

Transmittal memo

To: Boulder City Council

cc Boulder City Manager
Boulder City Attorney

From: Priscilla and Fleet White

Subject: Our comments to Boulder City Council

Date: March 18, 2014

Boulder City Council:

Attached is a transcript of our comments made last night during the Open Comment section of the Council meeting.

Additionally, we would appreciate your consideration of some background information relevant to this matter:

As you all now know, this issue was first raised in 2002 which led to proceedings in Boulder District Court. Prior to those proceedings, on August 6, 2002, we made comments to the City Council similar to those we made at last night's meeting. We have attached those comments for your review. A week later, on August 13, 2002, then-Boulder City Attorney Joseph N. de Raismes, III prepared a memorandum addressed to the City Council and City Manager in which he made recommendations to the City Council regarding our criminal justice records request. A copy of that memorandum is attached. Mr. de Raismes, like Mr. Carr, recommended that the police not publicly release the Krebs investigation files. We strongly disagreed with Mr. de Raismes' position in 2002, just as we strongly disagree with Mr. Carr's position today. As for Mr. de Raismes, he is the "municipal employee" referenced in our August 6, 2002 comments to the Council and who, though unnamed, was a subject of a book published in May 1999 by Denver true crime author, Stephen Singular. In his book, Mr. Singular describes meeting Mr. de Raismes in 1997 to confront him regarding an incident that occurred in 1991 when Mr. de Raismes was acting as interim Boulder City Manager.¹

¹ See *Presumed Guilty: An Investigation into the JonBenet Ramsey Case, the Media, and the Culture of Pornography* Pages 154-157; Beverly Hills, CA : New Millennium Press, c1999. ISBN: 1-893224-00-7. We have a copy of the book and would be happy to lend it to you or, if you prefer, it is available from the Main Branch of the Boulder Public Library. If you want further perspective on the alleged incident in 1991 and its relevance to Mr. de Raismes' interaction with Mr. Singular in 1997, you may wish to confer with Mayor Applebaum, who was on City Council in 1991.

From the minute JonBenet's body was found the Ramseys' criminal defense lawyers and their surrogates had two primary obstacles: Boulder police detectives and the White family, in their capacity as police witnesses. The interaction between Mr. de Raismes and Mr. Singular in 1997 was part of a strategy to compromise and deter the City's police investigation. It was not a coincidence that Mr. Singular's book positing the "sex ring" theory of JonBenet's death and describing his interactions with Mr. de Raismes in 1997 was published in May 1999, just as the Boulder grand jury was about to indict John and Patsy Ramsey based on Boulder police evidence.

It was not quite as easy to compromise the Whites, although they tried for years to dig up dirt on us using tabloid reporters and private investigators. There wasn't any. But, in February 2000, at a critical time for the Ramseys, Singular, with the assistance of the Daily Camera² and District Attorney Hunter, publicized the story of "very believable" Nancy Krebs who was willing to spend hours telling lies about the Whites to Boulder detectives, the Boulder District Attorney, and journalists. It was not a coincidence that the February 25, 2000 Daily Camera article appeared just days before the Ramsey's first book, *"The Death of Innocence"*, was published and the Ramseys embarked on a media blitz to promote their book, proclaim their innocence, and further discredit Boulder police officers and their investigation.

Obviously, the strategies to cripple the Boulder police investigation, ruin the Whites and generally protect the Ramseys were very successful: Following Mr. de Raismes' visit with Mr. Singular in 1997, the City was forced to cede control of the investigation to outside counsel with obvious conflicts of interest with respect to the Ramseys' lawyers and John Ramsey's former employer, Lockheed Martin Corporation; demoralized police detectives were assigned long task lists compiled by the new lawyers as preparation for a doomed grand jury that was delayed for almost two years to accommodate the Ramseys; indictments of the Ramseys by the grand jury in October 1999 were not pursued or even presented in open court as required by Colorado law, as the City and Boulder police looked on, mute; upon publication of the Daily Camera article in February 2000, the Whites were instantly and hopelessly ruined as police and grand jury witnesses, despite the Boulder police "investigation" of Nancy Krebs' lies; the Ramsey lawyers' threats of litigation against the City paid off in 2003 with the transfer of the investigation to the Boulder District Attorney, Mary Lacy who would, in 2008, grant the Ramseys an effusive apology and exoneration.

It is now perfectly obvious to us that throughout the period from December 26, 1996 until at least early 2009, the official investigation of the JonBenet Ramsey homicide has been under the effective control of people within and outside government who did not want John or Patsy Ramsey charged with crimes in relation to the homicide of their daughter. As a result, and as a matter of self-protection, officials of the City of Boulder, its police department, the Boulder

² Beginning shortly after JonBenet's homicide and continuing at least through the 1998-1999 Boulder grand jury proceedings and the February 25, 2000 publication of the Krebs story, the leadership of the Boulder Daily Camera aggressively defended the interests of the Ramseys and took every opportunity to criticize the Boulder police investigation. In a January 19, 1997 editorial, Boulder Daily Camera Editor Barrie Hartman set the tone for the newspaper's subsequent reporting of the Ramsey homicide investigation: "I think most of the people in this town want to reach out and embrace John and Patsy Ramsey. I confess that I am among those who believe clear down to their toenails that neither of the parents had anything to do with JonBenet's death." It was under Mr. Hartman's byline that the Daily Camera published the Krebs article on February 25, 2000.

District Attorney, the Boulder District Court and the Boulder criminal justice system in general, long ago closed ranks with respect to the JonBenet Ramsey homicide investigation and against anyone who was perceived to be adverse to the interests of John and Patsy Ramsey. It is also perfectly obvious to us that those institutions and agencies did so at the great expense of others, including our family, and, as a result, have caused tremendous damage to the public's trust.

For your convenience, we have transcribed the Boulder City Attorney's comments at the conclusion of last evening's Open Comment section as follows:

"We did receive a complaint from the Whites today. We did ask them not to file it because it appears to be the same complaint they filed in 2002 and has already been adjudicated. We will defend it. The Ramsey investigation is still open and those are criminal justice records. The Court decided in 2002 they weren't releasable and we don't believe they are releasable now. "

We encourage you to review and consider the information and views expressed in this memorandum, our comments made last evening, and our March 17 complaint before coming to a determination as to whether or not the City should take the course that has been set by the City Attorney.

In 2002 the Boulder District Court chose to only release Nancy Krebs' police interviews but nothing regarding the eleven week police investigation. We are hopeful that you will agree that today, nearly twelve years later, further withholding of the Boulder police Krebs investigation files would be manifestly unfair to our family. Since we do not know what is in the files, we are at a disadvantage. We do, however doubt that any measureable injury to the public interest would result from releasing the records, and that any such purported injury could not possibly offset the weight of our family's—and the public's—compelling and legitimate interests in disclosure.

We do not believe that the City and the custodian of the criminal justice records we seek are constrained by the District Court's 2002 ruling as Mr. Carr now contends. Moreover, we seriously doubt that the release of the records will have any bearing on the "open" Ramsey investigation.

Before further opposing our request, and certainly before pursuing sanctions against us as Mr. Carr as threatened, the City Council should satisfy itself that, in fact, the Boulder police has a *legitimate and compelling investigative* need for denying access to the requested criminal justice records. If you believe there is such a need or if you are unsure, please allow this matter to proceed to a hearing as intended by statute. If there does not appear to be any such legitimate and compelling investigative need for denying access, we ask you to instruct the custodian to release the records.

Thank you.

BOULDER CITY COUNCIL MEETING
COUNCIL CHAMBERS
Tuesday, March 18, 2014

OPEN COMMENT

Comments of Priscilla and Fleet White re: Criminal Justice Records Request:

My name is Fleet White. My wife, Priscilla, and I have lived in Boulder since 1994. On Christmas Day, 1996, John and Patsy Ramsey and their children, Burke and JonBenet were dinner guests at our home. The next day we were present at the Ramsey home when JonBenet's body was found. Priscilla and I and our children instantly became witnesses in the Boulder police investigation of JonBenet's death. We eventually became publicly critical of then-Boulder District Attorney Alex Hunter's handling of that investigation. In 1998 and 1999, we cooperated with prosecutors and gave sworn testimony to the Boulder grand jury. As was publicly revealed last fall, the Ramseys were indicted on felony charges related to JonBenet's death. The indictments, however, were not presented in open court in accordance with Colorado law. Instead, at the conclusion of the grand jury in October 1999, District Attorney Hunter, along with numerous Boulder and Colorado law enforcement and government officials who were privy to the grand jury proceedings, chose to keep the indictments secret and then make public pronouncements that were designed to mislead the public to conclude that the grand jury had failed to indict.

On February 25, 2000, only four months following his public deceptions regarding the grand jury proceedings, District Attorney Hunter conspired with the Boulder Daily Camera to take the extraordinary step of publishing a front-page headline story of an unidentified woman from California who had come forward with claims that "if true, could mean the Ramsey case is tangled in sexual abuse and involves more people than originally thought." The woman was soon publicly identified as Nancy Krebs. The Daily Camera story triggered widespread speculation that I was involved in JonBenet's death and had committed crimes spanning decades involving child abuse, pedophilia, and child pornography. Prodded by Mr. Hunter and the Daily Camera, the Boulder police conducted a wasteful eleven-week investigation of Ms. Krebs' false claims and allegations that concluded with a May 15, 2000 city press release that states the investigation had found no evidence to support Ms. Krebs' belief that JonBenet had been murdered by a "sex ring." Otherwise, the city offered the public no information regarding the investigation or the woman's veracity and did nothing to dispel speculation caused by the Daily Camera article regarding alleged crimes unrelated to JonBenet's death by members of our family. The defamation spawned by Mr. Hunter and the Daily Camera in 2000 was then and continues to be devastating to our family. We have absolutely no doubt the Daily Camera and Mr. Hunter exploited Ms. Krebs and published the article with the intent of casting suspicion on our family in relation to JonBenet's death; destroying our reputations and credibility as police and prosecution witnesses in the investigation and grand jury proceedings; and silencing us as critics of Mr. Hunter.

*

My name is Priscilla White.
White who spoke previously on this same matter.

I am married to Fleet

In 2002, as some of you may recall, we asked the city for police records regarding the 2000 investigation of Ms. Krebs claims. That request was denied and we brought an action in district court under the Colorado Criminal Justice Records Act. Following a hearing, the court released 285 pages of transcriptions of the woman's police interviews detailing her absurd and false accusations of sexual abuse by members of our family that had been the basis for the 2000 Daily Camera publications. The Court, however, did not release any records concerning the investigation of Ms. Krebs' fabrications.

In 2011 we again asked the city for the investigative files. That request was denied.

On February 19 of this year, following the revelations concerning the Ramsey indictments, we once again asked the city to inspect and copy the police files regarding the Krebs investigation that was concluded nearly 14 years ago. Once again the city has refused. Yesterday we received an e-mail from the Boulder City Attorney threatening that if we ask the district court for an order requiring the city to show cause for its refusal, the city will consider such application to be "frivolous, groundless and vexatious" and seek sanctions against us from the court.

We have nonetheless filed with the court a complaint and application for order to show cause and we have faith that the Boulder district court will ignore any such claim by the city and issue an order for the city to show cause for its refusal to allow public access to the Krebs investigation records.

To be clear, we seek investigative records from the city that may provide our family vindication from Ms. Krebs' false claims and accusations as detailed in the interview transcriptions publicly released by the court in 2002. We also seek a measure of transparency regarding the motives and actions of those who engaged in or abetted attempts to destroy our family simply because we posed a threat to their interests in relation to the JonBenet Ramsey homicide investigation.

20 years ago we picked Boulder as the place to raise our young family and over the years this community has given us a mixture of blessings and burdens. Among the burdens has been our experience as Boulder police witnesses in the JonBenet Ramsey homicide investigation. Cooperating with law enforcement officers by telling everything you know, or don't know about the commission of a crime is something that all citizens should be prepared to do. That is what our family did and we did so without any expectations other than to hope that whoever was responsible for JonBenet's death would be brought to justice. Instead, it was our family who were publicly branded as murderers, torturers of young children, pedophiles, and perjurers.

We ask that this council apprise itself of the facts and issues underlying this matter and, after consideration, cause the public release of criminal justice records as we have requested.

Thank you.

Address to the Boulder City Council August 6, 2002
Priscilla and Fleet White

In February of 2000 a woman came forward with allegations and accusations against our family. The woman falsely alleged that we were ritual child sex abusers and involved in the homicide of JonBenet Ramsey. She also falsely alleged that we were part of a conspiracy that included prominent people in Boulder and elsewhere in Colorado. The woman and her allegations were first publicized by the E.W. Scripps-owned Boulder *Daily Camera* in a libelous front-page headline story on February 25, 2000 and the following day by another Scripps' newspaper, the *Rocky Mountain News*. The *Daily Camera* article, authored by former *Daily Camera* editor Barrie Hartman, falsely implied that JonBenet had been tortured and killed at our home on December 25, 1996 when "an asphyxiation technique used to stimulate an orgasmic response during a child sex and porno 'party' went too far." The story noted that while the Boulder Police did not find the woman to be credible, former District Attorney Alex Hunter regarded her as being "very believable". The article included a warning from Mr. Hunter to the Boulder Police: if they failed to investigate the woman's accusations, he would take the matter to the U.S. Attorney. It was Mr. Hunter's favorable assessment of the woman that emboldened the *Daily Camera*, its publisher Colleen Conant and Scripps' lawyers to publish the article, an article they knew would open the way for publicizing additional details and embellishments of the woman's false accusations. Those libelous details were quickly provided by the Longmont *Daily Times-Call*, CBS owned KCNC News, Clear Channel KHOW AM 630 talk radio, FOX News and Boulder Community Access Television. There were also months of Internet leaks, interviews and anonymous commentary.

The public dissemination of the woman's false accusations that was intentionally set in motion by Mr. Hunter and The E. W. Scripps Company resulted in the most damaging defamation that can be imagined.

Notwithstanding its justified skepticism of the woman's truthfulness, the Boulder Police Department responded to the goading of the *Daily Camera* and the bullying of Mr. Hunter by immediately commencing a highly publicized investigation. Unsatisfied, the *Daily Camera* published an editorial on March 22, 2000 criticizing the Boulder Police for not taking the woman's accusations seriously. In response, the Boulder Police Department dutifully strung out the investigation for eleven weeks. On May 15, 2000, Chief Beckner issued a public statement noting the conclusion of the investigation of the woman's accusations. In his statement, Chief Beckner indicated that none of her accusations and claims could be linked to the Ramsey homicide. What was not mentioned by Chief Beckner is the fact that the woman was a fraud and had broken the law by knowingly making false reports of serious criminal activity to the Boulder Police Department, the Boulder District Attorney and the Federal Bureau of Investigation. Nor did Chief Beckner make any reference to the central roles played in her criminal episode by a number of people including Mr. Hunter, Mr. Hill, Mr. Singular and Mr. Hartman as well as other employees and representatives of the E. W. Scripps Company. At a meeting at our home on June 13, 2000, Chief Beckner told us that he doesn't "battle someone who buys ink by the barrel."

Earlier this year we requested criminal justice records relating to the investigation of the woman's accusations from Chief Beckner and District Attorney Mary Keenan pursuant to Colorado criminal justice record statutes. The Boulder Police have refused to release any of the records in its possession. The District Attorney, however, has released to us all documents in its possession relating to the woman's accusations and the ensuing investigation. Among those documents are notes taken at a February 16, 2000 meeting at the home of Mr. Hartman. Present at the meeting were Mr. Hartman and Mr. Hunter, as well as a lawyer, Lee Hill, who was representing the woman. Also in attendance was Stephen Singular a Denver author of true crime books. In 1999 during the Ramsey grand jury investigation, a book authored by Mr. Singular was published. The premise of Mr. Singular's book was that a group of people in Boulder and possibly a Boulder municipal employee, were engaged in pedophilia and pornography and may have been responsible for the death of JonBenet or participated in a conspiracy to cover up the circumstances of her death. Mr. Singular further speculated that the cover up conspiracy may have plagued the Ramsey investigation from the outset and could explain why charges had not been brought against someone for JonBenet's homicide.

In his book, Mr. Singular claimed that he had met with Mr. Hunter on several occasions and that Mr. Hunter had urged him to pursue his theories. Mr. Singular dedicated his book to Mr. Hill.

The documents that we received from the District Attorney strongly support what we have suspected for some time: The investigation of JonBenet's homicide has been conducted in a moral and ethical vacuum and has been driven by petty self-interest, vindictiveness, and a profound disregard for the criminal justice system and common civility.

On June 24 of this year we applied to the Boulder District Court for an order directing the City, Chief Beckner and the Boulder Police Department to show cause why they should not release its records relating to the investigation of the woman's false accusations. The Court has set a hearing for August 16th. Our family and the public are entitled to each and every government document that may shed light on the deceit and misconduct of Mr. Hunter, Mr. Hartman, Ms. Conant and anyone else responsible for promoting and publicizing the woman and her false accusations. Forcing us to bring this matter into District Court further defines the leadership of Boulder municipal government to be little more than a group of selfish and cowardly civil servants with no genuine or abiding interest for the rights of Boulder citizens or their criminal justice system.

In May 2001, John Ramsey's criminal defense lawyer, Harold Haddon, appeared in Denver at a panel discussion. The topic was "The Media and the Bar". Ironically, the moderator was one of Patsy Ramsey's criminal defense lawyers, Patrick Burke. In response to a question from Mr. Burke regarding what ethical rules had applied to the interaction of lawyers with the press in the Ramsey Investigation, Mr. Haddon arrogantly decreed: "There weren't any rules that applied to anybody in the legal profession, members of the District Attorney's office or representatives of the Ramseys and various witnesses". Mr. Haddon was wrong. There were rules. And there were laws. What Boulder and the State of Colorado lacked were government leaders, prosecutors, judges and attorney regulation and law enforcement officials who possessed the courage and the integrity to enforce them.

We request that the City of Boulder reconsider its position and release the criminal justice records that we have requested pursuant to Colorado law.

* * *

CITY OF BOULDER, COLORADO

Office of the City Attorney
Municipal Building
1777 Broadway
Post Office Box 791
Boulder, Colorado 80306
Telephone (303) 441-3020
Facsimile (303) 441-3859



CONFIDENTIAL MEMORANDUM

TO: William R. Toor, City Mayor
Ronald A. Secrist, City Manager
Members of the City Council

FROM: Joseph N. de Raismes, III, City Attorney

SUBJECT: Request of Fleet White for Access to Certain Homicide Investigation Files

DATE: August 13, 2002

Mr. and Mrs. White asked to inspect and copy the files of the police department concerning the department's investigation into some sensational claims in the Ramsey murder case, focusing on Mr. Ramsey, Mr. White, and an alleged child sex ring. These claims, supposedly originating from a woman in California named Krebs, were conveyed by a lawyer (Lee Hill) to a Camera newspaper editor (Barry Hartman), who caused a meeting to occur in his home with himself, then District Attorney Alex Hunter, Hill, and others present, after which Hunter asked the police department to investigate and follow up. The Camera did a story on all this. The department did follow up, but after investigation determined that there was no evidence to back up these allegations, and issued a press release to that effect.

Chief Beckner, who is a custodian of records held by the department, denied the request, as he is permitted by statute to do. His reasoning, given in his letters of denial, was that these were files which were part of an active, open homicide investigation. He further stated:

"The investigation of Krebs' allegations necessarily involved some issues and aspects of that investigation. To disclose aspects of our investigation into tips and information received could inhibit persons from coming forward with information and prevent witnesses from cooperating in the future. Furthermore, releasing information concerning Krebs' allegations could disclose information not previously made public. The Jon Eberet Ramsey homicide investigation is still an open, active investigation."

It is the normal practice of most police departments not to release any files in open cases except as part of a specific request for public assistance (and even then, it is typically information released in a press release rather than file documents). There is also a question of allocation of

resources here. A great deal of detective time would have to be spent reviewing files to see if there was something in some part of the investigation of a lead which didn't pan out which would reveal something which could negatively affect the ongoing investigation into the crime, and into other crimes as well.

The Whites have suggested that since the District Attorney's office was willing to release to them its files concerning what it knew about the Krebs allegations, it is somehow improper for the City not to follow suit. The District Attorney's records concerning this matter are not at all the same as those of the police department, and the District Attorney's involvement in the case (beginning with the rather unusual meeting) is different. Thus the decision of the current District Attorney that there would be no harm to the public interest were it to release to the Whites the records it possessed concerning these specific allegations has no bearing on the propriety of the decision of the Chief not to permit inspection of the records of the Boulder Police Department. In fact, the Chief did allow the Whites to inspect one of the investigatory files they wished to see - the department's investigation into the Whites' complaint that a criminal libel had been committed by someone in the Krebs matter.

Since the Whites exercised their statutory option under the Criminal Justice Records Act to have a court review the Chief's denial, Walt Fricke of the City Attorney's Office has filed a motion to dismiss, and will support the Chief's position in litigation. The legislature determined that people in the Chief's position are best placed to decide whether releasing criminal investigation files serves the public interest or not, and second guessing that decision is fraught with danger. The Whites appear to have been the victims of unfounded allegations, and it is difficult not to be sympathetic toward them for that. However, releasing the actual investigatory files will not undo that harm, and it certainly will not advance the Ramsey investigation. Had the Whites brought a civil action for defamation, matters might be resolved differently as part of civil discovery. In such a situation a judge could weigh the litigants' need for the information against the police department's investigatory needs, and could fashion protective orders. But that is not the course the Whites have chosen.

Should Council members wish to see the pleadings (which include the newspaper story and the subsequent City press release) or the City's brief which sets out the legal position, these are on file in the Council office. I have had Chief Beckner check this memorandum, and he would join me on it were it not confidential. If Council is willing to waive the attorney-client privilege for this memorandum, I propose to give Mr. White a copy. I will contact Council members to get your advice about this.