Military Resistance 8H2

"False Positives Equal False Justice"

How Many Service Members' Lives Destroyed By This Bogus Marijuana Test?

Nobody Knows .....

July 28, 2010 By John Kelly, AlterNet [Excerpts]

This article was reported in collaboration with The Investigative Fund at The Nation Institute.

John Kelly is a court-certified expert witness on drug tests and author of 'False Positives Equal False Justice' and the forthcoming book, 'How to Obtain a Pretrial Dismissal of Marijuana Charges or an Acquittal.' He can be contacted at: kjohn39679@aol.com.

****

Raised in Montana and a resident of Alaska for 18 years, Robin Rae Brown, 48, always made time to explore in the wilderness.

On March 20, 2009, she parked her pickup truck outside Weston, Florida, and hiked off the beaten path along a remote canal and into the woods to bird watch and commune with nature. “I saw a bobcat and an osprey,” she recalls. “I stopped once in a nice spot beneath a tree, sat down and gave prayers of thanksgiving to God.”

For that purpose, Robin had packed a clay bowl and a “smudge stick,” a stalk-like bundle of sage, sweet grass, and lavender that she had bought at an airport gift shop in Albuquerque, New Mexico. Under the tree, she lit the end of the smudge stick and nestled it inside the bowl.

She waved the smoke up toward her heart and over her head and prayed. Spiritual people from many cultures, including Native Americans, consider smoke to be sacred, she told me, and believe that it can carry their prayers to the heavens.

As darkness approached, she returned to her pickup truck to find Broward County’s Deputy Sheriff Dominic Raimondi and Florida Fish and Wildlife’s Lieutenant David Bingham looking inside the cab. The two men asked what she was doing and when she said she had been bird watching, Bingham asked whether she had binoculars. As she opened her knapsack, Officer Raimondi spotted her incense and asked if he could see it.

He took the bowl and incense, asking whether it was marijuana. “No,” she recalls saying. “It’s my smudge, which is a blend of sage, sweet grass, and lavender.”

“Smells like marijuana to me,” said Raimondi, who admitted he had never heard of a smudge stick.

He then ordered Robin to stand by her truck, while he took the incense back to his car and conducted a common field test, known as a Duquenois-Levine, or D-L, test.

The result was positive for marijuana.

Robin protested, telling them the smudge was available for purchase online for about $7 and gave them the name of a Web site that sold it — information Officer Bingham used his laptop to verify. But the men still searched her truck. After an hour and a half they finally allowed Robin to go home and told her that if a lab test confirmed the field test results, a warrant would be issued for her arrest.

Exactly 90 days later, Robin was arrested at the spa in Weston, Florida where she has worked as a massage therapist for three years. She was handcuffed in front of clients and co-workers, and charged with felony possession of marijuana.

She was brought to a local police precinct in the town of Davie where she was booked and held for three hours.

Unable to post the $1,000 bail because she was not allowed to call her boyfriend Michael, she was transferred to the Women's Correctional Facility in Pompano Beach.

At no time was she read her rights.

Five hours after her arrest, she was finally allowed a brief phone call and left a message for Michael to post her bail.

At the jail, a female officer came in and told Robin to take off all her clothes. She had already been searched at the precinct station and had her shoes, socks and bra confiscated. "I'm on my period," she said. "I don't care," said the officer, who ordered her to pull her underwear down to her ankles, squat over the floor drain and cough. The following morning at 4:30 a.m. she was released onto the streets of Pompano Beach with no idea where she was.

The next day, Robin found a lab and submitted to voluntary hair and urine tests. These came back clean.

She had previously worked for 16 years as a transportation systems specialist with the Federal Aviation Administration, a job that required airport security clearances, so drug tests were nothing new to her. During those years, she was frequently required to pass random drug and alcohol tests.

She later learned that her incense had never been subjected to a confirmatory lab test.

She had been arrested and jailed solely on the basis of her positive D-L test results.

The Most Commonly Used Test For Marijuana "May Or May Not Yield A Valid Result" And May Produce "False Positive Results."

The Duquenois test was developed in the late 1930s by a French pharmacist, Pierre Duquénois, while he was working for the United Nations division of narcotics. In 1950, he completed a study for the UN which claimed that his test was "very specific" for marijuana; it was adopted by the UN and crime labs around the world as the preferred test for marijuana.

After undergoing several modifications, including the use of chloroform, the test became known as the Duquenois-Levine test, and became widely popular.

Though scientists would show in the 1960s and 1970s that the D-L test was nonspecific, meaning it rendered false positives, it remains today the most commonly used test for marijuana — used in many of the 800,000 marijuana arrests that take place each year.

The test is a simple chemical color reagent test, easy to perform but difficult to interpret. To administer the test, a police officer simply has to break a seal on a tiny micropipette of chemicals, and insert a particle of the suspected substance; if the chemicals turn purple, this indicates the possibility of marijuana.

But the color variations can be subtle, and readings can vary by examiner.

The field test kits are produced by a variety of manufacturers, the most popular brands being NIK and ODV.

Literature about the D-L from NIK's makers states that it is only a "screening" test that "may or may not yield a valid result" and may produce "false positive results."

Yet, since at least 1990, arresting officers, with the support of prosecutors, have regularly bypassed lab analysts and have purported to identify marijuana at hearings and trials only on the basis of visual inspection and the nonspecific D-L field test.

And the manufacturers have taken note.

In 1998, ODV reported in its newsletter with seeming satisfaction that a growing number of police departments were using its D-L field test, marketed as the NarcoPouch, as "their sole method of testing and identifying Marihuana [sic]… To have Officers properly trained in identifying Marijuana and taking the Crime Lab out of the loop is a tremendous cost saving venture for the State…and gives the individual Officers testing the material a greater sense of satisfaction in completing their own cases". NIK, too, argued that depending exclusively on D-L field tests saves time and money.

"Crime laboratories are so busy that drug tests take too long," NIK states on its website. "With the cooperation of the Prosecuting Attorney, many police agencies have turned to presumptive drug testing. If the results indicate that an illegal substance is present, criminal charges may be filed.

In June 2006, the Virginia legislature went so far as to pass "emergency regulations" permitting law-enforcement officers to testify at trial for simple possession of marijuana cases solely on the basis of a D-L field test. Prior to these regulations, officers had to send suspected material to an approved lab for testing.

Nothing in the new legislation specified that the field tests used had to be specific, or even accurate.

Frederic Whitehurst, a North Carolina-based defense attorney and former FBI special agent with a doctorate in chemistry, considers the law to be an unconstitutional usurpation of the authority of the courts to determine what test results can be admitted as valid evidence.

The trend toward police officers using the D-L as a confirmatory test has been encouraged by the National Institute of Justice, an agency of the Department of Justice which has funded programs to transform police officers into court experts, based on their use of these faulty field tests.

One such ongoing program for the Utah police claims to offer, in four days, "the necessary training" to positively identify marijuana, which would allow officers to serve as "expert witnesses in the courtroom setting." The program briefly covers the "botany, chemistry and analysis of marijuana preparations," after which police officers, including

street detectives and crime scene lab personnel, “will assume responsibility for all of their agency’s marijuana submissions.”

By the end of 2005, such submissions became the exclusive provenance of the Utah officers who had attended the training, and suspected marijuana samples were no longer accepted at the state lab for processing.

In 2009, the Georgia Bureau of Investigation trained more than 1,600 police officers in the use of the D-L test, resulting in a 98 percent reduction in the use of marijuana lab tests. This troubling program garnered the bureau a 2009 Vollmer Excellence in Forensic Science Award by the International Association of Chiefs of Police.

Test ‘Should Never Be Relied Upon’

Despite its widespread use, as early as the 1960s, the D-L test had been proven incapable of definitively identifying the presence of marijuana in a seized substance.

A 1968 article in the Chemistry and Pharmacy Bulletin of Japan reported that the D-L tests “lack in adequate specificity.” In 1969, M. J. de Faubert Maunder, a chemist in the Ministry of Technology, a UK government agency, documented the unreliability of the D-L test in an article in the Bulletin on Narcotics, noting that test results depended heavily on the subjective judgment of the analyst — and thus could easily vary dramatically from lab to lab.

“(A) positive test is not recorded until this colour has been identified,” he wrote, “and because it is almost impossible to describe in absolute terms it is best recognised by experience.”

Moreover, he reported finding twenty-five plant substances that would produce a D-L test result barely distinguishable from that of Cannabis and cautioned that the D-L test “should never be relied upon as the only positive evidence.”

Several articles in the Journal of Forensic Sciences further disproved any claims that the test could specifically identify marijuana.

A 1969 study in the journal reported false positive results from “a variety of vegetable extracts.”

A 1972 study found that the D-L test would test positive for many commonly occurring plant substances known as resorcinols, which are found in over-the-counter medicines.

For instance, Sucrets lozenges tested positive for marijuana.

This study concluded that the D-L test is useful only as a “screen” test and was not sufficiently selective to be relied upon for “identification.”

Still another study, in 1974, showed that 12 of 40 plant oils and extracts studied gave positive D-L test results.

In 1975, Dr. Marc Kurzman at the University of Minnesota, in collaboration with fourteen other scientists, published a study in The Journal of Criminal Defense that concluded: "The microscopic and chemical screening tests presently used in marijuana analysis are not specific even in combination for 'marijuana' defined in any way." In the 35 years since that study was published, no one has ever refuted this finding.

Indeed, recent research has confirmed Kurzman's findings.

In 2008, Whitehurst, the chemist and former FBI agent, substantiated Kurzman's findings in an article in the Texas Tech Law Review. That same year, Dr. Omar Bagasra, director of the South Carolina Center for Biotechnology, conducted experiments in his lab also demonstrating that the D-L test is nonspecific and renders false positives. Bagasra, too, has impeccable credentials — he's a leading pathologist and a board-certified forensic examiner.

A number of high courts have been persuaded by this evidence, and have found that the D-L test does not prove the presence of marijuana in a seized substance. In 1973, the Supreme Court of Wisconsin ruled that the D-L test "standing alone is not sufficient to meet the burden of proving the identity of the substance beyond a reasonable doubt." The court specifically noted that the D-L field tests used in this marijuana possession case "are not exclusive or specific for marijuana."

Similarly, in 1979, a trial judge in North Carolina blocked the marijuana conviction of Richard Tate, which was to be based on positive D-L test results.

In this case, too, the trial judge found that the D-L test was "not specific for marijuana" and had "no scientific acceptance as a reliable and accurate means of identifying the controlled substance marijuana."

On that basis, the judge allowed the defendant to suppress the use of the test results as evidence. This finding was upheld by the North Carolina Supreme Court, which found that D-L test "was not scientifically acceptable because it was not specific for marijuana" and thus "the test results were properly suppressed."

Also in 1979, the U.S. Supreme Court in Jackson v. Virginia ruled that the results of **nonspecific tests could not be the basis for prosecution or conviction.**

In other words, if the only evidence is a positive D-L test, then the case must be dismissed.

As noted, even the test's manufacturers do not claim that their product can definitively identify marijuana. The literature accompanying NIK's NarcoPouch 908 cautions, "The results of a single test may or may not yield a valid result… There is no existing chemical reagent system, adaptable to field use, that will completely eliminate the occurrence of an occasional invalid test results (sic). A complete forensic laboratory would be required to qualitatively identify an unknown suspect substance."

Shoddy Science

Shoddy science, though, has muddied the waters.

Several studies claim, falsely, to have validated the specificity of the D-L test. For instance, a seemingly authoritative 2000 study funded by the National Institute of Standards and Technology (NIST) purported to have validated the capacity of the D-L test to specifically and definitively identify marijuana.

The title of the article, published in Forensic Science International, "Validation of Twelve Chemical Spot Tests for the Detection of Drugs of Abuse," misstated the researchers' actual findings. In fact, the study's authors found that the twelve tests it analyzed, including the D-L, were nonspecific. "The tests," they wrote, "are not always specific for a single drug or class."

Speaking of the D-L test, they wrote that "mace, nutmeg and tea reacted with the modified Duquenois-Levine," meaning that they produced false positives. They also noted, echoing Maunder's 1969 article, that the D-L test is subjective: "The actual color…may vary depending on many factors (including) the color discrimination of the analyst."

The best-known D-L "validation" study, and thus the most damaging to defendants, was published in 1972 by John Thornton and George Nakamura in Journal of Forensic Science Society.

It instantly made the D-L test the gold standard across the country for marijuana identification. But just like the NIST study, this report is internally contradictory and scientifically flawed.

On the opening page of this article, the authors state that the D-L test is a "confirmation" test for marijuana. Such a test must be capable of proving the presence of the drug beyond a reasonable doubt, specifically identifying the drug to the exclusion of all other possible substances and producing neither false positives nor false negatives.

However, the researchers' own findings contradict their conclusion and show instead that the D-L test merely screens for marijuana.

The authors themselves reported that the D-L test gave false positives and was not a confirmatory test even when cystolithic hairs — visible on the leaves of marijuana and other plants — are found on the suspected substance.

They claimed that "the Duquenois-Levine test is found to be useful in the confirmation of marijuana" when cystolithic hairs are observed "since none of the 82 species possessing hairs similar to those found on marijuana yield a positive test."

The problem is, as the authors noted, there are hundreds of plants with cystolithic hairs that they did not test, making their sample of eighty-two species woefully inadequate.

In effect, they admitted that the botanical exam itself was nonspecific. Combining two nonspecific tests does not make a specific, confirmatory test, as the D-L and the botanical exam both could easily render false positives.

Without having proved specificity, the authors nevertheless claimed it: "The specificity of the Duquenois reaction has been established, empirically at least, over the past three

decades. No plant material other than marijuana has been found to give an identical reaction." They also noted its widespread use as if it were proof of its efficacy, mentioning that the D-L test was adopted as a preferential test by the League of Nations Sub-Committee of Cannabis and that a version of the test was proposed by the United Nations Committee on Narcotics as a specific test for marijuana.

(The UN subsequently found that only gas chromatography/mass spectrometry analysis could affirmatively identify marijuana.)

Inexplicably, this Thornton-Nakamura study is cited by the Drug Enforcement Administration and labs around the country as justifying the use of the D-L test alone or in combination with the microscopic visual exam for proving the presence of marijuana in a seized substance. Even some courts have erroneously ruled that the D-L test is specific and confirmatory.

The most egregious example occurred in 2006. U.S. District Judge William Alsup found the D-L test to be a specific identification test and declared, grandiosely: "Despite the many hundreds of thousands of drug convictions in the criminal justice system in America, there has not been a single documented false-positive identification of marijuana or cocaine when the methods used by the SFPD (San Francisco Police Department) Crime Lab are applied by trained, competent analysts."

In fact, according to an affidavit in that case from a senior criminologist at the SFPD, its lab had, for forty years, used the D-L test in combination with a botanical exam to identify marijuana — two nonspecific tests that can each produce false positives. (A spokeswoman says that current SFPD policy is to subsequently confirm these results with gas chromatography/mass spectrometry.)

In March 2009, a committee of the National Academy of Sciences, speaking of the D-L and other tests, called the analysis of controlled substances "a mature forensic science discipline"; "one of the areas with a strong scientific underpinning"; and an area in which "there exists an adequate understanding of the uncertainties and potential errors."

These incorrect assertions relied on assurances from government witnesses that "experienced forensic chemists and good forensic laboratories understand which tests (or combinations of tests) provide adequate reliability." The committee's main witness was Joseph Bono, the former director of a regional DEA lab, who had previously issued a sworn affidavit, referring to the D-L and other forensic tests, which asserted that "tests and instruments that are properly used by qualified forensic chemists are incapable of producing a false positive."

But experience and competence cannot make a test specific if it is not — nor can they make it immune from false positives.

In 2008, Senator Jim Webb, D-VA, said, in announcing a proposed bill, that "the criminal justice system as we understand it today is broken, unfair."

This unfairness is visible every day in the disparate and contradictory court decisions regarding the admissibility of D-L test results. Not only have courts contradicted one another on admissibility, but some courts have even chosen to admit the results of a D-L

test while ruling that it does not prove the presence of marijuana beyond a reasonable doubt.

This patchwork of admissibility means that a person in one state can be convicted of possessing marijuana on the sole basis of the D-L test while a resident of another state cannot.

In 1978, the Supreme Court of Illinois in The People of the State of Illinois v. Peppe Park illustrated this confused, unconstitutional state of affairs. In denying the admission of ipse dixit ("It's marijuana because I say it's marijuana") reports, the court found that "police officers may not be presumed to possess the requisite expertise to identify a narcotic substance…because it simply is far too likely that a nonexpert would err in his conclusion on this matter, and taint the entire fact-finding process." This court cited a study that found 241 incorrect identifications of marijuana by arresting police officers. Yet in the same decision, the court erroneously claimed that "to determine accurately that a particular substance contains cannabis, all that is necessary is microscopic examination combined with the Duquenois-Levine test."

Challenging the Test

Robin Rae Brown never even faced trial on marijuana possession charges.

After she was released from jail, she retained this author as a defense expert. When I first spoke with her attorney, Bill Ullman, he had never heard of the D-L test and said he normally plea-bargained cases like Robin's.

I urged him to challenge the test and provided him with several scientific studies cited in this article, relevant court decisions, including Jackson v. Virginia, and other information.

When Ullman made inquiries, he discovered that the sheriff's department had never performed a lab test to confirm his field test results.

Robin, he discovered, had been charged with a felony solely on the basis of the D-L test and Officer Raimondi's "opinion."

At Ullman's insistence, the sheriff's department finally performed a gas chromatography/mass spectrometry (GC/MS) analysis on Robin's smudge, which came out negative. State Attorney Berki Alvarez immediately dropped the charges against her, noting to Ullman, "the scariness that a person could be arrested under such conditions."

Even scarier was the lab's revelation that it does not conduct GC/MS analysis until just before a trial, as most marijuana possession defendants plea bargain before the trial.

If Robin had accepted a plea bargain, she would have been wrongfully convicted and saddled with a criminal record that could have damaged her future job prospects.

How many others before and since have accepted plea bargains based on false positives from a D-L test?

"I am just now willing to share this story," Robin wrote months after her arrest, "because it was embarrassing and I didn't want to worry my family and friends."

After some serious thought, she recently decided to file a lawsuit for wrongful arrest. "I would like to see them stop using the bogus field tests and to improve their procedures at the county crime lab," she says. "I would like the public to be aware of the faulty field tests."

In truth, everyone arrested on marijuana charges has a Constitutional right to a GC/MS analysis.

Otherwise, they are being denied both due process and a fair trial.

"It is not only unnecessary for the courts to continue to accept conclusory drug identifications based on nonspecific tests, it is also unwise for them to do so," wrote Edward Imwinkelried, a professor of law at the University of California at Davis whose work on scientific evidence has been cited by the Supreme Court.

"Conclusory drug identification testimony is antithetical and offensive to the scientific tradition, and courts should not allow ipse dixit to masquerade as scientific testimony… Even more importantly, sustaining such drug identifications places a judicial imprimatur on testimony that cannot justifiably be labeled scientific. The rejection of such identifications is necessitated not only by due process but also by the simple demands of intellectual honesty."

Sustaining evidence from nonspecific tests like the D-L, he concludes, "is both bad science and bad law."

DO YOU HAVE A FRIEND OR RELATIVE IN THE MILITARY?

Forward Military Resistance along, or send us the address if you wish and we'll send it regularly. Whether in Afghanistan, Iraq or stuck on a base in the USA, this is extra important for your service friend, too often cut off from access to encouraging news of growing resistance to the wars, inside the armed services and at home. Send email requests to address up top or write to: The Military Resistance, Box 126, 2576 Broadway, New York, N.Y. 10025-5657. Phone: 888.711.2550

AFGHANISTAN WAR REPORTS

Texas Sgt. Killed In Afghanistan

Sgt. Kyle B. Stout, 25, of Texarkana, Texas, was killed when an improvised explosive device detonated near a security checkpoint in southern Afghanistan. Stout was a cannon crewmember assigned to Headquarters and Headquarters Battery, 1st Battalion, 320th Field Artillery Regiment, 2nd Brigade Combat Team, 101st Airborne Division. He joined the Army in July 2006 and arrived at Fort Campbell in November 2006. He is survived by his parents, Billy M. and Robin C. Stout of Wake Village, Texas. (AP Photo/Fort Campbell Public Affairs Office)

Tennessee Soldier Killed In Kandahar

Spec. Michael L. Stansbery, Jr., 21, of Mt. Juliet, Tenn., died July 30, 2010, when his patrol encountered an improvised explosive device in Kandahar province. Stansbery is survived by his parents, Michael L. Stansbery, Sr., and Tammy Stansbery of Mt. Juliet, Tenn. (AP Photo/Fort Campbell Public Affairs Office)

Soldier And Royal Marine Killed In Helmand

2 Aug 10 Ministry of Defence

It is with sadness that the Ministry of Defence must announce that a soldier from the 1st Battalion Scots Guards and a Marine from 40 Commando Royal Marines were killed in separate incidents in Afghanistan yesterday, Sunday 1 August 2010.

The soldier, serving as part of Combined Force Lashkar Gah, was killed by small arms fire in the Lashkar Gah district of Helmand province.

The Marine, serving as part of Combined Force Sangin, was killed in an explosion while on a foot patrol in the Sangin district of Helmand province.

Ohioan Killed In Afghanistan

family photo

July 20, 2010 By Randy Ludlow, THE COLUMBUS DISPATCH

Even as he departed for his fourth deployment in Afghanistan, Sgt. Justin B. Allen never had “the talk” with his family.

The Army Ranger from Coal Grove, along the Ohio River, never wanted to pile worries on his family. He never was one to talk of what he had seen and what he had done.

Allen took care of his family as he took care of his soldiers, asking his sister to move in with their mother and ailing father before he again departed on May 1.

Now, parents Bonnie and Roger Allen are planning a funeral for their soldier-son.

The 23-year old from Lawrence County was shot and killed in Kandahar Province on Sunday during a firefight with insurgents.

Attracted by the physical challenge of becoming a Ranger, the football player and track star enlisted in the Army after graduating from Dawson-Bryant High School in 2005, said his sister, Jennifer Dickerson.

“He loved it. He just really enjoyed doing what he did,” Dickerson said this afternoon from the family’s home about 100 miles south of Columbus. “How kind he was. He loved God, he loved his church and he loved his family. He loved the men who served under him. He always made sure everybody was taken care of, both at home and over there.”

Dickerson, 45, who was married by the time Justin was born, always considered him more of a son than a little brother.

She and her family already were making plans for this fall, when Justin was to marry his fiance, Kimberly Schwartz, on Nov. 20 after returning home from Afghanistan.

Dickerson spoke of what she wanted people to recall about her brother. “I’d like them to remember that he defended their freedom and he gave his all - the ultimate sacrifice.”

Thirty-one Ohioans have died in support of Operation Enduring Freedom since 2002, with 17 dying in combat in Afghanistan and the remainder dying from non-combat causes such as illnesses and aircraft and vehicle crashes.

Fallen Soldier Was ‘Great Man’

Jul. 16, 2010 By GLENN E. RICE, The Kansas City Star

Army Staff Sgt. Shaun M. Mittler last visited family in the Kansas City area over Christmas.

Then it was back to his unit and on to Afghanistan. But he appeared concerned about his new assignment, his father said Friday.

“I could just tell by his demeanor that this time it was a little bit different with him,” Terry Mittler said.

Shaun Mittler was killed July 10 when his unit was attacked in Konar, Afghanistan, with rocket-propelled grenades and small-arms fire.

Mittler, 32, was assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division out of Fort Campbell, Ky.

“He grew into a great man; we are very proud of him,” his father said.

Mittler grew up in Gladstone and attended Oak Park High School. He enlisted in the Army in 1998 and also had served in the Kansas National Guard.

“He wanted to serve his country,” Terry Mittler said. “When the Sept. 11 terrorist attacks occurred, Shaun told me (that) had he not enlisted a couple of years ago, he would have done it then.”

Mittler previously served two tours in Iraq. He was posthumously promoted to staff sergeant and awarded the Purple Heart and Bronze Star, his father said.

Mittler loved sports, camping and the outdoors. He also enjoyed spending time with his family. He is survived by a daughter, Cristine Mae Mittler.

Terry Mittler said his son wanted to go back to school with the goal of advancing in the Army. He owned a house in Clarksville, Tenn.

“I am going to miss seeing his beautiful smile. He just lit up a room when he walked in. Everybody was his friend,” his father said.

Soldier Remembered: ‘He Felt It Was His Duty’

July 20, 2010 By GREG OLSON, Myjournalcourier.com

Wrapped in the treasured Army blanket his father gave him, 10-year-old Jayse Schaecher Weikert spoke proudly and lovingly of his dad.

“The soldiers who served with him respected him a lot,” he said. “There were even people with higher ranks who respected my dad.”

Sgt. Matthew W. Weikert, 29, of Jacksonville died July 17 in Paktika province in Afghanistan of wounds suffered when his patrol struck a land mine, according to the U.S. Department of Defense and officials at Fort Campbell, Ky.

“He loved all of his soldiers,” said Megan Schaecher, Jayse’s mother. “This job was such a passion for him. I know that he felt it was his duty to be over there so all of the children today would live in peace and never be called to war.”

Weikert served with the 1st Battalion, 187th Infantry Regiment, 3rd Brigade Combat Team of the 101st Airborne Division.

Before joining the Army, Weikert served three tours of duty in Iraq with the Marine Corps, according to Schaecher. He served a fourth tour in Iraq with the Army before going to Afghanistan.

Weikert’s son recalled the competitive, confident nature of his father.

He remembered a basketball game of P-I-G the two of them played last fall at his paternal grandparents’ house and how his dad made an amazing shot.

“It was like the best thing we ever did,” Jayse Schaecher Weikert said. “I don’t think a professional could have done it.”

Weikert's son said he and his father played all sports in the yard and video games, such as "Call of Duty: Modern Warfare II."

He also recalled swimming in Lake Michigan with his father and digging their feet in the sand.

"He was nice and I loved him," Weikert's young son said. "He was athletic and would always try and beat me. We challenged each other."

Jayse Schaecher Weikert last saw his father about Feb. 1, just before he left for Fort Campbell, Ky., and deployment to Afghanistan.

"He took me to McDonald's and then we played PlayStation 3," Weikert's son recalled. "I hugged him and said goodbye and he went to Fort Campbell."

Weikert's son said he will always remember the confidence his father had and the "I'm Awesome" tattoo emblazoned on his left arm.

"Matt was everything," Megan Schaecher said. "He was a great man, father, son, friend, brother, but most of all, a great soldier. I feel I'm so lucky to get a little reminder of how much he meant to me and everyone else, which is our son, Jayse.

"Our son loved his dad with everything, and Jayse is surrounded with great family and friends that will keep his daddy alive for him."

Weikert, a 2000 graduate of Jacksonville High School, is the son of Richard W. and Susan B. Weikert of Jacksonville.

"I loved Matt," Megan Schaecher said. "We all did. He was an American hero. It's too bad that we lost Matt so young. We are going to get through it and keep his memory alive and help other people adjust to tragedies. My heart goes out to my son and Matt's family."

As of Friday, at least 1,100 members of the U.S. military have died in Afghanistan, Pakistan and Uzbekistan. The U.S. invasion of Afghanistan began in late 2001.

Soldier Killed In Afghanistan Was Buchanan Grad

Jul. 20, 2010 By Eddie Jimenez, The Fresno Bee

A soldier from Clovis who was within a month of completing his Army service was killed in Afghanistan on Monday, his brother said Tuesday.

Staff Sgt. Brian Piercy, 27, was killed during a foot patrol north of Kandahar when an improvised explosive device detonated, said his brother, David Piercy.

The Clovis solider, a 2001 Buchanan High School graduate, would have completed his second tour of Afghanistan in about 30 days and was planning to move back to California from North Carolina with his wife, Christina, David Piercy said.

Piercy's family was notified of his death Monday night.

Piercy is the ninth Clovis resident and the seventh Buchanan High graduate to die in Iraq or Afghanistan.

"He believed in the values of the Army and in the mission of what he was doing in Afghanistan," David Piercy, 35, said of his brother.

Brian Piercy, who played drums in the Buchanan High marching band, loved to play piano and loved his Volkswagen Beetle, his brother said.

He attended Fresno Pacific University for two years before deciding to enlist in the Army about seven years ago.

Piercy and his wife, whom he met while attending Fresno Pacific, were married in December 2006, his brother said.

A month later he began his first tour of duty in Afghanistan. During that tour, he suffered only minor shrapnel injuries.

He lived with his wife just outside the North Carolina Army base where he was stationed.

"Brian was just an all-around great guy, friendly with everybody," David Piercy said.

REALLY BAD PLACE TO BE:
ALL HOME NOW

U.S. soldiers at Combat Outpost Jelwar in Kandahar, Afghanistan, July 18, 2010. (AP Photo/Rodrigo Abd)

U.S. soldiers with the 101st Airborne Division under attack at Combat Outpost Nolen in the Arghandab Valley north of Kandahar, July 19, 2010. REUTERS/Bob Strong

US soldiers aid a comrade overcome by heat during a service for a soldier who was killed on July 14 at Combat Outpost Nolen. The service was at nearby COP Terra Nova, Arghandab Valley, Kandahar, Afghanistan, July 20, 2010. (AP Photo/Rodrigo Abd)

US soldiers with the 101st Airborne Division patrol through grape fields near Combat Outpost Nolen in the Arghandab Valley north of Kandahar, July 20, 2010. REUTERS/Bob Strong

U.S. soldiers from the 101st Airborne Division patrol towards COP Nolen, Arghandab Valley, Kandahar, Afghanistan, July 20, 2010. (AP Photo/Rodrigo Abd)

A U.S. soldier from the 101st Airborne Division at COP Nolen, Arghandab Valley, Kandahar, Afghanistan, July 26, 2010. (AP Photo/Rodrigo Abd)

MILITARY NEWS

THIS IS HOW OBAMA BRINGS THE TROOPS HOME: BRING THEM ALL HOME NOW, ALIVE

The casket of Army Pfc. David T. Miller at Arlington Cemetery July 28, 2010. Miller of Wilton, N.Y., was killed June 21 in Afghanistan. (AP Photo/Susan Walsh)

POLITICIANS CAN'T BE COUNTED ON TO HALT THE BLOODSHED

THE TROOPS HAVE THE POWER TO STOP THE WARS

FORWARD OBSERVATIONS

"At a time like this, scorching irony, not convincing argument, is needed. Oh had I the ability, and could reach the nation's ear, I would, pour out a fiery stream of biting ridicule, blasting reproach, withering sarcasm, and stern rebuke.

"For it is not light that is needed, but fire; it is not the gentle shower, but thunder.

"We need the storm, the whirlwind, and the earthquake."

Frederick Douglass, 1852

Hope for change doesn't cut it when you're still losing buddies.
-- J.D. Englehart, Iraq Veterans Against The War

“No Child Left Behind”

Photograph by Mike Hastie

From: Mike Hastie
To: Military Resistance
Sent: August 01, 2010
Subject: “No Child Left Behind”

“No Child Left Behind”

No screw unturned for the
poor and working class.
Change you can believe in.
Right becomes left.
Up becomes down.
White becomes black.
Surging forward into the past.
No lies left behind.

Mike Hastie
Vietnam veteran
August 1, 2010

If we let people see that kind of thing,

**there would never again be any war.
- - Pentagon official explaining why
the U.S. military censored graphic
footage from the Gulf War.**

**Photograph by Mike Hastie
Boy dressed in military uniform while
he and other boys dressed like him,
were on a flatbed truck pointing plastic
guns at people along a parade route
on Veterans Day in Albany, Oregon.
November 1992.**

Photo and caption from the I-R-A-Q (I Remember Another Quagmire) portfolio of Mike Hastie, US Army Medic, Vietnam 1970-71. (For more of his outstanding work, contact at: (hastiemike@earthlink.net) T)

One day while I was in a bunker in Vietnam, a sniper round went over my head. The person who fired that weapon was not a terrorist, a rebel, an extremist, or a so-called insurgent. The Vietnamese individual who tried to kill me was a citizen of Vietnam, who did not want me in his country. This truth escapes millions.

**Mike Hastie
U.S. Army Medic
Vietnam 1970-71
December 13, 2004**

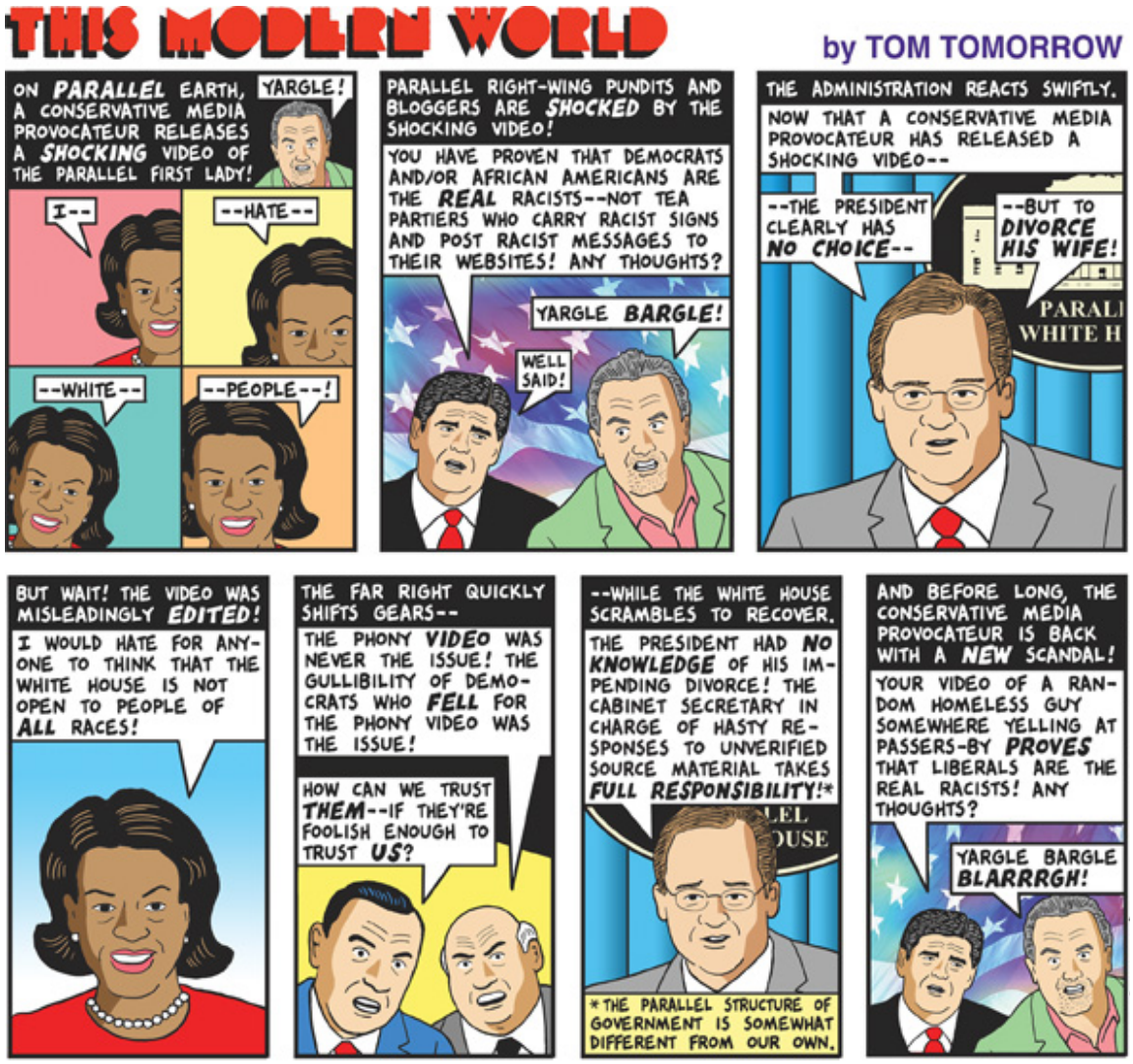
August 3, 1913: Horrible Anniversary
The Wheatland Massacre

Carl Bunin Peace History July 30-Aug 5

Four died in the Wheatland riots when police fired into a crowd of California Hop pickers trying to organize (with the help of the IWW, or Industrial Workers of the World) at the Durst Ranch in Wheatland, California.

Hundreds of workers — whites, Mexicans, and Filipinos — lay down their tools because of terrible working conditions, low wages, and an almost complete lack of sanitation and decent housing.

DANGER: POLITICIANS AT WORK



Welcome To The Occupied USA [Occupied By Idiots]

August 2010 Funny Times

Schools' conventional "zero tolerance" policies prohibiting guns or weapons on campus not only apply (as they have recently) to drawings of guns and to a two-inch-long toy charm in the shape of a gun, but, at an Ionia, Michigan, school, to making the familiar, thumb-up hand representation of a gun, for which Mason Jammer, six, was suspended.

NEED SOME TRUTH?
CHECK OUT TRAVELING SOLDIER

Traveling Soldier is the publication of the Military Resistance Organization.

Telling the truth - about the occupations or the criminals running the government in Washington - is the first reason for Traveling Soldier. But we want to do more than tell the truth; we want to report on the resistance to Imperial wars inside the armed forces.

Our goal is for Traveling Soldier to become the thread that ties working-class people inside the armed services together. We want this newsletter to be a weapon to help you organize resistance within the armed forces.

If you like what you've read, we hope that you'll join with us in building a network of active duty organizers. http://www.traveling-soldier.org/

And join with Iraq Veterans Against the War to end the occupations and bring all troops home now! (www.ivaw.org/)

Troops Invited:

Comments, arguments, articles, and letters from service men and women, and veterans, are especially welcome. Write to Box 126, 2576 Broadway, New York, N.Y. 10025-5657 or send email to contact@militaryproject.org: Name, I.D., withheld unless you request publication. Same address to unsubscribe.

CLASS WAR REPORTS

Capitalists At Work:

The Super-Rich Grabbing It All For Themselves:

0.14% Of The Earth's People "Owned A Total Of $39 Trillion In 'Investible Assets'"

"To See What This Means: In 2009, The U.S. GDP (Total Output Of Goods And Services) Was $14.6 Trillion"

During 2009, As Tens Of Millions Lost Their Jobs "Their Combined Wealth Rose By 18.9%"

29.07.10 by Rick Wolff, MRZine [Excerpts]

Every year, two major companies catering to rich investors co-author a survey of their clients.

Capgemini and Merrill Lynch Wealth Management's World Wealth Report covers the two groups that interest them: High Net Worth Individuals (HNWIs) and Ultra-High Net Worth Individuals (Ultra-HNWIs).

The first group counts all individuals with at least $1 million of "investible assets" in addition to the values of their primary residence, art works, collectibles, etc. The second group includes individuals with at least $30 million of such investible assets.

Their latest Report, covering the year 2009, finds 10 million HNWIs in the world that year: 3.1 million in North America, while Europe and Asia-Pacific each had 3.0 million. The rest of the world had a mere 0.9 million of the rich and richer.

The 10 million HNWIs -- in a global population of 6.8 billion in 2009 -- amounted to 0.14 per cent of the earth's people. Together, they owned a total of $39 trillion in "investible assets."

To see what this means: in 2009, the US GDP (total output of goods and services) was $14.6 trillion.

The combined GDPs of the world's 9 richest countries (US, Japan, China, Germany, France, UK, Italy, Russia, and Spain) totaled less in 2009 than the investible assets of the world's HNWIs.

During 2009, as tens of millions lost their jobs, the number of HNWIs rose by 17.1 per cent and their combined wealth rose by 18.9 per cent.

They had a genuine "recovery." HNWIs regained in wealth most of what they lost in 2008.

No wonder they celebrate "recovery" while the rest of the world wonders (or rages at) what they are talking about.

In the US, for example, the HNWI population grew by 16.6 per cent in 2009 while the US GDP fell by 2.4 per cent.

Only 1 per cent of all HNWIs were Ultra-HNWIs, but what a group that was and is.

Ultra-HNWIs alone owned 35.5 per cent of the $39 trillion owned by all 10 million HNWIs. And they recovered more during 2009 than their fellow HNWIs.

Capitalism is the name of the global economic system that delivers the outcomes summarized in these numbers.

Capitalism produces "recovery" for those who need it least while offering austerity for nearly everyone else.

Today's business and political leaders tell the people of all advanced industrial countries that there is no alternative to years of government budget austerity (raised taxes and/or reduced government employment and services).

They don't explain that they could tap instead the immense wealth of the richest 0.14 per cent who (a) made huge gains in wealth over the last 25 years, and (b) already recovered in 2009 what they had lost in 2008.

What notions of fairness, decency, ethics, or democracy could justify such economic performance, especially in a time of global economic crisis?

Recall as well that these same rich and richer people contributed so significantly (as industrial employers, bankers, and investors) to generating that global economic crisis.

Let's now concentrate on the HNWIs in just the US (including its Ultra-HNWIs).

They numbered 2.9 million in 2009: well under 1 per cent of US citizens.

Their investible assets totaled $12.09 trillion.

For 2009, the total US budgetary deficit was $1.7 trillion.

Had the US government levied an economic emergency tax of a modest 15 per cent on only the HNWI's investible assets, it could have erased its entire 2009 deficit. Over 99 per cent of US citizens would have been exempted from that tax.

The European, Japanese, and other governments could have treated the crisis likewise in their countries. Then governments would not have had to borrow trillions.

They would instead have taxed the super rich tiny minority a small portion of its immense wealth. Those governments would not then have had to turn to lenders (often those same super rich). There would be no current "sovereign debt crisis" in Greece, Portugal, Spain, Ireland, etc., and no need for the resulting austerities to satisfy those lenders. Republicans would have no "deficit, deficit" drum to beat hoping for election-day gains.

Taxing the HNWIs and Ultra-HNWIs would be the policy of governments responsive to the needs of their working-class majorities instead of their rich and super-rich patrons. Austerity is not the only policy. Modestly taxing the wealth of HNWIs is the far better policy choice. The two wealth management companies that cater to HNWIs have kindly provided us all with the facts and figures needed to support the better policy.

Across Europe, coalitions of trade unions, socialist, communist, and some green parties, and many social, religious, and community organizations are organizing growing mass demonstrations and general strikes.

These oppose austerity and demand alternative ways to deal with economic crisis. In France, mobilization focuses on a nationwide general strike September 7. Plans are underway for an all-European day of public actions on September 29. National actions like this have already happened in Greece, Portugal, and other countries.

The business and political leaders generated by the last 30 years of neoliberal capitalism simply assumed that they could impose the costs of their crisis on their countries' people.

That assumption is now being contested. The European people are beginning to fight back.

Military Resistance Looks Even Better Printed Out

Military Resistance/GI Special are archived at website http://www.militaryproject.org .

The following have chosen to post issues; there may be others: http://williambowles.info/wordpress/category/military-resistance/ ; news@uruknet.info; http://www.traprockpeace.org/gi_special/

If printed out, a copy of this newsletter is your personal property and cannot legally be confiscated from you. "Possession of unauthorized material may not be prohibited." DoD Directive 1325.6 Section 3.5.1.2.