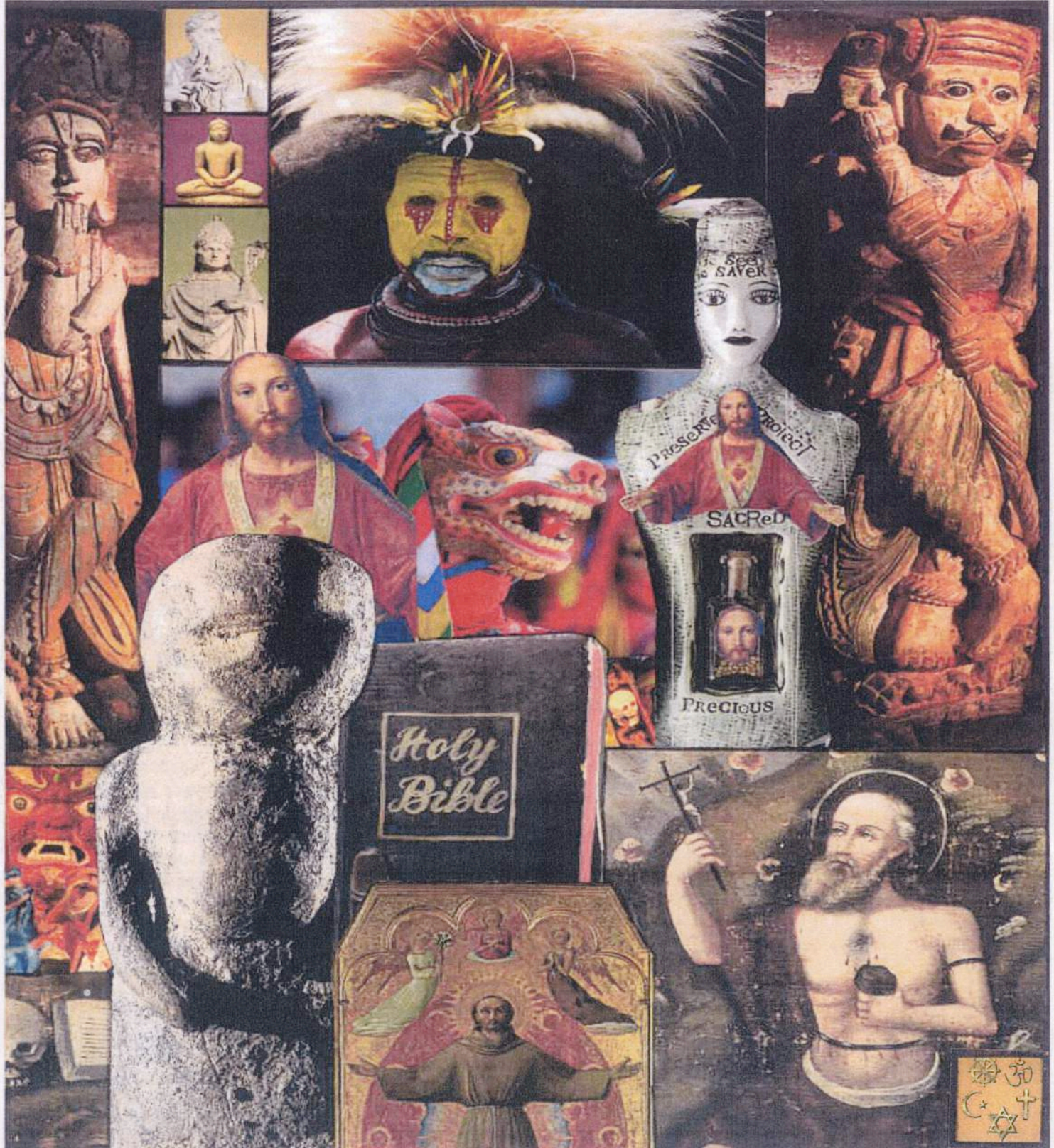


*American Board of Criminal Lawyers*  
**THE ROUNDTABLE**

Vol. MMXV, No. 13

"SOMETHING FOR EVERYONE"

December 2015





## TIDBITS

Dear Fellows:

Good guys won one today!

For the benefit of Fellow Frank Jackson, who was vocal at our Santa Fe meeting about the scourge of false reporting of sexual assault on campus, I am pleased to share that I was able to keep one from getting charged - this despite an aggressive University investigation.

We cooperated with law enforcement and thankfully became privy to medical records and phone records that disputed material facts in the complainant's story. In other words, we got lucky!

Not shared for pats on the back – just to let Frank know his advice was taken; we did not roll over on allegations, and we won! Peace.

**Brett Bloomston**

On behalf of Criminal Defense Attorneys of Michigan (CDAM), I'd like to thank our Fellow Gerry Goldstein for teaching at CDAM's seminar last week. I was expecting entertaining war stories, but Gerry took the opportunity to analyze the SCOTUS 4th, 5th and 6th Amendment case holdings from the last 10 years. It was a treat to get this kind of overview. It was most helpful to see the evolution of SCOTUS-think and, as you would expect from Gerry, VERY entertaining. And thank you dear Jimmie Feinberg, for enticing Gerry to rainy sleety Traverse City for this event.

**Margaret Raben**

Referred Liguori a carrying loaded firearm without a permit case in his fine state of Delaware who promptly turned it into a jaywalking offense with a misdemeanor withhold, 18 minutes of probation and expungement. Now that's what I'm talking about!!!! Nice work pal!

**Michael Rosen**

## \$2M bail set for diplomat charged in UN bribery case

Friday, 9 Oct 2015 | The Associated Press

NEW YORK (AP) — Over a prosecutor's objection, bail was set at \$2 million Friday for a Dominican Republic diplomat arrested in a bribe-related criminal case that also landed a former president of the United Nations General Assembly behind bars.

U.S. Magistrate Judge Henry B. Pitman noted that charges against Francis Lorenzo, though serious, did not involve violence, and he agreed Lorenzo could stay at his mother's Bronx home with electronic monitoring after agreeing to waive diplomatic immunity prior to trial. Lorenzo was unlikely to be released for several days yet. Lorenzo was arrested Tuesday along with three others, including John Ashe, a former U.N. ambassador from Antigua and Barbuda who served in the largely ceremonial role of United Nations Assembly president for a year starting in September 2013. Ashe's lawyer has said Ashe expects to be vindicated on tax charges.

Prosecutors said the 48-year-old Lorenzo accepted and paid bribes to help a billionaire Chinese real estate mogul influence the United Nations to support construction of a multibillion dollar U.N. conference center in Macau. The billionaire, Ng Lap Seng, 67, and his chief assistant remain jailed after their arrest two weeks ago. Ng's lawyer has said Ng was the victim of a misunderstanding.

Assistant U.S. Attorney Daniel Richenthal argued unsuccessfully Friday that Lorenzo, a U.S. citizen, was too powerful and well connected worldwide to trust he wouldn't make a run for it. Richenthal also repeatedly said Lorenzo might use diplomatic immunity to dodge prosecution. "There are significant ways he may frustrate the prosecution," Richenthal said. The prosecutor called diplomatic immunity a "complicated area of law" and a "knotty issue."

Richenthal said Ng has financed a \$3.6 million luxury Manhattan apartment that Lorenzo has listed as his address and had helped fund a revenue stream that provided Lorenzo \$30,000 monthly, enabling him to send hundreds of thousands of dollars to an account in the Dominican Republic.

Lorenzo's lawyer, Brian Bieber, offered testimony from three character witnesses, including Carlos Garcia of Union, New Jersey, a former ambassador to the United Nations from El Salvador who was a diplomat for nearly two decades. "For me, he's a leader, promoting United Nations' status in the world," Garcia said. Bieber said his client worked in the travel industry when he was invited in 2000 to a U.N. event, where he dined with actor Michael Douglas, boxer Muhammad Ali and then-U.N. Secretary General Kofi Annan. The conversations inspired him to pursue a \$6,000-a-month job as a Dominican Republic diplomat.

Since his arrest, Lorenzo has been suspended for six months as one of several ambassadors from the Central American nation, the lawyer said. Outside court, Bieber said: "I am confident that when you see all of the evidence, it will be clear Mr. Lorenzo did not commit a federal crime." Regardless, he added: "Diplomatic immunity very well may apply to some or all of Mr. Lorenzo's actions."

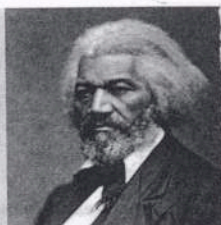
(Reported by Joel Hirshhorn)





"The life of the nation is secure only while the nation is honest, truthful, and virtuous."

— Frederick Douglass



From: "Henry W Asbill" <hasbill@jonesday.com>  
To: <abcl-us@googlegroups.com>  
Sent: Tuesday, September 15, 2015 2:05 PM  
Subject: [ABCL-US] Nominating Committee Results

The Committee - comprised of Homola, Froelich, Liguori, Mika, Hirsch, Goldberg, Spina and myself - met today and unanimously agreed to recommend the following slate to be voted on in Santa Fe: Pres - Froelich; Pres-Elect - John Rion; VP's - Berk, Jenkins, Ossick, Synenberg, Swor; Secretary - Podberesky; Treasurer - Wold, Board of Governors - Beroset, Findling, Friedman, Handley, Hawkins, Kazan, Martin, Pancer, Rosen, R. Shaffer, Watson. Congratulations to all!



"I'm told one half of the American people have never read a newspaper, and half have never voted for President. One hopes it is the same half."

— Gore Vidal

# John Trudell, Outspoken Advocate For American Indians, Is Dead at 69

(12/10/2015)  
By BRUCE WEBER

John Trudell, whose outspokenness and charisma made him a leading advocate of Native American rights, and who channeled his message of righteous defiance into poetry and songwriting, died on Tuesday at his home in Santa Clara County, Calif. He was 69.

The cause was cancer, said Cree Miller, the trustee of Mr. Trudell's estate.

Mr. Trudell, a Santee Dakota, was national chairman of the American Indian Movement during much of the 1970s, a turbulent stretch in the relationship between Native American activists and the federal government.

His tenure began after the episode at Wounded Knee, S.D., where, in February 1973, Oglala Lakota from the Pine Ridge reservation, incensed by tribal corruption, and American Indian Movement activists, protesting the government's treatment of their people, occupied the town in a 71-day standoff with federal marshals and F.B.I. agents.

Three men — Bob Robideau, Darelle Butler and Leonard Peltier — were tried in the killing of two of the agents during the confrontation.

Mr. Trudell — "the most eloquent speaker in the Movement," as Peter Matthiessen wrote in "In the Spirit of Crazy Horse," his 1983 book about the siege — held community meetings in Cedar Rapids, Iowa, where the trial of Mr. Robideau and Mr. Butler was held, and he testified for the defense. The two men were acquitted. Mr. Peltier, tried later, was convicted and remains in prison.

But well before that, Mr. Trudell had already made a name for himself as an effective champion of his people, decrying the indignities they had suffered for more than a century at the hands of the American government.

In November 1972, he was among the leaders of a group that occupied the Bureau of Indian Affairs in Washington, demanding the enforcement of historical treaties that granted Native Americans sovereignty over their land.

Perhaps most famously, in 1969, he joined an occupation of Alcatraz Island, home of the former prison in San Francisco Bay, arguing that the terms of an old treaty gave American Indians the right to unused federal land.

The occupiers, calling themselves Indians of All Tribes, held the island for 19 months, demanding that they be given the right to develop it as a cultural and education center. Mr. Trudell, then in his 20s, emerged as the group's spokesman, frequently delivering a broadcast called "Radio Free Alcatraz" and speaking at news conferences.

Rejecting a government proposal that the island be turned into a park with "maximum Indian qualities," Mr. Trudell said: "We will no longer be museum pieces, tourist attractions and politicians' playthings. There will



John Trudell in 1971 near Richmond, Calif. In 1969, he joined an occupation of Alcatraz Island that lasted for 19 months.

be no park on this island because it changes the whole meaning of what we are here for."

The F.B.I. compiled a substantial file on him.

In 1979, Mr. Trudell burned an American flag on the steps of the F.B.I. building in Washington, saying that the flag had been desecrated by the government's behavior toward American Indians and other minorities, and that burning was the appropriate way to dispose of a desecrated flag.

The next day, his home in Nevada burned to the ground. The fire killed his pregnant wife, Tina Manning, who was also an activist, as well as their three children and Ms. Manning's mother.

An investigation by the Bureau



Mr. Trudell in 2005.

**A defiance that was channeled into spoken-word albums.**

of Indian Affairs found that the fire was an accident. But some viewed the inquiry as perfunctory, and its findings were questioned by an investigator hired by Mr. Trudell, who suspected the fire had been deliberately set.

"I don't want to say that the F.B.I. kills innocent kids and children," Lindsey Manning, a cousin of Tina Manning, said in "Trudell," an acclaimed 2005 documentary film by Heather Rae. "I just don't want to say that. But you never know. You never know."

The film asserted that the cause of the fire had never been established.

John Francis Trudell was born in Omaha on Feb. 15, 1946, and grew up partly there and partly

on a reservation near the South Dakota border. His father, Clifford Trudell, was a Santee Dakota; his mother, the former Ricarda Almanza, was of Mexican-Indian descent. She died when John was a boy.

Mr. Trudell dropped out of high school and served in the Navy during the Vietnam War. Afterward, he moved to Southern California, where he studied radio and communications at a community college before joining the Indians of All Tribes group on Alcatraz.

Mr. Trudell began to distance himself from the American Indian Movement after the fire at his house, and in the 1980s, he turned to writing. He published several volumes of poetry, including "Stickman" and "Lines From a Mined Mind," often writing in protest of corporate power and government oppression. He also recorded spoken-word albums accompanied by traditional Native American music as well as contemporary pop. His latest album, "Wazi's Dream," was released this year.

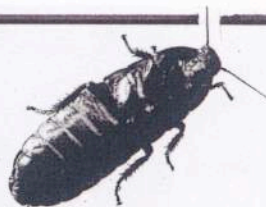
The recordings earned him admirers in the music world, including Bob Dylan, Jackson Browne and Kris Kristofferson.

Mr. Trudell also acted in feature films, including "Thunderheart" (1992), with Sam Shepard and Val Kilmer, in which he played a character drawn from a crucial figure in the events leading to Wounded Knee; and "Smoke Signals" (1998), based on Sherman Alexie's poignantly comic novel about growing up on a reservation.

Mr. Trudell's first marriage, to Fenicia Ordonez, ended in divorce. He is survived by a brother, Roger, and several children and grandchildren. Ms. Miller, his estate's trustee, declined to say specifically where Mr. Trudell lived in Santa Clara County.

"If this is the land of the free," Mr. Trudell said during the occupation of Alcatraz, summarizing the issue that would propel his life and work from then on, "we want to know why we don't have the respect and dignity that all free men are accorded by other free men."





## AS GREGORY SAMSON AWOKE

one morning from uneasy dreams he found himself transformed in his bed into Franz Kafka.

He was lying on his back, and when he lifted his head a little he could see he had Kafka's belly and feet. He knew, even before the mirror confirmed it, that he looked like Kafka. He walked like Kafka. He thought he might even smell like Kafka but he couldn't be sure.

He knew he had become what he'd always wanted to be — a great writer. But this was not quite the way he'd imagined it. He'd imagined writing in the afternoons in his cottage on the Vineyard. He'd imagined the tours, the readings, the TV interviews with Charlie and Oprah. He'd imagined the reviews in *The Times* extolling his magisterial first novel *Tintoretto's Nose* or his even better second *The Effulgence of Macedon*.

But he'd never imagined that all it would take to become a great writer was to wake up one morning as a dead, Czech surrealist. And what he'd never had any reason to imagine was the expectations that would come with this transformation. Now he'd have to write like Kafka and in Czech or German or some other language he didn't know. And it would have to be good. Very good ...



I'M GETTING TO BE LIKE THAT GIRL IN THE ADS. MEN TAKE ME OUT ONCE—AND DROP ME

BY THE WAY—DID YOU EVER READ ONE OF THOSE LIFEBOUOY ADS ...CAREFULLY?

So easy to offend—without even knowing it!

EVEN ON the coldest winter day, don't take a chance with "B. O." (*body odor*). Clothing is heavier, rooms often stuffy. "B. O." is *instantly* noticed. Bathe regularly with Lifebuoy. It purifies and deodorizes pores.

### Kind to your complexion

Lifebuoy lathers richly, cleanses deeply, tones and freshens the skin. And "patch" tests on the skins of hundreds\* of women show Lifebuoy is more than 20% milder than many so-called "beauty soaps."

*Approved by Good Housekeeping Bureau*



*Stops 'B.O.'*

BATHE WITH LIFEBOUOY—AND BE SAFE





Dear Steve,

Once more, I am taking the liberty of imposing on you the judges' skit performed last night at the 2015 version of the SDNY Courthouse Follies. To call its humor sophomoric would suggest a slight degree of maturity that it totally lacks. All best, **Jed**

**Judges' Skit and Song for 2015 Courthouse Follies by Jed S. Rakoff**

[Judges enter in robes, but Judge Rakoff ("JSR") is dressed as a "baby judge" in a beanie, etc., while Judge Ellis ("RLE"), Judge Smith ("LMS"), and Judge Swain ("LTS") are dressed as old judges, with white whigs.]

LTS: Welcome, Judge Take-off. You are the first new judge to join our court in this year of our lord 2030, and we are delighted to have you.

JSR: Thank you, Judge Swoon. But I just learned that you and Judge Elf and Judge Smitten have all just taken senior status. How come?

RLE: Frankly, being a federal judge isn't as much fun as it used to be.

LMS: It's been years since someone called me "Your Honor."

LTS: And decades since I held a lawyer in contempt.

LMS: Remember when everything used to be in Latin?

RLE: Nunc pro tunc.

LTS: Ipse dixit.

JSR: In flagrante delicto!

RLE: You could never be reversed. No one knew what you were saying.

LTS: Isn't that still true?

LMS: And remember when we all had bailiffs? And they would say "Oyez, oyez," and everyone would rise?

JSR: What language is "oyez"?

LMS: Yiddish, I believe.

JSR: Und vat does it mean?

RLE: It means, "Can you believe this guy is a judge? Oyyoy-yoyez."

LTS: And best of all, we used to have jury trials.

JSR: Jew retrials? Haven't the Jews had trials enough?

LTS: No, no. Jury trials. First you would round up a bunch of people from the neighborhood – that was called the venire.

LMS: Then, the jury clerk excused anyone who had a responsible job.

RLE: Or anyone who knew a judge.

LTS: Then the judge excused anyone who had ever read a newspaper, watched the news, or shown any interest in current events. This was called voir dire.

LMS: Finally, the lawyers excused anyone who had any intelligence. This was called peremptory challenges.

RLE: So, in the end, what you had was a bunch of ignoramuses. This was called a jury of your peers.

JSR: Are you serious? Did judges really like this system?

LTS: We loved it! And why not? When you have a trial by jury, a judge doesn't have to do any work!

JSR: But did the system work?

LMS: It was infallible.

[Judges go into their song, "It's A Jury Trial," to the tune of "It's A Musical," from the musical Something Rotten by Wayne and Kerry Kirkpatrick]

[1st chorus]

LMS: It's a jury trial, a jury trial,

There's nothing so delightful as a jury trial,  
LTS: With jurors fair, who really care,  
And several alternates in case you need a spare.

LMS: Top gate,

LTS: First rate,

LMS & LTS: Free of bias or bile.

LMS: There's nothing so fine,

LTS: It's the top of the line.

LMS & LTS: A jury trial.

[Verse]

RLE: Let's suppose that you've got a new case,  
And you're anxious to make a big score.

LTS: Defendants have offered ten million bucks,  
But you want to make a lot more.

LMS: You could go to a magistrate,

But those judges tend to be tough,

JSR: Or you could go to a district judge,

But they just sit on their duff.

RLE: You could seek arbitration,

But they don't know any law.

LTS: There is just one more alternative,

All: But one that's sure to awe:

[2nd chorus]

All: It's a jury trial, a jury trial,

JSR: There's nothing quite so frightful as a jury trial.

RLE: The hours creep, no jurors peep,

JSR: Because the honest truth is that they're half asleep.

RLE: Ignored,

JSR: Half-bored.

RLE & JSR: In a state of denial.

LMS: It really is cruel,

LTS: But also real cool,

All: A jury trial.

JSR [speaking]: I'm convinced! It's the most diabolical invention in the history of the legal process. Let's bring it back ... one more time.

[3rd chorus, with variations]

All: It's a jury trial, a jury trial.

There's nothing that's as rightful as a jury trial.

LMS: With evidence that's sheer pretense,

LTS: And arguments by lawyers that are such nonsense.

RLE: Charge is long, Often wrong.

JSR: The jurors yak for awhile.

All: Then out of the blue

Comes a verdict that's true.

A top flight,

Bold, bright,

Just right

Jury trial.

[4 chords, as they bop each other on the head with a gavel]

A just right Jury trial. \*\*\*



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### Future Meetings

Feb. 11-15, 2016: Havana, Cuba

May 26-31, 2016: Rome, Italy

October ? - ?, 2016: Austin, Texas



to try something stupid

you're never too old...

