

# ADIOS ARPAIO - THE FISCAL AND LEGAL CASE FOR REMOVAL OF SHERIFF JOE



America,  
indeed the  
nation, is in  
a financial  
and legal  
moribund  
lurch. No  
longer, if  
there ever  
was, is there  
taxpayer money

and ethics left on balance to be wasted on entrenched politicians sucking at our tit. You say your's is the worst? Well, then you do not live in Maricopa County Arizona, the home of Sheriff Joe Arpaio.

It is time for Sheriff Joe to go. ADIOS ARPAIO! There is a fiscal, legal and moral case to do so.

My friend Tim Murphy, of Mother Jones, laid out the "bizarre" freak show nature of Arpaio's current reelection campaign in superb detail. But only part of the story was told, understandable as there is SO much to tell in the Arpaio saga. Here is the rest of, or at least some of the rest of, the story.

Joe Arpaio did not magically come to be Sheriff of Maricopa County. It happened because the two previous occupants of the Sheriff's Office were, shall we say, problematic on their own. There was Dick Godbehere, who was, prior to being Sheriff of the fourth largest county in the United States, literally a lawn mower repairman. No, I kid you not. And he served with the same level of sophistication you would expect of a lawn mower repairman.

Then came Tom Agnos, who was supposed to return “professionalism” to the Maricopa County Sheriff’s Office (MCSO). But Agnos was a subservient Sun City resident who led the MCSO into not just the biggest cock-up in Maricopa county law enforcement history, but one of national and international proportion. The Buddhist Temple Murder Case where nine buddhist monks and acolytes were lined up and shot in the back of the head, execution style, at the Wat Promkunaram Buddhist Temple on the west side of Phoenix.

It was out of the Buddhist Temple Murders Joe Arpaio came to be. A group of prominent Phoenix trial attorneys, both criminal and civil, wanted an alternative to Tom Agnos and the whitewashing coverup he was conducting on one of the greatest coerced false confession cases in world history. The group of trial lawyers coalesced around the upstart primary candidacy of a local travel agent with a colorful background. Yep, one Joseph Arpaio.

Joseph Arpaio promised that initial group of trial lawyers he would clean up the MCSO, release the damning internal report of the gross misconduct that had occurred in the Temple Murder Case under Tom Agnos, which lead to at least four false and heinously coerced confessions, and that he would refuse, under all circumstances, to serve more than one term in office. It was a promise made and, obviously, a promise long ago broken.

To be fair, Arpaio did release the internal report on the Temple Murder



Case, which led to five plus million dollar settlement for some of the most wrongfully arrested souls in American history. But with that promise kept within a short time of taking office, Joe Arpaio breached the solid promise he made to the people who gave him the seed funding carrying him into office. And Arpaio has made a mockery of his word, as a man, ever since by repeatedly running for office and sinking Maricopa County into depths of depravity and fiscal distress beyond comprehension, from the vantage of the MCSO.

Arpaio's false pretenses to get elected have turned into the fodder of liability for the county he was supposedly elected to serve and protect.

How deep has Arpaio's liability effected the taxpayers, and residents, of Maricopa County? To the tune of at least \$50 Million dollars. AT LEAST. Because that figure not only does not count the costs of defense, and they are usually astronomical in the larger cases against Arpaio, because he never admits responsibility, but also does not consider Maricopa County is self insured and may not, necessarily, publicly disclose all smaller payouts. There may, or may not, be a lot more payout, or a lot more, we just don't know.

So, what is the ledger to date? Here it is in all its sick glory. \$50 Million dollars of unnecessary payout, all because of a man, who promised, and who was initially sponsored, and brought to election, by a group who wanted change and the diametric opposite of what came to be.

Here is the worse part: the \$50 Million figure is, by all appearances, devoid of the real and hard actual costs of defending all the action on which payout was made in that spreadsheet. Hard costs are known in the legal world as attorney fees, court costs, expert witness fees, service costs, evidentiary laboratory fees – in short, fees that can add up to millions in, and among, themselves, irrespective of the underlying root

liability payouts. In short, the \$50 Million you see in the ledger is but a fraction of the real cost of Joe Arpaio's criminally and civilly negligent insolence as Sheriff of Maricopa County. Nor does the figure, of course, include the losses that already should have come from the Deborah Brailard case, much less the Matty Atensio case.

Who is Matthew Atensio represented by? That would be by one prime example of tort liability counterbalance to egregious wrongdoing, Michael Manning. Who is Michael Manning? Well, Manning is the grinning man in the photograph above, with the somewhat soullessly dumbfounded Joe Arpaio at a charity fundraiser. Manning has a right to grin at the sight of the "Toughest Sheriff In America", because Michael Manning, alone, has taken the greatest portion of the nearly \$50 Million (and very much increasingly counting) toll on the taxpayers of Maricopa County, the narcissistic propaganda obsessed figurine Joe Arpaio has cost. And Manning and fellow Phoenix attorney Joel B. Robbins, have laid the wood to Sheriff Joe, and the worst is yet to com in the form of the Atensio litigation and other compelling cases (not to mention Brailard which should have settled and, now, instead awaits a larger jury verdict on already determined damages).

You think the moral and tort liability train fueled and paid by the taxpayers and citizens of Maricopa County has sailed into the sunset? Oh no. There are mountains of liability and taxpayer's coffer's payouts on the horizon. The only question is if the residents and voters of Maricopa County will wake up and end the madness now, or whether they will give yet another term of office to the Most Liable and Wasteful Sheriff In American History".

The dedicated folks at "Adios Arpaio" have done yeoman's work in identifying, registering, and encouraging tens of thousands, if not more of, not just latino, but voters of all colors and stripes, to vote in this election. A heroic

effort.

But where does that leave the citizens of Maricopa County? Arguably still short against the self promoting dynamo that is Sheriff Joe Arpaio. It is a living monument to the benign destruction caused by hyped belligerence, ignorance and apathy in a designated and restricted electorate. Joseph Arpaio came into office as the the promised one term agent of well meaning, and will leave, to the shame of Maricopa County as perhaps the most disgraceful official ever elected in the county. The only question is, whether that is now or four years from now.

Will morality and justice be delayed? By the real signs on the ground in Arizona, as opposed to national hype, probably no. It will, nevertheless, be an everlasting blemish on the character of the electorate of Maricopa County. It wasn't as if you, and actually we, didn't know.

The better question is what becomes of the righteous Adios Arpaio movement? Honestly, if this level of awareness and action had been brought here in relation, early on, to the Scott Norberg deaths at the Maricopa County Jail facilities run by Joe Arpaio, perhaps soooo much more death, destruction and liability could have been avoided. Not to detract from anything, everything, existing now, that did not then, in the way of putting a stop to Arpaio, is it enough? No, likely the current effort, much less this post, is not.

But, then, let it not be said there was not effort and argument made between then and now. There is a man, Arpaio, who should be removed from office and, if the electorate's voice is willing to suffer exactly that, a remedy for the corpse of Matty Atensio, who died for Jesus's sins, but so far, apparently, not Arpaio's sins. Like an imperious "Wall Street Bankster".

Where is the bullshit in Maricopa County going to end? Will the truth of the civil, criminal

and moral liability of "The Toughest Sheriff in Town" be exposed? Only the voters of Arizona, who are not half as stupid as generally portrayed, will decide.

I sincerely hope intelligence and discretion win out over appearance and material duplicity. But, then again, such would not seem to be the characteristic of the modern Arizona electorate. It is a screwed up place in a screwed up time.

But, if the Leader of the Free World, Barack Obama, much less Joe Biden, cannot even be bothered to haul at least one of their self serving ass here to Arizona, when the election and morals are on the line, in a state in the process of turning from Red to Blue under the absentee watch, then why exactly should lifelong Democrats here give a flying fuck about the national ticket? Seriously, tell me why?

So, there is no national action, to even respectably mention, in Arizona. Arizona has been left to fend for itself as being useless and worthless by a craven two party system of two hollow jackasses but, even more significantly, by a national press system of court jester reporters, stenographers, and thin skinned puppet stringed mopes who cannot tell the difference between themselves and the common political flaming jackasses they cover. There is a national press who shouts "Semper Fi" while selling out everything they were trained and hired to do. I know several will read this, the question is who among them will adopt it, who will ignore it, and who will whine like pathetic thin skinned poseurs? Boo yah bitches, I am waiting. Show us your colors; if you cannot now in the heat of battle, then when? Answer up.

Which leaves us where we entered, with Sheriff Joe Arpaio. Arpaio is a blight upon Maricopa County. Unelect him. Adios Arpaio.

There are further vignettes to be painted regarding Arpaio. Here are a couple of particularly poignant ones. Arpaio And Thomas: The Most Unethical Sheriff And Prosecutor In

America Conspire To Abuse Power And Obstruct Justice oh, and not to mention the seminal "House Judiciary Cuffs Joe Arpaio, The Most Abusive Sheriff In America". Read and know both if you want to know Sheriff Joe.

Unelect this guy!

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## **SICK OF THE ELECTION JIZ VIRTUALLY SPEAKING TRASH TALK**

If there were more days remaining, say maybe seven, perhaps there would be reason to throw some politics in here for discussion. But, no, there are, as I write this blarney, only four days left in our long national nightmare. So, enough of the yankee doodle dandies in their gold Rolls Royces, and car elevators, enough of the relentless ads and horserace discussion, let us instead talk football.

But this week it will not just be here, Marcy and I will also be appearing with Jay Ackroyd on Blog Talk Radio Sunday at 9pm EST [note corrected time] and other times adjusted accordingly moving ever westward. To talk about the election? Nope, enough of that, we will be talking trash about football baybee! So come join us, here is a link to the audio feed on the net and if you are in Second Life, you can find us there as well. Even better, you too, my friends and friendettes can call in and yammer with us by dialing (646) 200-3440 during the show. Can't promise how many get through, because I am a rookie at this, but what the heck give it a try. Exciting!

With that public service announcement out of the way, let's get down to business. First up is, of course, the student athletes. The game of the week finally does not have to do with the

Blighted Irish. This week it is without question Alabama at LSU. Both teams have big and nasty defenses, but the Crimson Tide has a quietly cold blooded efficient offense, and I think, coupled with the defense, it will be too much for LSU. The other critical showdown is Oregon at USC. Can Matt Barkley and the Trojans get their mojo back and spoil the Ducks' season? Maybe, the game is in the Coliseum and the Men of Troy have a lot of weapons in the offensive skill positions. But their O-line is not up to usual par, nor is the defense. And, as I witnessed in person a couple of weeks ago, the Quackers are big, fast and badass; I'm sticking with the boys with the billed beaks. Lastly, an honorable mention to Colin Klein and Kansas State, who host the always dangerous Oklahoma State.

On to the pros. The big cheese here is the Cardinals at Packers. Okay, not really, the Pack will light up and then crush the Cardinals in Lambeau and send the once promising season for Arizona further down the toilet. The game I am strangely hooked on is Miami at Indianapolis. The Fish are WAY better than anybody thought. Philbin can coach, Tannehill can throw, and Reggie Bush can be a featured back. Oh, and the defense is quietly awesome. Miami looks to be for real; but so too do the Colts and Andrew Luck. No clue which way this one will go, but maybe a slight edge to the Fish because of the D.

The third game on the slate for discussion is Pittsburgh at the Giants. Really, this is probably the best game of the week. Good/Bad Eli and Big Ben both came out of the 2004 draft, and both have a couple of Super Bowl wins. Both teams traditionally have punishing defenses. Fun fact: "This is the first time quarterbacks in opposite conferences with multiple championships are meeting in a regular-season game since Joe Montana's 49ers beat Jim Plunkett's Los Angeles Raiders in 1985." The game is in the Meadowlands where emotions will be running high from Sandy. Everything points to a win for the Gents, but



the Stillers are starting to gel after a rough start to the season, and I think they may pull off an upset.

Hard to see Dallas having much for the Falcons in Atlanta. A better question is who in the world will win between the Saints and Eagles down in Nawlins on Monday Night? Both teams have been quite sucky to date. I don't think any team in history has given up more yards on defense through the first seven games than the Saints, and Drew Brees is getting uncharacteristically hammered behind a porous O-line. Mark Ingram has been close to a bust at running back. It ain't pretty down in the Big Easy. Nor has it been for Mike Vick and the Iggles. His and Any Reid's jobs may truly be on the line. Both teams are desperate for a win, but I think Philly is a better team and will take the win.

Lastly, the Circus is up and running in Abu Dhabi this weekend. Sebastian Vettel had some problems with the brakes on his Red Bull in practice and spent most of the time in the garage. Qualifying is underway as I post – and it has just wound up. Lewis Hamilton was fast and took pole. Mark Webber will join him on the front row, with Vettel and Maldonado in the second row. Jenson starts from a disappointing P6 and Alonso is all the way back in P7 and Massa in P9. Two oddities may affect the final grid by tomorrow: Vettel stopped his car on the track as qualifying ended, and that is usually a penalty. Secondly, Ferrari was working beyond permissible hours last night in the garage, and that may yet cast Alonso and Massa. We shall see.

The Yas Marina Circuit is the most expensive track on the calendar, and it is indeed beautiful. It is also a pretty fine track for racing. Here is a nice video overview by CNN from when Yas Marina first opened in 2009. Should be an excellent race and it goes off at 8 am EST Sunday morning (think I have that right, it is the stupid daylight savings time change day).

So, that is it for this weekend. Music above is the original promo video of Elected by Alice from 1972 and it is pretty fun. Rip it up!

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## **WHEREIN DC SIR LANCELOTS TURN THEIR TAIL AND FLEE LIKE CANDYASS SIR ROBINS**

Attention Americans:

Those brave elected and appointed representatives who represent YOU in the Federal Government are fleeing! Well, granted, I guess that doesn't really account for the elected members of Congress who have been diddling and twiddling their thumbs, among other things, for a while now in order to suck at the tit of corporate cash, while doing nothing for you on the record at their elected jobs (no, Darrell Issa's dog and pony show doesn't count) and throw it around to perpetuate a fraud on you.

But, as they say in movies, that is something completely different.

No, here is the notice I take just a little umbrage with:

Non-emergency employees (including employees on pre-approved paid leave) will be granted excused absence (administrative leave) for the number of hours they were scheduled to work unless they are:

required to telework,  
on official travel outside of the Washington, DC, area,  
on leave without pay, or

on an alternative work schedule (AWS) day off.

Telework-Ready Employees who are scheduled to perform telework on the day of the announcement or who are required to perform unscheduled telework on a day when Federal offices are closed to the public must telework the entire workday or request leave, or a combination of both, in accordance with their agencies' policies and procedures, subject to any applicable collective bargaining requirements.

Emergency Employees are expected to report to their worksites unless otherwise directed by their agencies.

As friend of the blog, Timothy Shorrock, noted:

No government Monday. A state of anarchy will reign!

I'm with Tim, we are all SO SCREWED!

Okay, and I'm going to take a flyer that Mr. Shorrock agrees, the nation may not only survive, but actually prosper without the usual cabal of corrupt con men and bloodsuckers that generally run things in Washington DC on a "normal" day. Call me crazy, but I am going out on that limb.

Here is my issue: They are all bozos on that bus. Pretty much all of the NOAA, CNN and other data intensive models have been predicting this likely Sand path for days.

Our Men in Havana, er, I mean men and women in DC, are just figuring this out now??? Perhaps the usual rhesus monkey brains were otherwise occupied still figuring out the Administration's housing policy.

And, look at the directive. What does it really say? That the poohbahs suggest common workers,

just being notified a couple of hours before they go to sleep, do what they were already doing, or already had the option to do, and work from home. For any others unable to do so, the suggestion is they take leave.

In short, the real backbone of the federal government, the regular workers, are being treated in a tardy and tawdry manner.

By the 1% MOTUs. Shocking, no?

So, while the politicians who are not already cravenly out of town on your dime are absent, even the remaining Knights of The Pinhead Table run like crazed Sir Robins.

Ain't that America?

Uh, yeah, so tomorrow will be different from exactly what other day you federal jackasses??

Because, Congress, the DOJ, the SEC, the FEC, the NLRB, and all the rest, BEFORE SANDY, were soooooo totally responsive to the needs and desires of their constituents.

On a serious note, this hurricane is pretty clearly a grave matter for human safety. Care SHOULD be taken. The projected damage had the DC/Eastern Virginia/Maryland area in the cone of danger in nearly every projection.

The federal government waited until now to tell regular workers, the real backbone of our functioning government to, paraphrasing "stay at home if you have that already available, or otherwise work as best you can.

That is loathsome from a leadership of cowardly and craven Sir Robins. And, on the remote chance you do not understand what a "Sir Robin" is, watch the video.

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# THE KIRIAKOU CONUNDRUM: TO PLEA OR NOT TO PLEA



There are many symbols emblematic of the battle between the American citizenry

and the government of the United States in the war of transparency. One of those involves John Kiriakou. Say what you will about John Kiriakou's entrance into the public conscience on the issue of torture, he made a splash and did what all too few had, or have since, been willing to do. John Kiriakou is the antithesis of the preening torture monger apologist in sullen "big boy pants", Jose Rodriguez.

And, so, people like Kiriakou must be punished. Not by the national security bullies of the Bush/Cheney regime who were castigated and repudiated by an electorate who spoke. No, the hunting is, instead, by the projected agent of "change", Barack Obama. You expect there to be some difference between a man as candidate and a man governing; the shock comes when the man and message is the diametric opposite of that which he sold. And, in the sling of such politics, lies the life and fate of John Kiriakou.

Why is the story of John Kiriakou raised on this fine Saturday? Because as Charlie Savage described, Kiriakou has tread the "Path From Terrorist Hunter to Defendant". Today it is a path far removed from the constant political trolling of the Benghazi incident, and constant sturm and drang of the electoral polling horserace. It is a critical path of precedent in the history of American jurisprudence, and is

playing out with nary a recognition or discussion. A tree is falling in the forrest and the sound is not being heard.

You may have read about the negative ruling on the critical issue of “intent to harm” made in the federal prosecution of Kiriakou in the Eastern District of Virginia (EDVA) last Tuesday. As Josh Gerstein described:

Prosecutors pursuing former CIA officer John Kiriakou for allegedly leaking the identities of two other CIA officers involved in interrogating terror suspects need not prove that Kiriakou intended to harm the United States or help a foreign nation, a federal judge ruled in an opinion made public Wednesday.

The ruling from U.S. District Court Judge Leonie Brinkema is a defeat for Kiriakou’s defense, which asked the judge to insist on the stronger level of proof – which most likely would have been very difficult for the government to muster.

In 2006, another federal judge in the same Northern Virginia courthouse, T.S. Ellis, imposed the higher requirement in a criminal case against two former lobbyists for the American Israel Public Affairs Committee.

However, Brinkema said that situation was not parallel to that of Kiriakou, since he is accused of relaying information he learned as a CIA officer and the AIPAC staffers were not in the government at the time they were alleged to have received and passed on classified information.

“Kiriakou was a government employee trained in the classification system who could appreciate the significance of the information he allegedly disclosed. Accordingly, there can be no question

that Kiriakou was on clear notice of the illegality of his alleged communications.

Gerstein has summarized the hard news of the court ruling admirably, but there is a further story behind the sterile facts. By ruling the crucial issue of "intent" need not be proven by the accusing government, the court has literally removed a critical element of the charge and deemed it outside of the due process proof requirement, much less that of proof beyond a reasonable doubt.

What does that mean? In a criminal prosecution, it means everything. It IS the ballgame.

And so it is here in the case of *United States v. John Kiriakou*. I am going to go a little further than Gerstein really could in his report, because I have the luxury of speculation. As Josh mentioned:

On Tuesday, Brinkema abruptly postponed a major motions hearing in the case set for Wednesday and a hearing set for Thursday on journalists' motions to quash subpoenas from the defense. She gave no reason for canceling the hearings.

HELLO! That little tidbit is the *everything* of the story. I flat out guarantee the import of that is the court put the brakes on the entire case as a result of an off the record joint request of the parties to facilitate immediate plea negotiation. As in they are doing it as you read this.

There is simply no other reason for the court to suspend already docketed process and procedure in a significant case, much less do so without a formal motion to extend, whether by one party or jointly. That just does not happen. Well, it does not happen unless both parties talked to the court and avowed a plea was underway and they just needed the time to negotiate the

details.

So, what does this mean for John Kiriakou? Nothing good, at best. Upon information and belief, Kiriakou was offered a plea to one count of false statements and no jail/prison time by the original specially designated lead prosecutor, Pat Fitzgerald. But the "word on the street" now is that, because the government's sheriff has changed and, apparently, because Kiriakou made an effort to defend himself, the ante has been ridiculously upped.

What I hear is the current offer is plead to IIPA and two plus years prison. This for a man who has already been broken, and whose family has been crucified (Kiriakou's wife also worked for the Agency, but has been terminated and had her security clearance revoked). Blood out of turnips is now what the "most transparent administration in history" demands.

It is a malicious and unnecessary demand. The man, his family, and existence are destroyed already. What the government really wants is definable precedent on the IIPA because, well, there is not squat for such historically, and the "most transparent administration in history" wants yet another, larger, bludgeon with which to beat the baby harp seals of whistleblowing. And so they act.

To date, there have been no reported cases interpreting the Intelligence Identities Protection Act (IIPA), but it did result in one conviction in 1985 pursuant to a *guilty plea*. In that case, Sharon Scranage, a former CIA clerk, pleaded guilty for providing classified information regarding U.S. intelligence operations in Ghana, to a Ghanaian agent, with whom she was romantically involved. She was initially sentenced to five years in prison, but a federal judge subsequently reduced her sentence to two years. That. Is. It.

So, little wonder, "the most transparent administration in history" wants to establish a better beachhead in its fight against



transparency and truth. John Kiriakou is the whipping post. And he is caught in the whipsaw...prosecuted by a maliciously relentless government, with unlimited federal resources, and reliant on private defense counsel he likely long ago could no longer afford.

It is a heinous position Kiriakou, and his attorneys Plato Cacheris et. al, are in. There are moral, and there are exigent financial, realities. On the government's end, as embodied by the once, and now seemingly distant, Constitutional Scholar President, and his supposedly duly mindful and aware Attorney General, Eric Holder, the same moralities and fairness are also at issue. Those of us in the outside citizenry of the equation can only hope principles overcome dollars and political hubris.

Eric Holder, attorney general under President Barack Obama, has prosecuted more government officials for alleged leaks under the World War I-era Espionage Act than all his predecessors combined, including law-and-order Republicans John Mitchell, Edwin Meese and John Ashcroft.

...

"There's a problem with prosecutions that don't distinguish between bad people – people who spy for other governments, people who sell secrets for money – and people who are accused of having conversations and discussions," said Abbe Lowell, attorney for Stephen J. Kim, an intelligence analyst charged under the Act.

The once and previous criticisms of John Kiriakou, and others trying to expose a nation off its founding tracks, may be valid in an intellectual discussion on the fulcrum of classified information protection; but beyond malignant in a sanctioned governmental prosecution such as has been propounded against a civilian servant like John Kiriakou who

sought, with specificity, to address wrongs within his direct knowledge. This is precisely where, thanks to the oppressive secrecy ethos of the Obama Administration, we are today.

Far, perhaps, from the “hope and change” the country prayed and voted for in repudiating (via Barack Obama) the festering abscess of the Bush/Cheney regime, we exist here in the reality of an exacerbated continuation of that which was sought to be excised in 2008. Kiriakou, the human, lies in the whipsaw balance. Does John Kiriakou plead out? Or does he hold out?

One thing is certain, John Kiriakou is a man, with a family in the lurch. His values are not necessarily those of those of us on the outside imprinting ourselves on him.

If the government would stop the harp seal beating of Mr. Kiriakou, and at least let the man stay with his family instead of needlessly consuming expensive prison space, that would be one thing. But the senseless hammer being posited by the out for blood successor to Patrick Fitzgerald – Neil MacBride, and his deputy William N. Hammerstrom, Jr. – is scurrilous.

Rest assured, far from the hue and cry on the nets and Twitters, this IS playing out on a very personal and human scale for John Kiriakou while we eat, drink and watch baseball and football this weekend.

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**BEHIND THE HUMBLE  
BLUE PICKUP SCOTT  
BROWN HAS BEEN**

# WORKING FOR BANKS WITH TIES TO HOME- STEALING FORGERS

[youtube]nnZw6sm\_yAY[/youtube]

Remember when Scott Brown used his old GMC pickup to promise he'd change business as usual in Washington?

In a bid to force Elizabeth Warren to reveal her clients going back decades, Brown made this admission.

"I am also a real estate attorney with a very small general practice. I don't have any corporate clients, where I get paid tens of thousands of dollars."

Mostly, he said, his local legal work involved property closings and real estate transactions. He said he has worked for Wrentham Cooperative Bank, Hyde Park Cooperative Bank and Middlesex Savings Bank.

"I was a title agent for first American and Fidelity National Title and I represented a couple of small mortgage companies that are probably out of business now," Mr. Brown said. [my emphasis]

As Adam Levitin and DDay translate, by working for Fidelity National, Brown worked for the parent company of one of the most corrupt players among the rogues gallery of mortgage fraudsters.

Fidelity National is the former parent company of LPS, one of the worst offenders in the foreclosure fraud industry. Fidelity National split with LPS very quickly once their worst abuses came to light.

As I'm sure you can gather from my reports here, LPS was a middleman in this game, providing faulty documents – often off a prescribed menu, where you pay \$100 for a mortgage assignment, or \$150 for a full loan file – through its subsidiary DocX. This company facilitated forgeries and mass false documents, which we know through Lynn Szymoniak's work. The Linda Green phenomenon came right out of LPS and DocX. This is where robo-signing lived.

And while we don't know what Brown did—or still does!—for Fidelity National, it does place him in the front seat of the housing bubble.

It's not clear exactly what Brown was doing for these clients—title work sounds innocent and boring enough, and Brown certainly isn't responsible for all of his clients' misdeeds. But at the very least, Brown's association raises a host of questions. Who were those "mortgage companies" that he worked for? It's nice that Brown named a bunch of local banks, but I wonder what lies under the "mortgage company" label? What did Scott Brown understand about the mortgage market he was facilitating? Did he recognize that there was a bubble? (He was a town property assessor at one point, so one would think he'd notice this sort of thing.) If not, what does that say? And if so, what does *that* say? How many predatory loans did Scott Brown facilitate? How many of the loans where he handled the closing resulted in foreclosure? What would he say to those families that lost their homes to predatory loans?

Since Brown first raised these nice homely local banks with ties to document forgers in a bid to force Warren to explain more about how she

helped people get asbestos settlements and other things, I'm sure he'll have no problem answering Levitin's questions about precisely what he did and knew about the mortgage industry. Ha! And, as DDay notes, he should also answer for the conflicts of interest that led him to hold up some financial reform.

He held out in the [financial reform] bill, getting a bank fee removed that would have paid for much of the regulatory measures, and weakening the Volcker rule to allow more proprietary trading among big financial institutions. So Brown was a cog in the great finance wheel when doing these closings and "title work," and also when a US Senator trying to enable as much profit-earning risk in the big financial institutions as possible. A useful cog.

Before Scott Brown digs up work Warren did years ago, he probably ought to elaborate on this nice homey mortgage work, and let us know whether he was ignorant to the corruption around him, or just facilitating it. After all, he's the guy insisting on transparency .

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## **IT'S ACTUALLY NOT ABOUT THE WEST WING-IT'S ABOUT RULE OF LAW**

[youtube]v52FLM0PSig[/youtube]

I have a confession: I never, ever watched the West Wing. I don't think I've watched a single episode.

So many of you will probably enjoy—or at least

understand—this video more than me.

But if it has gotten your attention, please consider donating to the woman it supports: Bridget Mary McCormack.

McCormack is a University of Michigan Professor and Law School Dean for Clinical Affairs running for MI's Supreme Court.

I've met McCormack just once: at a Michigan ACLU Dinner. I met her through an old ultimate frisbee friend, Dave Moran; the two of them co-direct University of Michigan's Innocence Clinic (which specializes in cases where there's not exonerating DNA evidence).

And if that's not enough to convince you she supports the same things this blog does, check out the "Rule of Law" tab on her website.

Bridget Mary McCormack is committed to the rule of law. She understands the responsibility of courts to apply the law to the facts of every case. Our law is grounded in the Constitution—the bedrock of our legal system that all judges must follow.

Specific laws are made by the political branches of government, not by judges, and courts are duty-bound to apply those laws as written by the legislature. Michigan citizens and businesses alike must be able to count on our courts as the branch of government that provides stability and consistency for our legal system. Judges therefore must interpret and apply the law neutrally to the cases before them, and not put their thumb on the scales of justice to reflect their own opinions or beliefs. This is essential for our State's highest court.

[snip]

Bridget understands that our legal system is designed to provide stability and protection for Michigan's citizens.

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Update: Somehow last night I replaced one Irish name with another. Fixed now.

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## **MESS AT DHS: THE ICE LADY GOETH AND THOUGHTS ON THE REAL STORY**



As Marcy appropriately pointed out, there was a LOT of news dumped

in the waning moments and bustling milieu of a Friday afternoon; not just pending a holiday weekend, but with a press corps still hung over from, and yammering about, the empty chairs and empty suits at the GOP National Convention. I have some comments on the cowardice of justice

by DOJ on Arpaio, but will leave that for another time.

But the declination of prosecution of Joe Arpaio was not the only Arizona based story coming out of the Obama Administration Friday News Dump. Nor, in a way, even the most currently interesting (even if it ultimately more important to the citizens of Maricopa County, where Arpaio roams free to terrorize innocents and political opponents of all stripes and nationalities). No, the more immediately interesting current story in the press is that of Suzanne Barr, DHS and Janet Napolitano. Not to mention how the press has bought into the fraudulent framing by a Bush era zealot to turn a garden variety puffed up EEO complaint into a national scandal on the terms and conditions of the conservative, sex bigoted, right wing noise machine.

And what a convoluted tale this is too. It is NOT what it seems on the surface. The complainant referenced in all the national media, James Hayes, had nothing whatsoever to do with the DHS official, Suzanne Barr, who just resigned. There is a LOT more to the story than is being reported. And there are far more questions generated than answers supplied. What follows is a a more fully fleshed out background, and some of my thoughts and questions.

You may have read about this DHS story already, but here is the common generic setup from the mainstream media, courtesy of the New York Times:

The accusations against Ms. Barr came to light as part of a discrimination lawsuit filed by James T. Hayes Jr., a top federal immigration official in New York, against Ms. Napolitano, contending that he had been pushed out of a senior management position to make room for a less-qualified woman and then was retaliated against when he threatened to sue. The lawsuit also accused Ms. Barr



of creating “a frat-house-type atmosphere that is targeted to humiliate and intimidate male employees.”

The resignation – amid a three-day holiday weekend sandwiched between



the Republican and Democratic national conventions – came at a time when the public was likely paying little attention to events in Washington. But Representative Peter T. King of New York, the Republican chairman of the House Homeland Security Committee, released a statement in which he vowed to continue to scrutinize the matter when Congress returns from its August break.

“The resignation of Suzanne Barr raises the most serious questions about management practices and personnel policies at the Department of Homeland Security,” Mr. King said, adding that the committee would review “all the facts regarding this case and D.H.S. personnel practices across the board.”

The Complaint of James T. Hayes, Jr: So, Suzanne Barr really must have laid one on this Jimmy Hayes chap, right?? Uh, no. Not really. Not at all. Let’s take a look at the actual complaint as legally pled. These are my thoughts, as a lawyer, reading it:

- 1) The plaintiff is one “James T. Hayes, Jr.”.
- 2) Mr. Hayes was basically a run of the

mill Border Patrol and INS lackey (“special agent”) in southwestern Texas and southern California who apparently had the “right stuff” to climb like wildfire through the civil service ranks after 911 in the Bush/Cheney/Ridge incarnation or DHS that was ginned up out of thin air by an ideologically conservative administration newly formed and trying to implement an act of Congress it did not want, but was more than willing to take advantage of ideologically.

3) Other than the claim by Hayes that his work was “outstanding”, Mr. Hayes does not allege, nor appear to have displayed in any regard, any exceptional skills, aptitude, nor performance in his line level work, and beyond, which could explain his advancement from a line level scrub on the desolate Texas border to positions he had no educational training for. Nevertheless Hayes appears to have had a meteoric rise, all under the newly established conservative Bush/Cheney/Ridge doctrinaires at DHS in the mid 2000s.

4) After Obama was elected, he appointed Janet Napolitano to head DHS. Napolitano, say what you will about her, is a consummate technocrat. To the victors go political spoils, Napolitano had a massive job to do, and as she is wont to do, started doing it. One of those things appears to be backing Hayes out of the front line picture and putting more competent and ideologically consistent people in the front line positions. This is what every new administration does when they come in under a party shift in control.

5) The REAL object of Hayes’ scorn, and central defendant (even if not formally named in the caption of the complaint)

in Hayes' lawsuit, is NOT Suzanne Barr, but is, instead, another Napolitano confidante, Dora Schriro. Schriro was, and is, a corrections and incarceration specialist of some repute in both Arizona, nationally and, now, in New York. I have never personally met Schriro that I am aware of, but friends who have say she is very smart and very innovative.

6) When I say the main beef of Plaintiff Hayes is Schriro, I am not kidding. The allegations against Barr being trumped up in the media are literally the equivalent of dicta and are contained within paragraphs 43-49 of the complaint. NONE of the alleged sexual shenanigans by Suzanne Barr happened to Hayes himself. NONE of it. From my reading of the complaint, the allegations as to Barr might very well never see the light of a jury's eyes, even if Hayes' life depended on it. It is salacious, to be sure; but it is scurrilous bunk and Hayes' complaint is going absolutely nowhere on its own. Let's be crystal clear, the salacious details gratuitously inserted by Hayes only serve to make his ordinary EEO complaint into a big irresistible scandalicious ball of attraction for a complicit press that lives for the same and either can't or won't ask the further questions.

7) Hayes appears to be a disgruntled conservative ladder climber who got the ladder pulled out from underneath him once the new (and presumably more competent) people came into office with Obama. It was not a sexual harassment thing, it was a root ideology and competence thing. The kind of thing that happens in cabinet level bureaucracies every time there is a fundamental power shift in the party in control of the

White House.

8) Oh, and the people that allegedly were the actual recipients of the alleged “sexual abuse” from Suzanne Barr wanted so little to do with Hayes and his complaint that they not only would not join as plaintiffs, they refused to let Hayes use their names because they were not down with what he was doing.

9) Hayes does not have the guts to say it, but makes continuous veiled inference to homosexual activity (see, for instance, paragraphs 80-83) in his complaint.

Lawyers who do plaintiff’s employment law have written hundreds of complaints like this one. They are a dime a dozen. Interestingly enough, you must seek redress initially in the EEO (Equal Employment Office), and do so in a timely manner (which Hayes may have egregiously violated). Hayes did, however, even if with questionable timing, go to the EEO (see paragraph 165 of complaint) but, clearly, the EEO apparently (even though “partially” upholding some minor item of complaint, in some regard) thought there were not sufficient damages to award meaningful compensation and/or dispensation to Hayes and, thus, Hayes filed his complaint in District Court for the District of Columbia. (I am seeking information on the EEO process for Hayes, should the information become available, I will supplement).

In short, the record is a little thin currently, but looks rather suspect substantively as to Mr. Hayes’ claims. Long on whining and salacious



innuendo, short on actual compelling nature and pertinent facts.

Which makes you wonder why DHS suddenly put Suzanne Barr on administrative leave long after the filing of the complaint on May 21, 2012. It seems rather clear some of the individuals mentioned in Hayes' complaint have now come forth and executed at least affidavits attesting to issues with Barr. But, what was the timing of those affidavits in relation to when Barr was put on leave? (It appears the affidavits may have been the cause of the sudden administrative leave of Barr, but it is far from clear). Who sought to have the affidavits created and placed in the record – Hayes, DHS, the individuals themselves? (if the individuals had not done it before, knowing the matter was percolating, it truly seems unlikely it was them). These are extremely pertinent questions which cannot be answered yet.

One thing I can tell you is Suzanne Barr is not a normal political sitting duck though; it is significant she has decided to step down so early. Barr is a confidante of Napolitano, and Janet does not suffer fools and incompetents easily. In fact, Janet Napolitano, say what you will about her, is a very competent and able technocrat and bureaucrat. More than that, however, Suzanne Barr has some juice of her own. Her father was Burton Barr, the powerful Republican speaker of the Arizona Legislature for twenty years in the 70s and 80s. Barr was a pragmatic, reasonable, dealmaking leader, the likes of which are now long gone in the Arizona Republican party (and the national GOP too it seems). The massive and elegant Phoenix Central Public Library is named in Burton Barr's honor.

Burton Barr's daughter Sue also worked with, and is close to, both Jon Kyl and John McCain, before joining forces with Napolitano. Again, in short, Sue Barr is not without a little clout; how did it come to this? This matter has actually been percolating for a least a year behind the scenes, going back to the EEO

process; why has there not been heavier support for her, and why has there not been reportage until now; who is pushing the memes being purveyed?

Nobody is asking that question, but they darn well should be, because it is a good one. In DC politics of this level, when an individual has the base for such support, and it is not evidently there, there is a reason why. What is the reason here? Because, again, thinking it is just Hayes' complaint does not pass the smell test.

Most all of the above relates to Hayes vis a vis Suzanne Barr; but Barr, as stated above, is not even the woman Hayes is *really* complaining stole the candy from his lunchbox. No, despite the focus of the media and lust for the salacious tidbits, that woman would be not Suzanne Barr, but one Dora Schriro.

Who is  
Dora  
Schriro?  
Here  
the  
saga  
takes  
another



is unexpected, and not quite fully fleshed out, nor clear, turn. Hayes' complaint pleads one, and only one, substantive count and that is for "retaliation" in violation of the Civil Rights Act, title 42 USC 2000(e) et seq.

Hayes centers the entire count around his replacement as national ICE Director of Detention and Removal Operations ("DRO") in the Washington DC main office. After the Obama/Napolitano Administration took control of DHS, the lead detention job, the DRO, was effectively given to Schriro and thus began Hayes' litany of gripes.

This is the description of Dora Schriro alleged in James Hayes' complaint:

31. However, Schriro had no experience in managing a Federal law enforcement department, she had never exercised management control over a department charged with the enforcement of Federal laws, and she had no experience managing Federal budgets, *inter alia*.

32. Schriro was not qualified for the position Plaintiff had because of her lack of Federal law enforcement experience.

33. Schriro did have experience, however, working with Secretary Napolitano.

34. Schriro enjoyed a long standing relationship with the Secretary.

35. Plaintiff believed that he was being replaced in his duties because of this relationship and because he was not female.

Two things jump out from the picture of Schriro painted by Hayes; first he considered her completely unqualified and without sufficient skills to run the ICE detention/removal operation and, secondly, she is a woman engaged in a questionable relationship with Janet Napolitano, and that is why she got his job. The latter is so scurrilous as to not merit a response (not to mention Hayes alleges no factual support to respond to).

But let's look at the former – the qualifications of Dora Schriro.

Far from the naif painted by Hayes, Schriro has a long and distinguished career leading major detention operations. In fact, by the time Hayes was given his first regional office slot in 2004, Dora Schriro was taking over leadership of the Arizona Department of Corrections which, along with California, is the biggest prison system in the western United States. Prior to being lured to Arizona by then Governor

Napolitano – presumably not because of any “special relationship” with Napolitano, but to be an outside reformer for Arizona’s burgeoning, corrupt and moribund prison system – Schriro spent over eight years leading the prison system for the state of Missouri. Prior to Missouri, Schriro spent over four years as a Deputy Commissioner for the sprawling Rikers Island complex in New York. For Hayes to argue Schriro was unqualified for her duties is absurd to the extreme.

But there is more, much more, to Schriro. She is a prison reformer of the type liberals so often desire and call for, yet never really get to see in the practical bureaucracy in the United States. When Schriro first came to Arizona, the Phoenix New Times did a very extended feature on her. The material covers, in a balanced and fair fashion, both the plaudits and the gripes (and there are a lot of both) regarding her style and leadership beliefs. The one irreducible minimum is she favors a decidedly reform minded brand of compassionate community based incarceration:

In Arizona...

During her 11 months on the job, Schriro has wasted no time introducing her parallel universe. She’s selling ice cream sandwiches to prisoners, with profits going to victims’ groups. She’s overhauled a salary system so archaic that some employees were getting pay reductions when they were promoted. She’s tapping community colleges to improve education programs. She wants alternatives to prison for criminals who violate terms of probation or parole.

In Missouri...

“She walked into a mess,”



recalls Clarence Harmon, former St. Louis police chief who went on to become the city's mayor. "They had riots. You could go out there, you'd sit there and be talking to the watch commander who had five diamond rings on, all bigger than your eyes. These guys got paid next to nothing, but they made up for it, you know what I mean. At one point, I told somebody, 'They [inmates] can get drugs, they can get anything. The only thing they can't get is a woman in there.' Well, we found out they could do that, too."

Schriro didn't entirely solve security problems in St. Louis – there was at least one escape in the four years she was workhouse warden – but that's not necessarily her fault, Harmon says. "A lot of the problems are institutional," he says. "She made a great turnaround, let's put it that way."

Before long, Schriro was making headlines for bringing inmate families into the workhouse for picnics with their felonious loved ones. There were arts and crafts, live theater, Halloween parties and special visits on Mother's Day. During the holidays, she brought in Santa Claus to comfort juveniles charged as adults with crimes as serious as murder. She improved education programs, got inmates involved in charity work and even had voter-registration drives.

Schriro called it the Seduction

Principle. "We attempt to seduce people to try something they didn't do before to leave a lingering taste in their mouths so they will continue to seek these activities when they go to another place," she told the St. Louis Post-Dispatch in a 1992 interview.

In general...

Schriro's signature is Parallel Universe, which is essentially an extension of the Seduction Principle. Life in prison should replicate life on the outside so inmates will be ready when they're released. That means requiring prisoners to work or attend school and giving them freedom to decide when they'll do laundry, visit the commissary, fill prescriptions or otherwise spend time. Elected inmate councils should help decide how prisons are run. There should be more drug treatment and an emphasis on victims' rights, with prisoners donating to charities and listening to victims and their families talk about the consequences of crime.

Dora Schriro Detention Theory and The Death Penalty: Oh, and the biggie. While Schriro is generally loathe to say so on the record, she has a long history of conduct and belief against the death penalty (lest any blood lust conservatives get their knickers in a wad, that did not stop Schriro from her job duty, as she presided over dozens of executions in both Missouri and Arizona).

The lock'em up prison industry is one of the few true growth sectors in US commerce over the last twenty years; it is little wonder that Dora Schriro has her detractors within and about the system, and the New Times article, "Dora's Darlings" paints both sides of her reformist program views in detail. It is certainly not a sector where one voice could change the landscape quickly, but Dora Schriro came pretty darn close during her time in Arizona.

Here, from the Tucson Citizen, quoting tough Pima County Attorney (i.e. chief prosecutor) Barbara LaWall, is the coda to Dora Schriro's time at the helm of the Arizona Department of Corrections:

On Monday, one day after the 2009 Super Bowl, Schriro will begin her post as senior adviser to former Arizona Gov. Janet Napolitano, recently confirmed as director of Homeland Security.

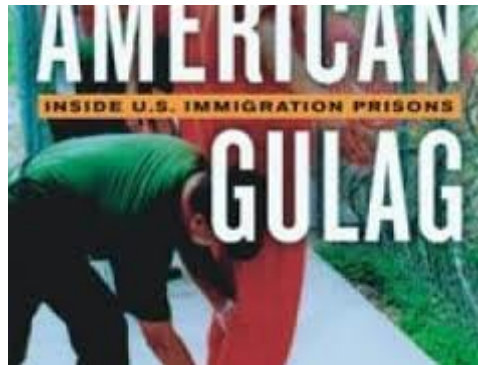
"In the five years since (the Lewis prison siege), I think the evidence of what she's managed to accomplish has shown up as a result of the award DOC just got," said Pima County Attorney Barbara LaWall, referring to the national Innovations in American Government Award.

Since Schriro's reforms have been in effect, inmate violence and drug use are down and more inmates are enrolled in education classes and have earned their GEDs (high school equivalency certificates). And early results of recidivism studies show that fewer released prisoners are committing crimes and returning to prison.

So that is the history and position from which the Obama Administration brought Schriro in to try to bring stability and reform to the (as the Arizona prison system was when she arrived) suddenly burgeoning "illegal" immigration

detention system run by the United States government.

And, let's be honest, a prison reformer with fairly radical liberal theories was not going to last in



Arizona under

a state government suddenly shepherded by Jan Brewer as opposed to Janet Napolitano.

Especially considering the man once, and always, pulling the strings on the Jan Brewer wooden puppet is Chuck Coughlin, a bought and paid for lackey of the for profit private prison industry titan Corrections Corporation of America (CCA). So, the fact Schriro left Arizona for professionally sunnier climes in DC is quite understandable.

What is less easy to fathom is why Dora Schriro left her lofty perch at DHS so quickly. Schriro started at DHS in February 2009, right after the inauguration, and confirmation of Napolitano; however she suddenly left in 2011 after scant more than two years on the job and plenty of opportunity for fundamental reform of the US immigrant detention system left to accomplish (See also the report from Amnesty International).

Questions Raised By This Story: Dora Schriro left a very lofty and important perch in the Obama Administration, not long into the job, with prospects excellent for another 4-5 years to implement the programs she deeply cared about in the hotbed core of immigration detention. Why? And under what circumstances? To go back basically to Rikers Island for Bloomberg who is close to being term limited out, even if it is in the capacity of director? Really? Again, why?

The answer is we do not really know; and, until the fuller story is reported by the national

media, we are not going to know, much less understand, the context.

One thing is for certain, with Rep. Peter King (R-MuslimBigotLand) blathering like the pompous nincompoop he is, from his perch at the top of the House Homeland Security Committee, it is hard to believe the opposite coast opportunistic blowhard, Darrell Issa, will not be far behind with the House Oversight Committee because, messin with DHS is one of Issa's hobby horses.

But, that begets the bigger question, can Peter King, Darrell Issa and the national media keep their heads out of the bigoted, discriminatory gutter on this story? If you have not yet read James T. Hayes' complaint in this case, do so now. And try to scrape the slime off of your eyes from doing so, as a result of his dripping innuendo, scandalous and scurrilous pleading. It is hard to imagine a more contemptible complaint, nor one more cravenly pled in innuendo and impertinent allegations, considering the one poorly and contemptibly set out single prayer for relief. From the surface, this is the stuff Rule 11 sanctions should rightly be made of. It would be nice if the press could help us out with a little in depth competent reportage.

It is actually shocking the American mainstream press has so far passed on the blatant insidious innuendo of the Hayes complaint and Peter King bombast, and only implied their decadent ravings. Expect worse from them; as is being evidenced by the British tabloid press already.

From The Daily Mail:

Big Sis Janet Napolitano 'promoted woman with whom she had a 'long relationship' while her female staff tormented male colleagues with 'sexually charged games"

Hayes claims that Schriro, who is now commissioner of the city Department of Correction, was not as qualified him for the role as she did not have as much

law-enforcement experience.

‘Schriro did have experience, however, working with Secretary Napolitano,’ it writes. ‘Schriro enjoyed a long-standing relationship with the secretary.’

The lawsuit does not outline the exact nature of the relationship between Napolitano and the woman she brought with her to Washington from Arizona. It has long been rumoured that ‘Big Sis’ Napolitano is a lesbian, but in 2002 she publicly denied the claims.

Schriro is a widow; she was married for just 10 months in 1991 before her husband, St Louis’s director of public safety Gay Carraway, died of cancer. He was 20 years her senior.

She has previously gushed about how much she looks up to Napolitano, naming her as one of her greatest influences – alongside her late husband and grandparents.

‘Janet Napolitano is one of the smartest people I’ve ever met,’ she told Education Update. ‘She’s totally capable of having a great time wherever she is and regardless of the workload.’

As the Brits would say, it would take a “bloody fool” to not see what gutter the craven likes of Plaintiff James Hayes and Congressman Peter King would like to drive this story into. Will the American media condone and be complicit in such thinly veiled bigotry?

What really happened with Hayes, Schriro, Barr, Napolitano and the other unknown folks who apparently executed affidavits (and were they pressured by one party or the other to do so)? It is hard to tell at this point, but it is beyond unlikely that the real story is what is being portrayed to date in any of the national media. Let me say one other thing, irrespective of all the questions legitimately raised by this matter, if all the allegations against Barr are true, they arguably go well over the line of acceptability.

But Barr denies the allegations and Hayes is, shall we say, particularly whiny and lacking in credibility on his face. If it was a one time joke between stressed officials letting their hair down, that is one thing; if it is a repetitive pattern, especially tied to commonality of alcohol (which seems to be the implication), then such should not stand. But now both Barr and Schriro are gone from DHS, Hayes is curiously left in his still lofty and exalted position as SAC for New York, and there are a plethora of questions about all of them.

Summation: As to substantive evidence of Hayes' complaint, the Barr allegations look pretty weak and impertinent and, in fact, that is exactly (among a LOT of other compelling defenses) what the government has argued in response (Note, the response is temporarily withdrawn pending a more appropriate pleading of the complaint by Hayes as the first one was insufficient). As to Napolitano, Schriro and Barr coming in with a new Administration and putting their stamp on it, ever since since the victory of the Jacksonian Democrats in 1828, when the term "to the victor belong the spoils" was coined, that is just how federal cabinet level government works. Not to mention, of course, Dora Schriro was a hell of a lot more qualified in detention leadership than James T. Hayes.

There is a heck of a story here, but so far it begets many more questions than it does answers. The traditional press needs to quit focusing on

the salacious, and simple, and dig deeper to answer some of those questions. The real story may even be more exciting (and more salacious) than what we have seen so far.

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## THE DEMOCRATS' "DIVERSITY PROBLEM"

[youtube]S\_Rjj8onm2c[/youtube]

There was a bit of a stink after Chuck Todd suggested the Democrats wish they had the diversity the GOP showed at the RNC this week. Josh Marshall said it was, "one of the stupidest things I've ever heard anyone say." And then Marshall and Todd debated about it over Twitter. At which point Todd made it clear that he was reporting what the Obama campaign had said to him.

And this is reported material btw, not pundit speculation.

Marshall pointed out how diverse the Democratic party is.

Dude. Actually, let me rephrase that ...  
DUDE. Black prez. 2 asian-am sens, 1  
Hispanic sen, black gov. (1/3)

2 huge caucuses of hispanic & af-am  
lawmakers in House, do u really believe  
the dems "had to go" to a red state to  
(2/3)

To which Todd repeatedly suggested that this came from the Obama Administration and claimed he was talking about "high profile" positions.

how many govts and senators do the dems  
have on this front? That was my point.  
High profile positions



ask the Obama campaign if they wish they had govts and sens as diverse as GOP right now.

Now, frankly, I think Chuck Todd's problem—in this particular instance—is that he repeated what the Obama campaign said to him, rather than pointing out how crazy the Obama campaign is. It's not just diversity they want, it's the right kind of diversity.

Which brings me to the Sunday shows, which include the following lineups—which presumably were made with the significant input of the Obama Administration. (h/t Elliott)

ABC's This Week: White House senior adviser David Plouffe.

CBS' Face the Nation: Gov. Martin O'Malley (D-MD), former New Mexico Gov. Bill Richardson and Obama Deputy Campaign Manager Stephanie Cutter.

CNN's State of the Union: Los Angeles Mayor Antonio Villaraigosa, Gov. Bev Perdue (D-NC), and Gov. Martin O'Malley (D-MD). Then, Obama Senior Campaign Adviser Robert Gibbs. Senior Romney Campaign Adviser Eric Fehrnstrom.

Fox News Sunday: DNC Chair Los Angeles Mayor Antonio Villaraigosa, Obama Campaign Senior Advisor David Axelrod.

NBC's Meet the Press: Chicago Mayor Rahm Emmanuel.

The Latino Mayor of Los Angeles, a tainted but Latino former Governor of New Mexico, lots of dickish top campaign advisors, dickish Rahm, Governor O'Malley (who's been a superb campaign surrogate).

And just two women, one Stephanie Cutter appearance and one appearance from the Governor of the state hosting the Convention.

Not even DNC Chair Debbie Wasserman Schultz, who whatever else I might say about her is also a terrific media figure. To say nothing of someone like Elizabeth Warren.

Now, first of all, aren't Dems supposed to be winning by turning out all the women? Aside from Cutter, are any of these asshole advisors—Axe, Plouffe, Gibbs—really the people you want to be reaching out to women?

And is it really a good idea to have people notorious for beating up the party base as the guys introducing the party convention?

I'm beginning to really sympathize with Todd on this point. The Democratic party has terrific diversity. I'm just not sure the campaign likes that diversity.

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## THEY SHOULD HAVE JUST CALLED IT A POLL TAX

I'm grateful that a 3-judge panel just unanimously held that Texas' Voter ID law violates the Voting Rights Act. (See Ari Berman for background and Rick Hasen for analysis.)

But given this language of the decision (as cited by Berman), couldn't they have simply called it a poll tax?

According to undisputed U.S. Census data, the poverty rate in Texas is 25.8% for Hispanics and 23.3% for African Americans, compared to just 8.8% for whites. This means that the burdens of obtaining [voter ID] will almost

certainly fall more heavily on minorities, a concern well recognized by those who work in minority communities.

...Undisputed census data shows that in Texas, 13.1% of African Americans and 7.3% of Hispanics live in households without access to a motor vehicle, compared with only 3.8% of whites.

... while a 200 to 250 mile trip to and from a DPS [Department of Public Safety] office would be a heavy burden for any prospective voter, such a journey would be especially daunting for the working poor. Poorer citizens, especially those working for hourly wages, will likely be less able to take time off work to travel to a DPS office—a problem exacerbated by the fact that wait times in DPS offices can be as long as three hours during busy months of the year. This concern is especially serious given that none of Texas's DPS offices are open on weekends or past 6:00 PM, eliminating for many working people the option of obtaining an EIC ["election identification certificate"] on their own time. A law that forces poorer citizens to choose between their wages and their franchise unquestionably denies or abridges their right to vote. [my emphasis]

This is, for someone making minimum wage who would have to take a day off work, an \$80 fee to vote, or 6% of an entire month's wages. Even ignoring the problem with transportation (which involves additional costs), that is a significant burden for a working poor person, much less a senior living on a fixed income.

It's a poll tax. It's time to start calling poll taxes poll taxes again.

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# THE PAUL RYAN SURGE, MI'S ANTI-OBAMA BLACKS, MITT'S BANKRUPT BIRTH, AND OTHER REPUBLICAN MYTHS

The Colbert Report

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On August 11, Mitt Romney announced his pick of Wisconsin Congressman Paul Ryan as his running mate. A few days later, CrazyPete Hoekstra renewed his earlier call for the repeal of the 17th Amendment in the name of state's rights. More recently, a poll based on off-year turnout model reported Mitt and Hoekstra would win MI. And seemingly in response to that poll, Mitt came to MI to race bait about how he was born in MI, unlike that brown fella.

It all sort of makes you believe MI's Republicans don't plan on running a fair election this November.

All of which makes me grateful that Nate Silver just called out both that earlier poll and an even crazier one that came out yesterday. As he notes, yesterday's poll—showing a tie in the Presidential and, even more improbably, a one point CrazyPete lead over Debbie Stabenow—assumed that African Americans would not be voting in November.

The head of Mitchell Research, Steve Mitchell, wrote a long [memo](#) accompanying his poll release on Monday. In that poll, he weighted the survey to assume that African-Americans would make up

only 8 percent of Michigan's turnout. By contrast, black voters represented 12 percent of the turnout in Michigan in 2008 according to exit polls, and 14 percent according to another source, the Current Population Survey. Blacks also made up 13 percent of Michigan's vote in 2004 and 11 percent in 2000, according to exit polls. African-American participation is sometimes lower in midterm election years, but blacks were 12 percent of Michigan's electorate in 2006, the exit poll reported that year. (There was no exit polling in Michigan in 2010.)

So why only 8 percent this year? Mr. Mitchell wrote that he simply doesn't believe the exit polls:

"African-American participation in this poll is 8%, not 12%, which is the percentage of the population but not likely voters. I do not believe blacks represented 12% of the vote in 2008 and I don't believe they will in 2012. Having polled this state for 26 years, blacks have represented about 7%-8% of all votes cast in every statewide race. At best, it went to 9% four years ago. It will not reach that level this year."

What is the evidence for Mr. Mitchell's claim? He didn't present any of it in the memo.

And as Mitchell explained in his memo, it also assumed that over a quarter of all African Americans currently support the guy using a racist approach.

By race, Obama led 92%-5% with African-Americans in our last poll. Now, the lead is 73%-26%. Romney's lead with white voters was 7% (50%-43%) ten days

ago, now it is just 3% (48%-45%). Among all other races, Obama led 48%-42% last time. In this poll, Romney leads 55%-37%.

“The main argument that Obama supporters will make against the accuracy of this poll is that Obama is only getting 73% of the vote from African-Americans. That fact, however, does not make this poll inaccurate. I agree that eventually, at least 90% of African-Americans will vote for Obama. Obama’s problem now is that he is running behind the party vote among blacks. More than eight-in-ten blacks (84%) self-identify as Democrats. However, just 73% say they are voting for Obama. He is running 11% behind his base party vote. That is not good news. We have surveyed African-Americans that are Democrats. They’re just not voting for Obama in the same manner yet that they did four years ago,” Mitchell said.

Now, I can think of reasons why MI’s African Americans—who have been disproportionately affected by a foreclosure crisis that is Obama’s single biggest policy disaster—shouldn’t necessarily support Obama (which is far different than saying they should support a race-baiting looter like Mitt). But I have zero doubt that African Americans will support Obama at even higher rates than they traditionally support Democrats in this state, which is higher than the 90% Mitchell anticipates here.

Now both of these polls attribute their odd results to a surge associated with Ryan’s selection, as if most MI swing voters 1) have ever heard of Paul Ryan and 2) masochistically want him to gut their retirement healthcare.

But it’s nevertheless a story they can spin as being about white working class voters, not because Ryan is working class, but because he shoots deer. But Stabenow is very good at reaching such voters, a remarkably good

campaigner generally, not to mention her net worth is the lowest of all Senators, making her ties to white working class voters far more authentic than Ryan's.

And all that's before you consider how referenda will affect turnout. As of now, the Emergency Manager and collective bargaining referenda will be on the ballot, but the Son of Prop 13 won't be, which would seem to favor Democratic turnout.

I'm not sure precisely what the GOP plans for MI. But my instinct is that they've got some dubious polls so they can invent a narrative to explain a turnaround in the polls for CrazyPete and Mitt that the underlying demographics don't support.

I mean sure, if you could throw out the votes of a third of all African Americans who turn out to vote, and tally a further quarter of those left for Mitt and CrazyPete even if they don't vote for them, I might believe Republicans would win this. Is that what they're planning?