

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

STEVEN L. REED,)	
)	
Plaintiff)	
v.)	
)	Case No. 05-3133-CV-S-SWH
CHOICE HOTELS INTERNATIONAL,)	
INC. d/b/a CLARION HOTEL, et.al,)	
Defendants)	

MOTION TO AMEND PLEADING

COMES NOW, Plaintiff Steven L. Reed and ask the Court for leave to amend his pleading.

Discussion

On April 12, 2006 United States Magistrate Judge Sarah W. Hays made an Order dismissing Choice Hotels and Clarion Hotel from this action. That order and the actions of the City of Springfield Lawyers make it extremely necessary for Plaintiff to amend and Clarify the original civil action so as to try and preserve the general concept and rights of Citizens to freely campaign or support candidates for public office without being subject to intimidate or false arrest. Plaintiff wants to clarify that this whole action goes to the root of what our nations founding, main pillars on which it rest, and the principle of which it boost as being a superior system of government base on freedom to choose public officials and the future of ones destiny based on the decisions of government. Although lawyers have a responsibility to be an advocate for their client, a lawyer is not allowed to knowingly mislead the Court with documentation he or she knows has been

falsified for the purpose of obtaining a favorable judgment. So I need to amend the case showing areas that need to be cleared up to clarify any possible discrepancies.

1.) Defendant City of Springfield lawyer has told Plaintiff Reed by phone that this Court will not accept the police report as evidence. Plaintiff now submits photos showing Exhibit A that it was broad daylight as nearly 200 people walked into the main entrance doors as 3 TV News cameras rolled and Plaintiff Reed along with Jeff Kenkel were handcuffed and his under aged daughter watched and took these pictures which yelling this isn't Baghdad, (which caused several security and police officers to understandably laugh). Defendant City of Springfield City Attorney says that Plaintiffs argument that the City Police lied on the Police Report is something the Magistrate Judge will not accept or listen to. Plaintiff Reed says that he and Kenkel were release after three to four hours and were told they were being taken to jail. The Springfield City Police report says the parties were simply handcuffed as a precaution and shortly after escorted off the property. Robert E. Childress Springfield Attorney plead Plaintiff Reed guilty of trespassing which several have said that makes this action useless. Plaintiff Reed plans to Prove he paid Mr. Childress \$300 to plead himself and Jeff Kenkel not guilty. While Plaintiff Reed was at work Attorney Childress plead Reed guilty of the charge. Sworn Testimony by Attorney Childers should help clarify these issues and possible actions of improper conduct should be addressed by the court concerning Attorney Childress actions.

2. Defendant Choice Hotels has claimed that they have nothing to do with the Clarion Hotel but in the Order dated April 12, 2006 United States Magistrate Judge Sarah W. Hays points out that Choice Hotels claims no connections yet they filed legal motions in

defense of the Clarion Hotel after the Clarion Hotel Manager was served the Civil Suit..

“Plaintiff’s Complaint never actually sets forth any allegations concerning the relationship between Choice Hotels International and the Clarion hotel of Springfield. Nor does plaintiff claim that Choice Hotels is merely a franchisor. In its answer, Choice Hotels denied it owns, operates, controls or has the right to operate or control the premises known as the Clarion Hotel on Glenstone Avenue in Springfield. (See Doc. #2 #4) However, like plaintiff, Choice Hotel’s pleadings fail to set forth its relationship with the Clarion Hotel in Springfield. In seeking the dismissal of this action, Choice Hotels did not put forth any affidavits or exhibits which would have allowed the Court to conclude that the defendant Choice Hotels was merely a franchisor, and thus, an improper party defendant. Further, the action of Choice Hotels, in responding to service of process of the Complaint on the general manager of the Clarion Hotel, by responding to service of process of the Complaint on the general manager of the Clarion Hotel, by restating both its answer and motion to dismiss, suggest that some relationship exists between these entities.”

Plaintiff wants to clarify that as the franchising company Choice Hotels likely sets standards and conduct of its franchised hotels as to the proper service and standards just as any chief franchisor does. That would fall under common franchise law. A McDonald franchise would not be allowed to serve sloppy joe sandwiches if they felt such an urge to do so. No they have signed on to a standard and are inspected to make sure they adhere to standards. If that McDonalds decided to allow public gambling or nude dancing in violation of the law the McDonald Franchise would be on the phone and likely shut the Franchisor down immediately.

3. QUID PRO QUO - Lat. 'what for what' or 'something for something.' The concept of getting something of value in return for giving something of value. For a contract to be binding, it usually must involve the exchange of something of value....per

<http://www.lectlaw.com/def2/q003.htm>

Clearly the owner of the Clarion indeed pays a price for a franchise agreement in which the parent company helps give advice and assistance on how to best run a hotel. In this case Choice Hotels appears to have conspired to perpetrate fraud on

this court by claiming that Muhammed Salem was not its agent, servant, or employee.

Exhibit #3 shows Mr. Salam pointing to Plaintiff Reed. Page three of April 12, 2006

United States Magistrate Judge Sarah W. Hays Order says:

Defendant denied paragraph four of the Complaint which alleged that defendant Choice Hotels International, DBA Clarion Hotel, was the corporate offices for the defendant Clarion Hotel in Springfield, Missouri. (See Separate Answer of Defendant Choice Hotels International, doc. #2), Choice Hotels denied that it had the right to operate or control the premises known as the Clarion Hotel at 3333 Glenstone Avenue in Springfield. (Id) Choice Hotels also denied that Muhammed Salam was its agent, servant, or employee. (Id.)

Thereafter, on November 21, 2005, the plaintiff filed a return of service with the Court which indicated that on November 21, 2005, the Complaint was served on the General Manager of the Clarion Hotel, Jerry Carroll. Mr. Carroll's signature is contained on the document and it is dated November 21, 2005. (Doc. #32) Choice Hotel's original answer filed in April of 2005, denied that it owned, operated or controlled the Clarion Hotel in Springfield. In response to the service of process on the general manager of the Clarion Hotel, Choice Hotels filed Separate Defendant Choice Hotels International's Second Response and Reiteration of Motion to Dismiss All Counts of Plaintiff's Complaint. (Doc. #37) Choice Hotels alleged that it "was served a second time with what appears to be the original copy of Plaintiff's Complaint, on November 21, 2005." (Doc.# 37at 1) Defendant Choice Hotels then reasserted its original answer and motion to dismiss.

Plaintiff argues if there is no connection between Choice Hotels and Clarion then why is Choice defending Clarion?

4. The Constitutional Rights of Plaintiff Steven Reed and Jeff Kenkel were violated.

Plaintiff Reed wants to acquire during Discovery the type and to what extent officers are training to the meanings of THE BILL OF RIGHTS and how it has to be legally enforced since it is the law of the land as the founding fathers want to cover specific cases like this such as petitioning the government for change or in this case we were wanting to have the top government official replaced by the election process.

FROM http://en.wikipedia.org/wiki/United_States_Bill_of_Rights

The **Bill of Rights** are the first ten amendments to the United States Constitution. They were introduced as a series of amendments in 1789 in the First United States Congress by James Madison.

United States Bill of Rights

First Amendment: addresses the rights of freedom of religion (prohibiting Congressional establishment of a religion over another religion through Law and protecting the right to free exercise of religion), freedom of speech, freedom of the press, freedom of assembly, and freedom of petition.

FROM http://en.wikipedia.org/wiki/Freedom_of_speech

Freedom of speech is the concept of being able to speak freely without censorship. The right to freedom of speech is guaranteed under international law through numerous human rights instruments, notably under Article 19 of the Universal Declaration of Human Rights and Article 10 of the European Convention on Human Rights, although implementation remains lacking in many countries. The synonymous term **freedom of expression** is sometimes preferred, since the right is not confined to verbal speech but is understood to protect any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

In practice, the right to freedom of speech is not absolute in any country, although the degree of freedom varies greatly. Industrialized countries also have varying approaches to balance freedom with order. For instance, the United States First Amendment theoretically grants absolute freedom, placing the burden upon the state to demonstrate when (if) a limitation of this freedom is necessary. In almost all liberal democracies, it is generally recognized that restrictions should be the exception and free expression the rule; nevertheless, compliance with this principle is often lacking.

FROM http://en.wikipedia.org/wiki/Freedom_to_petition

Right to petition

United States

Main article: [Right to petition in the United States](#)

In the United States, the right to petition is guaranteed by the First Amendment to the Constitution, and it specifically prohibits Congress from abridging "the right of the people ... to petition the Government for redress of grievances." Its roots within the colonies can be traced back to the Declaration of Independence,^[4]. Historically, the right can be traced back further, to English documents such as the Magna Carta, which, by its acceptance by the monarchy, implicitly affirmed the right, and the later Bill of Rights 1689, which explicitly declared the "right of the subjects to petition the king"^[5].

While the prohibition of abridgement of the right to petition originally referred only to the federal legislature (the Congress) and courts, the incorporation doctrine later expanded the protection of the right to its current scope, over all state and federal courts and legislatures and the executive branches of the state^[4] and federal governments.

5. Defendant Choice Hotel, Defendant Muhammed, Defendant City of Springfield, Defendant Springfield, Mo. Police Department, Defendant Gale Ann Campbell, Defendant Steve Stepp, and Defendant Bob Holden all appear to have had an involvement of a “meeting of the minds” that Plaintiff Steven Reed and Jeff Kenkel were going to quit handing out campaign flyers to Draft Claire MCaskill for Governor.

6. We were not causing harm to anyone such as accrued at the WTO meetings???

7. In Carl Ragasa and Kanani Ragasa, v. County of Kauai, Kauai Fire Department, David Sproat, Robert Kini, and Ethan Sage (Sup Ct US Civil No. 03-00540 2006)

Discussion says: A. Color of Law A person acts under color of law when he or she exercises power possessed by virtue of law and “made possible only because the wrongdoer is clothed with the authority of state law.” United States v. Classic, 313 U.S. 299, 326, 61 S. Ct. 1031, 85 L. Ed. 1368 (1941). In cases arising under Section 1983, the test for determining whether a person acted “under **color of law**” is the same as that for determining whether there is “state action” for purposes of the Fourteenth Amendment. See Lugar v. Edmondson Oil Co., 457 U.S. 922, 928, 102 S. Ct. 2744, 73 L. Ed. 2d 482 (1982). In addition, since Section 1983 itself does not create substantive rights, the action claimed to have been taken under color of law must be a violation of a federal right in order for a Court to find liability under Section 1983.....

Clearly Plaintiff Reed plans to show during discovery that several Democratic County Chair people at the time said they know Governor Bob Holden made the call, hence the meeting of the minds. On the afternoon Plaintiff Reed who had just finished talking to a

report and a State Democratic Official was cornered in a banquet room that he, Reed is part of the opposition and they say you have to leave now. Plaintiff Reed did leave to return later with Kenkel.. Exhibits in this motion show Governor Holden's advance team coming along the side walk and then Governor Holden walked by and said "Hello Steven". Not long after, maybe a half hour the commands to leave and all the actions began. Plaintiff Reed seeks to find out in discovery if Governor Holden and or his security people notified Defendants Mohhammad and Stepp, to make sure Plaintiff leaves and if necessary arrest and detail him thereby shutting down his campaign efforts for McCaskill whom Reed and Kenkel were building support for.

In Kimberly Sue Atkison , et al. vs. Steak N Shake, Inc., et al., (US Dist Ct Mo No. 4:06-CV-1694 (CEJ) Discussion says: A private party may be liable under S 1983 if he is a willful participant in joint action with the State or its agents." Mershon v. Beasley, 994 F. 2d 449, 451 (8th Cir. 1993). To state a valid claim, a plaintiff "must allege, at the very least, that there was a mutual understanding or a **meeting of the minds,** between the private party and the [#4] state actor." Id.

8. Plaintiff Reed will use discovery to show there was misuse of the legal process to violate Plaintiff Reed's and Jeff Kenkel Civil Rights to campaign for a candidate for office. Claire McCaskill is now a United States Senator and if we would have been campaigning for a federal candidate for office instead of her for governor, this case would have been seen to be much more serious.

The general idea that to arrest one that would cause one or others to suffer an injury that would have chilled a person of ordinary firmness is a major issue in this case.

In case Theodore M. Smith v. David Plati, The University of Colorado, and Regents of the University of Colorado (US Ct Appeals No. 99-1375, 258 F. 3d 1167; 2001 U.S.App. LEXIS 17040; 29 Media L. Rep. 2305; Colo. J.C.R. 3888) Discussion says B.

Retaliation “Any form of official retaliation for exercising one’s freedom of speech, threatened prosecution, bad faith investigation, and legal harassment, constitutes an infringement of that freedom.” Worrell v. Henry, 219 F. 3d 1197, 1212 (10th Cir. 2000)... Clearly Plaintiff Reed feels discovery will show legal harassment was pursued to get Reed and Kenkel to stop their political persuasion of handing out Draft Claire flyers saying she is a very inspiring person.

9. The issue of private property and the right of freedom of speech constitutes a big part of this Civil Action. Clearly Plaintiff Reed was being civil to people who actually wanted the flyers as they went into the evening banquets. Plaintiff Reed was even opening the entrance door for people. Jackson Days has been listed as a public event for nearly a hundred years and normally until recently the local paper the News-Leader always ran a story on Friday of the weekend event telling when all the events occur and the times --- it said public welcome. Then after our arrest on the 10:00pm news a distressed Defendant Steven Stepp said the private fund raiser had went well.

In Marsh v. Alabama (No. 14 Sup Ct 326 U.S. 501; 66 S. Ct. 276; 90 L. Ed. 265; 1946 U.S.) Overview states Defendant was convicted of having remained on the primes of another after having been warned not to do so after she refused to leave a sidewalk in a town where she was handing out religious literature. The town had a business section with shops and sidewalks as well as residential neighborhoods. There was nothing in its

appearance to distinguish the town from any other town, except that the town property belonged to a private corporation. Defendant claimed that the imposition of criminal punishment on her for distributing religious literature on the premises of a company-owned town violated the First and Fourteenth Amendments. The Court agreed, finding that whether a corporation or a municipality owned or possessed the town the public had an identical interest in the functioning of the community. The Court concluded that the managers of a company-owned town could not curtail the liberty of press and religion of its public consistently with the purposes of the constitutional guarantees and that a state statute which enforced such actions by criminally punishing those who attempted to distribute religious literature violated the First and Fourteenth Amendments. Outcome: The Court reversed the judgment of conviction.....Opinion: by Blackman We do not agree that the corporation's property interest settle the question. 2 The State urges in effect that [8506] the corporation's right to control the inhabitants of Chickasaw is coextensive with the right of a homeowner to regulate the conduct of his guest. We can not accept that connection. Ownership does not always mean absolute domination. The more an owner, for his advantage, opens up his property for use by the public in general, the more do his rights become circumscribed by the statutory and constitutional rights of those who use it.

Cf. Republic Aviation Corp. v. Labor Board, (324 U.S. 793, 798, 802, n. 8)...

Continued...When we balance the Constitutional rights of owners of property against those of the people to enjoy freedom of press and religion, as we must here, we remain mindful of the fact that the latter occupy a preferred position. As we have stated before, the right to exercise the liberties safeguarded by the First Amendment "lies

At the foundation of free government by free man and we must in all cases “weigh the circumstances and...appraise the...reasons...in support of the regulation...of the right.” Schneider v. State, 308 U.S. 147, 161. In our view the circumstance that the property rights to the premises where the deprivation of liberty, here involved, took place, were held by others than the public, is not sufficient to justify the State’s permitting a corporation to govern a community of citizens so as to restrict their fundamental liberties and the enforcement of such restraint by the application of state statute. Insofar as the State has attempted to impose criminal punishment on appellant for undertaking to distribute religious literature in a company town, its action cannot stand. The case is reversed (*510) and the cause remanded for further proceedings.....

Plaintiff Reed plans to sow during discovery that the Draft Claire McCaskill movement developed after the arrest at Jackson Day of which this case concerns. Most all people in the know and much of the media would agree that the Draft Claire movement won her the primary and helped carry her to victory in southwest Missouri which is the 7th congressional district. We had members (around 40 total), voluntarily put signs in Columbia, St. Louis, Lebanon, Kansas City, and many other cities. But our main efforts were in southwest Missouri (Springfield, Ozark, Nixa and many other cities and towns) and one street in particular in Springfield was the north south National Avenue which we had permission and put up signs at almost every house from I-44 to James River Expressway. At one point Jeff Kenkel found parts of Proverbs that say finish what you started so humbly which was mentioned in a Columbia Newspaper and so our Draft effort went right on through to the general election. Our famous Pink and

Black McCaskill for Governor Signs made the Kansas City Star and we had several news stories write in general about our efforts. McCaskill won the primary, but lost the general election by 50,000 votes. I remember campaign workers of hers telling us several times that our efforts were going to win her the primary. In the end she lost the Governor's race, but we also feel that many felt she should have won as we point out to her and top Democratic Leaders including Roger Wilson right after the election and that she should go ahead and run for United States Senate because many of those people would help.

The point is that we could have quit like most people would have because of our arrest at Jackson Days which is what brought this civil case.

10. Plaintiff Reed requests a change of attorney and a consideration of settling the case. Plaintiff did agree to scheduling order but now needs to question the way it was handled and whether there were violations of 42 U.S.C. & 1985 by trying to impede or hindering the due course of justice...Section 1985 prohibits five different kinds of conspiracies: two apply here conspiracies to interfere with the administration of justice in federal courts (first clause of & 1985)(2)); and secondly, private conspiracies to deny any person the enjoyment of "equal protection of the laws" and "equal privileges and immunities under the laws" (first clause of & 1985(3)). Plaintiff Reed feels City Counsel Thomas E. Rykowski was in a very friendly way may have been trying to convince him that he was going to loose , maybe even thousand of dollars. By using such language and persuasion the city attorney was attempting to create a situation where Plaintiff Reed would be scared into dropping the case and loosing his right of a trial concerning a right to support a candidate for office. Plaintiff Reed points out that if he would have been supporting a federal candidate conspiracies to interfere with the right to support candidates in federal

elections would have applied. Clearly worth noting that since this case arose Claire McCaskill has been elected as a U.S. Senator.

Plaintiff Reed points out that at present a case concerning his right to run as a write in candidate for mayor is on Appeal in the Missouri Court of Appeals, (**EXHIBIT Case No. sd28747**). Plaintiff Reed filed the case because Springfield is the only city or county in Missouri that does not allow write ins. Plaintiff Reed was trying to be nice to the City Attorney Rykowski whom was handing both cases in which motions on this case were also be filed shortly thereafter case number..... which means Plaintiff Reed was trying to be cooperative at the time. Plaintiff Reed feels this is a conflict of interest to have one Attorney handling two cases one state and one federal concerning possible civil and human rights violation..

Mr. Rykowski called and Plaintiff Reed agreed to set up a time to discuss the Jackson Day Clarion Case and the Magistrate's Order for us to set up a Schegling Order. A few days later Plaintiff Reed called and talked with Mr. Rykowski for about 45 minutes. It was a cordial discussion, but Plaintiff Reed points out it is not person issues it is about the overall case. Rykowski the lawyer for the city said that the city s the only one left standing and that if Plaintiff Reed keeps this going he will be turning it over to outside council. Rykowski said if that happens he will file a Motion for Summary Judgment to Dismiss the case. Rykowski said that if that happens the city will seek money for the cost so far and that if the case goes to trial Plaintiff Reed will likely lose and owe the city a large sum of monies to cover their legal cost. Rykowski said that Plaintiff Reed spent a lot of time talking about all the great projects he has done for Springfield and that will mean nothing to the Judge because she will judge the case not

whether someone is a good guy or a sleaze ball or etc.. Plaintiff agrees that could be right but that scolding him was over the line and part of the process to discredit Plaintiff Reed in his own eyes.

Attorney Rykowski said that the real problem is with the local Democrat Party who were not happy with me at a time when “Claire” was not so popular. He said the event was a private fundraiser. Plaintiff Reed will show in discovery that for over 10 years the local newspaper the News-Leader always ran a story on Friday of Jackson Days giving event times and said if you want to go it gave all times and dates for Friday and Saturday. Presidents Truman and Kennedy had spoke in the past.

Plaintiff Reed told Rykowski that he would have dropped the case but that when he ask for and saw the police report the officer lied by saying “they were escorted off the property” when in fact Reed and Kenkel were hand cuffed for three hours while waiting to go to jail. Over 200 guests had to walk through 6 police cars and 3 TV cameras rolling. Rykowski said that the Judge would never allow the police report into court. The Attorney again said that if Plaintiff Reed continues the case he will loose and the City will collect from Reed through a judgment a large sum of money to cover the cost of this case. Plaintiff Reed argues intimidation, brain washing, and harassing a Plaintiff into dropping a Federal Action. Plaintiff Reed feels City Attorney should be replaced. Even if this action concerning the Draft Claire and Jackson Day event had no merit the City has entered into a new legal area the Plaintiff Reed feels is very serious and grave and has risen to a new level.

11. All Defendants may have participated False Arrest for the way parties did not investigate the case when it happen to realize it was a open public Democratic Event and

most of the people who got the flyers seemed to be happy or very happy since the Governors popularity had been recorded as being 40 some to below 50% statewide and we seem to be striking a nerve in the people attending the event. The question was their proper probable cause? Plaintiff Reed and Jeff Kenkel were held in a unlawful detention in handcuffs for several hours.

In Adam Grosch v. Tunica County, Mississippi; Tunica County Deputy Sheriff Dornae Mosby; HWCC-Tunica, Inc.; and Hollywood Casino Corporation (US Dis Ct Civ 2:06CV204-P-A) Grosch argued he was falsely arrested for trespassing. Discussion E. State-law Claims Against Defendants Tunica County, Deputy Mosby, and HWCC-Tunica, Inc. 1. False Arrest and False Imprisonment “When causes another to be arrested falsely, unlawfully, and maliciously and without probable cause,” one is liable for the intentional tort of false arrest. Croft v. Grand Casino Tunica, Inc. 910 So. 2d 66, 75-6(Miss. Ct. App. 2005). In order for a cause of action for the intentional tort of false imprisonment to lie, the plaintiff must show detention and the unlawfulness of the detention, or the intentional procurement of an unlawful detention of another. Smith v. Patterson, 214 Miss. 87, 58 So. 2d. 64, 65 (Miss. 1952). After viewing the facts in a light most favorable to the plaintiff, the court concludes that the plaintiff has demonstrated genuine issues of material fact regarding whether Tunica County, Deputy Mosby, and HWCC-Tunica, are liable individually and/or jointly for false arrest and false imprisonment. 2. Malicious Prosecution and Abuse of process The elements of malicious prosecution include: (1) institution, or continuation, of an original criminal or civil [*28] judicial proceeding; (2) by, or at the insistence of the defendants; (3) the termination of such proceeding in plaintiff’s favor; (4) malice in institution the

proceeding (5) want of probable cause for the proceeding and (6) suffering of damages as a result thereof.” Bass v. Parkwood Hosp., 180 F. 3d 234 (5th Cir. 1999); McClinton v. Delta Pride Catfish, Inc., 792 So. 2d 968 (Miss. 2001). Defendant HWCC-Tunica, Inc. argues that it cannot be liable for malicious prosecution because it did not press the charges of disorderly conduct that were ultimately pressed upon the plaintiff and therefore the plaintiff cannot meet the second element of malicious prosecution. However, the scope of this element reaches beyond those directly responsible for initiation of criminal proceedings: “(A) defendant may be liable where he communicated the subject matter to the person who signed the complaint and such statement proximately caused the prosecution.” Benjamin v. Hooper Electronic Supply Co., 568 So.2d 1182, 1188 (Miss. 1990).

The elements of the intentional tort of abuse of process include: “(1) that the defendant made an illegal and improper perverted use of the process, a use neither warranted (*29) nor authorized by the process; (2) that the defendant had an ulterior motive or purpose in exercising such illegal, perverted or improper use of process; and (3) that damage resulted to the plaintiff from the irregularity.” Williamson ex rel. Williamson v. Keith, 786 So.2d 390, 394 (Miss. 2001).

The court concludes that the plaintiff has demonstrated genuine issues of material fact regarding the elements of malicious prosecution and abuse of process.

F. Punitive Damages

“(N)o governmental body, or employee thereof, may be held liable for punitive damages in any action in the courts of the State of Mississippi.” Madison v. DeSoto County, 822 So.2d 306, 310 (Miss. Ct. App. 2002) (citing Miss. Code Ann. S 11-46-15(2)). However,

in Smith v. Wade, 461 U.S. 30, 56, 103 S. Ct. 1625, 75L. Ed. 2d 632 (1983), the U.S. Supreme Court held that a jury may award punitive damages in a federal civil rights action based on S 1983 “when the defendant’s conduct is shown to be motivated by evil motive or intent, or when it involves reckless or callous indifference to the federally protected rights of others.”

12. Jackson Days has always been a public event by the Democrats for close to 100 years and the party itself is owned by the people. Plaintiff Reed was nice to all the people attending the events even opening doors for people coming to the banquet. Plaintiff Reed and Kenkel were arrested and detained denying them the liberty and were told by the police that they were going to jail the whole time which was several hours. This also brings up the question of proper police training as an issue.

In Cook v. Hastings (SUP Ct dt n 30 150 Mich. 289; 114 N.W. 71; 1907 Mich.)
Opinion by: Carpenter, J. The three defendants are each members of the police force of the city of Detroit. December 6, 1904, between 8 and 9 p.m., defendant Hastings arrested plaintiff on Columbia street in said city of Detroit. Hastings was looking for a man who had been exposing his person to women and children, and – stating the facts most favorably to defendants – he believed and had reason to believe plaintiff to be that man. The arrest was made because of that belief, and because plaintiff refused to state his name or his business, and gave a false explanation (perhaps it was a false explanation) for waiting on the street behind a tree where Hastings discovered him. After the arrest, Hastings placed plaintiff in a patrol wagon of which defendants Stack and McDermott were in charge, and carried him to the central police station, and the undisputed evidence

compels the inference that while in the wagon plaintiff was in the joint custody of the three defendants. Soon after the patrol wagon reached the central station, plaintiff was in the joint custody of the three defendants. Soon after the patrol wagon reached the central station, plaintiff was given his liberty. He brought this suit (***) to recover damages for false imprisonment. It was tried in the circuit court before a jury. The trial judge directed a verdict in favor of defendants Stack and McDermott, and submitted to them the question of defendant Hastings' liability, and they returned a verdict in his favor.

The law governing this case is elementary. Except for a breach of the peace committed in his presence, or when he has a reasonable ground to believe that the person arrested is a felon, or is about to commit a felony, a police officer has no authority to arrest without a warrant. In this case there was not only no reasonable ground to believe, but there was not even a suspicion, that plaintiff was a felon or was about to commit a felony, for the offense of which he was suspected was not a felony. It is equally clear that refusal to make any explanation to the police (291) officer was not a breach of the peace. Klein v. Pollard, 149 Mich. 200. The arrest was therefore illegal, and the trial court should have directed a verdict against defendant Hastings. The liability of the other defendants, legally speaking, is equally clear. During his conveyance in the patrol wagon, plaintiff was (***) just as much in their custody as he was in Hastings'. It is then quite correct to say that they assisted defendant Hastings in depriving plaintiff of his liberty. It is true they rendered this assistance, not by actually laying their hands on plaintiff, but by a voluntary display of force which was intended to and did deprive him of his liberty. The law governing this question is correctly stated in a note, 12 Am. & Eng. Enc. Law (2d Ed.), p. 777 (citing Griffin v. Coleman, 4 H. & N. 265), as follows:

“If an arrest by a constable is in its inception wrongful, all other constables who act and assist in the continuance of the wrongful imprisonment are responsible for the entire damage thereby caused to the plaintiff although they had no knowledge of the unlawfulness of the imprisonment and intended to act in the strict discharge of their official duties.”

The trial court should have directed a verdict for plaintiff against all of the defendants.

Defendants’ counsel urge that, under the law declared in this opinion, police officers will sometimes be compelled either to neglect their duty of preserving order – a duty they owe to the public – or to make unlawful arrests, (***)4 and it is also urged that that alternative was presented in this case.

13. Plaintiff Reed will likely find in discovery that Governor Holden and some of his allies did not like the message “Draft McCaskill” and that Reed along with Kenkel were peaceful in their manner.

In Victor Menotti; Thomas Sellman; Todd Stedl, Doug Skove v. City of Seattle; Paul Schell, Former Mayor of the City of Seattle, a Seattle; Norman Stamper, Former Chief of Police of the City of Seattle; Sharon Stevens, a Seattle Police Detective; Ronald Smith, a Seattle Police Officer, Defendants-Appellees. Kenneth Hankin; Jennifer Judzic; Stephanie Lane; Denise Cooper; Nicole Pearson; on behalf of themselves, (No. 02-35971, No. 02-36027, 409 F. 3d 1113; 2005 U.S. App.) Under LexisNexis Headnotes Constitutional Law HN5....The principal inquiry in determining content neutrality, in speech cases generally and in time, place or manner cases in particular, is whether the

government has adopted a regulation of speech because of disagreement with the message it conveys. The reason for this rule is to protect and preserve free and unfettered speech for the ultimate good of society. It is unassailable that the fundamental principle behind content analysis is that government may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views. In assessing whether a restraint on speech is content neutral, courts do not make a searching inquiry of hidden motive; rather, they look at the literal command of the restraint. Stated another way, whether a statute is content neutral or content based is something that can be determined on the face of it; if the statute describes speech by content then it is content based. The United States Court of Appeals for the Ninth Circuit has adopted this view. Constitutional Law HN13 The First Amendment has been held to be applicable against the states, including local governments, through the Fourteenth Amendment's Due Process Clause. Constitutional Law HN14 In the "ample alternatives" context, the United States Supreme Court has made clear that the First Amendment requires only that the government refrain from denying a reasonable opportunity for communication. Civil Rights Law HN19 The United States Court of Appeals for the Ninth Circuit has held that a municipal policy may be inferred from widespread practices or evidence of repeated constitutional violations for which the errant municipal officers were not discharged or reprimanded. Opinion [*1117] Gould, [**2] Circuit Judge: In this case we search for the proper balance between, on the one hand, the vibrant rights of free speech and assembly in an open society and, on the other hand, the needs of a city to maintain order and security. We consider the constitutionality of an emergency order prohibiting access to portions of

downtown Seattle, Washington, during the 1999 World Trade Organization (WTO) conference. Appellants filed lawsuits in the United States District Court for the Western District of Washington seeking damages for the constitutional [*1118} rights that were alleged to be violated by the emergency order. End footnotes 2 We next assess whether Order No. 3 was narrowly tailored to serve a significant governmental interest. HN8 The Supreme Court has held that “[a] statute is narrowly tailored if [**42] it targets and eliminates no more than the exact source of the ‘evil’ it seeks to remedy.” *Fisby*, 487 U.S. at 485. To be narrowly tailored, a statute “need not be the least restrictive means of furthering [the government’s] interests, but the restriction [*1131] may not burden substantially more speech than necessary to further the interests.” *United States v. Baugh*, 187 F.3d 1037, 1043 (9th Cir. 1999). However, “the First Amendment demands that municipalities provide ‘tangible evidence’ that speech-restrictive regulations are ‘necessary’ to advance the proffered interest in public safety.” *Edwards v. City of Coeur D’Alene*, 262 F.3d 856, 863 (9th Cir. 2001) Footnotes... Those who opposed the WTO’s agenda and specific activities convened in Seattle well in advance of the opening of the conference, and protest activity began taking place. Three weeks before the opening of the conference, unknown individuals broke windows at a Gap clothing store in downtown Seattle and threw several “Molotov cocktails” into the building, causing substantial damage. The “anarchist” symbol was spray-painted onto the walls of the Gap store and on the adjoining sidewalk. Other protestors attempted to gain entry into downtown Seattle offices of timber and forest product companies. Protestors trespassed onto downtown Seattle’s Old Navy store, and hung a huge protest banner on the face of the

storefront. On November 26, 1999, the day after Thanksgiving, a group of fifty to sixty protestors entered a parade without permission to protest the WTO. Protest activity began to intensify on November 29, 1999, one day ahead of the WTO conference. While most protestors were peaceful, others were violent. The level of violence cannot be considered de minimis and in some cases posed threats to persons. Some protestors vandalized property by spray painting buildings and breaking windows. Plaintiff Reed argues he and Kenkel were very peaceful in their actions.

In Baker v. McCollan (No. 78-752, 443 U.S. 135; 99 S. Ct. 2689; 61 L. Ed. 2d 433; 1979 U.S. Concur by: Blackmun The Court's cases upon occasion have defined "liberty" without specific guidance from the Bill of Rights. For example, it has found police conduct that "shocks the conscience" to be a denial of due process. Rochin v. California, 342 U.S. 165, 172 (1952). Mr. Justice Harlan once wrote: "This 'liberty' is not a series of isolated points pricked out in terms of [the Bill of Rights]. It is a rational continuum which, broadly speaking, includes a freedom from all substantial arbitrary impositions and purposeless [***444] restraints." Poe v. Ullman, 367 U.S. 497., 543 (1961) (dissenting opinion). See also Roe v. Wade, 410 U.S. 113, 152-156 (1973).

Plaintiff Reed argues that most people would have quit, but the Draft McCaskill likely won Southwest Missouri and helped set McCaskill up to win her U.S. Senate seat which she now serves. The defendants actions seemed to be destined to restrain Plaintiff Reed and Kenkel from their mission.

Respectfully submitted,

Steven L. Reed

Certificate of Service---I certify that on _____ a true copy of the above was mailed, postage pre paid or electronically to the last known mailing address of each party to this lawsuit.

Steven L. Reed

Respectfully submitted,
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