



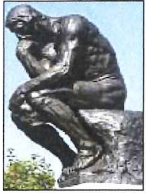
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THINK

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Alabama Sheriffs Lawsuit: Outrage v. Issue



Much ink has been spilled these past months to highlight outrageous observed results from our Alabama law enabling sheriffs to transfer 'inmate food provision' monies in their favour. These monies are deposited into county Sheriff 'personal' accounts, not into any specific government account(s). Most noteworthy is Etowah County Sheriff Todd Entrekin's four-bedroom house with an in-ground pool and canal access in Orange Beach for \$740,000; one of several properties (total assessed value of over \$1.7 million) he and his wife own together or separately in Etowah and Baldwin counties. The assertion is Entrekin has a lot of cash on hand because he keeps 'leftover' money (pun intended) from his inmate food budget. AL.com reported [3/13/18] over the past three years Entrekin has received more than \$750,000 worth of additional "compensation" from a source he identified as "Food Provisions." For those who remember 'Grand Theft Auto allowance' from The Auburn Greed (March 2018 Alabama Gazette) column, it does bring into question how it was taxed, possible RSA implications, etc.

Monies put into the account were allocated by federal, State and local/municipal governments to feed inmates in the Etowah County jail, but was not used for that purpose and was instead personally pocketed by Entrekin. In full disclosure, some of my perspective on the matter is influenced by conversations with my county Sheriff (Jay Jones - Lee Co.) who I see on a regular basis. As some will recall, I hold Jay in high regard and although I've had disagreements on a few issues (Hubbard, timing of pay raises, etc.) he's always been civil and thoughtful when addressing my concerns, more importantly willing to educate/explain when he thinks I have incomplete information or wrong about an issue.

Readers know the disdain I have for Hoover/FDR actions/responses to trigger and prolong the Great Depression which played a role in shepherding us to the current food provisions result for determinations like \$1.75/day. I couldn't find any information and the lawsuit didn't give much information on when this amount was last determined. It appears to go back to the 1930s when \$1.75 was a significant sum in an era where the first federal min. wage imposed was \$0.25/hr. Is it time for the legislature to consider an adjustment? What's past is prolog - how do we move forward out of this despicable result. Sheriff Jones further educated me to understand the history prior to the 30s in an era where Sheriffs were oft housed next to the jailhouse (evoking Mayberry days of Andy & Opie) where a wife or 'Aunt Bee' would cook for inmates and it was fitting for a wife, Auntie, et al to keep the difference for their hard work/efforts to provide these meals. Obviously, the small town world of Mayberry no longer applies to many Alabama counties today...

I must type Sheriff Jones has never condoned/supported the current result highlighted by Etowah County observations in my conversations with him these past weeks. Jay seemed hopeful the legislature would quickly and sagaciously address the issue. Most noteworthy is how adamant Sheriff Jones is in his resolve to continue compliance with all court determinations. With this education and perspective in mind, onto my reading of the Southern Center for Human Rights [SCHR] and Alabama Applesseed Center for Law & Justice lawsuit against forty county sheriffs in Alabama filed in Hale County Circuit Court. I have no idea why it ended up in Hale County (I would think a GA non-profit would prefer an Alabama border county) but forecast readers will e-mail their facts/thoughts. Doesn't appear Sheriff Ellis is similar to the Etowah county result - perhaps it is driven by timing of responses to open records requests I find the specific issue before this court.

The Open Records Act has a nice sounding/reassuring title, yet the document is rife with gray areas enabling 'public servants' to circumvent the stated public purpose/intent of the law. As citizens (Prof. Johnson oft reminds is me the highest office holder in our system of govt.) of our State the Alabama Code of 1923 guarantees, "Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute." In 1989 our Alabama Supreme Court ruled, "the legislature intended for the Act to be liberally construed." The implicit economic issue in this open records suit (again, not addressing Food Procurement abuse) is who will bear the cost/pay for data collection.

In my county the Sheriff has made it abundantly clear from my vantage point the records are open for AL.com or any other entity/individual to inspect. The requested relief in the suit includes (item H on p. 34) the "Defendants must waive all fees associated with Plaintiffs' requests and produce the records by mail or email." As one who has dealt with my corrupt County Commission for years, I've understood I must incur the cost of going to the agency (in most instances ALDoT) to acquire the desired documents (usu. under the watchful eye of some bureaucrat) and expect to pay for copies/scans - esp. original signed & dated paperwork.

It is easy to see why "Applesseed" plaintiff (as much as I may agree with their data-driven criminal justice reforms) wants someone else to incur the cost/effort of their data collection, but I do not want my State and local governments subsidizing this non-profit's advocacy unless appropriated by my legislature. If history is any guide they'll quickly become captured and ineffective once they scheme beholden to our corrupt politiburo for funding. If allowed any 'tin-foil cap' ranting type at this juncture, I also find it odd SCHR, a Georgia non-profit is so interested in Alabama. Is there collusion in food contracting? Very believable in a post Felon Hubbard world of little discipline to the political prostitute and undicted coconspirator 'johns' but then it is a corruption, ethics type violation to address to be pursued and applauded.

The lawsuit noted some counties (about a dozen) are excluded because the County Commission has control and oversight over inmate food procurement which opens the door to other jeopardy and corruption - esp. in an outlier county (like Lee, home of the Hubbard Gang) instead of keeping the firewall and responsibility with the Sheriff and staff to more directly discipline and address. Perhaps the most important part of the lawsuit is to get the Sheriff's checkbook disclosing purchases/disbursements. If it is for the Sheriff's office checkbook, I applaud it in the letter and spirit of the Open Records Law, if it is for Jay Jones (citizen) personal checkbook, it is out of bounds - i.e., "exempt from the law."

Sheriff Jones is wise (as one who understands the sovereignty and importance of the position) to want this addressed and more oversight by the State legislature which was designed to keep one eye out for a tyrant at the federal level and the other eye for emerging tyrants as the local level. Do you really

care if the 'shake-down' and coercion comes for the central or the local government? Sadly, our forced coalition of states has impeded competition the founders designed and desired between the States. It seems Jones would like to see a standard/uniform system to guide meal provision for all inmates in Alabama. I'm guessing some wonder why something of this sort is not already in place; perhaps to use Jay's analogy, we've not 'progressed' from Mayberry as quickly as others. When pressed for what he thought would be a wise outcome for 'leftovers' he didn't reject my thoughts on "earmarking" (I know that's become a dirty word in M-town) it back to the inmate facility; he seemed a little more interested in still having some flexibility to use a Sheriff's discretion on "operations" - and yes, I'm sure that doesn't mean beach houses in Baldwin county for Jay and his bride.

Now that I've set myself up for the barrage of nastygrams asserting my advocacy of starving prisoners, other readers may recall my January 2018 writings on Macon County open record requests. The documents Mr. Dillman requested are not "expressly" exempt from the law. County Chair, Louis Maxwell, is one of our public servants who has repeatedly thumbed his nose at the 1989 Chambers v. Birmingham News Co., Alabama Supreme Court ruling "the legislature intended for the Act to be liberally construed." As record custodian, Maxwell bears the burden of justifying non-release of requested records. In this 'chain of custody' between a citizen and a public servant, Maxwell is asserting specific records are not in his 'custody' although those records are easily accessible to him via the county's on-line contractor website.

As a means of retaliation and impeding Dillman, the county unilaterally suspended Alabama Open Records Act while drafting the county plan expecting to tax him \$1 per printed or electronic page records requested during the period of suspension and implementation of their new policy. Our State has not kept pace with the FOIA, specifically the Open Government Act of 2007. Section 9 provides for public records held and managed by government contractors to be classified as public records and available to citizens, regardless of their locations. Macon County has records managed by both WEX, Inc. and Revenue Discovery Service (RDS). RDS records were obtained and released to Dillman while picking and choosing which WEX documents were released.

The only recourse remaining is retain an attorney/expensive litigation Dillman would prefer to spend on paying for copying and collecting this easily obtained data. Seems Macon County is expecting (dare I type hoping?) this citizen will eventually be discouraged and walk away unsatisfied and broke while the county coffers have been enriched to 'fatigue him into submission' as grieved in our Declaration of Independence. AG candidate Alice Martin has mentioned the AG's office has a "Consumer Affairs Division" but lacks a mechanism where a citizen with evidence of a county violating this State law can receive assistance as compared to expensive attorney fees and litigation to obtain public records.

The Act is also silent on the defendant being responsible for citizens' attorney and court fees if/when the defendant is found in violation of the law further discouraging action to disclose a Sheriff's office or a county's records. If the public servant is found guilty of a crime, the citizen(s) deserves to be made whole which is different from paying to aggregate/collect data. An AG opinion states the public entity "should provide free copies," when possible and not levy unreasonably high costs/fees which undermine the citizen's right to public record access. I'll leave it to my readers' discretion if it is in fact undermining citizens' rights to examine public records at \$1/page regardless if printed or emailed. Rather than more limitations on the scope of the Act - e.g., specific records related to Agriculture, Railroads, Horse & Greyhound Racing -- demand our legislators review these exemptions and allow citizens to be more knowledgeable of government actions.

I doubt many readers are surprised open records requests have become an integral part of my columns these past months in a State exhibiting increasingly more resolve to discipline the current corrupt politiburo members in power. As it has grown more difficult to remove Felon Hubbard types at the ballot box protected by double-dark money, restrictive ballot access laws, hyper-gerrymandering, etc. it takes longer and is more costly to remove them in the courts. Removing access to public records and impeding transparency is the natural progression for political thieves and thugs whether it is to promote athlete abuse, Canaries in the Drummond mine, RSA fRAUd or protecting economic development spreading their unsustainable cancer upon our State. Some are looking for those independent and unsold by the duopoly crippling Alabama. "This sort of activity at any level of government shows not only a contempt for the law, but for the very voters that elected them. Transparency and fiscal responsibility are the guiding stones every elected official should be held to," said Laura Lane, Chair of the Libertarian Party of Alabama. "Corruption and the sense of being above the law at every level of government are out of control in our state." Sadly most will keep voting for the duopoly, flip-flopping from blue to red poison wondering why their health in general keeps decaying in between short bouts of feeling better as the one toxin fades for the other to return.

Postscript: Candidate Casson participated in the 2014 Alabama GOP fundraising scheme paying \$3480 for access to the Republican primary. The fee allowed access on the ballot against 12 year incumbent Congressman Mike Rogers. Some economists argue this 'user fee' belongs to taxpayers funding private party primary elections the State is NOT obliged to provide; Alabama must provide general elections. During that campaign Casson was shunned by establishment Republican clubs espousing promises of 'neutrality' in publicly funded primary races. After receiving 24% of the primary vote Thomas decided to do some unorthodox campaigning in 2018. First he legally changed his name to Thomas 'Sick of DC' Casson to run as an independent in the November general election, claiming he could not again reward the GOP with another \$3480 after Hubbard, Bentley, and Strange scandals. The 5,000 signature requirement to run as an independent is nonetheless daunting; he must waste effort, money and time accumulating signatures the Secretary of State then wastes even more resources on as the arbiter of what's a valid petition signature. It is time to have all Parties pay for their own primaries (or conventions, smoke filled rooms, etc.) and all candidates pay the marginal cost to be placed on general election ballots. Last month Casson submitted one-fifth of the required petitions, I'll report on how many are validated by Secretary Merrill when recorded - Mr. Casson has a very long road to November...



Making America Great Again

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By John Martin

Today, we are nearing the midpoint of Donald Trump's second year. So far, he has done some very good things:

1. Ended our subjugation to the Paris Climate Agreement.
2. Put the brakes on mass migration of potentially dangerous people.
3. Reduced illegal immigration by 67%.
4. Re-opened the coal mines and re-established jobs for the miners.
5. Withdrew from the job-threatening

Trans-Pacific Partnership.

6. Revived essential pipelines that will ensure a dependable supply of petroleum.
7. Scrapped DACA.
8. Set restrictions on lobbying.

Here are some important duties yet to be done:

1. Amend (or repeal) the 14th amendment to end "birthright"

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