

**Kansas House Judiciary Committee
Testimony of Bret D. Landrith
on H.B. 2655 February 16, 2011**

Chairman Kinzer, and members of the House Judiciary Committee, good afternoon.

My name is Bret Landrith; I used to be a lawyer (Washburn School of Law, 2001). I live in Topeka, Kansas.

My disbarment and litigation I am currently in involve conduct that would be covered by the proposed amendment addition to K.S.A. 21-5905 addressing altering, concealing or destroying documents. The conduct covered by the proposed K.S.A. 21-5905 (5) surprisingly was committed against two clients I was disbarred for representing.

I was disbarred from the practice of law in the State of Kansas by our Supreme Court after a hearing before a disciplinary tribunal where key evidentiary documents related to the unlawful trafficking of children including the infant son of the Kansas father I was representing were blocked from discovery, and the opposing counsel in the underlying termination of parental rights case only after the Notice of Appeal produced just an Interstate Compact on the Placement of Children (“ICPC”), K.S.A. 38-1201 *et seq.* form (designed to alert the SRS to interstate trafficking of children) that appeared on its face to be altered and fraudulently stated “Stratton, Kansas” as the location of the child to prevent the pre-termination of rights trafficking of the child to Colorado from being noticed by SRS officials responsible for regulating adoptions.

The First sin that led to my being targeted for disbarment related to my notice in a motion before the Kansas Court of Appeals that the same adoption attorney in a contemporary termination of parental rights for adoption case *Adoption of A.M.M., Matter of*, 949 P.2d 1155, 24 Kan.App.2d 605 (Kan. App., 1997) had been the attorney for Missouri parents who had misrepresented on the ICPC that they lived in Kansas, also to avoid or conceal the interstate trafficking of the two Kansas children from being noticed by SRS officials responsible for regulating adoptions. The case I cited resulted in the adoption being reversed and was therefore relevant to the defense of my client’s parental rights. In *Baby C.*, Shawnee County District Court case no. 01 A 48 [Kansas Court of Appeals No. 03 90035 A]

I was also disbarred in 2005 for bringing the racial discrimination Civil Rights claims of James L. Bolden, Jr., an African American to federal court¹ and for the *pro bono* representation of Bolden’s witness David M. Price (the father described above) in an appeal of a parental rights termination case where the Kansas SRS deprived the natural father of access to interstate compact against child trafficking documents used to place the American Indian child in an adoption out of state prior to the termination of parental rights.

I was additionally disbarred for raising the Indian Child Welfare Act which prohibited the taking and placement of the child without notice to the natural father².

The Disciplinary Tribunal of Randall D. Grisell, Sally Harris and Michael Schmitt in their report and

¹ The Tenth Circuit Court of Appeals Decision reinvigorated 42 USC Sec. 1981 as a cause of action against government discrimination and real estate takings in *Bolden v. City of Topeka*. 441 F.3d 1129 (10th Cir. 2006). The decision has been favorably cited by the Sixth Circuit in *Coles v. Granville* Case No. 05-3342 (6th Cir. May 22, 2006).

² The Kansas Supreme Court later adopted the plaintiff’s argument that the Indian Child Welfare Act applied to American Indians living off the reservation in its decision on *In The Matter Of A.J.S.*, Kansas Supreme Court Case No. 99,130 (2009).

The Kansas Supreme Court has also adopted the plaintiff’s argument that misrepresentations by a natural mother to conceal the existence of a child from a father could not disqualify a father’s reasonable efforts to parent his child. *In The Matter Of The Adoption Of Baby Girl P.* Case No. No. 102, 287 at 13-16 (Kan., Oct. 2010).

recommendation for my disbarment falsified that I had failed to adequately cite to the record in D.M.P.'s appeal brief. My opening brief alone made sixty seven citations to the record to support D.M.P.'s contentions which coincidentally also were the same assertions that the tribunal charged the me for untruthfulness in failing to support with a basis in fact.

If falsifying critical facts to the State of Kansas Supreme Court in order to falsely charge me were not egregious enough, the hearing panel members were served affidavits showing how this same technique is used by Kansas adoption attorneys to take infants from natural parents by deceiving the court. In the controversial Wilson case which the Kansas Court of Appeals allowed to be televised as part of KAKE's investigative series on our state's adoption controversy, Martin Bauer who taught CLE's with Austin Vincent publicized as giving instructions on how to evade Kansas adoption laws used this same technique: " On page 17, Martin generalizes falsely that that many of DW cites can't be found however every single one can." *In the Matter of the Application to Adopt Baby Girl W.*, Case No. 01-87291, Reply Brief of Appellant, page 7.

The State of Kansas Supreme Court determined I was a danger to citizens of our state and I was reciprocally disbarred in the Kansas and Western District of Missouri federal courts without a hearing based on conduct HB 2655 proposes to make unlawful.

Now I am a litigant as a plaintiff in a private state court civil rights action *Landrith v. Don Jordan Secretary of SRS et al*, Shawnee County District Court Case No. 10C1436³ under 42 § USC 1983. The lawsuit seeks to obtain relief from conduct by State of Kansas officials after and the disbarment including conduct Kansas judicial branch agency officials committed against me, even in other states to injure me and prevent me from obtaining non law based employment including work as a truck driver, warehouseman, clerk and other jobs I have done successfully in the past.

I am experiencing conduct that I believe is currently barred by K.S.A. 21-5905 (4)(B) and have reason to believe my cause is endangered by conduct that would be criminalized under K.S.A. 21-5905 (5). Some similarly situated persons have had even court records taken from their official files or fraud used to prevent them from being submitted to Kansas courts in related matters. I am not talking about state officials like the Shawnee District Court officials that kept James L. Bolden's records necessary for documenting his appeal from being transmitted to the Kansas Court of Appeals as happened and is described in my disbarment proceedings (the electronic filing now used by the court virtually eliminates this problem), but instead representatives of parties using their relationships with officials to cause records to be deleted or "disappeared."

Attorney Discipline prosecutor Gayle B. Larkin and Attorney and Family Law court case manager Brian Frost altered and falsified domestic court case management billing records the night before his testimony to the Kansas Board of Law Examiners to cause my former client to be prevented from taking the Kansas Bar Exam and practicing law for three years unlawfully in retaliation for for her associating with and being represented by me in *Huffman v. ADP, Fidelity et al*, W.D. of Missouri Case No. 05-CV-01205 while I was still admitted to practice law before the Western District of Missouri federal court.

The disbarment likely cost thousands of small business owners in the class action redress for their retirement accounts.

The entry barriers like long prison terms for kidnapping that would normally work against the taking children from Kansas parents being a profitable growth industry have broken down under the privatization of traditionally SRS run and managed programs like foster care and adoption. The practice of extorting Kansas attorneys from representing the interests of their clients against the unlawful taking of their children that I was intended to be a poster boy for by adoption attorneys regularly employing extrinsic fraud to prevail in court has been expanded to suppress the representation of rights of parents standing in the way of

³ <https://sites.google.com/site/landrithvkansassecretaryofsrs>

lucrative foster care contractors.

In *Landrith v. Don Jordan Secretary of SRS et al*, Shawnee County District Court Case No. 10C1436, Hon. Judge Larry A. Hendricks made a finding of law that taking a child through fraud is the crime of kidnapping. This is consistent with the Kansas Supreme Court's clarification about the relevance of deception being unlawfully used to deprive a natural parent of their parental rights in *In The Matter Of The Adoption Of Baby Girl P*. Case No. No. 102, 287 at 13-16 (Kan., Oct. 2010).

The deprivation of a person's civil rights by two or more persons acting in concert is a felony under federal law. The conduct I have experienced described now in a Third Amended Petition in *Landrith v. Don Jordan Secretary of SRS et al*. includes violations of 18 USC §§ 241 and 242 that are privately actionable by me under 42 § USC 1983. These allegations are not likely to cause the destruction and alteration of documents I am fearing. SRS contractors and private attorneys rarely even stop clearly established conduct violating my civil rights when I identify the statute, controlling decisions and documented evidence. They are quite content to have you the legislature pay any possible damages while they continue to engage in their profitable enterprises to violate the False Claims Act, 31 U.S.C. § 3729, *et seq.*, through bad faith misuse of state child protective services actions violating 42 U.S.C. § 671.

Instead I fear that the gravamen of 18 USC § 245, depriving people of their rights including the right of access to the court by depriving them of counsel and a meaningful hearing through extrinsic fraud will cause persons connected to my litigation and their government associates or accomplices to commit the conduct your amendment of K.S.A. 21-5905 addresses. 18 USC § 245 has been amended to greatly increase the penalties to include life imprisonment and even the death penalty for what some testimony has shown is a regular business model in Kansas.

The attorney appointed to represent Valerie J. Rosproy in Sedgwick County District court *Rosproy v. Rosproy*, 18th Cir. Case No. 05-DM 3224 after the remand of her attempt to remove the case and stop the ongoing documented sexual and physical abuse of her two young sons took several measures to defeat her assertion of rights and attempted to control her appeal for the purposes of concealing court transcripts showing her sons were taken without a post deprivation hearing. The same attorney was at the same time involved in defeating another client he represented through appointment, an African American woman's efforts to get a parenting plan approved to return her five children. The nature of the misconduct is so heinous but profitable and can only succeed through extrinsic fraud and the federal courts' "family doctrine" that prevent their hearing cases related to the custody of children in most circumstances.

The attorney representing David M. Price in 2002 in trial court was paid well as a court appointed representative required because of the nature of a termination of parental rights action but failed to request or obtain key records that would have preserved Price's parental rights. He also did not request return of the child to Topeka so that Price could have met the contact standard required under the controlling law at the time.

When David M. Price had his 17 year old daughter taken through extrinsic fraud and continued to be held by the SRS contractor despite violating court orders and missing most of her school attendance, Price and his wife were told several times in 2010 by the court appointed attorney handling the appeal of the SRS's unlawful taking of his daughter where frauds to the court for the purpose of materially violating the trial court judges orders were documented, that she could not finish his appeal because the State of Kansas was too corrupt and she moved to another state.

Lower level state officials who participated with private parties using extrinsic fraud to regularly make False Claims Against the US Treasury through misuse of foster care and adoption proceedings or who failed to enforce laws preventing the conduct described in my civil rights action are unlikely to be targeted for prosecution by the US Attorney but would have a great incentive in protecting their employment and retirement benefits through preventing access to evidentiary documents.

The proposed amendments to K.S.A. 21-5905 contained in H.B. 2655⁴ including appropriate level 8 felony or Class A misdemeanors provide a counter incentive against the very profitable advantages to aiding and abetting child trafficking through misuse of office.

Had such conduct been more readily identified as obstruction of justice and criminally penalized, lower level State of Kansas officials who do not appear to be directly sharing the profits of the child trafficking or serving on the board of directors of SRS contractors where their fiduciary duty to the corporation would create a conflict of interest or whose spouse is not employed in a capacity creating an appearance of a lack of bias, would have likely refused to have committed the conduct that completed the unlawful taking of Baby C through the extrinsic fraud of my disbarment.

Similarly, District Attorneys and their deputies would be less likely to bully social workers into altering or falsifying their reports to provide additional profit for SRS contractors and the SRS social workers themselves would have clear guidance to prevent such requests.

Kansas parents like Valerie J. Rosproy would have the rights to parent their children and protect them from sexual and physical abuse again. Kansas attorneys would not have the strong example of my disbarment procured through falsified reports and blocking of access to documents or the post disbarment retaliation I suffered from state officials as reasons to decline to represent parents in vindicating their state and federal rights.

I urge H.B. 2655's adoption

⁴ Section 1. K.S.A. 2011 Supp. 21-5905 is hereby amended to read as follows: 21-5905. (a) Interference with the judicial process is:
(5) knowingly altering, destroying, mutilating, concealing, covering up, falsifying or making a false entry in any record, document or tangible object with the intent to impede, obstruct or influence the investigation or proper administration of any matter within the jurisdiction of any state department or agency, or any case filed in state court or in relation to or contemplation of any such matter or case; or