

Military Resistance: thomasfbarton@earthlink.net 9.7.10

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Military Resistance 815

THE UXO COLLECTIVE & IRAQ VETERANS AGAINST THE WAR PRESENT

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11 AM, FREEDOM PLAZA, DC

IRAQ WAR REPORTS

Two U.S. Soldiers Are Killed in Iraq; Nine More Wounded

SEPTEMBER 7, 2010 By SAM DAGHER, Wall St. Journal & By Rebecca Santana - The Associated Press [Excerpts]

KIRKUK, Iraq—Two U.S. soldiers were killed and nine others wounded on Tuesday when a man wearing an Iraqi army uniform opened fire during a meeting inside an Iraqi army compound in the town of Tuz Khurmato, north of Baghdad.

According to Maj. Lee Peters, a U.S. military spokesman in northern Iraq, Tuesday's attack happened while U.S. soldiers were meeting with Iraqi soldiers, members of the local police force and the Sons of Iraq, a militia that was funded by the U.S. military a few years ago but now answers to Iraqi forces and the government.

The Americans attacked Tuesday were providing security for an American commander who was meeting with Iraqi forces at the compound.

The city's police chief, Col. Hussein Rashid, identified the assailant as an Iraqi soldier and said the shooting happened after an argument.

The meeting was taking place at an Iraqi army commando base outside of Tuz Khurmato, about 130 miles north of Baghdad.

At around 4:00 p.m. local time, a man in an Iraqi army uniform opened fire on the U.S. soldiers, who were part of the security detail of a U.S. Army officer present. The assailant killed the two U.S. soldiers and wounded nine before he was shot dead by a U.S. soldier, according to Maj. Peters.

Tuz Khurmato is located in the northern tip of Salahaddin province and adjacent to oil-rich Kirkuk province.

**POLITICIANS CAN'T BE COUNTED ON TO
HALT THE BLOODSHED**

**THE TROOPS HAVE THE POWER TO STOP
THE WARS**

Resistance Action



The site of bomb attacks in Baghdad September 5, 2010. Up to five bombers, some armed with rifles, attacked an army base in Baghdad on Sunday, killing 12 people and wounding 36. REUTERS/Stringer

Sep 7, 2010 DPA

Baghdad - Insurgents shot dead Tuesday a journalist working for al-Iraqiya TV, the government television channel said. Riyadh al-Sarai, a presenter on a political talk-show, was killed in a drive-by shooting in al-Harithiya district in western Baghdad, witnesses told the channel.

AFGHANISTAN WAR REPORTS

U.S. “Servicemember” Killed Somewhere Or Other In Afghanistan Tuesday

9.7.10 Associated Press Writer

NATO reported the death of an American service member in an insurgent attack in southern Afghanistan on Tuesday.

Family Says Ohio Marine Killed In Afghanistan

September 07, 2010 WCHS-TV8

COLUMBUS, Ohio

The girlfriend and parents of an Ohio Marine say they were informed over the weekend that he was killed by a roadside bomb in Afghanistan.

Twenty-three-year-old Sgt. Jesse Balthaser of Columbus served with the 1st Marine Division, 3rd Combat Engineer Battalion, and was based at a camp in southern Afghanistan. Parents Rick and Nancy Balthaser say they received word Saturday that their son had died the day before.

Girlfriend Erin McSweeney says the family was told Sgt. Balthaser stepped on a roadside bomb and was killed instantly.

His loved ones had expected Balthaser to return home in November, when his current tour was scheduled to end.

Second Hungarian Soldier Dies In Wake Of Afghanistan Convoy Attack

Sep 7, 2010 DPA

Budapest - A Hungarian soldier died on Tuesday in a Budapest hospital, two weeks after being seriously injured while serving with NATO forces in Afghanistan, the Defence Ministry announced.

Warrant Officer Gyorgy Kolozsvari had been travelling with a convoy ambushed on August 23 en route from the Hungarian base at Pul-i-Kumri towards the city of Mazar-i-Sharif in northern Afghanistan.

A female Hungarian soldier died at the scene while Kolozsvari was critically injured and fell into a coma. Following emergency treatment he was brought back to Hungary two days after the attack.

The 37-year-old officer was transferred to intensive care at Budapest's Honved (Army) Hospital, which treated the Formula 1 driver Felipe Massa after he received horrific head injuries during the 2009 Hungarian Grand Prix.

Kenner Marine Dies In Afghanistan

September 1, 2010 WDSU.com

NEW ORLEANS -- A local family is remembering a Marine from Kenner who was killed in fighting in Afghanistan.

Sgt. Joseph "Joey" Bovia could make friends within minutes, friends said. The Bonnabel High school graduate was fun-loving, yet focused. It was this dedication to duty and defending freedom that will be remembered most, friends said.

"Yesterday, between 6:30 and 7 in the evening the Marines came," said Joseph's mother, Teresa Bovia.

It's an image she won't soon forget.

"When you see 'em at the door you know," she said staring blankly as she recalled the image burned in her mind.

When she got word her son -- 24-year-old Joseph Bovia -- was killed during a firefight in Afghanistan, her heart sank.

"We cry a lot, but we are incredibly proud of him," said Bovia.

Like his father -- a 30 year NOPD veteran -- Joseph was committed to service. He was on his third tour of duty after having enlisted at the age of 17 with his parent's blessing.

"He was excited. He wanted to be there," said Bovia.

"Joey was a child of God and the good Lord above has him now. God is the one who called him to do this as a profession. God gave him the strength to be trained to do what he did to defend our country," said Bovia.

Bovia had hoped her son would stay when he came home for his brother's wedding last December, but those hopes were instantly dashed.

"He was in the car 15 minutes and he said 'wait--before we get too far-- I need to tell you something. I'm going back (to Afghanistan). I volunteered. I'll be home for six months but I'm going back,'" said Bovia.

And when he went back, he begged his captain to reassign him so he could go on this deployment with the Marines he had trained, and he begged until they changed his billet and let him go.

His girlfriend is now the one letting go. The two met in junior high. She said her faith keeps her strong.

It was a love the couple shared, said his mother. "We wouldn't any of us be here without the good Lord, and our country has to get back to that if we want to survive,"

Bovia is survived by his mother, Teresa and father, Herbert and brother Matthew. Joseph Bovia will be laid to rest with full military honors.

The funeral service is Sept. 8 at 11 a.m. at First Baptist Church of New Orleans on Canal.

Westlake Graduate Killed In War Zone



August 29, 2010 By Kim Lamb Gregory, Ventura County Star

A former Westlake High School student and football player was killed Saturday in Afghanistan.

U.S. Army Spc. Andrew Jordan "A.J." Castro, 20, died Saturday morning along with others in a land mine explosion, said Castro's father, Hector Castro. A.J. Castro had been in Afghanistan less than a month, his father said.

"I did everything I could to convince him not to join, but like his brother, he wanted to do it," Hector Castro said in a phone interview from Philadelphia.

Hector Castro said the one thing that gave him solace was a Facebook message he received from his son about five days ago. "He said, 'Dad, I love what I'm doing,'" Hector Castro said. "I can't ask for anything more than that."

A total of seven U.S. troops died in weekend attacks in Afghanistan's embattled southern and eastern regions. The latest deaths bring to 42 the number of American forces who have died this month in Afghanistan after July's high of 66.

Hector Castro, 49, of Winnetka, flew to Pennsylvania on Sunday morning along with his ex-wife, Carmen Roman, 49, of Westlake Village, and one of A.J.'s brothers, Sgt. Ryan Castro, 25. Ryan Castro is a U.S. Army soldier stationed at Fort Sam Houston in San Antonio.

A.J. Castro was the youngest of three brothers. The oldest, Steven Castro, 27, lives in Oak Park. Steven Castro stayed behind to take care of his mother's dogs and the house. Steven said he's holding it together as much as he can.

"Every once in a while I'll see a picture around the house and I'll lose it," he said Sunday.

A.J. Castro's remains were scheduled to arrive by military transport at a Philadelphia airport at 2 a.m. today. His remains will then be flown to Pierce Brothers mortuary in Westlake Village. The family is planning a memorial service at St. Jude's Catholic Church in Westlake Village, but the date has not yet been determined.

A.J. Castro was with the 101st Airborne Division, stationed at Fort Campbell, Ky.

Ryan Castro, who just returned from his second tour of duty in Iraq, said that he's lost buddies as a soldier.

"It's completely different when it's your brother," he said. "When it happens, it's unbelievable. It hurts."

Carmen Roman is doing "as well as can be expected," Hector Castro said, and Ryan Castro said he's trying to be strong for his parents.

"It's just a shock to everybody," said Westlake High School head football coach Jim Benkert, who coached all three of the Castro boys in the football program.

Hector Castro has been a part of the Westlake High School football program for 17 years and is still athletic director for the youth football league, the Braves.

Hector Castro was running the scoreboard Saturday night while the Westlake Warriors were playing an intersquad scrimmage. After the scrimmage, Hector Castro and the coaches filtered over to Chili's Grill & Bar.

Benkert said he and his wife went home at 10:45 p.m. and he received a call from one of the coaches with Hector Castro.

"He was frantic," Benkert said. "He said a military chaplain and another soldier came into Chili's. They were with Hector's oldest son, Steven. My wife and I dropped everything to go over to Chili's to be with him."

Hector Castro stayed at Benkert's house that night with the other coaches.

"There wasn't a lot of sleeping happening last night," Benkert said. "It was a very, very, very, very sad thing to be around."

Benkert remembers A.J. Castro as someone who always did the right thing. He was the first to sign onto a voluntary drug program that left other students hesitant.

"We had a motto: 'Stand up for what is right even if you're standing alone,'" Benkert said. "He was the epitome of that motto."

Hector Castro remembers him as the muscled, nearly 6-foot tall son who, at 20, still liked to sit on the bed with his dad on Saturday morning while the two ate cereal and watched cartoons.

"He always called me 'Daddy,'" Hector said. "Right up until the day he died, he called me 'Daddy.'"

“Karzai’s Recent Outbursts Against The Americans And Other Foreigners Reflect A Widely Held Mood”

9 September 2010 By Jonathan Steele, London Review Of Books [Excerpt]

The shift in Afghanistan’s public mood since 2007, when I was last in Kabul, is dramatic.

Then, the Taliban’s military comeback was still in its infancy and defeating them was the priority.

There are several things behind the change: growing disappointment that billions of dollars of Western aid seem to go nowhere except into the bank accounts of foreign consultants or local politicians; despair over the continuing civilian casualties, many caused by US airstrikes; anger and humiliation caused by the high-handedness of foreign troops; and a desire to build a national consensus in which Afghans resolve their problems themselves. Karzai’s recent outbursts against the Americans and other foreigners reflect a widely held mood.

NO MISSION; POINTLESS WAR: ALL HOME NOW



U.S. Army soldier take cover behind a wall in Zhari district, Kandahar province, southern Afghanistan, Aug. 25, 2010. Soldiers in Zhari operate in a district which holds many well-armed insurgents who blend in with a support network providing them with explosives and safe havens. (AP Photo/Brennan Linsley)

SOMALIA WAR REPORTS

Top General Of Washington DC Backed Government Accused Of Theft And Selling Of Military Supplies To Insurgents As His Troops Mutiny Because They Haven't Been Paid

Sep 6, 2010 GAROWE ONLINE

The president of Somalia's Transitional Federal Government (TFG) Sheikh Sharif Ahmed fired the country's top military chief Monday due to allegations that he 'sold weapons' illegally, Radio Garowe reports.

According to inside sources, Gen. Mohamed Ghelle Kahiye was accused by TFG President Sharif of being "responsible" for tons of weapons missing from the government's military facilities in Mogadishu.

"The President fired the military chief and several subordinates, after a scandal surfaced linking him directly to tons of weapons missing from military facilities," said a senior military official in Mogadishu speaking on condition of anonymity.

Government investigators found that Gen. Kahiye and a number of his staff and subordinates were involved in the missing weapons scandal, which included reports that the weapons were sold to anti-government forces, such as Al Shabaab militants.

Since President Sharif's election in early 2009, the U.S. government has provided direct military aid to the TFG by donating tons of military equipment to the besieged interim government in Mogadishu, backed by more than 6,500 African Union peacekeepers (AMISOM).

Mogadishu's residents have often accused AMISOM troops of shelling civilian areas, a development Al Shabaab and other militants have exploited to turn the public against the government and its AMISOM allies.

Meanwhile, hundreds of TFG troops in the few areas under government control have mutinied due to "nonpayment of salaries," according to local reports.

Residents said TFG troops stopped the flow of traffic along several roads including the strategic Maka al Mukarama Road that connects the presidential palace Villa Somalia to the city's airport, which is a major base for AMISOM peacekeepers.

The troops withdrew to their bases later Monday, but President Sharif has not spoken publicly about the mutiny.

Much of southern Somalia remains firmly in the hands of Al Shabaab and allied militants, like Hizbul Islam.

The Islamist groups have vowed to continue the insurgency that began in 2007 until they overthrow the Western-backed TFG and install an Islamic government in Mogadishu.

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/)

Military Resistance Available In PDF Format

If you prefer PDF to Word format, email contact@militaryproject.org

MILITARY NEWS

**NOT ANOTHER DAY
NOT ANOTHER DOLLAR
NOT ANOTHER LIFE**



The casket of Sgt. Ronald Rodriguez, of Falls Church, Va., who was killed in Afghanistan, at Arlington National Cemetery in Arlington, Va., Aug. 31, 2010. (AP Photos/Evan Vucci)

This Is Your Army On Drugs: “At Fort Hood, Texas, Emotional Problems Among Soldiers Threaten To Overwhelm The System” “Last Year, 6,000 Soldiers At Ford Hood Were On Anti-Depressant Drugs, And An Additional 1,400 Received Anti-Psychotic Drugs”

9.6.10 Army Times

At Fort Hood, Texas, emotional problems among soldiers threaten to overwhelm the system in place to help them.

Every month, more than 10,000 mental health evaluations, referrals or therapy sessions are conducted by medical staff.

“We are full to the brim,” says Col. Steve Braverman, commander of the Carl R. Darnall Army Medical Center on the post.

Counselors are booked.

The 12-bed inpatient psychiatric ward is full more often than not. Overflow patient-soldiers are sent to private local clinics that stay open for 10 hours a day, six days a week to meet the demand.

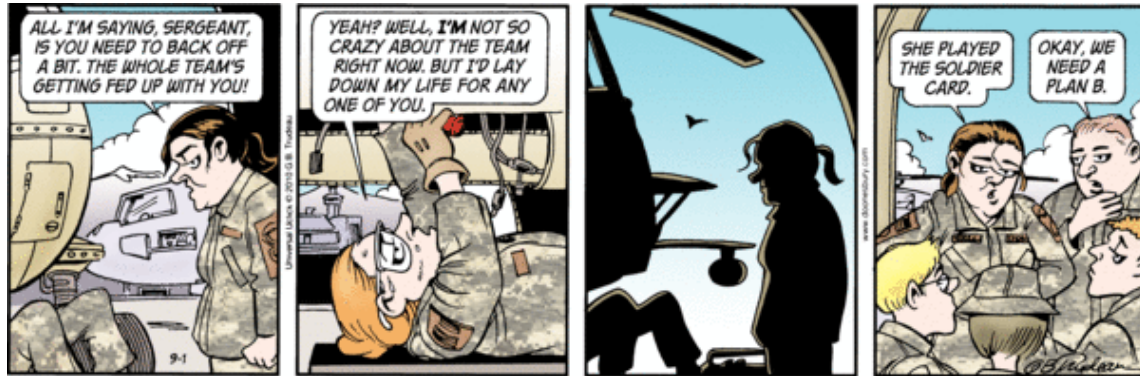
About every fourth soldier at the post, where 48,000 troops and their families are based, has been in counseling during the past year, according to the service’s medical statistics. And the number of soldiers seeking help for combat stress, substance abuse, broken marriages or other emotional problems keeps increasing.

Last year, 6,000 soldiers at Ford Hood were on anti-depressant medications, and an additional 1,400 received anti-psychotic drugs.

A common refrain by Army Vice Chief of Staff Gen. Peter Chiarelli is that far more soldiers suffer mental health issues than the Army anticipated.

Last year, 2,445 soldiers were diagnosed with post-traumatic stress disorder, up from 310 in 2004.

Every month, an average of 585 soldiers are sent to nearby private clinics contracted through the Tricare health system because Army counselors cannot handle more patients. That is up from 15 per month in 2004.



“Commanding Officers Have Continued To Unnecessarily Increase The Load Carried By Soldiers”

“Not Only Can Soldiers Not Maneuver, But They Are Severely Weakened By Carrying Loads Meant For Pack Mules”

Letters To The Editor
Army Times
9.6.10

Every officer from second lieutenant through colonel should read and heed S.L.A. Marshall's book, "The Soldier's Load and the Mobility of a Nation."

This seminal work shows how commanding officers have continued to unnecessarily increase the load carried by soldiers with little or no gain in combat effectiveness.

Tests were conducted that demonstrated soldiers who carried more than 35 percent of their body weight (this includes their uniform) were less combat effective and incurred more injuries, regardless of the conditioning level of the soldier. This is relevant considering soldiers now routinely carry more than 100 pounds of gear.

Not only can soldiers not maneuver, but they are severely weakened by carrying loads meant for pack mules. They cannot effectively conduct their patrols.

How does one run with that much gear on level ground let alone the steep mountains of Afghanistan?

Soldiers need not carry every item in the military inventory. Resupply by helicopter, ground vehicles or mules should be used to allow our soldiers to be “combat effective.”

Sgt. Alan Griggs (ret.)
Buckeye, Ariz.

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.

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**

**“The Truth Is Out! Mickey Mouse Is Dead! The Good Guys Are Really The Bad Guys In Disguise!”
“Never Before In This Country Have Young Soldiers Marched In Protest Against The War They Themselves Have Fought And Which Is Still Going On”**



Washington Times, April 1971

By John Pilger, in “Eyewitness To History,” Ed. John Carey; Avon Books

Veterans’ March, Washington DC, April 1971

The US invasion of Cambodia in 1970, to destroy Vietcong bases, intensified anti-Vietnam War demonstrations around the world. The war did not end until April 1975, when the South Vietnamese Government surrendered and Saigon fell without a struggle.

“The truth is out! Mickey Mouse is dead! The good guys are really the bad guys in disguise!”

The speaker is William Wyman, from New York City

He is nineteen and has no legs

He sits in a wheelchair on the steps of the United States Congress, in the midst of a crowd of 300,000, the greatest demonstration America has ever seen. He has on green combat fatigues and the jacket is torn where he has ripped away the medals and the ribbons he has been given in exchange for his legs, and along with hundreds of other veterans of the war in Vietnam, he has hurled them on the Capitol steps and described them as shit; and now to those who form a ring of pity around him, he says, 'Before I lost these legs, I killed and killed! We all did! Jesus, don't grieve for *me!*'

All week the veterans have been in Washington.

Never before in this country have young soldiers marched in protest against the war they themselves have fought and which is still going on.

They have stopped Mr and Mrs America in the street and told them about the gore and what they did, which they describe as atrocities.

They have marched, or tried to march, a battalion of shuffling stick figures, to the Department of Defence, where they have tried to give themselves up, only to be told by a bemused one-star general, "Sorry, we don't take American prisoners here."

Dale Grenada, a former quartermaster on a destroyer, shouting through a loud-hailer, describes to rush-hour shoppers how he helped to raze a Vietnamese village: "Listen to this, friends . . . the whole village was burning but the spotter planes reported people fleeing across the open fields, so we switched to fragmented shells and began to chop the people up. Then we began firing phosphorus shells and watched them burn."

The veterans' presence in Washington today is deeply confusing to the American mood.

A police sergeant on duty at the Capitol says, 'Hell, I'd throw in my badge before I touch these guys.'

A businessman, who was just passing by, now fussily clears a path for Bill Loivie, who has spent two years in military hospitals and will always need crutches.

An old couple, he in red baseball cap, she in blue rinse, have come up from Georgia to see Washington in the spring and now they march with a woman who lost a son over there.

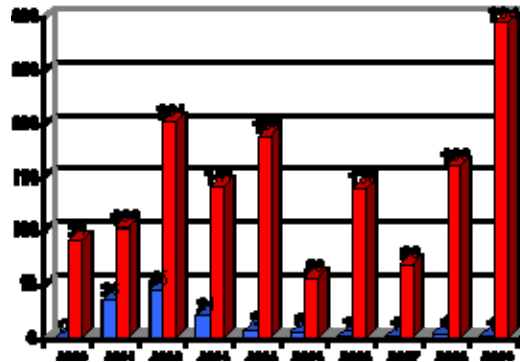
Even a party of enormous ladies from the Daughters of the American Revolution, an organization that would gleefully detonate the world tomorrow and which happened to be meeting in Washington today, stand transfixed and almost crying, almost, as the carnage passes them by, including Jack Saul from California wearing a grotesque mask of Richard Nixon smiling.

And when someone asks Jack, jokingly, what he himself looks like, he takes it off and reveals a face that looks as though he has just finished pouring acid on it.

“Peace,” he says.

OCCUPATION PALESTINE

Facts

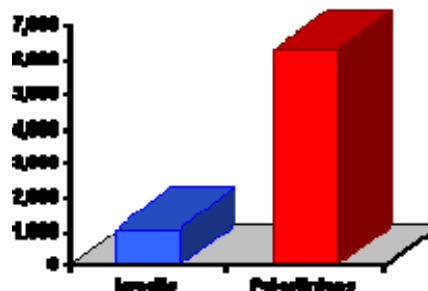


Source: Remember These Children

The Impact of the Conflict on Children

124 Israeli children have been killed by Palestinians and 1,441 Palestinian children have been killed by Israelis since September 29, 2000.

Israelis and Palestinians Killed Since 9/29/2000



Israelis and Palestinians Killed in the Current Violence

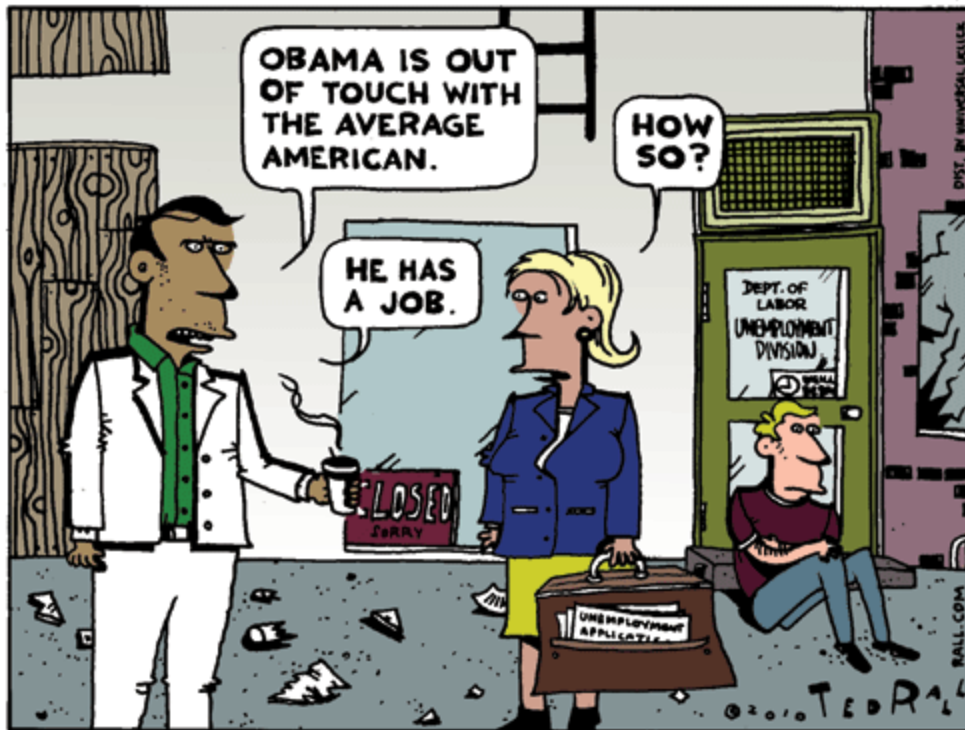
At least 6,348 Palestinians and 1,072 Israelis have been killed since September 29, 2000. Source: Remember These Children

[To check out what life is like under a murderous military occupation by foreign terrorists, go to: www.rafahtoday.org The occupied nation is Palestine. The foreign terrorists call themselves “Israeli.”]

Solidarity



DANGER: POLITICIANS AT WORK



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

CLASS WAR REPORTS

“In The Late 1970s, The Richest 1% Of American Families Took In About 9% Of The Nation’s Total Income”
“By 2007, The Top 1% Took In 23.5% Of Total Income”

September 3, 2010 Robert Reich, Robertreich.org [Excerpts]

Welcome to the worst Labor Day in the memory of most Americans.

Organized labor is down to about 7 percent of the private work force. Members of non-organized labor — most of the rest of us — are unemployed, underemployed or underwater. The Labor Department reported on Friday that just 67,000 new private-sector jobs were created in August, which, when added to the loss of public-sector (mostly temporary Census worker jobs) resulted in a net loss of over 50,000 jobs for the month.

But at least 125,000 net new jobs are needed to keep up with the growth of the potential work force.

Face it: The national economy isn't escaping the gravitational pull of the Great Recession. None of the standard booster rockets are working. Near-zero short-term interest rates from the Fed, almost record-low borrowing costs in the bond market, a giant stimulus package, along with tax credits for small businesses that hire the long-term unemployed have all failed to do enough.

Even if nearly everyone was employed, the vast middle class still wouldn't have enough money to buy what the economy is capable of producing.

Where have all the economic gains gone? Mostly to the top.

The economists Emmanuel Saez and Thomas Piketty examined tax returns from 1913 to 2008. They discovered an interesting pattern.

In the late 1970s, the richest 1 percent of American families took in about 9 percent of the nation's total income; by 2007, the top 1 percent took in 23.5 percent of total income.

Capitalists At Work:

**“As Health Care Costs Continue
Their Relentless Climb,
Companies Are Increasingly
Passing On Higher Premium Costs
To Workers”**

**“Workers Are Now Paying Nearly
\$4,000 For Family Coverage And
Their Costs Have Increased Much
Faster Than Those Of Employers”**

**“A Trucking Business In Salt Lake City
Chose To Switch To A Plan That Had A
\$6,000 Annual Deductible”**

[Thanks to Michael Letwin, New York City Labor Against The War & Military Resistance, who sent this in.]

September 2, 2010 By REED ABELSON, The New York Times [Excerpts]

As health care costs continue their relentless climb, companies are increasingly passing on higher premium costs to workers.

In contrast to past practices of absorbing higher prices, some companies chose this year to keep their costs the same by passing the entire increase in premiums for family coverage onto their workers, according to a new survey released on Thursday by the Kaiser Family Foundation, a nonprofit research group.

Workers' share of the cost of a family policy jumped an average of 14 percent, an increase of about \$500 a year. The cost of a policy rose just 3 percent, to an average of \$13,770.

Workers are now paying nearly \$4,000 for family coverage, according to the survey, and their costs have increased much faster than those of employers.

Since 2005, while wages have increased just 18 percent, workers' contributions to premiums have jumped 47 percent, almost twice as fast as the rise in the policy's overall cost.

Workers also increasingly face higher deductibles, forcing them to pay a larger share of their overall medical bills. "The long-term trend is pretty clear," said Drew E. Altman, the chief executive of the Kaiser foundation, which conducted the survey this year with the Health Research and Educational Trust, a research organization affiliated with the American Hospital Association. "Insurance is getting stingier and less comprehensive."

Some examples around the country offer examples of the choices being made by employers and their workers.

Faced with a potential increase in the premiums paid that would bring the cost of family coverage to about \$1,000 a month, the executives at a trucking business in Salt Lake City chose to switch to a plan that had a \$6,000 annual deductible.

The company, Utility Trailer Sales of Utah, and a related company were able to reduce their monthly premiums by nearly \$200, to \$647 a family, according to the chief financial officer, Clair Heslop.

Mr. Heslop acknowledged that people with chronic conditions or the need for expensive medicines had felt the impact of the change. "It's hit them hard," he said.

The Kaiser survey found a significant increase in the number of employees who had a deductible of at least \$1,000, to 27 percent this year, from 22 percent in 2009.

**Crooked Judges And Greedy
Banks Unite In Fraud To Throw
Citizens Out Of Their Homes:
Judges Hired To Run Special
"Foreclosure Courts" Break Law,**

**Ignore Fraud And Ignore
Evidence:
“Judges Are Simply Ignoring
Problematic Or Contradictory
Evidence And Awarding The Right To
Foreclose To Institutions That Have
Yet To Prove They Own The
Properties In Question”
Florida Attorney General Says “We’ve
Had So Many Complaints That I Am
Confident There Is A Great Deal Of Fraud
Here”**

While AmTrust, a failed Ohio bank that is now a division of New York Community Bank, said it owned the note and could foreclose, Mr. Waters’s lawyer produced documents showing that Fannie Mae, the taxpayer-owned mortgage finance giant, was really the owner.

In spite of the conflicting evidence, Aaron Bowden, the retired judge overseeing the case, made a summary judgment on Aug. 3, ruling that the property should go back to AmTrust.

September 4, 2010 By GRETCHEN MORGENSON and GERALDINE FABRIKANT, New York Times [Excerpts]

TEN days from now, a four-bedroom house on a cul-de-sac in Middleburg, Fla., is scheduled to be auctioned off at the Clay County courthouse, 25 miles south of Jacksonville.

A judge who recently took over their foreclosure case has ordered Rodney Waters; his fiancée, Terri Reese; and their four children to leave the home they bought in 2006.

Mr. Waters, a supervisor at a local packaging company and the family’s sole breadwinner, fell behind on his mortgage two years ago after his property taxes jumped unexpectedly. He now owes \$264,000 on the house; a similar home down the street sold for \$138,500 in February.

The predicament of the Waters-Reese family is common in Florida today.

The state routinely sets new records for foreclosures — in the second quarter, 20.13 percent of its mortgages were delinquent or in foreclosure, a national high, according to the Mortgage Bankers Association.

And with housing prices still in a free fall, almost half of all borrowers in Florida owe more on their mortgages than their properties are worth, says CoreLogic, a data firm.

While the Waters-Reese case may not be unusual in Florida, the coming auction of the home is still notable: it will be a result of the Florida Legislature's new effort to cut the number of foreclosures inching their way through the state's courts.

Earlier this year, Florida earmarked \$9.6 million to set up foreclosures-only courts across the state, staffed by retired judges.

But lawyers representing troubled borrowers contend that many of the retired judges called in from the sidelines to oversee these matters are so focused on cutting the caseload that they are unfairly favoring financial institutions at the expense of homeowners.

Lawyers say judges are simply ignoring problematic or contradictory evidence and awarding the right to foreclose to institutions that have yet to prove they own the properties in question.

“Now you show up and you get whatever judge is on the schedule and they have not looked at the file — they don't even look at the motions,” says April Charney, a lawyer who represents imperiled borrowers at Jacksonville Area Legal Aid.

“You get a five-minute hearing. It's a factory.”

In any event, huge numbers of cases are being handled. In an article last week in The Florida Bar News, Belvin Perry Jr., chief judge for the state's Ninth Judicial Circuit, said that during July, 1,319 cases had been closed by three senior judges in the district's two counties, Orange and Osceola.

Florida's foreclosure mess is made murkier by what analysts and lawyers involved in the process say are questionable practices by some law firms that are representing banks.

Doctored or dubious records presented in court as proof of a bank's ownership have become such a problem that Bill McCollum, the Florida attorney general, announced last month that his office was investigating the state's three largest foreclosure law firms representing lenders.

“Thousands of final judgments of foreclosure against Florida homeowners may have been the result of the allegedly improper actions of these law firms,” said Mr. McCollum in an interview.

“We've had so many complaints that I am confident there is a great deal of fraud here.”

To be sure, adjudicating foreclosure cases is difficult, complicated by multiple transfers of mortgages and notes when a loan is sold, bewildering paperwork submitted by loan servicers and shoddy record-keeping by the many institutions that touched the mortgages during the byzantine securitization process that fueled the housing boom.

Nevertheless, Florida law requires that before a financial institution can foreclose on a borrower, it must prove to the court that it actually has the standing to do so. In other words, it has to show that it is truly the owner. And this is done by demonstrating ownership of the note underlying the mortgage.

The Waters case offers an example of how wrong things can go in complex foreclosure cases.

While AmTrust, a failed Ohio bank that is now a division of New York Community Bank, said it owned the note and could foreclose, Mr. Waters's lawyer produced documents showing that Fannie Mae, the taxpayer-owned mortgage finance giant, was really the owner.

In spite of the conflicting evidence, Aaron Bowden, the retired judge overseeing the case, made a summary judgment on Aug. 3, ruling that the property should go back to AmTrust.

Mr. Bowden did not return phone calls seeking comment.

Chip Parker, managing partner at Parker & DuFresne in Jacksonville, which represents Mr. Waters, said: "The threshold issue in any foreclosure case is who has the right to foreclose. We presented evidence to the judge that Fannie Mae owns the note and mortgage, and yet the judge ignored this crucial evidence."

Mr. Parker is concerned that some homeowners are victimized by the system.

"What we are talking about is railroading homeowners through the rocket docket," he added.

When contacted by a reporter on Thursday, a spokeswoman for Fannie Mae confirmed that it owned the note.

David Tong, the lawyer representing AmTrust in the case, declined to comment on the matter. But on Friday, he did an about-face, filing papers with the court acknowledging that Fannie Mae owns the note.

**"A Retired Judge Refused To Postpone A Borrower's Foreclosure Sale
Even Though The Bank Had Agreed To It"
"Judges Are Being Paid To Clean Out The Backlog"**

Florida law requires that banks argue their cases before a judge if they want to recover property from borrowers in default, and 471,000 such cases were pending in Florida at the end of July, according to the Florida State Courts administration.

But it is paradoxical, say lawyers representing homeowners in the cases, that Florida's attorney general acknowledges problems in the cases while retired judges, intent on reducing caseloads, seem unconcerned about those same problems — like flaws in the banks' documentation of ownership.

“The most shocking thing of all is the A.G.'s office understands the problem and yet the court system turns a blind eye to the fact that mortgage servicers are the problem,” says Margery Golant, a lawyer in South Florida and a former executive at Ocwen, a large mortgage servicing company.

“In the meantime, neighborhoods are being destroyed, homeowners' associations are being destroyed, and the tax base is being clobbered.”

The fact that these judges are being paid to reduce the court's case load creates a perception among homeowners that the judges have a financial interest in dispensing cases prematurely, Mr. Combs said, creating a potential bias against borrowers and possibly violating their right to due process.

He pointed to a recent case in Broward County in which a retired judge refused to postpone a borrower's foreclosure sale even though the bank had agreed to it. The judge stated that she was there to “dispose of cases.”

“If you are an individual whose house is being foreclosed and you hear these judges are being paid to clean out the backlog, under a realistic appraisal of human tendencies, do you think that the average judge would be biased in favor of prematurely terminating your case to clean out the backlog?” Mr. Combs asked.

“They Submit False Documents, Fabricate The Documents, Or The Documents Actually Don't Exist.

A foreclosure crisis that has forced millions of delinquent borrowers from their homes across Florida and elsewhere has also created enormous profits for the law firms and foreclosure servicers that represent banks and financial services in these actions.

Among the busiest of these firms are the three under investigation by Florida's attorney general: the Law Offices of Marshall C. Watson; Shapiro & Fishman; and the Law Offices of David J. Stern.

“These law firms appear to be mills,” says Mr. McCollum. “They submit false documents, fabricate the documents, or the documents actually don't exist. They wanted to speed the process up because the faster they get the foreclosures done the better.”

Borrowers' lawyers say they confront dubious practices, often involving false documentation “proving” who owns the note on a given property.

Typically, they say, this involves questionable affidavits asserting ownership of a note because the actual document has been lost or cannot be produced.

Because the affidavits are often signed by bank representatives who have a stake in the outcome, they should not be allowed as evidence, borrowers' lawyers say.

Yet they routinely are introduced as evidence; the Waters case involves such an affidavit signed by an AmTrust official.

The problem of who owns the note is a result of the process of bundling home loans into securities and selling them to investors — a common practice in the housing boom. This meant that notes documenting ownership on a property were repeatedly transferred, blurring the identity of exactly who controlled the note.

Documents showing that a note has been assigned to a foreclosing bank are often dated after a foreclosure, meaning that the bank bringing the case may not have the right to foreclose.

Other questions arise involving documents with improper notary stamps and wildly different signatures on legal papers supposedly prepared by the same person, borrowers' lawyers say.

In a case in May 2009, Thomas E. Ice, a defense lawyer at Ice Legal in Royal Palm Beach, Fla., took the deposition of Cheryl Samons, an operations manager at the David J. Stern law firm. He asked her about instances at the firm of backdating the assignment of mortgages to allow foreclosures to go forward.

Mr. Ice and his wife, Ariane, who works with him, had found problems with notary stamps on mortgage assignments. "Many assignments of mortgages were signed and notarized with a stamp that had not been issued at the time of the signing, reflecting that the assignment was backdated," Mr. Ice says.

In her court deposition with Mr. Ice, Ms. Samons testified that she was both an executive of the entity that handles the mortgage transfers and an officer at the Stern firm. Mr. Ice says that this creates a conflict of interest because clients of the Stern firm — most of the nation's major banks — benefit from the transfer.

The law firm helps its own clients by "creating an illusion that the signing took place before and it did not," says Mr. Ice.

Another popular practice that ties up courts' calendars occurs after a foreclosure is granted and the property is scheduled to be returned to the bank. As ownership shifts from borrower to bank, so do all the obligations associated with it, like payment of homeowners' association dues.

But few banks want to pay these bills, so firms representing them move to delay the final step in the process by canceling the sale of a foreclosed property at the last minute, court officials say. This does not require the banks to restart the foreclosure process, but it keeps the property in the hands of the borrower, who remains responsible for maintenance and association dues.

Earlier this year, Jennifer D. Bailey, administrative judge in Miami-Dade County, said such cancellations were occurring in 55 percent of cases in her district. In July, she

instituted new rules to reduce last-minute cancellations, including a requirement that a judge hear the reason.

“There was huge volume to start with and then with this extra bogus stuff going on, the courts were cross-eyed from it,” says Ms. Golant. “There is a certain amount of truth to the gridlock, but the reason for the gridlock is the foreclosure firms are practically running the courtrooms.”

“The Stern Firm Filed A Foreclosure Suit Against Him On Behalf Of Deutsche Bank. But The Bank Did Not Own The Property”

The lawyer most closely identified with Florida’s foreclosure morass is David J. Stern. He is something of a mystery man within the foreclosure world; it is impossible to reach him by phone since his name is not in the firm’s voice-mail directory and, until recently, there were no publicly available photographs of him.

Several prominent borrowers’ lawyers who have litigated against his firm say they have never met him.

Operating out of a gleaming eight-story office building in Plantation, Fla., Mr. Stern, 50, has come a long way from the South Texas College of Law, from which he graduated in 1986. He spent his early career as a quality-control lawyer for Gerald Shapiro, a lawyer who represented mortgage lenders. He opened his own firm in 1994; Fannie Mae voted him attorney of the year in 1998.

Mr. Stern’s company, which now includes a law firm and ancillary foreclosure support businesses, employs more than 900 people. The firm filed 70,382 foreclosure cases last year.

Critics say the Stern firm has been able to handle this high volume because its lawyers frequently refuse to work with borrowers and are very aggressive about pushing cases through the courts even when there are questions about the documentation.

But some question the thoroughness of the firm’s work. Bill Warner, a private investigator in Sarasota, said the Stern firm filed a foreclosure suit against him on behalf of Deutsche Bank Financial Trust in January 2009.

But the bank did not own the property and the suit erred by including in its claims a federal tax lien on another person with the same name but a different Social Security number, Mr. Warner said.

Mr. Warner’s mortgage was actually owned by Countrywide, which had sold it to Wells Fargo. “I fought them myself for a year and a half,” he recalls. “In the meantime, we did a loan modification with Wells Fargo but Mr. Stern’s firm pursued the foreclosure on the property anyway.”

Last May, Mr. Warner filed a motion to dismiss the case, alleging submission of a fraudulent document because Deutsche Bank was not owner of the note. He filed another motion questioning the credibility of the Stern firm and the lawyer on the case, he said. On June 14, Deutsche Bank withdrew the case.

Earlier this year Mr. Stern, who has profited handsomely from the foreclosure trade, sold the part of his operation that provides support services for his firm's foreclosure work — DJS Processing — to a public company called the Chardan 2008 China Acquisition Corporation. The processing company and affiliates generated revenue of \$260 million in 2009, financial filings show.

Brian Foley, a compensation consultant in White Plains, concluded that Mr. Stern made \$17.8 million in 2008, including \$12.64 million in compensation and nonrecurring benefits of \$4.36 million. In the deal with Chardan, Mr. Stern and his affiliates were paid \$93.5 million: \$58.5 million in cash and \$35 million after the transaction closed, according to government filings. In addition, Mr. Stern got a promissory note for \$52.49 million to be paid out over the next couple of years.

In recent years, Mr. Stern and his wife, Jeanine, have bought nearly \$60 million in real estate, mostly in Florida, property records show. Their Mediterranean-style home on Harborage Isle Drive, in a gated community in Fort Lauderdale, faces water on two sides and cost almost \$14 million. Not far away, in Hillsboro Beach, the Sterns bought two waterfront properties for \$17 million.

Mr. Stern also spent \$6.8 million last year on a 9,273-square-foot apartment at the Castillo Grand Residences in Fort Lauderdale, part of a Ritz-Carlton complex. He and his wife own two homes in Beaver Creek, Colo.; one was purchased in 2001 for \$4.975 million, and another bought in 2007 for \$14.2 million.

His automobile collection may be worth \$3 million, auto experts said; it includes a 2008 Bugatti, multiple Ferraris, Porsches and Mercedes and a Cadillac.

This being Florida, Mr. Stern also collects boats. A 108-foot Mangusta yacht, Lady J, is for sale at \$5.9 million, Web postings show. It was replaced by a 130-foot yacht that cost about \$20 million, according to an acquaintance who requested anonymity over concerns about Mr. Stern's influence in the community.

In a nod to his foreclosure work, according to the acquaintance, Mr. Stern mused about possibly naming the larger yacht Su Casa Es Mi Casa — “Your House Is My House.” But his wife and others cautioned against it, according to this acquaintance, and Mr. Stern named the boat “Misunderstood.” Mr. Stern denies that he considered the “Su Casa Es Mi Casa” name.

While Rodney Waters and Terri Reese are resigned to leaving their home and moving their family into a rental, they still face another problem.

Under Florida law, a lender may pursue Mr. Waters for the difference between what it says he owes on the house and what it will fetch in a sale. Thanks to foreclosure fees and other charges, he owes almost double the \$138,500 received in February by the seller of a neighboring house.

Included in the amount that Mr. Waters owes is almost \$10,000 in fees generated by AmTrust's lawyers in the case. Mr. Bowden, the retired judge overseeing the case, ordered Mr. Waters to pay the fees.

His lawyer, Mr. Parker, had hoped to persuade the owner of the note to offer a new loan to his client in a smaller amount to reflect the reduced value in the property. He argued that this would be a better outcome for the lender and the borrower, since a foreclosure usually ends up costing a lender far more than does a principal write-down that leaves the borrower in the home.

But with the judge ruling in favor of the lender, such a deal is unlikely. Mr. Parker filed an appeal late last week, but Mr. Waters may have to file for bankruptcy to stop the foreclosure sale.



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