

Parsons, Susan

From: Reyes, Cindy
Sent: Wednesday, October 29, 2014 4:19 PM
To: Wiggins, Rachael; Moore-Love, Karla
Subject: FW: testimony for city council meeting 10/22/14
Attachments: To Mayor Hales and members of City Council.docx

FYI

Cindy Reyes

Constituent Services Specialist
Office of Mayor Charlie Hales | City of Portland
1221 SW 4th Ave., Suite 340 | Portland, OR 97204
E: cindy.reyes@portlandoregon.gov
P: 503-823-4120
www.portlandoregon.gov/mayor

From: Sally Joughin [<mailto:sjoughin@earthlink.net>]
Sent: Monday, October 20, 2014 12:01 PM
To: Hales, Mayor; Commissioner Fritz; Commissioner Saltzman; Commissioner Fish; Commissioner Novick
Subject: testimony for city council meeting 10/22/14

October 20, 2014

To Mayor Hales and members of City Council,

I am not available this Wednesday to come to City Hall at the time of your afternoon meeting, so I am sending you what I would have said in person:

I do not understand why City Council would want the City Attorney to challenge Judge Simon's requirement to follow up on compliance with police reform measures that were agreed on. Annual reporting to the court on progress of the settlement seems like a positive addition to City Council's oversight. It is my opinion that such matters should always be checked up on by someone not involved in the situation at hand, and does not imply that any of the parties tasked with every day oversight are not doing their job. Without an annual independent report on the status of the reforms, the public might not have full confidence in the process.

I am sure that City Council wants public confidence as well as improvements in policing in Portland, so I urge you to oppose such a challenge.

Sally Joughin
member of the former Stakeholders committee

2715 SE 34th Ave
Portland OR 97202

read: appeal

CITY ATTORNEY TO SEEK CLARIFICATION RE ORDER
CONCERNING US DOJ SETTLEMENT AGREEMENT & POLICE BUREAU

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ DR LEROY HAYNES	AMA COALITION	
✓ DR T. ALGER BETHOL	AMA COALITION	
✓ REV. KATE LORE	FIRST UNITARIAN CHURCH	
✓ ★ DAN HANDELMAN	PORTLAND COPWATCH	
✓ ASHLEE ALBIET	NATIONAL LAWYERS GUILD	
✓ MARK KRAMER	NATIONAL LAWYERS GUILD	
✓ BEILY STRAUS	ACLU OF OREGON	
✓ CHARLES FLEWELLING	DISABILITY RIGHTS OREGON	
✓ DEBBIE AIONA	LEAGUE OF WOMEN VOTERS	
✓ CHRIS LOWE	JOBS WITH JUSTICE	

appeal
withdraw?

Email

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CITY ATTORNEY TO SEEK CLARIFICATION RE ORDER
CONCERNING US DOJ SETTLEMENT AGREEMENT & POLICE BUREAU

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
Nancy Newell	3917 NE Skidmore St. Portland 97211	ogec2@hotmail.com
Steven Entwistle SR.	1117 SW Stark St. Portland 97205	
Steven Entwistle SR.		



10/22/14

INDIVIDUALS FOR JUSTICE

ITEM # 1110

Please make this part of the record and it will be supplemented by oral arguments by Mr. Joseph Walsh.



NO! NO! NO!

**Testimony of Dan Handelman, Portland Copwatch
on City's Resolution to "Seek Clarification" on Judge's Role in DOJ Agreement
October 22, 2014**

Portland Copwatch urges a "no" vote on the resolution that will authorize the City Attorney to "partially appeal" the Judge's order on the US Department of Justice Settlement Agreement.

We are appalled at the City's efforts to backtrack on the Judge's order. When the Judge's ruling came down on August 29, the City's response was that they were excited to move forward.

It is clear that members of the community, particularly the African American community and people with mental health issues, do not trust the City to "take care of itself." Were that possible, we would not be engaged in this ongoing struggle for police accountability, and the DOJ would never have come to town and investigated the Bureau.

By filing an appeal about the Judge's authority to merely ask questions about the implementation of the Settlement Agreement, the City is showing it is not truly committed to making the reforms. Judge Simon pointed out during the court process that City Council members may come and go, but as a lifetime appointee he can keep tabs on the process whether it takes two years, five years or ten years.

It's not clear why the City has to file an appeal to get the answer to the question they are allegedly raising, which is "what does the judge mean when he says the Parties to the lawsuit will present evidence that the judge requests?" They could simply ask the judge that question without creating more legal proceedings to tie up City funds.

Also, the resolution allows broad discretion for the City Attorney to follow up, meaning that the "narrow issue" could be turned into something that calls the entire Settlement into question.

Community members were not at the table when the City and the DOJ hammered out the Agreement. Despite one and a half days of testimony urging him to strengthen the terms of the Agreement, the judge did not order the City to make any changes to its substance. The one piece of the overall picture that was created because of community demands is the requirement for these annual hearings. Please don't take that away from us.

In addition, the discussions leading to this resolution, the costs to file an appeal, and the legal and political work following up in court are all taxpayer time and money better spent on actually making changes to the Bureau.

The consensus among people in the community we've talked to is that the City appears to be "circling the wagons" and trying to find a way to avoid even the limited outside oversight the judge can provide. The community members who've suffered so long at the hands of the PPB deserve better.



NATIONAL LAWYERS GUILD
PORTLAND, OREGON CHAPTER

37092



POST OFFICE BOX 40723
PORTLAND, OREGON 97240-0723

October 22, 2014

Mayor Charlie Hales
Commissioner Dan Saltzman
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novak
City Auditor LaVonne Griffin-Valade

RE: Portland Chapter National Lawyers Guild's
Opposition to Resolution Authorizing Challenge to
Portland/Department of Justice Settlement
(United States District Court # 3:12-CV-02265-SI)

Mayor Hales, Council Members and Auditor Griffin-Valade:

The Portland Chapter of the National Lawyers Guild has been working on improving oversight of the Portland Police for more than 25 years. In 2000, we joined with 17 other stakeholders as part of the Mayor Katz Workgroup. Later, we were part of the Police Oversight Stakeholder Committee under Mayor Adams, which issued its report in the Fall of 2010. Our volunteers assist complainants who seek hearings before the Citizens Review Committee of IPR. More recently, two of our members have represented the Albina Ministerial Alliance, which was granted enhanced amicus status in the Department of Justice lawsuit against Portland. In connection with the proposed settlement, I testified at the Fairness Hearing before Judge Simon. We urged Judge Simon to reject the proposed settlement, because it failed to address fundamental issues necessary to effect meaningful review of the Portland Police Bureau.

After the Fairness Hearing, when Judge Simon solicited further input, we recommended to Judge Simon that the agreement be changed such that the Community Officer and Community Liaison (COCL) be empowered to report not only to the parties, but directly to the court without having to first clear or vet his or her perspectives with the parties. While the Court's implementation order did not include this recommendation, Judge Simon did require that the City appear at periodic hearings (presumably annually), so that he could receive information about the status of the implementation of the agreement in a public setting.

The NATIONAL LAWYERS GUILD is an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers and jailhouse lawyers of America in an organization that shall function as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests.

Now that the Agreement has been ordered, while we maintain our fundamental concerns about oversight and other issues involving the Bureau, **we understand and appreciate that the settlement, if fully and fairly implemented in a transparent manner with appropriate public and judicial input, is a very positive step for Portland.**

The City is now foolishly and recklessly proposing to challenge that extremely reasonable condition. We are dumbfounded as to why the City would make such a challenge. The agreement already provides for public input, public access and public participation, and the City purportedly values informed comment about the implementation of the agreement. Why then would the City challenge a public session before Judge Simon to assess implementation issues?

Judge Simon could have easily appointed a Special Master, as federal district court judges have done in other similar lawsuits. Judge Simon could have easily rejected the agreement and directed the parties back to the negotiating table to come up with an agreement that would allow for such annual sessions and reporting to the court. Instead, Judge Simon did the reasonable thing in requiring periodic hearings before the court. **Judge Simon has already acknowledged that his function is to listen and solicit information, but he lacks the power to order any party to do anything.**

If the City were "seeking clarification" on the "authorized frequency scope, procedure, and evidentiary burdens the court can impose in these hearings," then the simplest course of action would be to write a letter to the court and seek such clarification. That does not require the extraordinary steps of an appeal, mandamus or writ of prohibition.

The only conclusion to be drawn by this Resolution is that the city does not intend in good faith to implement the settlement agreement (notwithstanding its contrary representations in the Resolution before Council), and/or that the City resents any outside entity, even a respected United States District Court Judge, from reviewing implementation efforts. In either case, the City's explicit and implicit rationales are without merit or reason, and are contrary to the public interest. We urge you to reject the Resolution.

Sincerely,

Mark Kramer

Mark Kramer, Attorney
Spokesperson, Portland Chapter,
National Lawyers Guild

MKK:klk
Attachments

Moore-Love, Karla

From: Trudy Ann <TeyunaSe@hotmail.com>
Sent: Wednesday, October 22, 2014 11:52 AM
To: Moore-Love, Karla
Subject: City council meeting 10-22-14 Item #1110

Expires: Sunday, April 19, 2015 12:00 AM

Dear City Council,

We in the community fought hard and long to have independent oversight for the reform plan for Portland's police. We wanted hearings, we wanted to keep the community close to the progress that was ordered to be made to solve the problem of the pattern of excessive force being used against people who are distraught or with mental illness. We hoped that this ruling would create better policing, and a better relationship between police and the community. So many of us were very happy when Judge Simon included that provision.

Many of us believe that the definition of public service includes a willingness to be open to public scrutiny. These annual hearings promise to provide the accountability to the community that any "public servant" owes the community, particularly for a process that will necessarily take a long time.

Careful review, with all audiences, is justified by the findings. So I am eager to hear the City Council articulate its reasoning for wanting to dodge this process. Do they feel insulted? Patronized? I think that's all we can speculate so far is the motive here, because engaging in an appeals process is not about saving time and money, so it appears that time and money might not be the drivers. I think you have acknowledged that monitoring and reporting will be going on anyway; so it will be interesting to us taxpayers to understand what additional increment is specifically expected or feared will be involved if the City complies with Judge Simon's order. The hearings process is an investment that is likely to be worth any additional increment of cost. To rebuild the bridge that was burned between police and the community by the deaths of innocent people requires that we in the community can see that the Council actually "gets it," that they realize that the DOJ sued the City because of a proven pattern of problems that resulted in needless injury and loss of life. Embracing, not just tolerating these periodic reviews is what many of us hope to see from you. But, as I said, I want to hear your rationale, I want to hear you explain to us what your thinking is. There must be a way to address your concerns without further harming community trust in your role.

Sincerely,

Trudy Cooper

Moore-Love, Karla

From: Katie Bretsch <kbretsch@gmail.com>
Sent: Tuesday, October 21, 2014 1:25 AM
To: Moore-Love, Karla
Subject: Written testimony on Wednesday, 22 Oct 2014 item 1110
Attachments: dojreview.pdf

Please accept PDF attached. Thanks, KB

21 October 2014

To Portland City Council,

Written comment on 22 October 2014 Council item #1110:

The Mayor and Council are not doing their jobs managing public safety in Portland. WITHDRAW the resolution authorizing an appeal of the judge's periodic review. That is, unless you want to propose MORE FREQUENT review by the judge. As the saying goes, If you have nothing to hide, you have nothing to fear.

Moves like this effort to dodge the periodic reporting and review requirement make us ashamed to be Portlanders. We want a peace force, not a thug force, behind Portland police badges. Do your jobs and give it to us. Dodging responsibility for the problems found by the DOJ is not some matter of bureaucratic fine tuning, it is a morally wrong dodge of long overdue accountability.

As far as the complaint about the reporting and review requiring hard work is concerned, it wouldn't be necessary if everybody had done their jobs properly in the first place. When there is ten years history of the city doing well with these issues, we may have some sympathy with this argument. In the meantime? NO. And as far as the "additional audience" is concerned, they could not be more welcome. They promise the first real accountability to be brought to this problem in at least 40 years.

City officials continue to behave as if their management of the Portland police force was not scandalously deficient at the cost of human lives. It is exactly that. I would like to see any sign that Council "gets it" as to how bad their management of the police is. There have been a bunch of concerned words, but the actions, like rewarding a self-professed Nazi officer and then saying "Oops!", continue to betray confusion about the city's goal. Responding to these periodic reviews with honest compliance and dignified humility would be the honorable choice. If Council were doing its job properly, this would not be problematic.



MK (Katie) Bretsch

3336 SE Yamhill Street
Portland OR 97214

Moore-Love, Karla

From: ilustre@sbcglobal.net
Sent: Monday, October 20, 2014 12:20 PM
To: Moore-Love, Karla
Subject: Item 1110 October 22nd City Council Meeting

As a citizen, former ACLU board member and activist for police accountability nationwide, I object to the City Council in any way limiting or modifying the conditions Judge Michael Simon imposed. It is necessary for him to review progress or there will in all likelihood be no progress or progress that suits the PPB, not the citizenry of Portland.

Rene Ilustre, Architect, retired
6404 SE 23rd Ave., Portland 97202
530-965-0578

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Moore-Love, Karla

From: Reyes, Cindy
Sent: Monday, October 20, 2014 12:21 PM
To: Wiggins, Rachael; Moore-Love, Karla
Subject: FW: testimony for city council meeting 10/22/14
Attachments: To Mayor Hales and members of City Council.docx

fyi

Cindy Reyes

Constituent Services Specialist
Office of Mayor Charlie Hales | City of Portland
1221 SW 4th Ave., Suite 340 | Portland, OR 97204
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P: 503-823-4120
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From: Sally Joughin [mailto:sjoughin@earthlink.net]
Sent: Monday, October 20, 2014 12:01 PM
To: Hales, Mayor; Commissioner Fritz; Commissioner Saltzman; Commissioner Fish; Commissioner Novick
Subject: testimony for city council meeting 10/22/14

October 20, 2014

To Mayor Hales and members of City Council,

I am not available this Wednesday to come to City Hall at the time of your afternoon meeting, so I am sending you what I would have said in person:

I do not understand why City Council would want the City Attorney to challenge Judge Simon's requirement to follow up on compliance with police reform measures that were agreed on. Annual reporting to the court on progress of the settlement seems like a positive addition to City Council's oversight. It is my opinion that such matters should always be checked up on by someone not involved in the situation at hand, and does not imply that any of the parties tasked with every day oversight are not doing their job. Without an annual independent report on the status of the reforms, the public might not have full confidence in the process.

I am sure that City Council wants public confidence as well as improvements in policing in Portland, so I urge you to oppose such a challenge.

Sally Joughin
member of the former Stakeholders committee

2715 SE 34th Ave
Portland OR 97202

Moore-Love, Karla

From: Reyes, Cindy
Sent: Wednesday, October 22, 2014 10:14 AM
To: Moore-Love, Karla; Wiggins, Rachael
Subject: FW: Testimony re: Appeal of Judge Simon's Requirements of Oversight of the PPB
Attachments: Document1.docx

FYI

Cindy Reyes

Constituent Services Specialist
Office of Mayor Charlie Hales | City of Portland
1221 SW 4th Ave., Suite 340 | Portland, OR 97204
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www.portlandoregon.gov/mayor

From: Sylvia [mailto:ariela@hevanet.com]
Sent: Wednesday, October 22, 2014 3:49 AM
To: Hales, Mayor; Commissioner Fritz
Subject: Testimony re: Appeal of Judge Simon's Requirements of Oversight of the PPB

To: Mayor Charlie Hales and Commissioner Amanda Fritz

Please see attached letter. Thank you both for your time on this matter.

Sincerely,

Sylvia Zingesser

October 21, 2014

Dear Mayor Charlie Hales,

I am disappointed to hear, only recently, that the Portland City Council will vote this afternoon to have the City Attorney appeal Judge Simon's requirements. There was no discussion with stakeholders or the public as to why the City Council felt the need to start this process all over again. The fact that this change was not made public sooner (I read about it in the Oregonian) until sometime last week is worrisome.

Judge Simon's requirements give the City of Portland and its citizens an independent review process that we would otherwise not have. It is very clear and concise. What more is needed?

The loss of faith is huge from stakeholders and the public if the City Council votes to appeal Judge Simon's requirements. I do not believe this is a wise choice. I urge the City Council to sign Judge Simon's requirements so we can move on to the next steps.

I am a concerned citizen of Portland, Oregon. I have a stake in this process. My son is mentally ill and has been for the last fifteen years. I am a family member of NAMI Multnomah.

Respectfully,

Sylvia Zingeser

Moore-Love, Karla

From: Mark Chasse <markchasse@yahoo.com>
Sent: Wednesday, October 22, 2014 9:07 AM
To: Moore-Love, Karla
Subject: Written Testimony for Council Item 1110, Wednesday 10/22/14, 3:30 pm
Attachments: city council.docx

Dear Ms. Moore-Love and/or Council Clerk:

I've attached a Word version of written testimony for the above matter. Please present this to the Council and otherwise to ensure that it is presented as testimony at or prior to the agenda item's scheduled time.

Thank you,
Mark Chasse

My name is Mark Chasse.

I was interested to see that the Portland City Council is seeking "clarification" whether a federal judge has authority to review, in any real sense, the City's implementation of its agreement with the Department of Justice. In light of this, I have a few points I would like to ask the City Council itself to clarify.

Please clarify: what discipline was ever actually enforced by the City or the Police Bureau against the officers who killed my brother and lied and joked about what they'd done to him.

Please clarify: how my brother's death was more related to his mental illness than to the unchecked abuse of power by the Portland Police.

Please clarify: what discipline was enforced by the City, without any independent oversight, against the officers who were involved in the inexcusable death of Aaron Campbell, or for any other unjustifiable use of force in the City's 150-plus year history.

Please clarify: how the City's historic lack of independent police oversight and lack of effective discipline have helped improve either the lives of its citizens or the performance and image of the Portland Police Bureau.

Please clarify: how the lack of real independent oversight of the Portland Police Bureau did not, in fact, substantially contribute to the intervention by the United States Department of Justice.

Please clarify: how a consultant selected by the City Council and fed information chosen by the Portland Police Bureau (the COCL arrangement) is "independent" in any meaningful way.

Please clarify: why, considering the long and well known history of failed police reform efforts, anyone should believe that the City and the Bureau, left unsupervised and independent, will finally choose *this time* to implement reform measures in good faith.

Please clarify: how more independent oversight and transparency would harm the implementation of the reform measures.

Please clarify: how the City Council's appeal here would represent the interests of the citizens more than the interests of the Portland Police Association.

Please clarify: whether, with the motion being proposed, the City Council is being part of the solution or part of the problem.

Thank you for your time, and please remember whom you were elected to represent.

Michael H. Simon

From Wikipedia, the free encyclopedia

Michael Howard Simon (born 1956) is an American attorney and U.S. District Judge on the United States District Court for the District of Oregon.^[1] The United States Senate confirmed Simon's nomination on June 21, 2011 in a 64–35 vote.^[2] He received his commission on June 22, 2011.^[3]

Early life and education

Simon was born in New York City in 1956. He was the oldest of two children born to Danny Simon and Arlene Friedman.^[4] Simon's father was a television comedy writer, and his uncle Neil Simon is the acclaimed playwright.^[5] Simon earned his B.A. *summa cum laude* in 1978 from the University of California, Los Angeles and his J.D. *cum laude* in 1981 from Harvard Law School.^[6] He is married to Democratic U. S. Representative Suzanne Bonamici.^[7]

Professional career

From 1981 until 1986, Simon served as a Trial Attorney at the U.S. Department of Justice Antitrust Division, in Washington, D.C., where he handled both civil and criminal antitrust matters.^[8] During his time with the DOJ, Simon also served in 1985 as a Special Assistant United States Attorney for the Eastern District of Virginia.

In 1986, Simon joined the law firm of Perkins Coie, where he specialized in business litigation in both state and federal court and acted as head of litigation for the firm's Portland office. After becoming a partner with the firm in 1990, he handled several high-profile First Amendment cases on a pro bono basis.^[9]

Nomination to federal district court

On July 14, 2010, President Obama nominated Simon to a seat on the United States District Court for the District of Oregon to fill the seat vacated by Judge Ancer L. Haggerty, who had taken senior status in August 2009.^[10] Simon's nomination lapsed at the end of 2010, and Obama renominated him on January 5, 2011. On February 17, 2011, the United States Senate Committee on the Judiciary reported Simon's

Submitted by
Mary Eng 10/22/14
37092

Michael H. Simon



Judge of the United States District Court for the District of Oregon

Incumbent

Assumed office

June 22, 2011

Appointed by Barack Obama

Preceded by Ancer Haggerty

Personal details

Born 1956 (age 57–58)
New York City, New York, U.S.

Spouse(s) Suzanne Bonamici

Alma mater University of California, Los Angeles
Harvard University

nomination to the full United States Senate in a 14–4 vote.^[11] In his committee questionnaire, Simon encountered questions from Republican senators about his past work as a volunteer lawyer for the American Civil Liberties Union.^[12]

On June 21, 2011, the United States Senate confirmed Simon in a 64–35 vote. He received his commission on June 22, 2011.^[13]

See also

- Marco A. Hernandez

References

- ↑ "President Obama Names Five to United States District Court" (<http://www.whitehouse.gov/the-press-office/president-obama-names-five-united-states-district-court-0>). *Office of the Press Secretary*. The White House. July 14, 2010. Retrieved 16 August 2010.
- ↑ <http://judiciary.senate.gov/nominations/112thCongress.cfm>
- ↑ Biographical Directory of Federal Judges (<http://www.fjc.gov/servlet/nGetInfo?jid=3378&cid=999&ctype=na&instate=na>)
- ↑ Neuhaus, Cable (June 27, 1983). "Comedy Writer Danny Simon Nurses An Old Wound—the Frustration of Being Neil Simon's Brother" (<http://www.people.com/people/archive/article/0,,20085362,00.html>). *People*. Retrieved February 1, 2012.
- ↑ Mapes, Jeff (May 27, 2011). "Suzanne Bonamici brings financial assets to potential congressional race" (http://blog.oregonlive.com/mapesonpolitics/2011/05/suzanne_bonamici_brings_financ.html). *The Oregonian*. Retrieved February 1, 2012.
- ↑ <http://m.whitehouse.gov/the-press-office/president-obama-names-five-united-states-district-court-0>
- ↑ Duin, Steve (August 6, 2011). "In the wake of David Wu case, accusations fly in Oregon's First District" (http://www.oregonlive.com/news/oregonian/steve_duin/index.ssf/2011/08/in_the_wake_of_david_wu_case_a.html). *The Oregonian*. Retrieved February 1, 2012.
- ↑ <http://m.whitehouse.gov/the-press-office/president-obama-names-five-united-states-district-court-0>
- ↑ <http://m.whitehouse.gov/the-press-office/president-obama-names-five-united-states-district-court-0>
- ↑ <http://m.whitehouse.gov/the-press-office/presidential-nominations-and-withdrawal-sent-senate-71410>
- ↑ <http://afjjusticewatch.blogspot.com/2011/02/obama-nominates-two-district-court.html>
- ↑ <http://judiciary.senate.gov/nominations/112thCongressJudicialNominations/upload/MichaelSimon-QFRs.pdf>
- ↑ Biographical Directory of Federal Judges (<http://www.fjc.gov/servlet/nGetInfo?jid=3378&cid=999&ctype=na&instate=na>)

External links

- Michael H. Simon (<http://www.fjc.gov/servlet/nGetInfo?jid=3378&cid=999&ctype=na&instate=na>) at the *Biographical Directory of Federal Judges*, a public domain publication of the Federal Judicial

- Simon Profile (http://judgepedia.org/index.php/Michael_H._Simon) on Judgepedia

Legal offices

Preceded by Ancer Haggerty	Judge of the United States District Court for the District of Oregon 2011–present	Incumbent
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Retrieved from "http://en.wikipedia.org/w/index.php?title=Michael_H._Simon&oldid=610221066"

Categories: 1956 births | American Jews | Harvard Law School alumni

Jews and Judaism in Portland, Oregon

Judges of the United States District Court for the District of Oregon | Lawyers from Portland, Oregon

Living people | Spouses of members of the United States House of Representatives

United States district court judges appointed by Barack Obama

University of California, Los Angeles alumni

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Michael H. Simon

Michael H. Simon is a federal judge for the United States District Court for the District of Oregon. He was nominated by President Barack Obama in July 2010. Previously, Simon was a partner in the law firm *Perkins Cole LLP*.^[1]

Early life and education

Simon received his B.A. in 1978 from University of California at Los Angeles and his J.D. from Harvard Law School in 1981.^{[2][1]}

Professional career

After graduating from law school, Simon served the U.S. Department of Justice as a Trial Attorney. In 1986, he joined *Perkins Cole LLP*.^{[2][1]}

Judicial career

District of Oregon

On July 14, 2010, President Obama nominated Simon to the federal bench, along with four other nominees. President Obama commented on the nominations, stating, "These individuals have demonstrated a commitment to justice throughout their careers. I am confident they will serve the American people with distinction from the United States District Court."^[2] Simon was nominated to fill the seat vacated by Ancer Haggerty.^[3]

The American Bar Association rated him Majority Well Qualified, Minority Qualified. Simon's hearing before the Senate Judiciary Committee was on November 17, 2010, and you can find his hearing transcript here (<http://www.gpo.gov/fdsys/pkg/CHRG-111shrg66817/html/CHRG-111shrg66817.htm>). He was voted 16-3 out of committee.^[4]

Simon's nomination was returned to the President at the end of the 111th Congress. President Obama resubmitted the nomination on January 5, 2011. Simon's nomination was confirmed by the Senate on June 21, 2011, by a vote of 64-35.^[5]

See also

- United States District Court for the District of Oregon

External links

- Associated Press*, "Judge appoints ex-governor to settle port dispute," June 22, 2012 (http://tdn.com/news/state-and-regional/oregon/judge-appoints-ex-governor-to-settle-port-dispute/article_b726d168-b054-53bd-a5f5-16cf095441fd.html) (*dead link*)
- The Associated Press*, "Federal judge says no to halt in sea lion killing," May 31, 2012 (http://seattletimes.nwsource.com/html/nationworld/2018326356_apussealionssalmon.html)
- Statesman Journal.com*, "Obama names two as federal judges in Oregon," July 14, 2010 (<http://www.statesmanjournal.com/article/20100714/UPDATE/100714059>)
- Biography (<http://www.fjc.gov/servlet/nGetInfo?jid=3378&cid=999&ctype=na&instat=na>) from Federal Judicial Center

References

- ↑ 101112 Official Federal Judicial Center Biography of Judge Simon (<http://www.fjc.gov/servlet/nGetInfo?jid=3378&cid=999&ctype=na&instat=na>)
- ↑ 202122 The White House, Press Release: "President Obama Names Five to United States District Court," July 14, 2010 (<http://www.whitehouse.gov/the-press-office/president-obama-names-five-united-states-district-court-0>)
- ↑ White House Press Release "Presidential Nominations and Withdrawal Sent to the Senate," July 14, 2010 (<http://www.whitehouse.gov/the-press-office/presidential-nominations-and-withdrawal-sent-senate-71410>)
- ↑ Judicial Nomination Materials (<http://judiciary.senate.gov/nominations/111thCongressJudicialNominations/Materials111thCongress.cfm>) (*dead link*)
- ↑ 112th Congress Confirmation materials (<https://web.archive.org/web/2/http://judiciary.senate.gov/nominations/112thCongress.cfm>)

Contents

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- Professional career
- Judicial career
 - District of Oregon
- See also
- External links
- References

Michael H. Simon



Do you have a photo that could go here?
Submit it for this profile by emailing us!
(mailto:submitphoto@judgepedia.org)

Current Court Information:
United States District Court for the
District of Oregon

Title: Judge

Position: Seat #1

Service:

Appointed by: Barack Obama

Active: 6/22/2011 - Present

Preceded by: Ancer Haggerty

Personal History

Born: 1956

Hometown: New York, NY

Undergraduate: University of California,
Los Angeles, B.A., 1978

Law School: Harvard Law School,
J.D., 1981

Federal judicial offices		
Preceded by: Ancer Haggerty	District of Oregon 2011–Current Seat #1	Succeeded by: NA



Federal judges nominated by Barack Obama

[show]



Federal judges who have served on the United States District Court for the District of Oregon

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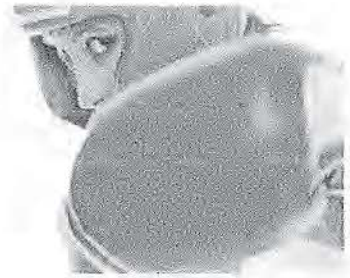
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Categories: Male | District of Oregon, Seat 1 | Current federal judge | Federal judge, District of Oregon | Appointed by Barack Obama
 | Returned nominee 2010 | Federal judiciary nominee, July 2010 | Confirmed June 2011 | UCLA Alumni | Harvard Law Alumni



WHAT: All Issues : Justice for All: Civil and Criminal : Judicial Nominations : On confirming Michael H. Simon to be a U.S. District Court judge in Oregon (2011 Senate Roll Call 92)

WHO: All Members : Utah : Hatch, Orrin

On confirming Michael H. Simon to be a U.S. District Court judge in Oregon

Senate Roll Call 92 Jun 21, 2011

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Member's Vote (progressive or not)	Progressive Position	Progressive Result (win or loss)
N	Y	W

This was a vote on confirming Michael H. Simon to be a U.S. District Court judge in Oregon. Under the constitution, the president has the authority to nominate individuals for federal judgeships, but a majority of the Senate must vote in favor of their nomination in order for them to be sworn into office.

Sen. Jeff Merkley (D-OR) urged support for Simon's nomination: "Quite simply, Michael Simon is a man of enormous integrity, intellectual breadth and depth, and good old-fashioned common sense and decency. Michael Simon has earned a reputation as a top lawyer in commercial litigation, appellate law, and constitutional law. He is respected nationally. He is eminently qualified for this seat. After graduating summa cum laude from UCLA, he attended Harvard Law School, where he graduated cum laude. He began his legal career in the Department of Justice's antitrust division, where he served as a trial attorney for 5 years. During this time, he also volunteered for and served as a special assistant U.S. Attorney for the Eastern District of Virginia. Mr. Simon is currently a partner at Perkins Coie in Portland, where he has worked since 1986 and earned a reputation as one of the Northwest's real legal stars. He has engaged in extensive pro bono work and has volunteered for many nonprofit organizations. He has served as an adjunct faculty member at Lewis & Clark Law School, teaching antitrust law, drawing on his earlier life experience. He has also served as a pro tem judge on the Multnomah County Circuit Court. In the courts, Michael has made his name as a staunch defender of consumer protection, antitrust laws, and the first amendment. He has found the time to be deeply involved in his community, displaying a commitment to voluntarism, civic participation, and public service....In short, Michael Simon exemplifies the traits that every Federal district judge should possess--a brilliant legal mind and a heart dedicated to service, fairness, and community."

Sen. Charles Grassley (R-IA) opposed Simon's nomination: "Throughout his career, Mr. Simon has advocated on behalf of the American Civil Liberties Union of Oregon as a pro bono attorney. But his involvement in the ACLU goes beyond mere representation of a client. Mr. Simon has been a member of the ACLU of Oregon since 1986. He is an active member of their Lawyers' Committee and served as a board member from 1997 to the year 2004, the vice president for legislation 1997 to 1998, and vice president for litigation from 2000 to 2004. I recognize that judicial nominees should not be evaluated solely on client lists or memberships, that

would be very unfair. However, these are relevant bits of information about a nominee....The ACLU does hold very liberal views, and Mr. Simon has been the voice for those views. For example, Mr. Simon wrote a letter to the Tillamook County Courthouse in Oregon expressing the ACLU's concern with religious Christmas signs and decorations. The letter encouraged the county to repeal its resolution that deemed the county a 'Merry Christmas County.' On issue after issue, Mr. Simon refused to disassociate himself from legal and policy positions held by the ACLU, that are far outside the mainstream. This includes the legalization of drugs, the unconstitutionality of the death penalty, the unconstitutionality of the Pledge of Allegiance, the ACLU's opposition to tax exemptions for churches and extreme views regarding separation of church and state."

The Senate confirmed Simon's nomination by a vote of 64-35. All 53 Democrats and 11 Republicans voted "yea." 35 Republicans voted "nay." As a result, the Senate confirmed Michael H. Simon to be a U.S. District Court judge in Oregon.

Issue Areas:

JUSTICE FOR ALL: CIVIL AND CRIMINAL — Judicial Nominations

Key: Y=Yea, N=Nay, W=Win, L=Loss

(<http://www.oregonlive.com/>)

6

Abstract



(http://www.oregonlive.com/tigard/index.ssf/2014/10/tigard_co)

The problem was in the numbers. While the committee vote was emphatic, Republicans generally said they would allow only nominees who won unanimous approval to move to the Senate floor. The four opposing votes from Judiciary — all from Republicans — meant that Senate leaders would be forced to negotiate a deal to bring his name to the floor. That process took too months.

The delay was all the more frustrating because the federal court system in Oregon has been given emergency status. The declaration is issued by **Chief Justice John Roberts** (<http://www.supremecourt.gov/default.aspx>) and means filings per judge exceed 600.

Moreover, the seat Simon now fills has been vacant for 664 days.

Despite the delays, Simon was widely considered to be both qualified and competent for the lifetime job as federal judge.

"Quite simply, Michael Simon has the integrity, the intellectual breadth and depth and good old fashioned common decency," **Sen. Jeff Merkley, D-Ore.**

(http://www.oregonlive.com/politics/index.ssf/2011/04/rep_david_wu_loses_another_emp.html), said from the Senate floor prior to the vote.

"Michael Simon exemplifies the traits every single federal district judge should possess," he said.

Sen. Ron Wyden, D-Ore., (<http://gov.oregonlive.com/Congress/Ron-Wyden/>) who followed Merkley to the floor, concurred. "Michael Simon is one of those persons, when you look at the kind of jurist you want, meets all the essential tests."

Nonetheless, Simon was sidetracked for a year by larger conflict over nominations in general and a sharply partisan Senate that operates by unanimous consent. That means if a single senator — from either party — objects a nomination remains bottled up until those issues are addressed.

"I see no end to it," Merkley said of the tortuously slow pace of nominations. "It's a deliberate process of slow walking nominations and it doesn't serve America well."

Simon's elevation to the federal bench came three months after the Senate filled another open seat in Oregon by confirming Marco Hernandez. His experience was even more wrenching than Simon's. Hernandez was first nominated in 2008 to be a U.S. district court judge by former President George Bush after earning endorsements from then-Republican Sen. Gordon Smith and Democrat Wyden.

Despite bipartisan support, the Senate failed to act on his nomination. Hernandez had to be nominated two more times before finally winning a vote on the Senate floor, where he was easily approved.

— **Charles Pope** (<mailto:OregonianDC@gmail.com>)
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(http://www.oregonlive.com/portland/index.ssf/2014/10/trip_wire)



Trip wire attached to improvised gun on trail leading to Forest Park scares hikers; Portland police investigate

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@regonbluewave

Jun 22, 2011

Hi, Alberto!

here are some left wing agenda items the ACLU has promoted: for the KLAN they supported their first ammendment rights, their right to peacefully assemble, and their right to erect a cross (should that be Kross?) as a Christmas display. Do you consider the Klan left wing?

Here are some other things the ACLU has done, found at <http://www.aclufightsforchristians.com/> (<http://www.aclufightsforchristians.com/>)

If you check out that list you will find many stories where the ACLU supported right wing agendas! This list of FACTS counteracts misinformation. These links represent just a few of the many examples of the ACLU defending the free speech and free exercise rights of Christians

And there is much more!

The ACLU is in the business of supporting our rights under the constitution, no matter what. To try to paint them as some sort of left wing group is a lot of twaddle.

However, if you get your news from right wing organizations like Fox News you will get a fake view of the ACLU.

I have an idea! Why not talk about an organization constantly advocates for a political agenda? can we start with Fox News, please.

Alberto

Jun 21, 2011

Yes, that dastardly ACLU. You list the "out there" concepts that they advocate, but how are they applied? Freedom of speech for those who agree with their left-wing agenda; suppression of speech for those who don't. How often does the ACLU get involved trying to block freedom of speech of high school valedictorians? Wouldn't we all be better off just allowing high school students to speak as they want in graduation ceremonies? How many millions of dollars have been wasted in litigation making sure that students don't exercise their freedom of speech by saying "amen" or praying?

Another good example: The ACLU has a well-deserved bad reputation for constantly "suing Christmas." Freedom of religion to the ACLU many times means freedom FROM religion. The ACLU is definitely not opposed to using government's bully pulpit to bully.

Yes, "jayjames" has a good point. Belonging to the ACLU is not a point in favor of appointing a judge. It is, rather, a good indication of a judge with a decided agenda!

@regonbluewave

Jun 21, 2011

The ACLU has done a great deal of good, and in many cases those that seem to hate the group the most have enjoyed their constitutional rights because of the ACLU. One of the greatest tricks of all in the USA is to make people vote against their own self interest and/or support candidates and policies that run counter to their own basic rights. Controlling interests on the right constantly portray all that they don't agree with in such nasty terms that the average viewer of Fox news (to name a purveyor of misinformation) often turns against what might help them and adopts the slogans and hate of the hateful right wing. Thus, like so many sheep the detractors of the ACLU repeat the slurs and lies on a regular basis. Everyone in this forum clearly has the use of the internet. I invite you to search for unbiased, historical accounts of the formation and activities of the ACLU. I am sure that you will find truth that runs counter to all you hear from the right wing propaganda outlets, maybe enough truth to change your minds for the better.

@mark

Jun 21, 2011

Yeah, that dastardly ACLU, advocating such "out there" concepts as:

- o First Amendment rights - freedom of speech, association and assembly; freedom of the press, and freedom of religion.
- o Equal protection under the law - protection against unlawful discrimination.
- o Right to due process - fair treatment by the government whenever the loss of your liberty or property is at stake.
- o Right to privacy - freedom from unwarranted government intrusion into your personal and private affairs.

I mean, really; the nerve.



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370 92

You should look up the history of the ACLU and its founders...scary.

jayjames

Jun 21, 2011

"LONG ASSOCIATION WITH AMERICAN CIVIL LIBERTIES UNION"
This is a huge RED FLAG! Even-handed justice? Not likely with that Left-Wing Bias.

Odd Diskin

Jun 21, 2011

My favorite Iron Chef.

mark

Jun 21, 2011

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Jun 21, 2011

"Moreover, the seat Simon now fills has been **vacant** for 664 days."

Wow.

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STAN THOMPSON photo
Ben Pickering straddles the log that crushed and nearly killed him on
Waikiki Beach Easter Sunday.

10/11/2013

THE CHUNOOK OBSERVER, TUESDAY, MAY 2, 1995

Quick action gives accident a h

By STAN THOMPSON
Observer staff writer

IT WASN'T—"It was very scary. I didn't know if we were going to lose him," says U. S. Coast Guardman Terry Allison. "I was a nervous wreck on the inside, but I couldn't let him know that."

Allison recalls comforting 10-year-old Ben Pickering, who was crushed by a floating log at Waikiki Beach Easter Sunday. Subsequent to last week's report about the incident, the Observer learned that Allison, together with nurse Cindy Lemons, helped save Pickering's life.

Allison is a 2nd Class Petty Officer stationed at Cape Disappointment. "I take constitutional walks every day," he says, usually into Ilwaco. But it was on beautiful Easter Sunday I decided to go to the North Jetty. You know, in the 20 years I've been here I'd never walked that way before that day. God wanted me to be there."

Lemons was at Waikiki Beach because "it was such a beautiful

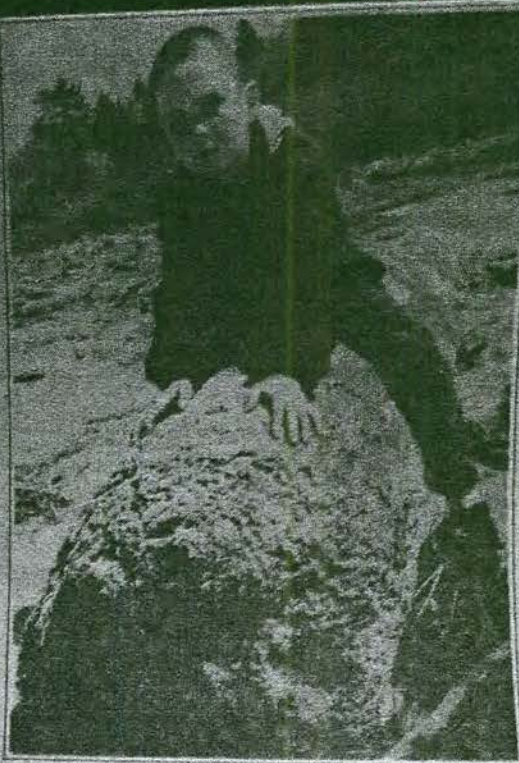
the beach was a 200-foot-wide giant-sized driftwood logjam. I don't know how I flew over those logs," he says. "I couldn't do it now. God helped me float."

Why did he respond so unhesitatingly? "I have a seven-year-old daughter," Allison explains. "This could have been my kid."

Before Allison could reach the beach Pickering's sister, aunt and a cousin had pulled Pickering away from the water. "I tried my best to comfort Ben and check his ABC's," Allison says, "airway, breathing and circulation. The Coast Guard constantly prepares for all kinds of situations, but I never had a situation quite like this before."

By then Lemons, a former hospital emergency room nurse, rushed over to help. "I told Terry I was a nurse trained in this," she says. "I automatically checked into gear. I remember thinking, 'He is a little kid and that is such a big log. There has to be some kind of internal injury. I already knew there was a head injury.'"

Allison continued comforting



Ben Pickering straddles the log that crushed and nearly killed him on Waikiki Beach Easter Sunday.

STAN THOMPSON photo



10/11/2013

4 Associations - Attorneys

ach was a 200-foot-wide, sized driftwood logjam. "I know how I flew over those," he says, "I couldn't do it. God helped me float."

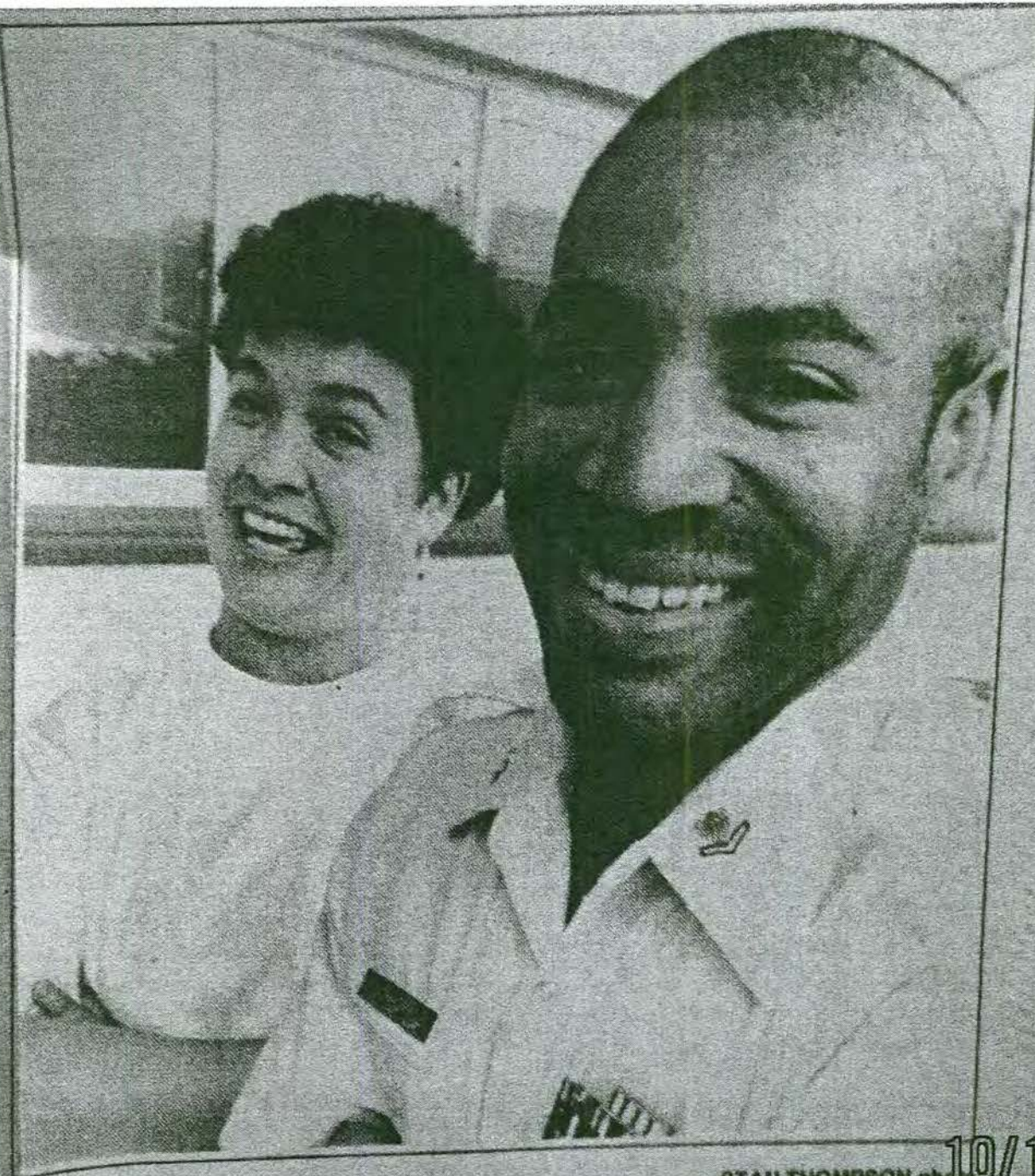
Why did he respond so unhesitatingly? "I have a seven-year-old son," Allison explains. "This could have been my kid."

Before Allison could reach the boy, Pickering's sister, aunt and a friend had pulled Pickering away from the water. "I tried my best to comfort Ben and check his vitals," Allison says, "airway, breathing and circulation. The Coast Guard constantly prepares us for all kinds of situations, but I never had a situation quite like this before."

By then Lemons, a former hospital emergency room nurse, had been called over to help. "I told Terry I was a nurse trained in this," she says. "I automatically clicked into gear. I remember thinking, 'He is a little kid and that is such a big log. There has to be some kind of internal injury. I already knew there was a head injury.'"

Allison continued comforting Pickering. "Sometimes he couldn't talk," Allison says, "so I had him squeeze my hand instead. He always squeezed back."

"It was nice to have Terry there to help," Lemons says. The two strangers became a team.



STAN THOMPSON photo
Nurse Cindy Lemons and Coast Guard chef Terry Allison, pictured above, helped avert a beach tragedy on Easter Sunday. Allison was the first to respond to the critically injured Pickering.

Lemons remembers being ready to leave when Pickering's twin sister arrived.

10/11/2013

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Quick action gives accide

By STAN THOMPSON

Observer staff writer

ILWACO—"It was very scary. I didn't know if we were going to lose him," says U. S. Coast Guardsman Terry Allison. "I was a nervous wreck on the inside, but I couldn't let him know that."

Allison recalls comforting 10-year-old Ben Pickering who was rushed by a floating log at Laikiki Beach Easter Sunday. Subsequent to last week's report about the incident, the *Observer* learned that Allison, together with nurse Cindy Lemons, helped save

the beach was a 200-foot-wide, giant-sized driftwood logjam. "I don't know how I flew over those logs," he says, "I couldn't do it now. God helped me float."

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10/11/2013

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Allison recalls comforting 10-year-old Ben Pickering who was crushed by a floating log at Waikiki Beach Easter Sunday. Subsequent to last week's report about the incident, the *Observer* learned that Allison, together with nurse Cindy Lemons, helped save Pickering's life.

Allison is a 2nd Class Petty Officer stationed at Cape Disappointment. "I take constitutional walks every day," he says, "usually into Ilwaco. But it was so beautiful Easter Sunday I decided to go to the North Jetty. You know, in the two years I've been here I'd never walked that way before that day. God wanted me to be there."

Lemons was at Waikiki Beach because "it was such a beautiful day and my 10- and 13-year-old sons wanted to play in the water."

Allison explains. "This could have been my kid."

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Allison continued comforting Pickering. "Sometimes he couldn't talk." Allison says.

10/11/2013

Disappointment. "I take constitutional walks every day," he says, "usually into Ilwaco. But it was so beautiful Easter Sunday I decided to go to the North Jetty. You know, in the two years I've been here I'd never walked that way before that day. God wanted me to be there."

Lemons was at Waikiki Beach because "it was such a beautiful day and my 10- and 13-year-old sons wanted to play in the water."

As Allison passed by the beach parking area he watched children playing and noted the incoming tide. "I saw big logs," he adds. "What I saw looked awfully dangerous. I thought, 'Someone could get hurt.'" Moments later he glanced again at the beach and "I saw a boy get struck by a log," he remembers, "and saw sheets of blood."

Coming between Allison and

pital emergency room nurse, rushed over to help. "I told Terry I was a nurse trained in this," she says. "I automatically clicked into gear. I remember thinking, 'He is a little kid and that is such a big log. There has to be some kind of internal injury. I already knew there was a head injury.'"

Allison continued comforting Pickering. "Sometimes he couldn't talk," Allison says, "so I had him squeeze my hand instead. He always squeezed back."

"It was nice to have Terry there to help," Lemons says. The two strangers became a team.

Washington State Park Ranger Len Nelson soon became involved in notifying emergency rescue teams. He recalls being impressed with Allison's "care, soothing and encouraging words, touch and warmth" helping keep Pickering

10/11/2013

Nurse
above,

from lap

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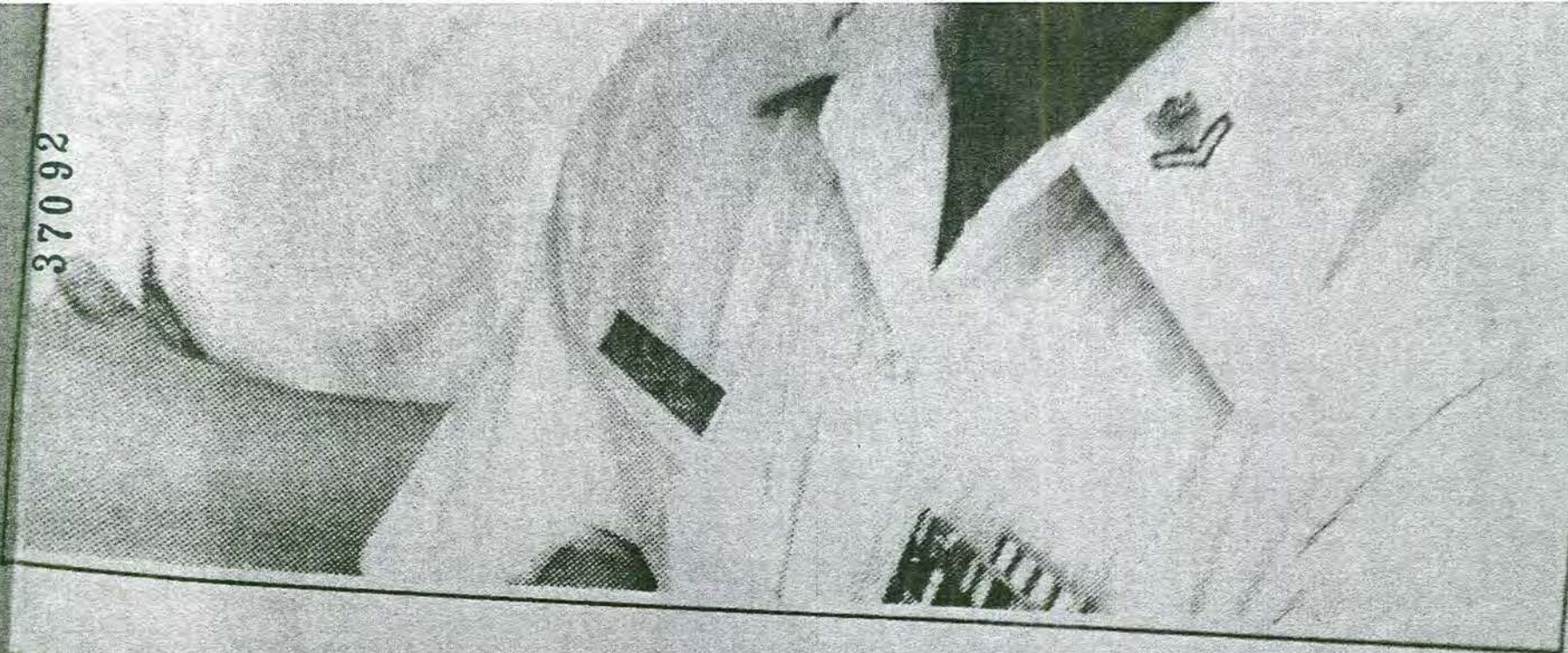
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Nurse Cindy Lemons and Coast Guard chef Terry Allison, pictured above, helped avert a beach tragedy on Easter Sunday.

STAN THOMPSON photo

from lapsing into a coma."

The critically injured Pickering was eventually taken by ambulance to Ocean Beach Hospital for examination and airlifted to a Portland hospital. He suffered a major skull fracture and lost sight in one eye. He is now home recovering.

Lemons remembers being ready to leave when Pickering's twin sister, Christina, "came over so bravely by herself to thank me for helping her brother. She started crying. I asked her if she wanted me to stay. She said 10/11/2013 out of my car and gave her a big hug."

THE CHINOOK OBSERVER, TUESDAY, MAY 2, 1995

Quick action gives accident a happy ending

By STAN THOMPSON
Observer staff writer

ILWACO—"It was very scary. I didn't know if we were going to lose him," says U. S. Coast Guardsman Terry Allison. "I was a nervous wreck on the inside, but I couldn't let him know that."

Allison recalls comforting 10-year-old Ben Pickering who was crushed by a floating log at Waikiki Beach Easter Sunday. Subsequent to last week's report about the incident, the *Observer* learned that Allison, together with nurse Cindy Lemons, helped save Pickering's life.

Allison is a 2nd Class Petty Officer stationed at Cape Disappointment. "I take constitutional walks every day," he says, "usually into Ilwaco. But it was so beautiful Easter Sunday I decided to go to the North Jetty. You know, in the two years I've been here I've never walked that way before that day. God wanted me to be there."

Lemons was at Waikiki Beach because "it was such a beautiful day and my 10- and 13-year-old sons wanted to play in the water."

As Allison passed by the beach parking area he watched children playing and noted the incoming tide. "I saw big logs," he adds. "What I saw looked awfully dangerous. I thought, 'Someone could get hurt.' Moments later he glanced again at the beach and 'I saw a boy get struck by a log,' he remembers, "and saw sheets of blood."

Lemons was between Allison and

the beach was a 200-foot-wide, giant-sized driftwood logjam. "I don't know how I flew over those logs," he says, "I couldn't do it now. God helped me float."

Why did he respond so unhesitatingly? "I have a seven-year-old daughter," Allison explains. "This could have been my kid."

Before Allison could reach the beach Pickering's sister, aunt and a cousin had pulled Pickering away from the water. "I tried my best to comfort Ben and check his ABC's," Allison says, "airway, breathing and circulation. The Coast Guard constantly prepares us for all kinds of situations, but I never had a situation quite like this before."

By then Lemons, a former hospital emergency room nurse, rushed over to help. "I told Terry I was a nurse trained in this," she says. "I automatically clicked into gear. I remember thinking, 'He is a little kid and that is such a big log. There has to be some kind of internal injury. I already knew there was a head injury.'"

Allison continued comforting Pickering. "Sometimes he couldn't talk," Allison says, "so I had him squeeze my hand instead. He always squeezed back."

"It was nice to have Terry there to help," Lemons says. The two strangers became a team.

Washington State Park Ranger Len Nelson soon became involved in notifying emergency rescue teams. He recalls being impressed with Allison's "calm, soothing and encouraging words, touch and warmth" helping keep Pickering



STAN THOMPSON
Nurse Cindy Lemons and Coast Guard chief Terry Allison, pictured above, helped avert a beach tragedy on Easter Sunday.

from lapsing into a coma.

The critically injured Pickering was eventually taken by ambulance to Ocean Beach Hospital for examination and airlifted to a Portland hospital. He suffered a major skull fracture and lost sight in his eye. He is now home recovering.

Lemons remembers being ready to leave when Pickering's mother, Christina, bravely by her side, hearing her brother crying. "I asked her if she wanted me to stay," she said. "I said, 'I'll stay as long as you need me.'"

10/11/2013

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Boy nearly loses life in beach log accident

By STAN THOMPSON
Observer staff writer

WAIKIKI BEACH—"It was so beautiful last Easter Sunday morning," Julie Pickering remembers. But a tragedy was lurking out of sight. Before the day ended she would be at her severely-injured son's bedside praying that he would live.

Her son, Ben, was 10 years old. He was a healthy, active boy who loved to play on the beach. On Easter Sunday, he was playing on the beach when he was hit by a massive log 20 feet long and

The day began innocently. Perfect weather inspired Julie and husband Steve to contact Bob Prater and Steve's sister, Lisa Gillit, for an afternoon of boat fishing on Baker Bay. Ben and his twin sister, Christina, and older sister, Kim, and their four cousins were dropped off at Waikiki Beach

with Lisa as chaperone to play while Julie, Steve and Bob fished.

"Even before we began fishing, I felt something bad was going to happen."

Julie Pickering
Mother of injured boy

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in beach log accident

By STAN THOMPSON
Observer staff writer

WAIKIKI BEACH—"It was so beautiful last Easter Sunday morning," Julie Pickering remembers. But a tragedy was lurking out of sight. Before the day ended she would be at her severely-injured son's bedside praying that he wouldn't die.

Her son, Ben, an 85-pound, ten-year-old, freckle-faced redhead, was no match for a massive log 20 feet long and three feet thick that rolled like a steamroller over his body at Fort Conby's Waikiki Beach.

'Even before we began fishing, I felt something bad was going to happen.'

Julie Pickering
Mother of injured boy

The day began innocently. Perfect weather inspired Julie and husband Steve to contact Bob Prater and Steve's sister, Lisa Gillit, for an afternoon of boat fishing on Baker Bay. Ben and his twin sister, Christina, and older sister, Kim, and their four cousins were dropped off at Waikiki Beach with Lisa as chaperone to play while Julie, Steve and Bob fished.

"Even before we began fishing," Julie says, "I felt something bad was going to happen. I started worrying. I was praying all day, 'Lord, whatever it is, keep your hand

on it."

Ben, together with his sisters and cousins had pulled out a large net and were pointed at

10/11/2013

Quick action gives accident a h

By KIAN THOMPSON
Observer Staff Writer

It was a very scary, I don't know if he was going to lose Julie," says Julie's mother, Jennifer. "It was a terrible shock to the family, but I couldn't let my son know that."

Julie's mother, Jennifer, 30, says she was fishing with her son at Waverly Beach on Sunday. She was in the water, and she was fishing with her son. She was in the water, and she was fishing with her son.

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the beach was a 100-foot-wide, sand-covered, shallow bay. "I don't know how I knew it was so deep," he says. "I couldn't do it then. That's what I was thinking."

Why did he respond so quickly? "I have a seven-year-old daughter," Allison explains. "That could have been my kid."

Before Allison could reach the beach, Pickering's sister, and a cousin had pulled Pickering away from the water. "I had no idea if I could help him," Allison says. "I was just trying to get him out of the water. I was just trying to get him out of the water."

At the time, Allison was a nurse at a local hospital. She was a nurse at a local hospital. She was a nurse at a local hospital.

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Nurse Cindy Lemons, who helped avert a tragedy, helped avert a tragedy.

Boy nearly loses life in beach log accident

By KIAN THOMPSON
Observer Staff Writer

WATKINS BEACH, It was so beautiful last Friday morning, Julie Pickering was fishing. But a tragedy was lurking out of sight. Before the day ended she would be in her severely injured state.

Julie's mother, Jennifer, 30, says she was fishing with her son at Waverly Beach on Sunday. She was in the water, and she was fishing with her son. She was in the water, and she was fishing with her son.

Although the accident occurred, the boy was not seriously injured. He was not seriously injured. He was not seriously injured.

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U.W.A.C.C.—"It was very scary. I didn't know if we were going to lose him," says U.S. Coast Guardsman Terry Allison. "I was a nervous wreck on the inside, but I couldn't let him know that."

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Before Allison could reach the beach Pickering's sister, aunt and cousin had pulled Pickering away from the water. Tired my best to comfort Ben and check his ABC's, Allison says, "always breathing and circulation. The Coast Guard constantly prepares us for all kinds of situations, but I never had a situation quite like this before."

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Alison continued confining Pickering. "Sometimes he couldn't talk," Alison says. "So I had him squeeze my hand instead. He always squeezed back."

"It was only a few feet there in help," Lennon says. The two strangers became a bond.



Nurse Cindy Lemons and Coast Guard chief Terry Allison, pictured above, helped avert a beach tragedy on Easter Sunday.

The critically injured Pickering was eventually taken by ambulance to Ocean Beach Hospital for examination and admitted to the Portland hospital. He suffered a major skull fracture and lost sight in one eye. He is now being treated

Lemons remembers being ready to leave when Pickering's twin sister, Christina, "came over so bravely by herself to thank me for helping her brother. She started crying. I asked her if she wanted me to stay. She said 'Yes!' I got out of my car and gave her a big

WAIKIKI BEACH—"It was so beautiful last Easter Sunday morning," Julie Pickering remembers. But a tragedy was lurking out of sight. Before the day ended she would be at her severely-injured son's bedside praying that he wouldn't die. 'Even be

Her son, Ben, an 85-pound, ten-year-old freckle-faced redhead, was no match for a massive log 20 feet long and three feet thick that rolled like a steamroller over his body at Port Canby's Work

Although Ben miraculously survived the crushing weight, he was left with a tragic reminder. Sight in his left eye was damaged beyond repair.

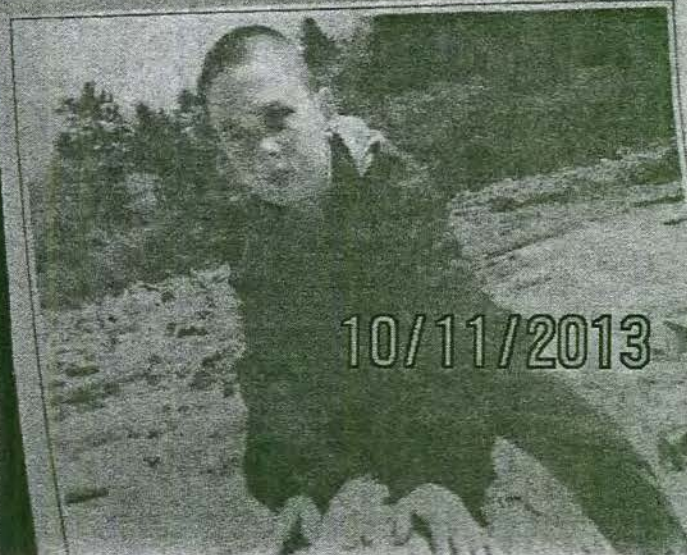
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at Waikiki Beach with Lisa as chaperone to play while Julie, Steve and Bob fished.

"Even before we began fishing," Julie says, "I felt something bad was going to happen. I started worrying. I was praying all day. Lord, whatever it is, keep your hand off me."

Ben, together with the sisters and cousins had picked out a large log lying on the beach pointed at

See Accident on Page A14



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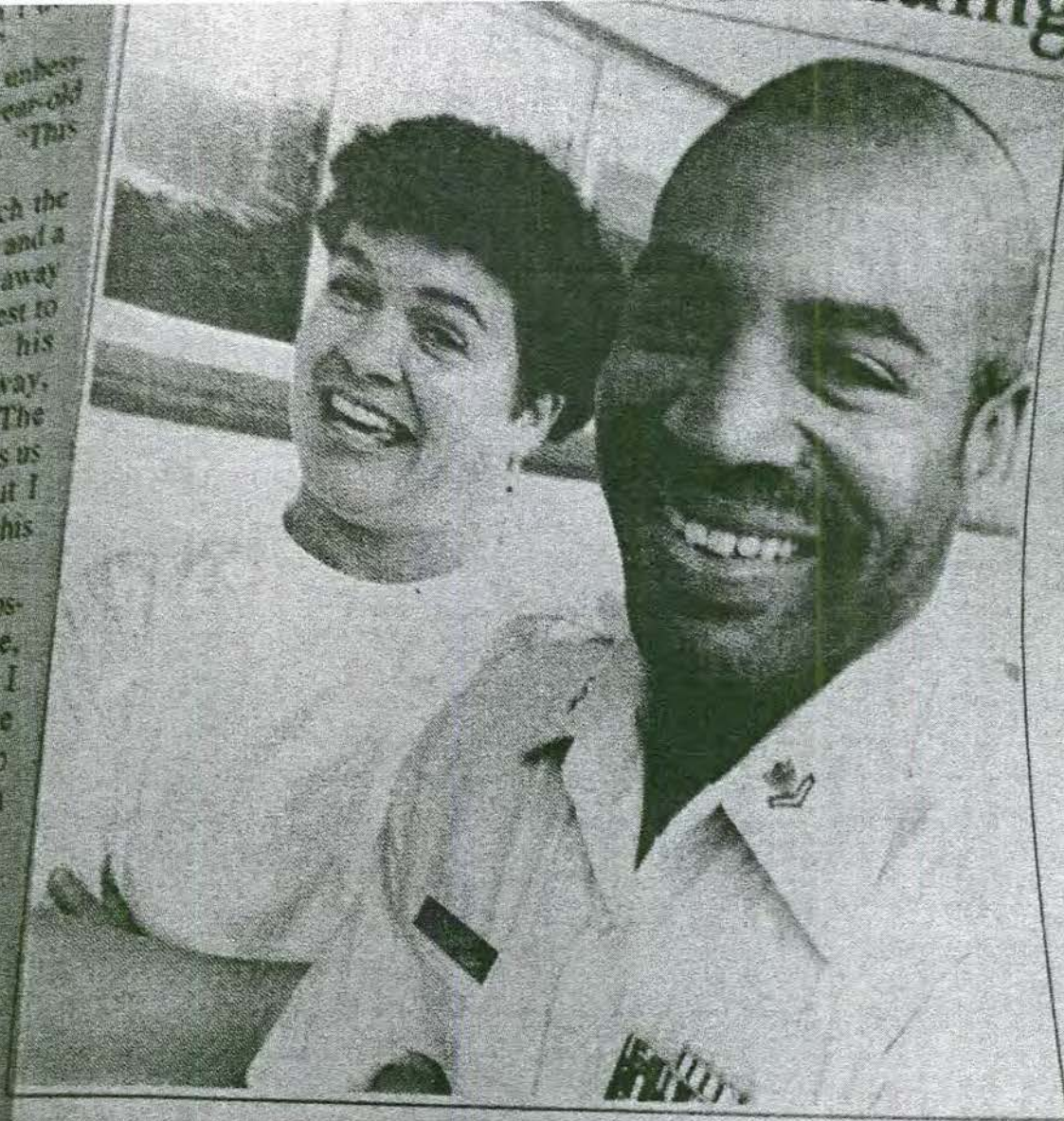
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Washington State Park Ranger Nelson soon became involved notifying emergency rescue. He recalls being impressed by Allison's "calm and impressive"



Nurse Cindy Lemons and Coast Guard chef Terry Allison, pictured above, helped avert a beach tragedy on Easter Sunday.

STAN THOMPSON photo

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Boy near in beach

By STAN THOMPSON
Observer

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STAN THOMPSON PHOTO
Nurse Cindy Lemons and Coast Guard chef Terry Allison, pictured
helped avert a beach tragedy on Easter Sunday.

10/11/2013

Boy nearly loses life in beach log accident

By STAN THOMPSON
Observer staff writer

WAIKIKI BEACH—"It was so beautiful last Easter Sunday morning," Julie Pickering remembers. But a tragedy was lurking out of sight. Before the day ended she would be at her severely-injured son's bedside praying that he wouldn't die.

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Her son, Ben, an 85-pound, ten-year-old, freckle-faced redhead, was no match for a massive log 20 feet long and three feet thick that rolled like a steamroller over his body at Fort Canby's Waikiki Beach.

Although Ben miraculously survived the crushing weight, he was left with a tragic reminder. Sight in his left eye was damaged beyond repair.

‘Even before we began fishing, I felt something bad was going to happen.’

Julie Pickering
Mother of injured boy

on it.”

Ben, together with his aunt and cousins had picked up a log lying on the beach.

See Accident

Accident

The day was sunny and warm. Perfect weather for a family picnic. Prater and Steve, Julie's husband, and their two children, an 11-year-old boy and a 9-year-old girl, were at the picnic. Julie's twin sister, Christine, and her mother, Kim, and father, were also there. They were dropped off at Waikiki Beach.

with Julie's mother and Bob Pickering.

“Even before we began fishing, I felt something bad was going to happen. I started worrying. I was praying all day. Lord, whatever it is, keep your hand

10/11/2013

Early loses life ach log accident

OMPSON
ff writer

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and cousins had picked out a large
log lying on the beach pointed at

See Accident on Page A14

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STAN THOMPSON PH 10/11/2013
**Ben Pickering straddles the log that crushed and nearly killed him on
Waikiki Beach Easter Sunday.**

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THE CHINOOK OBSERVER, TUESDAY, MAY 2, 1995

Quick action gives accident a happy ending

By STAN THOMPSON
Observer staff writer

ILWACO—"It was very scary. I didn't know if we were going to lose him," says U. S. Coast Guardsman Terry Allison. "I was a nervous wreck on the inside, but I couldn't let him know that."

Allison recalls comforting 10-year-old Ben Pickering who was crushed by a floating log at Waikiki Beach Easter Sunday. Subsequent to last week's report about the incident, the *Observer* learned that Allison, together with nurse Cindy Lemons, helped save Pickering's life.

Allison is a 2nd-Class Petty Officer stationed at Cape Disappointment. "I take constitutional walks every day," he says, "usually into Ilwaco. But it was so beautiful Easter Sunday I decided to go to the North Jetty. You know, in the two years I've been here I'd never walked that way before that day. God wanted me to be there."

Lemons was at Waikiki Beach because "it was such a beautiful day and my 10- and 12-year-old sons wanted to play in the water."

As Allison passed by the beach parking area he watched

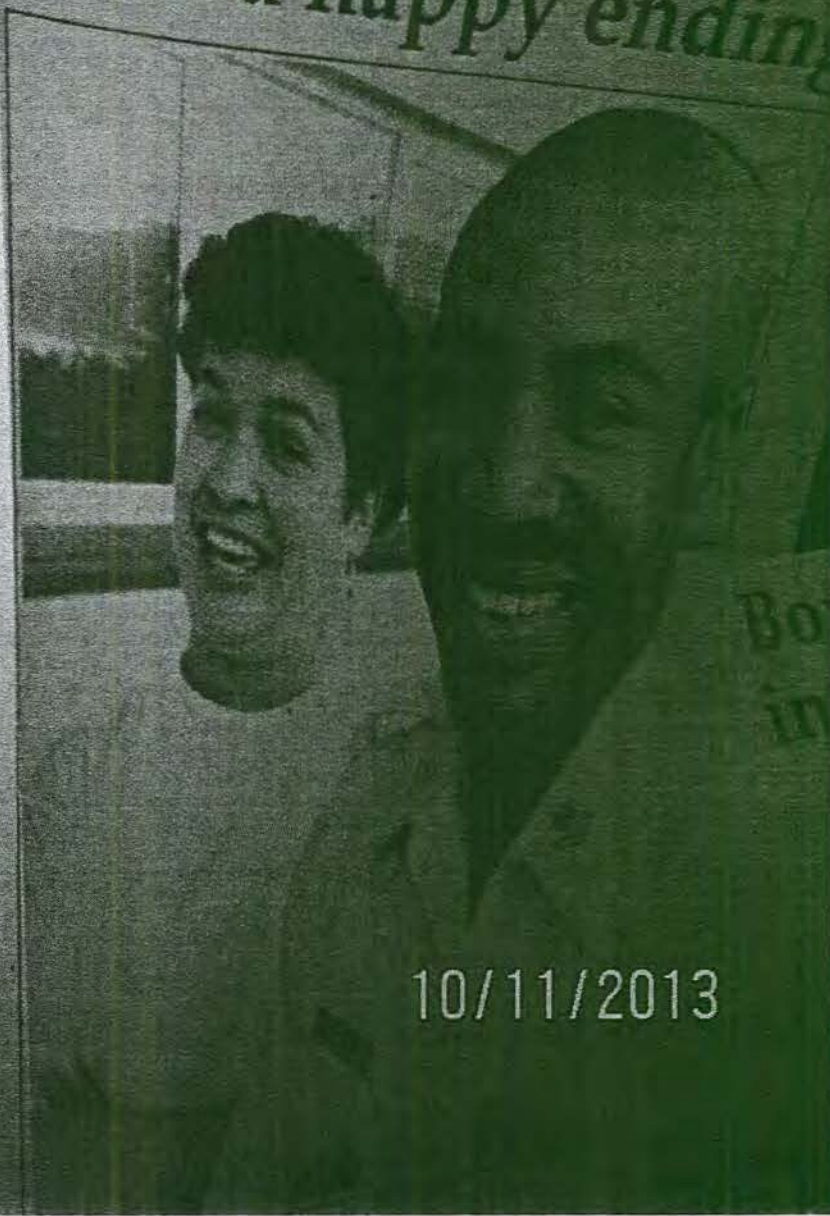
the beach was a 200-foot-wide, giant-sized driftwood logjam. "I don't know how I flew over those logs," he says, "I couldn't do it now. God helped me float."

Why did he respond so unhesitatingly? "I have a seven-year-old daughter" Allison explains. "This could have been my kid."

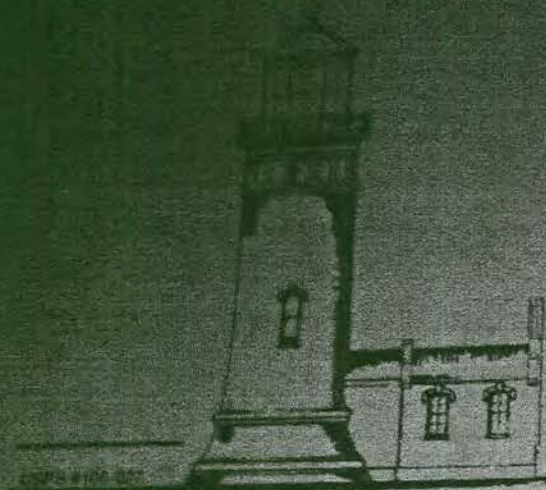
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Allison continued comforting Pickering. "Sometimes he couldn't talk," Allison says.



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95TH Year - No. 18

License buy-out has lots of takers

*Officials push for
extension this year*

By ED HUNT
Observer staff writer



10/11/2013



STAN THOMPSON photo
A young boy straddles the log that crushed and nearly killed him on
Easter Sunday.

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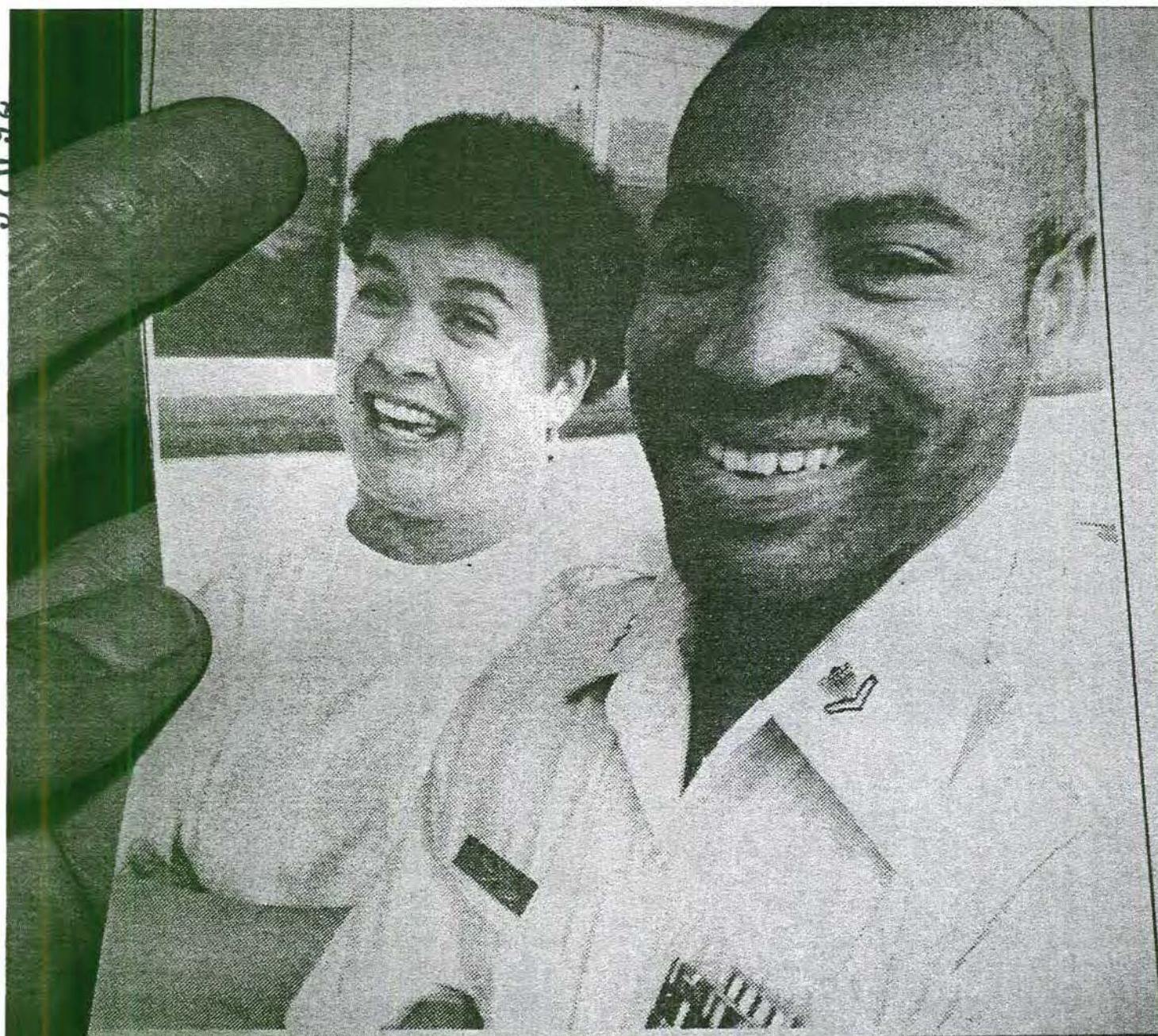
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STAN THOMPSON photo

Nurse Cindy Lemons and Coast Guard chef Terry Allison, pictured above, helped avert a beach tragedy on Easter Sunday.

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Lemons remembers being ready

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THE CHINOOK OBSERVER, TUESDAY, MAY 2, 1995

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By STAN THOMPSON
Observer staff writer

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Washington State Park Ranger Len Nelson soon became involved in notifying emergency rescue teams. He recalls being impressed with Allison's "care, soothing and encouraging words, touch and warmth" helping keep Pickering

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ACCIDENT

Continued from Page 1

the bay. It was to serve as a make-believe surfboard. The sun was soothing. The incoming tide was calm. The time was 1:20 p.m.

Ben's back was to the water when, without warning, a killer wave came hurtling across the sand towards the unsuspecting children. His playmates saw it in time to jump for safety. Ben sensed danger too late.

As the log began to move he lost his footing and slipped into the log's pathway. Underwater, on his hands and knees, Ben remembers trying desperately to crawl away as his feet were caught under the rolling log. "I tried to push it

aid. A jogger and other good Samaritans offered assistance. A park ranger summoned an ambulance, EMTs arrived and soon Ben was placed in the Life Flight Helicopter bound for Emanuel Hospital in Portland.

"When we first saw the Coast Guard boat," Julie says, "We had the feeling it was coming out to rescue someone. Then it got closer and closer to us without turning away. We thought, 'Okay, so we must be fishing in the wrong place.'

"We were told there had been an injury to one of the children, a boy, and that a log was involved." They got to the helicopter just

10/11/2013

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As the log began to move he lost his footing and slipped into the log's pathway. Underwater, on his hands and knees, Ben remembers trying desperately to crawl away as his feet were caught under the rolling log. "I tried to push it back," he emphasizes, "but I just couldn't budge it."

Another wave nudged the log to continue its roll over Ben's submerged body, pushing him hard into the sand. "I felt nothing at first," he recalls. "I was afraid the log was going to stop and hold my head down. It tried to stop at my head, it just kept on going. It was thinking about stopping but it didn't."

"I didn't want to die. I thought of Mom and Dad and the Lord. And I worried if the other kids were okay."

Ben's sister, Kim, remembers

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"We were told there had been an injury to one of the children, a boy, and that a log was involved." They got to the helicopter just as it was ready to take off. Ben's sense of humor had remained intact. As he was lifted into the helicopter he asked, "Does this mean I don't have to go to school tomorrow?" Everyone broke out laughing.

At the hospital a nurse was sure Ben was headed for a coma. His skull was fractured from the back of his head to between his eyes. His nose bones were shattered. His left eye was rendered blind. The retina in his right eye was damaged but still functional.

10/11/2013

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Ben's sister, Kim, remembers vividly what happened next. "I ran to help him," she says. "He stood up screaming, walked about three feet and fainted and fell into the water face down. He had blood gushing out of his nose and he was puking blood." Kim, her cousin J. R. Gillit and her aunt dragged Ben's unconscious body to dry sand and safety while calling for help.

Cindy Lemons, a nurse who opened to be nearby, rendered

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At the hospital a nurse was sure Ben was headed for a coma. His skull was fractured from the back of his head to between his eyes. All his nose bones were shattered. His left eye was rendered permanently blind. The retina in his right eye was damaged but expected to heal.

Steve remembers Ben "reaching over and grabbing my finger and asking, 'Dad, am I going to die?' It wrenched my heart out."

Ben didn't go into a coma. He is home recuperating, occasionally rubbing at the sand still imbedded in the skin on the back of his neck. "My eye," he says, "I'm not very happy about that, but I can handle it. At least I'm not dead."

He doesn't plan to play on log at the beach ever again.

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ACCIDENT *Continued from Page 1*

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Ben's back was to the water when, without warning, a killer wave came hurtling across the sand towards the unsuspecting children. His playmates saw it in time to jump for safety. Ben sensed danger too late.

As the log began to move he lost his footing and slipped into the log's pathway. Underwater, on his hands and knees, Ben remembers trying desperately to crawl away as his feet were caught under the rolling log. "I tried to push it back," he emphasizes, "but I just couldn't budge it."

Another wave nudged the log to continue its roll over Ben's submerged body, pushing him hard into the sand. "I felt nothing at first," he recalls. "I was afraid the log was going to stop and hold my head down. It tried to stop at my head, it but kept on going. It was thinking about stopping but it didn't."

"I didn't want to die. I thought of Mom and Dad and the Lord. And I worried if the other kids were okay."

Ben's sister, Kim, remembers vividly what happened next. "I ran to help him," she says. "He stood up screaming, walked about three feet and fainted and fell into the water face down. He had blood gushing out of his nose and he was puking blood." Kim, her cousin J. R. Gillit and her aunt dragged Ben's unconscious body to dry sand and safety while calling for help.

Cindy Lemons, a nurse who happened to be nearby, transferred

aid. A jogger and other good Samaritans offered assistance. A park ranger summoned an ambulance. EMTs arrived and soon Ben was placed in the Life Flight Helicopter bound for Emanuel Hospital in Portland.

"When we first saw the Coast Guard boat," Julie says, "We had the feeling it was coming out to rescue someone. Then it got closer and closer to us without turning away. We thought, 'Okay, so we must be fishing in the wrong place.'"

"We were told there had been an injury to one of the children, a boy, and that a log was involved." They got to the helicopter just as it was ready to take off. Ben's sense of humor had remained intact. As he was lifted into the helicopter he asked, "Does this mean I don't have to go to school tomorrow?" Everyone broke out laughing.

At the hospital a nurse was sure Ben was headed for a coma. His skull was fractured from the back of his head to between his eyes. All his nose bones were shattered. His left eye was rendered permanently blind. The retina in his right eye was damaged but expected to heal.

Steve remembers Ben "reaching over and grabbing my finger and asking, 'Dad, am I going to die?' It wrenched my heart out."

Ben didn't go into a coma. He is home recuperating, occasionally rubbing at the sand still imbedded in the skin on the back of his neck. "My eye," he says, "I'm not very happy about that, but I can handle it. At least I'm not dead."

He doesn't plan to play on logs at the beach ever again.

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THE CHINOOK OBSERVER, TUESDAY, APRIL 25, 1995

Family of injured boy gives thanks

On behalf of Ben Pickering and his family, we wish to thank all who were involved with helping our son, and also the Coast Guard, when Ben was injured at Fort Canby State Park. The Coast Guard was able to find us, Steve and Julie, in our boat.

We arrived at Ocean Beach Hospital in time to see Ben before the life flight helicopter flew him to Emanuel Hospital in Portland. Thanks to the O.B. hospital staff. We wish to personally thank Cindy Lemons, the off-duty nurse who was at the scene. She helped Ben when he needed it the most.

Also, we want to thank his sister, Kim, and cousin, J.R., who pulled him out of the water.

We thank all of you on the Peninsula and elsewhere who prayed for him a speedy recovery. And, although Ben has lost the sight in one eye, we want to give all the glory to God for sparing our son's life.

We also want to thank those who helped us with our finances while at the hospital in Portland. Again, we love and thank you. God bless you all.

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10/11/2013

STAN THOMPSON photo
captioned

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37092

this agreement is a smokescreen

when police are allowed to determine who they would like to have tortured in a psychiatric facility, will they not pick out the political dissenters among us?

will Psychiatric Review Board abuser Mary Claire Buckley be allowed to scream at us till we cry?

will kyle nice be sent to our door to kill?

forced drugging is medical torture according to the UN special rapporteur on torture.

never call crisis support , unless you want a military-style police arrest to re-traumatize you.

the term "mentally ill" is a new code word by racist people to justify their racism.

mentally ill are the untouchable, dalit.

wimpy portland legal culture allows abuse to flourish, as

even public defenders and the district attorney get to partake in victim-bashing!

Industrialized drug-experimentation chemical mutilation by bullies

rivals mutilation portland police inflict for barbarity's sake itself.

one barbarianism cannot solve another barbarianism.

portland police beat visually impaired oregonians.

the international disabilities treaty is a state department agenda: but in portland, americans with disabilities act is dead.

psychiatric industry as a factory farm where humans are farmed into drug-dazed zombies and subjected to inscrutable horrors.

nazi psychiatrists imported under project paperclip to pioneer mind control research.

who will be our church committee?

will all records be sealed?

secret under HIPPA? under "internal affairs?"

gagged by attorneys and unions?

a 48 hour rule?

will sem-jacobsen cut up brains of disabled people ?

will MKUltra ever die?

Behavioral Health Unit feels like Gestapo sometimes. one fled as a refugee to escape the factory farmed industrialized mental death apparatus.

life of the mind was forbidden to intellectuals. from falun gong, to the gulag archipelago, intellectuals will be lobotomized or hanged like aaron schwartz.

threatened with Oregon State Mental hospital, rapes, wrongful deaths, gurneys, humiliating insults of Mary Claire Buckley, verbal abuser hired by Portland Police to jazz-up their DOJ whitewash.

neurodiversity rising against psychiatric capitalism and fascism under police state

as a police brutality victim, when a police knock at your door, imagine a racing pulse, panic, hyperlogia, sweaty palms, shaky knees.

behavioral health unit, thinks it's dandy to repeat harass and re-traumatize police brutality victims, to be sure to create a footprint of terror, a record of harassment or rather "treatment" such that character and person is moderated with disfigurement, self-doubt, gaslighted libel, misdiagnosis, slander, defamation, and the immediate discomfort of seeing one's perpetrating brutality agency in a quasi-medical role.

segregation was recommended for psych reasons----, apartheid, eugenics, forced sterilization, and psychiatric forced labor for purposes of protecting white people from infection by negritude----- portland police are too eager to call blackness a mental illness when justifying brutality.

transwomen are subjected to brutal gender-correctional transhate by portland police.

in no part of this fake agreement are victim's rights, advocates, reparations, or special prosecutors-- taken into consideration.

the fleeing slave was said to have drapetomania, a disorder which only beating might cure.

psychiatry was enforcer of hierarchies of elite white oppressor class.

homosexuality was treated by electroshock.

from raping psych-techs at oregon state hospital to raping foster care workers who rape disabled persons---from raping nurses at legacy emanuel,

from cocaine in the multnomah county commissioner's nose, from nepotism at \$26M sloptrough: social services get thrown under the bus while career criminals in office cash-in.

where are sexual assault services for men?

when a disabled sexual assault survivor needs to report a crime and is instead beaten by police whose verbal abuse sexually humiliates him, does ADA title II apply?

can one be gay, dyslexic, american, disabled, and oregonian? or will police kill you first?

one can call one's own family mentally ill. -to easily embezzle a blood money inheritance, ---to end a failing marriage----to justify and exculpate one's own child abuse or domestic violence.

who will defend falsely accused?

black men in the UK are 10 times more likely to be called the medically obsolete term "schizophrenic" than white men.

will we dissect psychiatry's malpractice, racism, sexism, homophobia?

oh, anything is better than being beaten up or killed by the portland police?

but some things are worse, nightmares the terrors of human experimentation, sexual abuse, betrayal of medical malpractice.

hospitalized for "gayness"?

told by psych-techs your rape never happened?

the history of tuskegee and Nazi Eugenics, sit here in this room, where DOJ, is too POLITE to call Portland Police Racist, despite sitting nazis and killers on the force.

privatization of portland police brutality into the into cryptic deathly chambers of atrocity known as "asylum" will give even more secrecy to the core brutality.

Portland Police as Brutality perpetrator, and as Diagnostic Perpetrator.

men who beat you are not allowed to call you crazy.
that's called called VICTIM-BLAMING.

agency which beats one half to death should not be agency allowed to diagnose, stalk, intimidate, or affix humiliating pseudoscientific diagnoses which mutilate your legal identity.

when one is considered "mentally ill" the constitution no longer applies. the witch trial begins. your pants can be ripped off for whimsical injections. you might be strapped to a gurney.

THE BHU is a retaliatory afterthought organization designed to defame stalk intimidate and humiliate police brutality survivors, and to discredit and scramble their testimony and impair investigation, by imparting a post facto image clean-up, and it is a form of witness-tampering.

mary rose lenore eng
lakkakangas
16 --february--2014

Submitted by
Mary Eng 10/22/2014

37092

Benjamin Pickering Letter to Judge Kenneth Walker.

Benjamin Pickering is a blind dyslexic American with Penetrating Traumatic Brain Injury originating in 1994 and Victim of 2013 Portland Police excessive force and brutality and sexual harassment against a disabled person

as transcribed by Mary Eng

Sunday September 22, 2013

Letter to Kenneth Walker, Multnomah County Court Judge
re: State v. Benjamin Pickering

Typographical Error, Neither the Courts or Public Defender Dawn Andrews know the true spelling of Benjamin Harvey Pickering, a Federal USA Social Security recipient whose blindness merits permanent disability designation with Federally protected civil rights which have been denied in Defender's failure to provide Blind and Dyslexia-friendly access to court materials.

please notate for the Courts the incorrect spelling as
State v. Benjamin Pickering.

Benjamin is the correct spelling of the legal name of the disabled person Benjamin Harvey Pickering.

Dear Judge Kenneth Walker,

My head is was split from the front to the back, i am blind in my left eye and i will always be blind in my left eye. When i think too hard my brain overworks. It is not good for my brain to take repeated blows to the head. I am very lucky to survive the Portland Police attack. I cannot play sports. I am supposed to protect my eyes. I recently had surgery on my blind eye. I am supposed to keep my feet up and put no pressure on my brain, whether physical or intellectual.

My experience of being in Portland, being attacked, abused, hurt, my heart my mind, my human person, being, and still i'm getting it from every which way and it's not very nice and it's hurting me. but what really makes my day and is really fun, is to know, there isn't nobody out there who is trying to ruin my day, by sending letters in the mail, by calling my phone, knowing where i live and acting like they're my friends when they say "it's ok" and it sounds like they are stalking me and they are out to get the worst of me or the better of me, and it's like so the part where she talks about my disability and my friend that dies, she says you have three days to see a neuropsychologist.

What kind of consequences are there for people who are judgmental against redheads or disabilities out there, i feel like i'm disability and i'm being judged because i'm on disability. just to think on my conscience, it would be a little bit easier if i had a little bit more support, it's a little bit easier to know on my conscience . . .

i don't need the stress, my brain is hurting me, i've been robbed and beaten. I have brain injury and left eye blindness. I have been blind in my left eye since i was ten years old. never homeless in my life, to feel that knowing i have people out there caring for my security and human being, i just read about the Disability Act being disabled and taking the hurt and pain of what people give me

is it fair to say i have a problem, and need a psychologist, when i need tender loving care someone tells me that it's all right

where is the love in this world, when they look at me like i'm a suspect

they make it sound like i'm a criminal when i'm out here all alone without an advocate, i am used to an advocate, an advocate at school, and when i come to portland sleep on street i have no advocate. my real dad tells me when you do a good deed something good comes. i'm sleeping in the rain, people are getting stabbed and killed , guys are taking my money, beating me, the cops are attacking me, and how come no one is taking it in consideration they are thinking about covering their own trails. what are they guilty of? when they are trying to hurt my mind and temple and warmth loving and caring. where i was raised in the church where i volunteered because i am disabled to help feed the community.
i've been on disability since was ten years old.

Basically, the anxiety and pain and suffering when i'm disability, when i've been beaten. where is the love in this world. there are real criminals out there killers and rapists, and they don't take into consideration i've been attacked ten times. how come the police have not taken reports? (in an ADA friendly format) how come they didn't help me get off the street? I've worked volunteer work ever since i was disabled. until i came to portland where i volunteered at City Hall to take care of the garden, pulling weeds, tending the growing area, swept the street more than 20-30 hours of City Hall, no one paid me, so basically i'm a slave. they don't want to take into consideration that i'm helping the community that i am cleaning the trash off the streets. i need less stress without having this on my conscience that my public defender ---i have a brain injury i have been attacked i have been abused. so why can't someone love me for who i am. we want to care about you.
i didn't ask for nothing.

we want you to take it easy, take a rest, we don't want your brain to over think.
i give everyone the benefit of the doubt. people can just come up and talk to me.
why would i run from a cop, i have cops that are my friend. people don't make any sense.

i turned around, i don't have anything to judge, consider the nice things, the night i got jacked i stayed up cleaning the whole parking lot, is there anyone who actually cares, do i have to go to the media, go clear across the world, get on national media. until someone hears my story.
i cam to portland to get away from an attacker.
one person had tried to attack me in washington, and i heard on the radio portland is awesome, then i'm beaten smashed half black eye, to where, how does it feel. talk about the anguish and pain someone goes through dang, but to put him through more anguish and pain? does everyone get treated this way? do all disability get treated this way? do i need to get my family to blog this that this is the way Portland treats disability?
how the cops beat me up.
i love you guys i want to forgive and forget. the pain and suffering of being abused.
i cried several times.
have i not suffered enough? my girlfriend's tears. i feel her crying. i feel the pain of her tears. does a man cry? do people who don't cry have any feelings. who cares really?
i take it to my heart i love everybody.

i love even my worst enemy. i get no apologies. get told "he's just disabled" and "i don't have time to babysit"
Does anybody give me a chance to know who i am?
i'm a really nice person.
bend over backwards. do you take into consideration i'm picking up trash for the city for city hall--the cleaning of the street doing volunteer work for the city, yeah i guess a lot of people are struggling but i don't feel like i deserve to be pushed aside.
the whole time i'm working at city hall for nothing
i have witnesses people are concerned. how many violent deaths. continuously.i am from a quiet town. why did they leave me on the streets instead of putting me in protective custody where they or

a safe home safe from attacks or even treat me like on a disability. i am ready to write some serious people and to be a part of an investigation and intake to take into consideration you are being all you can be as a judge i thank you for working as a judge and for listening to the truth and for the decisions you make and i love the officers that are my family and and taking this time to read this letter and i love the judges and i love Judge judy and love warriors who fought for this country in the wars. i pray for everybody's loved. but it's like you talk about leaveing a man behind you ask a soldier, you talk about leaving a fallen man behind, ask a soldier. being here alone on the streets, people getting tased, i get attacked, get beat up, its on my conscience, i'm living on the streets, who do i trust in the end?

if i'm stuck in a war zone it's hard to build trust when i have been attacked several times. is everything ok? its love that's all. i want love is that so much. yeah, i'm on disability. accept that i'm on disability. it's not a jut go get checked out. love from my family and no stress. i've had a brain injury so i need to be extra loved. extra caring. i feel so much happier when people love me. are concerned about me. no one is listening that i have been attacked when the four officers almost took out my right seeing eye. they said i was resisting arrest when i just pulled away so my eye was not taken out. no one is investigating the people who attacked me. scouring the beach looking for the people who attacked me.

i pray for my soldiers in the war, i could tell you people stories about loved ones about the calvary lighthouse, peninsula nazarene, we pray for our soldiers on the street. how can my prayers be answered, sitting in the hear t of portland when i came from 9 miles of a country town, i come to the city, violent people are running the city, get held up my money gets embezzled and no one takes into consideration the good things i've done. we go to facilities where i get the door for everyone, why keep clean environment i believe all are equal. no one is telling me kick your feet up or even saying we're sorry we took it in the wrong hands. didn't know what your going through we just assumed, when they say you are the one losing it, maybe i didn't know where i was at when i slept on the streets away from family and loved ones and everyone says where do i go and i ask to use the phone and they say get out of here when i was sleeping on the street and looking rugged. away from family and loved ones. they said get out of here, mistreating me.

i came down here spic and span and cleaned up

i can call her as a witness

the church lady said: be careful i love you, the church lady told the bus driver to watch out for me. why do i have to go through the anguish and suffering? i am being tried because i was abused embezzled twice no bed shower clean clothes or good people or a good farm dog. i had a yeller dog, a laborador, look up how smart they are trained to save people. labs save people i had a friendly lab the most nicest generous lab that rolled over and gave a handshake. you have the most nicest generous lab. does that tell you what kind of person i am?

train dog to protect. i have a friendly

Mary: Funny: it's like your dog is on trial. the disabled and his service dog on trial

Ben:

i had a laborador service dog for two years. i got rid of my dog just before i came here. i couldn't transport my dog on the bus. i came here thinking i had a place to stay. felt safer staying away from my attacker who was just eight miles away in Washington. i felt safer getting away from my attacker. they said they were trying to finish my life. there is nobody trying to say it's ok. you'd think i'd get a medal for knowing there was a terrorist out there. being attacked on the head with a guitar and they wanted to finish me, they knew i had a brain injury. there was blood going across the room and not one person called an ambulance or cops and why was my attacker still walking free? do i get a medal for all the times i've been attacked.

No one said rest your head. the x-rays say i was split all the way down the middle of my head. i'm blind in my left eye. it's difficult. i'm fine when i take a rest around good people, goodness people, eat ice cream.

doesn't it make you smile to do something you enjoy?

ois it enjoyable to sit in court learning about people taking advantage of the disabled. then i learn

about the disability act.

It's like Jeez, am i a part of it . . ?

Mary: you are an American with Disabilities, it does apply to you, i need to take a break

Faithfully,

Benjamin Harvey Pickering, Disability Rights Activist

transcribed by Mary Eng, Civil Rights and Disability Rights activist

apologies for all transcription or spelling errors!