



Sightseeing Oregon's Security Construct:

The fish stinks first at the head

'Convicted child killer Downs denied parole'

This heading and its article was published in The Oregonian newspaper 10th Dec, 2008.

http://www.nwcn.com/statenews/oregon/stories/NW_120908ORN_diane_downs_SW.4710762f.html <

I prefer to call it '**injustice continued**' however. I have been a supporter and correspondent of Diane Downs for some 15 years. I have also published her case on a website.

Before revealing some significant details about the case I would just like to show the following text by who is 'an independent researcher in Eugene, Oregon and who specializes in malfeasance on the part of the Lane County District Attorney's office'. The following is her letter to the Board of Parole which is also my initial views that appear on my website.

December 8, 2008

Deborah Frisch, Ph.D. to Oregon Board of Parole and Post-Prison Supervision

Re: Support of Parole of Elizabeth Diane Downs, SID 6546106 (see also PS)

The only non-circumstantial evidence in support of the allegation that Ms. Downs shot her children was the testimony of Christie Downs, who was coached for almost a year by former Lane County Deputy District Attorney Fred Hugli. [Note: It is not clear why Mr. Hugli continued to prosecute Ms. Downs on behalf of Lane County District Attorney Harclerod after he decided he wanted to adopt Christie and Danny Downs. The unbelievable conflict of interest that existed when former Lane County Deputy District Attorney Hugli prosecuted the mother of the children he wanted to adopt is beyond the scope of this letter.]

The unreliability of children's testimony has been documented by cognitive psychologists such as Elizabeth Loftus of the University of Washington, Stephen Ceci of Cornell and others. [aaarrggghhh! I should have added "and denied by cognitive pseudoscientists like Jennifer J. Freyd of the University of Oregon."] The harm done to families by unscrupulous district attorneys who bully children into falsely testifying against their parents has recently been documented in a documentary called "Witch Hunt" by Sean Penn about Kern County (CA) District Attorney Ed Jagels. There is no way that a jury would convict Ms. Downs today, based on the clearly coached (by a man who wanted to adopt her) testimony of Christie Downs. <http://www.bakersfield.com/142/story/593106.html>

Most of you may remember the Letter to My Friends III of September 09 and recall (if not, it is published on the website <http://www.manipulatedtrial.de/index.htm>) what I said concerning America's criminal justice system - ...

Please take the liberty to peruse the following that both myself and Deborah Frisch PhD offer.

I invite you, your group fellows, and all who may be concerned to

Sightseeing Oregon's Security Construct

(1)

“The unbelievable conflict of interest” and former Lane County Deputy District Attorney Hugi’s adoption of his 8 year old eye witness probably produced “falsely testimony against her mother”.

Accuser and Prosecutor Fred Hugi didn't work on his own: His minor star witness Christie Downs was denied or had severely curtailed all visits by her relatives 'for almost one year' before trial under the direction of Juvenile Court Judge, Gregory Foote.

Judge Foote was later 'promoted' to the Criminal Court where he was to preside at the trial of the mother of the above minor, Diane Downs.

We have therefore got by now two state representatives embedded into 'unbelievable conflict of interest': Accuser AND a double role playing Judge. Civilized democracies Judicial rules advise, without exception I guess for good reason, that a judge should not preside 'twice' in one case. I believe Judge Foote could not possibly have been elevated from his role as juvenile court judge to criminal court judge without preformed opinion. Still, Gregory Foote hurried from juvenile court to criminal court. He was biased!

Next: Who promoted young juvenile Judge Gregory Foote to become Senior Judge at Criminal court? In essence this meant that the same judge presided over two 'judgments' of the same individual at two different levels of judiciary! Who initiated Promoter Judge to do so? So who orchestrated such a move? One unknown in the background!

(2)

“The reason Federal Magistrate Coffin was allegedly investigating former Lane County District Attorney Pat Horton for theft of drugs from the evidence room at around the same time Ms. Downs, a postal worker at the Lane County Courthouse allegedly saw then - LCDA Horton (using cocaine?) at a party at the house of Lionel Johnson.”

Pat Horton handed the prosecution of Diane Downs to Fred Hugi who eventually, in an unprecedented move, adopted Diane Downs daughter Christie by pure love (!) the only and a well prepared minor eye witness at Lane County Court trial over which double role player and Designer-Judge Gregory Foote presided.

Lionel Johnson who hosted the party where Diane Downs allegedly saw then-LCDA Pat Horton snortin' coke the Dr. Lionel Johnson who received his Ph.D. from the U of O in 1975?
 “ <http://www.georgefox.edu/soe/edfl/faculty/johnson.html>”

THE WAR-HORSE RETREATS

Due to the fallout from the corruption trial, Pat Horton pulls back from the front line.

FOR HIS PART, Pat Horton isn't talking. Gone are the days of weekly news conferences and affable relations with the press.

That's quite a switch for the three-term, forty-one-year-old Lane County district attorney. Horton has amassed as formidable—and as questionable—a reputation as any district attorney in Oregon. Once a brash, outspoken advocate of everything from liberalized marijuana laws to the toughest legislation in the country for possession and sale of harder drugs, he has increasingly slipped from view at a rate roughly corresponding to the rise in public awareness of the Stan Meyers police corruption case.

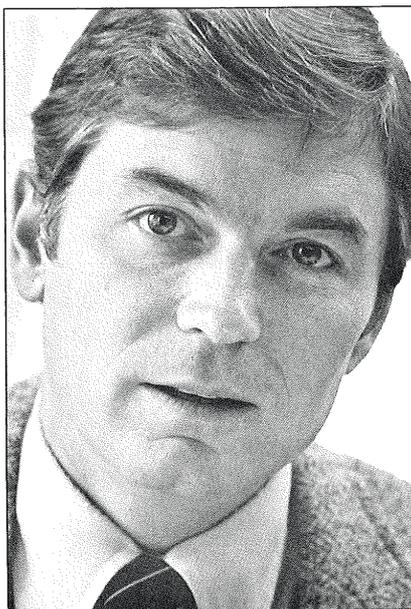
Lane County Commissioner Jerry Rust, a long-time political adversary of Horton's, says the DA still harbors old fears that federal investigators are "out to get him." As for Horton's uncharacteristic submergence of late, Rust says, "He's been shell-shocked. . . . He knows the old days of high-rolling office are over, and he's just back to the basics like everybody else."

How much will the court charges of police corruption and over-zealousness affect Horton? Will he be able to survive the scandals and remain a major political force in Lane County? Horton has already said he won't seek re-election to a fourth term next year. Recently, he has privately stated his intention to resign around the first of the year. Such a move would shock Oregon politicians, who do not expect Horton to walk quietly away from the limelight.

So far, J. Pat Horton has managed to weather his career as DA with at least most of his public popularity intact. Elected in 1972 by a slim margin over an appointed incumbent, he was re-elected twice by nearly two-to-one counts. During his tenure, however, Horton has chalked up enough controversy to have netted most other politicians a quick exit through recall.

In his first bid for office, for instance, he accepted a \$500 contribution from locally based MGM Enterprises, the principal owners of the Gentlemen's Retreat, a "body shop" located just outside the Eugene city limits. Jerry

Uhrhammer, a former investigative reporter for the Eugene *Register-Guard*, recalls that Horton eventually led in person the raid that finally closed down the establishment. The raid, however, only occurred after Horton learned that Uhrhammer was preparing a story on the campaign contribution and the fact that a civil proceeding, known as the Red Light Abatement Act, had never been invoked to shut down a business so obviously involved in prostitution.



Horton raised more eyebrows during his first term by traveling the country, often at the behest of NORML—the National Organization for the Reform of Marijuana Laws—advocating to civic groups, state legislators and even the Canadian Parliament that pot laws should be liberalized along the lines of Oregon's 1973 marijuana decriminalization bill. A group of local attorneys questioned more than his judgment in making the speeches. They filed charges with the Oregon Government Ethics Commission claiming Horton had repeatedly double- and triple-charged organizations for expenses.

That is, he requested full reimbursement from each group he addressed, even though he used a single tour to deliver the same speech in several cities. Horton admitted to the practice, but the ethics commission, while not endorsing it, eventually ruled he had violated no law.

His current critics are tempted to assign much of the blame for alleged excesses and possible abuses in Lane County law enforcement to Horton and what they term his "overbearing, sometimes offensive" personality. But the more objective among them readily concede that he has assembled a highly competent, "straight-arrow" staff of deputy prosecutors. They admit the staff has a credible record of convictions and a history of handling tough, politically explosive cases with the adeptness and determination of a top-notch, tough-minded district attorney.

"You can't be a wimp and still be a good DA," says former Eugene Police Chief Pierce Brooks, a rare example of a Lane County law enforcement head who never feuded with Horton. "Someone has to be the boss, and Pat's style of aggressiveness has gotten a lot of things done around here."

Yet the question remains whether Pat Horton has outlived his usefulness. "Pat sees himself as a law-enforcement zealot," says one Oregon district attorney. "He's the good guy and everyone else is bad, with no gray area in between. As a result, there is a war-zone atmosphere in Lane County between defense attorneys and the prosecution."

It's a good bet that Horton's influence in Lane County is not finished. Various descriptions as a "bully," "untrustworthy," "a damn good district attorney" and "an enigma no one will ever figure out," Horton is bound to be around awhile. Still young and as fit as ever for public life, he concedes only that his immediate plans don't include a run for higher office. Stan Meyers's upcoming drug trial stares him in the face and, according to some, leaves him on the run. Horton, however, tersely sums up his own response to the looming drug investigations in his backyard, noting, "I'm not gone yet." —D.T.

"Is the "Somehow a 'Shaggy haired man who kills children' just doesn't sell as well at the voting money poll as 'Mother convicted of killing children.' One means we aren't safe - that shaggy haired stranger could still be at large and no one's safe i.e. we're NOT doing our job in Lane County - which is the actual truth in Meth infested Springfield - remember Meth - the 'designer' drug that was just beginning to be manufactured at that time by every Tom Dick and Harry and their wives, mothers and girlfriends - while small children watched in awe as the steam from this fools gold brew rose and filled the shanty cabin with wonder filled hopes of grandeur and the stanching smell of insane bliss penetrated every crevice of their little brains? —"

Another voice: "I do not believe for even one second that Ms Downs shot her own kids, I do believe that she knew too much and saw the former district attorney Pat Horton and his crew of narcs/Meth cooks at a place she was told not to go. They used Jim Haynes to do all their dirty work and to scare and control people."

Ah, you haven't heard from Jeremiah Haynes by wonderful investigating Ore journalists and responsible authorities keeping secure the state people? Our group received the following statement recently: "I'm the son of James Haynes..... My grandmother, Frances Wirta, my mother, Phyllis Haynes. I also know a lot of the other people that were mentioned on the website, as they used to babysit me when I was little. Dan Newby, Janet Rexroad, Sandy Capps, and Clayton Nysten. Everyone in my immediate family says that they have direct knowledge of the murder, as they've told me that my dad has confessed to the crime many times during the past 25 years. I also heard from my grandmother that my dad called her up the day the paper came out a few days ago, and told her that his picture was on the front page, and that he was skipping town. He was living in Springfield, at 468 N17 Avenue, but, as I was told, he has skipped town."

>> HOWEVER THIS IS STILL A VERY DANGEROUS SITUATION AND WE MUST USE CAUTION...I BELIEVE THIS SUBJECT COULD STILL GET PEOPLE KILLED IF WE ARE NOT CAREFULL!! JIM HAYNES IS STILL OUT THERE AND CAN STRIKE AT WILL WITHOUT ANY PROBLEMS!! << (Date: Sun, 24 Aug 2008)

"So why do you want to publish this kids statement knowing that it may get him killed??" I was asked!!

"A man alleging to be Wesley Frederickson, Ms. Downs' father has a website where he has posted pdf files of a dozen affidavits, many of which were allegedly obtained by former Assistant Federal Public Defender Wendy R. Willis and investigators James Teesdale and Toni Pisani regarding CV 96-900 HA (Haggerty, Ancer). I paid \$45 at the Federal building to retrieve the file from archives and while I haven't seen the originals yet, it's a very good bet that the documents are real." (And they are in my possession).

"In addition to reporting confessions by James Clair Haynes, the affidavits contain a lead about the type and location of the weapon used in the May 19, 1983 shooting. In an affidavit signed by Clayton Nysten to Wendy Willis and notarized by Nancy J. Greenstreet on February 24, 1998, it says "Later that summer Haynes gave me a Ruger .22 caliber semi-automatic. I never really thought much about it at the time, and I cannot say whether that was the weapon used to commit the crime. Later on Haynes wanted the Ruger back and swapped it for a much more expensive Smith and Wesson handgun. He never told me why he wanted the Ruger back." <http://www.dianedowns.com/Clayton%20Nysten.2.pdf>

"In an affidavit signed by Cecilia Nysten to Wendy Willis and notarized by Jimmy D. Smith on March 4, 1998 it says "I was also present when Jim Haynes and Clayton Nysten discussed disposing of the weapon used in the Downs crime. I know Clayton had disposed of guns for people before on a property he owns in Junction City." <http://www.dianedowns.com/Cecilia%20Nysten.pdf>

"It was west of Junction City. You go out West on First Avenue and cross Territorial Road and go about 3 miles until the road starts to bend to the left and go upward. If you go that far you have gone too far. If you go up that hill you will see a pond off to your right. To enter the property you need to make a right turn at the bottom of the hill and then make left turn.

Clayton's mother used to live there in the first house. Go to the second house and you should see the pond they were buried in."

"The conviction of Diane Downs was a win-win for the Legal Media Inc of Lane County and everyone knew it. "See how bright and smart and on the money we are" was the Legal Media Inc cry," See how we quickly brought a horrible monstermother to justice - give us MORE MONEY so we can continue our excellent work keeping us all safe from mothers who kill their children and bringing about justice for all in our quaint little burg." AND Buy the BOOK while on the tour of this horrible crime of the century."

I'm not bothering you with more voices and facts. Take this as a clear indication: The real murderer should not be brought to court and: "Ahh Springfield - the charming Mohawk valley - the Little "rural Appalachia". The prosaic picturesque foothills of hillbilly Oregon" keeps everything under the rug.

(3)

"Are you asking me if I'm a killer?" she said. "Did I shoot my children? Absolutely not."

Lane County District Attorney F. Douglass Harclerod opposed her release in a letter to the board.

"Downs continues to fail to demonstrate any honest insight into her criminal behavior," Harclerod wrote.

"She continues to blame others for the commission of her crimes, and blames her attorney, the police officers, the prosecutor and others for her convictions. Even after her convictions, she continues to fabricate new versions of events under which the crimes occurred."

"Oregon Board of Parole Mission: To work in partnership with the Department of Corrections and local supervisory authorities to protect the publicand so on and so on."

Dr. Williams' psychological evaluation was not presented by kgw.com Staff and Associated Press December 10, 2008. They offered only Diane Downs response. Williams confirmed "level of dangerousness was below average"... "She also has skills that will allow her to function appropriately in society."... Ms Downs does not have an Axis I Mental Disorder."

In: Appeal from the United States District Court for the District of Oregon, Malcolm F. Marsh, District Judge, Presiding, Argued and Submitted July 10, 2007, Portland, Oregon. Page 4: "Notably, Downs has not accepted responsibility for her crimes of conviction, and maintains to this day that the state authorities framed her."

Were you innocent of such a crime, would you plea guilty?

The lawyer crew (Harclerod, Foote, Malcolm Marsh etc. and of course the wonderful Board of Parole members) blackmail Diane Downs to accept guilt, the only way keeping the dark chapter (really only a chapter?) off from further investigation and accusing the real murderer. Board of Parole members appointed by Oregon's Governor (Attorney General that time) – assist and forget about her Mission too: protect the public. Prison torture used to press a guilty plea! They will not get it.

The attorney crew! You might be interested to learn that Gregory Foote accepted defender Jim Jagger and denied Diane her choice to switch to the more robust and experienced

defender Marvin Belli. No doubt prosecutor Hugi was just as relieved. Interesting also that Mr. Jagger was once married to a Lane County Judge Laurie Holland who specialized in 'family court judgements' ! "How this played a part in the juvenile court is any body's guess."

"My focus is not just the original band of law-breaking lawyers (Fred Hugi, Pat Horton, Greg Foote, Jim Jagger). It's also the lawyers in the Oregon Department of Justice (Lynn Larsen, Youlee You, Governor Kulongoski) and United States District Court (Magistrate Thomas Coffin, Chief Judge Ancer Haggerty) who read the affidavits in cv 96-900 HA and chose to DO NOTHING FOR 10 YEARS. I don't think the governor of Oregon and the chief judge of the federal court of Oregon are going to hire a hit on me for alerting dozens of people to information that is on the internet and in files at the federal courthouse."

Who performs a risk to the public?

Above mentioned Oregon state authorities: By sure, and without any doubt! And they have lost their reputation (not only due to institutional blackmailing).

Diane Downs: No, by sure not! And I am convinced – under existing circumstances - she did not commit the crime.

Excursion's circle is closed. Who wants to throw the first stone on Diane Downs? Not !! Unfair procedure at court release distrust, contaminate community living together. A valuable and necessary social organ, the Justice System like Oregon's is damaging a whole society, and is unacceptable by progressive and healthy democracies. "Goal is to restore confidence in law enforcement actions."(Obama Team Faces Major Task in Justice Department Overhaul, by Carrie Johnson, The Washington Post)

<http://www.washingtonpost.com/wpdyn/content/article/2008/11/12/AR2008111202679.html?hpid=topnews>

Franz Kurz

www.manipulatedtrial.de

Advent Third 2008

NB: Incredible for Old Europeans: The release of internal documents by Oregon State's officials! Dignity of Man: our Constitution § 1, private and personal data included.

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Addendum January 2010.

>> In the sentence reduction hearing in Eugene, the judge said Millis committed "acts of terrorism." Although the crimes happened in Marion County, the case played out in Lane County to make sure Christopher Millis got a fair trial. In the end, the judge didn't think it was fair for such a criminal to be back on the streets earlier than expected. <<

<http://www.kmtr.com/news/local/story/Early-prison-releaseddenied/NTm63ORgBk6m7N0LGsPGHQ.csp>

Lane County seems to be a special place for assumed "fair trials". A place of least dubious tradition! When Marc Mullins, author of above 1/15/2010 article 'Early prison release denied' didn't response when asked:

I read your article on the 'early release' incentive regarding the new Oregon law, (ref: Christopher Millis). As a crime reporter, can I suggest to you an Oregon inmate who should never have even been prosecuted, let alone incarcerated. This particular inmate was also found guilty by a Lane County court in which a great deal of the evidence produced was fabricated. If you can spare the time and endeavor I suggest you check out the investigation

and prosecution of Elizabeth Diane Downs. Particularly 'Pat Horton' et al, who was the Lane County D.A. at the time. I promise you a can of worms will open up.

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PS 2010/5/25: "Deborah Frisch Ph.D. is in the middle of a very large law suit at the present."

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Another necessary addendum November 2011

Oregon's process for picking judges under scrutiny

By Peter Wong , Nov. 20, 2011

<http://www.statesmanjournal.com/article/20111120/COLUMN0108/111200339/Oregon-s-process-picking-judges-under-scrutiny>

Of the 100 justices who have sat on the Oregon Supreme Court since statehood 152 years ago, 36 have been elected directly by the voters — and the rest appointed by the governor when a vacancy occurred before the end of a six-year term.

In the past 50 years, just 10 of the 27 justices were elected directly when a term ended.

But next year, when voters fill the seats of Chief Justice Paul De Muniz and Justice Robert Durham — neither are seeking new terms — the court will have a majority of four justices who were elected directly. The others are Virginia Linder, elected in 2006 and seeking re-election next year, and Jack Landau, elected in 2010.

That hasn't happened since 1913 — nearly a century — when the court's membership was increased from five to the current seven. . . .

Of **Clemency Coordinator** no release can be found by the government about F. A. Lushenko who hold this position **within Governor's office**.

Let's count Governor's Satraps*) together.

- Following above report '*Oregon's process for picking judges under scrutiny*'

Separation of Powers has been successively reduced when appointing Judges. On all levels as can be seen from transfer of Juvenile Judge Gregory Foote to Criminal Court in order to take over Diane Downs' case a second time.

"The unbelievable conflict of interest", see above (1) and the resulting question: "So who orchestrated such a move?" finds his answer.

- Board of Parole Members are appointed by the Governor for limited time. They become boss-eyed within short.

- Obviously Act of Mercy belongs as well to highest politician position, well integrated.

Justice System is forming a whole unit with the Government for wrongdoing protection.

States with such concentration of power are usually not part of Democracies, I would assume. Possibly Oregon will recognize this as deficits when reading above article. If then for example drug related problems appear within the juridical system, as described in '09 Letter to the Governor (published http://www.manipulatedtrial.de/DD_I_start.htm), center of power should be questioned.

Former Governor has been Oregon's attorney general during at least one of the half dozen habeas corpus petitions/other civil suits filed by Diane in the United States District Court of Oregon. We understand by now why nothing was done concerning DA Pat Horton.

From '09 letter to the Governor:

LCDA Pat Horton, Fred Hugi's boss, known in the [drug] scene as "Snortin' Horton" had an obvious interest in eliminating Diane Downs and had found out about it: "James Claire Haynes was paid \$25,000 by then LCDA Horton to shoot the Downs family." This was an event that originated in the drug scene and ended in criminal behavior on the part of state jurists.

Reader may recall from the top:

It is not clear why Mr. Hugi continued to prosecute Ms. Downs on behalf of Lane County District Attorney Harclerod after he decided he wanted to adopt Christie and Danny Downs. The unbelievable conflict of interest that existed when former Lane County Deputy District Attorney Hugi prosecuted the mother of the children he wanted to adopt.

And on site http://www.manipulatedtrial.de/DD_1_page_7.htm you will find:

Jim Haynes, a Free Soul Affiliate - the Free Souls are motorcycle gang of criminals who were in league with the Lane County Oregon District Attorney Pat Horton - the Federal Prosecutor was trying to put them in prison.

No one will be surprised when withholding evidence from the defense remains meaningless up to date in the state of Oregon/USA.

Further no one must be surprised when Malcolm F. Marsh, District Judge, Argued and Submitted July 10, 2007, Portland, Oregon on Page 4 the following extortion:

"Notably, Downs has not accepted responsibility for her crimes of conviction, and maintains to this day that the state authorities framed her."

And 'Convicted child killer Downs' Oregon's Board of Parole denied parole up to date.

Advent 2011

Another addendum:

Report to the Governor by Oregon Commission on Public Safety **), December, 2012
 "Oregon's imprisonment rate has grown at over three times the rate of the national average in the last decade. During that same period, prison admissions have grown to include increasing percentages of nonviolent offenders."

<http://www.oregon.gov/CJC/Documents/CPS%202012/FinalCommissionReport12.17.12.pdf>

See similar reports about Incarceration Rates Growth Causes:

http://www.prisonpolicy.org/research/incarceration_rates_growth_causes

Sentencing Policy: http://www.prisonpolicy.org/research/sentencing_policy

The Prison Policy Initiative research clearinghouse at

<http://www.prisonpolicy.org/research.html>

new reports.



*)

Satraps today (Wiki)

It is also used in modern times to refer (usually derogatorily) to the loyal subservient lieutenants or clients of some powerful figure (with equal imprecision also styled *mogul*, *tycoon*, or the like), in politics or business

**)

Separation of powers under the United States Constitution is missed in Oregon.

This philosophy heavily influenced the writing of the United States Constitution, according to which the Legislative, Executive, and Judicial branches of the United States government are kept distinct in order to prevent abuse of power. This United States form of separation of powers is associated with a system of checks and balances.

(http://en.wikipedia.org/wiki/Separation_of_powers_under_the_United_States_Constitution)

Dictionary.com

1. a governor of a province under the ancient Persian monarchy.
2. a subordinate ruler, often a despotic one.