



On Monday morning, I was interviewed on News And Views on KFGO 790 AM (simulcasted on KEYZ 660 Williston) about current federal judicial issues. Here is an edited for content and clarity version of the interview that played on statewide radio.

1. Mark, about Judge Boasberg's Ruling [of April 16, 2025 finding the Government in contempt for deporting migrants under the Alien Enemies Act in March], can you walk us through what happened and why you found the administration's response so troubling?

A federal judge has found probable cause that the administration willfully ignored a court's order. That is a big deal.

Here's the background, all of this happened last month. On a Friday night, the President made a "proclamation" that Tren de Aragua is attempting to invade the United States, which triggers the President's use of the Alien Enemies Act.

This President made the proclamation on a Friday night, though it was not made public until 3:53 on Saturday afternoon. There had already been individuals pulled off the streets, placed in detention without being charged with a crime or being able to talk to a lawyer.

On Saturday morning, the detainees were being loaded onto busses, taken to an airport, and put on planes to leave the United States. This all appears to have been done to be an end run around judicial review.

By Saturday morning at 10:15, the United States District Court for the District of Columbia ordered an emergency hearing for 5:00 p.m. on Saturday afternoon. This was a hearing to determine whether an injunction should be issued preventing immediate deportation of several hundred people under the Alien Enemies Act.

The Hearing began at 5:00, and two planes took off and left United States airspace during the Hearing. At 6:45 p.m., the Court issued an oral Order. It prohibited the removal of the people, and if that means "turning around a plane or not disembarking anyone on the plane, . . . I leave to you."

The oral order was reduced to writing within a half hour. After the Court's Order, a third plane took off with persons to deport from the United States. The planes landed in El Salvador after midnight.

Here is what contempt of court means. There is a clear order; the order was violated, and the violation was willful. The government has until Wednesday to explain itself.

Judge Boasberg determined that the government was not following his order. And that the government's disobedience was intentional.

Now there are calls for his removal as a judge. The idea that the government can disobey a court order and that's okay causes the entire legal system to be degraded. If the government doesn't have to follow court orders, why should anyone else have to? That's not a good place to go.

2. The Alien Enemies Act was cited in this case. What is the law and why is its use here so controversial?

Well, it's an emergency act that gives the President emergency or wartime powers. The powers of this act are only supposed to be used "whenever there is a declared war between the United States and any foreign nation or government," or "any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign national or government."

There is no due process, no court hearing, no jury trial. It vests an immense power to the President. The last time this act was used was in World War II, to intern non-citizens of Japanese, German, and Italian descent.

We are not at war. The last time the Congress declared a war was 1941. Nor has Tren de Aragua invaded or is it in the stages of invading the United States.

Here, the President is attempting to use emergency powers to sidestep the normal legal and judicial process to remove people from the United States. I think that the President's proclamation that there is an emergency to use this act is a legal fiction and a pretext to provide the President with more power. And courts have the right to review the President's decisions and determine if they are lawful.

3. Some have called the administration's behavior "lawless," what specific actions concern you the most when it comes to the executive branch respecting court authority?

If you have a court order that says you are supposed to do something and you don't do it, that's not good.

If you have a judge who makes a decision that you don't like, and your response is to trash the judge, trash the courts, call for the removal

of the judge, and tell anyone who will bother to listen to you that the judge does not have the authority to call out unlawful executive behavior. We are going down a dark road.

I used to be a high school government teacher and teach government procedure at North Dakota Boys State every summer. For nearly 30 years I have taught about American values. One of the most important things that separates the United States from other countries is our value of due process;

We don't pull people off the street, put them in jail, and throw away the key without due process.

Secret police and gulags are a thing in Russia.

Secret police and being put away are a thing in Iran.

That is not what America is about.

If each of the people on the plane were bad people who had no business being in the United States, then prove it. Give the individuals a hearing, a court to hear their case, and the ability to say that they got a fair shake.

Why does this matter? You may be sitting on a tractor right now, thinking that because I'm a natural born American citizen, it's fine. Some of you may think that I am over reacting.

The road to authoritarianism is paved with people who say "you are over-reacting."

4. Do you think we're seeing a breakdown the separation of powers between the executive and judicial branches? How should that concern everyday Americans?

Well, if you want to put this in simple terms, think about things from the perspective of sports. Like yesterday's Twins/Braves game, there are two sides, right? Atlanta and the Twins. Then you have the umpires.

If the Twins decide that their side of the inning will not be done unless there are four outs, or that the players get to determine whether a runner is out or safe, the Twins will make calls that help them win.

We have umpires, or courts, to ensure that everyone is playing by the same set of rules, so that rights are respected, both rights of people and of the government.

5. As a former Special Assistant Attorney General, what would you say to legal professionals or even current public officials who are wrestling with how to respond to these developments?

I'm Norwegian. There is an old saying in my culture that goes something like this "after you are gone, the only thing that remains is the reputation you made for yourself, good or bad."

The people who hold positions of power must make decisions that belie who or to what they are loyal. There are higher duties than loyalty to a President.

When I swore an oath to be a special assistant attorney general for the State of North Dakota, it was not to be loyal to a governor or to a political party, it was to "support the constitution of the United States, and the constitution of the State of North Dakota and will faithfully discharge" the duties of my office.

We became the first country on the face of the earth to swear an oath to a piece of paper, not to a party, a President, or an Emperor. So far, that has worked well when we respect how the system works.



Join us for our annual Gopher Hunt!!!

Saturday, May 3rd

**Must be signed up and paid before you hunt.
\$20 per person up to 2 person teams.**

100% Payout!

**Rules meeting at 11:30 am at The Riv.
Hunt Saturday starting at 12 pm.**

Must be in by 6 pm.

Free will offering supper after hunt.

Call The Riv @ 453-9695 to register

Social Security Needs To Prioritize Customer Service

*By Nancy Guy,
AARP ND Volunteer
State President*

The Social Security Administration (SSA) has struggled with customer service for years. Declining staffing and funding have left North Dakotans in the lurch, dealing with long wait times on the phone and in Social Security offices, busy signals on the phone, or being unable to reach anyone for their customer service needs. SSA scrapped a service change last week that would have forced many North Dakotans to go to a Social Security office in person for routine services currently handled over the phone. This would have been a significant barrier to service in a state where 13,000 people over 65 live 180 miles round-trip from the nearest SSA office.

No organization has been more outspoken about tackling SSA's customer service issues than AARP.

While we're encouraged that SSA is listening to customer service concerns, we won't take potential improvements for granted. The incoming Social Security Administrator needs to focus on delivering effective and efficient customer service to everyone who needs access to Social Security.

According to SSA's own data, call wait times, hold times, and customer service resolutions have been inconsistent for years. Call volume to SSA has increased substantially, and wait times are rising. Fewer people can reach a Social Security representative to meet their needs, and fewer people are getting resolutions to their problems.

It doesn't help that Congress

hasn't provided the funding necessary to ensure Social Security can deliver quality customer service. Funding to improve the program has long been on the decline. SSA funding has dropped by nine percent since 2018.

This challenge emerges just as more people, approximately 10,000 people every day, are retiring.

Yet, SSA has been unclear and uncommunicative with the public about its customer service issues in 2025. From backtracking on phone service changes to confusion over office closures, SSA's public controversies have driven anxiety for Americans everywhere. If they don't commit to customer service improvements, it will cause real hardship for many older Americans trying to get the Social Security they have earned.

The income Social Security Commissioner would be well served by re-committing SSA to providing timely, efficient, and effective customer service. SSA must be clear when communicating any possible changes and the effects of lower staffing levels. And Congress needs to provide oversight to ensure that customer service is prioritized at an agency that has struggled to serve Americans everywhere.

You earned your Social Security benefits. We encourage everyone in North Dakota to join us in calling for SSA to ensure consistent, effective, and efficient Social Security services that will deliver the benefits hardworking Americans deserve. Learn more at www.aarp.org/socialsecurity.

instruments in which the fund is invested. The Legacy Fund, which is financed mostly by state oil tax collections, was worth \$12 billion in January.

Under HB 1447, a virtual-currency kiosk operator must disclose all relevant terms and conditions generally associated with virtual currency. The kiosk also must display warnings about the risks of virtual currency. Kiosk operators would submit a quarterly report on the location of each kiosk located in the state.

Liability and Minimum Sentences

Under HB 1205, if an abandoned infant who is less than 60 days old is left in a newborn safety device, or at an approved location, the infant's receiver may not ask about the identity of the parent or the parent's agent or require either to provide information. Any information provided would remain confidential.

HB 1206 provides a minimum sentence for an individual convicted of causing injury or death while operating a vehicle while under the influence and while accompanied by a minor. The sentence is a fine of \$750, at least two days' imprisonment, 365 days of unsupervised probation, and 365 days of participation in a 24-7 sobriety monitoring program. For a subsequent offense, the sentence is a year and one day's imprisonment, a \$2,000 fine, an evaluation by a licensed addiction treatment program, two years of supervised probation, and a year's participation in the 24-7 sobriety monitoring program.

Under HB 1561, a business is liable for damages if they do not take reasonable age verification steps when publishing or distributing sexual material that is harmful to minors.

Miscellaneous

SB 2138 provides \$200,000 to the Department of Health and Human Services to offer grants to organizations that care for the elderly in North Dakota's rural areas.

Under HB 1170, newly hired stated employees will now receive 40 hours of paid leave, which they may use only during their first year on the job.

Armstrong Orders Flags At Half-Staff

Governor Kelly Armstrong released the following statement regarding the passing of Pope Francis, leader of the Roman Catholic Church, who died Monday, April 21, 2025, at age 88.

"Pope Francis led by example with humility, kindness and respect for the dignity of all God's children. We join members of the Catholic Church in North Dakota, and all who admired him around the world, in mourning his passing and honoring his legacy of servant leadership and caring for those in need," Armstrong said.

As a mark of respect for Pope Francis, Armstrong has directed all U.S. and North Dakota flags to be flown at half-staff, and encourages North Dakotans to do the same at their homes and businesses, until sunset on the day of interment. The directive is in accordance with a proclamation issued by President Donald Trump.

Public Urged To Take Note Of Emergency Fire Closure Order On National Forest System Lands

The public is urged to take note of the recent emergency fire closure order on National Forest System lands within the Little Missouri National Grasslands and Dakota Prairie Grasslands due to severe fire danger.

"Anyone utilizing National Forest System Lands within Billings, Golden Valley, McKenzie and Slope Counties should take note of this recent order to protect lands, resources and facilities during this period of severe fire danger," Agriculture Commissioner Doug Goehring said. "Even though the area has received some moisture, people need to be cautious as dry conditions persist." Certain activities are restricted

through May 15, unless the order is rescinded. Restricted activities include building, maintaining, attending or using a fire, campfire, or stove fire; smoking and using wheeled motor vehicles on non-surfaced National Forest System roads. There are some exemptions. The full order may be viewed at <https://www.fs.usda.gov/alert/dpg/alerts-notices/?aid=93819>.

For more information, contact the McKenzie Ranger District in Watford City at 842-8500; Medora Ranger District in Dickinson at 227-7800; or Dakota Prairie Grasslands Supervisor's Office in Bismarck at 989-7300.

Larson To Seek Bar Association Position

Mark Larson of Minot, North Dakota announced his candidacy for Secretary/Treasurer of the State Bar Association of North Dakota. Larson has been a member of the state bar since 1979. During his time with the state bar, he served on the Patten Jury Instruction Committee, and was also a member of the inaugural Lawyer Assistance Program Committee.


Larson is a 1979 graduate of the University of North Dakota School of Law. He holds degrees in Political Science and Economics. In addition, he received a Master of Accountancy from the University of North Dakota in 1985. He has been a Certified Public Accountant since 1986. Larson has been certified as a Civil Trial Specialist since 2006 and as a certified pretrial civil specialist since 2012. His practice focuses on helping persons who have been injured by the acts of others.

Larson is a Leader's Forum member of the American Association for Justice. He has served its Board of Governors for over ten years. He is a member of its Retirement Commit-

tee and the AAJ Trustees PAC. The American Association for Justice is an international organization comprised of nearly 20,000 members.

Larson is also on the Board of the North Dakota Association for Justice and served as its President in 2012-2013. He was awarded the "Light of Justice" award by the North Dakota Association for Justice in 2024.

Recently, Larson became involved with the finances in the State Bar Association. He encouraged the Association to provide better management of its investments. As a result of his efforts, the State Bar created an investment policy and created an investment committee. Larson is a member of that committee. Larson stated, "I believe I can provide benefits to the State Bar Association with my international experience from the American Association for Justice together with my unique qualifications as a Certified Public Accounts and my understanding of investment principles and trends."



Panel discussion on

Foster Care

Learn about becoming a foster carer, and panelists will share stories of growing up in the foster care system, as well as the process

Wednesday, April 30th
American Lutheran Church
401 1st St. SW
5:30-6:30pm




SPICKLER RANCH SOUTH

Annual Production Sale

Monday, May 5, 2025 at the ranch - Glenfield, ND

150 Angus Bulls • 70 Angus Females

----- Selling 150 Great Heavy Muscled, Performance & Maternally Bred Bulls -----



SR South Pacesetter 3421

Lot 1

CED +13 BW +5 WW +65 YW +106 Milk +29



SR South Big Country 428

Lot 9

CED -1 BW +3.7 WW +86 YW +155 Milk +36

• 1000 Mile FREE Delivery • Semen Tested • Genomic Enhanced EPDs • NO creep • First Breeding Season Guarantee!

DVAuction
Broadcasting Real Time Auctions

Nathan & Emily Spickler
8155 Highway 200 | Glenfield, ND 58443
nathan@spickler ranchsouth.com | Nathan: (701) 650-1077 • Emily: (701) 650-8841
www.spickler ranchsouth.com