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Illegal raids contribute to death of newspaper co-owner

Stressed beyond her limits and overwhelmed by hours of shock and grief after illegal police raids on her home and the Marion County Record newspaper office Friday, 98-year-old newspaper co-owner Joan Meyer, otherwise in good health for her age, collapsed Saturday afternoon and died at her home.

She had not been able to eat after police showed up at the door of her home Friday with a search warrant in hand. Neither was she able to sleep Friday night.

She tearfully watched during the raid as police not only carted away her computer and a router used by an Alexa smart speaker but also dug through her son Eric's personal bank and investments statements to photograph them. Electronic cords were left in a jumbled pile on her floor.

Joan Meyer's ability to stream TV shows at her home and to get help through her Alexa smart speakers were taken away with the electronics.

As her home was raided, other officers descended upon the Record office, forcing staff members to stay outside the office for hours during a heat advisory. They were not allowed them to answer the phone or make any calls.

Marion police chief Gideon Cody forcibly grabbed reporter Deb Gruver's personal cell phone out of her hand, reinjuring one of her fingers, which previously had been dislocated.

Officers seized personal cell phones and computers, including the newspaper's file server, along with other equipment unrelated to the scope of their search.

They refused to say when the items, necessary for publishing next week's issue of the Record, might be returned. The newspaper has obtained equipment to ensure publication and is working to re-create material for the paper.

Legal experts contacted by the Record termed the raid unheard of in America and reminiscent of what occurs in totalitarian regimes and the Third World.

The Record is expected to file a federal suit against the City of Marion and those involved in the search, which legal experts contacted were unanimous in saying violated multiple state and federal laws, including the U.S. Constitution, and multiple court rulings.

"Our first priority is to be able to publish next week," publisher Eric Meyer said, "but we also want to make sure no other news organization is ever exposed to the Gestapo tactics we witnessed today. We will be seeking the maximum sanctions possible under law."

A two-page warrant signed by Magistrate Laura Viar was given to the Record at the time of the search.

Marion vice mayor Ruth Herbel's home also was raided at the same time.

The warrants alleged there was probable cause to believe that identity theft and unlawful computer acts had been committed involving Marion business owner Kari Newell.

A Record reporter later requested a copy of the probable cause affidavit necessary for issuance of the search warrant

District court, where such items are supposed to be filed, issued a signed statement saying no affidavit was on file.

County attorney Joel Ensey, whose brother owns the hotel where Newell operates her restaurant, was asked for it but said he would not release it because it was “not a public document.”

Police read Record staff members their rights. Cody asked officer Zach Hudlin to read Gruver her rights because he couldn't read a business-sized card listing them as he wasn't wearing glasses.

Denying staff access to the office and taking four computers meant that the reporters and the newspaper's office manager could not do their jobs Friday.

Officers disconnected a computer router at the Record but did not seize it.

Law enforcement also seized a computer and a cell phone from Herbel's home Friday morning. Herbel, 80, who does not have a land-line phone, later drove to McPherson to purchase a replacement phone so she could remain in contact in case of problems with her 88-year-old husband, who is disabled and suffers from dementia.

Newell accused the Record at a city council meeting Aug. 7 of illegally obtaining drunken-driving information about her and supplying it to Herbel.

The Record did not seek out the information. Rather, it was provided by a source who sent it to the newspaper via social media and also sent it to Herbel.

After attempting to verify that the information was accurate and had been obtained, as the source claimed, from a public website, the Record decided not to publish it.

After consulting an attorney and obtaining other information, Meyer thought the information had been intentionally leaked to the newspaper as part of legal sparring between Newell and her estranged husband over who should get title to various of the couple's motor vehicles in divorce proceedings.

That contention later was verified by Newell during discussions with Meyer.

During attempts to verify the information, the Record accessed the same state web page that the source indicated had been used.

During the verification attempt, Record reporter Phyllis Zorn made no attempt to conceal her identity, providing her name and knowingly clicking on a consent form verifying that she did not plan to disseminate the information — because, in fact, she did not plan to and did not do so.

Afterward, Meyer consulted an attorney and, without naming Newell, on Aug. 4 notified Sheriff Jeff Soyez and Cody that the newspaper had received the information and that the source who provided it alleged that law enforcement officers knew Newell did not have a valid driver's license and ignored her violation of the law.

After the council meeting, Newell acknowledged the accuracy of the information and said she understood that coming forward with allegations about it might expose the information rather than preserve its confidentiality.

The state suspended her license because of a drunken-driving conviction in 2008 and a series of other driving convictions.

Newell speculated about who the source was and said she thought the information had been supplied to that person by her estranged husband as part of their divorce proceedings.

She has said that she took care of her license this week. This, however, has not been verified. In the same post, she admitted driving without a license after her drunken-driving conviction.

At Monday's council meeting, Newell accused Herbel of acting "negligently and recklessly" by sharing her personal information.

Herbel said she had received the information from the same source as the Record but had shared it with only one person — city administrator Brogan Jones — because Newell was on that day's agenda to seek endorsement of a request for a catering liquor license, for which a drunken driving conviction in certain cases might have disqualified her. Herbel told Jones she thought the police should investigate Newell's application.

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