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FEATURED ARTICLE

Tobacco Row

Ohio leads the nation in 18- to 24-year-old tobacco users, and the Buckeye State's two million adult smokers put us at number three in the country. Tobacco costs Ohioans \$3.4 billion a year in related medical expenses

A \$10 billion settlement from Big Tobacco was supposed to help control the health crisis, by funding smoking prevention and cessation programs. But the budget-strapped Statehouse and Governor Taft couldn't keep their hands out of the anti-tobacco kitty, burning Ohio's health advocates

by Bob Fitrakis

In this new year, more than 65,000 Ohio children will become tobacco addicts. More than a third of them will die premature deaths.

Back in 1998, it seemed like hope was on the horizon for those who want to reverse this deadly health crisis. Thanks to Ohio's \$10 billion out-of-court settlement with the big tobacco companies, lots of money would be available for smoking prevention and cessation programs.

Anti-tobacco ads begin airing this month, for instance, highlighting the hazards of smoking on unborn babies and those exposed to second-hand smoke. The public service announcements will run as part of a \$50 million, four-year anti-tobacco campaign financed by the settlement.

Ohio's Tobacco Use Prevention and Control Foundation (TUPAC) board also kicked off the first week of the new year by hiring Michael J. Renner, former chief counsel to Ohio Attorney General Betty Montgomery, to serve as its executive director. Renner is intimately familiar with the politics of tobacco; he was Ohio's lead attorney in the 46-state lawsuit against U.S. tobacco producers. TUPAC board member Dr. Rob Crane touts Renner as a "passionate anti-tobacco advocate."

But a political row is smoldering within the state's anti-tobacco movement. With \$10 billion at stake—a too-tempting pile of cash considering the Statehouse's budget deficit—perhaps it's no surprise that those who want to curb smoking in Ohio are feeling burned by legislators and the governor. Crane told Columbus Alive that Renner is assuming the foundation's directorship at a time when the state legislature just "broke their promise to Ohio's kids and addicted smokers."

In November 2001, the Ohio legislature raided the tobacco use prevention fund. House Bill 405 "deferred" \$240 million dollars earmarked for TUPAC under the

Tobacco Master Settlement Agreement, the lawsuit settlement between the state and the tobacco companies.

While the cash grab comes at a time when the Statehouse can't balance its budget, critics also charge that the raiding of smoking prevention money marks the insidious return of the Big Tobacco lobby in Ohio. During litigation between the state and the tobacco industry, the Attorney General's office obtained a list of 32 Ohio tobacco lobbyists working to keep tobacco revenues high. Technically, lobbying on behalf of tobacco use is now banned under the Agreement.

In 1999, the governor and the legislature agreed on a law that established TUPAC and endowed it with 10 percent of the monies coming directly from the Agreement. The creation of TUPAC as a billion-dollar foundation in February 2000 was hailed as a victory for the Ohio State Medical Association and more than 150 statewide healthcare organizations. The focus of TUPAC is clear: preventing teens from smoking and aiding adults in quitting the use of tobacco.

Public officials generally agreed that there was a need for tobacco use prevention in Ohio when Attorney General Montgomery joined the lawsuit in May 1997. Ohio signed the Agreement in November of the next year and it was thought to be a good deal—the \$10 billion dollars spread over 25 years, averaging an estimated \$365 million per year, was the fourth highest of the states signing the Tobacco Master Settlement Agreement.

A study by Tobacco-Free Ohio in 2000 noted that 41 percent of Ohio school students reported smoking cigarettes during the previous month. A 1994 study estimated that Ohio's kids illegally purchased \$21 million worth of cigarettes in a year.

While the illegal activities of Ohio schoolchildren were a shock to some, the statistics on the legal use of tobacco by Ohio's adults was perhaps more staggering. Ohio had some two million adult smokers, ranking it percentage-wise third in the nation, trailing only Kentucky and Nevada. Almost 20,000 Ohioans are dying every year from tobacco-related diseases, according to Tobacco-Free Ohio. Crane (who's the cousin of Alive publisher Sally Crane) says that the current tobacco-related medical costs are \$3.4 billion a year, with \$600 million coming directly out of taxpayers' pockets in Medicaid payments.

Other states have shown startling success with tobacco prevention and control programs. California launched a very successful \$100 million-a-year prevention campaign sponsored by a 25-cents-per-pack state sales tax on cigarettes in 1989; adult smoking declined by 32 percent there. Teen smoking is down 24 percent in Florida and down 10 percent in Mississippi because of similar programs funded by the Settlement Agreement, according to the Cleveland Plain Dealer.

Dr. Scott Frank, public health director at Case Western Reserve University, told the Plain Dealer, “The lack of progressive beliefs in tobacco-control policies is a major contributor to the high smoking rates in Ohio... The other states are five years ahead of us.”

Crane points out that Toledo is the top per-capita consumer of tobacco in the country, and Cleveland is third in the country. Ohio ranks first in the country among 18- to 24-year-old tobacco users.

So the decision by the Ohio legislature to tap \$240 million from the Tobacco Master Settlement Agreement and apply it to the state’s projected \$1.5 billion budget shortfall could cost the state far more in the long run.

What went wrong in Ohio?

The Tobacco Master Settlement Agreement offered the state the resources to directly fight tobacco addiction. But the 150 member organizations of the Coalition for a Healthier Ohio now see their vision of a less-smoky Buckeye State foundering on the shoals of the massive budget deficit.

The Coalition’s original proposal was to set aside a third of the \$10 billion tobacco settlement for tobacco use prevention and control. The Columbus Dispatch editorial board championed the prevention program in hard-hitting editorials like “Protect Kids with Tobacco Cash.” The editors urged, “Let Ohio give such a plan a chance and maybe we can prevent some addictions and, consequently, save some lives.”

The Coalition offered “A Blueprint for a Tobacco-Free Ohio,” a detailed 50-page policy and planning document. Using the “Blueprint” as their starting point, the Coalition engaged in a heated political struggle to carve out an endowment dedicated to tobacco prevention in Ohio. That vision eventually became the 20-member Tobacco Use Prevention and Control Foundation board.

The dreams of a healthier Ohio were not shared by Governor Bob Taft. Politically plagued by the Ohio Supreme Court’s DeRolf decision, which declared Ohio’s public school funding system unconstitutional—and with the usual Republican urge to give away any surplus in the form of a “tax cut” coupled with an unwillingness to ever raise taxes—Taft insisted that half of the Settlement Agreement money go toward upgrading public schools facilities. Thus, the governor’s standing rule will allow Ohio’s nation-leading schoolchildren smokers to have better buildings to sneak out of when catching a quick cigarette.

Taft appointed a 15-member Tobacco Settlement Task Force in the spring of 1999. The Task Force gruelingly crafted a 25-year spending plan with half the money going to the schools. Attorney General Montgomery supported the plan.

As part of a painstaking political compromise, roughly a third of each of the first seven yearly installments would go to endow TUPAC.

The Ohio legislature approved a version of the Task Force's work as Senate Bill 192. Five other trust funds were created with the remainder of the settlement money: Public Health Priorities, Biomedical Research and Technology Transfer, Educational Technology, Law Enforcement Improvements and Southern Ohio Agricultural and Community Development.

Only the school facilities money survived the 25-year Settlement Agreement period. Conservative opponents cut the tobacco use prevention and control money back to 13 years, but left in the seven-year "frontloading" of TUPAC as a spending formula "plan." The legislation designated that tobacco use prevention and control money would first be placed in a trust fund and later into TUPAC's foundation endowment fund.

The legislature also sent a stern warning about the limited future of the state's tobacco use prevention efforts, according to a TUPAC document titled "Ohio's Approach to the Tobacco Master Settlement Agreement Monies and Tobacco Control": "The legislation strongly suggests that the board not look towards any further state funding for the Foundation. Rather the board is to treat the designated funds as an endowment, with project funding to come from the fund's earnings."

Thus, like the state retirement funds, TUPAC was to make safe investments of the funds and cautiously use the earnings to finance its ambitious prevention programs.

The structure of TUPAC as legislated in Senate Bill 192 documents a deliberate attempt to keep the money safe from Ohio politics and tobacco lobbyists. "This [structure] moves decisions away from the scramble of the biennial state budget appropriations process undertaken in odd years. The next review of the plan will be in 2002. The TUPAC fund would therefore have to survive reviews in 2002, 2004 and 2006 to receive the vast bulk of its endowment—which with even conservatively adjusted estimates should approach \$1 billion," a TUPAC document states.

"After appropriation," the document continues, "the money exists in a semi-private foundation which, barring very serious legislative redirection, would be reasonably insulated from the powerful, political influence of tobacco interests."

But something went wrong. As Dr. Crane complained in a Business First article last month, "The Ohio legislature did what even the most brazen of tobacco lobbyists would hardly dare to suggest: They passed legislation cutting off future funding for youth tobacco prevention in order to balance the state budget. They

did this despite the fact that prevention monies come directly from the Master Settlement Agreement funded by the tobacco companies.”

Crane’s comments stood in stark contrast to those written a little more than a year earlier in a document he prepared for the American Medical Association: “Further good news is that other states like California and Massachusetts [with more than a 20 percent adult smoking decline] already have years of experience with well-funded comprehensive tobacco-control programs. Their experience has already shown what works and what does not. It will be the job of the TUPAC board to carefully apply those lessons to Ohio and our citizens. In any case, things are going to change for tobacco control in Ohio. To paraphrase Yogi Berra, We’ve come to the fork in the road and we’re going to take it!”

TUPAC members had not anticipated that the legislature would renege on its commitment to tobacco prevention programs and race backwards from the fork in the road. But the lure of tobacco road dies hard in Ohio. The promise of prevention echoed in the words of Dr. Douglas Teske of the American Heart Association at the time of Senate Bill 192’s passage. “Ohio can now work toward joining the success stories of other states where the declines in youth smoking are dramatic,” Teske said.

The battle between the status quo and prevention advocates clearly emerged in the testimony this past November as the legislature “borrowed” the tobacco use prevention money until the year 2013 to fix the budget deficit. Lisa Vanvalkenburg Rankin, an Ohio lobbyist for the American Heart and American Lung Associations and American Cancer Society, suggested to the legislature that a better approach would be “to simply suspend for the next year or two the payments to all of the trust funds created in SB 192, with the possible exception of the school facilities, and then resume the blueprint” two years later.

But, Rankin argued, “The most favored option by the tri-agencies [she represented] would be to increase the tax on a pack of cigarettes by 50 cents.” Rankin supplied data consistent with national polling statistics that suggested that sin taxes are one of the few forms of taxes supported by the public and not likely to affect a legislator’s re-election.

Larry McAlister, the CEO of the American Lung Association, told legislators, “We understand that Ohio faces budget shortfalls, but it is a disservice to kids facing daily tobacco temptation and a disservice to the lawsuit’s purpose to single out the [TUPAC] foundation as being the entity from which to take \$240 million.” McAlister strongly opposed the “borrowing [of the] prevention fund with the promise to pay them in 12 years.” He also urged a two-year suspension of the fund until the temporary budget crisis passed.

Crane told legislators that “the tax on cigarettes has stayed stagnant at 24 cents [per pack] for the last decade, despite absolutely astounding and record

tobacco-company profits in Ohio. Yesterday, the citizens of Washington state handily approved a 60-cent increase to a total of \$1.42 per pack... Michigan has a tax of 75 cents per pack,” Crane said. “If Ohio increased its tax by 50 cents, the state would raise \$400 million annually—\$600 million over the biennium, even discounting for decreased demand. More importantly, youth smoking would drop instantly by 10 to 20 percent. Five thousand Ohio kids would avoid addiction each year.”

The Ohio legislature didn’t buy the proposals offered by the tobacco use prevention advocates. Director Renner assumes the leadership of a de-funded TUPAC, whose strategy must be unclear beyond the current \$50 million anti-tobacco advertising campaign. Perhaps the 150 organizations of the Coalition for a Healthier Ohio will find that what the legislature takes away, the people would be willing to restore via a 50-cents-per-pack ballot initiative. Meanwhile, Ohio’s 24-cents-per-pack cigarette tax remains the 33rd lowest in the nation.

01/10/2002

NEWS BRIEF

Following the anthrax trail

The FBI investigation has led to connections between Battelle, the CIA, a former Soviet bio-warrior and an alleged bin Laden business associate

by Bob Fitrakis

While the national and international media has been busy exploring Battelle's possible connection to the anthrax scare, the local media has been eerily quiet when it comes to Battelle's ties to intelligence agencies and companies linked to an alleged bin Laden family business associate. Here's what they're not telling you:

The spooky Dr. Strangelove Institute headquartered in Columbus may be ground zero in the domestic military-industrial anthrax scare. With five people dead and 18 ill, Battelle's role in directing the U.S. Defense Department's "joint vaccine acquisition program" is now coming under heavy scrutiny—just not in Columbus.

Battelle, in partnership with BioPort of Lansing, Michigan, has a virtual monopoly on military anthrax vaccine production in the United States. BioPort is partly owned by a top-secret British bio-warfare consortium, Porton International. The New York Times reported in July 1998 that BioPort's owners included Admiral William Crowe Jr., a former chair of the U.S. Joint Chiefs of Staff and ambassador to Britain during the Clinton years. One of Crowe's partners is the mysterious Fuad El-Habri, a German citizen of Lebanese descent and a reported business associate of the bin Laden family.

Laura Rozen pointed out in an October 13, 2001, Salon.com article that El-Habri, BioPort's CEO, "made a fortune" working for "Porton International" during the Gulf War a decade ago. Porton had a virtual monopoly on the anthrax vaccine in Britain in partnership with Battelle. Porton International's for-profit arm, the Centre for Applied Microbiology and Research (CAMR), announced last March it was putting together a joint proposal with Battelle to supply the U.K. with an anthrax vaccine.

What's Porton International, you might ask? Well, they're the Battelle, so to speak, of the U.K. In the weeks immediately preceding the September 11 attacks, the consortium's laboratories located at Porton Down made national news in Britain when the BBC reported that Porton Down scientists had conducted biological and chemical experiments on "about 20,000 so-called human guinea pigs... between 1939 and the 1960s."

On August 27, Britain's Independent newspaper reported that Porton's chemical and biological defense branch "tested LSD on soldiers to investigate its 'tactical battlefield usefulness'" in the '60s. Two days later, the Sunday Telegraph reported that the experiments included dripping liquid sarin, the deadly nerve gas, onto a

patch taped to a soldier's arm. The British police were investigating between 45 and 70 deaths linked to the experiments.

As I reported in Columbus Alive immediately after the anthrax scare began, Battelle is involved in developing a new and stronger strain of anthrax at its West Jefferson labs. Don't be deceived by the fake farmland facades of the West Jefferson complex: It's the center of an unclassified defense project going under the name "Project Jefferson," according to the New York Times.

The Times also confirmed that the CIA is involved with its own top-secret anthrax project, code-named "Clear Vision." The presence of the CIA and specter of "national security" is thwarting the current FBI investigation into the mailed anthrax, sources say.

More than any other organization, Battelle controlled access to the Ames strain of anthrax used in various secret projects—and the strain found in last fall's deadly letters. The Baltimore Sun reported that the Ames strain was also being produced at the Dugway Proving Ground in Utah, but this is a red herring. Battelle's involved in that program as well.

A Battelle press release dated December 18, 2001, reads: "Battelle is expanding... with the opening of a suite of offices in West Valley City, Utah. The office will house existing business operation from Battelle's Dugway, Hill Air Force Base, and Toole, Utah, locations." Battelle co-manages many labs and projects including the Oak Ridge National Laboratory, well known for its role in the nuclear weapons industry.

As I previously noted in Alive, the number-two man in the former Soviet biochemical warfare operation, Kanatjan Alibekov, now going by the alias Ken Alibek, is a classified consultant with both the CIA and Battelle. A 1998 New Yorker article pointed to work on the anthrax project Alibek conducted with William C. Patrick III. Patrick, now president of Biothreat Assessments, has 48 years of biological warfare experience with the U.S. military, including a stint as the chief of the Army's Product Development Division (which weaponizes biological agents).

The current FBI investigation has led toward the Patrick/Alibek/Battelle/CIA connection. But whether the feds have the will, or the authority, to investigate spook central in Columbus is another question. The New York Times, on November 9, reported that the FBI already made an error in the "anthrax probe" by allowing the "destruction of university" samples that "may have caused clues to be lost."

On December 17, London's Telegraph ran the headline: "CIA links Porton Down to anthrax attacks." The newspaper reported, "Sources in the FBI said the CIA was under investigation because of the bureau's 'interest' in a contractor which

used to work for the agency in its anthrax program.” Sources at Battelle and in law enforcement say the contractor in question was Alibek, not the unnamed former Battelle scientist in Milwaukee the Columbus Dispatch has referred to.

Alibek, who arrived in the U.S. in 1992, needs to be looked at very closely; news reports suggest he had possible financial stakes in a biochemical scare. On October 29, the Washington Post reported that Alibek “has hooked up with an Alexandria, Virginia, company, and, supported by federal grants, opened a laboratory of 35 people.” The article notes the former Soviet bio-warfare scientist is “learning to be a capitalist.”

“Hadron Advanced Biosystems Inc., Alibek’s company, sports an unusual provenance for a biotechnical venture. No other company, doing any kind of work, can claim to be headed by a former number-two man in a vast program aimed at turning anthrax, plague, smallpox, tularemia and many other germs into weapons of war,” noted the Post. “Alibek’s venture is a subsidiary of Hadron Inc.... a publicly traded 37-year-old government contractor specializing in defense and espionage work.”

The FBI’s investigation initially focused on who stood to gain financially from the deadly anthrax letters (as in, who has a stake in increased sales of the anthrax vaccine, for instance). Sources close to the investigation say that El-Habri’s possible ties to the bin Laden family also caused the FBI some concern—not to mention his role as CEO of the only laboratory in the U.S. licensed to sell the anthrax vaccine. But the convergence of the Strangelovian Battelle with BioPort, the British Porton Down consortium and the role of prominent individuals like Alibek, Crowe and El-Habri suggests that much of this is likely to be covered up.

Ironically, this summer, George W. Bush renounced long-standing calls by the Russians for mutual inspections of biochemical weapons sites like Battelle. Bush claimed that mutual inspection of U.S. biochemical technology sites by foreign scientists could risk revealing commercial trade secrets—secrets that would be worth a fortune if a few people controlled the commercial rights to them.

06/24/2002

Chemtrails outlaw

The government says they don't exist, but Kucinich wants Congress to take action

by Bob Fittrakis

The debate surrounding the federal government's alleged weather modification experiments has landed in the U.S. Capitol, thanks to Cleveland Democrat Dennis Kucinich. Representative Kucinich introduced the Space Preservation Act of 2001 on October 2 last year, seeking a "permanent ban on [the] basing of weapons in space."

The bill, HR 2977, specifically outlaws a variety of weapons detailed in the December 6, 2001, Columbus Alive article "Stormy Weather," which exposed allegations of secret government aerial spraying activities. Kucinich's bill explicitly outlaws "chemtrails."

Alive asked Kucinich why he would introduce a bill banning so-called chemtrails when the U.S. government routinely denies such things exist and the U.S. Air Force has routinely called chemtrail sightings "a hoax."

"The truth is there's an entire program in the Department of Defense, 'Vision for 2020,' that's developing these weapons," Kucinich responded. Kucinich says he plans to reintroduce a broader version of the bill later this month. "Plasma, electromagnetics, sonic or ultrasonic weapons [and] laser weapons systems" were among those banned by HR 2977.

Two scientists working at Wright Patterson Air Force Base informed Alive of the ongoing secret experiments, one involving weather modification and the other involving the creation of an aerial antenna using a barium stearate chemical trail. The scientists referred to the work of legendary inventor Nikola Tesla. Before Ronald Reagan's Strategic Defense Initiative (or "Star Wars"), there was Tesla's vision of high-tech space-based warfare and weather modification.

According to Tesla biographer Margaret Cheney, federal agents seized Tesla's papers after his death in 1943. "[At] least one set of Tesla's papers had reached Wright Field [now Wright Patterson Air Force Base]," Cheney wrote. The Aeronautic Systems Division at Wright Patterson admitted it had the Tesla papers but claim they were "destroyed."

However, Tesla's dream is embodied in a glossy brochure titled "Vision for 2020" released by the U.S. Space Command in 1998. The brochure states, "The emerging synergy of space superiority with land, sea and air superiority will lead to Full Spectrum Dominance."

The Space Command spells out its purpose pretty plainly: "Dominating the space dimension of military operations to protect U.S. interests and investment."

There's nothing new here, for those who have been paying attention. In the 1970s, Jimmy Carter's National Security Advisor, Zbigniew Brzezinski, bluntly stated in his book *Between Two Ages*, "Technology will make available, to the leaders of major nations, techniques for conducting secret warfare, of which only a bare minimum of the security forces need to be appraised... [T]echniques of weather modification could be employed to produce prolonged periods of drought or storm."

On January 4 this year, Canadian Professor Michel Chossudovsky, of the Center for Research on Globalization at the University of Ottawa, issued a report noting that weapons have the ability to trigger climate changes. "Both the Americans and the Russians have developed capabilities to manipulate the world's climate. In the U.S., the technology is being perfected under the High-frequency Active Aural Research Program (HAARP) as part of the Strategic Defense Initiative (SDI)," Chossudovsky wrote. "Recent scientific evidence suggests that HAARP is fully operational and has the ability of potentially triggering floods, droughts, hurricanes and earthquakes. From a military standpoint, HAARP is a weapon of mass destruction."

Doubters of the military's secret plans should refer to George and Meredith Friedman's *The Future of War, Power, Technology and American World Dominance in the 21st Century*. The Friedmans, government-touted "arms experts" and favorites of the military-industrial complex, assert that "The American experience of power will rest on the domination of space."

The U.S. Air Force giddily embraced the Friedmans' thesis in the 1996 report "New World Vistas: Air And Space Power For The 21st Century." The Air Force report notes, "In the next two decades, new technologies will allow the fielding of space-based weapons of devastating effectiveness to be used to deliver energy and mass as force projection in tactical and strategic conflict."

State University of New York Professor of Journalism Karl Grossman, writing in 1999, revealed how the mainstream corporate press virtually ignores the government's pronouncements while trade journals like *Space News*, *Defense News*, *Aviation Week*, *Space Technology* and *Electronic Engineering Times* routinely report on the military-industrial complex's high-tech breakthroughs.

As for chemtrail skeptics, they might want to consult Rutgers University Political Science Professor Leonard Cole's book *Clouds of Secrecy: The Army's Germ Warfare Test Over Populated Areas*. Chemtrail deniers are apparently happy with the thought that their beloved paternalistic government would engage in aerial spraying over densely populated areas.

U.S. Representative Marty Sabo, a Democrat from Minnesota, denounced “the secret Army program to spray Minneapolis and other cities with chemicals in the 1950s and ‘60s,” the Minneapolis Star Tribune reported in September 1994. “The idea that the government would use its own citizens as guinea pigs is appalling, and I condemn it in the strongest possible terms,” Sabo told a House subcommittee investigating the secret spraying, which used fluorescent tracers to mark wind patterns.

As for the Army, it argues that the secret Cold War-era spraying was not “human experimentation” since it didn’t target any specific individuals and the zinc cadmium sulfide used was harmless. But the International Agency for Research on Cancer lists all cadmium compounds as known cancer-causing agents.

Former students of Clinton Elementary in south Minneapolis told an investigating panel from the National Research Council that the Army’s secret chemical spraying adversely affected their health, according to the Star Tribune.

Skeptics who continue to insist the government would never be involved in secret aerial spraying, particularly in Ohio, may want to address their questions to the C-130 aircrews from the 910th Airlift Wing stationed at Youngstown’s Air Reserve Station. In July 2000, an Air Force press release bragged, “Fifteen service members from military installations in Germany and England were at Ramstein Air Base, Germany, 8-12 May, learning how to use chemicals to destroy the enemy... The seven airmen and eight soldiers learned how to plan, execute and oversee the entire process of applying pesticides by air.” The press release said the Youngstown air unit will only be used against “insects with their deadly diseases.”

Apparently insects take many forms. During the Seattle demonstrations against the World Trade Organization in November 1999, CNN reported that a military air unit with pathogen capacity to induce sickness in humans was deployed against the demonstrators.

NEWS BRIEF

1/31/2002

Still looking for “the truth”

Questions still linger in the Byrd case regarding Robert Pottinger and the testimony of two jailhouse snitches

by Bob Fitrakis and Martin Yant

“You know the truth.”

That’s what Robert Pottinger told Kim Hamer, John W. Byrd’s sister, in a tape recorded conversation as she pleaded with Pottinger to help keep her brother from being executed for the 1983 murder of Monte Tewksbury.

Pottinger later agreed to sign an affidavit that said he, not Byrd, participated in a second robbery the night of Tewksbury’s death. Hamilton County prosecutors claimed Byrd’s use of a knife at the second robbery was proof that he was used the knife to kill Tewksbury during the first robbery. But both witnesses at the second robbery said the man with the knife wore tan pants and a red-and-black jacket. Byrd was wearing blue pants and a blue-and-white sweater when he was arrested a short time later.

Byrd is scheduled to be executed for Tewksbury’s murder on February 19.

Pottinger testified at an October 2001 hearing before Federal Magistrate Michael R. Merz that he committed the second robbery because Byrd had passed out in the truck they were using. In his opinion denying Byrd’s claim of “actual innocence,” based on the testimony of Pottinger and others, Merz said Pottinger’s story “is not in the slightest bit credible” and that “he hints at such an admission in his taped conversation with Kim Hamer when he tells her she knows what the truth is.”

You might add judges to the saying that the only time most cops get exercise is when they jump to conclusions. Merz clearly jumped to the wrong conclusion that “the truth” Pottinger spoke of was that Byrd killed Tewksbury.

The truth Pottinger actually referred to was the admission he made to Hamer that he, not Byrd, participated in the first robbery as well as the second, according to Hamer.

Pottinger admitted to Columbus Alive that, while partying with friends in the 1980s, he bragged about being the killer. But Pottinger specifically told Alive he did not murder Tewksbury and he expressed concern about being charged with the crime.

Byrd has always avoided talking about Pottinger’s full role in the robberies. Byrd, John Brewer (who claims he killed Tewksbury) and Danny Woodall—the three

accomplices arrested and charged with Tewksbury's murder after Pottinger had run from the truck—allegedly agreed not to discuss Pottinger's involvement, and they always kept their word.

Byrd remained circumspect when he was asked about Pottinger in an interview last week, less than a month before his scheduled execution.

"You know what the truth is," Byrd said, echoing Pottinger. "Just look at the evidence. Tewksbury said the guy who stabbed him was wearing a plaid shirt, and the investigator's notes say who always wore plaid shirts [Pottinger]."

Pottinger testified that Byrd was passed out in the truck during the second robbery. Asked if he was passed out in the truck during the first robbery as well, Byrd said: "I imagine." He added, however, that it was hard for him to remember when he was awake and when he wasn't because he was so drunk that night.

Did you go into the first store? he was asked.

"I never went in any store," Byrd replied. "That's what people have to look at. There's never been [any] evidence to place me at this crime—never."

A source in the Ohio Public Defender's office disclosed to Alive prior to the Merz hearing that John Brewer alluded to Pottinger's involvement and the crucial "plaid shirt" in the first robbery. According to the source, "Brewer said, 'Who do the police say was wearing the plaid shirts? What did the guy who was killed say about the plaid shirt? How stupid are people?'"

With so many questions remaining in the Byrd case and no physical evidence linking him to the murder, Byrd asked the governor in a January 22 letter not "to grant me clemency" but "to grant a reprieve and request for a federal investigation into my conviction."

No eyewitnesses have ever identified Byrd as the actual killer; the physical evidence points to Brewer, who has admitted in five affidavits since 1988 that he stabbed Tewksbury. Brewer's shoeprint is on the store counter behind which Tewksbury was assaulted. Brewer had the apparent cash from the register in his pocket, while Byrd had less than \$5.

The sole direct evidence against Byrd is the testimony of Ronald Armstead, a notorious Hamilton County snitch, and fellow inmate Virgil Jordan. In an October 24, 2001, court order, Merz greatly limited Byrd's request for documents from the Cincinnati Police Department and the Hamilton County Sheriff. Merz refused to consider any documents from 1983, the actual time period when Byrd, Armstead and Jordan were in the Hamilton County workhouse together and when Byrd's confession allegedly took place.

Oddly, Merz reasoned that “All documents related to Virgil Jordan and Ronald Armstead” need not be produced because the documents were too voluminous.

The Public Defender’s office was unable to obtain records that would show whether or not Armstead testified before the Hamilton County grand jury that indicted Byrd; Jordan did testify before the grand jury and at Brewer’s trial. Merz’s ruling thwarted the exploration of the possibility that Jordan and Armstead conspired to fabricate testimony against Byrd.

Neither Armstead nor Jordan testified at the Merz hearing. Armstead could not be located, though he was last reported to be working on an Alaskan cruise ship; Jordan died last summer of a drug overdose.

Merz declined to review Jordan’s Department of Rehabilitation and Corrections records as part of the hearing, ruling they were “Too remote from the central controversy before the court.” While Armstead played the key role of Byrd’s accuser in court, the record establishes that it was Jordan’s grand jury testimony that resulted in capital charges being brought against Byrd.

Moreover, Merz shielded from scrutiny police documents showing Armstead’s and Jordan’s roles as law enforcement informers. Carl Vollman, Byrd’s lead prosecutor, had previously utilized Jordan as an informant and grand jury witness in a murder trial. There are 10 people on Ohio’s Death Row convicted primarily or solely on the word of a snitch—all 10 are from Hamilton County.

Merz also denied requests for subpoenas revealing Jordan’s and Armstead’s roles as informants for the FBI, the DEA and the defunct Regional Enforcement Narcotics Unit. Merz ruled once again that Armstead’s and Jordan’s long histories as snitches were “too remote from the central controversy.”

Jordan’s brother Watson and his sister Doris both acknowledge in signed affidavits that their brother is a well-known “snitch.” Watson Jordan stated in his affidavit, “He [Virgil] usually gets out of his legal trouble by snitching on people. In the past, Virgil would get arrested and be put in jail. Soon after, he would return home. I thought it was strange that he got out so soon and figured he’d snitched for the police... In the early 1980s, Virgil went undercover as a city trash collector. He used the alias Michael Stokes. The city used him to catch city workers using and selling drugs.”

Doris Jordan swears that “Virgil is a big liar. When he gets into legal trouble, he’ll lie to get out of it. He would set you up in a minute if it helped him.”

02/07/2002

Last-minute pleas

With 12 days left on Death Row, John Byrd begs the governor for a reprieve

by Bob Fitrakis

John W. Byrd continues to fight for his life as his February 19 execution date rapidly approaches. On Friday, February 1, Byrd managed to telephone this reporter to explain the mounting tension and bizarre rituals brewing inside the Mansfield Correctional Institution.

Byrd is under a suicide watch to make sure he doesn't cheat the state of its well-scripted execution. Social workers and medical personnel are working with Byrd to ensure he'll be healthy when he's put to death.

Byrd, who was convicted of the 1983 murder of Cincinnati store clerk Monte Tewksbury, told Alive he believes he should get a "reprieve" until there's a federal investigation into his allegations of widespread corruption in the Hamilton County Prosecutor's office. "They're trying to kill me, brother, before anyone can take a close look at what they do," Byrd said.

On Monday, Byrd sent to Alive an audio tape of a phone call he made from Death Row alleging that anytime "I speak about the governor [with reporters], interviews will be terminated." Byrd made an appeal to Ohio voters to remember his case in November, and asked that they support his "First Amendment rights" prior to his execution.

Byrd's desperate pleas for a reprieve appear to be falling upon the deaf ears of Bob Taft. But the emotions stirred by the case remain indelibly etched in court records.

In a ringing dissent, joined by four other Sixth Circuit U.S. Court of Appeals judges, Judge Nathaniel R. Jones wrote: "The Court majority certifies a death sentence that the state of Ohio secured in contravention of the fundamental imperatives of our constitutional order."

Judge Jones summed up the facts of the Byrd case this way: "No eyewitness or other physical evidence identifies the particular robber responsible for the murder, and the only evidence distinguishing the assailants are the representations of a jailhouse 'snitch.'"

Jones argued in his dissent that the only reason anyone believed Ronald Armstead, the "snitch," is because the prosecutor "vouched" for his credibility: "Such prosecutory testimony on the credibility of a witness is undoubtedly unconstitutional, and in a case that turns on the veracity of that witness—a jailhouse snitch no less—the error is prejudicial."

Byrd hopes the U.S. Supreme Court will closely consider Jones' dissent in his expected last-minute appeal. In a January 22 letter to Governor Taft, Byrd raised a variety of concerns that he wanted a federal investigation to probe.

"There is no evidence that places me inside the crime scene. [Neither] my fingerprints nor shoeprints were found at [the] scene nor on anything. My hair was not found in any of the masks. I don't fit any of the descriptions given. My conviction is based on perjured testimony the prosecution knew was perjured and have been doing a[n] effective job of concealing ever since," Byrd wrote the governor.

In his Alive interview last week, Byrd said, "It must be hard on you knowing I'm telling the truth about the evidence."

In both his letter to the governor, Byrd pointed to the strange role of the Breyer brothers in his case. Byrd vehemently complained about the fact that Daniel Breyer was the trial prosecutor in his case and his brother William Breyer remains the Hamilton County post-conviction prosecutor in his case.

"William Breyer has been covering up for his brother for many years now. It must be a wonderful thing to be from a county where it is common practice for the post-conviction prosecutor to author the finding of facts and the conclusions of law for the post-conviction judge to accept in toto, knowing full well all other following courts will accept this finding as well," Byrd wrote.

Byrd's letter urges the governor to look at "the evidence." Byrd stresses the following facts in his request for a reprieve:

- "The two supposed specks of blood found on my pant leg was not that of Mr. Tewksbury... Mr. Tewksbury's blood did not contain the H antigen! Nineteen years ago this finding would have been [treated] as any DNA testing performed today."
- "The only physical evidence the state tried to use was that I had a watch that could have been Mr. Tewksbury's. However at trial this [watch] couldn't be produced."
- "Breyer and [Carl] Vollman knowingly solicited perjured testimony from Armstead and in turn vouched for his credibility."
- "Not only did Armstead [who was facing up to 15 years on a parole violation for assaulting a prison guard and nurse] get out, but he was flown to [California]. Prosecutors have said that Armstead's mother had paid for this plane ticket... This simply is not true. Mrs. Armstead has denied paying for any such ticket."

“Once I am murdered life cannot be placed back into my body. The system shouldn’t be permitted to protect itself against what it has done to me at the expense of my life,” Byrd wrote. “Murdering me will not make this ugly chapter in Ohio’s history go away.”

02/14/2002

Five days to die

As John Byrd's execution date nears, death penalty opposition in Ohio is growing

by Bob Fitrakis

From rural Mennonites to a large contingent of Kenyon College students, more than the usual suspects chanted "John Byrd—the wrong man" on Parkview Avenue in Bexley last Saturday.

The 300 or so anti-death penalty activists demonstrating at Governor Bob Taft's mansion indicates a growing death penalty abolition movement in Ohio. The pending February 19 execution of Byrd appears to be the catalyst behind the increasingly vocal protest. Unlike the recent Wilford Berry and Jay D. Scott executions, death penalty foes vehemently argue that with Byrd, the state is about to execute "the wrong man." The case has even attracted the attention of Bianca Jagger of Amnesty International, who was in Columbus this week on Byrd's behalf.

Byrd was convicted of the 1983 murder of Cincinnati store clerk Monte Tewksbury. In court documents, Hamilton County prosecutors and the Attorney General's office concede that their only direct evidence against Byrd rests on the testimony of the now-missing notorious jailhouse snitch Ronald Armstead.

In fact, in the past the state has fought attempts by Byrd to have two small specks of blood on his clothes tested to see if it matches the victim. Instead, as court records reveal, the prosecutors maintain that Byrd's guilt centers around the controversial testimony of Armstead. A violent felon and known heroin addict, Armstead was facing up to 15 years in prison when he emerged as Hamilton County prosecutors' star witness in the 1983 Byrd trial.

Former Cincinnati Congressman Thomas Luken was instrumental in convincing Cincinnati City Council to pass a resolution last December calling on the Ohio General Assembly to support "a moratorium on the imposition of the death penalty in the state of Ohio until a fair and impartial review of the application of the death penalty is conducted."

"Byrd just can't get a break. He loses by one vote—four to three—at the Ohio Supreme Court, and then loses by one vote at the Court of Appeals," Luken told Columbus Alive. "The most important thing people in Ohio can do is go to their local governments and have them pass resolutions calling for a moratorium on the death penalty."

Byrd has asked the governor not for clemency, but to simply stay his execution pending a federal investigation into his case. Byrd recently told Alive he doesn't trust a state probe. "The Hamilton County prosecutors, the Attorney General, the

prison officials and the governor's office have all been working together to make sure the truth doesn't come out," he said.

The Ohio Supreme Court, by that four-to-three vote, denied Byrd a new trial based on the notion that Byrd was at a second robbery the night of Tewksbury's murder. The robbers wore masks and tests on hair found in the masks proved inconclusive as to who wore them. But this did not stop prosecutors from arguing to the Ohio Supreme Court that it was Byrd's hair, even though he did not match the physical description of the robber. Improvements in the accuracy of DNA testing now, 18 years later, could prove Byrd's guilt or innocence. Death penalty foes are outraged that the governor steadfastly refuses to consider Byrd's request to re-test the hair or blood evidence.

The Cincinnati City Council resolution noted, "The advent of DNA testing has already caused an increase in exoneration of condemned persons and those convicted of murder."

The same year Byrd was convicted, Canada witnessed a similarly spectacular wrongful conviction case. Like Byrd, Guy Paul Morin was convicted of murder on what turned out to be the phony testimony of two jailhouse informants; Morin was exonerated when he was granted a new trial and proven innocent by DNA tests. Canada since established new guidelines on jailhouse snitches. Before one can testify, the informant must appear before a screening committee and prove that his or her story can be corroborated by someone other than another inmate.

Byrd's prosecutors have successfully fought any discovery attempts that would reveal Armstead's extensive history of snitching for the Cincinnati police, Hamilton County prosecutors, the DEA and the FBI.

Democratic gubernatorial candidate Tim Hagan last week told OSU law school students, "The death penalty is barbaric."

"We are the only industrial country with the death penalty. Society does not make itself greater by practicing the thing we hate," Hagan said, referring to murder. "If I was governor I wouldn't sign a death warrant... A just society does not make that kind of arbitrary decision."

The Cincinnati City Council resolution stated, "Ohio Supreme Court Justice Paul Pfeifer, a sponsor of Ohio's 1981 death penalty law, now says that he is personally 'moving closer to opposing the death penalty and that an independent panel should review the cases of the 203 Death Row inmates'" in Ohio.

The Republican governor of Illinois already halted all executions in that state, proclaiming the death penalty system is "broken."

The new abolitionist movement is apparently causing concern in law enforcement circles. Following the largest demonstration yet at the governor's mansion, a spokesperson for the Ohio State Troopers told Ohio News Network that they were increasing security at the governor's mansion and his office from now until Byrd's execution date.

02/28/2002

Infamous last words

Byrd's dying declaration points to Pottinger's involvement in second robbery

by Bob Fittrakis

Twenty-two hours before the state strapped John Byrd Jr. onto a gurney and pumped poison into his veins, he gave an hour-long dying declaration to his family's attorney, Clifford Arnebeck. Although he was unwilling to finger Bobby Pottinger in the nearly 19 years he was incarcerated on Death Row, Byrd's final confession offered new information pointing to Pottinger's involvement in a second robbery on the night of the 1983 stabbing death of King Kwik convenience store clerk Monte Tewksbury.

Byrd alleged that Pottinger left the scene of the second robbery with the "missing" contents of the cash register in his pocket. Cincinnati police records indicate that the then-17-year-old Pottinger, who was not eligible for the death penalty, was the initial murder suspect in the Tewksbury slaying. A police informant had identified Pottinger as the mystery man in the plaid or black-and-red shirt described by both Tewksbury and eyewitnesses at the second robbery. Investigatory files relating to the case indicate that, following Tewksbury's murder, Pottinger immediately fled the Cincinnati area for Florida.

According to the prosecutors' version of events, Pottinger spent the entire day of Tewksbury's murder with the trio of accomplices who robbed the King Kwik store; John Brewer, William Woodall and John Byrd dropped Pottinger off at his home before the robbery. The trio then, according to prosecutors, returned to Pottinger's house to pick him up again before robbing a second convenience store, U-Tote-Em. Pottinger agreed to testify for the prosecution but was later declared a hostile witness after accusing the prosecution of putting words in his mouth.

Pottinger has sworn under oath that he was the second robber at the U-Tote-Em store and admitted to Columbus Alive that he bragged about killing Tewksbury, although Pottinger denies the actual killing. The emergence of Pottinger in Byrd's dying declaration may help explain why Byrd, who always claimed to be drunk and drugged out during the robberies, never matched the descriptions provided by eyewitnesses.

The most bizarre aspect of the Byrd case remains how the Hamilton County Prosecutor's office chose to prosecute Byrd as the actual killer of Tewksbury when the prosecutors admitted in pleading after pleading that they have no direct physical evidence against Byrd, other than the word of notorious jailhouse snitch Ronald Armstead.

“My co-defendant and his sister were working, Johnny [Brewer] and Debbie [Brewer], together with the prosecutor’s office,” to plant the idea that Byrd was the killer, Byrd insisted. Evidence uncovered by Alive indicates that Debbie Brewer was serving as an informant for local law enforcement authorities at the time of her brother’s arrest.

Ohio Public Defender David Bodiker speculates that Debbie Brewer’s role as a police informant may have bought her brother special treatment regarding the capital indictment.

Byrd admitted to “a little too much drinking and a little too much drugging” on the day of Tewksbury’s murder and “waking up into a nightmare.” He stressed that the detectives let him sleep off his substance abuse for nine hours before even questioning him about the case.

He claimed the prosecutors knew he didn’t stab Tewksbury, but they initially approached him with a deal: He would only serve 10 years in prison for pleading guilty to murder and testifying that John Brewer was the killer (Brewer’s footprint was on the King Kwik counter and the contents of the cash register allegedly in his pocket). Byrd said, “They told me that three people were arrested, three would be convicted. Which side are you going to fall on?”

When he refused to perjure himself or “recall” facts he didn’t remember through the booze and drug haze of the robbery night, Byrd contended, prosecutors sought the death penalty for him instead of Brewer. Byrd maintained that “a careful review of the evidence”—which did not occur at his original trial—will clear him posthumously.

During the hour-long dying declaration, Byrd reiterated the long list of inconsistencies in the case, pointing to the fact that shoe prints, hair samples and fingerprints as well as blood tests provided no direct evidence linking him to the murder. “I’m not afraid of DNA tests,” Byrd stated, raising the specter of a posthumous civil trial that may prove prosecutors wrong. In past criminal proceedings, the prosecution has resisted attempts by Byrd’s attorneys to test two specks of blood evidence found on Byrd’s pants.

Byrd described himself as “just one of the white guys that didn’t mix with black guys” in the Hamilton County jail in 1983. “It was all segregated off. Why would I approach someone I didn’t know [Armstead, who is black] and admit murder?” Byrd asked.

Byrd called his recent hearing before Federal Magistrate Michael R. Merz a “farce.” “Merz let us know that he thought the whole proceeding was full of crap. He didn’t uphold the orders of the Sixth Circuit [Court of Appeals] or his own oath,” Byrd said. Byrd particularly singled out Merz’s decision to limit and deny

evidence regarding the use of snitches by the Hamilton County Prosecutor's office.

Maintaining that he did not kill Tewksbury to the end, Byrd declared, "I will not bow to no man." Quoting the words of Jesus, he said of the state officials putting him to death, "Forgive them father, for they don't know what they do."

"May God guide their hearts, and correct this wrong to the best of their ability. They cannot continue to murder people they way they do, to enhance their own careers," Byrd said. "Capital punishment is not the will of God."

Byrd swore in an affidavit that he was innocent in the death of Tewksbury. If Arnebeck has his way, a wrongful death suit will give John Byrd the hearing on the evidence he never got at his original trial and answer some of the questions about the strange conduct of the Hamilton County Prosecutor's office.

NO 03/07/2002

03/14/2002

Sultan, soul and a rubber check

The hidden history of the Moss/Wolfe feud, according to Bill Moss

by Bob Fitrakis

Ever wonder why, the last time school board member Bill Moss ran for re-election in 1999, the Columbus Dispatch campaigned against him with an unprecedented front-page editorial? (Moss' victory proved, if nothing else, that voters don't pay attention to Dispatch editorials, even when they're on the front page.) Was there more to this than a newspaper simply trying to unseat an elected politician? Perhaps something a little more personal?

Moss revealed to Columbus Alive his thoughts on what may be central Ohio's most entertaining and important ongoing political conflict. From his recent defense of WCBE to his exposure of the Don Haydon/Chamber of Commerce scandal to his continuous attacks against tax abatements, Moss has often stood alone against the Dispatch's local media empire. But policy aside, Moss insists you have to go back to December 1974 to understand the animosity that J.F. Wolfe and the Dispatch manifest towards him.

That year, Moss, a WVKO radio newscaster and owner of the label Capsoul Records, bid \$5,000 to claim the Sultan of Swat award donated by baseball homerun king Frank Howard at the annual Charity Newsies auction. Each year the Newsies sell special editions of the Columbus Dispatch to raise money to clothe needy schoolchildren.

Moss placed the award, a crown, on his eldest son Loren's head. Pictures were snapped and everyone headed home. But within a few days, the \$5,000 check Moss wrote to the Charity Newsies was rejected by City National Bank (now Bank One). Moss supplied Alive with a copy of the bounced check written on the Capsoul Records of Columbus account, dated 12-13-74.

Moss says he returned Howard's crown to the Charity Newsies with a promise he'd make good on the rejected check. Moss says he offered the Newsies the deed to 15 acres of prime real estate he owned in Naples, Florida, but the organization refused it, saying they hoped it was the last they would hear of the incident. Moss provided documentation to Alive showing that 24 years later, in July 1998, he sent Charity Newsies a \$5,000 check to make good on his promise.

The check bounced, according to Moss, because City National Bank reneged on its commitment for a \$150,000 line of credit to Moss' Capsoul Records. At the time of the Charity Newsies incident, things were apparently going well for the label; Capsoul's local group The Four Mints had entered Billboard's Top 100 chart for the second time with the songs Do You Really Love Me? and You're My Desire.

“It was at this time that City National told me, ‘You’re becoming too emotionally involved in this record company. It’s time to put it on the back burner and pay us our money back,’” Moss recalled. He explained that City National had doled out \$30,000 over a three-year period and “we at Capsoul did everything right. We did everything we said we would and could do. Just when we were at the door of success, they snatched the rug out from under us. Keep in mind that we were competing for chart space” with the industry’s major labels.

With The Four Mints burning up the charts in Columbus, Baltimore, Indianapolis and Durham, Moss said he wrote that check to the Charity Newsies based on the \$150,000 commitment City National gave him. “So they are the ones who bounced the check. They are the ones who welched on the deal. Wolfe knows that, so he was not going to expose his rich buddies at Bank One.”

In Moss’ analysis, since the Newsies is the Wolfe family’s cherished charity, J.F. Wolfe has been aware all these years of the bounced check episode, but has never used that dynamite against him. Moss said that while the Dispatch goes out of its way to smear him, the paper has never used this “bombshell of a story.” The issue never came up when Moss ran for the U.S. House of Representatives in 1976 and 1978, nor in his seven school board elections dating from 1977, nor in his two runs for state representative and his 1995 mayoral campaign.

Moss wondered why the Dispatch, which has so readily delved into any real or imagined indiscretion in his past, totally ignored the story that, from his perspective, started the feud. Moss also pointed out that City National ended up with his land in Florida when the bank foreclosed on the Capsoul loans.

“Bank One never meant to keep their word in the first place. Interestingly, the same thing John McCoy did to me, the boys in Chicago did to him,” Moss said. “Stripped him of his bank and sent him back to Cowntown.”

03/21/2002

NEWS BRIEFS

Doc: Death Row turns healers into killers

This month they packed up “Old Sparky,” Ohio’s electric chair, and shipped it off to the state’s historical society. Just as the guillotine was banished to museums, electrocution, like beheading before it, is now part of our barbaric past.

Now we have the supposedly more-humane lethal injection. But local physician Jonathon I. Groner argues, “Lethal injection is turning healers into killers.” In an interview with Columbus Alive, Groner expressed concern that “the aura of humanity surrounding lethal injection is enhanced by treating the inmate as a patient.”

In a draft of a paper Groner’s writing, *Lethal Injection: A Stain on the Face of Medicine*, he points out that 65 years ago Germany’s Nazi government “encouraged physicians to become direct participants in state-sponsored killings.”

“The national ‘euthanasia’ program, code name ‘T-4,’ was initiated in 1939 by Adolf Hitler for the purpose of killing physically and mentally handicapped patients,” Groner writes. “In the words of T-4’s chief administrator, ‘The syringe belongs in the hand of the physician.’”

Roger J. Lifton points out in his book, *The Nazi Doctors*, “The imagery of killing in the name of healing” and the “medicalization” of state-sanctioned murder was a key feature of the Third Reich.

The Nazi killings were ideologically motivated to enhance the so-called “master race” and, in the name of law and order, eventually expanded to kill some 6,000 non-Jewish German children. Among their crimes included “bed-wetting, pimples, a swarthy complexion or even annoying the nurse,” H.G. Gallagher documents in *By Trust Betrayed: Patients, Physicians and the License to Kill in the Third Reich*.

Groner reflects on this history in his writings, but notes that in the United States the medicalization of death is driven by a different ideology—corporate capitalism’s propensity for efficiency and “cost containment.” As former governor and current Senator George Voinovich used to say, “Doing more with less.”

“During the execution moratorium of the early 1970s, Oklahoma’s unused electric chair deteriorated so severely that \$60,000 in repairs were required to make it functional again,” Groner writes. “Unwilling to spend this sum on condemned prisoners, an Oklahoma state senator consulted the Department of Anesthesiology at the University of Oklahoma searching for medications that might do the electric chair’s work.”

Dr. Stanley Deutsch, a professor and practicing anesthesiologist, came up with the solution: "Using a barbiturate followed by a muscle relaxant would be an ideal (and inexpensive) way to bring about a speedy and humane demise." Deutsch's recommendation became Oklahoma law in 1978, but it was neighboring Texas that killed the first person by modern lethal injection in 1982. By 1999, 95 percent of all executions were carried out by injection.

Since 1982, there has been a 50-fold increase in the annual number of executions in the U.S. Groner argues that this is directly tied to the medicalization of executions. "The medical profession is the last holdout" that's propping up the execution system, in Groner's opinion.

But physician participation in executions is "specifically condemned" by the American Medical Association. The AMA's Council on Ethical and Judicial Affairs states that a physician "should not be a participant in a legally authorized execution." The AMA outlines eight specific practices that constitute "direct participation," including injecting lethal drugs, inspecting or maintaining injection devices, ordering lethal drugs, selecting IV sites, monitoring vital signs and pronouncing a prisoner's death, Groner explained.

Groner recently made a public records request to the Ohio Rehabilitation and Corrections Department and the prison at Lucasville to determine physicians' involvement in Ohio's execution protocol.

"If medical societies [including the AMA] do not condemn physician participation in lethal injection," Groner writes, "then physicians in the United States are destined to become like the 'euthanasia' doctors of Nazi Germany who were instrumental in that government's program to execute physically and mentally disabled patients."

A popular book in Nazi Germany titled *The Permission to Destroy Life Unworthy of Life* articulated the duty of physicians to assist the state in removing "human ballast" and "empty shells of human beings." Medical ethics required that "less valuable members of society had to be abandoned and pushed out."

In Groner's analysis, Death Row is filled with the same type of "human ballast." Groner points to "the poor, the poorly represented, the innocent and the mentally ill and mentally retarded" that occupy Death Row in the U.S. "More than 10 percent of Death Row inmates suffer from mental illness, and at least 10 percent are mentally retarded... Thirty-five mentally retarded people have been executed since 1976," Groner writes.

While Groner concedes that the analogy between "death camps" and Death Row may sound far-fetched, "extreme transmissions" often shed light on more subtle moral dilemmas, he argues. At Nuremberg, the doctor in charge of the T-4 program adamantly defended with "the deepest convictions" Germany's lethal

injections. The director argued, "It was never meant to be murder" and "death can mean deliverance."

Ohio Public Radio reporter Bill Cohen, who witnessed John Byrd's recent execution, described Byrd's lethal injection death as "peaceful." Governor Bob Taft spoke of the "healing" and "closure" resulting from Byrd's killing. The governor acknowledged that he had prayed to God for guidance and uttered the phrase "God bless the Tewksbury family" in condemning Byrd and attempting to cure our state from evil.

03/28/2002

Into thin air

How Kucinich's "chemtrails" disappeared... from right under Congress' nose!

by Bob Fittrakis

U.S. Representative Dennis Kucinich's Space Preservation Act of 2001, introduced last October seeking a "permanent ban on basing of weapons in space," specifically banned chemtrails as weapons. Now, in a new version of the bill, the "chemtrails" language has disappeared. The missing words are part of an eyes-wide-open denial that says as much about the cover-up as it does about the spraying that's plainly visible in the sky.

On March 16, in a front-page story titled "Conspiracy theorists look up," the Akron Beacon Journal noted that Kucinich's bill "had been rewritten...and the references to chemtrails and the other types of weapons were quietly eliminated." The Beacon Journal article, linking chemtrails to conspiracies, resulted from massive local pressure. Michel Massullo of Akron provided Columbus Alive with rolls of photos of plane trails and a sworn affidavit attesting to extensive aerial activity over that city on February 18 and February 24.

Sources close to Kucinich's new bill, HR 3616, which has been endorsed by some 254 community groups throughout the nation, say the term "chemtrail" was dropped because Kucinich, a Democrat from Lakewood, couldn't get the Union of Concerned Scientists or the Federation of American Scientists to sign on.

Previously explaining the government's position, Lieutenant Colonel Michael K. Gibson of the U.S. Air Force wrote U.S. Representative Mark Green in August 2000 and stated, "The term 'chemtrail' is a hoax that began circulating approximately three years ago which asserts the government is involved in a joint federal program of covert spraying of the public."

It's a classic non-denial denial: Gibson is denying that the Air Force is secretly spraying U.S. citizens. The reality is the U.S. Space Command and other government agencies are involved in ongoing experiments for military and environmental purposes that involve aerial spraying, and the microfibers and other sprayed chemicals inevitably fall to earth, putting the public at risk.

Before you believe Gibson's and the government's "denial," do an Internet search for the following terms: Joint Vision for 2020; weather as a force modifier; owning the weather by 2025; Eastlund; and Edward Teller. Two scientists working at Wright Patterson Air Force Base confirmed to Alive that they were involved in aerial spraying experiments. One involved aluminum oxide spraying related to global warming and the other involved barium stearate and had to do with high-tech military communications.

The U.S. government has a long history of denying inexcusable covert operations. These are the people who told you about the joys of nuclear radiation and Readi Kilowatt, that Agent Orange could defoliate a tropical jungle overnight but was harmless to humans. This is the same government that secretly experimented on its citizens with everything from syphilis to LSD.

The Pentagon would now have you believe that the mass sightings of chemtrails all over North America are collective hallucinations, even though the boys at the government's Lawrence Livermore experimental lab admit that they've discussed all this aerial spraying and run computer simulations on the effects of weather modification for military and peacetime purposes.

A brief history of the chemtrail phenomenon can be traced to a Washington state man who told award-winning investigative reporter William Thomas that he'd become ill on New Year's Day 1999 after watching several jets make strange lines in the sky. Within six months, Thomas, writing primarily for the Environmental News Service, had detailed over 700 eyewitness reports of chemtrails from 40 states.

Mainstream newspapers have gone out of their way to dismiss these eyewitness accounts. Thomas told the New Mexican newspaper in June 1999, "It's easier to sell UFOs to major media than a phenomena as close in many cities as the nearest window."

The New Mexican took a skeptical view of the local Skywatchers group and their account of "unmarked government planes puffing strange white smoke, making cryptic Xs and tic-tac-toe designs, covering the air above as the puzzled populace looks up in fear and confusion." The photos from Akron that arrived last week show the same patterns in the sky.

A news database search showed that 24 local TV stations from around the country have reported on and dismissed the same phenomenon in the last few years. On January 14, Baltimore's WJZ-TV report included a visual of "last Thursday morning's chemtrails seen in the sky." The story was almost identical to one broadcast by Orlando station WOFL in July 2000.

Last May, the West-Quebec Post spread chemtrails photographs across its front page (the Canadian press has been much more open to investigating the phenomenon). Fred Ryan, the Post's publisher, reported that his readers had been photographing and comparing the aerial activity for some time.

While the U.S. government is busy with the latest in a long series of covert experiments, and contemptuously attempts to convince eyewitnesses that they're crazy, non-governmental organizations are quietly circulating a proposed UN treaty titled Permanent Ban on Basing of Weapons in Space; listed under the heading "Exotic weapons" is the term "chemtrails." This treaty is a direct

outgrowth of UN General Assembly Resolution 55/32, passed 138-0 with three nations abstaining (the United States, Israel and Micronesia).

Sooner or later the government will declassify documents, as it inevitably does, showing that it engaged in aerial spraying for military and environmental purposes. Until then, the government will continue to tell us we don't see what we obviously see.

NO 04/04/2002

04/11/2002

OSU vs. bin Laden

Ohio universities volunteer to join the endless war against terrorism

by Bob Fitrakis

Prior to the campus unrest in the late '60s and early '70s, colleges were a comfy spot to spy on people, conduct mind-control experiments and plot coups in the Third World. Midwest football coaches like Woody Hayes could teach military science and encourage their "best boys" to join elite military units like the Navy SEALs or work for the CIA.

All that was shattered when radical campus activists stormed administration buildings and looked through universities' top-secret files. It turns out Ohio State University was one of a dozen or so campuses that took part in the MK Ultra mind-control experiments in the early to mid '60s through the university's psychology department.

Once the jig was up, social scientists began to refuse contracts for research that could lead to covert operations against Third World countries and their citizens; CIA spooks slunk off to research institutes and hid their connections to universities; and the House Un-American Activities Committee was disbanded and most of the Red Squads that spied on dissidents were renamed, downsized or destroyed.

But in the aftermath of September 11, the "war on terrorism" will be the excuse to settle an old score between the liberal campuses and military-industrial complex aficionados.

OSU announced last Thursday, April 4, that it's forming a "new multi-disciplinary research program designed to assist federal and state officials in better understanding the causes of international terrorism and finding appropriate solutions."

The man in command is retired Air Force Major General Todd I. Stewart. He comes to Ohio State straight from Wright-Patterson Air Force Base near Dayton. You know, the place where they paid white airmen to breed prior to World War II in the nation's only acknowledged eugenics test; where Project Paperclip warmly welcomed Nazi scientists; a base shrouded in secrecy and rumors of strange high-tech military programs.

The OSU press release acknowledged that "The new program also represents a collaboration with the Battelle Memorial Institute." Great, the Dr. Strangelove Institute reunited on campus with the Wright-Pat guys. Perhaps they can reminisce about old Nazi scientists or Soviet defectors who were lab buddies in creating weapons of mass destruction and genetically altered silica-impregnated anthrax strains.

According to the OSU press release, “Stewart said his role initially will be to facilitate the process of identifying research efforts within the university that could influence national and international security and connect them with outside development entities such as Battelle.”

Since Stewart’s Program for International and Homeland Security is dedicated to understanding “the source of terrorism and solutions,” perhaps it could start by studying the history of Battelle and Wright-Pat. Here’s my suggestion for a model curriculum: Chemical and Biological Warfare 101; a seminar on How to Redirect the U.S. Nuclear Arsenal to Punish Rogue Nations; a lab on Hands-on Mind Control Techniques; and extra credit for taking some LSD. The program could also publish its own newspaper to practice mass propaganda techniques. Come to think of it, somebody’s got to do surveillance on all the faculty e-mails as part of the newly passed U.S. Patriot Act. Who better than the major general and his fatherland security students?

Unfortunately, I think Stewart’s too much of a traditionalist to offer such a cutting-edge and honest curriculum. Stewart is a member of the Christian Embassy, a nondenominational ministry established in 1975 that focuses on bringing the word of Jesus to government officials. He led prayers last September 27 for the group. Stewart also presided over a halftime military ceremony that included two Air Force flyovers where 150 young people were sworn into the Air Force. Ah, bringing back the ’50s.

Not to be outdone, Kent State University Professor Mitch Fadem pre-empted OSU’s announcement by telling the Akron Beacon Journal on April 3 that he’s working “to attract \$1 million in federal funding” to pursue his dream of spraying people with an anthrax vaccine.

The Beacon Journal conceded that Fadem’s idea “sounds like the stuff of a Tom Clancy novel,” but “the 50-year-old toxicologist envisions tests with a military transport airplane flying over a remote area of southern Canada and spraying a chemical compound on simulated anthrax.”

Fadem stressed that he’s already worked with the Air Force Reserve’s 910th Airlift Wing at the Youngstown Air Reserve Station. The 910th is the U.S. military’s only solely dedicated aerial spraying unit. Fadem, a captain in the reserve, hopes to use the “big tanks and nozzles attached to the C-130s to decontaminate an area exposed to chemical or biological agents,” according to the Beacon Journal.

The Beacon Journal quotes Fadem as saying: “I’ve been telling people for a long time [bioterrorism] is going to happen here. The climate was right. I knew how open the United States was and how easy it would be to get the materials.” Fadem has already conducted spraying tests in his labs “to determine the

concentration that would kill the anthrax spores without harming people or damaging buildings.” Two other Kent State professors are competing with Fadem by concentrating on killing anthrax via irradiation.

Fadem and his colleagues, like Stewart, are interested in the \$2.8 billion earmarked for counter-terrorism research in the federal government’s next budget. Well, at least a conservative president is finally funding higher education. This April 15, you might as well write your tax payment check directly to “Tom Ridge, Director of Homeland Security.”

NO 04/18/2002

04/25/2002

Bug hunt

by Bob Fitrakis

Wonder what's up with the anthrax investigation? While President Bush and his administration scour the world in search of terrorists, the FBI appears determined not to look at the biochemical terrorists right here in the homeland. Wayne Madsen's article "Thinking the Unthinkable," recently published on Counterpunch.org, nicely summed up the government's foot dragging (or cover up) in the anthrax case.

As usual, the article refers to our own Battelle Memorial Institute. I know, I know—you read the copyrighted story in the Columbus Dispatch that insisted Battelle had nothing to do with the military-grade anthrax unleashed on the U.S. media and Democratic Congressional leadership. Who are you going to believe? The Dispatch or the BBC, which reported that Battelle conducted secret biological warfare tests in the Nevada desert last September with genetically modified anthrax? Coincidentally, according to the BBC, Battelle's anthrax tests occurred just prior to the terrorist attacks on September 11.

The BBC also reported that William Capers Patrick III, part of the U.S. military's anthrax development program at Fort Detrick, which officially ended in 1972, was working as a contractor for Battelle. Patrick's claim to fame was that, while working for Battelle, he produced a paper on sending anthrax through the mail.

Madsen calls Battelle "a favorite Pentagon and CIA contractor" in his article. But who are you going to believe? Madsen and the best investigative reporting website in the U.S. and the BBC, or that powerhouse of journalistic integrity, the Columbus Dispatch?

You might have missed the significance of the miniscule AP article printed in the Dispatch on the acquittal of Wouter Basson, aka "Dr. Death," but the British and South African media have reported in great detail on the biological and chemical warfare program of South Africa's former apartheid government. The program was code-named Project Coast; Dr. Death ran the biochemical program at the Roodeplat Research Laboratories, north of Pretoria. The usual details emerged: The racist government and its top-secret lab maintained ties to the U.S. biowarfare facility at Fort Detrick and the British company Porten Down, which is under investigation for allegedly murdering 75 U.K. citizens in biochemical experiments.

Basson's prosecutors claimed that Dr. Death concocted drugs designed to kill only black people, developed techniques to contaminate envelope flaps with anthrax and worked on using ecstasy as a form of crowd control. Basson, of course, countered that he was fighting the spread of "communism and godlessness" in Africa, according to the London Guardian.

Basson professed, in his fight against the atheistic forces of Marxism and Leninism, that he worked with the CIA in a project called Operation Banana based in El Paso, Texas. Dr. Death claims that the CIA allowed him to transport cocaine from Peru through Texas to South Africa to develop a new drug that would incapacitate anti-apartheid activists.

And, by the way, he was charged with being involved in a project to send anthrax through the mail, working with a U.S. research institute. Wonder who that might be?

Human rights violations

By the time you read this, it's likely that Death Row inmate Alton Coleman, who went on a killing spree in the 1980s, will have been executed. I spoke with Michael Manley, Columbus' Amnesty International Coordinator, who told me he was working on a report to the United Nations Human Rights Committee documenting violations in Ohio regarding executions.

The human rights violations against the first three men executed here since the reinstatement of the death penalty were easy enough to guess. Let's see, Wilford Berry was mentally retarded and brain damaged. He refused his lawyers' attempts to defend him. I can't find any other country that readily admits to killing someone in Berry's condition.

Next, Jay D. Scott was a well-documented lifelong schizophrenic. There's a handful of rogue nations that would have done him in.

The third, John Byrd, was convicted without any direct evidence against him except the word of a jailhouse snitch. Other than the Third Reich under Hitler, and the state of Texas, only Ohio is willing to kill in that situation.

Manley also mentioned the death of Coleman as a human rights violation. Manley stresses that Coleman suffered from fetal alcohol syndrome, that his brain and nervous system were damaged at birth from his mother's excessive drinking. Once he was born, his mother, a known prostitute, alcoholic and drug abuser, threw him in a garbage can. Throughout his childhood, he was abused physically and sexually.

Manley argues that Coleman's execution accomplishes nothing for our society; when we allow the Alton Colemans of the world to be raised in such abject poverty and such a vicious environment, we reap what we sow. The political spin of the day is how all these executions will heal the families of the victims. When will Ohio's politicians ever seek to heal the young children immersed in poverty who are the future Alton Colemans?

05/02/2002

Boss White

Under Denny White's leadership, local Democrats have betrayed their progressive roots

by Bob Fittrakis

Election Day draws nigh. What's a progressive to do? Adhering to the old inside/outside strategy, progressives fed up with Governor Bob Taft's attempts to turn Ohio into Texas East—lotsa executions, mediocre schools and tons of pollution—might want to consider the following votes in the upcoming Democratic primary while waiting for the Green candidates to begin their campaigns for the general election.

Two key state representative battles will be decided next week. The 25th House district—covering Victorian and German Villages and the West Side—pits Chad Foust against Dan Stewart. Foust, the 28-year-old aide to state Senator Eric Fingerhut, is a “New Democrat” who carries with him the aspirations of central Ohio's gay community to actually elect one of their own. Stewart, a union official, is an old-line Dem whose idea of a new idea is to call for the repeal of the Taft-Hartley Act.

Prior to twisting arms to get Stewart's endorsement, promised to his labor buddies, Franklin County Democratic Party Chair Denny White told the Columbus Dispatch, “Our diversity is our strength.” As an elected Democratic Central Committee member from 1996 to 2000, I witnessed White's dedication to “diversity” up close. It works this way: Screw the gay community every chance you get because they've got nowhere to go; make sure that no important social issue is ever discussed at a party meeting; and reward party members who kiss your ass and tell you you're a genius.

White, in refusing the long-suffering Democratic gay community's request not to endorse in the 25th House primary, shows himself as the 21st century version of the old party bosses. In the supposed openness of this high-tech era, White is no less prone to stifle all party dissent and cut his deals in the backroom. White was instrumental in making sure Central Committee members are elected every four years instead of two. Democracy scares Denny. (The Republicans, by the way, still elect theirs every two years.)

White claimed that in the Foust-Stewart race—where he should have remained neutral between two of the party's core constituencies—that it's simply a question of Stewart being a lifelong Democrat and Foust voting Republican in the 2000 primary for McCain. This is odd: White was a lifelong Republican prior to running for county office in 1992 and taking over the Democratic Party within a couple years. Judging from his politics—and that's hard because he avoids taking a stand on virtually every issue of importance to Democratic Party activists—White's still a Republican, albeit of the centrist variety. Boss White's

highly touted diversity seems to run the gamut from right-of-center to the center. While at the state level, Democratic chair David Leland has urged the party not to back away from longtime commitments on social issues as the Christian Coalition and their cohorts try to turn the clock back a century, White remains silent.

The only way for the central Ohio gay community and their progressive allies to reopen the doors at party headquarters is to turn out in record numbers and vote for Chad Foust on May 7. Maybe, just maybe, White will get the message.

In the 22nd district—Clintonville, Upper Arlington, Dublin, north Columbus—the Democratic Party endorsed Gary Josephson, another labor guy, over community activist and environmentalist Kenneth Schweickart. It's not that Josephson isn't a decent guy—he led the strike for living wages a few years ago at OSU—it's just that Schweickart would actually bring the party far more diversity on a wide range of issues.

Schweickart, unlike the Franklin County Democratic Party's almost invisible liberal wing, is still willing to take on the Republicans in their insane war on drugs. Most left-of-center Dems, once elected, will privately abhor the racist prison industrial-complex and the absurd policy of denying financial aid to students with a misdemeanor marijuana conviction. But then they rush off to sing back-up for police rock group Hot Pursuit at DARE rallies.

Also, Schweickart's brave enough to point out the obvious: You can't get high off industrial hemp and marijuana has certain medical values. There's no greater Green issue right now than the legalization of hemp. The toxic waste beloved by President Bush and his corporate polluters and tacitly supported by Chairman White must be confronted. Schweickart's the only Democrat I know with enough courage in this state to do so.

The Democratic Party is big on calling for dialogue and claiming diversity, but in reality, it's far less diverse on policy issues than the Republican Party. The Dems have their set of sprawl-promoting developers; the Republicans have theirs. Many Dems on Columbus City Council privately despise the death penalty, particularly the way it's applied, yet they refuse to speak out against it because of electoral ambition. Meanwhile the city councils of Cincinnati and Dayton have already asked for a moratorium to study the fairness of Ohio's capital punishment system.

So, with their voices magnified in the primary, progressives should cast their votes for Foust and Schweickart. And, if you're in the 12th Congressional district, Al Warner is another good choice, even though White and the Dems did endorse him. Well, at least White got one right.

NO 05/09/2002

05/16/2002

Weather warfare

Controlling Mother Nature is a key part of the military's "Full Spectrum Dominance" plan

by Bob Fittrakis

In 1996, the U.S. Air Force's best and brightest minds and their civilian advisors imagined six alternative futures. Here's one of the predicted scenarios, according to an Air Force document: "The American world view became more global following a major terrorist attack on the U.S. early in the 21st century. This event, along with increasing concern for the global environment, was postulated to help produce a consensus that the U.S. should act vigorously to promote stability abroad despite the frustration of a dispersed world power grid."

With a goal later described as "Full Spectrum Dominance" by the year 2025, the Air Force "backcasted" (as opposed to forecasted) what "determines the willingness and capability of the U.S. to take the lead in international affairs." This scenario was called "Gulliver's Travails."

This chilling theme was echoed the next year by Zbigniew Brzezinski, former U.S. National Security Advisor, in his book *The Grand Chessboard*. Brzezinski argued that the key to world power is in Central Asia, with its vast oil deposits. But short of a galvanizing attack by foreigners or terrorists on the scale of Pearl Harbor, Brzezinski postulated four years ago, Americans lacked the imperial will to seize world dominance.

In March 1997, Arnold A. Barnes Jr., of John Hopkins University and Phillips Laboratory, described a key element of Full Spectrum Dominance at the U.S. Army's Tecom Test Technology Symposium. In his address, Barnes, a consultant on the Air Force study, calmly outlined the history of the U.S. military's weather modification programs and what would be needed for future "integrated weather modification capabilities."

The good doctor referred to the document "Spacecast 2020," later updated in "Weather As A Force Multiplier: Owning the Weather in 2025," which noted, "Atmospheric scientists have pursued terrestrial weather modification in earnest since the 1940s... Space presents us with a new arena, technology provides new opportunities."

While "Spacecast 2020" analyzed "the difficulty, cost and risk of developing a weather control system for military applications" as "extremely high," Barnes offered a different perspective. He saw "opportunities to capitalize on investment militarily [as] medium/high" while the "political implications/health hazards [were] medium/low."

In Barnes' scenario, there had already been a long history of U.S. military weather modification. In fact, the U.S. Air Force History Office boasts on its website that "for meteorologists, a major consequence of World War II was the development of a world weather network utilizing new equipment and techniques."

The British Royal Air Force and Western scientists engaged in Operation Cumulus in 1952, which, according to an August 2001 BBC broadcast, was a rainmaking project that led to 35 flood-related deaths in Devon. Declassified documents show that in 1953 the British military and their allies experimented with increasing rain and snow by artificial means in hopes of "bogging down enemy movement."

Perhaps more shocking, the documents contemplate the possibility of "explod[ing] an atomic weapon in a seeded storm system or cloud." This would produce a far wider area of radioactive contamination than a normal atomic explosion.

Between 1955 and 1956, the U.S. Air Force participated in Project 119-L, which resulted in a worldwide meteorological survey. If you're going to artificially modify the weather, you have to be able to predict it first. Barnes referred to the Air Force's ability to create "cloud holes" using the chemical "Carbon Black" in the '50s and '60s and, later, using silver iodide.

Former Deputy Secretary of Defense Cyrus Vance created a Defense Environmental Services study group in 1966 "to review the full spectrum of environmental services and R&D within the Department of Defense."

By early 1967, Operation Popeye was underway. The 54th Weather Reconnaissance Squadron took off, in the words of one military official, to "make mud, not war." The military seeded the clouds over the Ho Chi Minh Trail to create floods and wash out North Vietnamese supply routes. Barnes noted, "Operation Popeye [was] run by people from our lab."

Columnist Jack Anderson broke the story about the politically sensitive operation in 1971, paving the way for a Congressional investigation that documented these and other secret weather modification warfare programs.

As public anger grew, Senator Clayborn Pell of Rhode Island, who originally believed it was better to be rained on with water than bombs, wrote an editorial in the Providence Journal Bulletin in 1975 titled "United States and Other World Powers Should Outlaw Tampering With Weather for Use as War Weapon."

That year, the U.S. and the Soviets began negotiations to ban weather modification as a military weapon. In October 1976, the U.N. produced the treaty "Convention on the Prohibition of Military or any other Hostile Use of

Environmental Modification" (ENMOD). It went into effect two years later, a fact lamented by Barnes. "Since 1978, the official Air Force position has been that weather modification has little utility or military payoff as a weapon of war."

Barnes argued at the Tecom symposium, "The official Air Force position needs to be reevaluated," especially "in the light of 19 years of scientific advances."

While the U.S. and Soviet military had officially turned away from weather modification as a weapon, their partners in the private sector filled the gap for the next two decades. ENMOD had a huge loophole that allowed for the peaceful commercial use of weather modification.

In his paper "Progress in planned weather modification research: 1991-1994," Robert Czys of the Atmospheric Science Division of the Illinois State Water Survey reports, "A randomized hail experiment, Grossversuch IV, was conducted in central Switzerland during 1977-1981. Research groups from France, Italy and Switzerland participated in the experiment to test the Soviet hail suppression method." Meanwhile, back at home between 1987 and 1993, the North Dakota Cloud Modification Program was underway.

As Barnes noted, "operational and modeling information" from a 1976 scientific paper showed how "to achieve precipitation enhancement, create cirrus clouds and to dissipate fog and low clouds." There were, however, "risks and limitations," particularly the problem of the "creation of optimum submicron particles" which would pose a danger to health as they fell through the atmosphere.

But Barnes argued that the new "advanced weapons systems" were "more environmentally sensitive" and, once again, the military should be exploring weather modification weapons. After all, the uses were obvious. You could "deny fresh water" to the enemy, "induce drought," "increase concealment" and "decrease [the enemy's] comfort level/morale."

Moreover, Barnes insisted that the weaponization of space is the key to warfare in the 21st century. The U.S. government would later produce a document named "Joint Vision for 2020" under the auspices of the U.S. Space Command outlining plan for "Full Spectrum Dominance." In the years following Barnes' presentation on fully integrating high-tech weather modification into the U.S. military, so-called "chemtrail" sightings have occurred throughout the United States and its Western allies.

Brzezinski predicted: "Technology will make available, to the leaders of major nations, techniques for conducting secret warfare, of which only a bare minimum of the security forces need be appraised... Technology of weather modification could be employed to produce prolonged periods of drought or storm."

Meanwhile, the commercial applications of the technology are apparently paying off. Weather Modification Inc. signed a contract with Thailand in 1996 to help “the southeast Asian country get a better grip on its weather” through “cloud modification.” In 1997, the Wall Street Journal reported that the government of Malaysia signed a contract with a Russian-owned company to create cyclones to blow pollution out to sea.

The BBC reported in 1998 that Canadian scientist Graeme Mather “believes he has found the Holy Grail of weather science in the skies over Mexico,” where he was trying to produce more water from available clouds. Also in 1998, an American Meteorological Society report conceded that over the past 20 years, “experiments had been carried out on lightning suppression.”

And this year, the Korean Times reported on January 27 that the South Korean “government is checking up on the possibility of using weather modification techniques” to prevent monsoon rains from interrupting the 2002 World Cup matches, which will be held there May 30-31. The paper reports, “Both the U.S. and Russia have commercialized rain and hailstorm prevention programs.” Meanwhile, North Korea continues to suffer the aftereffects of a decade-long drought.

05/23/2002

Blindfolded intelligence

What did the government know about September 11, and when did it know it?

by Bob Fittrakis

So U.S. leaders have finally decided to ask the obvious questions about the September 11 terrorist attacks. Since those events represent the most catastrophic intelligence failure in our nation's history, and since such incompetence invites charges of conspiracy or complicity by some, a thorough Congressional investigation is essential.

Let's go over the key facts one more time: Various other countries—including Israel, Russia, Germany and Egypt—warned the U.S. of an impending terrorist attack in the months prior to September 11. While lacking specific details, these warnings focused on the hijacking of commercial aircraft by terrorists.

For example, the German Intelligence Service (BND) told U.S. and Israeli intelligence agencies in June 2001 that terrorists were “planning to hijack commercial aircraft to use as weapons to attack important symbols of American and Israeli culture,” according to the Frankfurter Allgemeine Zeitung newspaper. Moreover, the Zeitung reported that the U.S. knew of this information through its top-secret Echelon system of 120 satellites that monitors virtually all electronic data transmissions worldwide.

According to MSNBC and Russian news reports, Russian intelligence notified the CIA during the summer of 2001 that 25 terrorist pilots had been specifically training for suicide missions. In August, Russian President Vladimir Putin claims he warned the U.S. government “in the strongest possible terms” of impending attacks against government buildings and airports.

Despite disingenuous denials by the Bush administration, U.S. intelligence agencies and the military have been well aware of the possibility that planes could be used to bomb buildings. In 1993, the Defense Department's Office of Special Operations and Low-Intensity Conflict issued a report about just such a scenario.

That same year, renown futurist Marvin J. Cetron told military officials and terrorist experts at a Langley Air Force Base conference, “Coming down the Potomac, you could make a left turn at the Washington Monument and take out the White House, or you could take a right turn and take out the Pentagon.” The next year, Cetron wrote, “Targets such as the World Trade Center not only provide the requisite casualties, but, because of their symbolic nature, provide more bang for the buck. In order to maximize their odds for success, terrorist groups will likely consider mounting multiple simultaneous operations.”

Or if the terrorists couldn't go to Cetron's military briefing or read his article, they could simply buy American videogames and learn how to fly commercial jetliners into skyscrapers. The U.S. media is currently awash with talk of FBI agent Kenneth Williams' July 2001 memo warning that bin Laden's followers might be training in American flight schools and the CIA's 1999 analysis that bin Laden loyalists might crash a plane into the Pentagon or the White House.

Fueling the debate are a couple of curious written works published in the mid-'90s: former National Security Advisor Zbigniew Brzezinski's *The Grand Chessboard* and the U.S. Air Force's methodological chapter on "Alternative Futures" assessment. Both essentially outline how a terrorist attack on the U.S. could be a catalyst to rally the American people to achieve U.S. military world dominance. The Air Force called its scenario "Gulliver's Travails."

Thus, some are wondering how perhaps the most technologically advanced nation in the world—with the National Security Agency's Echelon, the FBI's Carnivore and Magic Lantern electronic eavesdropping systems and technology like Tempest that reportedly can detect a computer monitor display from over a block away—could have been so incompetent.

Former German Minister of Technology Andreas von Buelow raised a series of provocative questions in a January 13 *Tagesspiegel* newspaper interview. Von Buelow places the September 11 events within the context of 26 U.S. intelligence services with a budget of \$30 billion, and we can add to that another \$13 billion or so in counter-terrorism money. As von Buelow sees it, "With the help of the horrifying attacks, the Western mass democracies were subjected to brainwashing. The enemy image of anti-Communism doesn't work anymore; it is to be replaced by people of Islamic belief."

Von Buelow points to Brzezinski and Samuel Huntington, the author of *The Clash of Cultures*, as advocates of those wishing to create an "enemy image." He calls Brzezinski a "mad dog" who believes it's the "exclusive right of the U.S. to seize all the raw materials of the world, especially oil and gas."

Brzezinski's book *The Grand Chessboard* articulates the need for the U.S. to take control of Central Asian oil in the former Soviet republics. In von Buelow's assessment, "The CIA, in the state interest of the U.S., does not have to abide by any law in interventions abroad, is not bound by international law."

"For 60 decisive minutes, the military and intelligence agencies let the fighter planes stay on the ground; 48 hours later, however, the FBI presented a list of suicide attackers," von Buelow continued. "Within 10 days, it emerged that seven of them were still alive... they made payments with credit cards with their own names; they reported to their flight instructors with their own names. They left behind rented cars with flight manuals in Arabic for jumbo jets. They took with them, on their suicide trip, wills and farewell letters, which fall into the hands of

the FBI, because they [the terrorists] were stored in the wrong place and wrongly addressed. Clues were left behind like in a child's game."

His advice to the American people: "Search for the truth!"

05/30/2002

Anthrax Central

Central Ohio residents may occupy Ground Zero in the United States' secret bio-chemical war experiments. While you'd be hard-pressed to find details in the Columbus Dispatch, the national and international press have documented the Battelle Memorial Institute's connection to anthrax experiments and the Ames strain of the bug linked to last fall's mailings.

Last year, in their book *Germs*, New York Times writers Judith Miller, Stephen Engelberg and William Broad described the key role of Battelle in both the military's and the CIA's Ames-strain anthrax projects: "Battelle, a military contractor in Columbus, Ohio, with sophisticated laboratories, conducted at least two sets of tests on a model of the biobomblet that measured, among other things, its dissemination characteristics and how it would perform in different atmospheric conditions."

The CIA did not seek the White House's blessing for its anthrax "bomb" project, called "Clear Vision," the Times writers noted. The tests were completed in mid-2000.

Germs informs us that the Defense Intelligence Agency (DIA) was working on Project Jefferson to manufacture a war-grade super-strain of anthrax. "To make the genetically modified anthrax, the DIA turned to Battelle, its contractor in Columbus which had also worked on Clear Vision," according to the book.

Battelle reportedly conducted the CIA anthrax tests at West Jefferson and the DIA's tests at the Dugway Proving Grounds in Utah. A December 18, 2001, Battelle news release issued from their Columbus headquarters refers to "Battelle's Dugway, Hill Air Force Base and Toole, Utah locations."

A BBC News Night investigation on March 14 "raised the possibility that there was a secret CIA project to investigate methods of sending anthrax through the mail which went madly out of control."

"The shocking assertion is that a key member of the covert operation may have removed, refined and eventually posted weapons-grade anthrax which killed five people," according to the BBC.

While President Bush initially hinted that the anthrax unleashed in the U.S. was possibly linked to al Qaeda, Iraq or, more recently, Cuba, Barbara Rosenberg of the Federation of American Scientists claims that the FBI is dragging its feet in the investigation because an arrest would prove embarrassing to the U.S. government.

The FBI questioned both William Patrick III and Ken Alibek, who worked for Battelle and the CIA as either employees or consultants. Last December, the New York Times asserted that Patrick authored a secret paper on the implications of sending anthrax through the mail. Patrick denies this, but the BBC made a similar assertion and noted that Patrick “had been a suspect” in the mailed-anthrax deaths.

BBC Science Editor Susan Watts asked Patrick, “Did you perpetrate these attacks?”

Patrick responded, “My goodness. I did not... I did not... I’m an American patriot.”

A September 7, 2001, Associated Press report noted a “new strain” of extremely lethal anthrax had been recently developed. The BBC and New York Times claimed that Patrick’s report had the U.S. anthrax program achieving an unprecedented anthrax concentration of one trillion spores per gram, twice that of the Russian anthrax program, which Alibeck earlier headed.

The BBC also reported that Battelle, where Alibeck served as biological warfare program manager in 1998, conducted a secret biological warfare test involving genetically modified anthrax early last September in Nevada.

06/06/2002

How one million Ohio pensioners were screwed by the Enron meltdown by Bob Fitrakis

The collapse of high-flying energy trader Enron, whose financial hubris was outdone only by its spectacular downfall, left a lot of high-profile losers crying on TV: Wall Street investors, laid-off Houston employees, even Linda Lay, wife of company founder Kenny Boy, who was forced to open her own consignment shop to hawk the furniture left over when the Lays sold several of their homes.

But there are a million faces who weren't publicly consoled as victims, but who quietly had a lot at stake: Ohio teachers and public workers, whose pension funds lost hundreds of millions in the meltdown of Enron and Global Crossing, a California telecommunication company.

Ohio Attorney General Betty Montgomery recently conceded to the U.S. Congress that the bankruptcies of Enron and the less well-known Global Crossing have had an "enormous impact" on two of Ohio's largest pension funds.

Montgomery's May 2 testimony before the House Subcommittee on Capital Markets, Insurance and Government-Sponsored Enterprise outlined the estimated \$231 million in losses to the Public Employees Retirement System of Ohio (PERS) and the State Teachers Retirement System of Ohio (STRS).

The two systems, which contain more than one million members, lost \$116 million when Global Crossing went bankrupt and \$115 million when Enron went belly up.

Montgomery recently attempted to have Ohio named as the lead plaintiff in a civil suit against Enron, but lost out to California attorneys. The under-reported Global Crossing collapse was slightly worse for Ohio pensioners. The Attorney General's spokesperson Joe Case told the Columbus Dispatch, "Ohio's pension funds appear to be the largest financial losers in Global Crossing."

Global Crossing, operating in a manner similar to Enron's energy swaps, engaged in questionable trades of communication capacity using an elaborate worldwide fiber optic network. The Ohio pension funds have not adequately explained why they purchased so much stock in the Bermuda-based company. Both the SEC and the FBI are investigating the over-inflated stock and executives' selling of stock and severance packages prior to Global Crossing's bankruptcy.

One thing the two companies have in common is Arthur Andersen as their accounting firm. Enron paid Arthur Anderson \$27 million in consulting contracts and another \$25 million in auditing fees for what the U.S. government charges

was a criminal conspiracy to cook the books. Arthur Andersen was indicted on March 14 for obstruction of justice. The trial is currently ongoing.

Lesser known than Canton's Football Hall of Fame, the Accounting Hall of Fame housed at Ohio State University recently inducted two of Andersen's founders, the original Arthur Andersen and Leonard P. Spacek. While accounting professor and chair of the hall of fame David L. Jenkins described Andersen and Spacek as men of principle, the new generation of Andersen executives has run into problems in Ohio during the last couple decades.

In 1988, Andersen paid the state of Ohio \$5.5 million to cover taxpayers' losses resulting from the Home State Savings scandal, the largest banking failure in Ohio since the Great Depression. State and federal law enforcement investigators raised allegations of Andersen's fraudulent accounting practices.

Four years later, Andersen paid more than \$22 million to settle a lawsuit claiming that it misrepresented the financial health of the American Continental Corporation and its subsidiaries, including Lincoln Savings and Loan, owned by the controversial Charles Keating, formerly of Cincinnati. In both instances, allegations were made of a pattern or practice of organized white collar crime.

Andersen paid \$75 million to Waste Management shareholders after the sewage and sanitation company inflated its earnings by more than a billion dollars to lure investors. Columbus FBI investigators called Waste Management's disappearing value a classic "pump and dump," where stock is artificially and illegally inflated so insiders can cash in and bail out before the real value of the company is known.

Waste Management, also with alleged organized crime ties, was involved in a huge sewer contract scandal during the early Lashutka administration in Columbus. A year ago, Andersen agreed to pay the Securities and Exchange Commission \$7 million to settle a fraud complaint for issuing "knowingly or recklessly" false and misleading audit reports concerning Waste Management's financial health between 1992 and 1996.

Fear of the economic fallout may cause political repercussions this fall in Ohio. Enron made a number of political contributions to Ohio politicians. Central Ohio's State Senator Priscilla Mead, a champion of utility deregulation, received \$1,500 from Enron in 1999. The same year, Enron gave Bob Taft \$2,500 and Montgomery \$750.

Other Columbus-area reps who received Enron contributions that year were U.S. Representative Pat Tiberi and State Representatives Amy Salerno and David Goodman. Salerno, Mead and Goodman received additional Enron money the next year and Representative Jim Hughes joined the list with a \$250 donation.

State Auditor Jim Petro and House Speaker Larry Householder each received \$1,000 from Enron in 2000.

The National Institute on Money in State Politics pointed out that Enron targeted “winning candidates,” with 83 percent of the company’s 2,064 contributions going to election winners. Overall, Enron, technically an oil and gas company, contributed \$32,325 in 2000 from its geographically diverse corporate PACs, making the company the second largest electric power utility contributor in the Buckeye State. Enron contributed more than American Electric Power and was only surpassed by FirstEnergy’s political action committee, according to the Institute. Most of the money came from Enron’s Houston PACs, followed by the company’s Chicago and Dublin, Ohio, offices.

On May 17, the Cleveland Plain Dealer reported that Enron shareholders filed what’s believed to be the first lawsuit against the company in U.S. District Court in northern Ohio. Other power-generating companies are scrambling to disclose questionable business practices. CMS Energy Corp., based in Dearborn, Michigan, disclosed \$4.4 billion in “sham electricity transactions” and “phantom deals” over the last two years, according to the Plain Dealer.

Ohio-based AEP disclosed that an AEP energy trader had made a mistake in dealing with the Sacramento Municipal Utility District (SMUD) and had corrected it and lost money. Records reveal SMUD was having discussions with Enron traders on how to profit during the California energy crisis by working together. The Houston Chronicle reported that AEP “admitted to being investigated” and “plans to credit about \$4 million in fuel costs paid by its Texas customers.”

Montgomery downplayed the nearly quarter of a billion dollar loss to the Ohio pension funds, noting the overall health of the retirement funds. Others don’t buy it. Former PERS board member John W. Maurer wrote a letter to the Dispatch complaining, “There were numerous signs of trouble at Enron: operating margins shrank from 1998 to 2000; the return on capital, the most important performance measure, was low (in the T-bill range but with higher risk); anyone who looked could see that senior executive were dumping stock; and 3,000 ‘off-shore partnerships’?”

Montgomery assured Congress that the \$231 million in losses was only a fraction, around one percent, of the large pension funds. Maurer warns, “Don’t fall for that old line that it’s only a small percentage of our large, well-managed system and will have no lasting effect.” He concluded, “We lost a lot of money.”

NO 06/13/2002

06/20/2002

Halting hurricanes

This summer, a Florida company plans to slow down a storm and rein in the weather

by Bob Fittrakis

Like any good R&D effort, the private sector may be taking over from the government in the quest to develop (and market) technology that controls the weather. Dyn-O-Mat, the “environmental absorbent products” company based in Riviera Beach, Florida, wants, as part of its corporate mission, “to protect humanity worldwide from hurricanes and typhoons.”

Dyn-O-Mat spokesperson Louis Heidelmeier told Columbus Alive that “in a 10-day window in late July through early August” his company plans to lessen the winds of a hurricane from “135 miles an hour to 110 miles an hour.” Heidelmeier believes his company will succeed where the U.S. government’s 20-year project Storm Fury, launched between 1961 and 1980, failed.

On June 4, Dyn-O-Mat showcased an AeroGroup fleet of planes that will drop the company’s Dyn-O-Gel into a mid-summer hurricane. The man behind Dyn-O-Mat, Peter Cordani, claims each grain of Dyn-O-Gel powder “is capable of absorbing 2,000 times its weight in moisture, condensation and air.”

As Heidelmeier explains it, “The U.S. EPA has approved the two polymers we’ve combined in the powder. They don’t need to approve Dyn-O-Gel. We’ve come up with a Reese’s Cup—we’ve simply combined chocolate and peanut butter. Once the polymer absorbs the moisture, it turns into a gel and falls to earth.”

On July 16, 2001, Cordani and company loaded 20,000 pounds of Dyn-O-Gel into a C-130 jet at Palm Beach International Airport and, according to TechTV, “removed a building thunderstorm completely from the atmosphere, a first-ever feat documented by Doppler radar.”

As BBC science reporter Julian Siddle noted: “Dyn-O-Mat used a military aircraft to drop four tons of its powder onto a developing storm cloud. The cloud disappeared from radar screens.” The BBC says, “The U.S. government has already expressed interest in the new product.”

Heidelmeier says this summer’s tests will be conducted 15 miles off Florida’s shores in “international waters.” He told Alive, “We know the U.S. government is watching with interest and they haven’t done anything to stop us.”

The spokesperson dismisses environmental critics, admitting that he saw an attack on Dyn-O-Gel on the web linking the product to the unexplained “black water” mystery in the Gulf of Mexico. “It can’t be us,” Heidelmeier insists, “we were on the Atlantic side.”

Heidelmeier stresses that the unused powder either “burns up or dissolves when it hits salt water.” The powder is biodegradable and not hazardous to the environment, he claims.

Margareta-Erminia Cassani, writing on the environmental website Moonbow Media, reported, “On July 19, 2001, ABC news reported a similar story of a gelatinous ‘goo’ again washing up on beaches in West Palm Beach, Florida. This time it turns out the substance was identified as Dyn-O-Gel, a substance created for the purpose of modifying the weather... It has the ability to suck the moisture out of a hurricane and let it fall to the ground. It works on much the same principle as the ‘gel’ substance in babies’ diapers.”

Environmental reporter and watchdog Will Thomas understands why Dyn-O-Mat wants to “dial down” the catastrophic winds of hurricanes and typhoons by “sucking the moisture-fueled energy out of giant revolving storms.” Thomas points out that most of the Earth’s human population occupies coastlines within reach of ocean storms.

“This is a battle between the insurance companies that are bigger than the big oil companies driving global warming,” he said, “but such grandiose geo-engineering schemes make me nervous.”

A hurricane is the most powerful heat-venting force on the planet, according to Thomas, dissipating 25-degree Celsius surface waters. “Because no one really knows what will happen if this safety-valve is wired shut and ocean regions made even hotter, Dyn-O-Mat’s innovative storm-killing technology may prove to be dyn-o-mite in unexpected and unpleasant ways.”

“Physics teaches that energy is never destroyed—only displaced,” Thomas said. “The awesome heat-pumps disabled by Dyn-O-Mat have to go somewhere... What kind of storms will this produce? Do we really want to risk making the oceans hotter by dissipating their hurricane thermostats?”

A Dyn-O-Mat press release from Heidelmeier explains the motivation behind the company’s weather-control efforts: “Ten years ago this August, Hurricane Andrew struck Florida and Louisiana, costing over \$40 billion while killing 26 and damaging or destroying over 125,000 homes (source: NOAA). Hurricane Mitch killed 15,000 in Honduras in ’98 and a typhoon in the early ’70s claimed 300,000 (!) in Bangladesh (source: National Geographic). Add the chemicals under your sink, the petroleum-based products in your garage and sewage/waste from each home and then multiply that by the number of homes destroyed by a major storm and you get an idea of the long-term environmental damage a major storm can create. NOAA has predicted nine to 13 tropical storms for 2002 with six to eight possibly becoming hurricanes and two to three could be major, (winds 111-plus mph). ...Hurricane season starts June 1.”

Heidelmeier concludes, "There is no downside."

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07/04/2002

Radio games

Is the school district's public radio swap about more powerful broadcasts of the Blue Jackets and OSU sports?

Confidential documents obtained by Alive show deals between WCBE, WOSU and WWCD have been discussed in secret for years

by Bob Fittrakis

Is it all about sports? Columbus School Board member Bill Moss believes that's the hidden agenda behind WOSU's proposal to manage WCBE, the school district's public radio station. Moss fears a potential signal swap could be intended to secure a better frequency for Dispatch Broadcast Group sports station WBNS, radio home of Buckeyes, and put the FM home of the Blue Jackets on an improved broadcast tower.

Public records obtained by Columbus Alive, including confidential communications between Columbus school administrators and Washington attorney Ernest T. Sanchez, suggest that Moss may be right. Though the school board began officially accepting local management agreement proposals just this spring, in an effort to outsource the management of WCBE, documents show that deals with WWCD and WOSU have been discussed in private for the last four years.

Former Columbus Public Schools administrator Sherry Bird Long was in frequent communication with Sanchez during the three-year period prior to her resignation in April 2001. (At the time of her resignation, Bird Long was being investigated as part of a contract-steering scandal; she later pleaded guilty to a felony charge.)

In April 1998, Sanchez arranged for Gale Gilbreath of Continental Electronics Corporation to come to Columbus as a "consulting engineer" to facilitate a "potential transmitter site swap" between WWCD and WCBE. Gilbreath also worked at Ohio State's WOSU between 1961 and 1972.

In a frantic memo addressed to Donald B. Leach Jr., dated June 15, 1998, Gilbreath detailed how close WWCD and WCBE were to making the antenna switch: "I received a disturbing telephone call from Ernie [Sanchez] last Friday regarding the WCBE status... The engineering is under way to establish the basis for the argument that the relocation of WCBE to the WWDC [sic] site is within the FCC's regulations." Gilbreath informed Leach, "Please be assured that the project is proceeding, but with deliberate speed."

Gilbreath also wrote to Leach, "I would also like to point out that I have yet to receive official authorization from either the [school] Board or WCBE to proceed

with the project! I have incurred costs for engineering and travel in the belief that this would be forthcoming, but to date have received nothing.”

Moss describes Leach as a local attorney who has spearheaded school district bond and levy issues in the past; Moss was surprised to learn Leach was involved in the radio discussions, and wondered aloud why that would be.

Moss also wants to know who authorized Gilbreath and Sanchez to rush through the antenna swap without board approval. “It’s simply outrageous that public school administrators would bypass elected public officials and secretly attempt to engineer a swap behind the backs of the people,” Moss said last week after learning of the four-year-old memos. “We’re going to get to the bottom of this.”

Columbus Public Schools administrators apparently requested even more ambitious work of Sanchez in 1998. Sanchez’s law office faxed a “highly confidential” document titled “Preliminary Proposal to Realign Public Radio Broadcasting Resources in Central Ohio” on March 31, 1998, to the school’s Library Media Services.

The secret document outlined a WOSU proposal to “enter into a five-year renewable Local Management Agreement (LMA) with the Columbus Board of Education to manage and cooperatively operate the Board’s WCBE-FM (90.5) as an NPR News/Talk/Alternative music station.” The document went on to detail programming for the merger of WCBE into the WOSU fold.

Once again, WCBE’s antenna was discussed: “Upon permission from the FCC, WOSU would move the WCBE transmitter and antenna to the WOSU-owned tower on Dodridge Street, allowing WCBE to increase to the maximum allowable transmission power... The antenna move would allow the Board of Education to identify and retain additional revenue from the sub-leasing of the current WCBE antenna position on the Leveque Tower to a commercial broadcaster.”

The confidential document also noted that WOSU’s 820 AM frequency “could be used by a commercial broadcaster.”

Moss has no doubt that the potential antenna leaser referred to is WWCD 101 FM. The station’s notoriously weak signal in the downtown area is a disappointment to Columbus Blue Jackets fans. The Dispatch-owned WBNS 1460 AM, the other local station that carries the NHL games, also has a weak signal that extends no further than the greater Columbus area. WBNS also holds the rights to broadcast OSU sports, much to the outrage of Clear Channel, whose WTVN 610 AM has a far more powerful, almost statewide signal.

In Moss’ scenario, this is what the secret deals would amount to: WOSU would trade its signal with WBNS, so Buckeye sports coverage would move to the much stronger signal at 820 AM. The Blue Jackets would get a boost when

WWCD subleases the more-powerful WCBE transmitter on the Leveque Tower. Finally, WCBE would replace WOSU's AM station as the NPR talk station at OSU and become, in Moss' words, a "cash cow" for WOSU.

Buried in the 1998 report faxed by Sanchez is the following: "All federal and state operating subsidies intended to support public broadcasting would be transferred to WOSU to be used for the operation of WCBE."

The documents obtained by Alive show that WWCD owner Roger Vaughn continues to push for the antenna swap between WCBE and WWCD.

"I want to make sure I'm swimming the same direction as everyone else on this," Vaughn wrote in an e-mail to schools COO Don Haydon on January 31 this year. "I don't think I want to bug a board member or superintendent Harris. You're familiar with both me and the proposal... This is a \$2 million opportunity for the district."

Other highly placed radio industry sources say that WBNS has discussed offering half a million dollars to OSU for a swap of the signals between 1460 AM and 820 AM.

But WBNS's recent involvement in any such deal was unequivocally denied by Michael Curtin, president and associate publisher of the Columbus Dispatch. Though he conceded that WBNS's "weak signal" has been an issue, Curtin told Alive, "We have had no discussions in recent times, since I've been president, with WOSU or WCBE about acquiring either one." Curtin has been president of the media company since 1999.

Over the past few years, board member Jeff Cabot has led the charge for the Columbus School Board to reduce WCBE's funding and, more recently, to turn its management over to WOSU. Initially, Cabot's rallying cry was that the \$330,000 subsidy the school district granted WCBE was not being put to good use and needed to be returned to the general fund.

But when the \$330,000 was removed from WCBE's budget, the station's loyal listeners donated enough money to more than make up for the missing revenue and proved the station was valued by the community. In a four-day period from October 11-14, 2001, the station raised \$283,000.

Cabot's tune changed when he found himself stuck with a station that was operating without subsidies and was one of the most popular stations in the city. So he picked up an argument originally outlined in Sanchez's 1998 secret realignment memo: the "duplication" theme. In Cabot's new spin, because WOSU

AM and WCBE FM carry some of the same NPR programming, listeners are being forced to pay twice for “duplicate” services.

This is a bizarre twist on the old fiscal conservative mantra, considering that listeners “pay” for public radio via voluntary contributions. Cabot has yet to explain what’s wrong with a small percentage of listeners donating their own private money to two different nonprofit entities.

The Columbus Dispatch played up the “duplication” theme in a March article headlined “WOSU has big plans if it gets WCBE.” The paper quoted David B. Carwile, WOSU’s station manager, as saying, “In essence, we have two-and-a-half public stations instead of three... in effect, the public pays twice. The minimum amount that would be saved if we eliminated the duplication would be \$190,000.”

But according to internal WCBE communications, the actual duplication of listeners is minimal: WCBE “shares six percent of its audience with WOSU FM” and shares “only a three percent crossover” with WOSU AM.

“It’s silly for the school system to give away its greatest community outreach resource to Ohio State University, which wants to become an elite, closed-enrollment institution,” Moss says. “If you look at the numbers at WCBE, they should be taking over WOSU. But I’m telling you man, it’s got more to do with Buckeyes and Blue Jackets than the arguments Cabot’s making.”

Moss also wants to know who’s been involved in the discussions to lease WCBE’s antenna to WWCD. WWCD’s lucrative proposal has been widely reported in the context of WCBE funding cutbacks, but it hasn’t been reported that this discussion worked its way through the school district’s upper-level administrators over the last several years.

This spring, WWCD’s Vaughn sent a “draft of an update” to Columbus Schools Acting Deputy Superintendent Charles Merrill, writing in his e-mail, “Thanks for volunteering to take a look at these. Feel free to make changes right on the document. Call with questions. My thought was to send them directly to each board member at the district offices ASAP.”

Moss says Vaughn’s e-mail and Merrill’s role as editor and “co-conspirator” in setting board policy is absolutely unacceptable and should be investigated by state authorities. “Who is Merrill working for? The Columbus School Board or Roger Vaughn?” Moss asks.

The working relationship between Vaughn and Merrill goes back even further, as seen in a July 9, 2001, letter. Vaughn forwarded to Merrill a letter he had sent to Michael Randolph, WCBE’s general manager, with an attached note to Haydon,

the district's chief operations officer. The hand-written note says, "Don—I Felt Michael's Letter Called For A Response But Not A Rebuttal. R."

On June 13, 2001, Vaughn wrote Haydon with the "solution to the WCBE funding operation," offering \$362,000 for five years "in exchange for moving ahead with the WWCD/WCBE transmitter site swap." On September 7, Vaughn wrote Merrill reminding him, "When we talk, let's start with this question, 'does the district want to try to do this?' Back in 1997, when this evaluation effort officially began, the answer was yes. We should work to reaffirm this point."

WOSU's Carwile wrote Merrill a long memo on WCBE's future on December 21, 2001, telling Merrill: "WOSU is aware that Roger Vaughn, owner of WWCD-FM (CD101.1), has approached the schools to take actions that would benefit his position in the commercial radio marketplace... If Vaughn is indeed offering to include a new transmitter and associated equipment for WCBE in his proposal, it is certainly worth discussing."

Meanwhile, another familiar name has surfaced in connection with the proposed WOSU local management agreement that's currently on the table: Ernest T. Sanchez, the Washington attorney who studied WCBE realignment four years ago. In a March 5 memo to Merrill, Sanchez admitted that he'd been hired by Dale Ouzts, WOSU's general manager, and was "specifically involved in helping to evaluate the previous LMA proposal from Dale Ouzts at WOSU AM-FM." Sanchez was also working for the Columbus Public Schools "in connection with WCBE-FM during the last 15 years or so."

In recent months, Suburban News Publications and Bill Moss have both requested copies of the Sanchez legal documents—the ones obtained by Alive. A letter dated May 27 from Columbus School Board President Stephanie Hightower addressed to "A concerned Columbus resident, parent, business owner and voter" attempts to refute the idea that there have been secret dealings between school administrators, a few board members and WOSU: "I want to assure you that there had been no pre-negotiated deals regarding a LMA."

School administrator Barbara Patton-Walker prepared the letter denying the pre-negotiated deal. Superintendent Gene Harris added a personal note: "Draft letter for Ms. Hightower's signature. I must review first. Must have by end of day Tuesday, GH."

Why would the superintendent take such a personal interest in what an anonymous "concerned citizen" had written to the board? Why would the board president go out of her way to deny "a pre-negotiated deal"? If you're a sporting person, you can bet it's because the paper trail obtained by Alive strongly suggests the game was rigged from the start: The deal to realign public radio in Ohio has been discussed since 1998—and that discussion has been hidden from public view.

NO 07/11/2002

07/18/2002

Tuning in a deal

WOSU's "below the radar" effort to manage WCBE exposed by Hightower e-mail

by Bob Fittrakis

At last week's Columbus School Board meeting, lost amidst the chaotic discussion of the board's ever-expanding \$1.5 billion building plan, board member Bill Moss read a brief e-mail into the record. The e-mail, from School Board President Stephanie Hightower to David B. Carwile, WOSU's station manager, exposes the secret dealings behind WOSU's proposed takeover of WCBE—and Hightower's knowledge of the scheme.

WOSU has proposed running the school district's public radio station under a local management agreement (LMA). Controlling WCBE would give Ohio State University, which already owns WOSU-AM, WOSU-FM and WOSU-TV, a public broadcasting monopoly in central Ohio.

Hightower is on record denying any "prearranged" deal between Columbus school officials and WOSU. But her e-mail has the odor of spent gun powder. The school board president began her March 8 e-mail with criticism of Columbus' Daily Monopoly—not a wise move for a public official, lest some ne'er-do-well alternative writer get a hold of it and quote from it.

In the e-mail, Hightower wrote: "And yes we were not only disappointed but very disturbed about the Dispatch articles and the tone. A [sic] Board President I am now in a position where I can only bring a deal to the table that has the appearance of being 'a perfect' deal for CPS and we won't be able to except [sic] anything else."

What about the "appearance" of impropriety?

Hightower's flawed grammar aside, she does manage to get right to the point. "I thought I was clear in my last e-mail response that we must be very strategic in how we approach this issue. The world that we/the Columbus Board of Education operates in is one that most people can't appreciate nor have a tolerance for," she wrote WOSU's Carwile.

To suggest the public can't appreciate such backroom dealing is probably correct. To suggest the public is intolerant of it is also correct.

Hightower goes on to offer words of wisdom for her less-enlightened reader: "And for those of you who do not operate in this environment it is important that you communicate with those of us who have figured out how to maneuver and that doesn't mean just anyone."

There's a certain bravado in her minor-league Machiavellian assertions. A simple "hubba hubba, I'm a political player" would have sufficed. She's a straight-up covert operative. I just hope the next paragraph of her e-mail never goes public because the constituents she proudly maneuvers around might take exception.

Whoops—sorry, I accidentally typed it in. I hope that's acceptable.

"I hope that you and your associates will be able to live up to your commitment to stay below the radar until the Board is prepared to comment publicly. Anything other than that will jeopardize this exploration exercise for CPS and WOSU," Hightower wrote.

When asked about the e-mail, Moss insisted it was no "exploration exercise." Rather, it was a "done deal until it was exposed."

Moss suggested that while Hightower is busy asking the State Inspector General to investigate the janitors involved in the recent floor-waxing flap, she might want to refer herself for investigation as well.

"If this deal would have gone through, and the station was turned over to WOSU, the school board would have been in serious trouble. I just don't know what the board president is thinking. Here she is trying to sell a billion and a half [dollars] in bonds and she wants to upset affluent listeners of public radio," Moss mused.

Insiders report that the radio advisory committee appointed by the school board is now recommending against shifting management of WCBE to WOSU.

One advisory board member, speaking on condition of anonymity, told Columbus Alive that the school board is vastly undervaluing the promotional and outreach value of owning its own radio station, particularly when the district is getting ready to go to voters with a large bond issue.

The advisory board member also suggested that, if the board does want to outsource management of the station, it should issue RFP (request for proposal) guidelines—as it would when soliciting bids for any large contract. WCBE and its strong signal would be worth tens of millions of dollars on the commercial broadcasting market; if the board is going to give away such an expensive resource for free, it needs to specify what the school district expects to get in return and how the community will benefit.

Maxx Faulkner, WCBE's former music director, believes that his bid to create a "stand-alone community radio station" is more important than ever. Like WOSU, Faulkner submitted an LMA proposal to manage WCBE.

In Faulkner's assessment, his Community Radio-Columbus LMA best serves the needs of the community. "It's a question of philosophy," he said. "We're still in the running and our plan is practical from a business perspective."

Unlike WOSU, Faulkner's LMA was not tainted by clandestine dealings and "below the radar" political maneuvers. WOSU should be sent to the penalty box while the Columbus School Board opens up the process for honest bids to manage WCBE.

Moss argues that the station is doing so well, "They ought to just leave it alone. They're in the top 10, they're operating without subsidies. [WCBE station manager] Michael Randolph is doing a hell of a job."

NO 07/25/2002

NO 08/01/2002

08/15/2002

Axis of injustice

The state of Ohio is ready to execute another mentally retarded black man

by Bob Fitrakis

The rogue state of Ohio and its axis of injustice is at it again. The "axis" of Attorney General Betty Montgomery's office, Ohio prosecutors who refuse to follow the law and Governor Bob Taft's office are conspiring to execute Greg Lott on August 27, despite Lott's IQ of 72.

In June the U.S. Supreme Court reversed a 1989 decision and ruled that the Constitution bars execution of the mentally retarded. The American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders establishes individuals with IQs between 70 and 75 who exhibit significant deficits in adaptive behavior as "mentally retarded."

Despite Lott's score of 72 on a test administered by the Ohio Department of Rehabilitation and Corrections in 1986, Ohio's axis, in the tradition of World War II's fascist axis powers, are dedicated to executing the mentally retarded.

University of Cincinnati professor Howard Tolley, a human rights expert, points out that the recent Supreme Court decision leaves it up to each state to determine the procedure for establishing who on Death Row is mentally retarded. The Supreme Court's decision quoted a psychiatric text noting: "It is estimated that between one and three percent of the population has an IQ between 70 and 75 or lower."

Because the Supreme Court's (now-overturned) 1989 decision made the United States the only democracy in the world willing to kill the mentally retarded, Lott's low IQ has never been reviewed on appeal by any court. Lott's current counsel, Joe Bodine, has two appeals pending before the Ohio Supreme Court, with his client's IQ in the mentally retarded range being perhaps his last best hope.

One would think that Taft would be shamed into commuting Lott's sentence to life in prison, but the blueblood is hell-bent for political reasons on making Ohio the North's only yahoo-style Texas justice state. Let's look at the governor's record: In Ohio's first four executions since the death penalty was reinstated, with the fifth to follow within two weeks, the guv signed off to kill the mentally retarded and brain damaged so-called "volunteer" Wilford Berry, one of God's most pathetic creatures; next was lifelong schizophrenic Jay D. Scott; and the third was on Death Row only because of the word of a junkie snitch, despite strong claims of actual innocence.

On the race issue alone, Governor Rich White Guy is showing his true colors. Since the death penalty was reinstated in the U.S. in 1976, there's been 172 blacks executed for killing whites; and only 12 whites executed for killing blacks.

Three out of the four already executed in Ohio killed white victims. Despite a U.S. Sixth Circuit Court of Appeals decision stating Lott's victim's race as black, Tolley reports that Bodine checked the autopsy report and original pleadings that indicate that Lott's victim was white.

This would mean that if the mentally retarded Lott is executed on August 27, 80 percent of those executed in Ohio killed white victims and three out of the five, or 60 percent, of those executed were black. To compound matters, 87 of Ohio's 88 county prosecutors are white and there are no African-American justices on Ohio's Supreme Court.

As usual in Ohio, the prosecution withheld evidence in the Lott case that is required by law to be turned over to the defense. The victim, John McGrath, remained alive for a week after being tied up and burned during a burglary. Detective reports indicated that McGrath could not identify a sketch of Lott as his assailant. Also, the prosecutor argued that Lott had deliberately carried with him a bottle of lamp oil to burn McGrath to death, thus establishing premeditation, a requirement for capital murder in Ohio. Another police report indicating that there was an oil lamp in McGrath's house was never turned over to the defense either.

The prosecutor's failure to turn over obviously exculpatory evidence to the defense counsel is blatantly illegal and, as Tolley points out, "In 10 other cases, Ohio's appellate courts have criticized misconduct by the same assistant prosecutor who conducted Lott's trial."

In short, in the rogue state of Ohio, county prosecutors know they can clearly violate the well-established rules that require the disclosure of all exculpatory evidence. The axis of injustice encourages its prosecutors to cheat in death penalty cases. Don't worry, the attorney general and governor will cover up for you.

While other states like Illinois and Maryland have instituted moratoriums on executions, accepting that the death penalty system is broken and needs to be reviewed, Ohio's axis of injustice is dedicated to joining a few rogue states worldwide in killing the mentally retarded. No other Western democracy would even consider killing Lott.

As Tolley argues, "Greg Lott's execution will not make Ohio safer and would be an unjust exercise of state power. Ohio experienced 630 murders in 1987 but sentenced only Greg Lott and nine other men to Death Row in the period. Mr. Lott is typical of the very few individuals that Ohio selects for execution—a poor, black, male of unsound mind with inadequate counsel defending against state prosecutors who use improper methods."