

**Colonel & Mrs. John B. Kidd  
Sacramento, California 95835**

March 20, 2006

Sheriff Lou Blanas  
Sacramento County Sheriff's Office  
711 G Street  
Sacramento, California 95814

cf: Governor Arnold Schwarzenegger, Assemblyman Roger Neillo, Senator Tom McClintock, Senator Deborah Ortiz, Assemblyman Ray Haynes, Assemblyman Dennis Mountjoy

Dear Sheriff Blanas:

I am enclosing several items that are very important and germane to this correspondence.

While I'm an investigative journalist, I am first and foremost a free American. I'm not sure you are aware of the insidious provisions of the mis-named "Patriot Act" that was passed by Congress a couple of weeks ago, but you need to be in order to protect my rights and the rights of all you serve.

I have attached a verbatim interview with Judge Andrew Napolitano regarding these new, draconian provisions of the un-Patriot Act. Please note that the feds now intend to enter your house, my house or the home of any elected public servant, steal from us in a ruse, make it look like a robbery and never tell us they had been there! This is a fact and that's just the tip of this unconstitutional "law."

I have enclosed an excellent analysis from former Sheriff, Richard Mack, on the power of a county sheriff and this involves an incident in the State of Wyoming several years ago.

However, in this instance, these provisions of the insidious "Patriot Act" are clearly in violation of the supreme law of the land and as Sheriff of Sacramento County, you cannot allow agents of the federal government to come into your county and violate the supreme law of the land, the U.S. Constitution and the Constitution of the State of California.

As you can see, I have also made a copy of this letter and the enclosures to several members of the state legislature and Gov. Schwarzenegger. As Sheriff of Sacramento County, it is your duty to protect the rights of the citizenry. You took an oath to uphold, defend and preserve the U.S. Constitution. To allow federal agents to break into the

homes of Americans on fishing expeditions or to snoop on political activists is to return to the days when the British occupied the colonies. This cannot be allowed to happen.

I am aware that these are thorny situations, but they must be addressed. Besides our rights being stomped on, I see potential tragedies, i.e., someone comes home, finds “burglars” (not knowing they are feds) and shoots first. Or, the feds assume the house is empty and the same outcome: tragedy.

I would respectfully recommend that you not only contact the state legislature and the governor, but also two constitutional scholars who I know would be more than happy to have a dialogue with you on the unconstitutionality of these provisions of the un-Patriot Act:

Professor Jonathan Turley: 202.994.7001

Dr. Edwin Vieira:

**Cordially,**

**Devyv Kidd**

FOX News, Shepard Smith and Judge Andrew Napolitano. Judge Napolitano is the senior judicial analyst on FOX News

Napolitano is the youngest life-tenured Superior Court Judge in the history of the State of New Jersey. While on the bench from 1987-95, Judge Napolitano tried over 150 jury trials, and sat in all parts of the Superior Court — Criminal, Civil, Equity and Family.

For eleven years, Napolitano served as an adjunct professor at Seton Hall Law School, where he taught constitutional law and jurisprudence. He returned to private law practice in 1995, the same year he began his career in broadcasting.

Napolitano received his undergraduate degree from Princeton University and his Juris Doctor from the University of Notre Dame.

This is a verbatim transcript from a televised segment the day after Congress voted to renew provisions of the un-Patriot Act:

<p>"Napolitano: Well, I have learned that the Patriot Act, in the name of fighting terrorism, allows agents to do things that we've never allowed them to do in the history of the United States.

<p>"Smith: For instance?

<p>"Napolitano: For instance, to read our mail without us knowing it and without getting a search warrant. They can go to the post office, they can write their own search warrant and require the post office to give them your mail.....

<p>"Smith: .....without a judge....

<p>"Napolitano: Without a judge involved at all. They can go to your bank, your lawyer, your doctor, your accountant, your computer server, your telephone company, again (his emphasis) without a search warrant from a judge, but with their own, self hand written search warrant and require those people, who keep confidential information on all Americans, to turn that over. You may say, 'Well, my doctor would call me, my banker would call me.'

<p>"Well....no. They will tell the person to whom they're giving the self written search warrant it's a felony for them to speak to anyone about it. They can't tell their spouse, they can't tell their lawyer. They can't even tell a Federal Judge in a Federal Judge's courtroom that they have been the recipient of one of these search warrants. That, of course, prevents them from challenging it for a year. We are not accustomed in this country to having that kind of power in the hands of federal agents.

<p>"We have always put a neutral judge between the government agent and the target of that agent. The Patriot Act changes that.

<p>"Smith: And they can break into your house?

<p>"Napolitano: The Patriot Act, with a search warrant, allows Federal agents to break into your house, make it look like a burglary, steal your checkbook and leave and they don't have to tell you about it for a year. Now, you may say, well, why?

<p>"Smith: They would only do that for terrorism, though. Isn't that what they're supposed to do?

<p>Napolitano: That's what they're supposed to do, however, they have used this power to fight organized crime, drug dealing, pornography and political corruption. The last in the city of Las Vegas.

<p>"Smith: But surely they've gotten some terrorist convictions out of this?

<p>"Napolitano: They've gotten *no* terrorist convictions out of any of this.....

<p>"Smith: None?

<p>"Napolitano: ...evidence they've obtained out of the Patriot Act. Zero, never. They've gotten a series of guilty pleas, they've gotten convictions on these other crimes.....

<p>"Smith: But not on terror?

<p>"Napolitano: But not on terror. They have done their best to keep evidence obtained under the Patriot Act from being introduced into Federal court because they don't want a Federal Judge to find the Patriot Act unconstitutional. Now, five Federal Judges have ruled on it so far, two appointed by President George H.W. Bush. All five have found it unconstitutional. They've found the self written search warrant aspect unconstitutional. They found the part that says 'thou shall not speak' unconstitutional. It violates the first amendment.

<p>"But the Justice Department keeps enforcing it and the Congress has just made it stronger, made it more difficult for people targeted under the Patriot Act, whether it's acts of terror or whatever (Comment: Yeah, too bad if you fall under that 'whatever' category) to challenge the government's behavior.

<p>"Smith: What's the fear?

<p>"Napolitano: The fear is that Government Agents, without the restraint of a judge, will have too much power and will violate the rights that the Constitution guarantees us. Remember, we wrote the 4th Amendment because British soldiers had the right to write their own search warrants, we didn't want any of that. 200 years later we're back where we started.

<p>"Smith: Will this be found unconstitutional?

<p>"Napolitano: I think it will. All five judges who have looked at it so far have done so and I think as it makes its way through the appellate system, it will be found unconstitutional as well. Now, the president has argued that it will only be used against the bad guys, it will only be used against terrorists that are so sophisticated that we needed to respond with this sophistication. We need to give law enforcement more breathing room, more elbow room when attacking them.

<p>"That remains to be seen. Law enforcement has not, as we talked earlier, used this just to attack terrorism, they've used it all over. (Comment: 'They've used it all over meaning they can search anything, anytime they want, nothing to do with terrorism) Because, quite frankly, it makes their job a lot easier. If they don't have to run to a judge to get a search warrant, they can write their own search warrant, they can do their job easier and quicker. But at the price of our freedoms." (End excerpt)

## **Professor Jonathan Turley**

Professor Turley is a nationally recognized legal scholar who has written extensively in areas ranging from constitutional law to legal theory to tort law. He has written over three dozen academic articles that have appeared in a variety of leading law journals at Cornell, Duke, Harvard, Northwestern, and other schools.

Professor Turley joined the George Washington faculty in 1990 and, in 1998, was given the prestigious Shapiro Chair for Public Interest Law, the youngest chaired professor in the school's history.

Professor Turley is a frequent witness before the House and Senate on constitutional and statutory issues as well as tort reform legislation. Professor Turley is also a nationally recognized legal commentator Professor Turley also appears regularly as a legal expert on all of the major television networks.

Professor Turley teaches courses on constitutional law, constitutional criminal law, environmental law, litigation, and torts. He is the founder and executive director of the Project for Older Prisoners (POPS). Professor Turley is also the Executive Director of the George Washington Environmental Law Advocacy Center.

## **Dr. Edwin Vieira**

Edwin Vieira, Jr., holds four degrees from Harvard: A.B. (Harvard College), A.M. and Ph.D. (Harvard Graduate School of Arts and Sciences), and J.D. (Harvard Law School).

For more than thirty years he has practiced law, with emphasis on constitutional issues. In the Supreme Court of the United States he successfully argued or briefed the cases leading to the landmark decisions *Aboud v. Detroit Board of Education*, *Chicago Teachers Union v. Hudson*, and *Communications Workers of America v. Beck*, which established constitutional and statutory limitations on the uses to which labor unions, in both the private and the public sectors, may apply fees extracted from nonunion workers as a condition of their employment.

He has written numerous monographs and articles in scholarly journals, and lectured throughout the country. His most recent work on money and banking is the two-volume [Pieces of Eight: The Monetary Powers and Disabilities of the United States Constitution](#) (2002), the most comprehensive study in existence of American monetary law and history viewed from a constitutional perspective. [www.piecesofeight.us](http://www.piecesofeight.us)

His latest book is: "[How To Dethrone the Imperial Judiciary](#)"