

500,000 UNCOUNTED BALLOTS IN MARICOPA COUNTY AZ WITH ELECTIONS IN THE LURCH

A great deal of the country breathed a sigh of relief and assumed finality and



normalcy in the election after last night. And, at first, such was the case in Maricopa County, Arizona. But then it was revealed there were uncounted ballots, a LOT of uncounted ballots. Sources close to the Arizona Democratic Party and Adios Arpaio reported the uncounted votes as follows:

- – 200,000 early ballots were mailed in but not yet counted
- – 100,000 early ballots dropped at polls have not been counted
- – 80,000 ballots machines cannot read
- – 100,000 “provisional and conditional provisional.

That is, to say the least, a LOT of uncounted votes. 500,000 is especially disconcerting considering the controversial Sheriff, Joe Arpaio “won” reelection by 489,952 votes to 401,574 for challenger Paul Penzone.

Furthermore, another critical election for US House of Representatives District AZ-9, between up and coming Democrat Kyrsten Sinema and

Republican Vernon Parker is separated by only 2,715 votes, with Sinema currently in the lead.

There are a lot fewer ballots out of the nearly 500,000 at issue within the limited bounds of AZ-9 for Sinema and Parker, probably most of them in one of the two early ballot categories.

But ALL of the outstanding ballots, including the 180,000 plus provisional and "hard to machine read" ballots are in play as to the Arpaio/Penzone race, and the majority of the provisionals and "hard to machine reads" are feared to be from precincts of predominantly Hispanic and other minority population, including the incredibly large number of voters recently registered by the Adios Arpaio effort.

Either way the results come out, these are votes that should, and must, be accounted for and counted in the most open and transparent manner possible.

Now precisely what precincts the uncounted ballots are respectively out of, and where the trends from those precincts would indicate a proper counting would take the overall vote, is not yet clear. It is something the County Recorder Helen Purcell and/or Secretary of State Ken Bennett's office might well get done – or at least you would think so. But, this is a weird county in a crazy state, so it cannot be taken for granted in any regard. 500,000 uncounted ballots in an election with an extant margin of 88,378 between Arpaio challenger Penzone, is fairly significant.

Reportedly, the counting of "early ballots" will commence forthwith, but the counting of provisionals and disputed ballots will not commence until next Monday. Pursuant to Arizona law, ARS 16-249, "The secretary of state shall certify the election results to the state party committee chairmen of the parties that have candidates on the presidential preference ballot on or before the second Monday following the election."

Adios Arpaio registered a lot of new voters,

especially in the immigrant areas most affected by the deleterious policies of Arpaio. Other Latino and Democratic groups registered a whole lot more new voters. These newly registered voters deserve to have the state insure their votes are counted. It may not be enough to get rid of Arpaio, but it will affect Kyrsten Sinema and other downticket local elections. And it is the least that can be done for the newly registered participants in democracy.

[UPDATE: The latest count appears to be just over 460,000 total uncounted ballots in Maricopa County]

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 Braillard 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 Braillard 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!

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



r 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:

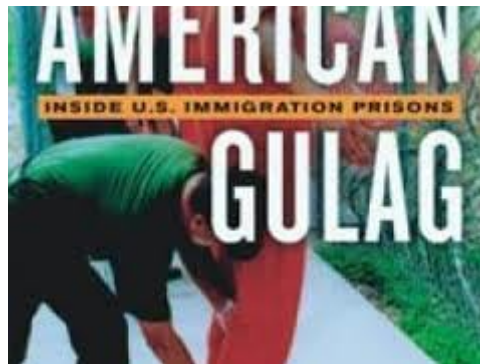
On Monday, one day after the 2009 Super Bowl, Schriro will begin her post as senior adviser to former Arizona Gov. Janet Napolitano, recently confirmed as director of Homeland Security.

“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.

DALLAS TRASH TALK

That's right mofo's, we gots us a full on food fight here on the Emptywheel blog.

What's it all about? Well, when you get down to it, it is ALL about Dallas.

No, I am not talking about J.R. Ewing (and who shot him – psssst it was Bing Crosby's daughter), Bobby Ewing, Sue Ellen, Pamela, Christopher or John Ross. No, I am not talking about *that* Dallas. Although, I would like to note, the New Dallas premiers on TNT channel on

June 13th and, all things considered, it looks very appropriately oily and greasy just like the original Dallas. And, I have to confess, I loved the original Dallas. In fact, my roommates and I had the most awesome tux & tails "Who Shot JR" party you can imagine when I was in graduate school in Boulder. It was a certified event in the Boulder social scene of the day. The trailer for the New Dallas is to the right. Get used to it, there is likely to be more of this!



But that is NOT the Dallas I am talking about here today. Oh no. No, the Dallas I am talking about here and today is Dallas Escobedo. Most awesome champion pitcher for the Arizona State University Lady Sun Devils.

That would be the Defending NCAA Champion ASU Sun Devils. Thank you very much.

And, as luck would have it, Dallas and the Devils are back in the hunt for the 2012 College Softball World Series. Tonight they play their first 2012 Super Regional game against Louisiana Lafayette at –oh wait – that would at Alberta B. Farrington Stadium; conveniently the home of the Lady Sun Devils!

So what about the Emptywheel blog food fight?? Oh, well, you see we now have this SEC interloper guy, Jim White. Honestly, it was distressing enough that I had to share time with an itinerant Big-10, Big-10.2, Big-10.2.5 – hell whatever – woman, but now the Gators are representing?? Well, I just don't know anymore.

If you are from Alabama, do NOT troll this post! You see, the Crimson Tide (another criminal SEC team!) is, as we speak, playing the Michigan

Wolverweenies in another Super-Regional. This is REALLY painful for me. Go Big Blue!

This post will keep reappearing on top of things so long as the Real Dallas, Escobedo edition, and the Lady Devils keep winning. ASU Baybeeee!

SHERIFF JOE ARPAIO'S LEGAL HENCHMAN ANDREW THOMAS GETS THE AXE



I have written several times over the years about

the unethical antics of Andrew Thomas, the disgraced former elected County Attorney in Maricopa County Arizona. (See: [here](#), and [here](#) and [here](#) for instance).

The article at the last link was, with unwitting prophecy, titled *"Arpaio And Thomas: The Most Unethical Sheriff And Prosecutor In America Conspire To Abuse Power And Obstruct Justice"*. Indeed, subsequent to that article, Thomas resigned as Maricopa County Attorney, lost a bid to be elected Arizona's Attorney General and was charged with a blistering set of ethics violations by the Arizona Supreme Court via their Disciplinary Board.

Nearly two and a half years later after the prophetic article, those chickens have come home to roost for Andrew Thomas. After the

appointment of bar discipline investigators/prosecutors from Colorado to avoid conflict, the assignment of the Chief Disciplinary Judge to the case, and a two month long, very public, adversarial hearing, the Arizona Supreme Court has just issued its decision against Andrew Thomas and his two of his top aides while at the Maricopa County Attorney's Office.

The court found insufficient evidence and dismissed a couple of the initial charges against Thomas. However, as to pretty much the entirety of the remaining thirty (30) plus counts, the court found ETHICAL VIOLATION BY CLEAR AND CONVINCING EVIDENCE.

Wow, this is a first rate tarring and feathering, as to Thomas primarily, but his key aides Lisa Aubuchon and Rachel Alexander, as well. Andrew Thomas and his go-to assistant Lisa Aubuchon have both been disbarred. The other assistant, Rachel Alexander, has been handed a much more severe suspension than anticipated, which was set at six months and one day, the extra "one day" being assessed to put her in a harder position to be reinstated. Harsh.

Thomas was charged in in a total of 30 of the counts counts, Aubuchon in 28 and Alexander with seven counts. As Yvonne Wingett and Mike Kiefer summarized in the Arizona Republic:

Charges cover a variety of allegations, including conflict of interest for holding press conferences to denounce the Maricopa County Board of Supervisors, which was his client, and threatening county officials with litigation; falsely claiming a judge had filed Bar complaints against Thomas, in order to have the judge removed from a case; and seeking indictments against county officials to burden or embarrass them. In one case, the charges allege, Thomas and Aubuchon brought criminal charges against a county supervisor even though they knew that the statute of

limitations had already expired on the offenses.

The most serious allegations involve filing criminal charges against a sitting Maricopa County Superior Court judge without probable cause in order to stop a court hearing. Several of the allegations of ethical misconduct revolve around a federal civil racketeering lawsuit claiming that judges and county officials conspired against Thomas and Sheriff Joe Arpaio.

The importance of these holdings, and the attendant disbarment of Andrew Thomas and Lisa Aubuchon, cannot be understated in Arizona, especially Maricopa County. As I explained back in 2009, before any of these ethics charges were propounded, and when Andrew Thomas and Joe Arpaio were in the heyday of their abusive power:

Today, Arpaio and Thomas filed and announced their criminal charges against Judge Donahoe just hours before he was scheduled to hear a petition by the County Board of Supervisors to disallow once and for all the publicity stunt Thomas and Arpaio tried to pull with the attempt to inappropriately hire the unlicensed partisan hit team of diGenova and Toensing. When the bogus Federal racketeering suit did not get the removal of Donahoe like they wanted, they upped the unethical ante yet again and filed bogus criminal charges against him.

The foregoing is the consistent and unrelenting method of operation for Sheriff Joe Arpaio and Maricopa County Attorney Andrew Thomas; they use and abuse their positions of authority and public trust to pursue personal and political desires and vendettas and, if questioned or challenged, use their

offices to attack and cripple their enemies, whether they be private individuals or elected officials and judges. It is a corrupt and craven fiefdom they are running in the fourth most populous county in the United States.

This reign of intimidation and abuse of office has been going on for years. Conspiring together, Arpaio and Thomas have created a power center that is uncontrollable and dismissive of any and all local authority and law; they answer to no one, and will attack anyone in their way. You have to wonder where the Feds are, and how the conduct is allowed to continue.

Today, half of that question has been answered. That particular passage, although characteristic of the antics of Thomas and Arpaio in general, referred specifically to their literally criminal political persecution of the, at the time, Presiding Criminal Judge of Maricopa County Superior Court, Gary Donahoe. Notably, the Arizona Supreme Court Disciplinary Board today found, *by clear and convincing evidence*, that Thomas and Aubuchon were guilty of all of the charges surrounding the persecution of Judge Donahoe I described back in 2009.

And, indeed, the evidence against Andrew Thomas was damning beyond belief. It is hard to believe that even a criminal jury, with a “beyond a reasonable doubt” standard, would not convict Thomas of analogous criminal charges.

Which leaves us with the question of what is the status of criminal charges against not just Andrew Thomas, but his partner in all this, Sheriff Joe Arpaio? Well, that is indeed a better question. As the ABA Journal reported earlier this month:

A federal grand jury is more than three years into an investigation of far-

reaching allegations of abuse of power and corruption against Thomas, Arpaio and a host of their associates and underlings. Any eventual charges likely would concern civil rights violations, criminal racketeering or both. And FBI agents occasionally attended the Thomas hearings—as they had those for Aubuchon’s merit system challenge to her firing in 2010 after her boss left—and can access the videos online for free discovery.

Read the full American Bar Association in depth report on Thomas, Arpaio and their alleged criminal sins, it is a tour de force.

And the ABA report is entirely consistent with the local scuttlebutt in Maricopa County, although it does appear said investigation, being led by the US Attorney’s Office for the District of Arizona, has been slowed down by the resignation of Arizona’s US Attorney, Dennis Burke, at the end of last August due to the Fast & Furious scandal. Burke, as an acolyte of Janet Napolitano, had little, if any, love for Arpaio and Thomas. My guess is the turmoil in the office from Burke’s resignation, and Criminal Chief Patrick Cunningham’s resignation, at the end of January for similar reasons, is precisely what has drug the Arpaio/Thomas criminal investigation out for so long.

As the “clear and convincing” findings of the Arizona Supreme Court, and resounding disbarment of Andrew Thomas and his key deputy, today have borne out, the case against Thomas and Arpaio is extremely strong. The Obama Department of Justice is pursuing a slow roll civil case via Tom Perez and the Civil Rights Division. But will the Obama Administration and DOJ follow through with actual criminal charges from their three plus year long grand jury probe, or will they chicken out and demur because they have a newly pending nominee for the US Attorney position in Phoenix?

The new Obama nominee for Arizona US Attorney, John Leonardo, is old, and very law and order centrist in nature. There is only one reason Barack Obama and his administration would nominate him for the post, as opposed to grooming desperately needed future Arizona political talent, as is customary from both parties with US Attorney slots – the Obama Administration has no fight for an actual liberal nominee of future value. So, the question of whether there exists sufficient balls within the Obama Administration, and its politically respondent DOJ, to go after Joe Arpaio and Andrew Thomas, especially with an election upcoming, is a very good one.

What say you Obama/Holder DOJ? The Arizona Supreme Court has, today, laid out an immutable case against Andrew Thomas; Joe Arpaio would have suffered a similar fate if he possessed a law license in Arizona. The facts are on the table, where are the indictments?

[UPDATE: Here is the complete written 247 page ruling]