

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

JOHN B. THOMPSON,

Plaintiff,

v.

Case No. 07-21256 (Judge Adalberto Jordan)

THE FLORIDA BAR and
DAVA J. TUNIS,

Defendants.

PLAINTIFF'S VERIFIED MOTION TO VACATE ORDER TO SHOW CAUSE

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and moves this court to vacate its September 24 order to show cause, pursuant to Rule 60 (b), Federal Rules of Civil Procedure, stating:

THE COURT'S UNDERSTANDABLE MISTAKE AND ERROR

1. This Honorable Court entered its September 24 Order to Show Cause because of its concern that these "obscene" images could now be seen by "members of the public, even children." Plaintiff rightly assumes, given the acumen of this court, particularly when it comes to as dangerous a remedy as contempt, that it chose its words carefully. Thompson takes the court at its word when it based its concern *solely* upon the allegation that Thompson had made these images available to "members of the public, even children."

2. Rule 60 (b), FRCP, provides for vacating an order based upon mistake. The court, with all respect and in fact because of the respect Thompson has for it/him, and the federal judicial system, notes that the court has made an erroneous assumption and then based its show cause order on that understandable error.

3. The court has assumed, as noted above, that Thompson has made these “obscene” images available to children. That is utterly false, and for two reasons. The obscene images are being made available for viewing by children by Florida Bar-licensed attorney Norm Kent, who is The Bar’s favorite filer of SLAPP Bar complaints against Thompson. But for Mr. Kent and his collaboration with The Bar over the past 20 years, this case would not exist.

4. Mr. Kent, using no age filters, no age verification, and expending no effort to keep this material which this court correctly labels “obscene” from children, links anyone, including children, *free of charge*, from his Bar-regulated law firm web site, to his porn portal site and this “buffet for pedophiles,” as Michigan law enforcement officials have called such material. Mr. Kent is the one who is making this material available to and readily retrieved by people of all ages. He is making money from this material by running ads on his porn portal site. Mr. Kent is trafficking in obscenity. He should be prosecuted, convicted, and incarcerated. Instead, he is given “untouchable” status by The Florida Bar because the enemy of The Bar’s enemy is its pal.

5. Mr. Kent even went so far as to arrange for a news announcement of the opening of his porn portal on the pages of the *Ft. Lauderdale Sun-Sentinel* this spring, which Thompson would respectfully suggest is more frequently read by minors and pedophiles alike than is the paid-for PACER site with its dry court filings.

6. Thompson has already demonstrated to the court that the use of “google” easily guides anyone of any age to Mr. Kent’s porn portal. A similar use of “google,” the most used search engine on the Internet, does not lead someone to the paid-for PACER site.

7. The court, then, has based its contempt effort upon Thompson's alleged exposure of obscenity to the public and "children," and in doing so it has made a "mistake," within the meaning of Rule 60 (b), as the court possibly was thinking that Thompson had gone deep into the recesses of some adult, restricted zone of the Internet, obtained this material, and then inserted it into the court file where "children" could then, for the first time, see it. Nothing could be further from the truth. One of the signal failings of the Bush Justice Department and one of the reasons that pro-family, pro-values organizations feel betrayed by this Administration is the extent to which this Administration has failed to prosecute obscenity, especially on the Internet, where it has grown like topsy, which has made tragic events such as the recent arrest of a Florida US Attorney, Mr. Atchison, more likely.

8. Any American who does not understand that pornography, of whatever kind, on the Internet, is making the "sex trade" in people of all ages more likely and more easily effectuated has no idea what is going on in America.

9. Thompson has represented children sexually molested because of the role of pornography in the life of the molester. Thompson represented Ileana Fuster in her divorce against Frank Fuster. Nobody has to lecture the undersigned about the corrosive effects of obscenity on the moral fabric of a nation and the extent to which it puts children at risk. The Fuster's videotaped the molestations of the Country Walk victims, according to the bestselling book, *Unspeakable Acts*. Mr. Kent apparently could not care less about what he is likely facilitating, as this court now has in its electronic court file the assertion by someone posting at www.justboys.com, that this site is a site for "pedophiles."

A PROCEEDING FOR CRIMINAL CONTEMPT IS A CRIMINAL PROCEEDING;
THERE MUST BE A CRIMINAL OR IMPROPER INTENT BY THE WRONGDOER

10. In 1982, two residents of what was then called Dade County, Florida, videotaped poll workers illegally pre-punching computer punch card ballots since abandoned as ballots by Florida after the “hanging chad” Presidential election chaos of 2000.

11. These two residents took this videotape of this vote fraud by poll workers along with a box of the tampered with punch cards to then Dade County State Attorney Janet Reno. What did Janet Reno do? She arrested these two men for “stealing ballots” and charged them with a crime. In doing so, Reno charged with a crime the two men *who had brought her evidence of the commission of a crime*. The court or anyone can read all about it in the book *Votescam* available at Amazon.com at <http://www.amazon.com/Votescam-Stealing-James-M-Collier/dp/0963416308>.

12. Reno’s bizarre actions in that case provided the undersigned a large part of his motivation to run against Reno as her Republican opponent in the general election of 1988 for State Attorney. Twelve years later Thompson shared a podium with soon to be Solicitor General of the United States Ted Olson and his wife Barbara Olson to talk about the history of vote fraud in Florida. Mrs. Olson was on the plane that terrorists flew into the Pentagon.

13. Reno and her office put these public-spirited whistleblowers who had grabbed evidence of the aforementioned crime through the ringer for two years, before

she dismissed the charges the day of their criminal trial. These men had no “criminal intent,” obviously. Bringing to the justice system evidence of a crime is by definition not a criminal act, nor is it an improper act.

14. What did plaintiff herein do that has this court now seeking a criminal contempt finding against him? He took evidence of a crime to this court the best way he knew how, and the fact that this court has come face to face with the best evidence of this criminal activity is proof that Thompson’s methodology worked. The court has been so struck by what it has seen that it has labeled this material which a Florida-licensed lawyer is providing to anyone of any age on a commercial site “obscene,” as that term is used in *Miller v. California*. Thompson genuinely thanks this court for having had the perspicacity and courage to call this swill what it is.

15. Thompson submits that it is more than likely that if Thompson had submitted merely the links to this sewage that Mr. Kent is superintending for commercial gain, then the court would not have seen the material. Sometimes it is hard to ignore something that one sees, as the President of Iran, as Thompson has already pointed out, needs to see images from Dachau, Austerlitz, and Treblinka.

16. The Florida Bar, which has a cottage industry going protecting Norm Kent, Tew Cardenas, Blank Rome, *The Howard Stern Show*, Take-Two Interactive’s *Grand Theft Auto*, and the commercial assault upon other people’s children, while at the same time threatening to disbar Thompson for his whistleblower status, could not care less about the commercial exploitation of children.

17. If this court does not realize that The Bar’s a) illegal protection of Norm Kent and his porn activities, and b) illegal harassment of Thompson at Kent’s and others’

request is at the center of this federal civil rights action, then we need an evidentiary hearing for Thompson to prove just that.

18. Thompson months ago provided The Bar with what Kent is doing in distributing obscenity to adults and undoubtedly children through his Bar-regulated web site, linking on the home page to his porn portal, and The Bar told Thompson to get lost.

19. Thompson has gone to the U.S. Attorney for the Southern District of Florida (this court's jurisdiction) and U.S. Attorney Alex Acosta, who rode into his job promising to do something about "obscenity," participated in killing a criminal investigation into all of this. Thompson calculated that if anyone would care that such criminal activity appears to be at the heart of this criminal targeting of Thompson with and by The Bar, then this court would, and that it, above possibly others, would be moved appropriately by what The Bar is protecting.

20. Instead, this court, undersigned assumes because of understandable error, has now come after the whistleblower just as the defendants herein have. This is improper, and it is over the top, to use a current phrase. If the court does not want such materials filed with it in the future, then all it has to do is enter an order saying so. It is unfair, with all respect, for this court to proceed with contempt against a whistleblower when he has not put children at risk, when no order has been violated, when he has done what he has done for a proper motive, and finally when this court has decided to wield its awesome and dangerous contempt power against someone who brought it evidence of a crime.

THIS COURT MUST BE CONSISTENT

21. Thompson assumes and in fact knows that this court understands or should understand the danger to children and the general public posed by obscenity and child

porn trafficking. The following recount the outcome, because of this particular judge, The Honorable Adalberto Jordan in the Kent Frank case at

http://www.usdoj.gov/opa/pr/2007/July/07_crm_566.html :



Department of Justice

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Miami Man Sentenced to 40 Years in Prison for Sex Tourism and Child Pornography Offenses

WASHINGTON – Miami resident Kent Frank was sentenced to 40 years in prison on sex tourism and child pornography charges, Assistant Attorney General Alice S. Fisher of the Criminal Division and U.S. Attorney R. Alexander Acosta of the Southern District of Florida announced today.

Federal District Judge Adalberto Jordan also ordered Frank to pay a \$25,000 fine and serve 15 years of supervised release.

On April 5, 2007, a federal jury in Miami found Frank guilty of eight counts of child exploitation offenses related to his sexual abuse of three young females in Cambodia. Frank was convicted of four counts of traveling in foreign commerce and engaging in illicit sexual conduct with a minor. The jury also found Frank guilty of three counts of purchasing a minor with the intent to produce child pornography and one count of traveling in foreign commerce for the purpose of engaging in illicit sexual conduct with a minor.

Frank engaged in commercial sex acts with three underage girls during two trips to Cambodia between September 2003 and January 2004. Evidence showed that Frank paid underage girls in Cambodia money for sex and to pose for pornographic pictures.

The prosecution stemmed from the Jan. 1, 2004, arrest of Frank in Phnom Penh, Cambodia, by the Cambodian National Police (CNP), on debauchery charges. The CNP found four females, including the three minors that Frank was convicted of exploiting, coming out of Frank's hotel in Phnom Penh, Cambodia, on the day of Frank's arrest.

The case was investigated by agents Gary Phillips and Taekuk Cho in the U.S. Immigration and Customs Enforcement (ICE) Attache Office in Bangkok, Thailand, and George

Rodriguez and Shawn Newton in the ICE office in Miami. The anti-trafficking unit of the CNP provided substantial assistance in this case. The non-governmental organization AFESIP (Agir pour les Femmes En Situation Précaire, or Acting for Women in Distressing Situations), which sheltered the four females after they were found at Frank's hotel, has also been instrumental in efforts to protect and care for minor victims of prostitution. The case was prosecuted by Assistant U.S. Attorney Eric Morales of the U.S. Attorney's Office for the Southern District of Florida in Miami and Trial Attorney Wendy Waldron of the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice.

22. The above makes it clear that this court understands the problem of sex trafficking. Thompson has been working on this problem since 1987, back when Mr. Kent was representing someone whom the Adam Walsh Foundation concluded, in its letter to the FCC, sent at Thompson's request, "was soliciting teenaged boys for sex on the public airwaves through his radio program." Mr. Kent, then, has a long history with this "porn in the public square" phenomenon.

23. Thompson has had the pleasure of sharing the podium with Ronald Reagan's Attorney General Edwin Meese, whose Commission on Pornography pinned the pornography tail on the sex trade donkey. Possibly US Attorney Acosta, who has looked the other way as to obscenity trafficking, would do well to read the Meese Commission Report and conclude, as did the undersigned twenty years ago, that in order to do more about the Kent Franks of this world we need to do something—anything—about the purveyors of crap like www.justboys.com. Thompson has tried to be consistent on this problem, which is why he sent the material he did to this court and why The Florida Bar, with its bizarre pro-porn, anti-Christian agenda, has singled Thompson out for harassment for twenty years.

24. Thompson was not trying to tear down this court. He was appealing to it to do something. No one else has. Thompson would ask this court to contact U.S. Attorney

Acosta and ask him to do something, rather than killing investigations about this in their infancy.

WHEREFORE, Thompson respectfully asks this court to vacate its Order to Show Cause because of the understandable mistake it apparently made in assuming that Thompson made this obscene material available to “children” from a place that it had been sequestered from children. Nothing could be further from the truth. To proceed against Thompson criminally for his having alerted the federal judicial system of this criminal activity, and The Bar’s collaboration in it, would be akin to prosecuting a citizen who has found child pornography, where children can get it, to a police station—for that citizen’s “possession of child pornography.” Janet Reno did the equivalent of that already, and it didn’t work out. Plaintiff respectfully suggest that for this court to use its contempt power against Thompson vitiates the perceived fairness of these underlying proceedings, and it threatens to turn Thompson from a porn industry nuisance into an unwilling hero of American parents everywhere. The headline this court should wish to avoid:

“PORN-AGAIN” ANTI-SMUT CRUSADER JAILED BY BUSH-APPOINTED FEDERAL JUDGE FOR BRINGING EVIDENCE OF OBSCENITY TRAFFICKING TO COURT; ATTORNEY JACK THOMPSON SET TO APPEAR ON FOX NEWS CHANNEL’S *THE O’REILLY FACTOR* TONIGHT

I SOLEMNLY SWEAR, UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS A TRUE, CORRECT, AND COMPLETE RECITATION OF THE FACTS, SO HELP ME GOD.

I HEREBY CERTIFY that this has been served upon record counsel this 25th day of September, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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