



e-News Update

from the National Fraternal Order of Police

July 1, 2010

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Call to Action...

Letter Writing Campaign to Congress in Defense of ATF Agent

National President Chuck Canterbury is asking FOP members to mount a letter-writing campaign to their respective U.S. Senators and Representatives in support of William G. Clark, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) who has been unjustly charged for actions he took in defense of his life and that of another citizen in the U.S. Virgin Islands. Special Agent Clark, who serves in the U.S. Virgin Islands, was involved in fatal domestic violence case and while the shooting was ruled as justifiable by the ATF Shooting Incident Review Board (SIRB), the Territorial court has ruled that there are aspects of the Constitution which do not apply in the Virgin Islands. Specifically, the court has invalidated the supremacy clause and refuses to recognize Clark as a Federal agent, recognition which would spare him prosecution for justifiable actions in the line of duty.

In 2008, ATF Special Agent Clark was stationed in the Territory of the U.S. Virgin Islands and assigned to the island of St. Thomas. On 7 September of that year, Special Agent Clark was off-duty and leaving his home when he observed a heated domestic confrontation involving his neighbors, Margie Duncan and her boyfriend Marcus Sukow. He noted that the intoxicated Sukow was violently threatening Duncan and that the situation was rapidly escalating when Sukow armed himself with a large metal flashlight, similar to those used by law enforcement officers. Sukow repeatedly struck the vehicle in which Ms. Duncan was trying to flee and when Special Agent Clark responded to her pleas for help, Sukow became enraged and attacked him and Ms. Duncan.

As the assailant swung at Special Agent Clark, the assailant struck hard against the vehicle door frame, immediately prior to attempting to strike Special Agent Clark in the head. Special Agent Clark drew his service weapon and fired at the assailant at close range, striking him several times in the chest. Despite Special Agent Clark's best attempts to resuscitate him, the attacker did not survive his injuries.

See more on the next page...

Member of the Year Nominations Sought – Deadline is July 30

The **Jack Dudek Member of the Year Award** was established as a means of rewarding an individual member for his or her service and dedication to the community, his or her department, and the Fraternal Order of Police on the local, state and national levels. It is the most prestigious acknowledgment that our membership can bestow on one of its own. It is an honor that is given each year, either at the midterm Board Meeting or at our National Conference.

This year the Member of the Year Award will be presented at the Fall Board Meeting being held September 10-11, 2010 in Minneapolis. In order to allow the committee ample time to read and consider each application, a deadline has been set for receiving applications. This year **nominations must be received no later than July 30, 2010.**

Nomination Guidelines

Nominations are to be submitted in resume form by a subordinate lodge stating the qualifications of the member being nominated for this award. For the **complete nomination guidelines go to www.fop.net** and look under "Programs."

Submit all applications to:

Dan Mitchell, Chairperson
Awards and Recognition Committee
701 Marriott Drive
Nashville TN 37214

In honor of Independence Day, eKnowledge donates \$200 SAT and ACT Test Prep Programs to Fraternal Order of Police Families

eKnowledge Corporation, the leading supplier of interactive learning software for college test preparation is donating SAT and ACT Test Prep Programs to high school students across America.

eKnowledge recently announced the continuation of its Sponsorship Alliance Program, donating free world class SAT and ACT College Test Preparation Programs.

Over the past five years, with the support of caring NFL and MLB players, Sponsorship Alliance Partners including non-profits, corporations and groups, eKnowledge has donated over \$32 million of FREE SAT and ACT College Test Preparation Products. eKnowledge has received over 55,000 thank you letters and testimonials from grateful recipients of the donation. The software may be ordered online or by telephone.



To order online: www.eKnowledge.com/USA Enter Sponsorship Code: **FBCE52524**

To order by telephone: **951-256-4076**, reference FOP

- "The PowerPrep program maximized my son's preparation and let him achieve the score he needed to accept a Division I baseball scholarship at USC." *Mike Anukow, All-Star Pitcher-Giants, Cubs, Phillies, 5 Emmy Award Winner Broadcaster, SF Giants*
- My oldest daughter used this program and is now attending University of South Florida with a \$60,000 scholarship to help pay for her education. Now, I am ordering it for our youngest daughter. Thank You, Patricia
- Great product. My son has a reading disability and needed to raise his SAT scores in order to gain NCAA eligibility. Your program helped him do that, and he is now playing lacrosse in college. Thank you, Andrew
- Our daughter improved her SAT by over 600 points after completing the program and we have been singing its praises ever since! Warmest regards, Tamara
- After just 3 short weeks of actual use my daughter's scores improved from 680 to close to 1200. That's almost an 80% improvement. T. Smith
- "My friend purchased this program and went from an 1800 practice test to a 2380 on the actual SAT! (VFL LEAGUE!) ... I jumped at the opportunity to get a program for myself!" *R. Castillo*

There is a nominal charge of \$13.84 per standard program for the cost of materials, processing, distribution and customer service. eKnowledge does not profit from this venture.

For further information, please contact Lori Caputo, 951-256-4076 LoriCaputo@eKnowledge.com

The eKnowledge Sponsorship Alliance Members

Current and past alliance members also available at www.eKnowledge.com/all

Chopper Jones & MLB All-Star (Atlanta Braves)	The USO	National Catholic Educational Association (NCEA)
Kevin Youkilis (MLB Boston Red Sox)	Big Brothers and Big Sisters	Texas High School Project
Mike Krukow (MLB All-Star San Francisco Giants)	Boys and Girls Clubs	Student Online Achievement Resources (SOAR)
also 5x Emmy Award winner Giants Broadcaster	The Boy Scouts of America	Military Connection
Warren Duce (NFL Tampa Bay retired)	The Fraternal Order of Police (FOP)	Military.com
Corey Williams (NFL Green Bay Packers, Detroit Lions)	The American Legion	Military Homefront
Scott Young (NFL Philadelphia Eagles)	AMP/ETS	Military Officers Association of America (MOAA)
Mark Anderson (NFL Chicago Bears)	American Red Cross	Association of the US Army (AUSA)
Garrick Jones (NFL Atlanta Falcons)	Walter Reed Memorial Hospital	Military One Source
The US Department of Defense	Dartex	
National Federation of High School Associations (NFHS/NA)	Home School Legal Defense Association (HSLDA)	
	National Association for Gifted Children (NAGC)	



In spite of the findings of the SIRB, Special Agent Clark was charged with Second Degree Murder by the Attorney General's Office in the U. S. Virgin Islands. His defense team has exhausted all legal remedies to prevent having this case tried in a Territorial court. Such efforts have been hampered by bad faith omissions, flawed logic and poor application of existing law. In April 2009, U.S. District Court Judge Gomez ruled against transferring the case to U.S. District Court; but this decision was certainly affected by the U.S. Virgin Islands withholding details of witness' exculpatory statement of the shooting.

More recently, in March of this year, the U.S. Virgin Islands Superior Court Judge Brenda Hollar invalidated the supremacy clause declaring that the "Constitution does not follow the flag" and that "not every provision of the Constitution is applicable in the Virgin Islands" and that, therefore, Special Agent Clark could not be granted immunity as a Federal agent for the actions he took in the line of duty.

A direct result of this case has been that the ATF has pulled all of their agents out of the U.S. Virgin Islands and other Federal law enforcement agents, like the DEA and FBI, are not responding or assisting local law enforcement, leaving island residents more vulnerable to crime. The agencies, however, have felt they have no recourse given the rulings of the Territorial court against Agent Clark and its implications for other Federal agents.

"Now, given the current legal and factual positions taken by the Virgin Islands Government, federal agents are not responding and will not respond...", wrote Paul A. Murphy, acting U.S. Attorney for the territory.

To hopefully prevent any further miscarriage of justice, FOP members are asked to contact their Senators and U.S. Representatives to ask them to intercede on Special Agent Clark's behalf. A suggested text for a letter to be sent via email to Congressmen is below, and is posted on the FOP website at

www.fop.net/news/clarkwilliam/clarkletter.doc

Congressmen prefer receiving correspondence by email. To find out the email address for your Senator and/or Representative, go to www.senate.gov and www.house.gov, and there you will be given directions on how to find your senator or representative and how to send an email to him or her.

Sample letter in reference to ATF Special Agent William G. Clark

The Honorable (Name of Senator)
United States Senate
Washington, D.C. 20510

The Honorable (Name of Representative)
U.S. House of Representatives
Washington, D.C. 20515

Dear Senator (Name) or Representative (Name):

I am writing to seek your help and support for William G. Clark, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) who has been unjustly charged for actions he took in defense of his life and that of another citizen.

Special Agent Clark has been charged under the laws of the U.S. Virgin Islands and the territorial court has ruled that there are aspects of the Constitution which do not apply in the Virgin Islands. Specifically, the court has invalidated the supremacy clause and refuses to recognize him as a Federal agent, recognition which would spare him prosecution for justifiable actions in the line of duty.

In 2008, ATF Special Agent Clark, was stationed in the Territory of the U.S. Virgin Islands and assigned to the island of St. Thomas. On 7 September of that year, Special Agent Clark was off-duty and leaving his home when he observed a heated domestic confrontation involving his neighbors, Margie Duncan and her boyfriend Marcus Sukow. He noted that the intoxicated Sukow was violently threatening Duncan and that the situation was rapidly escalating when Sukow armed himself with a large metal flashlight, similar to those used by law enforcement officers. Sukow repeatedly struck the vehicle in which Ms. Duncan was trying to flee and when Special Agent Clark responded to her pleas for help, Sukow became enraged and attacked him and Ms. Duncan.

As the assailant swung at Special Agent Clark, the assailant struck hard against the vehicle door frame, immediately prior to attempting to strike Special Agent Clark in the head. Special Agent Clark drew his service weapon and fired at the assailant at close range, striking him several times in the chest. Despite Special Agent Clark's best attempts to resuscitate him, the attacker did not survive his injuries.

A review of the incident by the ATF Shooting Incident Review Board (SIRB) concluded that the actions of Special Agent Clark were in accordance with established rules and policies, and as such, the shooting was ruled justifiable. Despite this, Special Agent Clark was charged with Second Degree Murder by the Attorney General's Office in the U. S. Virgin Islands. This is the first in several miscarriages of justice with this case.

Special Agent Clark and his defense team have exhausted all legal remedies to prevent having this case tried in a clearly biased Territorial court. Such efforts have been hampered by bad faith omissions, flawed logic and poor application of existing law. In April 2009, U.S. District Court Judge Gomez ruled against transferring the case to U.S. District Court; but this decision certainly effected by the U.S. Virgin Islands withholding details of witness' exculpatory statement of the shooting.

More recently, in March of this year, the U.S. Virgin Islands Superior Court Judge Brenda Hollar invalidated the supremacy clause declaring that the "Constitution does not follow the flag" and that "not every provision of the Constitution is applicable in the Virgin Islands" and that, therefore, Special Agent Clark could not be granted immunity as a Federal agent for the actions he took in the line of duty. By extrapolation, she may as well have said that Special Agent Clark had no right to carry his government issued firearm, no right to respond to the desperate pleas of an abused woman under attack by an armed assailant, nor did he have any right to defend himself from a serious injury from an intoxicated and dangerous attacker.

As a direct result of this case, I am told that some Federal law enforcement officers and agents previously stationed in the Territory have been recalled and other Federal agents remaining in the Virgin Islands are not responding to assist local law enforcement out of concern that their officers may not be able to perform their duties safely if they can be charged for crimes in that Territory in the commission of their sworn duty. This only hurts the citizens of the Virgin Islands.

Special Agent Clark's trial will be 11 October 2010. This officer has dedicated his life to protecting and securing the United States and it is time for the United States to return the favor. I respectfully request that you and your staff investigate this travesty of justice and exercise what authority you may have to ensure that Special Agent Clark returns to duty and examine the role of the Federal government, especially those officers charged with protecting public safety can operate if the Territory refuses to acknowledge the authority they have.

Sincerely,

(Your signature here)