



H. J. Rogers Harvard Law School '66

NEWS FLASH:

H. JOHN ROGERS, a/k/a "Herbie Furbee", WILL SURRENDER PEACEABLY TO OHIO VALLEY LAW ENFORCEMENT AT TEXAS ROADHOUSE IN ST. CLAIRSVILLE ON WEDNESDAY ON WEDNESDAY, AUGUST 29th, 6 P.M

"All the federales say 'We could have had him any day/ We just let him slip away/ Out of kindness, I suppose.' " from "Pauchco and Lefty To paraphrase Dickens in A Tale of Two Cities, fiscal 1981 was for me "the best of times, the worst of times". That was over 35 years ago, almost half a lifetime ago, and the end of a long, drunken roll. Now I never liked to get really drunk. If I had my druthers I would have had an intravenous drip that kept me at about 2.1 BAC. However, a couple years earlier, I had taught myself how to drink all the time and never get drunk. Necessity is the mother-of-invention they say. My friend, Jesse Dale King, once told me that Carl Butcher the proprietor of THE PINK PANTHER (a/k/a "The Bat & Pistol Club") told him one afternoon that he would teach him how to drink without getting mean. I don't want to be accused of telling tales out of school, but in the day, pound for pound Jesse Dale could have been one of the very toughest. I asked him what Carl's pedagogical theory was. "Well, Carl told me to come back about seven and when I got there he had a big pot of black coffee and a couple bottles of Wild Turkey. We'd have a shot of the Turkey and they we'd drink black coffee." Did it work? "I dunno. I went to sleep." But back to me. I didn't have a tutor. I had to teach myself. It was 11 p.m. on a Saturday night and I was sitting at home when I got a call from my beloved sister who had gone to Wheeling to check on my sainted Mother. Mom had been in a Wetzel County Hospital room on Friday afternoon, full of the proverbial "piss and vinegar", smoking a cigarette and cursing Allan M. Dyer, the family doctor, for sending her on to OVGH because he was going on a vacation. I told her I'd come up and see her on Sunday. It was Friday night and she was fine.

"I've been trying to get hold of you," my sister said. "They said if you want to see Mom alive you better get here right away. Dad's here and Jim came up from Charleston." Jim is my brother and he was doing his surgical residency at CAMC. I'd actually come home early from the Pink Panther. I always said "Saturdays are for amateurs, like New Year's Eve". Years ago, I made the mistake of taking an Associated Press reporter from Charleston there for an evening on the town. He told me the next day that it was the most depressing place he'd even been. This kind of hurt my feelings. The place was like a home away from for me. After my sister hung up the phone, I called a friend from Pine Grove, W.V. Wildman (a judge in Charleston once accused me of making the name up and I had to produce Bill before he would let me proceed) and told him to score all the cocaine that he could and get here ASAP because we were going to Wheeling. I normally consider coke a bore and not worth the money but I was told that it would take the buzz off a drunk. Of course, it wasn't very often that I wanted to "sober" up, but tonight was a special occasion, right? That was 1979 and in the early summer of 1981 I did the Fireman's 5 kilometer race in Shadyside and before I started drinking beer. I drank my way north through Bellaire and Bridgeport and ended up at Johnnie's roadhouse on the east side of St. C. I closed the place with Wild Turkey. Hard liquor always lead me to greatly over estimate all my abilities. When Johnnie's had last call I had to do some hard thinking. I was far beyond the proverbial "three sheets in the wind" and was planning on spending the night with Ron (Herbert "23X") Heath on other side of St. C.

The question before the committee in my brain was should I go out I-70 or go through St. Clairsville on old U.S. 40. I chose Route 40 and Patrolman (now Chief) Jeff Henry was on duty. If you know English writers, this was my "Appointment in Samaria". Let's just say that the L-rd (temporarily) delivered me from the hands of the Philistines that night and I eventually made it out to Heath's house around 10 a.m. I called and made arrangement to meet a bail bondsman at the police station the around noon to post bail and retrieve my car. I assumed that the police wouldn't be too happy with me but they didn't stay up. The background music playing in my head was Kris Kristofferson's "Sunday morning coming down." I remember walking by the Thoburn Methodist Church as all the nice people--people like my Mother and her parents--were leaving the church. This was 1981 and they had died seriatim in 1975, 1977, and 1979 and I was thinking how very ashamed they would have been of me, drunk again, running from the cops. But like another Englishman wrote "Down in lovely much I've lain/ Happy 'til I rose again/ Nothing left for me to do/ But begin the game anew/ Ale, Man, ale's the drink for fellows what it hurts to think/ And malt does more than Milton can/ To justify G-d's ways to man." Somewhere on the trip back home, I came to the conclusion that the New Martinsville PD and had (doubtless) told the cops up the river to watch out for me. That explained it all! A few days earlier somebody had stolen my second wife's car and I was laying on the couch when the cops came by after she called in a complaint. I heard the investigating officer say to her "Do you think Herbie might of taken it just to play a trick on you." The woman had already had enough of me! This could have pushed her into a homicidal rage, right? "Trifles light as dust are to the suspicious confirmation strong as Holy Writ". Othello. So on the following Wednesday I went to the Court Restaurant for lunch and sat down at a table with Big Bob Skinner, co-owner of 21st Century Realty, and Robert Litman, the founder of Litman Excavating, my homeboys. I remember saying at some point to Litman: "Hey, there's the Chief. Do you think that I ought to go up and lay one on him, bitch slap him, or just spit in his face?"

"Do whatever you want to, Herbie", Litman said taking another bite out of his favored ham and cheese sandwich. Well, I followed instructions. My clearest memories are of subsequently rolling around on the floor with the Chief and hearing someone shout "He's got a gun!" Then, as I was being drug away, I heard this lawyer I knew from Parkersburg say to the woman with him "So that's how lawyers and cops settle their differences in Wetzel County. The Chief didn't arrest me though. He figured out that I'd post bond and be back for more. Or that I was nuts. Either way, he got a mental hygiene warrant on me. I was tossed into the bobby hatch in Wheeling--another long, sad chapter in the self-inflicted woes of Herbie Furbee--but Wheeling's great jurist, the Hon. George Spillers, cut me loose on my hand-written writ of habeas corpus after two or three days I was having a good time in the booby hatch: Sex, reefer galore, and I held two press conferences (one with Wheeling TV and the other with the Charleston Gazette. But Willie Hadsell, owner of Wheeling Cycle, talked Jake Robinson & Danny Dickinson into coming by and seeing me. We decided that it was easier for me to do the petition than to tell them about it. The next day we had the hearing and my good friend Prof. Charles Campanizzi from West Liberty told Spillers that I was sane. {Charlie also was an expert on the Kennedy assassination and believed that Oswald was innocent.} I was once again off to the races. Charlie drove me back to New Martinsville. After I stopped by the office to see if I had made any money while I was locked up (I had !!!), I decided to go to the Greenbriar and celebrate the formal declaration of my sanity. It was about midnight when I stopped at the Highway Inn near Pine Grove. One of my homeboys was there, Jim D. from Reader, and that morning he has gotten the cruelest blow that a good ole boy form the Shortline could receive: He had been introduced to his solid black Af-Am grandfather! What's your typical Wetzel County racist going to do when he finds out that he is one!!! I convinced Jim to go on a three day drunk with me. That's a guaranteed cure for anything. Jim took a wrong turn somewhere on the way and we ended up in Charleston instead of White Sulphur Springs. But I was flush so we got the Penthouse Suite at the Marriott on the Boulevard. After a couple days of wine, women, and song, I was getting bored so I decided to call a press conference and announced my candidacy for the U.S. Senate. I got a trumpet player out of the union hall to play the "Battle Hymn of the Republic" and I was off to the races. It turned out to be the most famous press conference ever held in West Virginia but I don't need to tell you about it. You can still find the climactic moments on the Internet. Jim is the one that pulled me off the reporter. Running against SENATOR ROBERT C. BYRD, a man who even in 1981 was getting a building named after him every other week, was an invitation to party all over the State and the District of Columbia. I quickly recruited some old WVU linemen, John "Tree" Adams, "Ox" Stevens, and linebacker Billy Joe Mantooth, and I was once more off to the races. "Tree" finally got nailed for leaving a trail of cocaine all over the State (including with Arch Moore's other daughter) and left the campaign. The only bump in the road came that fall when I had to go back to St. C for my trial. Somebody told my bondsman that if I jumped bail--the reasonable thing to do for a man in my position--that he would never bail in Ohio again unless he drug my carcass back to St. Clairsville. When the trial came up, I was broke, my car had been repossessed, and my phone had been shut off. I had to bum a ride and got there late. I decided early on not to testify--why should I jeopardize my immortal soul to save my most mortal ass--and the only thing that I can remember clearly is that the foreman of the jury (a retired state trooper) came back 15 minutes after the jury got the case and asked for a sheet of paper. I figured my goose was cooked, so I did what all cowards do when they have to face the music: I prayed the "foxhole religion" prayer, the most sincere prayer most of us ever utter, to-wit: DEAR, G-D, GET ME OUT OF THIS. AMEN !!!

And just as the State Trooper was saying "NOT GUILTY", the chimes at the Thoburn United Methodist Church started playing. I didn't hear them at the time but one of the reporters told me this outside the courtroom. At the time, I was in the process of telling him how brilliant I was but I stopped and smiled. "And what were they playing?" "The Battle Hymn of the Republic", he said. "Didn't you hear it?" Hell no! If I had heard it I would have known I was crazy. Later, I caught a ride into Wheeling and got drunk that night at the CORK & BOTTLE with Channel 7's Mark Davis and Tom Campbell, the Sheriff of Ohio County. Campbell would tell me "John, I don't care what you do. I'm not going to have you in my jail." So I stayed at the Rogers Hotel and caught the Greyhound bus to New Martinsville the next morning and tried to figure out what I was gonna do next. Some 37 years later, I'm still working on it. **THANK YOU JESUS!**

Who should decide who uses KRATOM?

Kratom is derived from the leaves of mitragyna speciosa, a tropical tree related to coffee and native to Southeast Asia. It has been used as a traditional medicine in those areas for centuries. Its users testify that it is an effective pain reliever, alleviates opiate drug withdrawal symptoms, lifts moods, promotes energy, eases anxiety, relieves depression, enhances sexual function, stimulates the immune system, boosts cognition, lowers blood sugar, and is antimalarial, anti-leukemic, and anti-inflammatory.

One would think that a natural substance with those potential benefits would be a welcome addition to western medicine. It should at least be tested in double-blind studies to determine the statistical validity of the testimonial claims.

Unfortunately, the U.S. Food and Drug Administration (FDA) reacted by banning the import of kratom. FDA Commissioner Scott Gottlieb, M.D., released a statement in February that focuses almost entirely on his organization's Public Health Assessment via Structural Evaluation (PHASE) model to claim that the chemical compounds in kratom are opioids. He then suggests that, because there are already plenty of extensively studied, FDA-approved opioids, evaluating the merits of kratom would be redundant.

"We all know how harmless 'extensively tested' opioids like Oxycontin have turned out to be," said Libertarian National Committee Executive Director Wes Benedict. "It's time for the heavy-handed bureaucrats at the FDA to get out of the way of useful research and responsible substance use. At the very least, the FDA should move to a lighter regulatory regime by allowing double-blind tests on kratom for effectiveness and safety. Banning its import instead only protects established drug manufacturers from competition by a more natural, less costly, and potentially more effective remedy."

We favor the repeal of all laws creating 'crimes' without victims, such as the use of drugs for medicinal or recreational purposes.

Competing federal bureaucracies are having a difficult time getting on the same page. The FDA claims that kratom use can be fatal by citing examples of death occurring when kratom has been laced with other compounds. The National Institute on Drug Abuse (NIDA) reported until recently that "Kratom by itself is not associated with fatal overdose, but some forms of the drug packaged as dietary supplements or dietary ingredients can be laced with other compounds that have caused deaths." This accurate statement was recently removed from the NIDA website, reports American Kratom Association Chair Dave Herman, probably censored because of political pressure from the FDA.

The Drug Enforcement Administration (DEA) has even proposed putting kratom on Schedule I, defined by the federal government as drugs with no currently accepted medical use and a high potential for abuse — and with no way to test those hypotheses. Intense public pressure from satisfied users of kratom caused the DEA to back off for the time being.

"The question isn't so much whether drugs should be regulated, but who should do the regulating," Benedict said. "Should it be federal or state government bureaucrats with coercive legal powers of enforcement? Government functionaries who have repeatedly demonstrated their eagerness to cage people for inhaling unapproved smoke? More effective solutions involve voluntary evaluation and certification by independent watchdog organizations like Consumers Union that rigorously test products and services, then issue unequivocal advisories on their pros and cons. Given reliable information, most adults will make the choices that are right for them. Government should get out of the way and let them."

The Libertarian Party is running hundreds of candidates this year for local, state, and federal office. They are all united in their convictions that self-regulation is more effective and less harmful than heavy-handed government regulation.

LGBT Bar Association Bigotry

WASHINGTON, D.C. - The National LGBT Bar Association, a national association of lawyers, an affiliate of the American Bar Association, recently announced a campaign that encourages attorneys across the nation to pledge not to provide pro bono services to Liberty Counsel and Alliance Defending Freedom (ADF).

The Commit to Inclusion Campaign pledge states: "We, the undersigned members of the legal community, wish to publicly object to the anti-LGBT legal groups which operate within the United States legal system, including groups operating as ADF and Liberty Counsel. We commit to inclusion by ensuring that our personal pro bono and volunteer capacity and personal financial resources will not be used to support the work of ADF and Liberty Counsel."

The National LGBT Bar Association has an annual conference to bring together legal professionals in the LGBT community. BMW and Walmart are two of the top sponsors of this conference.

"It is shameful that an association of lawyers wants to shut the courthouse doors to millions of Americans who believe in natural marriage and who oppose the anti-religious freedom agenda of some LGBT activists," said Mat Staver, Founder and Chairman of Liberty Counsel. "The courthouse should be open to all, no matter your beliefs. The LGBT Bar Association is upset because Liberty Counsel and ADF are winning many important cases all the way up to the U.S. Supreme Court. They might as well extend their so-called boycott to the justices on the High Court. Their boycott is that ridiculous," said Staver.