

CONTACT

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GOD'S NEW MILLENNIUM

KNOWING TRUTH IS NOT ENOUGH,
SUCCESSFUL CHANGE REQUIRES ACTION



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Only Your ACTIONS Present Representation

9/18/03—#1 (17-33) (MISC)

THU., SEP. 18, 2003 8:25 A.M. YR 17, DAY 33

GCH—RE: GOD ALLOWS; LIES, A BIT OF V.K. FOR
SPICE, ROBBERS ROOST, SOME NESARA AND ALCHEMY

MANILA, PHILIPPINES

LIFE HAPPENS!

WHEN YOU FEEL RESPONSIBLE FOR EVEN THE MONSOON RAINS, IT IS TIME TO "LIGHTEN UP"! LIFE AND LIVING IS NOT JUST "YOUR" RIGHT NOR SHALL IT EVER BE. WHEN YOU COME TO REALIZE THAT FACT, WE CAN MOVE AHEAD. WHAT HAPPENS TO "YOU" HAPPENS TO EVERY LAST SPIRIT MANIFEST. IT IS A PRIVILEGE, NOT A BURDEN. MAKE IT INTO A BURDEN AND YOU HAVE OVERSTEPPED YOUR AUTHORITY.

WITH THIS IN MIND, WE SHARE, WE CARE AND MOST CERTAINLY WE OFFER FROM OURSELVES THAT WHICH MAY WELL BE USED

AS TOOLS IN "ANY" CIRCUMSTANCE, FOR EXAMPLE IS THE VERY BEST WE HAVE TO OFFER IN "EXPERIENCING" THROUGH THE PHYSICAL JOURNEY.

NATURAL EVENTS HAPPEN

We are constantly receiving, for consideration, a plethora of receivings, psychic material, reports and other's perceptions with petition for consideration and clarification. "We" cannot clarify YOUR perceptions or even change your perspective. THAT is your "right" as human manifest—TO RECEIVE AND BELIEVE THAT WHICH YOU WILL. REMEMBER THAT **GOD ALLOWS!** This in itself speaks volumes in understanding both LIFE and consciousness.

We often find that some are influenced by outside entities in the form of human broadcasters who recognize themselves as gifted "receivers" or authorities of one kind or another through assumed realization and/or pronouncement of "higher teachers", guides, guardians, knights or other equally interesting phenomenal "guiding lights". Ours is NOT to judge nor to interfere with anyone's

spiritual connections. We can only offer that which IS and against that you can discern your own "druthers" in acceptance or denial of that which is offered.

Indeed it is often quite difficult to discern, for the being wants to have guidance to confirm the individual "knowledge system".

We get many presentations of impending earthquakes, eruptions, storm cells, sightings and actual predictions of time-certain demise of the actual planet. Your planet is going nowhere. YOU are the variable in this equation. But, what YOU do can make the difference in HOW the planet proceeds on this infinite journey into the "unknown"—right along with the journey of YOU the traveler.

I rather like to put it like this: You go along and you are sold something, say a bar of something. It is silver in color, shaped like a molded bar of silver and you are told it is silver and the seller sets a price for silver. Ok, you buy. Ah but, it is only with the assay final results that you can determine whether or not it is silver or a combination of nearly worthless tin or zinc. It is a far worse circumstance with gold or if that bar was sold to you as platinum. If the gold turns out to be brass—you are going to be really ticked off, aren't you?

(Continued on page 2)

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THE CHAIN OF LIES

What if you simply demand to wait until YOU are satisfied at the contents of the bar of whatever it might be? And no, it is no different with any other “happening” in your life passage. You can become informed to the greatest extent in anything you connect to self. ONLY with “knowledge” can you hope to prevail, for lack of knowledge and wisdom is the ultimate downfall of every well-intentioned being—for the adversary will always PLAY TO YOUR WEAKNESS! KNOW IT!

Why this example, particularly?

Because just yesterday some parties brought a bar of “silver” and a bucket of sand which supposedly is some 20% gold and wanted EJ to purchase it or at the least have his contact offer a loan of cash against it. “No” was and is always the answer: “off to the testing facility”—for “we are not in the metals business in any way, shape or form”. If we can refer people to authorized BUSINESS persons, then we have served our neighbor.

The phone call just came and there is no silver, gold or any other useful metal in the bar—AT ALL. The sand takes four days to determine contents. But, we are not either in the “refining” business. The Philippines is a land where people have two industries—graft and corruption.

Do you go about blaming that other “guy”? No, for most often he too has been stripped of his assets as in being sold the bill of worthless goods in the first place.

AH BUT: one assay is all it takes! When you learn to evaluate what you have against that which has backup support, only then will you come to recognize the potential for disinformation in all things great or small.

I am dismayed by the ones who fall for greater images of things TO COME. This is because you have no ability to, at upstart, discern the clues of disinformation vs. the wondrous reality of TRUTH. Moreover, I can tell you something and you will measure that against WHAT YOU WISH TO BELIEVE OF SOMETHING “ANOTHER” HAS INPUTTED. Fine, it is YOUR journey, singularly and sovereignly—granted by GOD unto you. Ah but—who is God? “He” is what YOU decide Him/Her to be. It is as much as with the certainty of “hem & haw”.

THE TEACHER, as proclaimed, was most highly respected as the “Prince of Wisdom”—not a “savior” of you after you sin abundantly.

YOU tried to turn HIM into some kind of “save your personal assets” sacrificial lamb. God abhors even the sacrifice of “lambs” don’t you know? And still you seem to shout your wonderment that you are PEOPLE OF THE LIE.

You murdered the “teacher” (messenger), set your own definitions of cause and, actually, “effect” (which is in no wise wise) and reduced HIM to the scapegoat of everything dastardly done by mankind from that day forward. NO, IT DOES NOT SELL IN THE REAL WORLD!

MORE NESARA

Neither does a bunch of White Knights running about proclaiming NESARA bear any worthy standing AT ALL. You MUST HAVE something REAL AND OF VALUE to back such outrageous claims of something-for-nothing or membership in a club of some kind.

NESARA could work ONLY IF there is value backed by REAL value and there is no longer REAL VALUE behind anything you use as currency or exchange—on the globe today as in general use. MORE PAPER DOES NOT VALUE MAKE.

I also caution you to realize that when “the projected event” of dastardly size does NOT happen—rejoice, for

you may well have misunderstood the message. And know that massive earthquakes “happen” and mostly they happen purely because of PHYSICAL pressures and changes so that a bunch of “Vegans” cannot, nor would they be allowed in Galactic LAW, tamper or “call them off”.

This does not even have intent of causing you to be cynical or sucked into “lock-brain”, for there ARE visionaries, psychic visitors and dwellers. Just always check out your KNOWLEDGE and always against your guidelines and simply BE PREPARED if that “potential” phenomenal earthquake frightens you into immobility.

Frankly, if anyone predicts a time for a certain catastrophe, I would be suspicious—yea even to collapse of the price of a dollar-note. I certainly would not go get into the earthquake trench to test the input—but then I wouldn’t be sitting around in a human form in an earthquake crack.

I remind you that you most often ask my input because you want to determine if my perceptions can support yours. Then, if I speak and it disagrees with your assumptions, I am cast out anyway. Only KNOWLEDGE can present fundamental conclusions.

For example: We can KNOW that V.K. Durham is absurd or worse—deliberately lying and misdirecting YOU as you come within her broadcast range. Does it actually matter? Only in gaining Truth and Knowledge in reality instead of more drama and fiction from a disadvantaged mind at work.

V.K. REVISITED

It is indeed sad that now V.K. has opened another line of spreading her disinformation—through Jeff Rense who has always tried, prior to now, to be a bit discerning and offer credible information—or at the least, offer information with a disclaimer.

V.K. strikes again in offering nonsense that is so absurd as to boggle ANY thinking brain. She posts things that have NO connection to reality—period. She offers incorrect data and information right to misnaming entities, corporate and otherwise.

Ah but, whatever she presents about anything she claims before the time range of late 1991-93 is before our connection. She is hitting now with some claim of our involvement in such things as Iran-Contra bank accounts and misuse of “her” stuff all the way back to the 70s and 80s when no one here had ever heard of any such personage.

If Russell Herman had interchange with CIA or other entities to whom or which she makes reference, so be it. We only know what our due diligence has presented in our own scope of participation or activities.

She did not, however, have anything remotely similar to “a Trust” or other claim to ANYTHING as relative, actually, to Russell Herman. Those are the FACTS; you may check them out. Further, as to bank accounts as now being presented to and through the Jeff Rense, Rumor Mill, gossip mills—know that the information offered is of no factual value. THAT information pours forth from an already totally discounted source and you end up ON YOUR OWN as to what you choose to believe. WE WILL, HOWEVER, CONTINUE TO OFFER INPUT REGARDING THAT INFORMATION BECAUSE THE DISINFORMATION IS DUMPED “*ONTO US*”.

Feel free, you who know better about these things, to rebut the garbage. At the least respond to the nonsense with questions and ask for proof of statements—babbling is simply NOT ENOUGH.

How many talking heads are there on the globe? As many as there are people with tongues in their mouth.

They “can” babble lies, truth, drama, information, disinformation—with equal ease. These mouths can even babble nothings and call it “unknown tongues”. Who is to argue, for the words usually presented most often do not make more reasonable sense than from the lips of a two-week-old baby.

As for the Jeff Rense center for new V.K. disinformation, add him to the list of those who can expect slander and disinformation charges. Include that site right along with “Tylersword”. I have no more respect for “Tylersword” than for V.K.’s word, for he presents HER WORD. This is simply a “poster” to the Rumor Mill consortium whose Webmaster has also proven to have NO CREDIBILITY.

Calling yourself a “patriot” or a “Christian” makes not one iota of difference in the fact of it—**only your actions present representation.** MAN’S PERCEPTION IS AS LIMITED AS THAT TO WHICH HE IS EXPOSED. With computers the saying goes: “Garbage in—garbage out!” The shoe fits many feet, so please check out the size of your own feet.

Mr. Smith can walk next door to the big hotel and claim to own it. It doesn’t make him the owner—only presents him as the fool he is.

Try that on to V.K.’s claims and perhaps you will better understand this lecture on discernment. You certainly do NOT need “judge” a woman in a little tiny place in Iowa—just the incredible trash she tosses out onto “Old Smokey” mountain garbage dump.

All you can actually say in the old saw: “If it waddles like a duck, quacks like a duck, etc.”, you can only be sure of one thing (if you observe it first-eyes)—“it” quacks and waddles and may not have anything at all to do with ducks!

When does the nasty game of “getcha” stop?

WHEN THE SUCKERS QUIT BEING SUCKED!

It is presumed that because “Fingers” types a lot that somehow she gets far more input for her own problems than do others. No, she gets less because, just as a good teacher plays no pets, she too has to ask, dig, learn and evaluate. Just as YOU, she must live HER LIFE—not mine.

Also along those lines, however, I must always recognize that through this job at hand there is such limitation in the halls of “living” that we need to present what we can of the experiences so that the “lessons” or “suggestions” are of general nature in that any or all in like circumstances can utilize the input to YOUR best advantage.

Along these lines it is a fact that Ekkers have to address the happenings in life as they come around. And yes, I can example that in a more specific way in reminding you readers that many tragic things have happened in this journey to achieve this task properly.

One that stands out and will allow you to be reminded that corruption and misery is not limited to some outback of the jungle in the Philippines.

There is a wondrous piece of God’s country in a place called Utah. It is as “outback” as just about any place in Outback, Aussie-land. It is an INFAMOUS location and cattle ranch going back for generations long gone.

THE ROBBERS’ ROOST RANCH

AC Ekker was appointed to “manage” the property for the corporation founded by their Father, Arthur Ekker, years and years ago.

AC died at the hands of medical emergency personnel after a plane crash nearly three years ago. And no, this is not reaching, it happened—three were in

the crash and ALL survived with nothing more than, the others, having a broken arm or leg. AC was pilot and yet was able to give instructions for getting help to lift out the people involved and give instructions regarding radios, cell-phone capability, exact location of the plane, etc.

It was in the middle of the Fall “ride” to gather cattle for market so there were over a dozen witnesses as the plane came down right at the gathering site.

The nightmare had begun and the story is not going to be repeated right here because of many reasons but suffice it to say that after three years it is amazing that the legal bog has continued to turn into quicksand and on into the deep ocean trench. Why? GRAFT AND CORRUPTION, insurance fraud, theft, horse thieving, cattle rustling and incredibly stupid false claims of “attached persons”.

EJ has had to cause his two sisters to have to attend the entire debacle and heartbreak of attempts to steal the entire heritage of a family of historic recognition and land in the most beautiful Canyonlands of the United States.

Why the drag at settlement? Well, the lawyers are all entangled in MALPRACTICE, conspiracy to defraud an insurance company, covering theft of stock, horses and equipment and even to conflict of interest as one of them had already represented the corporation and then joined with the thieves. Simple and rather ordinary for this day and age.

The almost estranged and outgoing (leaving) wife of AC and his son by his first wife placed a major claim of wrongful death against the insurance company. There was only one little fact missing—they claimed ownership of the ranch and all “Cross-S” property and the only LOSSES were and are to that entity.

IRS forms were deliberately and intentionally fabricated and every act was overseen and handled by ATTORNEYS AT LAW.

The result is three years of continuing loss of ALL stock on an operating ranch, deterioration of all facilities, theft (immediate) of all equipment, horses, tack, equipment, vehicles, trailers, cattle-moving trucks and you name it—it was stolen. This while the police did NOTHING and the court collusion continued. Right to today.

So, I suggest that because the family now KNOWS that crimes have been committed and one of them is rumored to be a \$3 million settlement with the miscreants—“secretly done” and pending expiration of statute of limitations for clearance (3 years from date of death)—it becomes now a possible criminal act on the part of the “family” and Corporation persons to longer leave it to non-public disclosure.

Therefore, to prevent criminal charges of “*misprision of felony*” (NOT REPORTING A KNOWN CRIMINAL ACT), the matter must now be made PUBLIC NOTICE, published in the local papers and I ask that it also be published in CONTACT. [MM: see page 10]

Why CONTACT?

Because THAT PROPERTY is intended for YOU, my beloved friends. It is safe, secure and fully intended for location of our own motion picture industry, Ostrich ranching, Alpaca ranching, retreat and, frankly, SURVIVAL. I suggest, EJ, that this be attended for urgent running in the papers—you are almost out of time to block the efforts to “do you in”.

This means that we have to appreciate that this “team” has to attend other matters than our ongoing daily mission duties. And no, I did not say “missionary” duties. We have a job—we are not spiritual, or otherwise, missionaries.

The “ranch” is certainly worthy of volumes of books and historic sharing but we have neither the time nor inclination to present the entire story at this time, for we need also to take one thing at a time—in priority sequence.

We block the “wipeout” moves and then we attend the next steps as they come. When you can’t progress with the ball, at least “hold that line” when you can, and in this—YOU CAN.

In addition, you write the plight and turn it over to every known judicial body so that one cannot hide the “notice”. Further, send copies of the NOTICE along with the other documents—and notice, most especially, the lawyers involved in the filing of the fraudulent case, the insurance company and for that you will have to notify the hospital from which the rescue medics flew—COVER THE WEST, so to speak, with your posters. IF YOU DO NOT STOP CRIME—WHO SHALL?

Next, I suggest you push right on with the “ride” which will allow you to get the land under demand clearing by the government—done. Do it with the most fun you can in sharing up the “hunt” if you will and get support from the massive family in point and those who cherish the heritage and history of the entire area. Call in Redford if you want fun of a larger nature—to meet the crooks at the gate.

EXPOSURE AND TRUTH ARE YOUR AMMUNITION AND SHIELD SO DON’T LEAVE HOME WITHOUT BOTH.

You will stop the nonsense when you decide you have had ENOUGH of the lies, deceit, theft and corruption.

So be it. There is nothing finer or greater than POWER with AUTHORITY in TRUTH.

We cannot help it if the rats packed into their nests the vermin and flammable materials which will give themselves the “hotfoot”. In this one instance you have played blind and patient for three years TOO LONG.

You will have to begin again from less than “scratch” because of the debilitating taking and spiraling depreciation—but what you will have gained is immeasurable and you did it at a time when you needed the time to focus on this job and not farm hay.

I can guarantee you that IF there was a settlement of \$3 million, it was entered at far greater a sum and either one is massive enough to claim your Cross-S collusion in that *misprision of felony* circumstance. Clear it up NOW.

It will be claimed that you knew and colluded with the filing parties, for “look how it ‘appears’”.

There was nothing but massive debt piled onto that personal estate and you will be put into responsibility if you do not get it tended OUTSIDE that absurd court and do it NOW. Borrow the money to run the notices if necessary but it is TIME to take steps now to “meanwhile, back at the ranch”, save it.

Things can only be set to “straight” when YOU decide to make it so.

The more important LESSON to be learned is this: When you think you have exhausted all possibilities—you HAVEN’T. Moreover, ducking responsibility to make it easier or more comfortable is NOT a viable option if you claim desire to prosper in freedom and righteousness. I did NOT say “religiousness”—I said RIGHTEOUSNESS.

The next cry comes from the “fingers” in that “How can we attend everything and from this great distance?” Easy, just do it, for you have what you need in KNOWLEDGE—use it. It is not a war with tanks and uranium bullets—it is KNOWLEDGE used in wise and right action. ALWAYS: Nothing attempted means nothing gained—but, moreover, assured LOSS.

You, in this particular “Ekker” instance, have no RIGHT to deny the rightful heritage of those who come after in the lineage of your ancestors upon this wondrous place, to simply default in this confrontation. YOU WILL NOT FAIL, for there is no such thing as “fail”. Make it so.

Do not rush home for the failure—go home for the celebration! BUT, DO NOT ALLOW THAT THREE-YEAR ANNIVERSARY TO SLIP BY AND DO NOT DAWDLE YOUR TIME AWAY. YOU MUST USE THAT WHICH YOU ARE GIVEN OR YOU SHALL LOSE THE GIFT FOREVER.

ALCHEMY

We find it interesting that the solution as offered by some to us is that if God is so great and you claim to serve God, why doesn’t He just make you some gold and get on with this program?

Why in the world would GOD, or anyone, do such a dastardly thing? Can’t you go get it from where it already resides—PROPERLY? This means exchange of VALUE so that all parties prosper, for otherwise it is exactly what is now present—outright theft.

The moment God or anyone else makes “imitation” gold, the original and wondrous metal loses all its value of ANY KIND. It becomes as totally worthless as the fiat paper burying you now.

WHY DO YOU ALWAYS PRAY FOR AND DEMAND THE MAGIC, THE ILLUSION, THE FALSE, AND THE SOMETHING-FOR-NOTHING?

Is life so boring to you that you wish for violence to just allow you to realize you are somehow “alive”? Why not get the REAL THING going and help somebody besides yourself in the same moment?

LOVE, HATE AND CAN YOU LIVE WITHOUT BOTH?

Indeed you can live very graciously without “both”. Why do you demand to excuse selves with some old WRONG concept? You do NOT have to have evil to recognize goodness. You do not have to have hate to recognize love. You certainly do not have to have shame and suffering to recognize JOY.

These are YOUR excuses to remain in a state of negative experience without changing your attitude and circumstances.

These negative insertions of “how it is” are foisted off onto you BY MAN and unless you think about that very carefully, you are destined to continue on the endless loop of limited expectations—waiting for that spaceship to rescue you from John’s holocaust at Armageddon or in the apocalypse. Writing is a physical “thing” so don’t get confused. Moreover, all “writing” must be INTERPRETED before it can be “understood”. Man is fallible so count the possibilities, especially if someone wants to convince you of something they interpret or present.

I don’t even want you to believe me because of anything. If my truth is not sufficient and proves to be so, then why would I entice you to otherwise attend my presentations? And always remember, you don’t “fool” God—He just tolerates and allows you your games of fooling SELF.

I am always amused at the general run-of-the-mill, wishing-for-magic wanters. Wish and want and pray for their selfish attentions.

The way to make life a creative experience is to make your goal a vision and then “make it so” through creation of the way to achievement.

What happens usually (almost always) is that there are great and wondrously selfish prayers poured out to attainment of a very selfish and corrupt nature for God

to dump goodness all over your dirty little beings. Then the dream is set to prayer and the expectation is for GOD TO MAKE IT SO—not you doing your rightful job. Moreover, the more “wrongful” prayers offered the more repulsive you become to God. I did NOT say that God hates your repulsive selves—only recognizes the greed and avarice in the lie. GOD loves you absolutely and simply waits for YOU to get smart sooner or later and why most choose “later” is the great mystery of living itself.

You will have achieved such great insight as to stun you when you arrive at a couple of bits of recognition. You claim to want to know about God and want to know God. No, you want God to sell you something so that you can “perhaps” know “about” God. When you really want to KNOW GOD, you shall have arrived. God doesn’t need sit around on a cloud wanting to know about YOU—HE ALREADY KNOWS YOU and when you recognize yourself, oh wow!

CHOICE

Physical expression is a play upon which your physical being experiences its myriad expressions—each role interacting and individual. There is a script but unfortunately it is not as predetermined as you might at first expect. It is written as you choose to direct the play itself. It is up to YOU to write your screenplay.

It is said that “death is the great equalizer”. I tell you that this is not so: LIFE (BIRTH) IS THE GREAT EQUALIZER. You may wish to think about that, for the topic is so lengthy as to cause me to lose my audience. YOU ARE BORN WITH 100% PURE POTENTIAL—JUST LIKE THE NEXT GUY! YOU “DIE” WITH WHATEVER YOU HAVE MADE OF YOURSELF USING THAT POTENTIAL. IT HAS BEEN EVER THUS.

I like to liken the soul to a wondrous building that surpasses one tiny generation. It depends on the inhabitants coming along and using the building as to how it will grow or deteriorate. How is your soul today? How was it yesterday? HOW ABOUT TOMORROW? And yes indeed, there certainly IS a “tomorrow”—here, there or elsewhere. Only YOU are the variable.

It is not the walk along the right path that bogs you in the mire—it is the short-cuts through the fog that get you into trouble. Ask of God and you SHALL receive—TAKE from God and you will reap the return appropriate to the action.

Let us get a bit crude and example a small child who knows to go to potty but thinks about it and then dirties his diaper. The thought didn’t get him into trouble with Mom—his ACTIONS did. The moral? Think before you poop, students. And no, God does NOT poop on you, so clean up your attitude and your life will likely improve immensely. God offers you abundance, perfection and total creativity—you choose that which you do with it.

I close with the fact that God loves you ABSOLUTELY and not “unconditionally”—for conditions are not a reality in association with God Creator. The most you can have are “guidelines”. Use them or toss them; it’s up to you.

Now go find those who object to my presentation, evaluate both and consider what you conclude.

Enjoy what you have created, for it IS YOUR LIFE. God has infinite time—and so too do you but you may well change shape and form. GOD IS. Ply your games as long as you will—TRUTH OUTS.

I salute the students who dare to learn.—GCH

dharmā 

Possibilities Behind The Estrada “Coups”

9/14/03—#1 (17-29)

SUN., SEP. 14, 2003 6:30 P.M. YR 17, DAY 29

EJ—RE: WHAT WAS BEHIND THE ESTRADA
“COUP”?

MANILA, PHILIPPINES

INTELLIGENCE: OLD AND GENUINE?
OR “NEW” AND, LIKE RAT POISON,
ONLY 97% TRUE?

Because we make an effort to publish news and information not usually available in the establishment media, we receive information, tips, and reports from all over the world. The hazards of publishing such material are, or should be, visible to most everyone. We would like to be equipped to confirm through other sources the veracity of any such material that might “have an axe to grind” but in the following case, we can only verify part of what is reported, and most of our confirming material is not yet quite ready for publication. With that caveat to you readers, we elect to share the following because it fits in with so much of what is going on here in the Philippines. [QUOTING:]

JULY 25, 1999

TO: GENERAL CESAR FORTUNO

FROM: OPERATIVE TV

RE: INTELLIGENCE REPORT

1. The mass rally on August 20, 1999 will endanger the National Security of the State and the stability of the Republic of the Philippines. This is instigated by the Ayala Foundation and Filipinas Foundation on orders of the top Ayala personalities like Bea Zobel, Fernando Zobel de Ayala, Augustus Jaime Zobel de Ayala and Inigo Zobel de Ayala, the grandson of Jacobo Zobel, and the son of Don Enrique. (The latter funded the [attempted] coup-d’etat in 1989.) The Ayalas told Secretary Pardo, *et al.*, that Presidents may just come and go, but the Ayalas will stay until the end of the world. This is mentioned several times to Secretary Pardo because he is close to Pres. Estrada while he has a permanent interest with Ayala because of his Wendy’s business establishments strategically located in Ayala Business Center earning multimillions pesos annually. Secretary Pardo is now influencing the SSS to invest in Ayala’s Makati Stock Exchange.

On the surface, the movement is using as a rallying point the suppression of the freedom of the press and the tinkering of the constitution which was written by 50 delegates personally chosen by then President Cory Aquino at the height of her popularity. The united opposition agreed that with their combined votes they can dislodge Erap through election recall.

2. The hidden agenda and motive of the Ayalas is: The election Recall of President Estrada because they are afraid that their landgrabbing of 2,000 hectares as per decision of the Supreme Court in Kalatagan, Batangas will be executed by the sheriff under the direction of

President Joseph Estrada through the DOJ and DENR to prove that NOBODY IS ABOVE THE LAW.

3. Furthermore, the Ayalas are also afraid that their landgrabbing of 1,500 hectares of military reservations, part of Fort William McKinley in Makati and Manila will be declassified and exposed by President Joseph Estrada. The value of this property is now worth TRILLIONS of Pesos. The Ayalas are afraid that TOP SECRET records of the FORT WILLIAM MCKINLEY case will be declassified by President Estrada and it will be exposed that the Ayala’s BILLIONS of ASSETS are ill-gotten. And that they are accumulating so much wealth in their hands by LANDGRABBING creating a wide gap between the rich and the poor. The Ayala knew very well that their predecessors-in-interest—the late Col. Joseph R. McMicking Jr. and his brother-in-law Jacobo Zobel de Ayala the top aide-de-camp of the late President Quezon and another American Associate, Atty. Eugene Perkins and Atty. De Witt—were involved in landgrabbing by expanding their small landholding in Santa Ana up to the creek at the back of Forbes Park and Dasmariñas Village in Makati which practically covers the Ayala Business Center.

4. The late President Marcos knew that the Spanish-American oligarchs Headed by Col. Joseph R. McMicking Jr., the late Jacobo Zobel de Ayala and his brother Fernando utilized the expertise of Atty. Eugene Perkins in landgrabbing the Hacienda Quibiga of Capitan Juan Gonzales. The 1,500 square meters of Ayala property was expanded to 1,500 hectares which include the Forbes Park, Dasmariñas Village, Magallanes Village, San Lorenzo Village, Legaspi Village, Salcedo Village, Bel-Air Village, San Miguel Village, Urdaneta Village and Ayala Commercial Center.

Ayala and the Makati Business Group are furious with President Joseph Estrada because he certified House Bill No. 6580 as a priority bill declaring as heinous crime the “falsification of Torrens Certificate of Title, or in any manner deal in transactions using fake and spurious Land Titles.”

The interest of Congressman Joker Arroyo is adversely affected in this very important legislation because he grabbed Technological Research Foundation of Imelda after the EDSA Revolution. Its substantial assets are located in Ayala Development in Makati. Marcos knew this very well and he threatened the CIA that if they will not pay the back rentals or disturbance fee on this property, he will expose the top-secret records. President Marcos also knew very well that the true owner of that Hacienda proclaimed by the U.S. War Dept. in 1902 as military reservation without just compensation, are the Heirs of Capitan Juan Gonzales of Fragata Espanola who was awarded a Royal Land Grant for services rendered to the Spanish Crown. The heirs of Capitan Juan Gonzales an Indio, were so numerous and poor and some are even squatters in their own land.

5. The CIA paid a total of \$46 BILLION to President Marcos from the intelligence funds of Pentagon with the understanding that President Marcos will pay the money to the poor numerous heirs. In about 1980, Mr. Tom Wright called up by long distance

the ATTY-IN-FACT of the poor numerous heirs of Capitan Juan Gonzales and asked him whether he received the money. The ATTY-IN-FACT answered not a single centavo was received. Mr. Tom Wright got mad and he told the ATTY-IN-FACT that Mr. Marcos will be disciplined and dislodged from the Presidency. [EJE: This story is so ridiculous that it nearly discredits the rest of the report. However, it serves perfectly to illustrate classic CIA "divide and conquer" technique.]

6. The Ayala instigated Senator Pimentel, one of their lawyers, to investigate in the Blue Ribbon Committee, the disbursements to the centennial project from the proceeds of the sale of Fort Bonifacio Property for which the Ayala wanted to acquire but they lost to METRO PACIFIC in the public bidding during the Ramos administration. This investigation was picked up by President Estrada by creating the Saguisag Commission. President Ramos got mad with President Estrada's state-of-the-nation address, especially that the Binay Boys circulated in the 5-star hotels that Ex-President Ramos will be sent to jail by President Estrada. The purpose of this intrigue is to motivate Ex-President Ramos to join the mass rally and pre-empt the Saguisag Report. Ex-President Ramos will hold in the meantime a separate rally, funded by him not on the issue of CHA-CHA because his group will be inconsistent. Ex-President Ramos will raise the issue of cronyism and suppression of the freedom of the press. Mr. Ramos will also be funded by former GSIS PGM Cesar Sarino, his bagman who made millions from the GSIS through his share of commission in pre-need insurance with Prudential Insurance. According to the comptroller of Prudential Insurance, Mr. Sarino would not accept a check so he has to deliver the cash by armored car from the Prudential Bank to the residence of Sarino. Mr. Sarino, together with Board Member Burgos Obana also made millions on the over-releases of loans extended to San Jose Builders, which obtained almost a Billion-Peso Loan from the GSIS. San Jose Builders cannot pay the loan, thus jeopardize the GSIS Trust Funds. It was also PGM Sarino who masterminded the releases of P350 Million each from the GSIS, SSS and Land Bank to Ramos centennial project but substantial amount was diverted to LAKAS Campaign Fund and personal pocket of Sarino.

7. Despite the VFA approval the CIA is furious with President Estrada because he is negotiating secretly with the Marcoses without involving the heirs of Captain Juan Gonzales the true owners of the substantial assets in BILLION OF DOLLARS in the possession of Greggy Araneta and BongBong Marcos. The CIA wants President Estrada to retrieve from the Marcoses the Gold Bullions which they claimed belonging to the U.S. Government as the spoils of World War II. The Gold Bullions locations and GBC were in-putted in the micro-chip and placed in the denture of President Marcos. Before Pres. Marcos' death he turned over this denture to BongBong Marcos in Hawaii. The CIA through Atty. Robert Heafner, legal attaché of the U.S. Embassy has monitored this. That is why there can be no compromise with the Marcoses unless there is also an amicable settlement with the U.S. State Department with respect to the Gold Bullions and the heirs of Capitan Juan Gonzales with respect to the \$46 Billion-plus paid by the CIA.

8. The issues of the rally will be presented effectively to the public by the *Inquirer* and the *Philippine Star*. Mr. Amando Doronila and Congressman Feliciano Belmonte were assigned by the Ayala and Cory Aquino respectively. The funding of the *Inquirer* for this purpose will be coming from the Ayala Foundation and Ayala Group of companies. While the

Philippine Star from Congressman Belmonte who made Millions of Pesos from the sale of Acquired Assets of the GSIS. The classic example of this transaction is the GSIS-owned COMBANK. The GSIS Combank has gross assets of P1.6 Billion in 1987 and net worth of P600 Million. But it was sold for only P10 Million, the actual payment. In the Contract of Sale, then President Feliciano Belmonte and Atty. Joker Arroyo made it appear that the consideration is P510 Million. This grossly disadvantageous Contract to the GSIS was approved by President Cory Aquino and then Executive Secretary Joker Arroyo. This COMBANK is now owned by the Bank of Commerce, the bank of President Cory Aquino's family by sheer manipulations of shares of stocks. Secretary of National Defense, Fidel Ramos was a member of the GSIS Board of Trustees when this grossly disadvantageous contract was approved by the GSIS Board of Trustees. The records of this transaction are with the Commission on Audit. The Auditor assigned to audit this transaction cannot perform his/her duty because they are afraid of President Ramos, Congressman Joker Arroyo and Feliciano Belmonte.

A subordinate of PGM Belmonte in the GSIS filed an anti-graft case against Belmonte and Board of Trustees with the Ombudsman-Visayas and a prima-facie case was established but when Justice Conrado Vasquez retired, the case was dismissed because Ombudsman Desierto was unduly influenced by President Ramos because he owed his appointment to President Ramos who was involved in this case being a Board Member when this COMBANK sale was approved by the Board. The complainant was harassed and persecuted by Belmonte and Sarino.

9. The motive of Cardinal Sin in agitating for mass rally and eventually polarize to election recall of President Joseph Estrada are as follows:

9.1. He is afraid that his niece, a certain Mrs. Viernesto who is charged before the Ombudsman together with Morato, will be sent to jail by President Estrada.

9.2. Cardinal Sin is also afraid that the vast Roman Catholic Cemetery, in Kalayaan Avenue, St. Augustine School in Dasmarias Village, Don Bosco School, and San Carlos Seminary, all in Makati, will be included in the declassification of top secret records of Ayala landgrabbing.

9.3. Cardinal Sin is also afraid that his sources of funds, Alice Reyes of PAGCOR, will be pressured by President Estrada to resign because she is a classmate of Cory Aquino in Santa Escolastica also contributing to the projects of Ex-President Aquino.

9.4. Cardinal Sin is also afraid that Justice Munos Palma of Philippine Charity Sweepstakes will be pressured by President Estrada to resign and their sources of funds with Cory will also be cut-off.

10. President Cory Aquino and the Ayalas agreed to replace the statue of the assassination of Ninoy constructed by the Ayala in front of Ayala Towers because they want to perpetuate in the minds of Filipino people that with the appearance in statue of 2 Marcos Metrocom Soldiers arresting Ninoy, President Marcos was the one responsible for the assassination of Ninoy. Cory does not want that the murder of Ninoy will be re-opened especially so that Senator Ople, who is now President of the Senate, wants it re-opened and former Senator Juan Tolentino will be the No. 1 witness who publicly pronounced that the murder of Ninoy was the work of the CIA. Hence, the rally of the Ayala, Cory Aquino and Cardinal Sin will be the Ayala Triangle. Ramos Group is not joining them there because the statue of Metrocom Soldiers will remind the public that General Fidel Ramos was the head of the P.C. Metrocom and very embarrassing to former President Ramos.

11. Congressman Joker Arroyo, Feliciano Belmonte and Butch Aquino will spearhead in Congress the resolution of election recall once the rally will polarize towards that goal. They are now motivating Congressman Ernesto Herrera to grab the Speakership. Joker is doubling his efforts against President Estrada because he is fearful that the funding of Joe Ma Sison will be cut-off through the Securities Exchange Commission. Joe Ma Sison is getting his logistics through his client, Pablo Villaber, the finance officer of CPP. He is the President of Malayan Integrated Industries Corporation which holds a multibillion reclamation contract in Lapulapu City through the help of former Speaker Joe de Venecia as against the interest of Lito Osmena, an Ayala boy and the American protege, Lito Osmena also believes that with the combined votes of the opposition as reflected in the election results in 1998, it is a foregone conclusion that President Estrada can be dislodged through election recall.

12. Atty. Frank Chavez was used by the CIA to block any Secret Settlement with the Marcoses.

RECOMMENDATION:


In order to avert a civil war and a bloody confrontation, this report should be declassified and allow Senator Gregorio Honasan to expose this in his privilege speech in the Senate before August 20, 1999 in Aid of Legislation. [END QUOTING]

OPERATIVE TV

[Editor's (EJE) Commentary: Ekkers were in Manila at the purported time of this report and they do not recall such a privilege speech by Senator Honasan or a mass rally on August 20, 1999. There certainly was never any "election recall". More than a year later, in October of 2000, Governor "Chavit" Singson publicly "admitted" that he had made payoffs of gambling money and a large bribe to Estrada for the release of Tobacco Tax funds to Singson's province. That admission resulted in a Senate investigation which led to an impeachment trial during which the prosecutor-Senators walked out in a "staged" move that, in concert with the media, was able to stir up enough rallying to cover the programmed coup and swearing in of Gloria Macapagal-Arroyo by the Justices of the Supreme Court.

Many of the hotel employees reported going to the rally after leaving work where they would get some food and, around 9 PM, people went through the crowd passing out P500 bills. That is the equivalent of \$10 so several millions of dollars were spent in "Philippine-style crowd control". The press and TV coverage were virtually nonstop and, as a result of the thorough brainwashing, Ekkers were just as willing to see Mr. Estrada hang as would have been almost any Filipino.

While this self-styled "Intelligence Report" states that its objective is to avoid bloodshed and abort the election recall, there are a few too many extraneous subjects taken up to inspire great confidence in it. For instance, we doubt that a competent "intelligence operative" would not know that the CIA does not spend the money of the Pentagon, especially \$46 BILLION to pay off the heirs of Captain Juan Gonzales. However, for that, shall we say 3% transgression, we cannot throw away the 97% that confirms much of what we have dredged up from other, and in most cases less questionable, sources.

Finally, we have a tendency to look askance at any report like this that seems to turn the event into a local matter and ignores (excuses?) the foreign meddling whose tracks are to be seen everywhere we look, so let us treat this one as something of a "rebuttal" from the "other side".] 

A Duly Elected President Was Removed Without Due Process

POWER WITHOUT AUTHORITY
CRISIS AND CONFLICT IN THE PRESIDENCY

BY FRANCISCO S. TATAD

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[QUOTING:]

PART I

Introduction

Injustice, not poverty, is the gravest social evil. We have too many laws but not enough justice. Too many justices, but not enough just men...

—Francisco S. Tatad, *A Nation on Fire: The Unmaking of Joseph Ejercito Estrada and the Remaking of Democracy in the Philippines*

Ever since power changed hands in the Philippines in 2001, the government's legitimacy has faced continuing challenge. It has since spread. There are two contending claimants to the presidency. One, elected; the other, installed in a coup. The first had lost presidential power; the second never had presidential authority. The conflict then is one between power and authority. It can be resolved only when power is reunited with authority.

In *Estrada v. Arroyo: Rule of Law or Rule of Force?*¹, the small pamphlet that has provoked the present storm, Prof. Alan Pagua points out that power can exist without authority, and *vice versa*. But it was never intended that the one should exist without the other. Power must always be exercised by rightful authority. The people, as sovereign, are the source of this authority. They confer it on their leaders by direct popular vote. A powerful minority may succeed in removing the duly elected President from power illegally, but it cannot remove or revoke his authority.

The conflict began on January 20, 2001 when Joseph Ejercito Estrada, elected in 1998 to a six-year presidency, was ousted by Vice President Gloria Macapagal-Arroyo. Estrada was being tried by a Senate impeachment court, presided by the Chief Justice of the Supreme Court, when the prosecutors walked out and the military commanders and justices of the High Court installed Arroyo. But instead of declaring a revolutionary government, as Corazon Aquino did when she took over from Ferdinand Marcos in 1986, Arroyo claimed pure constitutionality.

There was nothing constitutional in the takeover. The presidency was not vacant, and none of the constitutional modes of vacating the office—death, permanent disability, removal (by impeachment), resignation—had occurred. But the Chief Justice simply swore in Arroyo. For security reasons, Estrada withdrew. On February 6, 2001, Estrada asked the Supreme Court to recall Arroyo. On March 2, 2001, 13

justices ruled that Estrada had resigned “constructively”, and that Arroyo had become president *de jure*. They reiterated their ruling “with finality” on April 3, 2001. Evidence has since revealed that the justices had played an active role in the coup and had already disqualified themselves from the case, by operation of law, when they upheld Arroyo.

In *Rule of Law*, Pagua points out that the justices violated the Code of Judicial Conduct, which prohibits them from participating in partisan political activities.² By joining the anti-Estrada crowd to swear in Arroyo, the justices became active participants in the coup, thereby expelling themselves from any authority to hear and decide the case Estrada would later file against Arroyo. But there was a far graver crime of which the public never knew.

Associate Justice Artemio V. Panganiban has since revealed that it was he and Chief Justice Hilario Davide, Jr. who had decided to swear in Arroyo even *before* she asked for it. Panganiban says he asked Arroyo, through her legal counsel, to write the Supreme Court a letter asking the Chief Justice to swear her in as President, *after* the justices had themselves decided to do so.

Panganiban first made the revelation in a speech at a symposium of the University of Santo Tomas Central Seminary, Manila, on February 19, 2002. It is not known what impact it had among its listeners, if any. But Panganiban later made it part of a book, *Reforming the Judiciary*³. For months the book went unnoticed, until one day a curious reader stumbled into the speech. It quickly caught fire, forcing the author to recall it from the stands, and to prohibit possession and reading of the book among Supreme Court employees. Estrada has since used the speech to move for the impeachment of eight justices for culpable violation of the Constitution, betrayal of public trust and other high crimes. Demonstrators have also used it to demand the resignation of the justices. [QUOTING:]

Panganiban's speech

Saving the Constitutional System
(By Justice Artemio V. Panganiban)

(Address delivered during a symposium sponsored by the University of Santo Tomas Central Seminary on February 19, 2002 at the UST Martyr's Hall)

Before I discuss the topic for today's symposium, let me invite all of you to rise as I recite the “Centennial Prayer for the Courts”.

Almighty God, we stand in Your holy presence as our Supreme Judge. We humbly beseech You to bless and inspire us so that what we think, say, and do will be in accordance with Your will.

Enlighten our minds, strengthen our spirit, and fill our hearts with fraternal love, wisdom, and understanding, so that we can be effective channels of truth, justice, and peace. In our proceedings today, guide us in the path of righteousness for the fulfillment of Your greater glory. Amen.

Thank you. Please take your seats. You may be interested to know that this prayer is recited at the beginning of each session of the Supreme Court.

The justices take turns in leading the prayer. Moreover, the Court has authorized its recitation at the start of all proceedings in all courts in the country.

The ecumenical prayer was composed last year by the Executive Committee for the Supreme Court Centenary Celebrations which I have the honor of chairing. Its wordings were finalized after patient and repeated consultations with major religious groups in the country: Catholic, Protestant, Muslim, Born-again and others.

Separation of Church and State

Many people, including some men and women of the cloth, are surprised why the Supreme Court has an official prayer. They ask: Is this not a violation of the separation of church and state? The answer is “no”. Let me explain.

The Philippines is theist, not atheist, not even agnostic. In fact, it is monotheist; it worships one God. That is why our Constitution begins with this significant first phrase: “We, the sovereign Filipino people, imploring the aid of Almighty God...”. You may want to know that both houses of Congress and the Cabinet also preface their sessions with prayers.

The most basic concept of separation of church and state merely requires the government to be neutral in the “competition”, as it were, amongst different religious denominations. Hence, Congress cannot appropriate and the President cannot spend public funds to build a basilica for the exclusive use of one religious group; neither can it promote the tenets or dogmas of another to the detriment of the rest; nor can it pay the salaries of priests or imams for performing strictly religious duties. Furthermore, it cannot use religion as a prerequisite or condition for the exercise of any right or privilege. At bottom, while there is separation of church and state, there is no separation of the state from God.

The Supreme Court's Role in EDSA 2

In the letter of invitation sent to me by Rev. Fr. Honorato C. Castigador, O.P., rector of the University of Santo Tomas Central Seminary, and Seminarian Francis A. Tordilla, chairman of the UST Literary-Academic Committee, I was asked to speak on the topic “Saving the Constitutional System”. May I publicly thank them for congratulating me on my “active involvement and display of statesmanship during the crucial political events of the Republic”. *Ginawa ko lang po ang aking tungkulin bilang isang Pilipino.* (I only did my duty as a Filipino.)

According to Seminarian Carmelo Arada Jr., who called me up earlier, you would be interested to hear a discussion of the Supreme Court's role in the ascendancy of Mrs. Gloria Macapagal-Arroyo to the Presidency. I think that your invitation must have been inspired by the *Philippine Daily Inquirer's* recent naming of the Supreme Court as “Filipino of the Year 2001” for “saving the constitutional system from collapse”.

While a poll survey shows that an overwhelming percentage of our people favor the *Inquirer's* choice of the Supreme Court as the most newsworthy player in our national life last year, I am aware that the minority believes that the Court “is on the wrong side of history here...”. I will not comment on that any further and will indeed let history be the ultimate judge.

The Hour of Reckoning

Let me now briefly recall the events of January 16-20, 2001. As all of us know, EDSA 2 was sparked by the 11-10 vote of the Senate Impeachment Court, which had refused to open the so-called second envelope that was supposed to contain damning evidence linking then President Joseph Ejercito Estrada to the multimillion “Jose Velarde” deposit in Equitable-PCI Bank.

The massive, chanting, demanding throng at the EDSA Shrine shook the rafters of the government. In no time, Cabinet members and other high government officials resigned and joined the call for President Estrada's resignation. Many religious leaders of all denominations as well as civic, business and professional groups and non-governmental organizations—the so-called “civil society”—repeatedly chorused “Erap, resign.” Media—print, radio and TV—were united in asking him to step down.

On the afternoon of Friday, January 19, 2001, all the heads of the major commands of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) withdrew their support from President Estrada and pledged their allegiance to then Vice President Gloria Macapagal-Arroyo (GMA). From that point on, it became clear to me that President Estrada could not effectively govern the country, but that Vice President Arroyo could not legally lead it either. In other words, from that fateful afternoon, there was no effectively functioning government in the country.

I was aghast at the situation and could not rest during the evening of January 19. I must have fallen asleep about 1:00 a.m. Upon waking up at 4:00 a.m. on January 20, I immediately switched on our bedroom TV. An EDSA panel was being interviewed. The media host announced that Cardinal Sin, through Msgr. Socrates Villegas, was pleading with the EDSA rallyists not to march towards Mendiola, where the pro-Erap partisans were encamped. Fr. Robert Reyes, a panelist, unequivocally supported the Cardinal's call. But the leaders of the militant groups announced they were proceeding to Mendiola at 6:00 a.m., unless President Estrada resigned by then.

The Grim Scenario

I was worried that if the two groups clashed, there would be violence and bloodshed, especially if the EDSA militants made good their vow to storm the presidential residence. President Estrada could not stop them because the government machinery had broken down. The military and the police would not obey him. Neither could Mrs. Arroyo take over the reigns of government, as there was—at least, theoretically—a legally recognized President. If Mrs. Arroyo acted, she would be unconstitutionally usurping presidential prerogatives. Indeed, she would be installing a revolutionary government. On the other hand, military adventurers could mount a coup d'etat and rule by force. In either case, the Constitution would be obliterated and all constitutional offices, including the Presidency, Congress and the Supreme Court would be abolished. Surely, the fragile economy would collapse and the nation thrown into civil strife.

I prayed and reflected upon this grim scenario. I concluded that the only way to avert violence, chaos and bloodshed and to save our democratic system from collapse was to have Mrs. Arroyo sworn in as President. After prayer and reflection, I summoned the courage to call up Chief Justice Hilario G. Davide Jr. about 5:30 a.m. to explain to him my apprehensions. I proposed that, to save the Constitution, he should swear in GMA by 12:00 noon of that day.

The Chief Justice's Response

In normal times, the Supreme Court and its members are passive government officials who act only when a proper petition or request is filed. I thought, however, that the scenario at that point was not normal. Far from it. In fact, the country was faced with an extraordinary situation that demanded an extraordinary solution. Only one state institution, the Supreme Court, had the credibility and the moral authority to avert a governmental catastrophe. And there was only one

person who could steer the country from armed confrontation and upheaval: Chief Justice Davide. His outstanding performance as presiding officer of the impeachment court made him—per a scientific poll survey—the most trusted Filipino.

To my delight, Chief Justice Davide immediately agreed to my proposal. He asked me to announce over radio and television his intention to administer the presidential oath to the then Vice President.

When a justice heard the announcement, he telephoned the Court questioning the proposal. So the Chief Justice decided to call immediately all the members of the Court to an emergency session. After an animated discussion on the various constitutional aspects of the situation, all twelve justices present—three were out of town—eventually backed the announced swearing in, provided GMA submitted a formal written request for it. They even went to the EDSA Shrine to witness the oath-taking ceremony.

The Court Decision

From this dramatic, extraordinary event of EDSA 2, the rest is now legal history. On January 22, 2001, Monday, the Supreme Court, by a unanimous vote of all its 15 members, passed a Resolution “to confirm the authority” of the Chief Justice to swear in GMA as “President of the Philippines”.

On March 2, 2001, the Court promulgated its 13-0 decision in *Estrada v. Desierto* and *Estrada v. Arroyo*, upholding the legitimacy of the Arroyo ascension to the presidency. Only thirteen voted inasmuch as Chief Justice Davide and I inhibited ourselves from the case because of our active participation in the swearing-in ceremony. I was prepared to submit in writing my own opinion of these cases, but yielding to the request of Estrada, I instead recused myself voluntarily. At the proper time, however, I hope to be able to present my own view.

On April 3, 2001, the Court, by the same definitive vote of 13-0, denied with finality President Estrada's Motion for Reconsideration. Thus, it put to rest the constitutionality of the Arroyo government.

Four theories on the Arroyo Ascension

While the Court was unanimous in ruling that GMA was the legitimate, constitutional and permanent—not merely “acting”—President, and that Joseph Ejercito Estrada was no longer Chief Executive, the justices were not united in their reasons for their common conclusion. To understand the ruling, it is important to bear in mind Article VII, Section 8 of the Constitution, which covers succession to the Presidency and which, in part, reads as follows:

“Sec. 8. In case of death, permanent disability, removal from office, or resignation of the President, the Vice President shall become the President to serve the unexpired term...”

The various theories used by the justices to support the constitutional legitimacy of the Arroyo ascension to the Presidency can be summed up into four, as follows:

1. Resignation theory

A majority of the members of the Court reasoned that Estrada had resigned and, thus, Vice President Arroyo was constitutionally empowered to take over. Although Estrada had not executed any written resignation, “the totality of prior, contemporaneous and posterior facts and circumstantial evidence” unmistakably showed that a resignation had in fact taken place. This view was held by six justices: Jose A.R. Melo, Reynato S. Puno, Leonardo A. Quisumbing, Minerva P. Gonzaga-Reyes and Sabino R. de Leon. In addition, Justice Arturo B. Buena concurred “in the result” of Justice Puno's ponencia, but did not give any specific reason for legitimizing GMA's rise to the presidency.

2. Permanent disability

Under this theory, Estrada was permanently disabled from discharging his duties and functions as Chief Executive, thus, GMA succeeded him legally. This view was shared by Justices Josue N. Bellosillo and Vicente V. Mendoza. Justice Bellosillo opined that permanent disability “cannot realistically be given a restrictive and impractical interpretation as referring only to physical or mental incapacity, but must likewise cover other forms of incapacities of a permanent nature, e.g. functional disability.” Justice Mendoza, on the other hand, clarified that what enabled GMA “to assume the presidency was the fact that there was a crisis, nay a vacuum, in the executive leadership which made the government ripe for seizure by lawless elements.”

3. Abandonment

Justice Jose C. Vitug held the opinion that President Estrada practically abandoned the presidency, an act equivalent to resignation. He explained that abandonment “connotes the giving up of the office although not attended by the formalities normally observed in a resignation.”

4. Reality theory

Four magistrates—Justices Santiago M. Kapunan, Bernardo P. Pardo, Consuelo Ynares-Santiago and Angelina Sandoval-Gutierrez—believed that Estrada had not resigned or voluntarily left his office. However, the stark reality was that Mrs. Arroyo had actually taken over the Presidency and was recognized as the constitutional incumbent by Congress, the international community and the Filipino people. In the words of Justice Gutierrez, “this Court has to declare as a fact what in fact exists. Respondent Gloria Macapagal-Arroyo is the *de jure* President of the Republic of the Philippines.”

In his *Foreword* to my latest book, *A Centenary of Justice*, Chief Justice Hilario G. Davide Jr. called this unanimous decision of the Supreme Court “a watershed event of truly momentous proportions that would be cast in concrete in the portals of constitutionalism”. He added that “his and my recusal has further served to strengthen the independence of the judiciary and the rule of law”. Indeed, the Supreme Court descended from its lofty perch on Mt. Olympus to avert civil strife and to save our constitutional system from collapse.

Epilogue

Before I end this piece, let me articulate my faith that EDSA 2 was indeed a confluence of events planned in heaven. I do not have the time to relate all these events. Let me just say that, frankly, I am still wondering up to now how I had summoned the courage to propose the oath-taking of Mrs. Arroyo even when she had not yet requested it, and even when President Estrada was still in Malacañang, and why Chief Justice Davide immediately agreed to it, even prior to consultation with the other justices.

The Chief Justice and I both knew that the Supreme Court was a passive institution and that, ordinarily, justices did not take active part in political events. The Court's extraordinary action to resolve an extraordinary situation can only be explained as the work of the Holy Spirit on both of us and, in fact, on all the key players of EDSA 2. It was the same Spirit that animated us to do what we did, not because of conventional human wisdom, but because of faith instilled by the Lord.

Let me add that the Chief Justice and I have the same habit of reading Scriptures as the source of God's daily instructions on how we should do our work. In my case, I take my bearings from the daily Mass readings. But in the case of Chief Justice Davide, he cuts the *Bible* and reflects on the page that opens. On that fateful morning of January 20, he woke up as usual at 3:30 a.m., prayed, cut his *Bible* and reflected.

On that morning, the *Holy Book* opened to *Isaiah 62*, which spoke of the “Restoration of Zion”. As he prayed and meditated, he was struck by the unmistakable impression that he should act to restore Zion, that is, to bring normalcy to the country. Hence, when I called him up at 5:30 a.m., he was spiritually and psychologically ready for my then “weird sounding” proposal.

Finally, you may want to be reminded that the gospel reading for January 20, 2001 was taken from *Mark 3:20-21*, in which our Lord was accused by his own relatives of being “out of his mind” and in Verse 22, by the scribes, of being “possessed by Beelzebub, the prince of demons”, because the crowds were so mesmerized by his teachings that they refused to eat. Indeed, in our community—whether it be of people who are supposed to love us like our relatives, or of those who hate us, like our never-satisfied critics—we could be misunderstood, even thought of as insane, when we espouse unorthodox ideas and actions. But we should always stand fast and take courage especially when our eccentricity is born of faith that transcends human wisdom.

I will now end my introductory remarks and, as the organizers of this Symposium and I have agreed upon, I will spend the rest of the hour by answering your questions during the open forum.

Maraming salamat po. (Thank you very much.) [END QUOTING]

What it all means

The speech tends to give the reader a “horizontal vertigo”. If that speech had been made one month after the coup, one might have understood why Panganiban had such an abnormal view of reality. The smoke had not yet cleared by then; the rule of reason was still on embargo. But one year after the event, everyone could already see that the rule of law was gone, and that Panganiban and Davide had played major roles in its destruction. Panganiban should have shredded that speech, instead of printing it.

They did everything wrong

Panganiban and his brethren now say, “We did nothing wrong.” But they violated the law, and no man is above the law. Panganiban was right to worry about the prospect of uncontrolled violence erupting that fateful day. Everyone else worried about it. But the Constitution does not allow a justice of the Supreme Court to get involved in partisan political activities. He just cannot get involved, were anyone to employ physical force to compel him to. But to involve himself voluntarily in a partisan political activity that puts him outside the Constitution—that is beyond all legal and moral contemplation.

In a lecture Davide gave after receiving the once-prestigious Ramon Magsaysay Award (for “Government Service”) in 2002, the Chief Justice said the judiciary “cannot and should not be swayed by popular movements or lobby groups; *it cannot and should not act on issues of public interest, unless they are encompassed in a case before a court...*”. But what justices cannot and should not do was exactly what Davide and his associates did to Estrada. Not only did they decide that Arroyo should succeed Estrada, even without a vacancy or a case in court claiming a vacancy. Graver than that, they asked Arroyo to write them a letter asking Davide to swear her in as President, after they had decided to swear her in, without anyone asking them to.

The Constitution or the Bible?

Panganiban’s story about his and Davide’s *Bible*-reading is truly fascinating. He says they “have the same habit of reading Scriptures as the source of God’s *daily instructions* on how we should do our work. In my case, I take my bearings from the daily Mass readings. But in the case of Chief Justice Davide, he cuts the *Bible* and reflects on the page that opens. On

that fateful morning of January 20, he woke up as usual at 3:30 a.m., prayed, cut his *Bible* and reflected. On that morning, the *Holy Book* opened to *Isaiah 62*, which spoke of the ‘Restoration of Zion’. As he prayed and meditated, he was struck by the unmistakable impression that he should act to restore Zion, that is, to bring normalcy to the country. Hence, when I called him up at 5:30 a.m., he was spiritually and psychologically prepared for my then ‘weird sounding proposal.’”

One doubts that the Catholic Church would look kindly on any suggestion that the Holy Spirit now gives technical advice on constitutional questions, through Davide and Panganiban, in the wee hours of the morning. The Church has always venerated Scripture as the great depository of the Word of God. The *Bible* came to the world through the Church, not the other way round. Thus, for Catholics, the Church is the divinely appointed Custodian and Interpreter of the *Bible*. It was never meant for private interpretation; that would make a single, correct and authoritative interpretation impossible and result in a riot of conflicting interpretations.⁴ Because of its divine origin, and the fact that it has been translated from the Hebrew, Aramaic, Greek and Latin since it first came to print in the 15th Century, the *Bible* has to be read with the help of the Church, as guide. It has to be read, according to the Second Vatican Council, with special attention to content and unity of the whole Scripture, within the living Tradition of the whole Church, and with full attention to the coherence of the truths of faith among themselves and within the whole plan of *Revelation*.⁵

In *Verbum Dei*, the Second Vatican Council says “the Church does not draw her certainty about all revealed truths from Holy Scripture alone... Tradition transmits in its entirety the Word of God which has been entrusted to the Apostles by Christ and the Holy Spirit... Sacred Tradition and Sacred Scripture make up a single sacred deposit of the Word of God which is entrusted to the Church.”⁶

Panganiban’s account illustrates the pitfalls not only of private interpretation, but also of reading Scripture for political reasons. He says Davide cut his *Bible* to *Isaiah 62*, which spoke of the “Restoration of Zion”. And Davide concluded the Holy Spirit was telling him to “bring normalcy” to the country by swearing in Arroyo as President, which would instead destroy, as it finally did, the constitutional order.

If Davide needed to restore anything, it was the Senate trial where he, as presiding officer, could not prevent the prosecutors from walking out, nor could he recall them to court on pain of contempt, after they had failed to bully the senators. That needed only a more honest discernment of public duty, not a direct instruction from heaven. The recall of the prosecutors would have allowed the trial to finish: Estrada would have been judged by rightful authority on the basis of the evidence, and the Constitution and the rule of law would have been maintained.

But Davide was obviously headed in the opposite direction. He did nothing to avert the disaster. On the day of the coup, the impeachment court had not yet been declared *functus officio*—that would come on February 7, 2001—and Davide was technically still presiding justice of the trial, which had been suspended, after the prosecutors had walked out. His going to EDSA did not only violate the Code of Judicial Conduct; it also clashed violently with his duties as presiding justice of the suspended trial. But for doing precisely what he should not have done, Davide was showered with all sorts of awards by temporarily blinded groups and organizations, including the once-highly-coveted Ramon Magsaysay award, and the hitherto unknown

Bantay Katarungan (Guardians of Justice) award. Accepting the latter award on February 8, 2001, Davide proudly associated himself with the multitude at EDSA and said, to the warm applause of the self-styled guardians of justice, that what happened there was a glorious continuation of what had begun at the Senate trial. In *Nation on Fire*, I ask: Would the Chief Justice have been half as enthralled had some churchmen and generals taken over a Supreme Court trial and ‘finished’ it in the streets? The answer can be gleaned from the justices’ vigorous reaction to the demonstrations some distance away from the Supreme Court building.

Davide and Panganiban probably sincerely believed they were getting “daily instructions” from the Holy Spirit. Not even the Blessed Virgin ever said anything like it; but, granted for the sake of argument that they believed they had a better case, the question is: Were they reading their instructions right? Granted, again *arguendo*, that they were, did they or do they have the right or the authority to impose upon the nation, or even just the court, a public duty to act outside and against the Constitution, just because their copy of the *Bible* had opened to a certain page and text that particular morning? It is a simple question of reasonableness.

Theist but not theocratic

Our society is theist, even monotheist. But the state is secular, not confessional, much less theocratic. A justice who reads scripture and prays daily is to be admired and imitated, but if he throws away the Constitution and the law just because he reads the *Bible*, he should have no business sitting in court at all. St. Thomas More (1477-1535) martyred Lord Chancellor to Henry VIII, and now patron saint of statesmen, has something to teach us here. Robert Bolt, in his play *A Man for All Seasons*, brings us the relevant scene:

Margaret: Father, that man’s bad.

More: There’s no law against that.

Roper: There is! God’s law!

More: Then God can arrest him.

Roper: Sophistication upon sophistication!

More: No, sheer simplicity. The law, Roper, the law. I know what’s legal, not what’s right. And I’ll stick to what’s legal.

Roper: Then you set Man’s law above God’s.

More: No, far below; but let me draw your attention to a fact—I’m not God. The currents and eddies of right and wrong, which you find plain sailing, I can’t navigate. I’m no voyager. But in the thickets of the law, oh there I’m a forester. I doubt if there’s a man alive who could follow me there, thank God...

Alice: While you talk, he’s gone!

More: And go he should if he was the devil himself until he broke the law!

Roper: So now you’d give the Devil the benefit of the law!

More: Yes. What would you do? Cut a great road through the law to get after the Devil?

Roper: I’d cut every law in England to do that!

More: Oh? And when the last law was down, and the Devil turned around on you—where would you hide, Roper, the laws all being flat? This country’s planted thick with laws from coast to coast—Man’s laws, not God’s—and if you cut them down—and you’re just the man to do it—d’ you really think you could stand upright in the winds that would blow then? Yes, I’d give the Devil the benefit of law, for my own safety’s sake.

The justices’ crime

What exactly is Panganiban’s and Davide’s crime? On Panganiban’s testimony, which Davide says is “faithful” to the facts and the history that it creates,⁷ they violated the Constitution. *Culpably*. And their knowledge of the law compounds it all. They are the

supreme arbiters of the Constitution. They are presumed conclusively by law to know the Constitution^{7A}. They had full knowledge of what they were doing. And they gave their full consent to do wrong.

Let us review Panganiban's revelations:

1) He and Davide decided on their own, without anyone putting them to it, that Mrs. Arroyo should be sworn in as President, without any vacancy having arisen in the Office of the President.

2) They announced their decision to swear in Mrs. Arroyo even before they had informed and obtained the consent of the 13 other justices, and even before they had informed Arroyo about it.

3) One justice complained upon hearing the announcement. So they called the 10 other justices—three being out of town—to an emergency meeting, and asked them to support the announced plan. All 10 concurred.

4) Panganiban informed Arroyo of the decision, and asked her to write the court a letter asking the Chief Justice to administer her oath at EDSA Shrine at 12:00 noon. Panganiban does not say whether that letter was received before the oath-taking.

5) Twelve of them went to EDSA Shrine for the oath-taking.^{7B}

6) Davide swore in Arroyo, with the 11 other black-robed justices on stage, surrounded by rabid anti-Estrada partisans.^{7C}

After her oath-taking, Arroyo was asked on national TV if it was true that she had asked the justices beforehand for an opinion whether or not she could take the oath. She said, "No, this was coming from the Supreme Court of its own volition."⁸ Panganiban does not say what he had told Arroyo about the letter she was to write to the court. In Chapter 10 of the justice's book, a guest article by Amando Doronila says: "At 6 a.m. of January 20, 2001, Panganiban rang Antonio Carpio, then Arroyo's legal adviser and now Supreme Court justice, to tell him Davide was willing to administer the oath." Panganiban does not dispute this account. But Arroyo's letter was not immediately available even to the Senate. It first surfaced on February 15, 2001, 26 days after it was supposed to have been written and sent. The letter, dated January 20, 2001, claimed Estrada had been "permanently disabled".⁹

Some questions

Let us now consider some questions.

1) Panganiban recognized that Arroyo could not possibly take over. In his own words, "there was—at least theoretically—a legally recognized President. If Mrs. Arroyo acted, she would be unconstitutionally usurping presidential prerogatives. Indeed, she would be installing a revolutionary government." Despite this, he and Davide decided that Arroyo should be sworn in, without a vacancy. What prompted them to do so?

2) The Constitution does not grant the Vice President any authority to certify to the Supreme Court that the President has been disabled, even if disability should occur. The Constitution assigns this duty to the President himself and, alternatively, to the Cabinet. In either case, it is Congress, not the Supreme Court, that should be informed. Why then did they ask Arroyo to write a letter asking the Chief Justice to swear her in, knowing as they do or as they were presumed conclusively by law to have known that such letter would have no constitutional basis?

3) When Panganiban spoke to Carpio about the letter, did he propose that Arroyo invoke "permanent disability" on the part of Estrada as the ground for her takeover?

4) Upon receiving Arroyo's letter, which claimed Estrada had been permanently disabled, assuming they did not suggest "permanent disability", and that they had

received the letter that same day, did the justices verify her claim? They obviously did not. Why? There is absolutely no official explanation on record.

5) The justices knew, by presumption of law, that Arroyo's letter had no constitutional or legal basis and effect. Is it not plain then that Davide had sworn in Mrs. Arroyo not because she had asked him to, but because the justices had already decided, on their own, that she should be sworn in, and that the letter from Arroyo was simply to satisfy some vague administrative caprice?

6) Had there existed a vacancy in the presidency when the justices decided to swear in Arroyo, why then did the 13 justices who later ruled against Estrada have *four* conflicting theories, instead of just one, on how that vacancy had occurred? Six said, "resignation"; two, "permanent incapacity"; one, "abandonment"; four, "reality", i.e., Estrada was driven out of office. Is this conflict in theory not the clearest proof that there was, in fact, no vacancy?

7) As primary actors in the coup, did the justices not commit a grave crime for which they must be prosecuted and punished, and because of which their ruling in *Estrada v. Arroyo* formally recognized as void, and full presidential powers restored to the duly elected president?

Restoring legitimacy

The prospect of restoring full presidential powers to the duly elected president terrifies many people. These include those who had opposed Estrada all along, those who had gone to EDSA or passively supported his ouster, those who believe he had done wrong and want him prosecuted and punished, and those who had benefited politically and materially from his ouster. Even among those who have tried to be neutral or detached from anything political, such fear is real. To them, it means restoring Estrada and his controversial style, which, though populist, was nevertheless unorthodox, unpredictable and very-often-defied description.

To them, it means going to a lot of trouble, abandoning a familiar routine and adjusting to a new one, further complicating a life that is no longer simple.

What many fear

It is a legitimate fear. Any attempt to restore legitimacy must overcome this objection. But this is first and above all a question of justice, not only to Estrada but primarily to the Filipino people. They are the ones who choose their president. They were the ones who elected this particular president. The presidency belongs to them. From them the presidency had been taken away; to them it must be restored. The question is not whether we approve of their choice or not, but whether we recognize the need for law and justice to reign. The people's will, as expressed by the majority, not the prescription of the few, must prevail.

We the people

Article II, Section 1 of the Constitution provides:

The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.

These words are clear. They need no interpretation. We the people are the source of all government authority and power. We decide what form of government we shall have, what kind of men and women shall run our nation's affairs. By our sovereign will, we elect our leaders; while in office, they may not be removed except for cause, following a process ordained by the Constitution. The President and the Vice President, who are elected, and the Members of the Supreme Court, the Members of the Constitutional Commissions and the Ombudsmen, who are appointed, may be removed only upon conviction in an impeachment trial. Due process may not be set aside, save by a revolution. A successful revolution writes its own rules.

Elections not a solution

There was no revolution in 2001. But the **duly elected president was removed without due process**. Many seem to believe the next presidential elections, scheduled in May 2004, will bury this problem once and for all. This appears to them a popular and painless solution. But while it could provide temporary relief, it cannot possibly provide a real cure. A fundamental constitutional principle has been broken, replaced by a dangerous precedent. It must be restored.

We cannot do nothing

Indeed, we could hold elections as scheduled in 2004. The voting could even be honest; the president could win by a landslide bigger than any the nation had seen before. But if for any reason the President incurs the disapproval of the Elite later, a small, powerful group, invoking precedent, could bring him down, with the help of mutinous generals, conspiratorial justices, and highly questionable jurisprudence. This need not happen to the next president. But it could happen to the next, or the next, or the next. The risk is self-perpetuating, the prospect completely open.

A crime was committed against the Filipino people in 2001. It is a continuing crime. We just cannot do nothing. Injustice is tolerable only when it is necessary to avoid an even greater injustice.¹⁰ But a greater evil, not a lesser one, is likely to result if we fail to act on this one. Distrust and disrespect of the highest court could become total and absolute; legislation would be a farce for so long as the constitutional order and the rule of law lay in ruins. Indeed, we must put a closure to the wrongful acts of 2001, if the Constitution and the rule of law are to work again. No one should ever again be permitted to usurp power by misusing the Constitution.

ABOUT THE AUTHOR

Francisco S. Tatad is the author of the critically acclaimed *A Nation on Fire: the Unmaking of Joseph Ejercito Estrada and the Remaking of Democracy in the Philippines*. A Cabinet member at 29 (the youngest in Philippine history), 1969-80, and member of the *Batasang Pambansa* (National legislature), 1978-84, he wrote newspaper columns and published and edited a national daily from 1984 to 1992, before his election to the Senate, where he served from 1992 to 2001, mostly as Majority Leader. His works include *Prospects of the Filipino*, *The Crisis of Our Times*, *Making the System Work*, *Guarding the Public Trust*, and *Hard Facts for Hard Times*. He lives in Manila where he chairs CITIZENS' CAUCUS, a project aimed at fostering responsible citizenship and effective governance.

FOOTNOTES

¹ Published by Icon Press, Manila, 2003.

² Rule 5.10. Code of Judicial Conduct provides: A judge is entitled to entertain personal views on political conduct. But to avoid suspicion of political partisanship, a judge shall not make political speeches, contribute to party funds, publicly endorse candidates for political office or participate in partisan activities... All judges shall comply strictly with this Code.

³ Artemio V. Panganiban, *Reforming the Judiciary*, Supreme Court Printing Press, December 2002

⁴ See Cardinal James Gibbons, *Chapter VIII, The Faith of Our Fathers*, Tan Books, Illinois, 1980

⁵ Cf. *Catechism of the Catholic Church*, 111.114

⁶ Vatican II, *Dogmatic Constitution on Divine Revelation*, 9-10

⁷ Davide, Foreword, *Reforming the Judiciary*

^{7A} Civil Code, Art. 3: "Ignorance of the law excuses no one from compliance therewith."

^{7B} Violation of Rule 5, 10, Code of Judicial Conduct

^{7C} Violation of Rule 5, 10, Code of Judicial Conduct

⁸ Tatad, *Nation on Fire*, p. 520 ⁹ Ibid, p 530

⁹ Ibid, p 530

¹⁰ John Rawls, *A Theory of Justice*, Revised Edition, The Belknap Press of Harvard University Press, Cambridge, Mass, 1999 [END QUOTING PART I]



PUBLIC NOTICE

IN THE MATTER OF THE ESTATE OF A.C. EKKER, AND THE ROBBERS' ROOST RANCH OWNED BY THE CROSS S CATTLE COMPANY, INC.

The publication of this Public Notice is intended to disclose information of interest to the public, as well as to protect the Officers and Directors of CROSS S CATTLE COMPANY, INC. from prosecution under the federal law commonly referred to as Misprision of Felony, defined as "The offense of concealing a felony committed by another..."

When the crime is concealed by a secret out-of-court settlement, it can be very difficult to prove, although in this instance there are witnesses that can be subpoenaed to testify. To protect ourselves, we need "prove" nothing; we only need to disclose the likelihood of the crime and let the law enforcement people investigate if necessary.

A.C. Ekker was piloting the Corporation's Cessna 175 on a cattle-spotting mission for the fall roundup on Sam's Mesa at the Robbers' Roost when the engine quit. During the crash landing he struck his head on the window post and may have had other injuries because he was having difficulty breathing. The two passengers with him were not seriously injured. The Medical Examiner found that the paramedics sent by Saint Mary's Hospital in Grand Junction, Colorado had inserted the breathing tube into his stomach instead of his lungs, thus asphyxiating him, and ruled his death the result of "Medical Intervention" November 12, 2000. His wife, Glori Allen Ekker and his son, Shawn Ekker (on behalf of himself and his two sisters), filed a claim against the Hospital for his Wrongful Death.

The crime probably occurred at the time of their filing the claim, although we did not learn of it until being informed recently that the claim had been settled for \$3,000,000. It is our best information and belief that Glori and Shawn Ekker defrauded the Hospital and its Insurance Carrier by claiming that A.C. was the sole owner of Cross S Cattle Company, Inc., thus inflating their claim by including the loss of its manager as part of their claim. That Shawn Ekker falsified his position has been verified by his hasty and unauthorized filing of the Corporation's tax return for the year 2000 and showing A.C. as 100% owner, when all available prior tax returns show the ownership split four ways.

In retrospect, we are caused to speculate that our attorney and Marcus Taylor, attorney for the Estate, may have deliberately delayed the settlement of our suit against Shawn Ekker and the Estate (to confirm ownership of the Corporation by the four children of Arthur and Hazel Ekker instead of one child, A.C.), until such time as the insurance settlement was made—which, if proven true, would be an Obstruction of Justice.

As a concrete example of this possibility: The rules of the court require that a defendant answer a complaint within 20 days and failure to answer or to negotiate for more time in which to answer is to be taken as a "default"—in effect, an admission that there is no available defense. Our complaint against Shawn Ekker and the Estate was filed July 12, 2002. The time for Mr. Taylor to answer on behalf of his client expired August 1, 2002. By mid-August we were urging our attorney to take the default but it took 60 more days of coaxing, cajoling, and nagging to finally get a Certificate of Default filed October 7, 2002. In the real world, the case was over. There was no response from Mr. Taylor—no excuses and no attempt to reinstate the case—silence.

Then, November 18, 2002 he blithely notified our attorney that he had scheduled our depositions for December 9, 2002. When our attorney informed him of the default, he got very busy filing some 20-plus pages of motions and somehow managed to have them heard by Judge David Mower in a "telephonic hearing" the afternoon of December 26, 2002. Without informing his clients of the "telephonic hearing", our attorney agreed to set aside the default and reschedule the trial for June 2003. To us, that smells like collusion.

What inducement, or threat, could have caused our attorney to give up the default? Attorneys vow to put the interests of their clients ahead of their own. What could possibly be more beneficial to the client in this case than a simple default? The case would be over, saving time and money, and there is no provision for appeal.

Could a small percentage, say 10%, of \$3,000,000—\$300,000, or even half of that, \$150,000, be enough to turn the head of such an important man as Mr. Taylor and even allow him to pay someone not to spoil the deal?

There is another evidence of laxness in the justice system in Central Utah. In an affidavit to the court, Mr. Taylor boasts of his service to and knowledge of the operation of A.C. Ekker and the Robbers' Roost Ranch owned by Cross S. There is a rule called "Conflict of Interest" that says that an attorney cannot represent an adversary to a former client. Doing so can lead to the disbarment of the attorney. Mr. Taylor is clearly in violation of that rule since he currently represents the defendant that is now being sued by Cross S.

At the time of A.C. Ekker's death the Robbers' Roost Ranch was a completely equipped and operating entity. Not only did Shawn Ekker deposit the \$50,000 proceeds of the sale of the cattle from the ride in November 2000 in his own account rather than in the account of the Corporation, within six months the ranch had been stripped of all of its horses and mules, approximately one third of its cattle, its saddles, tack, pack outfits, stock trailers and nearly new pickup, plus all of its tools and other equipment. Who stripped it—rustled the cattle and thieved the horses and equipment? A.C.'s "widow", Glori Allen, and his son, Shawn. She was still taking men and sneaking out there to round up "her" cattle in November 2002 even though she had been notified she would be held in trespass.

It is our position that Glori Allen Ekker actually owned none of the cattle she stole and sold since there was no permission asked nor any notice given to the other stockholders that A.C. had entered into an arrangement to allow someone else to run their cattle on the Cross S permit at Cross S expense. We would speculate that the arrangement must have been a tax-dodge to shelter some of her income as a practicing physician at the Price, Utah hospital.

Is it not cruel to say so, publicly? Some times the truth is ugly but that does not change it. Why did we not report it to the Sheriff? We did—several times—and he did nothing, even though he knew the livestock were being shipped out of state, a Federal offense. He is no longer Sheriff so perhaps his lack of competence was evident to the voters.

We, Eddyjo Ekker, Evelyn Ekker Bingham, and Gaye Marie Ekker, the Officers and Directors of Cross S Cattle Company, Inc. reject any accusation that we are conspirators in a conspiracy to defraud the Saint Mary's Hospital and its insurance carrier and we will make every effort available to us to prosecute anyone who is. Additionally, the Robbers' Roost deserves to be preserved as the legacy of Joe and Millie Biddlecome, Arthur and Hazel Ekker (both born in Hanksville, Utah), and A.C. Ekker who managed and cared for it for 22 years after the death of Arthur. It surely deserves better than the devastated state of the farm in Hanksville after only three years of Shawn Ekker's management and care.

This Public Notice presents the facts to the best of our information and we present it under penalty of perjury. Entered for the Corporation this 20th day of September 2003 at Salt Lake City, Utah.

PHILIPPINE PERSPECTIVE

PROTECTING THE CORRUPT

By NINEZ CACHO-OLIVARES,
The Daily Tribune, 9/5/03

WHEN PUBLIC TRUST IS BETRAYED

By ALAN F. PAGUIA, *The Daily Tribune*, 9/5/03

That happens when public trust is betrayed by public officials?

To the Constitution

The Supreme Law becomes a supreme joke, a useless scrap of paper, an empty promise and a cruel deception of the people's hope for a decent quality of life. It becomes a dangerous joke that invites anger instead of laughter. It becomes a mere scrap of paper with high-sounding words that bear no real meaning. It becomes an empty promise akin to the general citizenry's empty stomach. Instead of being an instrument to provide the people with the goods and services necessary for the satisfaction of their basic needs and wants, it becomes an instrument to deprive the people of such goods and services.

To the government

The government becomes a public monster, a public master, a bantay-salakay, and therefore, an enemy of the people. It becomes a public monster because it begins to devour its own creator—the people. It becomes a public master because it reverses its role as a public servant so that instead of taking orders from the people, it makes the people take orders from the government. It becomes a bantay-salakay because it uses the name of public interest to serve private interest, instead of being the protector of public wealth, it becomes its merciless predator. It becomes an enemy of the people because it seeks to impose the rule of the minority over the rule of the majority.

To the people

The people become the hapless victims of their own legal system. They suffer non-delivery of basic goods and services. If there is such delivery, they pay too high a price for it. They suffer laws that do not really protect their best interests or, in fact, obstruct and defeat their best interests. They suffer non-enforcement or unequal enforcement of the law depending on one's economic standing or lack of it, or one's political connections or none of it. They suffer expensive judicial processes that are at the same time unreasonably slow and ultimately result in unfair decisions in many cases. They suffer incompetence, inefficiency, injustice, dishonesty, and bad faith on the part of public officials. Incompetence because of ignorance of the law; inefficiency because of ineffective leadership; injustice because of graft and corruption; dishonesty because of dishonest leadership; and bad faith because of insufficient grasp of the true meaning of the common good and the Rule of Law.

To the political opposition

The political opposition may be classified into two kinds: (1) the political opposition whose program of government is primarily founded upon the Constitution; and (2) the political opposition whose program of government is NOT primarily founded upon the Constitution. To the first, the Rule of Law is non-negotiable in the sense that any such negotiation would be unconstitutional. To the second, the Rule of Law is negotiable in the sense of practical political convenience—even if such negotiation would be

unconstitutional. It would thus appear that to the first, political considerations ought to adjust to the Constitution, while to the second, the Constitution is subordinated to adjust to political considerations.

The answer to the question at bar therefore depends on the kind of political opposition referred to.

To the first which is primarily founded upon the Constitution and the Rule of Law, betrayal of public trust calls for immediately putting into motion the legal procedure for the effective assertion of the people's sovereign will over the traitors. This may take the form of administrative or judicial action. Administrative, if the intention is merely to reprimand, suspend or remove the guilty party. And judicial, if the intention is to jail, fine, temporarily or perpetually disqualify from holding public office, or recover damages from—the guilty party.

To the second which is NOT primarily founded upon the Constitution and the Rule of Law, betrayal of public trust is deemed an accepted norm of conduct among politicians whose primary interest is to promote their own political career regardless of public interest.

To the Supreme Court

The administration of justice becomes a mockery of due process. Instead of the law being administered objectively as written by the legislature, it is administered subjectively by the justices as they think it ought to be. Instead of the law being administered without regard to consequences which the legislature is deemed to have priorly considered, the law is administered by the justices with regard to consequences which they think ought to be considered.

Thus, judicial discretion would be unconstitutionally substituted in place of legislative discretion—in clear violation of the principle of separation of powers.

Consequently, the principle of checks and balances would also be violated by the connivance, say, between the Chief Executive as head of the Executive department and the Chief Justice as head of the Judicial department. So that a citizen aggrieved by the Chief Executive cannot reasonably expect fair treatment or relief from the Chief Justice, or vice versa.

The Rule of Law would then be overshadowed by the Rule of Men.

To the military

The Constitution and the Rule of Law, not the superior officers, become the Filipino soldiers' only reliable compass with which to determine the correct direction of their course of action. Unless the Constitution be their primary guide, their course of action would be unconstitutional. Unless they follow the Rule of Law, they would be following the Rule of Force. First and foremost in the soldiers' hearts and minds ought to be the supremacy of the rule of the majority over and above the rule of the minority. The clear sovereign will duly manifested by the Filipino people ought to be their only battlecry.

Accordingly, the 1987 Philippine Constitution would clearly constitute a direct command to the Filipino soldier to faithfully and fully enforce its provisions, regardless of the consequences.

He may then ask himself: Who is the true Commander-in-Chief under the Constitution? President Estrada or Vice President Arroyo? More likely than not, his objective answer would be the Filipino People's overwhelmingly elected President—Joseph Ejercito Estrada.

Administration senators are really out to protect Big Mike, even as a probe is called.

All too suddenly, with the Honorable Shit (HS) sitting as the blue ribbon committee chairman, who is moreover not known to respect any rules, has, along with another Gloria lapdog, Senate President Franklin Drilon, been introducing too many new rules in Senate hearings, treating them as though they are a court of law.

Now, they insist that a senator who levels accusations against anyone must first prove his case against those he accuses, and insists too, on a senator providing first, the evidence.

In the event there is presented evidence, one can be sure that the HS and his gang of shitty senators will again reject this evidence, saying this is inadmissible evidence.

Already another disgraceful senator, Robert Barbers, insisted that originals must be presented and that photocopies are useless. He asks for a suspension of the hearings on the Mike Arroyo-Jose Pidal case.

They seem to conveniently forget that some three years ago, also in the Senate blue ribbon committee, many of these senators, among whom was Drilon, gave Chavit Singson the forum, alleging left and right about the jueteng payoffs he had given Estrada and all he had as his "evidence" was his "listahan" which he himself prepared and two affidavits, both of which were hearsay.

This was an offshoot of a privilege speech of then Sen. Teofisto Guingona, now Vice President, entitled "J' accuse" which accusations, incidentally, he could not even prove. But of course, Guingona was just as much a coup plotter and the intent of the then political opposition, working in tandem with the elite forces, was to oust Estrada by demonizing him before the bar of public opinion.

In much the same way, the same Senate with the HS as chairman of the blue ribbon committee, even without evidence presented by Intelligence chief, Victor the Corpse, started the hearings and went on and on, even in the knowledge that Corpus' so-called evidence was a clear fabrication, without any value except to destroy a senator of the realm, Ping Lacson, whom the Gloria lapdogs in the Senate wanted eased out too.

The HS did the same to the probe on the Fraport extortion attempt of the Palace aides and the personal lawyer of Gloria. Instead of holding a hearing, the HS quickly said the evidence was inadmissible in court.

The HS is a disgrace, as his shitty gang is.

The blue ribbon today is being utilized by the HS as a body to ensure the protection of Gloria and her spouse. Never mind if corruption at the highest levels in government is at the heart of the issue. They must be protected at all costs, including the total destruction of the Senate as an institution.

In the U.S. Congress, whether in the Senate, or the House, numerous investigations are called, and no one is spared—and members of the U.S. Congress don't take too kindly to being lied to by Cabinet members or anyone, whether military, or security officials.

It is highly doubted that a congressional committee will allow anyone to take away their power to deliver a privilege speech and call for an investigation, but will first have to prove his case, or submit his evidence before a congressional body will have a hearing.

But the HS and his gang, which includes Drilon, appear to believe it is their bounden duty to protect the Palace occupants from any and all allegations of criminal activities, instead of serving the people.

They who claimed to have walked out of the impeachment trial and turned their backs on democracy and

its process, because truth was being suppressed, are now ensuring that truth is suppressed by stonewalling the investigation and issuing too many rules unilaterally.

The plan of the presidential couple, assisted ably by her muchachos in the Senate, is to stall the hearings, as the Senate will be adjourning soon, and without a forum, the Jose Pidal issue will die down.

Because if these administration senators wanted to get to the bottom of the corruption in high places, they could hold daily sessions and insist on delving into the issue, no matter if the heavens fall.

Today, the Senate under Gloria has become nothing but a presidential protective agency. What a disgraceful lot we have in the Senate today, filled as it is with a gang of administration senators who are more than willing to protect the corrupt.

PEOPLE'S EXPECTATIONS FROM GOVERNMENT

By ALAN F. PAGUIA, *The Daily Tribune*, 9/12/03

What do Filipinos expect from their government? Generally, they expect their government to be the embodiment of their ideals and aspirations. The ideals being what they believe their society ought to be in the future. And the aspirations being the corresponding efforts that ought to be exerted in the present.

Specifically, they expect three things.

Common good

First, they expect government to promote the common good. Government must do everything necessary or proper to satisfy the basic needs and wants of the people living in society. The needs refer to those goods and services such as adequate food, drinking water, clean air, health, education, trade, and peace and order facilities—without which decent human life would be impossible. The wants refer to those goods and services such as movie houses, golf courses, country clubs, cigarettes, soft or alcoholic drinks—without which decent human life would still be possible.

It may therefore be properly asked: Is the government doing everything necessary or proper to satisfy, at least, the basic needs of the people? If the answer is yes, then the government passes the first expectation. If no, the government fails.

Conservation and development

Second, they expect government to conserve and develop the nation's natural resources—land, sea and air, including the wealth they generate. Government is expected not only to conserve or preserve these resources, but also to develop them or make them more productive to accommodate increase in population.

Is the government doing everything necessary or proper to conserve and develop the nation's natural resources? If the answer is yes, then the government passes the second expectation. If no, the government fails.

Independence and democracy

Third, they expect government to secure the blessings of independence and democracy in favor of both the present and future generations of Filipinos. Government action must therefore honor the people's heroic struggle in the past to attain independence from foreign or colonial governments. It must also consistently uphold the rule of the majority which is the essence of democracy. It must be the champion of the people's duly manifested sovereign will. Hence, it must reject the rule of the minority.

Is the government doing everything necessary or proper to secure to the Filipino the blessings of independence and democracy? If yes, then the government passes the third expectation. If no, the government fails.

Inherent powers

The government exercises three inherent powers of the state in order to accomplish its constitutional objectives: (1)

Police power which is the ability to make good things happen or prevent bad things from happening to the people. (2) Power of eminent domain which is the ability to assert the state's preferential use of any portion of its territory over that of private owners. And (3) Power of taxation which is the ability to impose and collect money contributions from the people.

It is thus clear that the government is sufficiently endowed with vast powers with which to serve the people. Theoretically, it has every reason to succeed. If it nonetheless fails, the reason cannot be inadequacy of constitutional power. The reason can only be MISUSE of constitutional power, either deliberately or negligently.

Constitutional conditions

The use or exercise of governmental power is subject to certain constitutional conditions, which are: (1) the Rule of Law; (2) a regime of truth, justice, freedom, love, equality and peace. This means that the exercise of any governmental power must be in accordance with the law, and that truth, not falsehood; justice, not oppression; freedom, not unreasonable restraint; love, not hate; equality not favoritism; and peace, not war—ought to dominate the life of the nation.

Is the government using its powers in accordance with the Rule of Law, truth, justice, freedom, love, equality and peace? If yes, then the government complies with the Constitution. If no, then the government violates the Constitution.

Legislative Department

Are the senators and congressmen enacting laws that adequately provide for the promotion of the common good, the conservation and development of the nation's natural resources and the maintenance of national independence and democracy?

Are they enacting laws that observe the Rule of Law, truth, justice, freedom, love, equality and peace?

If the answers are yes, then the legislature complies with the Constitution. If no, then the legislature violates the Constitution.

Executive Department

Are the executive officers, Cabinet secretaries, their subordinates, military and police officials enforcing the law in accordance with the Rule of Law, truth, justice, freedom, love, equality, and peace? If yes, then they comply with the Constitution. If no, then they violate the Constitution.

Judicial Department

Are the judges and justices construing and applying the law in accordance with the Rule of Law, truth, justice, freedom, love, equality and peace?

If yes, then they comply with the Constitution. If no, then they violate the Constitution.

Not expected

By necessary implication, Filipinos do not expect the following matters from government: (1) Laws and law enforcement that DEFEAT the: (a) common good; (b) conservation and development of natural resources; and (c) national independence and democracy. (2) Any violation of the Rule of Law; (3) Falsehood; (4) Oppression; (5) Unreasonable restraint; (6) Hate; (7) Favoritism and (8) War

The constitutional equation

The people either have: (a) more of what they expect, or (b) more of what they do not expect—from government.

In the first situation, they have more of what they expect and less of what they do not expect.

In the second situation, they have the opposite. They have more of what they do not expect and less of what they expect.

It would seem reasonably clear, however, that what the Constitution contemplates is an equation where the people shall have the MOST of what they expect, and the LEAST of what they do not expect, from government.

It ought to follow that the Filipino, as the creator of his own government, must understand and believe that:

(1) he deserves absolutely nothing less than the substance of that constitutional equation; and (2) he will help his government succeed as if his very life depended on it—because it does. But his election of who shall lead his government must be held sacred by all.

He must fight for those beliefs to the best of his God-given abilities. Otherwise, he shall continue to suffer the irony of self-inflicted governmental abuse.

IMPEACHMENT RAPS VS. SC JUSTICES SNOWBALL

By DONA POLICAR, *The Daily Tribune*, 9/12/03

50 CONGRESSMEN EXPRESS INTEREST IN PUSHING JDF COMPLAINT

With more than 50 congressmen already half-convinced that a strong case against the Supreme Court (SC) justices led by Chief Justice Hilario Davide Jr., exists, there is every reason for all the justices to shake in their boots and brace themselves for an impeachment trial before the Senate.

Efforts to elevate the ongoing investigation on the controversial Judiciary Development Fund (JDF) illegal disbursal of funds to an impeachment complaint continued to mount as at least 50 members of a powerful bloc in the House of Representatives have reportedly expressed support for the move to impeach the justices.

Although the Nationalist People's Coalition (NPC) has not issued its official stand on the issue as yet, Camarines Sur Rep. Felix William Fuentebella admitted that the ongoing probe on the controversial funds has the "blessings" of senior officials of the party.

"Before this investigation started, I informed them about this. They said if this (seriousness of the JDF probe) investigation will yield something big, then they will see what steps to take next," Fuentebella told the *Tribune* yesterday in a telephone interview.

He said the report made by the Commission on Audit (CoA) unraveling the reported mismanagement and illegal diversion of millions from the JDF, has apparently convinced the bulk of the NPC members that an investigation on the issue will soon lead to something bigger, like an impeachment complaint.

The CoA report, he said, may soon warrant more than a congressional probe in aid of legislation. "This can be used as another ground for an impeachment complaint," Fuentebella said, even as he maintained that should there be a move to elevate the issue to an impeachment complaint, he "will just let the others to do the job".

Nevertheless, the Camarines Sur congressman stated he has been collating all the documents related to the issue which can be used in the future, when a second impeachment complaint is filed.

Fuentebella, who himself is an NPC member, was also hesitant to disclose the number of congressmen belonging to the NPC who have signified support for the efforts of some opposition lawmakers to consolidate the JDF issue in the impeachment complaint filed by now detained President Joseph Estrada, whose impeachment complaint against at least six justices obtained the approval of the justice committee in form approval.

The Estrada complaint dwells mostly on the illegality of President Arroyo's ascension to the high office.

But a source from the NPC, who spoke on condition of anonymity, said more congressmen are convinced that the CoA report on the JDF really warrants another impeachment complaint.

He even said the JDF controversy "weighed much more" than the grounds raised by the deposed leader.

"Since the issue raised here (the JDF) is about public funds, this appears to carry more weight. Besides, the justices can hardly claim that the issue is political," he stressed.

Former SC Associate Justice Serafin Cuevas, also interviewed by the *Tribune*, said the issue on the illegal diversion of the special fiduciary funds weighed more than that of the complaint raised by Estrada.

“Considering the reports made by the CoA, I really don’t know how Chief Justice Davide could nullify the validity of the audit report. In my view, this is heavy stuff and also, no one can claim that this is politically motivated,” Cuevas, who once served as counsel for Estrada in the latter’s plunder case, said.

Maguindanao Rep. Didagen Dilangalen, who endorsed the impeachment complaint of Estrada against Davide and six other magistrates, also confirmed there are ongoing “movements” at the House to have the high court justices impeached.

He said there were some members of the justice committee who had asked for the copies of the CoA report on the JDF, which the legislator said was a manifestation that a certain group is preparing for something to make a strong case of the JDF issue.

Dilangalen added once another complaint is filed, it can be consolidated with the one filed by Estrada.

“But if they have to file a separate impeachment complaint, then this will be consolidated later,” he said.

Davide stands accused of alleged mismanagement of the JDF funds intended for the employees of the judiciary all over the country.

But Davide’s associate justices may also be held liable, as the chief justice has always claimed that the issue on the JDF and other court matters are determined by the court en banc, not just by the chief justice.

Malacañang also yesterday took a hands-off policy, with presidential deputy spokesman Ricardo Saludo stating in a press briefing that the Palace would no longer comment on the merits of the impeachment complaint intended to be lodged against Davide, stressing the separation of powers of the executive and the legislative branches of the government.

“We will not comment on the impact of the Commission on Audit’s finding on the Supreme Court because this is an independent branch of government,” he said.

Tribune sources also yesterday said Malacañang is confident that the high court magistrates who are the subject of the impeachment complaint as well as the probe of the alleged mismanagement of the JDF will not go anywhere.

“Malacañang is confident that all the investigations against the SC justices will not amount to anything. The Department of Justice has already expressed its opinion that an impeachment complaint slapped against the high tribunal would only cause a constitutional crisis,” the source said.

The CoA revealed recently that millions of the funds were “illegally diverted” to finance the multi-billion renovation of Baguio cottages and the Supreme Court session hall, as well as luxury cars, among other unauthorized purchases from the JDF.

Millions of pesos have been spent for the purchase of motor vehicles and overpriced chairs, all for the exclusive use of the justices of the high tribunal.

The *Tribune* had also obtained Part II of the CoA report, which contains comments and observations, submitted to the House committee on justice.

In the report, the commission said the validity of physical count of Property, Plant and Equipment (PPE) cannot be ascertained.

Not all the properties acquired using the JDF, according to the report, “were counted during the physical count conducted in FY 2002 and the early part of FY 2003 due to manpower and time constraint.”

The reconciliation, at the same time, was also not completed as of Dec. 31, 2002.

Although the report showed that a total of P222.47 million assets acquired for 2002 was accounted for, there are millions of pesos that remain unaccounted for.

The management, referring to the SC, commented that the conduct of physical count has been partially made but the reconciliation process has not been completed.

The commission has urged the high court to immediately complete the physical count and prepare the report on the physical count of PPE and accelerate the reconciliation per books and per count.

Also, it noted other irregularities committed by the SC.

These include the non-submission of contracts and their integral parts for infrastructure projects to the auditor within five days from the date of perfection.

This, according to the CoA, is a violation of the commission’s circular No. 95-006 dated May 18, 1995.

It was only on August 31, 2003, when the management submitted to CoA all infrastructure/consultancy contracts entered into by the management with private contractors/consultants for review and evaluation.

These were made only after the House Committee on Justice continued with its investigation of the JDF.

Also, the commission noted that cost of buildings was erroneously charged to Consultancy Services instead of Construction in Progress—Agency Assets account.

Based on the document, consultancy contracts with Siemens Building Technology amounting to P1.3 million for the supervision of the renovation of the SC Main Session hall and the construction of the SC-Court of Appeals Multipurpose Building were charged to Consultancy Services account, contrary to the accounting policy prescribing the application of the construction period theory whereby all expenses related to the project during the construction period should be capitalized.—**With Sherwin C. Olaes**

ON COUPS AND THE RACE TO MALACAÑANG

By ALEJANDRO LICHAUICO,

The Daily Tribune (Commentary), 9/18/03

As the Macapagal-Arroyo administration visibly disintegrates and with civilian government in visible disarray, the Armed Forces understandably emerges as the main prop of political power players aspiring to see GMA replaced before the scheduled end of her presidential term.

There are discernibly three such political power players who are relying on Armed Forces of the Philippines’ (AFP) support to achieve their agenda and this piece will discuss what it perceives to be the essential motivation behind their respective drives to replace GMA.

One is the political camp of the fallen Estrada. This camp maintains that Estrada remains the duly constituted president of the republic, as Estrada insists he is; that the action of then Chief of Staff Angelo Reyes in withdrawing AFP support from Estrada and transferring the same to GMA was unauthorized and illegal; that the action of the chief justice in swearing in GMA as Estrada’s legitimate successor was unconstitutional; that the Supreme Court decision ratifying the action of the chief justice is tainted by the personal bias of the justices who displayed that bias when the justices attended the swearing-in ceremony and that they weren’t therefore in a position to act objectively on Estrada’s petition contesting the legitimacy of the GMA installation; that, at any rate, Estrada’s flight from Malacañang and what the court described as his “constructive resignation” were acts done under manifest duress brought about by the military coup initiated by a group of retired generals and supported by a vocal minority who can’t in any way be considered representative of the electoral majority.

The second faction of power players is the political camp of Fidel Ramos which, according to news accounts, is out to force the resignation of GMA and see her replaced by Vice President Teofisto Guingona Jr. The former

president has acknowledged that he and the group of retired generals with which he is associated had masterminded the coup that forced the resignation of Estrada and his replacement by then Vice President GMA and there is now widespread perception that Ramos aims to do to GMA what he succeeded in doing to Estrada: maneuver GMA out of power and replace her with an incumbent vice president widely perceived to be sympathetic to FVR.

The motives widely attributed to Ramos for his continuing interest in the presidency are the following: (1) his reported commitment to Moammar Khadaffy and Osama bin Laden, when he ran for the presidency in 1992, to see Mindanao delivered to the secessionists, and for this, it is necessary that presidents who succeed him continue the policy he carried out during his term of strengthening the military position of the secessionists in Mindanao. For example, as Angelo Reyes himself had complained, under the Ramos administration sizeable segments of Mindanao were turned over to the Moro Islamic Liberation Front who utilized the territories ceded to them as military camps and the Armed Forces were restrained or prohibited from assaulting those camps and retrieving them. Those camps were recaptured from the MILF only during the term of Estrada whom Reyes served as chief of staff; (2) Ramos fears being charged criminally for alleged anomalies committed during his administration, and so his obsession to see that only political allies faithful to him sit in Malacañang.

One of these anomalies was his failure to apply the P7.5 billion proceeds from the sale of Fort Bonifacio for the modernization of the Armed Forces, which accounts for the dismal fighting condition in which the soldiers find themselves.


With GMA in real danger of being forced out, Ramos understandably wants to see his former executive secretary and secretary of Justice, now Vice President Guingona, mounted in Malacañang.

This theory could also explain why Ramos was a key figure in the overthrow of Estrada. The relationship between Ramos and Estrada had been far from friendly, in fact was one of virtual animosity and it was during Estrada’s presidency that the military camps which Ramos had ceded to the MILF were finally recovered by the AFP.

Significantly, one of the first acts of GMA, a close political ally of Ramos even before Edsa II and who owes her presidency to the coup initiated by Ramos and company, was to return to the MILF the camps which the AFP had overrun and recovered during Estrada’s term. And the latest development on GMA’s Mindanao policy has been the reported inclusion of Zamboanga among the areas to be recognized as MILF territory under the proposed peace agreement with the secessionists.

The third faction of power players is the camp of Sen. Gringo Honasan, whose presidential ambition isn’t denied. The seriousness with which he pursues his presidential ambition is evidenced by the program of national recovery which he had authored and which one group of military rebels had adopted as its own, to be implemented upon the establishment of a military junta which would have Honasan as its head.

What is significant about this particular rebel group, identified as the Magdalos, is that it could be indicative of the existence of other rebel groups nourishing an even more radical vision of reconstructing Philippine society than that proposed by Honasan and the Magdalos. In fact, the existence of such groups is widely reported and they are said to be driven by an ideology inspired by the nationalist-socialist ideology of Egypt’s Nasser. But this development is to be expected in a Third World nation like the Philippines where civilian government has manifestly failed.

It is important that the matters raised by this piece be discussed as widely as possible because public opinion could be decisive in determining which of the factions mentioned above eventually succeed in taking over Malacañang, the race for whose capture has obviously begun. 

The News Desk

By John & Jean Ray

'TARGETED KILLINGS' GAINING SUPPORT

By Colin McMahon, *Tribune*, 09/14/03

JERUSALEM—In the face of U.S. opposition and lingering internal doubts about the wisdom of their threat to “remove” Yasser Arafat, Israeli officials made it clear last week that no military operation against the Palestinian president was imminent.

But it's open season on other Palestinians whom Israel considers terrorists.

Israel's “relentless war” against Hamas will be stepped up, officials said, even though Israeli attacks on leaders of the militant group have killed bystanders, fueled hostility among average Palestinians and drawn sharp criticism from European nations and human-rights activists.

The Sept. 6 attempt to kill Hamas' spiritual leader, Sheik Ahmed Yassin, was seen as a dramatic escalation of the Israeli effort to deter terrorist attacks by going after “ticking bombs”. But it was met mostly with silence in Israel, a further indication that the Israeli policy of “targeted killings” has flourished as the controversy over it has subsided.

Since a Hamas member blew himself up and killed 22 others on a Jerusalem bus in mid-August, the Israeli military has killed at least a dozen Hamas figures in targeted operations. Two other high-profile assassination attempts, including the attack on Yassin and an F-16 bombing Wednesday in the Gaza Strip, have failed.

The army does not say how many targeted killings it has carried out since the Palestinian uprising began nearly three years ago and unleashed a series of terrorist attacks that have left more than 800 Israeli civilians dead. When told of a news service's estimate of about 200 assassinations, an Israeli officer suggested the count was conservative. Another army officer said some killings are never made public.

Whatever the count, more operations are on the way, Israeli officials say.

In the same statement Thursday that called Arafat “a complete obstacle” to peace, the government said: “Prime Minister Ariel Sharon has today instructed the security forces to act relentlessly, continuously and determinedly to eliminate the terrorist organizations and take all appropriate measures against their leaders, commanders and operatives until their criminal activity is halted. The aforementioned activity will continue night and day, uninterrupted.” [JR: Hitler and Stalin couldn't have said it any better.]

The United States does not object in principle to the assassinations, and Washington does not differentiate between military and political leaders of Hamas. The Americans merely urge Israel to do what it can to avoid civilian casualties and to “consider all the consequences” in choosing targets. ...

The Israeli military already has justified the policy internally. And in a paper to be published soon in a military journal, a leading army officer dismisses criticism of the policy as political and turns the morality argument on its head. ...

Jonathan Peled, a Foreign Ministry spokesman, said that internationally there is a “quiet understanding that this is a defensive, preventive measure and that these people need to be dealt with in a forceful manner”. ...

Strong voices, such as that of Avraham Burg, are in opposition.

In an explosive piece written for *The Forward*, Burg, a Labor Party legislator and former speaker of the parliament,

accused Israel of resting “on foundations of oppression and injustice” and urged a return to the “two pillars [of] the Zionist revolution: a just path and an ethical leadership.”...

But such criticisms are waning as more Israelis regard Sharon and his Likud faction as the country's best defense in dangerous times.

Moreover, the military insists that the assassination policy works. Taking out the planners can stop an attack before it is launched, they say. Removing the fundraisers and ideological guides from a group such as Hamas can cripple its operations. Keeping the leaders on the run makes it hard for them to get anything done.

Army Maj. Sharon Feingold used the analogy of mowing the lawn. Keep at it every week and you keep it under control; let it go and it will overrun you. [JR: Yes, Major Green-thumb—and it also makes for a good fertilizer and keeps the weeds and pests down.]

“We see that when you apply pressure to these guys it makes them cringe,” Feingold said. “We have to make it clear that no one is immune. That means anyone and everyone who is involved in terrorism. We don't differentiate between military and political leaders.”

Yet the attack on Yassin was seen in Gaza as a change in the rules of engagement. Even within the Israeli army, Feingold said, “a psychological block” was broken: All Hamas officials now are considered fair game. ...

[JR: One word to describe these targeted killings is CHILLING! It is evil in concept plus it is advocated by a nation that claims to have a G-d that says they are its “chosen people” to rule over all men. Serial targeting of individuals is mass murder, no matter what labels governments and its people want to put to it. This is Zionism in its ugliest of forms and yet Bush had implied he would conduct similar assassinations against terrorists throughout the world. Israel has the support of Bush and his handlers and the so-called Christian churches here in America. How far down into the pits do we march before we notice the darkness overpowering us?]

... AND PROTECTING RIGHTS IN ISRAEL

EDITORIAL, *Tribune*, 09/06/03

Israel is a country of many contradictions. It is certainly not an autocracy like some of its neighbors, but neither is it a Western-style secular democracy. Religious doctrine informs many laws. Israel is a Jewish state, which greatly complicates the country's relationship with its Arab citizens, who constitute 18 percent of the population.

These Israeli Arabs, mostly ethnic Palestinians, hold Israeli passports, pay Israeli taxes and vote in Israeli elections. They usually travel freely. Their lives are incomparably better than the impoverished lives of Palestinians confined to overcrowded refugee camps in Jordan, Syria, Egypt, the West Bank and Gaza.

Yet their rights aren't always equal to Jewish rights. Events this summer demonstrate the soft disdain many Israeli Jews reserve for their Arab minority, and the harder, government-sanctioned discrimination that results.

A blue ribbon commission this week finished a soul-searching, three-year investigation of Arab Israeli riots in October 2000. The Or Commission found that Israeli police were not justified in killing 13 Arab protesters, and suggested a criminal investigation. The cause, it found, was a culture of suspicion and chauvinism among police toward Arabs.

This distrust pervades Israeli public opinion, and on some level it makes sense. Israeli Arabs sympathize deeply with the Palestinians, whom many terrorized Israeli Jews see as the enemy. Tens of thousands of Israeli Arabs have family in the occupied territories. A few have abetted suicide attacks by driving bombers to their targets. Most would share the Palestinian plight were it not for the accident of geography.

But Israel's proclivity for collective justice in the West Bank—**punish the many for the crimes of the few**—defines the official approach inside the borders, too. Israeli Arabs, for example, have trouble buying homes on government land (**most land is owned by the government**). Others live in villages that receive fewer municipal and state services than nearby Jewish towns.

Israel's parliament, the Knesset, codified another racist practice this summer when it ruled that Palestinians who marry Israelis cannot apply for residency or citizenship in Israel. Naturally, the overwhelming majority of these marriages are to Israeli Arabs. So if a Palestinian and an Israeli Arab couple hope to live together, they have to move to the occupied territories, where they will be unable to exercise many of their democratic Israeli rights.

The law's apologists cite a few arguments in their defense. They say the law has a one-year sunset clause, and that it can be reassessed soon. But the interior ministry, which deals with these issues, had already frozen Palestinian citizenship and residency applications. The Knesset merely enshrined the freeze in law.

Advocates say the ban will inhibit terrorism by limiting Palestinians' ability to enter Israel proper. This, too, is disingenuous. The government did not say how many Palestinians had become Israeli residents, but reported that 20 attacks “to some extent” involved Palestinians who entered through marriage. The law punishes 1.2 million Israeli Arabs for those nebulous statistics.

No, the real justification is a demographic time bomb: by 2020, there will be more Arabs in Israel and the territories combined than there are Jews. Israel would not much longer be a Jewish state. Here, though, is an argument for ending the occupation soon—not for curbing citizenship requests.

As Americans have learned since Sept. 11, any balance of national security and civil liberties is fraught with contention. Moreso in Israel, whose neighbors pose a clear and present danger. But Israel's response has been discriminatory in effect, if not intent. It unfairly targets a minority that should have the same rights as the majority.

[JR: This editorial is revealing the facts about the Israeli occupation and the injustices to non-Jews under Zionism. Many Jews will find this editorial overly critical of Israel and scream it's “anti-Semitic”. Israelis are being conditioned by Sharon and his Likud Party to be intolerant not only to Palestinians but also Israeli Arabs. Our own Justice Department has this same intolerant attitude towards Arabs and Muslims. We now have regulations that allow for the profiling of all travelers and have imposed laws that suppress most Americans' freedoms. These types of actions by governments will continue to grow and become more restrictive because it will always be sold as a weapon of defense to beef up security. All this is mainly for the protection of those in power who manipulate the tensions and the problems. Israel and the U.S. had better come up with a plan to defuse these conditions and work towards building a state of co-occupation before 2020 that will link both the Israeli minority and the Palestinian majority. Nazi Germany's “Final Solution” was really a program to deport the unwanted but evil decided to go with genocide. The Zionists in charge of Israel and the U.S. have conveniently forgotten the declaration of the Hebrew/Judeans who survived Hitler's genocide when it was vowed...NEVER AGAIN. Is “never again” meant only for the Jews of this world and not the rest of the people who inhabit this planet?]

PA UNCOVERS ISRAELIS POSING AS AL-QAIDA AGENTS*iraqwar.ru/Middle East Online, 09/09/03*

GAZA CITY (AFP)—A senior Palestinian security official claimed Saturday his services had uncovered an Israeli plot to create a mock al-Qaida cell in the Gaza Strip, while an Israeli official dismissed the charge as “absurd”.

Gaza head of preventive security Rashid Abu Shbak told journalists at a press conference that Israeli agents, posing as operatives of Osama bin Laden’s terrorist group, recruited Palestinians in the Gaza Strip.

“Over the past nine months, we’ve been investigating eight cases in which Israeli intelligence posing as al-Qaida operatives recruited Palestinians in the Gaza Strip,” said Abu Shbak, referring to a series of e-mails and phone call conversations.

He added that three Palestinians had been detained.

Abu Shbak’s revelations came two days after Israeli Prime Minister Ariel Sharon charged al-Qaida militants were operating in the Gaza Strip and in Lebanon, raising fears of an intensification of Israeli military operations.

A spokesman for Israel’s foreign ministry branded the Palestinian claim “ridiculous” and “some kind of propaganda campaign”, adding that “the Palestinian territories have become a breeding ground for terrorism.

“There is no need for Israel to make up something like this because (the hardline Islamic movements) Hamas, Islamic Jihad and (Lebanon-based militant group) Hezbollah are all the same as al-Qaida,” spokesman Gilad Millo said. ... **[JR: What’s in a name when they are all the same?! RIGHT? It is standard procedure for Israelis as well as the ADL and SPLC (Southern Poverty Law Center) in the U.S. to infiltrate any potential enemy group or organization that they deem is a threat to Jews. They instigate and incite violence to justify their retaliation attacks and tighten security.]**

Abu Shbak said three Palestinians used by Israeli intelligence had been arrested, while another 11 were released “because they came and informed us of this Israeli plot”.

He poured cold water on the theory that al-Qaida was operating in the occupied territories.

“Al-Qaida doesn’t recruit so easily and openly,” Abu Shbak said.

The security chief said his services had traced back to Israel cellphone calls and e-mails in which Palestinians were asked to join al-Qaida.

He said the calls to the Gaza Strip purportedly came from Germany and Lebanon. One e-mail was even signed bin Laden.

“We investigated the origin of those calls, which used roaming, and messages and found out they all came from Israel,” he told journalists.

“The Shin Beth—Israeli internal intelligence—has the means to do whatever it wants.”

He said the Palestinians recruited were then paired unbeknownst to them with Israeli collaborators in Gaza.

He said they received money and weapons “although most of these weapons did not even work”.

The money was provided by “Palestinian collaborators with Israel” directly to the new recruits or “was transferred from bank accounts in Jerusalem or Israel,” Shbak said.

“We are sure that Israel is behind this and that there are absolutely no groups such as al-Qaida operating here,” the security chief said, adding however “we can’t say there will never be al-Qaida here, but at least not for now.”

But neither did Shbak contest the fact that as many as 11 Palestinians had welcomed the call from Israel to join al-Qaida.

“Those who accepted were mostly members of the military wing of Palestinian organizations,” he said.

International cooperation minister Nabil Shaath, who also attended the press conference, accused

Sharon of trying to piggyback on the U.S.-led ‘war against terrorism’ to justify “more attacks on the Palestinian people and violence in the Gaza Strip”.

Sharon officially claimed that the al-Qaida, which was held responsible for the September 11, 2001 attacks in the United States, was operating in the Palestinian territories.

It was considered a surprise because the Gaza Strip is virtually sealed off by Israeli troops.

The hardline Israeli leader also charged other members of the terror group were cooperating with Lebanon’s Shiite militia Hezbollah.

The Lebanese government and Hezbollah had also dismissed the accusations. ...

[JR: For an Israeli or Mossad to pose as “al-Qaida” is not so difficult to do if you think about it, because of the nature of “terrorist cells” there must be a lot of anonymity between different parts of the organization. The cell doesn’t know the identities of the other cell’s members, etc.—so it would seem pretty easy to pose as an “al-Qaida” to recruit young men filled with a thirst for vengeance. It’s not a “conspiracy theory”; the scenario is very plausible and quite simple to implement, given the tools and resources available to intelligence services. At the end of the day, all this buzz about the “war on terrorism” has really benefited the Israelis in terms of financial, military and political support from the U.S.]

RUMSFELD URGES ‘IRAQI PEOPLE’
TO HANDLE REBUILDING
IT’S NOT U.S. JOB
TO RECONSTRUCT COUNTRY, HE SAYS

By Michael Kilian, *Washington Bureau*, 09/11/03

WASHINGTON—Defense Secretary Donald Rumsfeld, just back from Iraq, said Wednesday that it is not the job of the United States to reconstruct that nation, and he blamed former leader Saddam Hussein, rather than the American-led invasion, for the deteriorated conditions there.

Rumsfeld said the Bush administration’s exit strategy is to turn over political control and security operations to the Iraqis as fast as possible. He urged that much of the recovery and security burden be shifted not only to other countries but also to such international organizations such as the World Bank.

“I don’t believe it’s our job to reconstruct that country after 30 years of centralized, Stalinist-like economic controls in that country,” Rumsfeld said in an address at the National Press Club. “The Iraqi people are going to have to reconstruct that country.”

He called on Iraqis to establish stability and create institutions that will attract foreign capital. “They have to create an environment that’s hospitable to investment and to enterprise,” the secretary said. ...

But reflecting at least some domestic opposition to the American presence in Iraq, Rumsfeld’s remarks were interrupted by a small group of protesters. They gained access to a balcony overlooking the secretary’s podium, hung a red flag saying “bloody hands” over the railing and demanded that Rumsfeld be fired.

“Your foreign policy is based on lies!” shouted one. “The war in Iraq is unjust and illegal, and the occupation is immoral. There are U.S. soldiers dying in Iraq.”

After the demonstrators were led away by security officials, Rumsfeld responded that the war in Iraq had given Iraqis the same freedom of speech the protesters were exercising. **[JR: The usual spin when they’re trapped in their lies.]** Iraq is now home to more than 100 newspapers, Rumsfeld said, while four months ago the country “had prisons where they were executing people”.

Although administration officials originally hoped Iraqi oil revenue would finance a significant portion of Iraq’s reconstruction, Rumsfeld on Wednesday

downplayed the role that oil proceeds can play.

“Oil revenue is not the only answer,” he said. “There are a lot of countries in the world that had oil that haven’t managed it very well.”

White House spokesman Scott McClellan said Wednesday that Iraq oil revenues next year would amount to about \$12 billion, not the more than \$50 billion some suggested earlier.

Rumsfeld said there are other resources for Iraq to tap, including frozen Iraqi assets in other countries; the remaining funds in the UN “oil for food” program established when Iraq was still under sanctions; outside investors and such international financial organizations as the World Bank and the International Monetary Fund.

Rumsfeld even suggested tourism could be a source for funds once Iraq was made secure. **[JR: I’d like to book a room at one of Saddam’s palaces and tour the ancient Cradle of Civilization.]**

Asked what mistakes the administration has made in its campaign in Iraq, Rumsfeld said the U.S. failed to realize how bad conditions were.

“I don’t think people really fully understood how devastating that regime was to the infrastructure of the country, how fragile the electric system is, how poorly the water is being managed and the extent to which the people are being denied [necessities],” he said. ...

“They already have a Cabinet,” he said. “They already have a governing council. They already have city councils all across that country.”...

Also, in just four months, the U.S. has recruited an Iraqi security force of 55,000 “who are currently engaged in border patrols, site protection units, local police, civil defense and the beginnings of a new Iraqi army,” he said. **[JR: If the U.S. taps into Iraq’s frozen bank funds and the surplus from the UN food-for-oil program, what revenues will be left for the Iraqi people to rebuild their country? How can that come to be when the micro-minds at the Pentagon had to admit to downsizing their own overly optimistic projections for Iraqi oil production and revenues? Can all of this be part of a desperate plan to push OUR controlled Iraqi Council to sign onto loans from the IMF/WB so that the Iraqis will forfeit their future and their assets? When you really come to think about it, it all comes back to us doesn’t it? Certainly sounds like a great Zionist plan to me. If the “Iraqi people are going to have to reconstruct their own country” as Rumsfeld says, then let the U.S. just get out of their way so they “can get it on” with their rebuilding.]**

U.S. APOLOGY DOESN’T APPEASE ANGRY IRAQIS

By Hamza Hendawi, *Newsday*, 09/13/03

FALLUJAH, Iraq (AP)—Angry mourners swarmed this central Iraqi city Saturday, firing into the air, attacking journalists and cursing the American occupation as they followed the flag-draped coffins of eight Iraqi police killed in a friendly-fire incident involving U.S. troops.

The U.S. military apologized Saturday for the shooting that killed nine people—the eight Iraqis and a Jordanian guard—and badly damaged a hospital. U.S. troops only opened fire after they were attacked “by unknown forces”, the military said.

But the explanation did not defuse the anger washing over Fallujah, a city of 200,000 in Iraq’s most troubled region. The shooting was the worst case of friendly fire since major hostilities in Iraq were declared over May 1, and it served to intensify talk here of the heavy-handedness of American troops.

“We have had enough of the Americans killing us and then just saying ‘Oh, sorry!’” said Salam Mohammed, 60, a Fallujah resident and a relative of some of the victims.

“We want the Americans to leave our country because

they have brought us only death,” said Taleb Hameed, a 30-year-old schoolteacher. “We are fed up with their apologies. We will continue our resistance.”...

The U.S. military issued an apology for the shooting and said an investigation had begun. However, military spokesman Lt. Col. George Krivo said the Americans only fired after they were “attacked from a truck by unknown forces”.

“Coalition forces,” he said, “immediately returned fire and the subsequent engagement lasted approximately three hours. Regrettably during the incident extensive damage was done to the (Jordanian) hospital and several security personnel were killed, including eight Iraqis and one Jordanian national.” **[JR: What happened to the patients?]**

The military, he said, wished “to express our deepest regret for this incident to the families who have lost loved ones and express our sincerest condolences”.

Meanwhile, Secretary of State Colin Powell arrived in Kuwait early Sunday, ahead of a trip to Iraq, where he will become the highest-ranking U.S. official to visit the country since the war.

Powell has said the huge U.S. investment in Iraq in lives and money would be at risk if a transfer of authority from American control to Iraqi control took place too soon. **[JR: He isn't getting the BIG picture!]**

“You have to have a government that is not only there with the doors open, but has to be functioning ... in a way that people will have confidence in it. The worst thing one can do is to set them up for failure,” Powell said earlier.

The shootout began in the early-morning hours Friday as several Iraqi police vehicles approached a U.S. checkpoint near the Jordanian military hospital here. **[JR: U.S. sources said that one of the trucks and the sedan were clearly marked as Iraqi police vehicles. Guess the night-vision goggles don't pick up on such things.]**

Iraqi policemen who survived recounted from their hospital beds Saturday how they begged the American soldiers to stop shooting, screaming in Arabic and English that they were police. The Americans kept firing volley after volley, they said. The fusillade raged for a half hour as more men died and others groaned in pain from their wounds, they said.

At the Fallujah General Hospital, policeman Alaa Hashem, 22, recounted how the bodies of two colleagues fell on him, something he said may have saved his life.

Hashem was in a pickup truck with 10 other policemen when their headquarters radioed them. They were ordered to provide backup to policemen traveling in another pickup and a sedan. The two vehicles were pursuing a white BMW suspected of involvement in robberies on the road between Baghdad and the Jordanian border.

“The BMW got away before we could join the chase,” said Hashem, who sustained injuries to his left thigh and back. “When the two cars turned around to head back to Fallujah, we joined them and we led the way back when we suddenly came under fire.”

Hashem said he heard the Americans shout “stop!” but his car veered off the road. For the next 30 minutes, he said, the Americans kept firing at the total of 25 policemen in the three vehicles.

“We shouted and shouted that we are from the police, but they kept firing from all directions. It was like an ambush,” he said. ...

Relations between Fallujah's residents and U.S. forces in the area have been on a knife's edge since shortly after the city was captured in April. Friday's killings were certain to inflame smoldering hatred of the American occupation.

For the rest of Iraq, the incident was likely to stoke resentment of U.S. troops already seen by some as trigger-happy.

Fallujah is part of the so-called Sunni triangle—a vast swath of land astride the Tigris and the Euphrates west and north of Baghdad—where the mainly Sunni Muslim

population gave deposed dictator Saddam Hussein his strongest base of support during his 23-year rule.

U.S. troops in the city came under almost daily attack for two months after a late April incident when soldiers opened fire on protesters, killing 18 and wounding 78. The Americans said they were fired at first.

The Americans pulled out of their permanent positions in the city in mid-July, leaving the local police in charge of security. The move dramatically reduced the number of attacks inside the city, but resentment of the Americans continued to simmer. ... **[JR: I don't know how the U.S. masterminds can set things right in Iraq with all the military screw-ups. Our military personnel are reacting out of fear while under the strain of being foreign occupiers surrounded by hostile and resentful people. The American-trained security forces are also paying a heavy price in trying to overcome the disorder that we have brought to their country and their people. Most Iraqis want us out of Iraq and so do our military on the front lines want to be anywhere but in Iraq. Neither the President nor his advisors at RUMsfeld's Pentagon seem to have a workable plan to get things under control. If we wait another year, we might build a big enough coalition to rotate our troops home and procure foreign funding. In the meantime... Bush says, “We are resolved in staying the course.” He might say that—but 52% of Americans are expressing their doubts.]**

THE WORLD ON A STRING?

U.S. POLICIES SPAWN A EUROPEAN BACKLASH

By R.C. Longworth, *Tribune*, 09/07/03

The first long-term results of the Bush administration's unilateralist foreign policy and its attack on Iraq are coming in. What they show is that the law of unintended consequences is alive and well.

One result is that America's oldest allies in Europe, who followed U.S. leadership faithfully through the decades of the Cold War, no longer trust Washington to do the right thing. Another result is that they are starting to do something about it, by creating the kind of rival power that the Bush policy was specifically meant to prevent.

All this is still a work in progress, but great historical changes are happening. No one wanted them to happen, either in Washington or Europe, and no one knows where they will end up. Intended or not, these consequences are reshaping the world.

This was the message delivered by a new poll, commissioned by the German Marshall Fund, of public opinion in the U.S. and in seven European countries. The poll showed a sea change in attitudes on both sides of the Atlantic since the German Marshall Fund and the Chicago Council on Foreign Relations took a similar, prewar poll a year ago. Among other things:

*Europeans no longer trust U.S. leadership. A year ago, 64 percent of Europeans wanted strong American leadership in world affairs. Now, only 45 percent do, an astonishing loss of faith in only one year.

*Only 10 percent of Europeans want the U.S. to remain the only superpower. By contrast, 71 percent of them want the European Union to become a superpower. Most hope such an EU superpower will cooperate with the U.S., not compete with it, but the new rivalry to U.S. leadership is evident.

*Americans are much readier to go to war than Europeans are, no matter the cause, and are much more willing to defy the United Nations if they feel vital national interests are involved. A year ago, the differences between the two sides of the Atlantic were much narrower.

The biggest change has taken place in Germany, the most powerful nation in the EU and, with Britain, our most loyal ally throughout the Cold War. But Berlin opposed

U.S. policy in Iraq and a furious Bush administration did everything but add it to the president's “axis of evil”.

The results of this diplomatic deep freeze are in—the Germans, who have previously refused to choose between Europe and the U.S.—have chosen. Eighty-one percent say the EU is more important to Germany's future, up from 55 percent last year; only 9 percent chose the U.S....

The poll was taken nearly three months ago and released last week. Considering what has happened in Iraq since then, the numbers must be even worse today.

In the short term, the impact of these shifts may be minimal. Bush, facing defeat in Iraq, is being forced to ask for help from the same UN that he scorned before the war. Europeans, especially the French and the Germans, will enjoy watching the humbled Americans eat this dish of diplomatic crow.

They don't want the anarchy in Iraq to spread any more than Washington does. The Europeans will drive a hard bargain but, if Bush agrees to share power and responsibilities in Iraq, they probably will go along. ...

The United States is more dominant than ever, probably more powerful than any nation in history. But it has shunned permanent alliances, bullied its friends and snubbed NATO, making it clear that it prefers to fight its battles alone, unconstrained by the need to consult or compromise with allies.

But if you're going to go it alone, you have to show you can do the job. The Bush administration is blowing its first big test.

The Europeans never bought the administration's case for the war on Iraq. About half their governments opposed the attack. Even the European governments that joined the coalition, including the British, wanted Bush to give UN inspectors more time to seek Iraqi weapons. Most went along with the Americans not because they believed Bush's arguments for war but because they valued the Atlantic alliance too strongly to oppose him. Bush made it clear that he thought he was right and didn't much care whether the rest of the world agreed with him or not.

But most of the administration's case is now known to have been false. The coalition fought the war splendidly but is losing the peace. The U.S. now is overstretched and needs help. ...

The conventional wisdom among Washington's neo-conservative strategists holds that the Europeans have to rely on the U.S. because they are too weak and craven to defend themselves.

This thinking, articulated by the influential neo-con author Robert Kagan in an article called “Power and Weakness”, holds that the European Union has created a “post-historical paradise” of peace and prosperity, where war is unthinkable and endless negotiations settle all problems. By contrast, Kagan wrote, the U.S. lives in the real world, where rogue nations and war are realities and multilateral negotiations a luxury.

In such a world, the neo-cons and hard-liners say, a global cop is necessary. **The Europeans are nice guys, but they are too weak, too softened by peace, to do the job, or even help. So the U.S. has to do the job alone. It will tell the Europeans what it plans to do, but it won't ask their permission or assistance, or even listen to their complaints.**

To Washington thinkers, this sounds like realism. To the rest of the world, it looks like arrogance. Washington veterans say the U.S. has never had an administration that listens less to outsiders, especially foreigners. *Newsweek* editor Fareed Zakaria has written that every nation that has done business with the Bush administration, with the possible exceptions of Britain and Israel, has ended up humiliated. ...

The Bush administration's national security strategy calls bluntly for permanent American dominance, with the rest of the world docilely

accepting U.S. leadership. One year after this strategy was announced, it's not working that way. **[JR: Failure can be a humbling experience, yet the bullies at the Pentagon remain true to their vow of going it alone in Iraq. Behind the diplomatic scenes Sir Powell has been very busy working over the members of the UN Security Council to wear down their "we-told-you-so attitudes". We, like our mentor Israel, made up a list of target-nations to attack with the excuse it will bring peace and security to the world. It is easy for Americans to support the Bush wars because our media has sanitized all reports. We look down upon the Europeans because they want to live in peace, while we fly around the world like vultures looking for "enemies" to prey upon. Americans should be reminded that WWII was fought in Europe and that Europeans remember well the price they had to pay to be free. The Bush administration expects olde Europe and the UN to fulfill OUR mandated obligations in meeting the challenges of securing Iraq and the funds to rebuild it. "It is the Iraqi people they will be helping, not the U.S."—but no one seems to be buying into this lie. In the meantime the Iraqi people are waiting for their deliverance... from us.]**

U.S. FAILURES IN IRAQ
SET STAGE FOR DEEPER TROUBLE

By Georgie Anne Geyer,
Universal Press Syndicate, 08/29/03

WASHINGTON—In only the last week, the war in Iraq has entered a phase characterized by two amazingly contradictory developments.

First, it is generally accepted (except by the war's avid authorities) that the reasons for invading Iraq were false. Second, the war party around the White House and the Pentagon are responding to their incredible failures of judgment not by modifying their policies in the Middle East, but by doing more and still more of the same. And in one of those bizarre turns of history, their acts have brought them (and us) within a hair's breadth of creating exactly the situation they claimed forced us to go to war in the first place. ...

President Bush's starry-eyed rhetoric has changed this week in his speeches; he speaks little of the original purposes of the war, like weapons of mass destruction and al-Qaida, and instead regales the nation with warnings of a vast metaphysical struggle between "civilization and chaos".

The joke around town is that the Bush zealots had all along been scheming to attack Iraq to get all the terrorists in the world to pour in there—to get them all in one place. ...

This week, the International Crisis Group, an organization of international thinkers who do excellent analyses of the world, presented a plan that could be implemented with at least a chance of success.

The ICG called for a rather ample organizational change in Iraq. The UN would be in charge of political transition (organizing elections, dealing with and strengthening the Iraqi governing council, civic and civil affairs), while the U.S.-led coalition would remain in charge of security. The coalition would be morphed into a multinational force still led by the U.S., "but much more likely to win international participation on this basis". The Iraqi council would be responsible for day-to-day governance.

But such a rational solution is not what the "bring 'em on" boys in this administration want. Instead, they dig deeper and deeper into their original policies.

Officials from the civilian Pentagon offices of Undersecretary of Defense Douglas Feith, the man most responsible for the failures of reconstruction in Iraq, recently met surreptitiously with Manucher Ghorbanifar, the Iranian middleman in U.S. arms-for-hostage trades to Iran in

the mid-1980s, in Europe. The reappearance of the discredited Iranian arms dealer clearly indicates how conspiratorial the Iraqi war is becoming.

Other evidence strongly points to the Feith-war party's continued desire to bring attacks on Syria into the equation. Only last week, members of the Israeli Cabinet put forth the idea of an oil pipeline from Iraq to Israel, effectively confirming (even if falsely) to much of the suspicious world that America and Israel are in the Iraqi war to exploit the country's oil riches.

Finally, the idea is creeping in that, looking at the entire Middle East, the next "solution" will be to put American troops into Israel to fight Hamas and other radical Palestinian groups. (The usually supremely rational Republican Sen. Richard Lugar (R-Ind.) brought this up on television recently.)

Such an act, of course, would pit the United States irrevocably against the entire Arab and Islamic world—and encourage and create anti-American terrorism on a scale yet unseen.

In Iraq, American authorities have become so desperate for information about the country they pretend to rule that, after foolishly disbanding the Iraqi army and leaving tens of thousands of men roaming the streets, they are recruiting the hated intelligence agents and torturers of the Saddam Hussein government, the Mukhabarat, to work with us.

This administration shows no indication of changing its ways; thus the situation can only grow worse.

Perhaps the only hope lies in the story going around town that President Bush has told the Pentagon he wants "no more American dead" after next March. By then, the electoral campaign will be well under way, and perhaps zealotry will give way to reality—or at least to a change in administration.

[JR: American troops are being sent to Israel to finish off the Palestinians along with plans to build an oil pipeline from Iraq to Israel paid for by the Iraqi people. Fantasies from a delusional mind? No, these are the mental exercises that the Zionists in charge of the Pentagon and those in this administration go through. Our U.S. military now plans to bring in the elements of the past Saddam regime to help secure and control Iraq and the Iraqi people. How can any of these missteps improve our occupation or conditions in Iraq? President Bush's edict of "no more American deaths after next March" [MM: and his infamous, "Bring 'em on!"] reflects the callous view and indifferent attitudes of those who are our masters and controllers. They cannot be called leaders by any stretch of the imagination. If a conspiracy theorist came up with any of these ideas, they would be labeled as hostile and anti-American. Truth is often viewed as fiction. This is the paradox of our times.]

J.P. MORGAN IN IRAQ:
THE U.S. BANK IS BETTING THAT
IRAQ WILL HOLD TOGETHER

By David Weidner, (CBS)—*MarketWatch.com*, 09/02/03

NEW YORK—As bombings and attacks continue to make Iraq one of the world's most dangerous places, a consortium of banks led by J.P. Morgan Chase is putting a beachhead in Baghdad.

On Friday, J.P. Morgan was named to lead a coalition of 13 banks from 13 countries that will run a trade bank for the Coalition Provisional Authority. The bank will extend credit to the government and eventually to private companies working in the country.

On the surface, the short-term prospects for running the trade bank are slim. The contract will pay only \$2 million to the banks in the consortium and is in force for only one year. A

second year could be tacked on as an option.

Stumbling blocks remain. Iraq's assets have been seized in many countries, and it's unclear when Iraq's \$21 billion in sovereign debt will be repaid.

The banks will back about \$100 million in spending a month, according to the authority, though that number could balloon to \$500 million. Banks would earn interest on those loans, which will be guaranteed by the new government.

Iraqi assets are still subject to confiscation in most parts of the world, particularly since the country is in default on most of its obligations.

In a country that appears on the brink of anarchy, that's a pretty limited payoff.

To be sure, J.P. Morgan isn't about to send hundreds of bank tellers to Baghdad and Basra. The Iraqi finance ministry will run the trade bank and employees will be Iraqis trained by J.P. Morgan.

But experts say the instability of post-war occupation makes Iraq a dangerous environment for banking much less anything else. Yet the quick establishment of a banking system is essential for making the country stand on its own.

"It sounds like it's like a Wild West situation over there," said Clyde Prestowitz, president of the Economic Strategy Institute in Washington. "But if I'm Paul Bremer (post-war administrator in Iraq), I'm very interested in getting a banking system operating."

The reason, Prestowitz said, is the immediate needs of the country. The authority, under pressure from Washington to keep costs down, needs to establish credit for Iraq itself. By using the country's ample oil reserves as collateral, the authority can shoulder the greater-than-expected costs of rebuilding.

"We miscalculated badly what the aftermath of knocking out Saddam's regime would be," he said. "We have a dysfunctioning economy. We need help but the administration doesn't want to give up much authority."

Prestowitz said that a good benchmark for U.S. occupation would be the U.S. occupation of Japan following World War II. U.S. forces spent seven years rebuilding that country between 1945 and 1952.

But the lure of Iraq is oil. With 114 billion barrels in proven reserves, Iraq has the second largest supply of oil in the world, second only to Saudi Arabia, with 261 billion barrels, according to the Central Intelligence Agency.

In 2002, Iraq had \$58 billion in gross domestic product—66th in the world. Until the war, Iraq was producing 2.45 million barrels of oil a day. But that was under United Nations sanctions that limited its oil sales to exchanges for food. With those restrictions being phased out, Iraq and its 26 million citizens could be a major economic force.

No surprise then that 58 banks applied for the trade bank assignment.

"When they become a going concern they are going to be a serious source of business," said Ross M. Starr, a professor of economics at the University of California, San Diego. "By getting in now, they have a beachhead; they're unlikely to get thrown out."

Starr says the payoff will be the ability of banks such as J.P. Morgan to do investment banking in the country. A trade bank, he said, functions mostly as a commercial bank, making loans and earning meager returns in the form of interest.

But should the Iraqi economy get rolling, companies will seek to expand and companies will need bonds, stocks, and other investment banking products. Those products and services are fee-based and generally more lucrative, Starr said.

“Right now there’s not much in the way of risks,” he said. “Other than the fact you’re doing business in a war zone. We’re not talking big bucks here. J.P. Morgan is really doing a public service, but it could become very lucrative.”

[JR: In certain circles, it has been said that J.P. Morgan Chase was actually an agency of the U.S. government. Of course it is denied... except for the fact that Morgan Chase is where most of the gold derivatives live—and now Morgan Chase has been put in charge of creating a banking system in a devastated but Occupied Iraq. What better way for the neo-cons and the Bushites to have access to Iraq’s gold reserves as well as any outsider’s gold accounts? Plus Iraq supposedly stole all the gold from Kuwait during the First Gulf War. It has even been said that Iraq is where some of the late, exiled Philippine President Ferdinand Marcos’ gold was stashed. One year is plenty of time for J.P. Morgan to find and smuggle all the gold out of the country—as many Central Banks have systematically done in the past without the knowledge of the people.]

BRITAIN GIVES BEREZOVSKY
POLITICAL ASYLUM

By Catherine Belton, *Moscow Times*, 09/11/03

Boris Berezovsky, the controversial powerbroker who has been living in self-exile in London for nearly three years after locking horns with President Vladimir Putin, has been granted political asylum by the British government.

But British courts still have to rule on whether to continue to consider Russia’s request for his extradition to face fraud charges.

“The British Home Office sent a letter to Berezovsky dated Sept. 9 stating it had granted him political asylum,” Vladimir Voronkov, an aide to Berezovsky, said by telephone Wednesday.

The Home Office said it could not comment on individual immigration cases. But a British government official, speaking on condition of anonymity, confirmed that Berezovsky had been granted refugee status.

Berezovsky was the first to announce the decision, speaking Wednesday on Ekho Moskvyy radio. He was unavailable for further comment, but Alex Goldfarb, the head of the New York-based Foundation for Civil Liberties, which is funded by Berezovsky, said he was delighted by the news.

“Naturally, I am very glad and satisfied with the decision because it has been recognized at the level of the British government that if he returns to Russia he will face political persecution,” Goldfarb said by telephone from London.

The government official said it was now up to the courts—and British Home Secretary David Blunkett as the ultimate overseer of the process—to decide whether extradition proceedings against Berezovsky could still continue. “There is a clear dilemma,” the official said.

Under British law, refugee status is granted if there are well-founded grounds to fear persecution at home on the basis of race, religion, nationality, personal opinions or membership in a particular social group. **[JR: All the conditions for asylum certainly can be applied to Berezovsky’s reasons for not wanting to be extradited to Russia.]** British extradition laws, meanwhile, state that extradition cannot take place if it can be proved that charges against the accused are in some way connected to his or her political opinions.

Berezovsky has said the call for his extradition on charges he defrauded the state out of 60 billion rubles

in a 1994 deal for the AvtoVAZ carmaker is an attempt to muzzle him as Russia enters election season and as payback for his opposition moves. He has claimed his life would be in danger if he was sent back to Russia.

Russian law enforcement officials were unavailable for comment late Wednesday.

Berezovsky had been credited with engineering Putin’s vault into the presidency, but he soon ruffled Kremlin feathers by loudly claiming that Putin was plotting a course to undermine democratic freedoms created under President Boris Yeltsin. After he said he was forced to sell his stake in ORT television, he left Russia in November 2000 and began an opposition campaign.

First he accused the Federal Security Service of being behind the 1999 apartment bombings that sparked the second war in Chechnya, which helped propel Putin into the Kremlin.

Then, last year he floated the idea of building a movement in opposition to Putin out of an unlikely alliance of Communists and the liberal Yabloko and Union of Right Forces parties.

The surprising move to grant him political asylum comes as a fellow oligarch, Yukos founder Mikhail Khodorkovsky, comes under pressure from the Kremlin in part for his moves to finance these same parties ahead of the December parliamentary election. In July, one of his right-hand men, Platon Lebedev, was arrested on charges of theft of state property in a 1994 privatization auction.

The British home secretary had already turned down Berezovsky’s asylum request in late March, after the British government gave the green light to start the extradition proceedings.

Blunkett refused the request because he said he did not want to have to make a decision on whether criminal cases pending against Berezovsky in Russia were politically motivated, according to Alun Jones QC, a lawyer for Berezovsky who defended him in the first extradition hearing in London’s Bow Street Magistrates Court on April 2. Instead, Blunkett said that should be a matter for the court to decide during extradition hearings, Jones told the court.

Berezovsky had been expecting to appeal that decision in a court hearing on Sept. 18, but, suddenly, he was granted asylum status, Voronkov said.

Analysts said the British government’s sudden decision to grant him asylum could have come as a result of concern over the attack on Yukos. ...

Berezovsky had said he would attempt to run in the State Duma elections. Goldfarb could not say whether Berezovsky still intended to make that attempt.

[JR: The bent tone of this article is to put the emphasize on the targeting and persecution of Berezovsky solely because of who he is and what he represents. The inference here is that the old communist system of purges that dominated Bolshevik/Soviet Russia is again rearing its ugly head under Putin. Not so! Outside forces want to see Putin defeated to shield and protect the oligarchs who still own and control Russia’s vital assets and industries. Berezovsky must have tapped into some powerful circles to get the British government to grant him sanctuary for “political and ethnic” reasons. The Royal House of Windsor didn’t bother to save their royal cousin Tsar Nicholas II from the Bolshevik hordes who overran Christian Russia, so they aren’t about to save Russia from the well-connected and protected Jewish oligarchs today. Here is an example of history again trying to repeat itself.]

OUTLOOK FOR FALL 2003:
‘LOOK OUT FOR THE FALL!’

By Richard Benson, *Prudent Bear*, 08/28/03

With luck and perfect timing, the Federal Reserve has an excellent chance to get the Echo Stock Market Bubble and the Housing Bubble to pop at the same time. They have carefully engineered a major “Echo Bubble” in the stock market using 13 interest rate cuts—appropriately timing the last one to give an added boost to the third income tax cut and war spending. Moreover, the Fed, Washington and Wall Street have been cheerleading some modest data suggesting economic improvement and are down-playing the negatives from the employment front.

In the second quarter, GDP was growing at close to a 3% rate, though 70% of the growth was defense spending and employment dropped every month. **[JR: Defense spending is up 45%, so defense is a major factor in keeping the markets flexible. The jobless rate keeps rising, though productivity remains very high despite fewer workers. This offers little hope to the unemployed.]** The headlines should read, “Bush cuts taxes, Fed cuts rates, Chinese workers cheer!”

In July 2003, with tax cuts kicking in, retail sales were up around 1.4% and with hot weather electrical generation pushing up Industrial Production 0.5%, the U.S. actually lost another 40,000 jobs. The Wall Street spin has gotten S&P PE multiples back to 35 times earnings and NASDAQ 100 PE multiples back around 80 times earnings. As yet, the momentum traders are still sticking with their happy view of corporate earnings and fail to notice that the dollar has just strengthened 10%, long-term interest rates have surged 1.4% and energy prices have been rising. Prices at the gas pump could hit new highs just in time for Labor Day. For many firms, 30% to 50% of earnings gains had come from a weakening dollar. Rising energy prices are not what the Middle East war was supposed to be about. A stronger dollar, rising long term interest rates, rising oil prices and an extraordinarily over-priced stock market, are terrible for our economy.

The biggest negative going forward is coming out of the mortgage market and what it portends for borrowing, income, employment and housing prices. That “little rise” in mortgage rates has sent mortgage refinancing down over 70% from a peak, which had greatly helped consumer spending through the spring and summer. The Federal Reserve engineered the Housing Bubble by dropping interest rates for three consecutive years since the peak in stocks in 2000. The increase in home mortgage borrowing was running at about an \$800-billion-a-year pace. (For spending, a dollar borrowed is almost worth two dollars of income, because a dollar borrowed can be fully spent, but you might need to make two dollars to have one left after tax to spend.)

Moreover, mortgage refinancing generates more income and jobs than people imagine. For instance, in 1988 there were 8,500 mortgage brokers. By June of this year, there were 44,000 mortgage brokers employing 320,000 people. The 320,000 mortgage broker employees are just supported by a couple of the line items listed below. The other costs support several hundred thousand other employees. Listed below are standard charges associated with a refinanced \$125,000 mortgage as listed in a recent front-page *Wall Street Journal* article:

Administration Fee	\$ 413
Application Fee	266
Attorney / Settlement Fee	374
Commitment Fee	268
Document Prep.	162

Flood Certification	22
Funding Fee	126
Mortgage Broker Fee	344
Processing	303
Pest / Inspection	86
Recording Fee	72
Title Insurance	460
Title Work	220
Total:	\$3,116

A recent article appearing in the *New York Times* entitled "The Mortgage Closing Nightmare" cites a figure of \$50 billion a year spent on mortgage closing costs. However, one person's "costs" are another person's revenue or income. \$50 billion in revenues can support paying 1,000,000 people \$50,000 a year. If mortgage REFI's have just dropped 70%, it is logical to assume that we are in for a drop in employment in this huge sector of the economy of several hundred thousand workers.

Also, the employment picture should have some major "fade outs" this fall. The FTC "Do Not Call List" has already gotten over 30 million people to sign up so hundreds of thousands of people who basically "smile and dial" for a living will be let go. In the auto industry, the UAW, GM, Ford, and Chrysler have to come to terms with the fact there are still too many U.S. auto factories and workers. The current level of auto incentives can't be sustained with the dollar up 10%—expect plant closings and layoffs. Finally, we have a general economy where it would take economic growth of close to 4% to stop losing jobs to Asia, even without the mortgage side of the service economy collapsing.

Housing prices have risen about 40% and mortgage debt about 60% in the past five years. Shutting off mortgage refinancing will start to "pull the rug" out from under housing prices. Housing prices have been driven by falling interest rates. When the 10-Year Treasury Note Yield hit a 45-year low this spring, interest rates were screaming "Top" for bond and housing prices. U.S. Treasury bond prices have fallen over 10%—keep your eye on housing.

The financial markets and world economy have bet "big time" on a strong U.S. economic recovery again lifting the world. The U.S. consumer is spent out, the tax cuts are fading into history and the Fed is running out of ammunition for interest rate cuts, just as a drop in mortgage refinancing is slamming into the housing market. The Fed has created and nurtured the housing bubble to encourage consumer spending to fill in for the lack of business investment. The Fed also created the "Echo Bubble" to keep investors' "Animal Spirits" up and consumer confidence high.

Given Alan Greenspan's hubris, wouldn't it be a fitting irony if he can get the Echo Bubble and Housing Bubble to pop at the same time? What is reasonably certain is this: If the stock market crashes, it will take housing with it and if housing goes down, it will take the stock market with it. This means if you like to bet, "you've got two ways to lose!!"

The world finds Germany, Italy, South Korea, and the Netherlands in official recession and the world stock markets have all bet on the U.S. consumer and U.S. economic growth to save the day. We think it prudent to keep your money safe and to look out for the fall! [JR: If this "bubble" bursts—FORECLOSURES will overrun the housing markets like dandelions in the spring! The Fed, under Major General Greenspan, is going to drop a bunch of cluster bombs that will devastate Wall Street and inflict very serious collateral damage to the economy. It is time for all of us little people to prepare for the storm clouds coming and get out from under those paper umbrellas and plastic cards.]

WHETHER SETTING UP OR MAINTAINING YOUR NEVADA CORPORATION:

Do It Right And Do It For LESS

Budget's "Tip of the Week" #1:

NRS 78.105—Maintenance of Records at the Registered Office

According to *NRS 78.105* (restated, emphasis added): A corporation has a responsibility to maintain certain corporate records at its registered office *for inspection by stockholders*, including a State-certified copy of its Articles of Incorporation, a copy of the Bylaws and the stock ledger (or a statement naming the ledger's custodian, including the address at which the ledger is kept).

It is hard to see why such records should be maintained in any case where no stock has been issued, as the expressed intent of *NRS 78.105* appears to be to ensure that **stockholders** should have access to these corporate records. Of course, a court order may compel production of the corporate records and in that event, failure to produce them within a "reasonable" time could result in State penalties of \$25 per day for each day of refusal. In such an instance you would have up to five days to produce the records, which, of course, would be in perfect order.

If you choose to leave such records on file at the registered office of the corporation, you might want to take an extra measure of caution regarding privacy of those records and insist upon a **non-disclosure agreement** with the resident agent. Such an agreement should prevent the resident agent from casually identifying you with the corporation and from sharing the corporation's filed records with anyone other than the corporation's stockholders. (Otherwise, those records are potentially accessible by anyone making an inquiry.) And hopefully such an agreement would give the resident agent pause to consider additional security against those who might "snoop around".

Here is one more thing you can do to protect your privacy: Contact your resident agent and ensure that there are NO documents on file that connect YOUR NAME to the corporation. Have the resident agent expunge and shred any old memos, order forms and any other such information that could adversely impact your desire for privacy.

The next "Tip of the Week" will discuss Nevada's statutory sanctions against anyone who would even *attempt* to access the corporation's records for purposes contrary to those of its stockholders.

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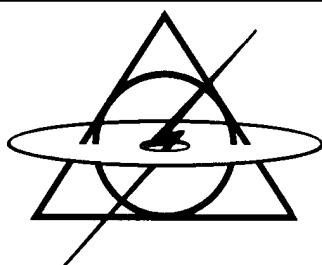
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