

ITHACA

“PROTECTING HUMAN RIGHTS”

PO BOX 50 PMB 207

LAKE ARROWHEAD, CA 92352

REPORT TO THE UPR, HUMAN RIGHTS RECORD USA

ITHACA submitted a report in 2010 to the UPR concerning the human rights record of the United States and focused on two issues. The first issue concerned the revocation of rights taking place in state superior courts under the mantle of adult guardianships, impacting the elderly and disabled.

The second issue we covered concerned attacks by the US government on human rights defenders.

This report for the 2014 UPR of the human rights record of the United States will focus on the progress of these two issues.

ADULT GUARDIANSHIP

In reply to the report generated by the UN working group at the first UPR, the United States promised to ratify the Convention on the Rights of Persons with Disabilities. In fact, Congress failed to ratify the CRPD. While those voting against ratification questionably deemed this to be a victory for national sovereignty, the fact remains that a portal for petition for redress against abuses against the vulnerable therefore closed.

The abuses documented in our first report have continued and, in fact, continued without abating. Elders and disabled are still being put under guardianship, in the absence of due process, and their assets are still being plundered by guardians and conservators, with full complicity of sitting family/probate court judges. The elderly and disabled are still being blocked from family and friends and many are still dying under suspicious circumstances.

The following examples are meant to be illustrative and are not all inclusive: In the intervening years since the first UPR, Alice Gore was placed under a guardianship and her teeth were mined for their gold content. Raymond Horspool was denied a new pacemaker by his guardian, and died a preventable death. The matter concerning allegations of wrongful death and plunder of his assets are now winding its way through the Riverside Superior Court system in California.

We also see repeated instances where guardians are attempting to hide their wards from concerned family and friends, in absence of due process. Misha Bluvshiteyn's father, Leon Bluvshiteyn, does not know if his son, under guardianship with the Los Angeles Public Guardian, is alive or dead. No court order has been issued blocking Bluvshiteyn from his son yet the Los Angeles Public Guardian persists in hiding Misha from his family. Scott Christoffersen was effectively and illegally hidden from a concerned friend for over a year by the Los Angeles Department of Mental Health, even though he had signed a waiver of confidentiality so that the Department could communicate with said friend. When the plight of conservatee Charles Castle came to the attention of the press, his guardian proceeded to move him manically from facility to facility and from county to county, in an effort to conceal his whereabouts from interested parties. As a result, Castle was never served with the court's determination on his writ of habeas corpus. Due process violations plagued this case. Castle died under suspicious circumstances.
(<http://www.activistpost.com/2013/07/questions-arise-as-to-coroners-cover-up.html>)

ATTACKS ON HUMAN RIGHTS DEFENDERS

Attacks on human rights defenders continue. We now are seeing where attorneys attempting to address these issues are being suspended from the practice of law. Ken Dinkowsky was so suspended for four years, after a career of over fifty years practicing law in Illinois, for requesting an honest and comprehensive investigation into abuses taking place under these adult guardianships. Arizona attorney Grant Goodman was suspended after devising a system under which guardians could be sued under RICO and communicating with guardianship victims throughout the US about this process. Margie Mikels, a well-known activist attorney in San Bernardino County, was threatened with disbarment by Judge Michael Welch in San Bernardino and subsequently withdrew from further appearances in that courtroom. JoAnne Denison has been charged with "yelling fire in a crowded theater" by the Illinois ARDC attorney Melissa Smart, for Denison's act of running a blog, marygsykes.com, where she posts documents relating to a probate guardianship as well as comments pointing to corruption in the courts. The decision on Denison's license is pending.

In addition, the courts are now in some cases illegally arresting those attempting to protect their parents' rights. Case in point was the May 21, 2014 arrest of Rosanna Miller in Logan County, Ohio, who was illegally detained for failure to pay court costs. The Supreme Court of Ohio has issued a memo stating that an individual cannot be arrested for failure to pay court costs. The judge in this matter, Ann Beck, of Bellefontaine Municipal Court, had already evidenced animus toward Miller. It is unknown how many such petitioners Beck has so falsely had detained as the court has declined to produce these records. The issue of incarcerating people for court costs, in violation of the no-debtors-prisons stance of the United States, has been the subject of an ACLU investigation and reports. (<https://www.aclu.org/blog/tag/debtors-prisons>) In another abuse of process, Barbara Stone is now on house arrest and facing criminal charges for taking her mother out to lunch. The criminal judge in this matter, Migna Sanchez-Llorens, who sits on the Circuit Court in Florida, has a record of receiving financial contributions from attorneys who appear before her and has failed to properly disclose this, which gives the appearance of substantial impropriety.

The US's behavior in certain cases could best be described as a vendetta. Jeffery Silverman, journalist, US national and former Army Scout, has had his citizenship revoked without due process. Joseph Zernik, Ph.D., head of Human Rights Alert, has fled the US and is now living in Jerusalem, where the US in 2013 seized his Israeli bank account. Zernik sought protection by the German government and subsequently his assets were returned to him. Janet Phelan, a US born journalist who fled the US after an intelligence sting operation/assault put her into a coma, is in Latin America, and continues to cope with repeated US intelligence-generated attacks, largely of a chemical assassination nature. She has written a book concerning these experiences, EXILE. Janet Phelan's mother appears to have been murdered by the elderly woman's guardian.

Ray Fernandez, who also left the US following a horrific guardianship battle concerning his mother, Clara Fernandez, became politically active in hosting a website and FB groups concerning guardianship and other political issues. This year, Fernandez was attacked in a nearly fatal chemical assassination attempt abroad.

Robert Fettgather, a licensed clinical psychologist, had his license to practice revoked in 2012 as a result of his activism and advocacy for his adult Down's syndrome son. His case is currently being appealed.

Melissa Balin was placed under arrest three times in thirty days and the manhandling by officers resulted in miscarriage of her first pregnancy. Melissa Balin is a filmmaker, and was one of the 292

people arrested due to their involvement with the Occupy movement on the morning of November 30, 2011, which came to be known as the #OLA292. It is worth noting that Melissa Balin had never been arrested prior to her known association with Occupy LA. When Balin moved to respond legally, she was determined incompetent to stand trial through a falsified forensic report by Los Angeles County Department of Mental Health. She narrowly escaped commitment/conservatorship.

It is of note that those who are being placed under these severe protocols are not “famous” or embedded individuals or journalists. The lawyers who are being suspended for their interest in civil rights tend to be sole practitioners. The main stream press continues to turn a blindered eye to such attacks on lawyers, reporters and people attempting to simply protect the rights of loved ones.

These circumstances all point in one direction---that the United States government is involved in demographic targeting of its citizens and that those who attempt to protect the rights of others, be they media, attorneys or simply concerned family members--are being treated with at times brutal disregard for their civil and human rights.

Submitted this third day of September, 2014

ITHACA

Janet Phelan—Co-Chair

Catherine O’loughlin, MD—Co-Chair