an attorney and knows how to get his points across clearly. The Badger also believes that Fonseca, as an ex-city Manager, is very good at taking notes and listening.

It just doesn't make sense that there would be such a major disconnect about what Fonseca said his notes say was told to him and what DA Morse said he didn't say.

The Badger just doesn't think that the call itself should have ever taken place in the first place, nor the attempt of DA Morse to seemingly muscle a resignation by putting pressure on the City Council in order to avoid having to press felony perjury charges that DA Morse would be required to bring.

Therefore, since the conversation should not have taken place in the first place, and DA Morse did not deny that the conversation did take place, but in fact affirmed that it did.....

Well, regretfully, District Attorney Morse should have a lot more explaining to do and not to those such as AG Lockyer or his office that would love to cover this whole matter up. The Badger believes that there should be an independent investigator assigned, and that there should be stringent civil oversight. By the way, in The Badger's opinion, the Grand Jury is a farce, but that will be the subject of another story.

As The Badger said early on, DA Morse, Officer Soria, and Officer Humphrey are not guilty of anything until given a fair and unbiased hearing with all of the facts and parties brought in to give testimony regarding what took place.

In The Badger's opinion, the first people that should be looked to for answers would be Sheriff Pazin, ex-Mayor Montejano, ex-Dos Palos City Council members, DP City Attorney Scott Jordan, ex-Chief Barry Mann, and of course ex-City Manager Fonseca.

BADGER PREVIEWS

There is a tremendous amount of activity taking place at this time for this author. I just do not have the time at this moment to

(TWO POSTS, see page 27)

(TWO POSTS, from page 26)



give you as much of an update as I would like to. But, I will give you some very brief previews as to what is coming. Here they are:

PENDING FEDERAL LAWSUIT

The rationale of the case will be explained in detail across several issues. An attorney would never take on what I have. Not because they do not believe that the allegations inside of the lawsuit are valid, but because they fear reprisal to their careers. I personally do not blame them, but at the same time, I can say they are absolutely wrong.

Our government, and all governments, must be held accountable. Especially, they must be held accountable for crimes against citizens that are trying to hold governments accountable, peacefully, and according to the laws.

If governments are not held accountable and citizens are punished for trying to do so, well, then a Saddam Hussein enters as our new commander and chief.

As you can see from Fig. 17, page 9, the defendants are NOT your average Joe's. In large part, they are government officials and large publication companies, except for one, Professor Craig Smith.

What this lawsuit basically brings forward is all of the evidence of public officials working together to keep concealed the corruption I encountered in Monterey County. It shows how judges were making rulings under what is called, "the color of law."

Even though not an attorney, I admit that I am pretty good at thinking straight, and reading well. Future issues will disclose what some attorneys think of the quality of my in pro per legal work.

6TH APPELLATE COURT: SEES NO EVIL, HEARS NO EVIL, SPEAKS NO EVIL



The Badger spoke before the Sixth Appellate Court a couple of weeks ago. Even they are trying to keep their hands over their ears as tight as possible so as not to hear about the judicial/public official corruption they need to address. I do not intend to let such happen.

You will find the letter, Fig. 32 on page 20, recently sent to the Sixth Appellate that respectfully notifies them not to attempt to intimidate me, or silence me.

An opposing counsel, upon receiving the letter, said that he thought it was not only very well written, but very appropriate under the circumstances.

On November 18th, 2006, just prior to going to print with this edition, The Badger received word that he won the appeal at the Sixth Appellate Court. (See Fig. 38 on page 28).

There is much to be discussed due to such ruling. It is touched upon briefly in the section entitled "Under the Color of Law," and will be addressed in a future edition.

WHY ISN'T THE MEDIA REPORTING?



One would think that a lawsuit of such magnitude would at least get the attention of the local Monterey media. It hasn't, so why not?

They certainly could come out and declare me some sort of a nut. Well, actually they tried that in December of 2005, with an article by The Monterey Herald entitled, "County judiciary under fire." The front page article contained false statements that they later corrected in small print on a obscure section of the paper.

The long and short of it was that they said that I was declared what is called a California Vexatious litigant by Governor Schwarzenegger and Attorney General Bill Lockyer. Sounds pretty ugly and bad, doesn't it?

It would tend to cause people to doubt anything that I might say that was bad about the Good ol' Boys, now wouldn't it? To be honest with you, that's how I would feel about it if I read it about someone else! Without knowing the facts!

However, the real truth of the matter is that I WAS NOT DECLARED A CALIFORNIA VEXATIOUS LITIGANT AND THE MONTEREY HERALD KNEW I WAS NOT DECLARED ONE WHEN THEY MADE IT FRONT PAGE SUNDAY NEWS.

The retired judge that ruled against Attorney General Bill Lockyer, Governor Schwarzenegger, et al., found that they did not even have any legal standing to bring the motion. I had not sued them. Further, I had never done anything which would cause me, even remotely, to be accused of being one.

So, why did they do it? Why also did the Monterey Herald wrongly report that I was one? Well, if you go to the third paragraph above, you will find the answer. You can also look to the definition of "Black Propaganda," (Fig. 14, page 7) to help you find another answer for their doing it.

I repeat, "Doesn't it cause you to seriously doubt anything that I tell you?" It was an attempt to slander and discredit me so that I would not be able to get a fair tribunal. It was an attempt by them to cover up that I have evidence in the court files that is going to put some major Good ol' Boys behind bars.

You will find the insert of the cover page of the motion and the ruling in Fig. 35 and 36 on page 28. I will be going into detail about it in a future editions.

ONGOING SAGA

As Badger readers go along with me down the path watching me attempt to seek justice and to test the judicial system of our country, the major material is going to be about what I am personally doing. The reason for this is that I can speak with authority about it. I'm not trusting someone else's words about their tangle with the Good ol' Boys.

I am sure that I am not alone.

However, at the same time, I will be bringing back into focus how what I am doing effects things right here in Merced County, and how from my experience, I can identify and help you identify things in Merced County that you should keep an eye on.

For example, McClatchy Newspapers that owns the Merced Sun-Star, Los Banos Enterprise, Fresno Bee, and the list goes on, has not said one word about the typewritten notes of Darrell Fonseca.

They have not even called to ask Fonseca a question about it. Look at the emails between Merced Sun-Star editor, Mike Fitzgerald, and myself. See Fig. 41 on page 25. Look at my conversation with Fonseca on page 24.

So why are McClatchy Newspapers, those defenders of people's rights, seekers of the truth, recipients of awards for exposing the misdeeds of ex-Gordon Spencer neither jumping all over this nor jumping on The Badger for trouncing them about it publicly?

The answer is that they do not want to ruffle the feathers of those they are working closely together with to get political advertising. They are trying their best to keep the matters, which should be of the most concern to you, out of sight.

END OF STORY



Fig. "B" - Wedding Party, 1989: (left to right) Minako, Julie, Eileen, The Badger, Clinton, and Manuel Teixeira, a very dear friend that passed away suddenly a few years ago.

ATTORNEY GENERAL--OFFICE COPY

1 BILL LOCKYER
 2 Attorney General of the State of California
 3 PAUL T. HAMMERNES, State Bar No. 90294
 4 Supervising Deputy Attorney General
 5 455 Golden Gate Avenue, Suite 11000
 6 San Francisco, CA 94102-7004
 7 Telephone: (415) 703-5520
 8 Facsimile: (415) 703-5480

FILED
MAY 12 2005

LISA M. GALDOS
CLERK OF THE SUPERIOR COURT
DEPUTY

Attorneys for Governor Arnold Schwarzenegger,
 California Attorney General Bill Lockyer, the Office
 of the California Attorney General, Senior Assistant
 Attorney General James Schiavenza, Supervising
 Deputy Attorneys General Tyler B. Pon and Paul T.
 Hammerness

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF MONTEREY
 CIVIL DIVISION

CASE NO. M72599

EUGENE FORTE,
 Plaintiff,

v.

ROBERT O'FARRELL, et al.,
 Defendants.

NOTICE OF MOTION AND MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT [CCP § 391-391.7]; FOR ENTRY OF PREFILING ORDER AND TO POST \$15,000 SECURITY; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

Date: June 3, 2005
 Time: 9:00 a.m.
 Ctrm: Law & Motion (TBA)
 Action Filed: December 17, 2004

TO PLAINTIFF IN PROPRIA PERSONA:
 PLEASE TAKE NOTICE that June 3, 2005, at 9:00 a.m. in the Law and Motion Courtroom of this Court, defendants Governor Arnold Schwarzenegger, Attorney General Bill Lockyer, the Office of the California Attorney General, Senior Assistant Attorney General James Schiavenza, Supervising Deputy Attorneys General Tyler B. Pon and Paul T. Hammerness will move and hereby do move for an order declaring plaintiff to be a vexatious litigant pursuant to Code of

1
 NOM & Mot. to Declare Pltf. a Vex. Litigant; Memo. of Ps. & As. Forte v. O'Farrell - No. M72599

Fig. 35—Motion to Declare Forte a vexatious litigant by Gov. Schwarzenegger and AG Lockyer filed to discredit Forte. It was filed only days before Forte spoke at the Supreme Court in Opposition to the Nomination of Judge Wendy Duffy to the Sixth Appellate Court. Forte was one of four speakers granted permission to speak along with U.S. Magistrate Wunderlich, Senator Simitian, and Judge John Phillips. Wait to you hear what happened!

FILED
JUN 3 9 2005 9:23 AM

LISA M. GALDOS
CLERK OF THE SUPERIOR COURT
DEPUTY

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF MONTEREY

Eugene Forte,
 Plaintiff

vs.

Robert O'Farrell, et al.,
 Defendants.

Case No: M72599

ORDER DENYING MOTION FOR PREFILING ORDER AND ORDER REQUIRING PLAINTIFF TO FURNISH SECURITY (C.C.P. §§391-391.7)

Order

In disposition of a motion (filed 5-12-05), purportedly made on behalf of parties identified as Schwarzenegger, Lockyer, office of the California Attorney General, Schiavenza, Pon and Hammerness, seeking orders pursuant to Code of Civil Procedure sections 391-391.7,

IT IS ORDERED THAT said purported motion is denied.

Discussion

1. Code of Civil Procedure section 391.1 authorizes a defendant in any litigation pending in any court of this state to move the court for an order requiring the plaintiff to furnish security and if the court determines that plaintiff is a vexatious litigant, as defined in Code of Civil Procedure section 391, and that there is no reasonable probability that the plaintiff will prevail in the litigation against the moving defendant, the court shall order the plaintiff to furnish security for

Fig. 36—Order denying the Motion to Declare Forte a Vexatious Litigant. Notice that the title of the order does not mention it was defeating the vexatious litigant motion. Forte requested it be changed not to be misleading. The court agreed it was "somewhat misleading" but refused to change it. The Monterey Herald, after being notified in writing that Forte had defeated the motion, ran a front page story saying Forte was declared a vexatious litigant.

COPY

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
 SIXTH APPELLATE DISTRICT

FILED
AUG 30 2004

EUGENE FORTE,
 Plaintiff and Appellant,

v.

LARRY LICHTENEGGER,
 Defendant and Respondent.

H026208
 (Monterey County Super. Ct. No. M58208)

Court of Appeal - Sixth App. Dist.
 DEPUTY

STATEMENT OF THE CASE

Plaintiff Eugene Forte appeals from a judgment entered after the trial court sustained defendant Larry Lichtenegger's demurrer without leave to amend. On appeal, he claims that the demurrer was defective and that the court erred in sustaining it without leave to amend. We reverse the judgment.

BACKGROUND

In March 2000, Lichtenegger, an attorney, and Forte entered an agreement, under which Lichtenegger undertook to represent Forte in three lawsuits: *Eugene Forte v. William Powell et al.* (Monterey County Super. Ct. No. M45327) (*Powell* lawsuit); *Young & Roehr v. Forte Resources et al.* (Multnomah County, Ore. Circuit Ct. No. 9911-12338)

Fig. 37—August 30th, 2004: Ruling granting Forte's first appeal in the case of Forte v. Lichtenegger. Lichtenegger called squealer. Corruption ignored.

COPY

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
 SIXTH APPELLATE DISTRICT

EUGENE FORTE,
 Plaintiff and Appellant,

v.

LARRY LICHTENEGGER et al.,
 Defendant and Respondent.

H029276
 (Monterey County Super. Ct. No. M70711)

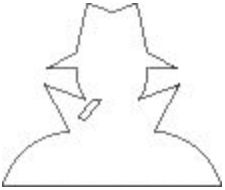
Court of Appeal - Sixth App. Dist.
FILED
NOV 15 2006
 MICHAEL J. YERLY, Clerk
 DEPUTY

STATEMENT OF THE CASE

Plaintiff Eugene Forte filed a complaint against defendant Larry Lichtenegger for professional malpractice. The trial court sustained Lichtenegger's demurrer without leave to amend, finding the action barred by the one-year statute of limitations. (Code of Civ. Proc., § 340.6.)¹ Forte appeals from the judgment. He claims the court abused its discretion in sustaining the demurrer.

We reverse the judgment.

Fig. 38—November 15th, 2006: Ruling from the Sixth Appellate Court granting Forte's appeal reversing the dismissal. Corruption ignored.



MYSTERY ASSISTANT UNITED STATES ATTORNEY

Before closing this mega issue of The Badger, I want to address briefly one of the topics that will be covered in the next issue.

Retired Judge Lee Cooper denied my request that he report, as required, the reliable evidence of the corruption of the Monterey Superior Court and several public officials of Monterey County to Federal authorities. After doing so, he issued a court order that I report the matter. (See Fig. 46 below).

I will not attempt at this time to explain all the reasons why such could not be ordered of me by Judge Lee Cooper. However, I did attempt to comply with such order. The run around I got will astound you, and show you what a small world it is we live in.

Upon contacting an Assistant U.S. Attorney in Los Angeles, I explained to him that I had made great personal sacrifices, such as putting myself at the brink of financial ruin. I considered myself a successful business professional before encountering the Good ol' Boys.

The Assistant U.S. Attorney then said in a condescending and mocking way, "I've already checked out your income. You don't even file tax returns. If you can prove to me that you really made the money you said you did, then I will listen to you."

At first, I was taken aback wondering what he was doing looking into my personal income records prior to returning my phone message. Also, in reality, what does how much money I made, or make, have to do with anything?

But, I didn't hesitate in showing him proof. If it was going to establish my credibility for him to listen to me, so be it. In all candor, I thought there were a lot of other good reasons as to why this mystery Assistant U.S. Attorney would know me not to be a loon. (Disclosed next issue)

I have nothing to hide, including, as I told him, that I owe the I.R.S. about

\$275,000.00. The I.R.S. and I have an understanding.

The I.R.S. will get their money when I am shown that the taxes I paid all the previous years of my life get me the services I thought they were paying for— public officials doing their jobs to protect my rights.

If they had, I wouldn't have to be doing their jobs for them now. I wouldn't have to be paying my own way to do it, and be out of pocket about \$1,500,000.00.

I am not a tax protester, and I have been filing my income statements. All of this is what I precisely told this condescending mystery Assistant U.S. Attorney.

I then directed this mystery Assistant U.S. Attorney to my website, AttorneyBusters.com. I stayed on the line with him and navigated him to the link that provided my certified tax returns for the four years previous to 2000, when I first encountered the Good ol' Boys.

The statements showed my total income for the four years as being, \$1,653,024.00, and they were filed by a CPA in Los Angeles. (see Fig. 47 on page 30) You could have heard a pin drop on the line.

I then asked, is that proof enough for you? Instead of his saying, "Yes, tell me what has happened," his next question was, "Who would pay you that much money?"

The mystery Assistant U.S. Attorney realized the reason as to why he could not find my income information was because it was filed with my CPA's Preparer I.D. and under my corporation number. Another funny thing, the Assistant U.S. Attorney happened to know the CPA that prepared my tax statements. Their kids went to school together. Therefore, he knew that the tax returns were legitimate.

Long story short for now, the mystery Assistant U.S. Attorney, said that Attorney General Bill Lockyer, Governor Schwarzenegger, and Chief Justice George

were not within his jurisdictional area of California to investigate, and he would not give me the number of the person whose jurisdiction it was in. Pretty incredible, don't you think?

The mystery Assistant U.S. Attorney in Los Angeles says that somehow, Governor Schwarzenegger, Attorney General Bill Lockyer, and Chief Justice Ronald George, the top three officials of the State of California, are not within his jurisdiction.



SMALL WORLDS AND NOT ABOUT MONEY

Well, it is a small world indeed, and I will show you how it gets a lot smaller when I tell you who that mystery Assistant U.S. Attorney is. When he closed the conversation, he said that he would appreciate it if I didn't mention his name. I know he is embarrassed *at being caught* handling the situation the way he did.

I have no doubt that he has treated others before me as disrespectfully and crassly as he did me. Perhaps, the others before me were unable to fight back quite as well as myself and expose how he treats people. Therefore, I have every intention of making sure that his ears are pinned back, and he becomes a respectful civil servant instead of continuing to be an uncivil civil servant behind the curtain.

Have I given something up in pursuit of justice? Yes, I have. Am I in this to try and score big in a courtroom or fame? Absolutely not. Have I had operatives from the Good ol' Boys coyly offer me \$5,000,000.00 to go away? Yes, I have. Would I take it? Absolutely not.

Why not? Simply because it is about something much more important than money.

It is about trying to make a difference and push back the insidious corruption that I know exists. It is eating away at our liberties and will effect all of our children's future.

END OF STORY

5 As to Plaintiff's request for a referral to federal authorities for an investigation, Plaintiff
 6 correctly asserts that whenever a judge has reliable information that another judge has violated any
 7 provision of the Code of Judicial Ethics, the judge must take appropriate corrective action, which
 8 may include reporting to the appropriate authority. As Plaintiff concedes in his declaration, the
 9 Commission on Judicial Performance, whose investigations are confidential, is already conducting
 10 an investigation of some sort. Plaintiff recognizes that if the local District Attorney is disqualified, the
 11 matter in question must be referred to the Attorney General which Plaintiff suggests would be futile.
 12 It is unclear whether Plaintiff has referred any of his issues to the State Bar. Given his position on
 13 these matters, Plaintiff obviously doubts that they would do an honest job. In one of his pleadings,
 14 Plaintiff requested that his issues be referred to the State Grand Jury for investigation, which is
 15 impossible because no such agency exists. Under the circumstances, however, because his
 16 alleged reliable information depends solely upon Plaintiff's research, investigation, analysis,
 17 conclusions, and speculations, the following order, which will not interfere with the jurisdiction of the
 18 Court of Appeals, is appropriate:
 19 IT IS HEREBY ORDERED THAT WITHIN THIRTY (30) DAYS FROM THE DATE OF FILING
 HEREOF, PLAINTIFF FILE VERIFIED PROOF THAT HE HAS PROVIDED THE UNITED
 STATES ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA, DEBRA WONG YANG,
 OR HER SUCCESSOR, 1200 U.S. COURTHOUSE, 312 N. SPRING ST., #1200, LOS ANGELES
 CA 90012, WITH A COPY OF HIS ENTIRE FILE CONCERNING THIS AND ALL RELATED
 MATTER AND WITH A REQUEST BY HIM FOR AN INVESTIGATION.

Fig. 46—Excerpt from order by Judge Cooper ordering Forte to contact the U.S. Attorney for the Central District of California with request for investigation.

Lines 7-14 will be covered in the next issue, and I will show how a judge misstates the facts to discredit you. As an example, I essentially said that the Commission on Judicial Performance was pretending to be conducting some sort of an investigation, and that they themselves should be investigated.

It should also be noted that Judge Cooper held a hearing while there was what is called a pending Challenge for Cause out against him. The law absolutely does not permit such to happen. I now have to appeal his decision to the Sixth Appellate Court which temporary lets the Monterey County Counsel off the hook for obtaining an improper TRO against me under false pretenses.

Judge Cooper disqualified himself after I put him against the wall legally for threatening to prosecute me for criminal extortion because I was requesting written explanation as to why the previous Judge Golden had disqualified himself from the case. Such written explanation is required of a judge to provide according to California Rules of Court 6.608.

U.S. Corporation Income Tax Return
 For calendar year 1999 or tax year beginning OCTOBER 1, 1999, ending SEPTEMBER 30, 2000
1120 EXTENSION GRANTED TO 06/15/01

1999

FORTE RESOURCES CORPORATION
 300 NORTH LAKE AVENUE, SUITE 930
 PASADENA, CA 91101

Employer identification number: 77-0352429
 Date incorporated: 09/16/1993

Total assets: \$ 385,995.

1 a Gross receipts or sales: 586,860.
 2 Cost of goods sold (Schedule A, line 8):
 3 Gross profit. Subtract line 2 from line 1c:
 4 Dividends (Schedule C, line 19):

1998

FORTE RESOURCES CORPORATION
 300 NORTH LAKE AVENUE, SUITE 930
 PASADENA, CA 91101

Employer identification number: 77-0352429
 Date incorporated: 09/16/1993

Total assets: \$ 220,262.

1 a Gross receipts or sales: 472,480.
 2 Cost of goods sold (Schedule A, line 8):
 3 Gross profit. Subtract line 2 from line 1c:

1997

FORTE RESOURCES CORPORATION
 316 MID VALLEY CENTER SUITE 179
 CARMEL, CA 93923

Employer identification number: 77-0352429
 Date incorporated: 09/16/1993

Total assets: \$ 97,300.

1 a Gross receipts or sales: 323,665.
 2 Cost of goods sold (Schedule A, line 8):
 3 Gross profit. Subtract line 2 from line 1c:

1996

FORTE RESOURCES CORPORATION
 316 MID VALLEY CENTER SUITE 179
 CARMEL, CA 93923

Employer identification number: 77-0352429
 Date incorporated: 09/16/1993

Total assets: \$ 34,936.

1 a Gross receipts or sales: 270,019.
 2 Cost of goods sold (Schedule A, line 8):

34 Tax due. If line 32h is smaller than the total of lines 31 and 33, enter amount owed
 35 Overpayment. If line 32h is larger than the total of lines 31 and 33, enter amount overpaid
 36 Enter amount of line 35 you want Credited to 2000 estimated tax

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Sign Here: Signature of officer: *[Signature]* Date: 6/13/01 Title: *[Title]*

Paid Preparer's Use Only: Preparer's signature: *[Signature]* Date: 6/13/01 Check if self-employed: Preparer's SSN or PTIN: P00072312
 Firm's name: MARTIN WERBELOW LLP
 100 N. LAKE AVE., SUITE 930
 PASADENA, CA
 EIN: 951720829
 ZIP code: 91101

Fig. 47—The statements show that my income was a total of \$1,653,024.00 for the four years prior to encountering the Good ol' Boys. I generated this solely from my work as a high level executive recruiter. I had pension plans, health insurance, and owed no money. My credit was stellar. I have since dissolved the corporation. At present, I have minimal income. I cannot focus upon my professional work due to focusing on not letting these public officials get away.

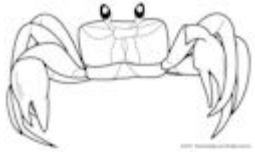
The Good ol' Boys say that I am on a vendetta. I say that I am seeking justice for myself and for all of those hurt by them before. I also feel that if I have caused these corrupt public officials from not doing harm to one person, it has been worth it. I also submit that I have done what others are told is impossible to do by public officials. I am making them sweat.

After finding that my own attorney had worked with the judge and the opposing counsel to fix the real estate trial that I was the plaintiff in, I spent hundreds of thousands of dollars on attorneys. Ultimately, attorneys, after taking my money, said they would not expose the corruption by the judges and the other attorneys because it would damage their own careers. I then became my own attorney. I sold everything I had, including the Classic

1980 Rolls Royce some of you may see me driving. At the time of suffering my heart attack in the courtroom, the day after I won the first appeal I wrote, I had no health insurance and now owe \$200,000 in medical costs. I am not ashamed of what I have sacrificed financially, or standing up for what I believe in. I would be ashamed if I sat by and did nothing about the public corruption that I know exists.

I owe \$275,000.00 to the I.R.S. I could file bankruptcy, which I never have done, and walk away, but I won't. I am not ashamed that I chose to pursue these Good ol' Boys and set aside my business for the time being. I am not ashamed to say that times have been rough for me, but I've done the right thing. The bottom line is that I have beautiful talented children and a loving wife. I have been able to survive by not backing down and with "a little help from friends" that believe in me and what I am doing.

It's time to take this to the next level. I have the evidence, track record, and plan to expose the Good ol' Boys. I plan to push public corruption back a few steps for all Americans. If not, I'll still carry on and like Don Quixote, "My heart will be peaceful and still when I am laid down to rest" knowing I tried. If you're interested in participating and helping, please let me know.



THE D.E.S. HIT: CIOPPINO STYLE

by Geno Forte



D.E.S. HALL, Los Banos: The Badger hoid from Eddie (The Mouthpiece) Amaral's doll, Sweet Whispers Elaine, "Hey! Lug....gang of crabs n' shrimps been causin' troible oiver in Monterey. D.E.S. Boys, gonna do a hit, an eat-all-yous want Cioppino Style. Mouthpiece sez to spread da woidor else."

Well, at foist, I couldn't believe my ears. But, when Sweet Whispers Elaine sez, "Don't be a chump.....fer \$35 clams you kin get yous an' yer China Doll in.... If yous got the stomach fer it." So I sez, "Ya mean for \$35 simoles we boit can get in, an eats like pigs.....much as we's want?"

Sweet Whispers eyes go cold. I see's her reachin' for somethin' in her poise, an' she sez, "Look ya dumb mutt, it's \$35 clams, each! Ya gimme any more lip about it, I'll haves Franklin (Smiles) Silva make sure there's a pot just fer you. If ya catch my drift." So I think 'bout it. Eddie The Mouthpiece's never gimme a bum steer. It's takin' out some Monterey bums, so I sez, "Sure Whispers, sure, don't get hot," so I foik over da do-re-mi's.

But, nothin,' and I mean nothin' coulda prepared me's and my China doll for what we's feasted ours eyes upon when we's got to da joint.....upstairs, where da hard hooche was flowing, there was a spread of tasty morsels. Guys an' dolls was sluggin' down a few, while watchin' some boys from da Azores gettin' smacked around on da Big Screen for messin' with some bulls. There was dis smell in da air ticklin' an' teasin' my nose coming from downstairs.

So, like, my doll an' me start to meander over to da stairs to get a better whiff. A sweet looker, Diana (The Stamp) Ramos asked if we had da passwoid, which I was smart enough ta knows meant da ticket I got from Sweet Whispers Elaine. Before I knew it, Diana The Stamp tatoosed me 'D.E.S.'

Well, I tell ya, I hadn't seen nothin' yet 'til I walked into dat hall. There was rows of tables set up nice an' perty with bottles of blood red wine on 'em like there was no tomorra. And da D.E.S boys, showin' some real class, even had bibs an' rolls of paper towels for those of us dat might get a little messy. I'm telling yous, dat D.E.S. outfits thunk of everythin.' They even had bottles of sodie pops for da little nippers.

Then, like a steaming pot of gold, every three or four chairs or so (so there'd be no turf fightin'), was dis lovely pot of piping hot crab legs of da dearly an' recently departed. It was somethin' else.

When you looked in da pot, I swear, if yous didn't knows better, you'd a thunk da crabs had been smothered by da huge shrimps piled on top of 'em. Theres was piles of toasted garlic bread like my mother used to make, an' crisp green salad bowls to boot all over da place.

As if that ain't enough to please a made man, Eddie The Mouthpiece was runnin' da tables offerin' ta bring huge platefuls of crab legs..... on ice, if yous preferred.

Talk about da taste? Oh, forgetta-about-it! To say it was delectable an' delicious just don't do it justice. Them crabs and shrimp was simmered to poifection in a light tomato sauce with a hint of wine, garlic, secret hoibs, an' butter....I'm tellin' yous, them crabs an' shrimps melted in your mouth, an' da taste lingered like da memories of your first contract, I mean kiss.

Them crabs an' shrimps shoulda felt honored dat they met their end at da hands of a real pro.

He was an out of town operator from Watsonville, by da name of Frank (Baby Cheeks) Zorra, brought 'specially in for da hit. Word is dat he's been brought in to do other Portuguese Ciopinno hits over in Gilroy an' Hollister.

The Badge noticed dat guys an' dolls dat were in da know, brought them own tools to deal with them feisty crab legs. There was sweet lookin' little old Portuguese ladies an' gents, looking like my own Va-Va an' Vo-Vo, pullin' out knuckle crackers, an' what looked like tiny ice picks. All told, there was an army bout 600 plus strong. Them 1600 pounds of crab, an' who knows how many hundreds of pounds of them shrimp, didn't stand a chance.

Ya knows, some of the guys and gals stayed around an' tripped the life fantastic upstairs 'til the wee hours to some great beats. Personally, I was feelin' a little too heavy on me feet after eating all them crabs an' shrimp, an' was sleeping like a baby soon after.

It was a big hit of huge proportions in mores ways din one.

END OF STORY

Now, da Badge ain't meaning to leave no bodies out, an' if he does, he apologizes, but us lugs dat were there ought to tip our hats to da followin' for lettin' us in fer a mere 35 clams:

The D.E.S Directors, for havin' da brains an' doin' the hard work it took in raisin' money to renovate a fine place like da grand ol' D.E.S Hall with such a great spread pulled off like a bank heist:

- The Directors:**
- David Soares, President
 - Tony & Penny Alves
 - Manuel & Janie Avila
 - Eddie & Elaine Amaral
 - Alvaro Fonseca
 - Eddie & Rosalyn Garcia
 - Gary & Kim Silva
 - Gilbert & Delores Silva
 - Lino & Maria Silvera
 - Joe & Patsy Marques
 - Carlos & Lucy Mello
 - Simon & Lynn Sequeira
 - Louis Sequiera
 - Raymond Olivera
 - Louis & Adrianna Olivera
 - Tony & Tammy Mota
 - Donald Mota
 - Dimas & Connie Lopes
 - Rojerio Brasil
 - Mario & Fatima Azevedo

- The Professional Cooking Crew:**
- Frank (Baby Cheeks) Zorra, Watsonville
 - Brian (Baby Cheeks II) Zorra, Watsonville
 - Jennifer (The Vet) Silva, Los Banos
 - Jonathan (The Crusher) Cotta, Los Banos
 - Gary (The Rock) Silva, Los Banos
 - Franklin (Smiles) Silva, Los Banos
 - Linda (Baby Face) Silva, Los Banos

The Crab Pot Runners:

Well, there's just too many to list. They did a heck of a job an' there was never an empty pot in sight.

An' last but not least, Diane (The Stamp) Ramos, without her tattooin' you with D.E.S., you'd not get past da front door, and coulda ended up sleepin' with da fish if you'd tried!

On a serious note: The Badger sincerely hopes that the D.E.S. Directors, and all those involved, walk with their heads held high knowing that they put on one heck of a feast. Best of the luck in the future and,fer all you suckers outs there that missed da boat, wise up an' catch the next.....or else!

Send correspondence, information, or opinions to:

Badger Flats Gazette
P.O. Box 989
Los Banos, CA 93635

Or call:

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(209) 829-1116

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

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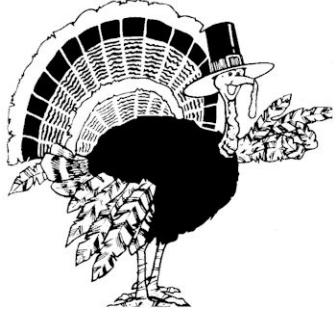
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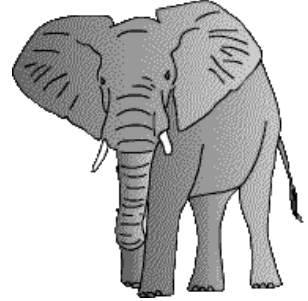
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THANKSGIVING GREETINGS & A BITE AT A TIME



A Letter From Gene Forte

Dear Badger Readers:

You will notice that this edition is quite larger than the last two, and I will be supplementing it with special reports through year end. I could keep writing for 24 hours a day, 7 days a week and never be able to keep up with what I wish to bring to your attention. The Badger is not designed to be read in one sitting, or quickly browsed through.

Consider it a mini-book, or a soap opera that you are trying to get caught up on after missing five years of it. Call it a reality adventure that you are seeing take place from edition to edition. There is no way that I could share with you what is going on today without providing you a solid background of what has taken place in the past. It all leads to the story which is coming to an end about my cornering what I call the Good ol' Boys. They do exist, and I assert that I am about as delusional as Martha. (See Fig. 21, bottom left on page 12).

Each Badger edition takes a tremendous amount of time and effort in crafting. I know my adversaries are keeping track of the things I write, say, and do in an attempt to run damage control, and anticipate my next move. My strategy is quite simple.

I am putting before you matters that the newspapers, minions of the Good ol' Boys, have not and will not tell you about. The newspapers will pretend I don't even exist. If they do at some point try to defend their position of not reporting on what you are seeing, they will say there was no story here that anyone would be interested in. They'll say it is one sided, or they didn't cover it because it lacked credibility. All blatant lies.

I ask the newspapers to disprove what I am saying. Tell their side of the story. Drag me into court publicly and show what I have said that I do not have evidence to back up. Let me defend myself without an attorney who could sell me out or drain me of money. They won't.

Also, if they say there is no story to tell, then why should I not be allowed to tell what I think the story is from my own perspective, and why I think there is a story? I can point to court records and appeals I have won without the assistance of an attorney. They have no defense except their blanket denials of saying, "We didn't do that."

I recently exchanged uneasy pleasantries with Attorney General Bill Lockyer while dropping off the Federal lawsuit against him and Governor Schwarzenegger. The Director of the FBI was served his complaint in Washington, D.C. Recently, I spoke before the Sixth Appellate Court and issued them a respectful reprimand when they tried to silence me from putting on record their not addressing the public/judicial corruption.

Each one of those events is part of the snowball that is leading to a climax, and each event is a story to be told.

It is difficult to keep you both informed of the current, and update you on the past, but I will do my best to do so. I ask that you take the time to approach reading the Badger just like eating an elephant, a bite at a time. It is valuable information, and it has cost me more than what you can ever imagine. It could also cost you, or your children, more than you can imagine if you do not take heed of the information I am sharing with you.

If you ever wanted substantial proof that a great number of our public officials are out of control, the Badger Flats Gazette makes a very strong case about it. Let's see if an American seeking justice, and an open addressing of a grievance against public officials, can get it. I submit that if it can't be done here in America, then what in the heck are we trying to push our system of justice off on anyone else in the world? Let's pull our own weeds first before we look at our neighbor's yard.

I also want to make this clear that this will be the last complimentary edition that you will be able to grab up at a coffee shop or around town. It is unfair to my subscribers and to myself. I am not making money from The Badger. The subscription price does not even cover the cost of printing and mailing.

If, after reading The Badger, you don't realize that I have a sincere passion for making an effort to push back the public official corruption for all of us, or if you think I am doing this because I get a perverse sense of enjoyment out of it, you really shouldn't subscribe.

The fact is I believe that everyone at times are given tasks in their life to do, for whatever reasons, like it or not. I cannot help that I was given this one. At the same time, I am not going to cower away from it, or say it is somebody else's job. I am not going to whine and cry about it, but take it in stride.

I will not let my adversaries think at anytime that they have dampened my spirit, or not see me without a smile on my face while I mock them down with my writings.

If you wish to subscribe, please to so, it allows me to continue my efforts. I also suggest that it will make a great Christmas gift for a friend.

With that said, have a Happy Thanksgiving and Merry Christmas Season. Share the story I tell and information you gain from The Badger around the table with family and friends.

Seasons Greetings!

Gene Forte