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Heather being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
WESTCHESTER

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4/5/2022; 4/12/2022; 4/19/2022; 4/26/2022

Signature

Sworn to before me, this 26th day of April, 2022

Kathleen Allen
Notary Public, State of Wisconsin, County of Brown

KATHLEEN ALLEN
Notary Public
State of Wisconsin

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Russia faces accusations of war crimes

European leaders, UN condemn bloodshed

Oleksandr Stashevskyy and Nebi Qena

ASSOCIATED PRESS

BUCHA, Ukraine – Moscow faced global revulsion and accusations of war crimes Monday after the Russian pull-out from the outskirts of Kyiv revealed streets strewn with corpses of what appeared to be civilians, some of whom appeared to have been killed at close range.

The grisly images of battered bodies left out in the open or hastily buried led to calls for tougher sanctions against the Kremlin, namely a cutoff of fuel imports from Russia. Germany and France reacted by expelling dozens of Russian diplomats, suggesting they were spies, and U.S. President Joe Biden said Russia President Vladimir Putin should be tried for war crimes.

“This guy is brutal, and what’s happening in Bucha is outrageous,” Biden said, referring to the town northwest of the capital that was the scene of some of the atrocities.

Ukrainian President Volodymyr Zelenskyy left the capital, Kyiv, for his first reported trip since the war began nearly six weeks ago to see for himself what he called the “genocide” and “war crimes” in Bucha. He said dead people had been “found in barrels, basements, strangled, tortured.”

Later, in a video address to the Romanian parliament, Zelenskyy said he fears there are places where even worse atrocities have happened.

“The military tortured people, and we have every reason to believe that there are many more people killed,” he said. “Much more than we know now.”

Russian Foreign Minister Sergey Lavrov dismissed the scenes outside Kyiv as a “stage-managed anti-Russian provocation.” Kremlin spokesman Dmitry Peskov said the images contained “signs of video forgery and various fakes.”

Russia has similarly rejected previous allegations as fabrications by Ukraine.

Ukrainian officials said the bodies of at least 410 civilians have been found in towns around Kyiv that were recaptured from Russian forces in recent days.

The Ukrainian Prosecutor-General’s Office described one room discovered in Bucha as a “torture chamber.” In a statement, it said the bodies of five men with their hands bound were found in the



Ukraine President Volodymyr Zelenskyy on Sunday said Russian leadership was responsible for civilian killings in Bucha, outside Kyiv, where bodies were found lying in the street after the town was retaken by the Ukrainian army. The Russian Defense Ministry rejected the accusations.

UKRAINIAN PRESIDENTIAL PRESS SER/AFP VIA GETTY IMAGES

basement of a children’s sanatorium where civilians were tortured and killed.

Bodies wrapped in black plastic were also seen piled on one end of a mass grave in a Bucha churchyard. Many of the victims had been shot in cars or killed in explosions trying to flee the city, and with the morgue full and the cemetery impossible to reach, it was the only place to keep the dead, Father Andrii Galavin said.

Tanya Nedashkivs’ka said she buried her husband in a garden outside their apartment building after he was detained by Russian troops and was found dead with two others in a stairwell.

“Please, I am begging you, do something!” she said. “It’s me talking, a Ukrainian woman, a Ukrainian woman, a mother of two kids and one grandchild. For all the wives and mothers, make peace on Earth so no one ever grieves again.”

Another Bucha resident, Volodymyr Pilhutskyi, said his neighbor Pavlo Vlasenko was taken away by Russian soldiers because the military-style pants he was wearing and the uniforms that Vlasenko said belonged to his security guard son appeared suspicious. When Vlasenko’s body was later found, it had burn marks from a flamethrower, his neighbor said.

“I came closer and saw that his body was burnt,” Pilhutskyi said. “They didn’t

just shoot him. They also used that weapon which sends out fire.”

In the south, more than 1,500 civilians were evacuated Monday from the besieged and devastated port city of Mariupol, using the dwindling number of private vehicles available to get out, Ukrainian Deputy Prime Minister Iryna Vereshchuk said.

But amid the fighting, a Red Cross-accompanied convoy of buses that has been thwarted for days on end in a bid to deliver supplies and evacuate residents was again unable to get inside the city, Vereshchuk said.

European leaders and the United Nations human rights chief joined the Ukrainians in condemning the bloodshed that was exposed after Russian troops withdrew from the capital area.

At the same time, many warned that the full extent of the atrocities has yet to emerge.

“I can tell you without exaggeration but with great sorrow that the situation in Mariupol is much worse compared to what we’ve seen in Bucha and other cities, towns, and villages nearby Kyiv,” Ukrainian Foreign Minister Dmytro Kuleba said.

Western and Ukrainian leaders have accused Russia of war crimes before, and the International Criminal Court’s prosecutor has already opened an investigation. But the latest reports ratch-

eted up the condemnation.

German Foreign Minister Annalena Baerbock said the images from Bucha reveal the “unbelievable brutality of the Russian leadership and those who follow its propaganda.” And French President Emmanuel Macron said there is “clear evidence of war crimes” in Bucha that demand new punitive measures.

“I’m in favor of a new round of sanctions and in particular on coal and gasoline. We need to act,” Macron said on France-Inter radio.

Though united in outrage, the European allies appeared split on how to respond. While Poland urged Europe to quickly wean itself off Russian energy, Germany said it would stick with a gradual approach of phasing out coal and oil imports over the next several months.

The U.S. and its allies have sought to punish Russia for the invasion by imposing sweeping sanctions but fear further harm to the global economy, which is still recovering from the pandemic. Europe is in a particular bind, since it gets 40% of its gas and 25% of its oil from Russia.

Poland’s prime minister, Mateusz Morawiecki, described Russia under Putin as a “totalitarian-fascist state” and called for strong actions “that will finally break Putin’s war machine.” “Would you negotiate with Hitler, with Stalin, with Pol Pot?” Morawiecki said of Macron.

Russia withdrew many of its forces from the capital area in recent days after being thwarted in its bid to swiftly capture Kyiv.

It has instead poured troops and mercenaries into the country’s east in a stepped-up bid to gain control of the Donbas, the largely Russian-speaking industrial region that includes Mariupol.

About two-thirds of the Russian troops around Kyiv have left and are either in Belarus or on their way there, likely getting more supplies and reinforcements, said a senior U.S. defense official who spoke on condition of anonymity to discuss an intelligence assessment.

Russian forces also appear to be repositioning artillery and troops to try to take the city of Izyum, which lies on a key route to the Donbas, the official said.

Dmytro Zhyvystskyy, governor of Ukraine’s northern Sumy region, said Russian troops who took over the area on the way toward Kyiv have also retreated back to Russia, with Ukrainian forces capturing small groups left behind.

National monument seeks help with mystery

Few clues available to determine who could be buried in cemetery

Jason Dunovant

The Roanoke Times

ASSOCIATED PRESS

WESTLAKE, Va. – Officials at Booker T. Washington National Monument are asking the public for help in unraveling one of its biggest mysteries.

Hidden away in a section of the park just off its Jack O’ Lantern Trail rests a cemetery that predates much of the known history of the former plantation where Booker T. Washington was born a slave and later freed. The cemetery has few markings to provide context to who was buried there or when they were buried.

“It’s definitely one of the biggest mysteries at the park,” said Tim Sims, senior park ranger.

Archaeologists with New South Associates recently began taking a deeper look into the cemetery, commonly referred to as the Sparks Cemetery named after a person who once lived nearby. Their recently completed work provided a bit more understanding about the cemetery, but there are still few clues about who may be buried there.

“This is the most focused project to figure out who is interred at the Sparks Cemetery,” Sims said.

There is little information to go on for researchers. The cemetery is thought to have graves dating between the early to late 1800s.

Only one headstone has a marking that can be read. The headstone, barely legible, was thought to be marked with “SID” in one area and “here” in another among other writing.

Sims said the archaeologists believe the SID is actually something closer to S and D which could point to early owner of the property Jesse Dillon Sr., who purchased the property in 1786 based on records. The “D” could stand for Dillon.

The Dillon family sold the property to Thomas Burroughs in 1833. The family

later established the Burroughs estate in 1850. Enslaved Blacks on the property included Booker T. Washington, his mother and his siblings.

Sims said another likely scenario is that the cemetery could be where enslaved people at the Burroughs estate were buried. The Burroughs family cemetery is in another section of the park.

There is documentation that at least one enslaved person died at the estate. The records don’t provide details of where the person was buried, Sims said.

There is also a possibility that the cemetery could be where both enslaved and some early settlers such as the Dillon family were buried. He said separating cemeteries based on race was not something that was done until around the time of the Civil War.

“Before that time, it wasn’t uncommon for whites and Blacks to be buried in the same cemetery,” Sims said.

Due to the research from archaeologists, the number of known graves at the cemetery has also expanded. Devices using electric resistivity and ground-penetrating radar were used to take a closer look at the site without disturbing the graves. Park staff originally believed there were only 12 to 13 graves at the cemetery based on markings above ground. Based on the recent research, they believe the number of graves is likely closer to 41. Sims said the graves extend outside of the current fencing at the cemetery. Plans are already underway to expand the fencing to include the newly discovered graves, he said.

While some new details have come to light, there is still a mystery of who resides in the graves. In an effort to finally answer those questions, New South Associates and park staff are reaching out to the public for help.

Sims said there could be some family history about the cemetery passed down from relatives who are buried there. There could also be documents of the cemetery stored away in old Bibles passed down from generation to generation.

Some of the Black families who have lived near the cemetery include the

Brown, Holland, Divers, Burroughs, Ferguson, Taylor, Green, Harris, English, Edwards, Starkey, Swain, Saunders, Childress and Dudley families. Sims said the names of the families were found looking through property deeds, slave records and federal census records.

After the Dillons and Burroughs, a

man named Sparks, which the cemetery is named after, lived in the area. The property was eventually sold to John D. and Martha Robertson in 1893. Sidney Phillips purchased the property in 1945 and it was turned into the Booker T. Washington Birthplace Memorial. It became a national monument in 1956.

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Study: Mushrooms could treat addiction

Adrianna Rodriguez
USA TODAY

A “shroom craze” might get even wilder after a new study that suggested a psychedelic drug found in some mushrooms might have protective benefits against addiction.

Harvard University researchers found opioid use disorders were 30% less likely among people who used psilocybin compared with those who never had it, according to the study published Thursday in Scientific Reports.

Psilocybin is a naturally occurring compound in certain types of mushrooms that are consumed for their hallucinogenic effects, according to the U.S. Drug Enforcement Administration.

The researchers analyzed data from the National Survey on Drug Use and Health from 2015-2019 to assess the association between psychedelics and opioid use disorders.

More than 200,000 participants reported whether they had abused opioids or experienced dependence on them in the past year and whether they had taken the psychedelic drugs psilocybin, peyote, mescaline or LSD in their lifetime. Researchers found potentially protective benefits only with psilocybin.

“The big takeaway is that this is such a fertile area for further research,” said Dr. Evan Wood, chief medical officer at Numinus Wellness, a Canadian-based company advancing psychedelic-assisted therapies. “There’s an underlying biological mechanism from which psilocybin may lead to ... resiliency against some of the underlying risk factors of opioid use disorders.”

Study authors found those who used psilocybin were also up to 34% less likely



The authors of a study speculated psilocybin contained in some mushrooms might protect against opioid user disorders.

TREVOR HUGHES/USA TODAY NETWORK

to have experienced seven of the 11 symptoms of opioid dependence and abuse in the past year.

The new study supported findings from a 2017 report, using responses from the same database from 2008-2013, that found psychedelics were associated with a 27% reduced risk of opioid dependence and 40% reduced risk of opioid abuse in the past year.

Although the new study turned up protective benefits only with psilocybin, that might be because it’s experiencing a cultural moment, health experts said, not because other psychedelics don’t have potentially protective benefits.

“There’s no real good reason to think that one (psychedelic) would work better than the other,” said Albert Garcia-Romeu, assistant professor of psychiatry

and behavioral sciences at Johns Hopkins University School of Medicine. “There’s been a sort of shroom craze and, as a result, there’s been a lot more people looking into using psilocybin for medical and health reasons that you don’t see with some of the other more obscure psychedelics.”

The study’s authors speculated psilocybin might protect against opioid user disorder by affecting the transmission of serotonin and dopamine, neurotransmitters that research has shown are correlated with addiction.

They also said spiritual experiences induced by the popular psychedelic might mirror the spiritual framework that has served as a basis for many addiction recovery programs.

“These mystical type of experiences

could potentially give individuals a chance for healing around some of their various types of addiction,” said lead author Grant Jones, a graduate student at Harvard. “They feel a profound feeling of oneness with the universe that, for individuals who are navigating or experiencing addiction, can be a powerful reset.”

Although psychedelics might have the potential to play an important role in addiction therapy, experts warn against using them outside of clinical settings. As with any street drug, patients risk taking a tampered dose or using too much.

Health experts also warned patients could have a bad reaction to psychedelics if they’re not prepared or have certain mental health disorders outside of addiction.

“The benefits are likely to be seen if people are appropriately prepared for that experience and provided support to pursue intention around healing and work with a therapist to integrate that experience,” Wood said.

Health experts urged anyone who is curious about incorporating psilocybin or other psychedelics into their recovery to visit the ClinicalTrials.gov page and find a research center near them.

“Right now, (psychedelics) are purely research experimental and not available by your doctor,” Garcia-Romeu said. “But as the work continues moving in the direction that it’s going, then probably in about four or five years there will be clinics where people can get that as a treatment.”

Health and patient safety coverage at USA TODAY is made possible in part by a grant from the Masimo Foundation for Ethics, Innovation and Competition in Healthcare. The Masimo Foundation does not provide editorial input.

3 churches in Ukraine contemplate faith, hope and charity

Cara Anna
ASSOCIATED PRESS

BORODYANKA, Ukraine – It’s almost Easter in Ukraine, where a trio of churches on the far edges of the capital considered faith, hope and charity on Sunday.

In Bucha, about two dozen of the faithful gathered for the service while the exhumation of bodies continued from a mass grave in the churchyard.

In Makarov, a handful of members visited a badly damaged riverside church, at times moved to tears. Small golden crosses for rosaries lay scattered on the floor with the shattered glass.

And in Borodyanka, where Russian attacks ripped a blackened hole in a high-rise apartment building, volunteers and donations filled an almost untouched church a short walk away, while residents lined up at the door for food and other assistance. Many were elderly people who stayed behind while others fled.

On the day when Pope Francis called for an Easter truce in Ukraine to make way for a negotiated peace, church visitors invoked God in recalling their sur-

vival.

“Each person who was leaving, from any place, Makarov, Bucha, Hostomel or from Andriivka, the neighboring village which was destroyed to the ground; each one, even those who did not know the Lord’s Prayer, he was speaking to God with his own words,” said Alona Parkhomenko in Makarov, where the church exterior was speckled with bullet holes and the priest warned of falling glass.

The Russian retreat from the region surrounding Kyiv has enabled some of



A man lights a candle during a Sunday service in an Orthodox church in Bucha, on the outskirts of Kyiv, Ukraine. RODRIGO ABD/AP

the millions of Ukrainians who fled over the border or to other parts of the country to return home. Some are finding their places of worship damaged or destroyed. Ukrainian authorities in late March said at least 59 spiritual sites including churches, mosques and synagogues had been hit.

In Makarov, the priest, Bogdan Lisechenko, said the church beside the river

is in critical condition with spring rains looming. “Now we are taking out the icons, saving them because the water is coming,” he said. “For now, we will close the windows to prevent looting.”

For Easter, which in the Orthodox world is two weeks away, the priest said the blessing will be given in a church in another village that so far has escaped damage in the war.



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Russia steps up airstrikes across Ukraine

Officials: At least 7 people killed in Lviv missile attack

Yuras Karmanau
ASSOCIATED PRESS

LVIV, Ukraine – Russian forces launched missile attacks on the western city of Lviv and pounded other targets across Ukraine on Monday in what appeared to be an intensified bid to wear down the country’s defenses ahead of an all-out assault on the east.

At least seven people were reported killed in Lviv, where plumes of thick black smoke rose over a city that has seen only sporadic attacks during almost two months of war and has become a haven for large numbers of civilians fleeing intense fighting elsewhere.

Also, Denys Shmyhal, Ukraine’s prime minister, vowed to “fight absolutely to the end” in strategically vital Mariupol, where the last known pocket of resistance in the seven-week siege consisted of Ukrainian fighters holed up in a sprawling steel plant. The holdouts ignored a surrender-or-die ultimatum from the Russians on Sunday.

The governor of the Lviv region, Maksym Kozytskyy, said the Russian missile strikes hit three military infrastructure facilities and an auto mechanic shop. He said the wounded included a child, and emergency teams battled fires caused by the attack.

Lviv is the biggest city and a major transportation hub in western Ukraine. It sits roughly 50 miles from Poland, a NATO member. The city has been a major conduit for weapons and other supplies coming from NATO countries and for foreign fighters joining the Ukrainian cause.

Russia has strongly complained about the increasing flow of Western weapons to Ukraine, and last week its Foreign Ministry issued a formal note of protest to the U.S. and its allies. On Russian state media, some anchors have charged that the supplies amount to direct Western engagement in the fight against Russia.

Lviv has also been seen as a relatively safe place for the elderly, mothers and children trying to escape the war. But a hotel sheltering Ukrainians who had fled fighting in other parts of the country was among the buildings badly damaged, Mayor Andriy Sadovyi said.

“The nightmare of war has caught up with us even in Lviv,” said Lyudmila Turchak, who fled with two children from the eastern city of Kharkiv. “There is no longer anywhere in Ukraine where we can feel safe.”

A powerful explosion also rocked Vasylkiv, a town south of the capital of Kyiv that is home to a military airbase, according to residents. It was not immediately clear what was hit.



Emergency workers clear debris after an airstrike hit a tire shop in the western city of Lviv, Ukraine, on Monday. Russian missiles hit the city of Lviv, killing at least seven people, Ukrainian officials said. PHILIP CROWTHER/AP

Military analysts say Russia is increasing its strikes on weapons factories, railways and other infrastructure targets across Ukraine to wear down the country’s ability to resist a major ground offensive in the Donbas, Ukraine’s mostly Russian-speaking eastern industrial heartland.

The Russian military said its missiles struck more than 20 military targets in eastern and central Ukraine in the past day – including ammunition depots, command headquarters and groups of troops and vehicles. It claimed artillery hit an additional 315 Ukrainian targets, and warplanes conducted 108 strikes on Ukrainian troops and military equipment. The claims could not be independently verified.

Gen. Richard Dannatt, a former head of the British Army, told Sky News the strikes were part of a “softening-up” campaign by Russia ahead of a planned ground offensive in the Donbas.

Ukraine’s government halted civilian evacuations for a second day on Monday, saying Russian forces were shelling and blocking the humanitarian corridors.

Deputy Prime Minister Iryna Vereshchuk said Ukraine had been negotiating passage from cities and towns in eastern and southeastern Ukraine, including Mariupol and other areas in the Donbas. The government of the Luhansk region in the Donbas said four civilians trying to flee were shot and killed by Russian forces.

Vereshchuk said Russia could be prosecuted for war crimes over its refusal

to allow civilians to leave Mariupol.

“Your refusal to open these humanitarian corridors will in the future be a reason to prosecute all involved for war crimes,” she wrote on social media.

The Russians, in turn, accused “neo-Nazi nationalists” in Mariupol of hampering the evacuation.

Russia is bent on capturing the Donbas, where Moscow-backed separatists already control some territory, after its attempt to take the capital failed.

“We are doing everything to ensure the defense” of eastern Ukraine, President Volodymyr Zelenskyy said in his nightly address to the nation on Sunday.

The looming offensive in the east, if successful, would give Russian President Vladimir Putin a badly needed victory to point to amid the war’s mounting casualties and the economic hardship caused by Western sanctions.

The capture of Mariupol is seen as a key step in preparations for any eastern assault since it would free Russian troops up for that new campaign. The fall of the city on the Sea of Azov would also hand Russia its biggest victory of the war, giving it full control of a land corridor to the Crimean Peninsula, which it seized in 2014, and depriving Ukraine of a major port and its prized industrial assets.

Ukrainian Deputy Defense Minister Hanna Malyar has described Mariupol as a “shield defending Ukraine.”

The city has been reduced to rubble in the siege, but a few thousand fighters, by Russia’s estimate, are holding on to the

giant, 4-square-mile Azovstal steel mill.

The relentless bombardment of Mariupol – including at a maternity hospital and a theater where civilians were sheltering – has combined with street fighting to kill at least 21,000 people, by Ukrainian estimates. An estimated 100,000 people remain in the city out of a prewar population of 450,000, trapped without food, water, heat or electricity.

A pro-Russian Ukrainian politician who was arrested last week on a treason charge appeared in a video offering himself in exchange for the evacuation of Mariupol’s trapped defenders and civilians. Ukraine’s state security services posted the video of Viktor Medvedchuk, the former leader of a pro-Russian opposition party with personal ties to Putin.

It was not clear whether Medvedchuk was speaking under duress.

Kharkiv, Ukraine’s second-largest city, was also hit by shelling Monday that killed at least three people, according to Associated Press journalists on the scene. One of the dead was a woman who appeared to be going out to collect water in the rain. She was found lying with a water canister and an umbrella by her side.

Putin repeated his insistence that the Western sanctions “blitz” against Russia had failed.

He said the West has not managed to “provoke panic in the markets, the collapse of the banking system and shortages in stores,” though he acknowledged a sharp increase in consumer prices in Russia, saying they rose 17.5%.

Volunteers dig up victims in Ukraine village

Cara Anna and Emilio Morenatti
ASSOCIATED PRESS

MYKULYCHI, Ukraine – On a quiet street lined with walnut trees was a cemetery with four bodies that hadn’t yet found a home.

All were victims of Russian soldiers in this village outside Ukraine’s capital, Kyiv. Their temporary caskets were together in a grave. Volunteers dug them up one by one on Sunday – two weeks after the soldiers disappeared.

This spring is a grim season of planting and replanting in towns and villages around Kyiv. Bodies given hurried graves amid the Russian occupation are now being retrieved for investigations into possible war crimes. More than 900 civilian victims have been found so far.

All four bodies here were killed on the same street, on the same day. That’s according to the local man who provided their caskets. He bent and kissed the cemetery’s wrought-iron crosses as he walked to the makeshift grave.

The volunteers tried digging with shovels, then gave up and called an excavator. As they waited, they recounted their work secretly burying bodies during the monthlong Russian occupation, then retrieving them. One young man recalled being discovered by soldiers who pointed guns at him and told him “Don’t look up” as he dug a grave.

The excavator arrived, rumbling past the cemetery’s wooden outhouse. Soon there was the smell of fresh earth, and the murmur, “There they are.”

A woman appeared, crying. Ira Slepchenko was the wife of one man buried here. No one told her he was being dug up now. The wife of another victim arrived. Valya Naumenko peered into the grave, then hugged Ira. “Don’t collapse,” she said. “I need you to be OK.”

The two couples lived next to each other. On the final day before the Russians left the village, soldiers knocked

at one home. Valya’s husband, Pavlo Ivanyuk, opened the door. The soldiers took him to the garage and shot him in the head, apparently without any explanation.

Then the soldiers shouted, “Is anyone else here?”

Ira’s husband, Sasha Nedolezhko, heard the gunshot. But he thought the soldiers would search the homes if no one answered. He opened the door and the soldiers shot him too.

The men’s caskets were lifted out with the others, then pried open. The four bodies, wrapped in blankets, were placed in body bags. The lace-edged white lining of each casket was stained red where the head had been.

Ira watched from afar, smoking, but stood by the empty caskets as the others left. “All this land is in blood, and it will take years to recover,” she said.

She had known her husband was here. Nine days after his temporary burial, she came to the cemetery scattered with picnic tables, following the local custom of spending time with the dead. She brought coffee and cookies.

“I want this war to end as soon as possible,” she said.

The other bodies were a teacher and a local man who lived alone. No one came for them Sunday.

In the house next to the cemetery, 66-year-old Valya Voronets cooked homegrown potatoes in a wood-warmed room, still getting by without water, electricity or gas. A small radio played, but not for long because the news gets too depressing. A plate of freshly cut radishes rested near the window.

A Russian soldier once came running and pointed his gun at her husband after spotting him climbing onto the roof to get a cellphone signal. “Are you going to kill an old man?” 65-year-old Myhailo Scherbakov replied.

Not all the Russians were like that. Voronets said she cried together with

another soldier, barely 21. “You’re too young,” she told him. Another soldier told her they didn’t want to fight.

Still, she feared them all. But she of-

fered them milk from her only cow.

“I felt sorry for them in these conditions,” she said. “And if you’re nice to them, maybe they won’t kill you.”

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Jurors reject array of Jan. 6 defenses

Three rioters have been unanimously convicted

Michael Kunzelman
ASSOCIATED PRESS

Jurors have heard – and rejected – an array of excuses and arguments from the first rioters to be tried for storming the U.S. Capitol. The next jury to get a Capitol riot case could hear another novel defense this week at the trial of a retired New York City police officer.

Thomas Webster, a 20-year veteran of the NYPD, has claimed he was acting in self-defense when he tackled a police officer who was trying to protect the Capitol from a mob on Jan. 6, 2021. Webster’s lawyer also has argued that he was exercising his First Amendment free speech rights when he shouted profanities at police that day. Jury selection began on Monday and is expected to last most of the day.

Webster, 56, is the fourth Capitol riot defendant to get a jury trial. Each has presented a distinct line of defense.

An Ohio man who stole a coat rack from a Capitol office testified he was “following presidential orders” from Donald Trump. An off-duty police officer from Virginia claimed he only entered the Capitol to retrieve a fellow officer. A lawyer for a Texas man who confronted Capitol police accused prosecutors of rushing to judgment against somebody prone to exaggerating.

Those defenses didn’t sway the juries at their respective trials. Collectively, a total of 36 jurors unanimously convicted the three rioters of all 17 counts in their indictments.

Webster faces the same fate if a federal judge’s blistering words are any guide. U.S. District Judge Amit Mehta, who will preside over Webster’s trial, has described his videotaped conduct as “among the most indefensible and reprehensible” that the judge has seen among Jan. 6 cases, with “no real defense for it.”

“You were a police officer and you should have known better,” Mehta told Webster during a bond hearing last June, according to a transcript.

But a dozen jurors, not the judge, will decide the case against Webster, a U.S. Marine Corps veteran who retired from the NYPD in 2011.

A wealth of video evidence and self-incriminating behavior by riot defendants has given prosecutors the upper hand in many cases. Mary McCord, a



This still frame from police body worn camera video shows retired New York City police officer Thomas Webster, in the red jacket, at a barricade line at the U.S. Capitol on Jan. 6, 2021. Webster has claimed he was acting in self-defense when he tackled a police officer. METROPOLITAN POLICE DEPARTMENT VIA AP, FILE

Georgetown University Law Center professor and former Justice Department official, said jurors often won’t have to rely on witness testimony or circumstantial evidence because videos captured much of the violence and destruction on Jan. 6.

“When I was a prosecutor trying cases, I would have loved to have had cases where the entire crime was on video. That just doesn’t happen that often. But for jurors, it can be very powerful,” she said.

Webster’s trial is the sixth overall. In a pair of bench trials, a different federal judge heard testimony without a jury before acquitting one defendant and partially acquitting another.

U.S. District Judge Trevor McFadden, a Trump nominee who acquitted Matthew Martin of all charges, said it was reasonable for the New Mexico man to believe that police allowed him to enter the Capitol. In the first bench trial, McFadden convicted New Mexico elected official Couy Griffin of illegally entering restricted Capitol grounds but acquitted him of engaging in disorderly conduct.

Stephen Saltzburg, a George Washington Law School professor and former Justice Department official, said it may be difficult for prosecutors to secure convictions against defendants who merely entered the Capitol and didn’t exhibit any violent or destructive behavior.

“I think the people with the best chances are those who say, ‘I was just there and I got swept up with everybody

else.’ The government is going to have to have some way to show there’s more than that or the government will lose,” Saltzburg said.

Webster brought a gun and a Marine Corps flag attached to a metal pole when he traveled alone to Washington from his home in Florida, New York, a village approximately 70 miles northwest of New York City. He wore his NYPD-issued bulletproof vest but says he left the pistol in his hotel room when he headed to the Jan. 6 rally where Trump spoke.

Police body camera video captured Webster’s confrontation outside the Capitol with a line of officers, including one identified only as “Officer N.R.” in court papers.

The unnamed Metropolitan Police Department officer described the encounter in a written statement. The officer said Webster swung the flagpole at him in a downward chopping motion, hitting a metal barricade, then charged at him with clenched fists.

“He pushed me to the ground and attempted to violently tear away my gas mask and ballistic helmet. This caused me to choke and gasp for air before another participant at the riot helped me to my feet,” the officer wrote.

The officer said he retreated behind a police line after Webster pinned him to the ground.

“His actions, attack and targeted assault caused me to fear for my life and could have easily left my wife and two small children without a husband and father,” the officer wrote.

Defense attorney James Monroe has

claimed the unnamed officer gestured toward Webster, “inviting him to engage in a fight,” before reaching over a police barrier and punching Webster in his face. Webster “used that amount of force he reasonably believed necessary to protect himself” by tackling the officer to the ground, Monroe said in a court filing.

Mehta, however, said the video doesn’t show Webster getting punched in the face. The judge described Webster as an instigator.

“It was his conduct that sort of broke the dam, at least in that area,” Mehta added.

Webster, now a self-employed landscaper, enlisted in the Marine Corps in 1985, was honorably discharged in 1989 and joined the NYPD in 1991. His department service included a stint on then-Mayor Michael Bloomberg’s private security detail.

Monroe claimed “Officer N.R.” had reached over a metal barrier and pushed a “peaceful” man who was blinded by pepper spray.

“As a former U.S. Marine and a member of law enforcement, Mr. Webster’s moral instinct was to protect the innocent,” Monroe wrote.

Webster faces six counts, including assaulting, resisting or impeding an officer using a dangerous weapon. He’s the first Capitol riot defendant to be tried on an assault charge. He isn’t accused of entering the Capitol.

More than 780 people have been charged with riot-related federal crimes. The Justice Department says over 245 of them have been charged with assaulting or impeding law enforcement. More than 250 riot defendants have pleaded guilty, mostly to nonviolent misdemeanors.

Jurors convicted two rioters of interfering with officers. One of them, Thomas Robertson, was an off-duty police officer from Rocky Mount, Virginia. The other, Texas resident Guy Wesley Refitt, also was convicted of storming the Capitol with a holstered handgun.

The third Capitol rioter to be convicted by a jury was Dustin Byron Thompson, an Ohio man who said he was following Trump’s orders.

“Even if jurors accepted that (Thompson) felt like he was doing what the former president wanted, that still wouldn’t be a legal excuse,” said McCord, the Georgetown professor. “When juries are able to witness what happened, they can make that assessment relatively easily.”

Judge

Continued from Page 1A

their cases. In many instances, they said he continued to pursue their claims even though the statutes of limitations would have already expired.

Gonzalez did not return a request for comment about the commission’s unanimous decision, dated April 13, which will become final unless appealed to the Court of Appeals.

Local judges are not required to be attorneys in New York, and Gonzalez argued that his two suspensions would not bar him from continuing to serve out his term in office, which is set to expire in 2025.

However, the commission rejected this argument, noting that it would undermine confidence in the judicial system.

“It would be contrary to the public interest and common sense to bar some-

one from appearing in court as a lawyer but not from taking the bench and deciding legal issues,” said Commission on Judicial Conduct Administrator Robert H. Tembeckjian in a statement.

Two cases detailed

In 2013, Luis Fred approached Gonzalez about representing him in a civil rights lawsuit against the New York City Police Department. Local judges in New York can maintain a private practice apart from their judicial duties.

When deciding to suspend Gonzalez from the practice of law last December, the Appellate Division noted that he nevertheless “agreed to investigate and pursue Fred’s false arrest claim” even though the statute of limitations had lapsed.

Another client, Craig Miles, retained Gonzalez to pursue a civil rights action against New York City in 2015. Gonzalez “continued to advise Miles that a viable theory of recovery might remain possi-

ble,” the Appellate Division observed, even though his claim lacked proof and was barred by the statute of limitations.

In a separate decision, the Appellate Division found that Gonzalez failed to inform the New York courts of yet another disciplinary case, this time involving a client in Connecticut.

“Judge Gonzalez compounded his misconduct as an attorney and further undermined his integrity as a judge by being less than candid with the Appellate Division about his disciplinary history,” Tembeckjian added.

Removal is the highest form of sanction that the commission can recommend, and it is a relatively rare occurrence. Since 2000, only nine other judges in Westchester County have been removed from office or resigned in the face of serious discipline.

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Trump

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law and stop our lawful investigation into him and his company’s financial dealings. Today’s ruling makes clear: No one is above the law.”

Trump, a Republican, has been fighting James in court over her investigation, which he has called a politically motivated “witch hunt.”

James has been conducting a lengthy investigation into the Trump Organization, the former president’s family company, centering around what she has claimed is a pattern of misleading banks and tax authorities about the value of his properties.

At the center of the inquiry is whether the Trump Organization deliberately misstated the valuations of its real estate holdings in official documents, inflating their worth to obtain loans and other financing and understating them for tax purposes.

The subpoena by investigators in December sought eight types of documents, as well as depositions by Trump and two of his children, Donald Trump Jr. and Ivanka Trump, The Trumps then sued to

try to quash the subpoena.

The contempt finding by the judge came despite a spirited argument by Trump lawyer Alina Habba, who insisted repeatedly that she went to great lengths to comply with the subpoena, even traveling to Florida to ask Trump specifically whether he had in his possession any documents that would be responsive to the demand.

“The contempt motion is inappropriate and misleading,” she said. “He complied. ... There are no more documents left to produce by President Trump.”

Trump spokespeople did not immediately respond to a request for comment.

Investigators for James have said in court filings that they uncovered evidence that Trump may have misstated the value of assets like golf courses and skyscrapers on his financial statements for more than a decade. A parallel criminal investigation is being conducted by the Manhattan District Attorney, Alvin Bragg, also a Democrat.

“While the law constrains me from commenting further at this time,” Bragg said, “I pledge that the Office will publicly state the conclusion of our investigation – whether we conclude our work without bringing charges, or move forward with an indictment.”

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