



# USA KIA/DOW Family Foundation

A 501(c)(3) Nonprofit Corporation  
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Begun by KIA families,  
for USA KIA families;  
Every day is Memorial Day!

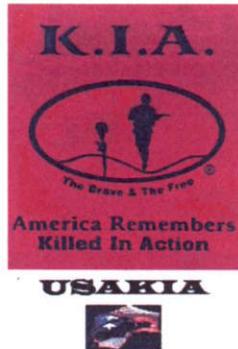
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## For Immediate Release

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## Nonprofit Benefiting Families of Killed in Action Stands Up for Bill of Rights, Starts Press Room at Its Web Site

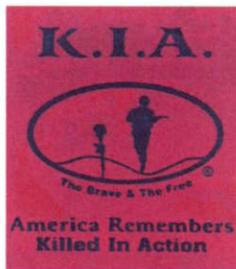
*Americans celebrate Bill of Rights Day today, and a public-benefit corporation for killed in action (KIA) and died of wounds (DOW) families remembers that members of the U.S. military fought and died for the freedoms contained in our Constitution and its Bill of Rights.*

San Jose, CA (I-Newswire) December 15, 2005 – Established just 7 days after Pearl Harbor on December 15, 1941, FDR initiated Bill of Rights Day, a celebration of the first ten amendments to the Constitution passed in 1791. To celebrate Bill of Rights Day today, the USA KIA/DOW Family Foundation (USAKIA) announces its complaint against what it describes as a repeat of a similar June 2000 incident before it incorporated. On October 7 of this year, Sunnyvale and San Jose police allegedly made an illegal and unnecessary raid on the small nonprofit helping families of U.S. killed in action (KIA) and died of wounds (DOW). The organization mentions upholding the Constitution for which their family members fought and died. It also established a press room at its [www.usakia.org](http://www.usakia.org) Web site which contains press releases and other information.

Reportedly over a dozen Sunnyvale and San Jose police raided the small nonprofit at gunpoint on October 7. The 8AM raid rudely awakened USAKIA's president-assistant Webmaster, Vincent Bartning, who was 40 at the time, where he says police ordered him out of his room in a state of undress at gunpoint, then put him in tight handcuffs. Telling him he was "detained," he claims an illegal action under the California Penal Code, they intimidated him, telling him to shut-up and singling him out to take around the corner, disregarding his requests to loosen the handcuffs. Police had also allegedly ordered the residence's owner outside in a state of undress and threatened to destroy property for entry.

Witnesses say police destroyed and seized property anyway, kicking in a wall and jimmying open a shed, the latter containing items donated to the nonprofit. Police did have an Arrest Warrant for an individual who was not there. Moreover, the owner told them the person lived in a separate room in a different part of the approximately 1,400-square-foot mobile home.

Mr. Bartning had a similar experience with San Jose Police back on June 18, 2000, for which he filed a lawsuit in 2001, Bartning vs. City of San Jose, case numbers C 01-20837-JF (RS) and C 03-02669 HRL, U.S. Appellate Court case numbers 03-16597 and 03-16678. In that incident, he says court papers even say police gained illegal entry. However, Vincent says he had run out of appeals earlier this year. He thinks this "new illegal raid," as he describes it, will give his case another chance.



**USAKIA**



In his June 2000 case, Mr. Bartning says San Jose admits its police actually questioned how many stars the U.S. flag has. Moreover, a lawyer from Bay Area Police Watch, a fellow nonprofit organization based in Oakland, wondered how police could confuse Mr. Bartning, who is about 5 feet 8 inches, with the person listed on the October 7 warrant as 6 feet 4! "It certainly is a great case of mistaken identity," Bay Area Police Watch's lawyer said critically, "and not one that could be made very easily to say the least!" According to the plaintiff, San Jose also admitted in court documents its police illegally entered the premises in the 2000 incident, and the parties involved claim police searched illegally on October 7.

In their November 5 meeting, the nonprofit's board advised its officers to resolve the matter as soon as possible but also reinforced their authority to pursue the matter legally. Mr. Bartning plans to pursue it on his own as well, but USAKIA values a quick resolution with San Jose and Sunnyvale.

A theory of Anglo-American law goes, "the king can do no wrong," so the government has to grant permission for someone to sue it. USAKIA filed claim number 05-06-033 with Sunnyvale about the matter, and it also filed claim number C-7983-05 with San Jose. The nonprofit had direct expenses because of the incident, including a locking doorknob on the shed police pried open. The Sunnyvale and San Jose police actions interrupted the public-benefit corporation's business, and other complaints abound.

The USA KIA/DOW Family Foundation (USAKIA), based in San Jose, California, is an IRS-approved, tax-deductible and tax-exempt nonprofit. KIA families incorporated the 501(c)(3) organization in the fall of 2003 to benefit families of those killed in action and died of wounds while in the U.S. armed forces. Current services include memorials, membership, and it plans a new California Medal of Honor Project (CAMOHP). It also sells products honoring U.S. KIA. America Remembers KIA allows USAKIA the use of its trademarked KIA flag and symbol. See the organization's Web site at [www.usakia.org](http://www.usakia.org) for further information. USAKIA has opened a new press room at its Web site.

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