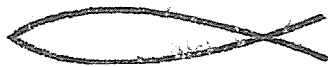


Parents Bill comes...
1st. They will protect
their child.
We should not have
to have a discussion
or bill on parents



LOVE ONE ANOTHER

Parents are the
ones that care.
Parents come first
These questions
show you why!!

NATURAL
RIGHTS

FROM: Cris Tyree

FACSIMILE TRANSMITTAL

To: Education Committee

Fax#: 210

Date: 4-11-23

Page: 1 of 31

Subject: WHERE ARE THE NORMAL
ADULTS?

- Cc: ① What normal adults wants a boy in the girls locker room so he
can show his penis to girls? Girls do not need nor want this. **THEY MATTER!!**
- ② What normal adults want to expose sweet innocent shy children
to porn? Why do they want to tarnish + dirt up a beautiful child?
- ③ What normal adult wants to pretend all day w/a child that
is being COACHED to be trans + use different pronouns?
- ④ What normal adult whispers in a child's ear that "We don't
have to tell your parents" or "it's ok to have secrets?"
- ⑤ What normal adult allows for killing of babies via abortion?
Or allows for mutilation of a child's body? Or encourages it?
- ⑥ What normal adult indulges a full grown man w/a penis
that he is + can be a woman? Or have a baby?
- ⑦ What normal adult does not know the history or the reason
behind this agenda?
- ⑧ What normal adult thinks this is sex ed?
- ⑨ What kind of adults do we have in education?
- ⑩ Where are the ACADEMICS? Real brain food?

Cris



LOVE ONE ANOTHER

FROM: Cris Tyree

FACSIMILE TRANSMITTAL

To: Education Committee

Fax#: _____

Date: 9-11-23

Page: 1 of _____

Subject: WHERE ARE THE NORMAL
ADULTS?

Cc: Enclosures:

Pg 1	where are the normal Adults
2+3	Trey Taylor, AG Alaska
4	9.28.020 Palmer City
5	11.61.128 State Law
6+7+8	Newsmax Article of school survey
9	Title 18 USC
10+11	Calder et al. w/ 42 USC Sec 1983
12-22	RICO ACT
23	Parental Rights + Consent
24	Pander, Pander of obscenities
25	Parent Interest
26	Scienter + Scientilla of Evidence Rule
27	LAW of the LAND Protects Parents Rights
28	New World Order
29	NEA Agenda goes w/ #28
30	Palmer Law on obscenity
31	State Law on obscenity



LOVE ONE ANOTHER

FROM: Cris Tyree

FACSIMILE TRANSMITTAL

To: Treg Taylor, AG Alaska

Fax#: Certified

Date: 4-05-23

Page: 1 of 26

Subject: Alaska Schools Violating
Porn Laws

Cc:

The Law of Nature and of Natures' God.
Gods Will - Parental Rights - Constitution

A Moral Standard for the Republic

Because u R a government employee means u r
acting under:

Color Color of Authority Color of Law
Color of Office Color of State Law

"The appearance or semblance, without the
substance, of legal right. Misuse of power, etc."



LOVE ONE ANOTHER

FROM: Cris Tyree

FACSIMILE TRANSMITTAL

To: Treg Taylor, AG Alaska

Fax#: Certified

Date: 4-05-23

Page: 1 of 26

Subject: Front Fax

Enclosures

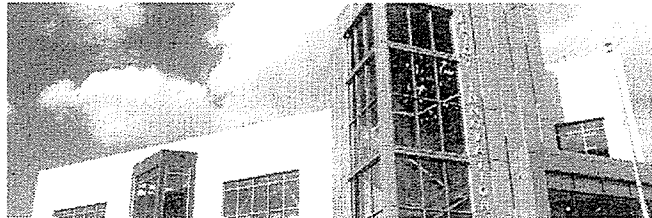
Cc:

- | | |
|--|------|
| 1. Front Fax-Letter | 1 pg |
| 2. Enclosure Form | 1 |
| 3. NewsMax Article on Porn in schools | 3 |
| 4. Title 18 USC Sec 241 + 242 | 1 |
| 5. Color-Color of Authority - Color of Law | |
| Color of Office-Color of State Law | 2 |
| 6. RICO | 10 |
| 7. Parental Rights | 1 |
| 8. Pandering of Obscenities | 1 |
| 9. Prurient Interest | 1 |
| 10. Scierter | 1 |
| 11. Law of the Land - 9 cases | |
| Protecting Constitutional Rights | 1 |
| 12. New World Order - Schools are | |
| working w/ psychopaths to | |
| Create chaos | 1 |
| 13. NFA - Agenda - goes w/ #12 above | 2 |

A survey in school

Liberal School Asked Middle-Schoolers WHAT?

WTF?



*Who's business?
why would they
expose children
to this?*

(GoRealNewsNow.com) – A liberal public school in Boston, Massachusetts, has sparked public outrage by asking middle school students to take a survey with questions on transgenderism and oral sex.

Sixth- and seventh-grade students at Eliot K-8 Innovation School were given the Youth Risk Behavioral Survey as part of a project by the Boston Public Schools District.

The questionnaire asked the middle schoolers about their sexual history, including their sexual orientation, whether they have had sex, and the number of their sexual partners, reports The Washington Free Beacon, as cited by Newsmax.

"Have you ever participated in oral sex?" one question asked, according to a copy of the survey obtained by the Free Beacon.

"Oral sex is when a person puts their mouth on another person's genitals or private area," the question explained.

"Are you transgender?" asked another question in the survey.

The question came after it explained that a transgender person is "someone who does not feel the same inside as the sex they were born with."

After parents were outraged by the survey, Eliot K-8 Innovation School's principal sent them a letter agreeing with the "many concerns" about its appropriateness and vowing to take their complaints to the school district.

Deirdre Hall, whose daughter is a sixth-grader at the school, revealed she learned about the survey when her child came home and said the "really weird" questionnaire was given to her during history class.

The mother said she was worried by the "explicit" nature of the questions because the middle schoolers had not been given "a single ounce of sex education" yet. She also wondered whether the poll was truly anonymous.

"She said half her class didn't even know what any of this stuff meant. Now they're coming home and asking their parents and their friends, 'What's oral sex?'" Hall said.

Besides oral sex and transgenderism, the survey also tackled suicide, recreational drug use, and having enough food at home.

"To go on field trips, the district has parents sign permission slips, but for the district to ask our children private explicit sexual questions, they are able to do so without consent? This makes no sense," another outraged mother told the news outlet.

The report notes that parents nationwide are “pushing back” against inappropriate content in school curriculums.

Thus, in another relevant case, parents are suing the Clark County School District and several school officials in Las Vegas, Nevada, because high school students were made to recite a pornographic monologue in drama class.

The students’ parents are suing the district and school officials for “unlawful grooming and abuse of a minor” as it became clear that the monologue was “too vulgar” to be read aloud during school board meetings.

What is your opinion about what this liberal school did? Please share your thoughts and views by emailing news@gorealnewsnow.com. Thank you.

NEWSMAX 
@NEWSMAX · Follow





A Boston public school raised the ire, and the eyebrows, of parents when it asked middle schoolers to take a risk behavioral survey that included questions on oral sex and transgenderism.

newsmax.com
Boston School Asks Kids About Oral Sex,
Transgenderism

View on Twitter

11:40 AM · Mar 20, 2023



This tweet was retweeted 122 times.  Reply  Share
who can be for it? [Read 43 replies](#)

Replying to @NEWSMAX

After parents' voices were heard, the school district decided to remove the survey from the curriculum. This is a positive step towards respecting parents' rights and ensuring appropriate content in school curriculums.

A teacher's decision to include such a survey in the curriculum is a clear violation of parents' rights and the school's duty to provide a safe and appropriate learning environment.

Parents should be more vocal in their opposition to such inappropriate content in school curriculums. It is essential to ensure that schools are held accountable for providing a safe and appropriate learning environment for all students.

More replies... [View all replies](#)

Title 18 U.S.C. Sec. 242

... Makes it a crime for a person acting under color of any law to willfully deprive a person (the PEOPLE) of a right (natural rights) or privileges protected by the Constitution (Bill of Rights) or laws of the United States. For the purpose of Sec. 242, acts under "Color Law" (which includes, Color, Color of Office, Color of State Law, Color of Authority, etc.) includes acts not only done by Federal, State, or local officials within their (alleged) lawful authority, but also acts done beyond the bounds of that officials (alleged) lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his-her official duties.

Alleged - I put this in, because no government employee has authority against the PEOPLES RIGHTS or FREEDOMS!!

ie civil law, a word
sembly, society, or
y; a class of men.
d was that of an
rank and station,
iness or enterprise.
axim "tres faciunt
he more usual and
was "universitas."
m amaraletétyas/
ty.

orum simul habi-
luriyam korpam
a society of sever-

tam/. One which
any other purpose

/. An assemblage
useful purpose of
single individual
to come into colli-
App., 102 S.W.2d

blajendm bown

jects, one of which
colliding; state of
impact or sudden
truction in its line
in motion or one
which, in motion.

llory.

law, the arrange-
of an estate in the
according to law.
the usual parts of
r. It is a general
of were spoken of
erning the extri-
and its office is to
he previous stat-
that the words in
ame usage, report
se indifferent the
l to them.

rent between two
f his rights by the
bidden by law. It
kind, the employ-
ul means for the
se. Tomiyosu v.
. A secret combin-
between two or
ful purpose. See

In divorce proceedings, collusion is an agreement between husband and wife that one of them shall commit, or appear to have committed, or be represented in court as having committed, acts constituting a cause of divorce, for the purpose of enabling the other to obtain a divorce. But it also means connivance or conspiracy in initiating or prosecuting the suit, as where there is a compact for mutual aid in carrying it through to a decree. *Bizik v. Bizik*, Ind.App., 111 N.E.2d 823, 828. With the enactment of "no-fault" divorce statutes by most states, agreements or acts of collusion are no longer necessary.

Collusive action. An action not founded upon an actual controversy between the parties to it, but brought for purpose of securing a determination of a point of law for the gratification of curiosity or to settle rights of third persons not parties. Such actions will not be entertained for the courts will only decide "cases or controversies". *City and County of San Francisco v. Boyd*, 22 Cal.2d 685, 140 P.2d 666, 669, 670. See also *Collusion*.

Collusive joinder. See *Joinder*.

Collybista /kolibista/. In the civil law, a money-changer, a dealer in money.

Collybium /kolibium/. In the civil law, exchange.

Colne. In Saxon and old English law, an account or calculation.

Colonists. Persons who have emigrated from their mother country to settle in another place but who remain loyal to mother country.

Colonus /kolownas/. In old European law, a husbandman; an inferior tenant employed in cultivating the lord's land. A term of Roman origin, corresponding with the Saxon ceorl.

Colony. A dependent political community, consisting of a number of citizens of the same country who have emigrated therefrom to people another, and remain subject to the mother country. Territory attached to another nation, known as the mother country, with political and economic ties; e.g. possessions or dependencies of the British Crown (e.g. thirteen original colonies of United States).

Colonial charters. A document issued by a colonial government which permits operation of a business or school or college, etc. charters granted by England to institutions of business in this country before War of Independence.

Colonial laws. The body of law in force in the thirteen original colonies before the Declaration of Independence.

Color. An appearance, semblance, or *simulacrum*, as distinguished from that which is real. A *prima facie* or apparent right. Hence, a deceptive appearance; a plausible, assumed exterior, concealing a lack of reality; a disguise or pretext. See also *Colorable*.

In pleading, ground of action admitted to subsist in the opposite party by the pleading of one of the parties to an action, which is so set out as to be apparently valid, but which is in reality legally insufficient. A

term of the ancient rhetoricians, and early adopted into the language of pleading. It was an apparent or *prima facie* right; and the meaning of the rule that pleadings in confession and avoidance should give color was that they should confess the matter adversely alleged, to such an extent, at least, as to admit some apparent right in the opposite party, which required to the encountered and avoided by the allegation of new matter. Color was either express, i.e. inserted in the pleading, or implied, which was naturally inherent in the structure of the pleading. *Wheeler v. Nickels*, 168 Or. 604, 126 P.2d 32, 36.

Colorable. That which is in appearance only, and not in reality, what it purports to be, hence counterfeit, feigned, having the appearance of truth. *Windle v. Flinn*, 196 Or. 654, 251 P.2d 136, 146.

Colorable alteration. One which makes no real or substantial change, but is introduced only as a subterfuge or means of evading the patent or copyright law.

Colorable cause or invocation of jurisdiction. With reference to actions for malicious prosecution, a "colorable cause or invocation of jurisdiction" means that a person, apparently qualified, has appeared before a justice and made a complaint under oath and in writing, stating some facts which in connection with other facts constitute a criminal offense or bear a similitude thereto.

Colorable claim. In bankruptcy law, a claim made by one holding the property as an agent or bailee of the bankrupt; a claim in which as a matter of law, there is no adverseness. See also *Color*.

Colorable imitation. In the law of trademarks, this phrase denotes such a close or ingenious limitation as to be calculated to deceive ordinary persons.

Colorable transaction. One presenting an appearance which does not correspond with the reality, and, ordinarily, an appearance intended to conceal or to deceive.

Colored. By common usage in America, this term, in such phrases as "colored persons," "the colored race," "colored men," and the like, is used to designate negroes or persons of the African race, including all persons of mixed blood descended from Negro ancestors.

Colore officii /kelore ofishii/. That is, color of office. Officer's acts unauthorized by officer's position, though done in form that purport that facts are done by reason of official duty and by virtue of office. See also *Color of office*.

Color of authority. That semblance or presumption of authority sustaining the acts of a public officer which is derived from his apparent title to the office or from a writ or other process in his hands apparently valid and regular. See *Color of law*; *Color of office*.

Color of law. The appearance or semblance, without the substance, of legal right. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action

you do not have the authority to go
against parents wishes w/ their children

COLOR OF LAW

taken under "color of state law." *Atkins v. Lanning*, D.C.Okl., 415 F.Supp. 186, 188.

When used in the context of federal civil rights statutes or criminal law, the term is synonymous with the concept of "state action" under the Fourteenth Amendment, *Timson v. Weiner*, D.C.Ohio, 395 F.Supp. 1344, 1347; and means pretense of law and includes actions of officers who undertake to perform their official duties, *Thompson v. Baker*, D.C.Ark., 133 F.Supp. 247; 42 U.S.C.A. § 1983. See *Tort (Constitutional tort)*.

Action taken by private individuals may be "under color of state law" for purposes of 42 U.S.C.A. § 1983 governing deprivation of civil rights when significant state involvement attaches to action. *Wagner v. Metropolitan Nashville Airport Authority*, C.A.Tenn., 772 F.2d 227, 229.

Acts "under color of any law" of a State include not only acts done by State 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 an 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 official duties; that is to say, the unlawful acts must consist in an abuse or misuse of power which is possessed by the official only because he is an official; and the unlawful acts must be of such a nature or character, and be committed under such circumstances, that they would not have occurred but for the fact that the person committing them was an official then and there exercising his official powers outside the bounds of lawful authority. 42 U.S.C.A. § 1983. *Violating*

Color of office. Pretense of official right to do act made by one who has no such right. *Kiker v. Pinson*, 120 Ga.App. 784, 172 S.E.2d 333, 334. An act under color of office is an act of an officer who claims authority to do the act by reason of his office when the office does not confer on him any such authority. *Maryland Cas. Co. v. McCormack*, Ky., 488 S.W.2d 347, 352. See also *Color of law*.

Color of state law. See *Color of law*.

Color of title. The appearance, semblance, or *simulacrum* of title. Also termed "apparent title." Any fact, extraneous to the act or mere will of the claimant, which has the appearance, on its face, of supporting his claim of a present title to land, but which, for some defect, in reality falls short of establishing it. *Hewth v. Farrar*, C.C.A.Tex., 94 F.2d 654, 658. That which is a semblance or appearance of title, but is not title in fact or in law. *McCoy v. Lowrie*, 42 Wash.2d 24, 253 P.2d 415, 418. Any instrument having a grantor and grantee, and containing a description of the lands intended to be conveyed, and apt words for their conveyance, gives color of title to the lands described. Such an instrument purports to be a conveyance of the title, and because it does not, for some reason, have that effect, it passes only color or the semblance of a title.

Color of Title Act. Federal law which gives Secretary of Interior the right to issue a patent for land, exclusive of minerals, to one who has occupied it adversely and under color of right for period of time for a nominal amount of money. 43 U.S.C.A. §§ 1068-1068B.

Com. Abbreviation for "company" or "Commonwealth."

Co-maker. Surety under a loan.

Combarones /kõmbärõwniyz/. In old English law, fellow-barons; fellow-citizens; the citizens or freemen of the Cinque Ports being anciently called "barons," the term "combarones" is used in this sense in a grant of Henry III, to the barons of the port of Fevresham.

Combat. A forcible encounter between two or more persons; a battle; a duel. To fight with; to struggle against.

Mutual Combat. Such combat as will, upon sufficient provocation, reduce a killing committed with a deadly weapon from murder to manslaughter, is defined as one into which both parties enter willingly, or in which two persons, upon a sudden quarrel, and in hot blood, mutually fight upon equal terms. *People v. Matthews*, 21 Ill.App.3d 249, 314 N.E.2d 15, 18.

Combatteræ /kõmbatèhrriy/. A valley or piece of low ground between two hills.

Combe. A small or narrow valley.

Combination. The union or association of two or more persons for the attainment of some common end. *Albrecht v. Herald Co.*, C.A.Mo., 367 F.2d 517, 523. See *Joint venture*. As used in criminal context, means a conspiracy or confederation for unlawful or violent acts. See *Conspiracy*.

Combination in restraint of trade. An agreement or understanding between two or more persons, in the form of a contract, trust, pool, holding company, or other form of association, for the purpose of unduly restricting competition, monopolizing trade and commerce in a certain commodity, controlling its production, distribution, and price, or otherwise interfering with freedom of trade without statutory authority. Such combinations are prohibited by the Sherman Antitrust Act. See also *Clayton Act*; *Sherman Antitrust Act*.

Combination patent: Patents in which the claimed invention resides in a specific combination or arrangement of elements, rather than in the elements themselves. *Kinnear-Weed Corp. v. Humble Oil & Refining Co.*, D.C.Tex., 150 F.Supp. 143, 162. One in which none of parts or components are new, and none are claimed as new, nor is any portion of combination less than whole claimed as new or stated to produce any given result. *Borden, Inc. v. Occidental Petroleum Corp.*, D.C.Tex., 381 F.Supp. 1178, 1202.

Combustio /kõmbõst(i)yow/. Burning. In old English law, the punishment inflicted upon apostates.

Combustio domorum /kõmbõst(i)yow dõmõrãm/. Houseburning; arson. 4 Bl.Comm. 272.

266

Combustio pecunie /kõmbõst(i)yow pẽkũniẽ/. Burning of money; and corrupt money; it down.

Come. To present

Comes /kõmz/, v. the defendant's p

Come /kõwmiz/, attendant; a cour

Comes and defense language of pleadings, occurs a plea or demurre signifies that he defends the action

Comfort. Benefit ment, happiness.

Comfort letter. ties underwriter; information inclu

Coming and goi

Coming to rest respect to loading mobile liability p loading clause ce rest and every of unloading has v. Liberty Mut. I

Cominus /kõmõr in personal cont

Comitas /kõmõt An indulgence mere matter of made. *Comitas gentes*; comity t of nations.

Comitatu comm old English law, was authorized

Comitatu et kãstrõw kãmisc county, togethe mitted to the sl

Comitatus /kõn or shire; the be tion of a comes, earldom. The and of great dig train of a priu retinue which province. The ors.

Comites /kõmẽ followers. Pe functionary.

Violating

What you want to allow
to happen is corruption

§ 9-1.3 RICO, Purpose To Protect Public

The purpose of RICO is to protect the public from all those who would unlawfully use an enterprise (whether legitimate or illegitimate) as a vehicle through which unlawful activity is committed and the need to protect the public from those who would run an organization in a manner detrimental to the public interest.

AUTHORITY

Cedric Kushner Promotions, Ltd. v. King, 533 U.S. 158, 164, 121 S.Ct. 2087, 2092, 150 L.Ed.2d 198 (2001)(quoting NOW v. Sheidler, 510 U.S. 249, 259, 114 S.Ct. 798, 804, 127 L.Ed.2d 99 [1994], and S. Rep. No. 91-617, at 82)(ending lower courts' unduly restrictive applications of the Reves test); see United States v. Maloney, 71 F.3d 645, 660-61 (7th Cir.1995) (state court judge qua judge is participant in enterprise-the court whose justice system he wholly perverted and obstructed); United States v. Oretio, 37 F.3d 739, 750 (1st Cir.1994)(criminal RICO convictions of collectors in a loan sharking operation affirmed even though "[t]he government did not show that [the collectors] participated in the enterprise's decisionmaking"). "Congress intended to reach all who participate in the conduct of [the] enterprise, whether they are generals or foot soldiers." Id. at 751.

§ 9-1.4 RICO, The Statute

RICO provides, in pertinent part, that:

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.

AUTHORITY

18 U.S.C. § 1962(c).

§ 9-1.5 RICO, Conspiracy

RICO also makes it unlawful for any person to conspire to violate any provision of the RICO statute.

AUTHORITY

18 § 1962(d).

§ 9-1.6 RICO, Injury To Business Or Property, Conspiracy Causing Injury

The Racketeer Influenced and Corrupt Organizations Act, RICO, creates a civil cause of action for "any person injured in his business or property by reason of a violation of section 1962" and also provides that "[i]t shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of § 1962."

AUTHORITY

18 U.S.C. § 1964(c)(1994 ed. Supp. IV); § 1962(d); Beck v. Prupis, 529 U.S. 494, 495, 120 S.Ct. 1608, 1610, 146 L.Ed.2d 561 (2000).

§ 9-1.7 RICO, Injury Includes Employment Loss

Physical or mental
harm can come of sex ed being taught the way
it is. It affects their future as a wholesome
loving being that will be able to function normal.

Injury to business or property includes loss of employment or employment opportunities and a deprivation of one's right to engage in the profession of one's choice.

AUTHORITY

Radovich v. Nat'l Football League, 352 U.S. 445, 448, 77 S.Ct. 390, 392, 1 L.Ed.2d 456 (1957)(interpreting "injury to business or property" under Clayton Act).

§ 9-1.7.1 Rico Injury To Business Or Property May Be Shown By Lost Employment Or Employment Opportunities

A plaintiff must prove an injury to business or property to recover under RICO.

An injury to business or property can be proven by proof of an injury to employment or employment opportunities.

AUTHORITY

Diaz v. Gates, 420 F.3d 897 (9th Cir. 2005)(en banc).

§ 9-1.8 RICO, Racketeering Activity Prohibited, Defined

It is unlawful to conduct an enterprise's affairs through a pattern of racketeering activity. Racketeering activity is defined as behavior that violates certain other laws, either enumerated federal statutes or state laws, addressing specified topics and bearing specified penalties, as will be defined below. Pattern also is defined below.

AUTHORITY

18 U.S.C. § 1962(c); 18 U.S.C. § 1961(1)(Supp. III).

§ 9-1.9 RICO, Elements Of Rico Claim

In order to prove a RICO claim, the plaintiff must prove (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity, and (5) injury in to business or property by the RICO predicate conduct constituting the violation.

AUTHORITY

Sedima S.P.R.L. v. Imrex Co., 473 U.S. 479, 496-97, 105 S.Ct. 3275, 3285, 87 L.Ed.2d 346 (1985). See also, Sun Sav. and Loan Ass'n v. Dierdorff, 825 F.2d 187, 191 (9th Cir.1987).

§ 9-2.1 RICO, Predicate Acts

RICO defines both state and federal offenses as so-called "predicate acts" or "racketeering activity." RICO, section 1961(1), contains an exhaustive list of acts of 'racketeering,' commonly referred to as 'predicate acts.' This list includes [here, fill in the applicable predicate acts].

AUTHORITY

Beck v. Prupis, 529 U.S. 494, 497 n. 2, 120 S.Ct. 1608, 1612 n. 2, 146 L.Ed.2d 561 (2000).

★ § 9-2.2 RICO, Predicate Acts, State

The state offenses that constitute RICO predicates are any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is

chargeable under State law and punishable by imprisonment for more than one year. [The state offenses are "any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year."]

AUTHORITY

18 U.S.C. § 1961(a).

§ 9-2.3 RICO, Federal Predicates

Title 18 Section 1961(b) enumerates the federal RICO predicates, and it includes obstruction of justice under 18 U.S.C. §§ 1503, 1511, and 1512, and also, conduct involving drug dealing, extortion, kidnapping, murder, conduct that could cause unlawful homicide, such as use of grossly excessive force, use of threats and force to obtain an official act, and false arrest.

AUTHORITY

18 U.S.C. § 1961(b). Proscribed also are preventing or attempting to prevent any person (not just witnesses) from reporting offenses to federal judges or agents, 18 U.S.C. §§ 1512, 1512(c)(1) and (f)(1); see Manual of Model Criminal Jury Instructions for the District Courts of the Eighth Circuit, § 6.18.1512 (2000). *United States v. Gabriel*, 125 F.3d 89, 102-04 (2d Cir.1997) (Section 1512 proscribes engaging in misleading conduct intended to affect a federal investigation, and Section 1512 applies when a defendant tells a false story as if the story were true, intending that anyone who might hear the story would believe it and testify to it); *United States v. Maloney*, 71 F.3d 645, 660-61 (7th Cir.1995) (judge's attempts to cover-up his bribery scams are obstructionist); see also *United States v. Pizzichiello*, 272 F.3d 1232 (9th Cir.2001) (obstructing activities of state investigation warrants sentencing enhancement based on obstructionist acts because the state investigation led to a federal conviction). An obstruction predicate would lie under Sections 1512 and 1513 without any showing that the defendant actually obstructed justice or prevented a witness from testifying. *United States v. Murray*, 751 F.2d 1528, 1534 (9th Cir.1985). The statutory focus is on the defendant's endeavor. *Ibid.* Further, any similar failure to tell the truth to the district attorney during its parallel investigation implicates a federal nexus when a state investigation parallels or is in cooperation with a federal investigation. See *United States v. Pizzichiello*, 272 F.3d 1232 (9th Cir.2001). Also, a so-called "code of silence" in existence within a police organization would suffice as an obstruction to federal and parallel state investigations. See *Qaoud*, 777 F.2d at 1109-10, 1114 (demanding silence of government informant in face of federal investigation into activities of judge and his lawyer son in manipulating cases is a basis for RICO conviction based on obstruction of federal investigation); see also *Maloney*, 71 F.3d at 660-61 (judge's attempts to cover-up his bribery scams by telling others to keep quiet is obstruction). "If [murder victims] had been merely disabled by the attempt on their lives but survived, presumably they would have had a RICO claim for lost earnings from their business activities because they had been injured in their 'business or property.'" *Jerry Kubecka, Inc. v. Avellino*, 898 F.Supp. 963, 968 (E.D.N.Y.1995). See also, *von Bulow v. von Bulow*, 634 F.Supp. 1284, 1309 (S.D.N.Y.1986) ("The cost to [a murder target] of her committee and her inability to enjoy her personal and real property may well be compensable monetary injuries under RICO."). "The view of those courts allowing RICO claims for economic damages associated with personal injuries represents a defensible policy and interpretation of RICO.... [T]he economic consequences of personal injuries caused by racketeering can take, in the aggregate, a massive and severe toll on the nation's and ... plaintiffs' economic wellbeing. This is arguably precisely the type of injury which RICO was designed to address and deter." *The Nat'l Asbestos Workers Medical Fund v. Philip Morris, Inc.*, 74 F. Supp. 2d 213, 219 (E.D.N.Y.1999) (collecting cases in which it was held that economic harm flowing from RICO predicate acts constituted compensable RICO "injury to business or property"). Use of gross or excessive force clearly is an act involving murder because, for example, under California law, if great bodily harm is the

reasonable or probable consequence of a beating, the offense may be murder. See, e.g., *People v. Teixeira*, 136 Cal.App.2d 136, 150, 288 P.2d 535, 543 (1st Dist. 1955); *People v. Dixie*, 98 Cal.App.3d 852, 856-57, 159 Cal.Rptr. 717, 719-20 (3d Dist. 1979)(withholding food and drink is an act of murder as likely to inflict great bodily harm).

§ 9-2.4 RICO, Federal Predicates

When the specifics of acts committed against a plaintiff are alleged and include use of grossly excessive force, an act involving murder, use of threats and force to obtain an official act, an act involving extortion, false arrest, or an act involving kidnapping a civil RICO claim will have been pled.

AUTHORITY

Jerry Kubecka, Inc. v. Avellino, 898 F.Supp. 963, 968 (E.D.N.Y.1995)("If [murder victims] had been merely disabled by the attempt on their lives but survived, presumably they would have had a RICO claim for lost earnings from their business activities because they had been injured in their 'business or property.'"). See also, *von Bulow v. von Bulow*, 634 F.Supp. 1284, 1309 (S.D.N.Y.1986); *The Nat'l Asbestos Workers Medical Fund v. Philip Morris, Inc.*, 74 F. Supp. 2d 213, 219 (E.D.N.Y.1999)("The cost to [a murder target] of her committee and her inability to enjoy her personal and real property may well be compensable monetary injuries under RICO." "The view of those courts allowing RICO claims for economic damages associated with personal injuries represents a defensible policy and interpretation of RICO.... [T]he economic consequences of personal injuries caused by racketeering can take, in the aggregate, a massive and severe toll on the nation's and ... plaintiffs' economic wellbeing. This is arguably precisely the type of injury which RICO was designed to address and deter." collecting cases in which it was held that economic harm flowing from RICO predicate acts constituted compensable RICO "injury to business or property;" collecting cases holding that economic harm flowing from RICO predicate acts constituted compensable "injury to business or property." See, e.g., *People v. Teixeira*, 136 Cal.App.2d 136, 150, 288 P.2d 535, 543 (1st Dist. 1955)(Use of gross or excessive force clearly is an act involving murder because, for example, under California law, if great bodily harm is the reasonable or probable consequence of a beating, the offense may be murder.); *People v. Dixie*, 98 Cal.App.3d 852, 856-57, 159 Cal.Rptr. 717, 719-20 (3d Dist. 1979)(withholding food and drink is an act of murder as likely to inflict great bodily harm). For example, California defines extortion broadly to include "the obtaining of an official act of a public officer." *Isaac v. Superior Court*, 79 Cal.App.3d 260, 146 Cal.Rptr. 396 (2d Dist.1978).

§ 9-2.5 RICO, Two Predicate Acts Within Ten Years Required

A RICO pattern requires at least two acts of racketeering activity within a ten-year period.

AUTHORITY

18 U.S.C. § 1961(5); *Goren v. New Vision Intl., Inc.*, 156 F.3d 721, 728 (7th Cir.1998).

§ 9-3.1 RICO, Injury Includes Employment Rights, Medical Services

The requisite RICO injury includes rights to engage in employment, rights to engage in one's profession, and even rights to obtain medical services.

AUTHORITY

NOW v. Sheidler, 510 U.S. 249, 256-57, 114 S.Ct. 798, 803, 127 L.Ed.2d 99 (1994)(injury from acts directed to induce "clinic employees, doctors, and patients to give up their jobs, give up their economic right to practice medicine, and give up their right to obtain medical services at the clinics" underlie claim that the conspiracy "has injured the business and/or property interests of the [petitioners and, thus, allege

standing to sue under RICO] "). overruling sub silentio, *Oscar v. Univ. Students Co-operative Ass'n.*, 965 F.2d 783, 785 (9th Cir.) (a tenant's loss of enjoyment of rental property was not concrete business or property injury), cert. denied, 506 U.S. 1020, 113 S.Ct. 655, 121 L.Ed.2d 581 (1992), and *Libertad v. Welch*, 53 F.3d 428, 437 (1st Cir.1995)(women denied access to medical clinic lacked standing). to the extent those decisions are inconsistent with NOW.

§ 9-3.2 RICO, Pecuniary And Employment Loss, Wages, Attorneys' Fees

Proof of specific, concrete, quantifiable financial losses, loss of employment or loss of future employment, including loss of wages or attorneys' fees, incurred as the result of a RICO violation, are required for a RICO claim.

Pecuniary losses resulting from racketeering and causing personal injuries are compensable under RICO.

AUTHORITY

The National Asbestos Workers Medical Fund v. Philip Morris, Inc., 74 F. Supp. 2d 221, 229, and 229-236 (E.D.N.Y.1999)(exhaustive review of the case law, finding that "consistent with the expansive scope of RICO's civil remedy provisions as consistently interpreted by the Supreme Court ... pecuniary losses resulting from racketeering and causing personal injuries ... [are] compensable under [RICO]"). *Evans v. City of Chicago*, 2001 WL 1028401 *5 (N.D.Ill.2001)(RICO injury includes loss of wages and/or attorneys' fees incurred as a result of a RICO conspiracy); see also *Guerrero v. Gates*, 110 F. Supp. 2d 1287 (C.D.Cal.2000); *Hunt v. Weatherbee*, 626 F.Supp. 1097, 1100-01 (D.Mass.1986)(sexual harassment victim allowed to seek lost wages under RICO); *Cowan v. Corley*, 814 F.2d 223, 226, 227 (5th Cir.1987)(interference with plaintiff's ability to engage in his wrecking business and, thus, his pursuit of livelihood, stated a civil RICO claim).

§ 9-4.2 RICO, But For Cause And Proximate Cause Required

To maintain a claim under RICO, a plaintiff must show not only that the defendant's violation was a **factual cause** of his injury, but that it was the **proximate cause** as well.

AUTHORITY

Beck v. Prupis, 529 U.S. 494, 508 n. 2, 120 S.Ct. 1608, 1617 n. 2, 146 L.Ed.2d 561 (2000); *Holmes v. Securities Investor Protection Corp.*, 503 U.S. 258, 266 n. 11, 112 S.Ct. 1311, 1317 n. 11, 117 L.Ed.2d 532 (1992); *Imagineering, Inc. v. Kiewit Pacific Co.*, 976 F.2d 1303, 1311 (9th Cir.1992), cert. denied, 507 U.S. 1004, 113 S.Ct. 1644, 123 L.Ed.2d 266 (1993).

§ 9-5.2 RICO, Enterprise Defined

As used in RICO, enterprise is defined broadly as **any individual, partnership, corporation, association, or other legal entity**, and **any union or group of individuals**, associated in fact although not a legal entity.

AUTHORITY

18 U.S.C. § 1961(4); *Beck v. Prupis*, 529 U.S. 494, 497 n. 2, 120 S.Ct. 1608, 1612 n. 2, 146 L.Ed.2d 561 (2000).

§ 9-5.4 RICO, Enterprise Is Any Recognized Legal Entity

When an alleged RICO enterprise is a **recognized legal entity**, then nothing more is required to satisfy the RICO requirement of the existence of an enterprise.

AUTHORITY

United States v. Qaoud, 777 F.2d 1105, 1116 (6th Cir.1985); see also, Devitt & Blackmarr, Federal Jury Practice and Instructions, § 100.02.

§ 9-5.6 RICO, Enterprises Operatives Are Proper Defendants

§ 9-5.6. A recognized legal entity's **operatives** are proper RICO defendants because RICO protects the public from those who would unlawfully use an enterprise (whether legitimate or illegitimate) as a vehicle through which to commit unlawful activity. *grooming*

AUTHORITY

Cedric Kushner Promotions, Ltd. v. King, 533 U.S. 158, 162-64, 121 S.Ct. 2087, 2091-92, 150 L.Ed.2d 198 (2001).

§ 9-5.7 RICO, Enterprises Can Be Government, Police Departments, And Public Entities

Both governmental and public entities, including police departments, can be enterprises under RICO.

AUTHORITY

United States v. Ambrose, 740 F.2d 505, 512 (7th Cir.1984); Kovic, 684 F.2d at 516-17; accord U.S. v. Davis, 707 F.2d 880, 883 (6th Cir.1983); United States v. Lee Stoller Enterprises, Inc., 652 F.2d 1313, 1319 (7th Cir.), cert. denied, 454 U.S. 1082, 102 S.Ct. 636, 70 L.Ed.2d 615 (1981); United States v. Clark, 646 F.2d 1259 (8th Cir.1981); United States v. Angelilli, 660 F.2d 23 (2d Cir.1981).

§ 9-5.8 RICO, Enterprise: "In Fact" Groups Defined

Establishing the existence of an associated-in-fact enterprise requires proof only of an ongoing organization, formal or informal, and that the various associates function as a continuing unit.

AUTHORITY

United States v. Turkette, 452 U.S. 576, 580 & 583, 101 S.Ct. 2524, 2527-29, 69 L.Ed.2d 246 (1981). (omitted).

§ 9-5.9 RICO, Reaches Both Legitimate And Illegitimate Enterprises

Congress wanted to reach both "legitimate" and "illegitimate enterprises" "by enacting RICO, because legitimate enterprises enjoy neither an inherent incapacity for criminal activity nor immunity from its consequences.

AUTHORITY

Sedima S.P.R.L. v. Imrex Co., 473 U.S. 479, 499, 105 S.Ct. 3275, 3286, 87 L.Ed.2d 346 (1985)(citation omitted).

§ 9-5.10 RICO, Probably All Government Officials May Be Held Liable

RICO is applicable both to illegitimate and legitimate enterprises conducted through racketeering operations, and police, sheriffs, judges, courts, and police departments, whose affairs have been corruptly run may be held liable under RICO.

AUTHORITY

United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246, (1981); Salinas v. United States, 522 U.S. 52, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997) (sheriff and deputy sheriff); United States v. Gonzalez, 21 F.3d 1045 (11th Cir.1994)(sheriff's department and deputies); Cowan v. Corley, 814 F.2d 223 (5th Cir.1987)(sheriff's department and deputies); Guerrero v. Gates, 110 F.Supp. 2d 1287 (C.D.Cal.2000) (city police chief, city officials, and police officers); Evans v. City of Chicago, 2001 WL 1028401 (N.D.Ill.2001)(city beat cops); United States v. Qaoud, 777 F.2d 1105 (6th Cir.1985)(court, as conducted by a judge), cert. denied sub nom. Callanan v. United States, 475 U.S. 1098, 106 S.Ct. 1499, 89 L.Ed.2d 899 (1986); United States v. Maloney, 71 F.3d 645 (7th Cir.1995)(state judge in performance of judicial "function"); United States v. Baker, 227 F.3d 955, 957-59 (7th Cir.2000), cert. denied 531 U.S. 1151, 121 S.Ct. 1095, 148 L.Ed.2d 968 (2001)(county sheriff is enterprise; collecting numerous cases from various circuits finding courts, prosecutors, and state agencies to be racketeers and enterprises).

§ 9-5.11 RICO, Associates, Employees, Managers Of Enterprise Liable

Those associated with or employed by or who manage an enterprise, by those facts alone, are the racketeers who conduct the enterprise.

AUTHORITY

Cedric Kushner Promotions, Ltd. v. King, 533 U.S. 158, 161-64, 121 S.Ct. 2087, 2090-92, 150 L.Ed.2d 198 (2001).

§ 9-5.12 RICO, Vicarious Liability For Peripheral Enterprise Members-Commission Of Predicate Act Not Required

Under RICO, there is vicarious liability for the underlying wrongful conduct, and those even peripherally involved with the RICO enterprise potentially may be held liable, even if they did not commit a predicate act.

AUTHORITY

Beck v. Prupis, 529 U.S. 494, 503, 120 S.Ct. 1608, 1615, 146 L.Ed.2d 561 (2000); Salinas v. United States, 522 U.S. 52, 61-62, 118 S.Ct. 469, 475-76, 139 L.Ed.2d 352 (1997).

§ 9-5.15 RICO, Reaches All Levels Of An Enterprise

RICO reaches not just upper management but also lower rung participants.

AUTHORITY

Cedric Kushner Promotions, Ltd. v. King, 533 U.S. 158, 164, 121 S.Ct. 2087, 2092, 150 L.Ed.2d 198 (2001).

§ 9-5.16 RICO, Liability Of Higher-Ups

When non-police officer RICO defendants come into courtrooms or act otherwise, and in their respective positions of public confidence, to ratify, approve of, or condone, and thereby aid and abet, a pattern of RICO predicates, all in furtherance of conducting the affairs of a police department, all are potentially liable under RICO.

AUTHORITY

See Evans v. City of Chicago, 2001 WL 1028401 (N.D.Ill.2001); United States v. Gonzalez, 21 F.3d 1045 (11th Cir.1994); Salinas, at 61-66; See Cunningham v. Gates, 229 F.3d 1271, 1287 n. 17, 1291-93 (9th Cir.2000). See also, Heller v. Bushey, 759 F.2d 1371, 1375 [9th Cir. 1985] (setting forth categories of

higher-up government officials who properly may be made defendants in Section 1983 actions). cert. granted and rev'd sub nom. *City of Los Angeles v. Heller*, 475 U.S. 796, 106 S.Ct. 1571, 89 L.Ed.2d 806 (1986)[per curiam].

§ 9-6.1 RICO, Pattern Defined

"Pattern" is defined as at least two acts of racketeering activity the last of which occurred within ten years.

AUTHORITY

18 U.S.C. § 1961(5).

§ 9-6.2 RICO, Pattern Consists Of Two Predicate Acts In Ten Years, But Not By Each Defendant

In order adequately to plead a RICO pattern, at least two predicate RICO acts must be alleged to have been committed, but there is no requirement that each defendant must have committed two predicate acts, because Section 1962(c) makes potentially liable one who merely is an aider and abettor of predicate acts.

AUTHORITY

Goren v. New Vision Intl., Inc., 156 F.3d 721, 728 (7th Cir.1998); *Petro-Tech, Inc. v. Western Co. of North America*, 824 F.2d 1349, 1356 (3d Cir. 1987); *Armco Indus. Credit Corp. v. SLT Warehouse Co.*, 782 F.2d 475, 485-86 (5th Cir.1986); *Laterza v. American Broadcasting Co.*, 581 F.Supp. 408, 412 (S.D.N.Y.1984); see *United States v. Local 560*, 780 F.2d 267, 288 n. 25 (3d Cir.1985)(same rule applies to criminal RICO violations).

§ 9-6.3 RICO, Proving Pattern By Related Predicate Acts, Temporality

The so-called "continuity plus relationship" test by which relatedness may be used to show a pattern or racketeering is established when the predicate acts claimed have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.

In this respect, continuity is essentially a temporal concept that can be established by proving a series of related predicate acts that extend over a substantial period of time.

AUTHORITY

H.J., Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 240-42, 109 S.Ct. 2893, 2901-02, 106 L.Ed.2d 195 (1989); *Sedima S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 n. 14, 105 S.Ct. 3275, 3285 n. 14, 87 L.Ed.2d 346 (1985).

§ 9-6.4 RICO, Pattern Established By Predicate Acts Over Short Period Of Time If Threat Of Continued Racketeering Shown

If RICO predicate acts extend over only a short period of time, then the pattern requirement can be met when the nature of the acts themselves demonstrates the threat of continued racketeering.

AUTHORITY

H.J., Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 242, 109 S.Ct. 2893, 2902, 106 L.Ed.2d 195 (1989)

§ 9-7.1 RICO, Conspiracy, Actionable By Itself, Against Peripheral Defendants

Conspiracy is a distinct evil, dangerous to the public, and so actionable in itself, and RICO is actionable even against those peripherally involved with the RICO enterprise.

AUTHORITY

Salinas v. United States, 522 U.S. 52, 65, 118 S.Ct. 469, 477, 139 L.Ed.2d 352 (1997) (1997) (RICO, actionable against sheriffs, rejecting two predicate act requirement for conspiracy liability under RICO); United States v. Gallo, 668 F. Supp. 736, 748 (E.D.N.Y. 1987).

§ 9-7.2 RICO, Conspiracy, Proof Of

A RICO civil conspiracy claim requires proof of facts from which one can infer that the conspirator merely adopted the goal of furthering or facilitating the enterprise, although she did not commit any predicate act or even agree to commit a predicate act, much less two predicate acts.

AUTHORITY

Salinas v. United States, 522 U.S. 52, 61-62, 118 S.Ct. 469, 475-76, 139 L.Ed.2d 352 (1997) (upholding conviction of deputy sheriff for conspiring to violate RICO, although he committed no predicate act, because he knew about the sheriff's scheme, and rejecting laundry list of appellate court decisions to the contrary; approving United States v. Carter, 721 F.2d 1514, 1528-31 [11th Cir. 1984]). Accord Evans v. City of Chicago, 2001 WL 1028401 *6 (N.D.Ill.2001).

§ 9-7.3 RICO, Conspiracy Liability, Knowledge Of Nature Of Enterprise

For one to be liable for a RICO conspiracy, all that is required is proof that the defendant had knowledge of the general nature of the enterprise.

AUTHORITY

18 U.S.C. § 1962(d); Salinas v. United States, 522 U.S. 52, 61-64, 118 S.Ct. 469, 475-77, 139 L.Ed.2d 352 (1997); United States v. Rastelli, 870 F.2d 822, 827 (2d Cir.), cert. denied sub nom. Agar v. United States, 493 U.S. 982, 110 S.Ct. 515, 107 L.Ed.2d 516 (1989).

§ 9-7.4 RICO, Conspiracy, Commission Of Predicates Not Required

To be held liable for a RICO conspiracy, it is not required to connect each conspirator with the predicates committed by other conspirators, because a RICO conspiracy is by definition broader than an ordinary conspiracy to commit a discrete crime. Each member of a RICO conspiracy need only conspire to participate in the affairs of the alleged enterprise.

AUTHORITY

United States v. Friedman, 854 F.2d 535, 561 (2d Cir.1988) (originally requiring participation through two predicate crimes, which requirement was overruled in Salinas v. United States, 522 U.S. 52, 61-62, 118 S.Ct. 469, 475-76, 139 L.Ed.2d 352 (1997)).

§ 9-7.5 RICO, Conspiracy Proved By Evidence Of Mere Participation In Affairs Of Enterprise

A RICO conspiracy may be proved with evidence that the alleged RICO co-conspirators have agreed to participate in the affairs of the same enterprise, and the mere fact that they do not conspire directly with each other does not negate the existence of the alleged conspiracy.

AUTHORITY

United States v. Alkins, 925 F.2d 541, 554 (2d Cir.1991).

§ 9-7.6 RICO, Conspiracy, Tacit Agreement Or Implicit Relationship

A RICO conspiracy can be proved based merely on a tacit agreement or from an implicit working relationship.

AUTHORITY

United States v. Patrick, 248 F.3d 11, 20 (1st Cir.), cert. denied ___ U.S. ___, 122 S.Ct. 620, 151 L.Ed.2d 542 (2001).

§ 9-7.9 RICO, Conspiracy Of Police Department, Issues Of Proof

When a RICO conspiracy to conduct the affairs of a police department through a pattern of racketeering activities is claimed, whether a defendant acted in a manner similar to the acts alleged is an issue of proof of the existence of the conspiracy.

AUTHORITY

United States v. Kovic, 684 F.2d 512, 516 (7th Cir.), cert. denied, 459 U.S. 972, 103 S.Ct. 304, 74 L.Ed.2d 284 (1982); United States v. Grzywacz, 603 F.2d 682 (7 Cir.1979), cert. denied, 446 U.S. 935, 100 S.Ct. 2152, 64 L.Ed.2d 788 (1980).

§ 9-7.10 RICO, Conspiracy, Withdrawal From, Confessions

It is of no significance that any accused racketeers no longer are employed by a police department or a governmental entity, because withdrawal from a conspiracy is accomplished only with a full confession.

In order to withdraw from a conspiracy, a defendant must cease his activity in the conspiracy and take an affirmative act to defeat or disavow the conspiracy's purpose, either by making a full confession to the authorities or by communicating his withdrawal in a manner reasonably calculated to inform his coconspirators.

AUTHORITY

United States v. Sax, 39 F.3d 1380, 1386 (7th Cir.1994)(citations omitted); accord In re Brand Name Prescription Drugs Antitrust Litigation, 123 F.3d 599, 616 (7th Cir.1997), cert. denied, 522 U.S. 1153, 118 S.Ct. 1178, 140 L.Ed.2d 186 (1998)(when a conspirator withdraws from a conspiracy by announcing withdrawal or reporting a conspiracy to authorities, liability of her for the continuing illegal acts of other conspirators ceases).

§ 9-7.11 RICO, Conspiracy, Secret Nature Of Requires Common Sense

Proof of a conspiracy necessitates the application of common sense, because there rarely is direct evidence of a conspiracy, particularly among fraternal orders such as police; and, conspiracies are by their very nature secret.

AUTHORITY

American Tobacco v. United States, 328 U.S. 781, 790, 66 S.Ct. 1125, 1129, 90 L.Ed. 1575 (1946); United States v. Williams, 714 F.2d 777 (8th Cir.1983); Haley v. Dormire, 845 F.2d 1488, 1490 (8th Cir.1988); Sparkinan v. McFarlin, 601 F.2d 261, 268 (7th Cir.1979)(en banc).

PARENS PATRIÆ

kəgneyshiyównəs/. "Parent" is a name general for every kind of relationship.

Parens patriæ /pə'renz pətri'iy or pə'renz pētri'iy/. "Parens patriæ," literally "parent of the country," refers traditionally to role of state as sovereign and guardian of persons under legal disability, such as juveniles or the insane, *State v. W.Va. v. Chas. Pfizer & Co., C.A. N.Y., 440 F.2d 1079, 1089*, and in child custody determinations, when acting on behalf of the state to protect the interests of the child. It is the principle that the state must care for those who cannot take care of themselves, such as minors who lack proper care and custody from their parents. It is a concept of standing utilized to protect those quasi-sovereign interests such as health, comfort and welfare of the people, interstate water rights, general economy of the state, etc. *Gibbs v. Titelman, D.C.Pa., 369 F.Supp. 38, 54*.

Parens patriæ originates from the English common law where the King had a royal prerogative to act as guardian to persons with legal disabilities such as infants. In the United States, the *parens patriæ* function belongs with the states.

State attorney generals have *parens patriæ* authority to bring actions on behalf of state residents for anti-trust offenses and to recover on their behalf. 15 U.S.C.A. § 15c. See also Hart-Scott-Rodino Antitrust Improvement Act.

The use of this power to deprive a person of freedom has been limited by recent laws and decisions; e.g. *Kent v. U. S., 383 U.S. 541, 554-555, 86 S.Ct. 1045, 1054, 16 L.Ed.2d 84*.

See also Surrogate parent.

Parent. The lawful father or mother of a person. In common and ordinary usage the word comprehends much more than mere fact of who was responsible for child's conception and birth and is commonly understood to describe and refer to person or persons who share mutual love and affection with a child and who supply child support and maintenance, instruction, discipline and guidance. *Solberg v. Metropolitan Life Ins. Co., 50 Wis.2d 746, 185 N.W.2d 319, 323*.

By statute, "parent" has been defined to include (1) either the natural father or the natural mother of a child born of their valid marriage to each other, if no subsequent judicial decree has divested one or both of them of their statutory coguardianship as created by their marriage; (2) either the adoptive father or the adoptive mother of a child jointly adopted by them, if no subsequent judicial decree has divested one or both of them of their statutory coguardianship as created by the adoption; (3) the natural mother of an illegitimate child, if her position as sole guardian of such a child has not been divested by a subsequent judicial decree; (4) a child's putative blood parent who has expressly acknowledged paternity and contributed meaningfully to the child's support; (5) any individual or agency whose status as guardian of the person of the child has been established by judicial decree.

Includes any person entitled to take, or who would be entitled to take if the child died without a will, as parent under the Uniform Probate Code by intestate succession from the child whose relationship is lost, and excludes any person who is only a stepmother, foster parent, or grandparent. Uniform Probate Code § 1-201(28).

See also Adoption; Loco parentis; Parens patriæ; Surrogate parent.

Parentage. Kindred in the direct ascending line. The state or condition of being a parent.

Parental consent. Consent required of minor from parent to marry or undertake other legal obligations.

Parental Kidnapping Prevention Act. Federal law which imposes a duty on the states to enforce a child custody determination entered by a court of another state if the determination is consistent with provisions of the Act. 28 U.S.C.A. § 1738A.

Parental liability. By statute in certain states, the parents may be held liable up to a specified amount for damages caused to property of others by their children if such damage is found to have resulted from negligent control of parent over acts of child.

Parental rights. The sum total of the rights of the parent or parents in and to the child as well as the rights of the child in and to the parent or parents. *Anguis v. Superior Court In and For Maricopa County, 3 Ariz.App. 68, 429 P.2d 702, 705*. The following are "parental rights" protected to varying degrees by constitution: physical possession of child, which, in case of custodial parent, includes day-to-day care and companionship of child; right to discipline child, which includes right to inculcate in child parent's moral and ethical standards; right to control and manage minor child's earnings; right to control and manage minor child's property; right to be supported by adult child; right to have child bear parent's name; and right to prevent adoption of child without parents' consent. *L. A. M. v. State, Alaska, 547 P.2d 827, 835*.

Parent-child immunity. In some jurisdictions a parent is immune from liability for negligence in an action brought by his or her child, though the trend has been to abolish or restrict such immunity.

Parent company or corporation. Company owning more than 50 percent of the voting shares, or otherwise a controlling interest, of another company, called the subsidiary. Compare Holding company.

Parentela /pə'rentiylə/. The sum of those persons who trace descent from one ancestor.

In old English law, parentela, or *de parentela se tollere*, signified a renunciation of one's kindred and family. This was, according to ancient custom, done in open court, before the judge, and in the presence of twelve men, who made oath that they believed it was done for a just cause. After such abjuration, the person was incapable of inheriting anything from any of his relations, etc.

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Palmarium /pālmeriyəm/. In civil law, a conditional fee for professional services in addition to the lawful charge.

Palmer Act. A name given to the English statute 19 & 20 Vict., c. 16, enabling a person accused of a crime committed out of the jurisdiction of the central criminal court, to be tried in that court.

Palmistry /pāməstri/. The practice of telling fortunes by a feigned interpretation of the lines and marks on the hand. Also, a trick with the hand.

Palm off. Refers to the conduct of selling goods as the goods of another or doing business as the business of another such that the public is misled by the conduct and believes it is purchasing the goods of another or doing business with someone other than the actual seller. *Laser Industries, Ltd. v. Eder Instrument Co., Inc.*, D.C.Ill., 573 F.Supp. 987, 991.

Palm prints. The impression made by a person's palm on a smooth surface. They may be used for purposes of identification in criminal cases.

Palpable. Easily perceptible, plain, obvious, readily visible, noticeable, patent, distinct, manifest. *People v. Hughey*, 382 Ill. 136, 47 N.E.2d 77, 80.

Palsgraf Rule. The rule derived from the case of *Palsgraf v. Long Island R. Co.*, 248 N.Y. 339, 162 N.E. 99, the effect that one who is negligent is liable only for the harm or injury which is within the orbit of foreseeability and not for every injury which follows from his negligence. *See also* Foreseeability.

Pandects /pāndekts/. A compilation of Roman law consisting of selected passages from the writings of the most authoritative of the older jurists, methodically arranged, prepared by Tribonian with the assistance of sixteen associates, under a commission from the emperor Justinian. This work, which is otherwise called the "Digest," because in his compilation the writings of the jurists were reduced to order and condensed *quasi digesta*, comprises fifty books, and is one of the four works composing the *Corpus Juris Civilis*. It was published in A.D. 529, when Justinian gave it the force of law.

Pander, n. One who caters to the lust of others; a bawd, a pimp, or procurer.

Pander, v. To pimp; to cater to the gratification of the lust of another. To entice or procure a female by promises, threats, fraud, or artifice, to enter any place in which prostitution is practiced, for the purpose of prostitution. Pandering is established when evidence is shown that accused has succeeded in inducing his victim to become engaged in prostitution. *People v. Charles*, Cal.App.2d 812, 32 Cal.Rptr. 653, 658.

Pandering of obscenity. Business of purveying to the prurient interest of customers, or potential customers, by either blatant and explicit advertising or subtle and sophisticated advertising. *U.S. v. Baranov*, 418 F.2d 1057, 50-1 USTC ¶9544, 17-1 USTC ¶9544, 17-1 USTC ¶9544, 17-1 USTC ¶9544.

Amendment. *Ginsburg v. United States*, 383 U.S. 463, 86 S.Ct. 942, 16 L.Ed.2d 31.

Panderer. One who solicits for prostitute. A pimp.

P & L. *See* Profit (*Profit and loss*); Profit and loss statement.

Panel. A list of jurors summoned to serve in a particular court, or for the trial of a particular action. Group of judges (smaller than the entire court) which decides a case; e.g. a nine member appellate court might be divided into three, three member panels with each panel hearing and deciding cases. May also refer to members of a commission.

See also Impanel; Jury-list; Jury panel.

Prepaid legal services. "Open panel" legal services is a plan in which legal services are paid for in advance (usually by a type of insurance) and members can choose their own lawyer. Under a "closed panel", however, all legal services are performed by a group of attorneys previously selected by the insurer, union, etc. *See* Prepaid legal services.

Pannellation /pānələyshən/. The act of impaneling a jury.

Papal supremacy. The supremacy which the Pope claimed not only over the Emperor of the Holy Roman Empire, but over all other Christian princes. The theory was that they stood to the Pope as feudal vassals to a supreme lord; as such, the Pope claimed the right to enforce the duties due to him from his feudal subordinates through an ascending scale of penalties, culminating in the absolution of the prince's subjects from the bonds of allegiance, and in the disposition of the sovereign himself. The papal supremacy was overthrown in England by acts of the Parliament which met in 1529 and was dissolved in 1536, ending in the Act of Supremacy which substituted the King for the Pope.

Paper. A written or printed document or instrument. A document filed or introduced in evidence in a suit at law, as, in the phrase "papers in the case" and in "papers on appeal." Any writing or printed document, including letters, memoranda, legal or business documents, and books of account, as in the constitutional provision which protects the people from unreasonable searches and seizures in respect to their "papers," as well as their houses and persons. A written or printed evidence of debt, particularly a promissory note or bill of exchange, as in the phrases "accommodation paper" and "commercial paper" (*q.v.*). *See also* Beare; paper; postal paper; Commercial paper; Document; Instrument.

Paper money. Bills drawn by a government against its own credit, engaging to pay money, but which do not profess to be immediately convertible into specie, and which are put into compulsory circulation as a substitute for coined money. *See* Federal reserve notes; Legal tender.

Paper patent. Term used derisively to refer to a discovery or invention which has never been put to work.

mercial use
Colgate-Palm

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Paragraph. A
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Fed.R.Civil I
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grant of authority itself (the appointment), or the document granting the authority (the appointment form). See also Power of attorney; Proxy statement; Voting trust.

Proxy marriage. A marriage contracted or celebrated through agents acting on behalf of one or both parties. A proxy marriage differs from the more conventional ceremony only in that one or both of the contracting parties are represented by an agent; all the other requirements having been met. *State v. Anderson*, 239 Or. 200, 396 P.2d 558, 561.

Proxy statement. Information required by SEC to be given stockholders as a prerequisite to solicitation of proxies for a security subject to the requirements of Securities Exchange Act. The purpose of the proxy statement is to provide shareholders with the appropriate information to permit an intelligent decision on whether to permit their shares to be voted as solicited for particular matter at forthcoming stockholders meeting. See also Buried facts doctrine.

Prudence. Carefulness, precaution, attentiveness, and good judgment, as applied to action or conduct. The degree of care required by the exigencies or circumstances under which it is to be exercised. This term, in the language of the law, is commonly associated with Care and Diligence and contrasted with Negligence. See those titles.

Prudent. Sagacious in adapting means to end; circumspect in action, or in determining any line of conduct. Practically wise, judicious, careful, discreet, circumspect, sensible. *Tureen v. Peoples Motorbus Co. of St. Louis*, Mo.App., 97 S.W.2d 847, 848. In defining negligence, practically synonymous with cautious.

Prudenter agit qui praecepto legis obtemperat /pru-dén-tér éy-jat kwáy praséptow liy-jas obtémperat/. He acts prudently who obeys the command of the law.

Prudent Man Rule. An investment standard. In some states, the law requires that a fiduciary, such as a trustee for pension funds, may invest the trust's or fund's money only in a list of securities designated by the state—the so-called legal list. In other states, the trustee may invest in a security if it is one which a prudent man of discretion and intelligence, who is seeking a reasonable income and preservation of capital, would buy. For example, New York's prudent man rule trustee is bound to employ such diligence and such prudence in care and management of funds as a general prudent man of discretion and intelligence in such matters employ in their own life and estate. *Withers v. Teachers' Retirement System of City of New York*, D.C.N.Y., 447 F.Supp. 1248, 1251. A federal prudent man rule which governs investment of pension funds is found in ERISA § 404(a)(1); 29 U.S.C.A. § 1104(a)(1).

Prurient interest. A shameful or morbid interest in nudity, sex, or excretion. *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 498, 105 S.Ct. 2794, 2799, 86 L.Ed.2d 394. Model Penal Code § 251.4(1). An obsessive interest in immoral and lascivious matters. An excessive or unnatural interest in sex. One of the criteria of obscenity.

✓ Deviants
want this in
school

ty enunciated in *Miller v. California*, 413 U.S. 15, 93 S.Ct. 2607, 37 L.Ed.2d 419, is whether the material appeals to the "prurient interest" in sex. See also Obscene; Obscenity.

P.S. An abbreviation for "Public Statutes;" also for "postscript."

Pseudo /s'yúwdow/. False, counterfeit, pretended, spurious.

Pseudograph /s'yúwdagráf/. False writing.

P.S.I.A. An abbreviation for "pounds per square inch absolute."

Psychoneurosis /sáykown(y)erówsas/. See Insanity.

Psychosis /saykówsas/. A severe mental disorder in which the patient departs from the normal pattern of thinking, feeling, and acting. There is generally a loss of contact with reality. Progressive deterioration may occur. See also Insanity.

Psychotherapy /sáykowthéhrəpiy/. A method or system of alleviating or curing certain forms of disease, particularly diseases of the nervous system or such as are traceable to nervous disorders, by suggestion, persuasion, encouragement, the inspiration of hope or confidence, the discouragement of morbid memories, associations, or beliefs, and other similar means addressed to the mental state of the patient, without (or sometimes in conjunction with) the administration of drugs or other physical remedies.

PTI. See Previously taxed income; Pre-trial intervention.

Puberty. The earliest age at which persons are capable of begetting or bearing children. In the civil and common law, the age at which one became capable of contracting marriage. It was in boys fourteen, and in girls twelve years.

Public, n. The whole body politic, or the aggregate of the citizens of a state, nation, or municipality. The inhabitants of a state, county, or community. In one sense, everybody, and accordingly the body of the people at large; the community at large, without reference to the geographical limits of any corporation like a city, town, or county; the people. In another sense the word does not mean all the people, for even in the same community many of the people are not citizens. The word as contrasted with private, means the body of the people as contrasted with the few. Accordingly, it has been defined as applied as meaning the inhabitants of a particular place, all the inhabitants of a particular place; the people of the neighborhood. Also, a part of the inhabitants of a community.

Public, adj. Pertaining to a state, nation, or whole community; proceeding from, relating to, or affecting the whole body of people or an entire community. Open to all; notorious. Common to all or many; general; open to common use. Belonging to the people at large; relating to or affecting the whole people of a state, nation, or community; not limited or restricted to any particular class of the community. *Peacock v. Retail Credit Co.*, D.C.Ga., 302 F.Supp. 418, 423.

Not people that
love children

As to public
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Notice; Nuisance
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food, entertainment
public. 42 U.S.C.

Public advocate.
attorney who purp
matters of public
mental quality, an
Ombudsman.

Public agency. A
which has official
trative body.

Publican /pəbləkən
public revenue; on-
from the public tre

In English law, a
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Publicanus /pəbləké
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Mr. 20 F.2d 911, 91
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Private school. One maintained by private individuals, religious organizations, or corporations, not at public expense, and open only to pupils selected and admitted by the proprietors or governors, or to pupils of a certain religion or possessing certain qualifications, and generally supported, in part at least, by tuition fees or charges.

Public schools. Schools established under the laws of the state (and usually regulated in matters of detail by the local authorities), in the various districts, counties, or towns, maintained at the public expense by taxation, and open, usually without charge, to the children of all the residents of the city, town or other district. Schools belonging to the public and established and conducted under public authority.

School board or committee. A board of municipal officers charged with the administration of the affairs of the public schools. They are commonly organized under the general laws of the state, and fall within the class of *quasi* corporations, sometimes coterminous with a county or district, but not necessarily so. The members of the school board or committee are usually elected by the voters of the school district. The circuit of their territorial jurisdiction is called a "school district," and each school district is commonly a separate taxing district for school purposes.

School directors. See *School board or committee, above.*

School district. A public and quasi municipal corporation, organized by legislative authority or direction, comprising a defined territory, for the erection, maintenance, government, and support of the public schools within its territory in accordance with and in subordination to the general school laws of the state, invested, for these purposes only, with powers of local self-government and generally of local taxation, and administered by a board of officers, usually elected by the voters of the district, who are variously styled "school directors", "school boards", "school committees", "trustees", "commissioners", or "supervisors" of schools.

School lands. Public lands of a state set apart by the state (or by congress in a territory) to create, by the proceeds of their sale, a fund for the establishment and maintenance of public schools.

Scintilla est sapientia. Lat. It is to be known. It is remarked in the books on the civil law, this phrase is often found at the beginning of a chapter or paragraph, by way of introduction to some explanation or directing attention to some particular rule.

Scienter /sayéntər/. Lat. Knowingly. The term is used in pleading to signify an allegation (or that part of the declaration or indictment which contains it) setting out the defendant's previous knowledge of the cause which led to the injury complained of, or rather his previous knowledge of a state of facts which it was his duty to guard against, and his omission to do which has led to the injury complained of. The term is frequently used to signify the defendant's guilty knowledge.

Knowledge by the misrepresenting party that material facts have been falsely represented or omitted with an

intent to deceive. *Myzel v. Fields*, C.A.Minn., 386 F.2d 718, 734.

The term "scienter," as applied to conduct necessary to give rise to an action for civil damages under Securities Exchange Act of 1934 and Rule 10b-5 refers to a mental state embracing intent to deceive, manipulate or defraud. *Ernst and Ernst v. Hochfelder*, Ill., 425 U.S. 185, 96 S.Ct. 1375, 1381, 47 L.Ed.2d 668.

Scientia sciolorum est mixta ignorantia /sayénsh(iy)ə sáyəlórəm ést miktə ignərénsh(iy)ə/. The knowledge of smatterers is diluted ignorance.

Scientia utrimque par pares contrahentes facit /sayénsh(iy)ə yuwtrímkwiy páér périyz kóntrahéntiyz féysat/. Equal knowledge on both sides makes contracting parties equal. An insured need not mention what the underwriter knows, or what he ought to know.

Scienti et volenti non fit injuria /sayéntay ét valéntay nón fit injúriyə/. An injury is not done to one who knows and wills it.

Sci. fa. /sáy.féy/. An abbreviation for "scire facias" (q.v.).

Scilicet /siləset/sáyləset/. Lat. To-wit; that is to say. A word used in pleadings and other instruments, as introductory to a more particular statement of matters previously mentioned in general terms.

Scintilla /sintilə/. Lat. A spark; a remaining particle; a trifle; the least particle.

Scintilla juris /sintilə júras/. In real property law, a spark of right or interest. By this figurative expression was denoted the small particle of interest, which, by a fiction of law, was supposed to remain in a feoffee to uses, sufficient to support contingent uses afterwards coming into existence, and thereby enable the statute of uses (27 Hen. VIII, c. 10) to execute them.

Scintilla of evidence rule /sintilə əv évədəns/. A spark of evidence. A metaphorical expression to describe a very insignificant or trifling item or particle of evidence; used in the statement of the common-law rule that if there is any evidence at all in a case, even a mere *scintilla*, tending to support a material issue, the case cannot be taken from the jury, but must be left to their decision.

The "scintilla of evidence" rule requires that if there is even a *scintilla* of evidence presented in support of the nonmoving party's position, summary judgment should not be granted. *Chiniche v. Smith*, Ala., 374 So.2d 872, 873. With regard to precluding summary judgment for defendant, "scintilla rule" requires only that the evidence, or reasonable inferences therefrom, furnish a mere gleam, glimmer, spark, the least bit, the smallest trace, in support of plaintiff's complaint. *Wilson v. Liberty Nat. Life Ins. Co.*, Ala., 331 So.2d 617, 619.

Any material evidence that, if true, would tend to establish issue in mind of reasonable juror. Something of substance and relevant consequence and not vague, uncertain, or irrelevant matter not carrying quality of proof or having fitness to induce conviction. *Wiggin-*

Knowingly harming our future
your future

LAW OF THE LAND

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U. S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for a law which violates the Constitution to be valid. This is succinctly stated as follows:

"All laws which are repugnant to the Constitution are null and void." *Marbury vs. Madison*, 5 US (2 Cranch) 137, 174, 176, (1803)

PARENTS RIGHTS TRUMP

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda vs. Arizona*, 384 US 436 p. 491.

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."

Norton vs. Shelby County
118 US 425 p. 442

The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it.

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

Also *I.N.S. vs. Chadha*

Hertado vs. Calif.

110 USS 16

Miller vs. U.S. 230

F2d 486, 489

Sherar vs. Cullen 481 F 945

16 Am Jur 2d, Sec 177

late 2d, Sec 256

7

Article 6

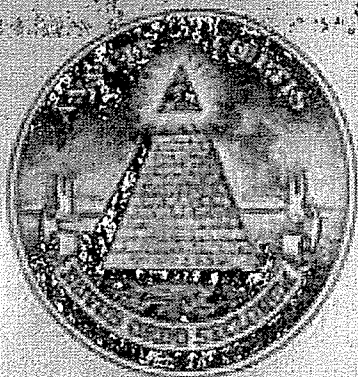
Supremacy clause

Constitution of U.S. & it's rulings protect
the parents + children first!!

READ THE MIDDLE PARAGRAPH

THE REAL TRUTH ABOUT

THE NEW WORLD ORDER



by A. Ralph Epperson

THIS WAS WRITTEN IN 1989

The old world is coming to an end. It will be replaced with a new way of doing things.

The new world will be called the "New World Order."

This new restructuring will re-distribute property from the "haves" to the "have-nots."

The New World Order will include changes in:

the family:

homosexual marriages will be legalized; parents will not be allowed to raise their children (the state will); all women will be employed by the state and not allowed to be "housewives"; divorce will become instantly easy and "no-fault" marriages will be slowly phased out.

the workplace:

the government will become the owner of all of the factors of production; the private ownership of property will be outlawed.

religion:

religion will be outlawed and believers will be either eliminated or imprisoned; there will be a new religion: the worship of man and his mind; all will believe in the new religion.

The United States will play a major role in bringing it to pass.

World wars have been fought to further its aims.

World War II, the Nazi Socialist, supported the goal of the

the victory of the people with

Create division (CRT-pandemics-DEI-Carbon credits-Trans-homos-etc),

Create Chaos-confusion-control the narrative-

Create the Problem

Then Pretend to fix the problem

Do all of this - Wola!!

Communism -

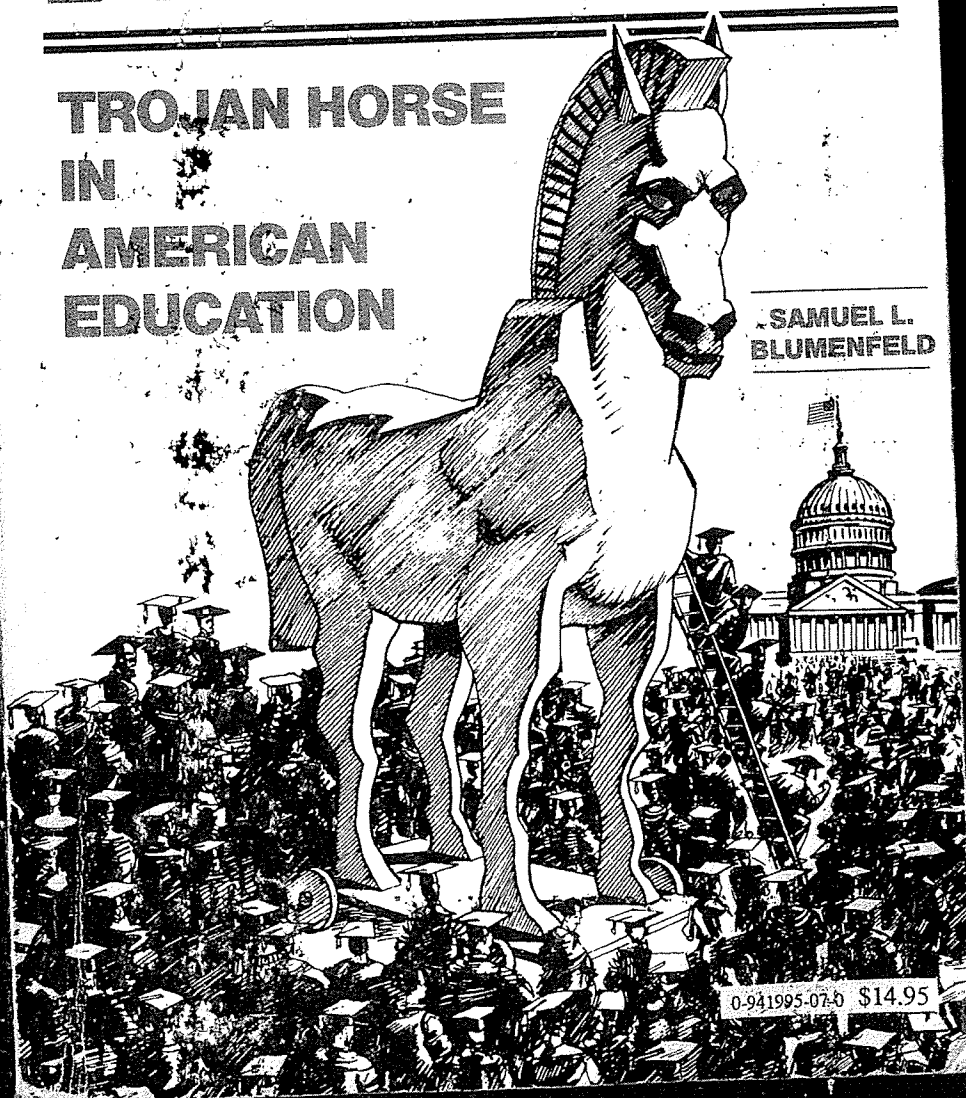
Enslavement

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NEA

TROJAN HORSE IN AMERICAN EDUCATION

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Trotsky + Marx created what is
happening now in 1917 in Russia!!
Read this history!!

California State Teachers Association (1932-35). He was the effect organization man.

Like Dewey, he also believed in socialism. At the 1934 session of the NEA's Department of Superintendence, he told the conferees that "many drastic changes must be made. A ying 'laissez-faire' must be completely destroyed and all of s, including the 'owners,' must be subjected to a large degree of social control. A large section of our discussion group maintain that the credit agencies, the basic industries and utilities cannot be centrally planned and operated under private ownership." Givens then recommended "taking these over and operating them at full capacity as a unified national system in the interest of all the people."

Givens took power at a time when Marxist radicalism was at its height at Teachers College, his alma mater. George S. Counts, the leftist professor at Teachers College who had toured the Soviet Union several times and written glowing accounts of the social "experiments," published *Dare the School Build a New Social Order?* in 1932. He urged "that the teachers should deliberately reach for power and then make the most of their conquest."

Cremin writes in his history of Teachers College:

Counts's position was that teachers should play a primary role in formulating desirable societal goals and then consciously seek to attain them. . . . The course for American teachers was clear: they would have to gain power and use it to help create a great new society.⁷

Meanwhile at Teachers College intense verbal warfare broke out between communists and socialists. The former reached revolution, the latter advocated gradual evolution. Dewey, who numbered himself among the latter, wanted a socialist society as much as any communist, but he differed on methods. He wrote in *Liberalism and Social Action* in 1935:

The Communist Manifesto presented two alternatives: either the revolutionary change and transfer of power to the proletariat or

the common ruin of the contending parties. Today, the civil war that would be adequate to effect transfer of power and a reconstitution of society at large, as understood by official communists, would seem to present but one possible consequence: the ruin of all parties and the destruction of civilized life. This fact alone is enough to lead us to consider the potentialities of the method of intelligence.⁸

The "method of intelligence" pointed directly to the schools. To Dewey, the obstacles to socialism were the ingrained habits, the "institutional relationships fixed in pre-scientific age." These obstacles could be removed through education. To Dewey, science was "socially organized intelligence" and the function of liberalism was to facilitate social change in the socialist direction. He wrote:

Organized social planning . . . is now the sole method of social action by which liberalism can realize its professed aims. . . .⁹

When I say that the first object of a resurgent liberalism is education, I mean that its task is to aid in producing the habits of mind and character, the intellectual and moral patterns, that are somewhere near even with the actual movement of events.¹⁰

It was under Givens that the movement within the NEA to unify the teaching profession began in earnest. In 1944, at the Pittsburgh convention, resolutions to increase dues and unify membership were adopted. The unification plan provided for the enrollment of members in the local, state and national associations in one transaction. Hitherto, a member of a local or state teachers association did not have to join the national association. Under the new scheme, unified membership would be compulsory in states that adopted it. The system would automatically increase NEA membership, revenues and power.

Oregon was the first state to adopt unification in 1944. The next year Hawaii and Montana followed suit, and by 1950 Arizona, Idaho and Nevada were also unified. After that, the process virtually stopped. From 1950 to 1960 only one state voted for unification, indicating that there was no great en-

9.28.020

**Selling obscene
materials prohibited.**



Whoever brings within the limits of the city for the purpose of sale, or sells or offers for sale, or gives away or offers to give away, or makes, draws, prints or posts within the city, any obscene picture, pamphlet, newspaper, journal, magazine, printed publication, slip papers or writing of any kind or character or any obscene picture, drawing, engraving, card, photograph, medal, cast or instrument, or any article of an obscene character, with knowledge or reason to know the content thereof, shall be deemed an ordinance violator. (Ord. 210 § 4, 1978; 1978 code § 9.28)

Sec. 11.61.128. Distribution of indecent material to minors.

(a) A person commits the crime of distribution of indecent material to minors if

(1) the person, being 18 years of age or older, intentionally distributes or possesses with intent to distribute any material described in (2) and (3) of this subsection to either

(A) a child that the person knows is under 16 years of age; or

(B) another person that the person believes is a child under 16 years of age;

(2) the person knows that the material depicts the following actual or simulated conduct:

(A) sexual penetration

(B) the lewd touching of a person's genitals, anus, or female breast;

(C) masturbation;

(D) bestiality;

(E) the lewd exhibition of a person's genitals, anus, or female breast; or

(F) sexual masochism or sadism; and

(3) the material is harmful to minors.

(b) In this section, it is not a defense that the victim was not actually under 16 years of age.

(c) In this section, "harmful to minors" means

(1) the average individual, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest in sex for persons under 16 years of age;

(2) a reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, educational, political, or scientific value for persons under 16 years of age; and

(3) the material depicts actual or simulated conduct in a way that is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable for persons under 16 years of age.

(d) Except as provided in (e) of this section, distribution of indecent material to minors is a class C felony.

(e) Distribution of indecent material to minors is a class B felony if the defendant was, at the time of the offense, required to register as a sex offender or child kidnapper under AS 12.63 or a similar law of another jurisdiction.

Sec. 11.61.129. Forfeiture of property used in indecent viewing or production of a picture or child pornography.

(a) Property used to aid a violation of AS 11.61.123 — 11.61.128 or to aid the solicitation of, attempt to commit, or conspiracy to commit a violation of AS 11.61.123 — 11.61.128 may be forfeited to the state upon the conviction of the offender.

(b) In this section, “property” has the meaning given in AS 11.41.468.

Lindsey Causer

From: [REDACTED] on behalf of Jane Hale <[REDACTED]>
Sent: Thursday, April 13, 2023 11:07 AM
To: Rep. Jamie Allard
Subject: I oppose HB 105

Dear Jamie Allard,

I urge you to oppose HB 105.

I urge you to oppose HB 105. I am 70-yr-old, non-binary, a retired technical writer for NOAA. I have raised five kids in Juneau, all of whom are wonderful, well-adjusted young adults living productive lives here in Juneau and across the Pacific Northwest.

This bill has nothing to do with "parental rights." That's a smokescreen for the government's attempt to control the way we think about sex and gender. It's all about government control.

The schools have no business telling our kids what to think. They should be busy teaching them how to think. And the government's role is to protect our freedom to think for ourselves.

Please oppose this bill as vociferously as you can.

Thank you.

Jane Hale

Sincerely,
Ms. Jane Hale