

# **WHY THE CALIFORNIA STATE FIRE MARSHAL SHOULD BE CHARGED WITH MURDER IN THE FIRST DEGREE**

THE U.S. APPEALS COURT, SECOND CIRCUIT HAS HELD  
THAT THE IONIZATION TYPE “SMOKE” DETECTOR IS:

**“DEFECTIVELY DESIGNED” and  
“A LEGAL CAUSE OF FIRE DEATHS”**

DESPITE THIS LEGAL RULING AND  
DESPITE OFFICIAL NOTIFICATIONS OF THE ENDANGERMENT AND  
DESPITE ACTUAL FIRE TESTS IN REAL BUILDINGS  
CONFIRMING THE DEVICE TO BE DEFECTIVE AND THEREFORE  
**A CAUSE OF CHILDREN BEING BURNED ALIVE**

**THE CALIFORNIA STATE FIRE MARSHAL  
IS HELPING DISHONEST BUSINESSES SELL THE DEVICE  
TO TRUSTING AND INNOCENT VICTIMS  
BY ALLOWING THE CSFM OFFICIAL SEAL TO BE DISPLAYED  
AS A “CERTIFICATION OF RELIABILITY”**

**THEREFORE THE CSFM SHOULD BE CHARGED AS A  
CO-CONSPIRATOR IN FELONY FIRE DEATHS INVOLVING  
HUNDREDS OF INNOCENT CHILDREN**

**PROMOTING PHONY “SMOKE” DETECTORS IS A FELONY**

**THOSE WHO MARKETED AND PROMOTED A PHONY SMOKE DETECTOR,  
AND THOSE WHO COVERED-UP THE FRAUD,  
COMMITTED CRIMES MORE HEINOUS THAN THE PEDOPHILE PRIESTS.**

## **THIS REPORT EXPLAINS WHY...**

**“The U.S. fire problem, on a per capita basis, is one of the worst in the industrial world. To put this in context, the annual losses from floods, hurricanes, tornadoes, earthquakes and other natural disasters combined in the United States average just a fraction of those from fires.”** (‘Fire in the US’, Federal Emergency Management Agency 13th Edition, Page 1, Oct 2004)

### **PART 1: WHY THE SMOKE DETECTOR FRAUD IS WORSE THAN THE PEDOPHILE PRIESTS SCANDAL**

The situation with the defective so called smoke detector is very similar to the pedophile priest situation in the U.S. For more than four decades, possibly much longer, some priests molested children, but **the crimes were kept as “in-house” secrets.** The Catholic Church kept it quiet and transferred the molesters to different parishes when there were discoveries. The church paid off the victims when necessary but kept everything quiet. The pedophiles would then go to a new location and repeat their crimes. Finally the truth about the crimes and the cover-ups surfaced. Many victims came forth to testify. The situation evolved into a long running media event. The Catholic Church paid out (I believe) more than a billion dollars in settlements. Many church properties had to be sold.

Some of the priests were put on trial and received jail sentences. They are still hunting for at least one pedophile priest who fled to Mexico. Cardinal Law of Boston, one of the most prominent Catholic icons in America, had know of the crimes and had transferred priests to new locations rather than inform the law and have them arrested. He fled to Rome where the Pope is hiding him. But, he is now a reviled person and a hiding criminal. This story has received prominent time on all the major news outlets. It still gets air time. Note that in both the cases of the Catholic Priests and Fire Safety Professionals, a very high regard for the profession probably helped in sustaining the cover-up. People in general and the media specifically found it difficult to believe that “good” people would commit such terrible crimes. In both cases the crimes and the cover-ups continued for at least four decades. In both cases children suffered greatly. When the pedophile priest story finally broke the outrage was enormous.

**The smoke detector fraud and cover-up are felonies that are far worse than the crimes of the pedophile priests. The priests molested, which is horrible enough, but they did not kill or maim. The phony smoke detector fraud not only has caused tens of thousands of wrongful deaths, it has injured into the hundreds of thousands. Many of the burned children suffered unbearable pain, long hospital stays, and multiple restorative operations. Often the deformed bodies and faces could never be fully repaired. Those we trusted to protect us betrayed us and the horrors inflicted on the people are beyond calculating. When the public finally realizes an entire nation was sold a defective device based on performance lies and rigged fire testing will the revulsion will be at least as profound as what the pedophile priests experienced?**

**To know of these terrible crimes committed by corrupt organizations; crimes that especially kill and horribly maim very small children, and do nothing about it is even worse**

than the crimes of John Couey. John Couey, child molester, kidnapped and raped ten year old Jessica Lunsford and then buried her alive in plastic garbage bags. Many reporters revealed their emotional stress in reporting the story. Yet, this horrible crime destroyed but one life whereas the smoke detector fraud killed and maimed into the hundreds of thousands. The horrors created by marketing a phony smoke detector into millions of homes are beyond comprehension. Any deaths during the commission of a felony can result in a charge of first degree murder.

## PART 2: THE SMOKE DETECTOR FRAUD

Within the United States the failure modes of the ionization type so called smoke detector have been concealed from the public for decades. The cover-up began with inadequate fire tests by Underwriters' Laboratories (UL) allowing the UL Logo to help the fraudulent marketing of a defective safety device. It continued with advertisements that falsely claimed the device would respond instantaneously to incipient fires (smoldering or flaming ignition) "**before either smoke or flames appeared**". Deliberate smoke detector performance lies ran for 13 years (1965 to 1978) within the "*Fire Journal*" of the National Fire Protection Association (NFPA). Because the NFPA and UL were essentially endorsing the device, fire department officials throughout America, as represented by the International Association of Fire Chiefs (IAFC), began to promote the device and petition legislatures to mandate its installation in homes.

However, because of false alarming and failures-to-warn when real fires occurred, fire officials began questioning the honesty of the device. As a result, a major federally funded fire research program was initiated called the Dunes Tests. The federal agency conducting the Dunes Tests was the National Bureau of Standards (NBS) which later was renamed the National Institute of Standards and Technology (NIST). The program ran from 1974 to 1976 and involved 76 live fire tests conducted in real homes. **The ionization device, so called smoke detector, had 666 chances to perform during the test program in accordance with the NFPA "*Fire Journal*" advertised performance claims. The number of times the device responded as per the advertisements was . . . ZERO! The Dunes Tests confirmed that the device not only could not perform as advertised, but in addition was so defective and unreliable that the fire establishment should have, then and there, declared the device unfit for protecting human life in homes. If those who conducted the testing had any semblance of honesty and decency a recall of the defective devices would have been promptly initiated.**

Unfortunately, the test engineer in charge, Richard Bukowski, was an employee of Underwriters' Laboratories. Since UL had been "certifying" the device for almost a decade, thousands had already been maimed or killed due to the ionization device's inability to sound a timely warning. Further, fire engineers and bureaucrats within the federal agencies and the NFPA were also closely tied into the detector promotions, sales and legislation. If the Dunes Tests engineering report told the true story of the inadequacies of that fraudulent device, there would have been major repercussions. So, Richard Bukowski as the field engineer and Richard Bright, the government engineer and monitor in Washington, produced a report that was nothing short of a complete whitewash. Mr. Bukowski flat out lied about the performances of the

ionization device, thus continuing the usage of an often deadly device within most homes in America.

**Perhaps the most damaging result of this scientific fraud was that it directly involved NIST (known at the time as NBS) in a very deadly science based felony. Thereafter, federal power was used to discourage anyone from disputing the false information being disseminated. After involvement with the production of Stage One of the Dunes Tests, Mr. Richard Bukowski was hired by NIST and became the federal engineer seemingly assigned to officially rebut any person who questioned the integrity of the ionization device. NIST officials apparently considered human life less important than its own reputation. Those involved in the fraud and the cover-up undoubtedly are committing felony murder.**

Two extremely influential fire protection organizations, the NFPA and UL were deeply involved in an operation that can best be described as a felony that was causing thousands of deaths and injuries. So, when the rigging and falsifying of the federally funded Dunes Tests was added to the inadequate UL laboratory testing of the device, and with the NFPA also deeply involved in the crimes; there were three very powerful regulatory organizations determined to hide their crimes from public exposure. All of the following had cooperated in the marketing of a device: NFPA, UL and NBS/NIST. Of course the dozen or so manufacturers of the device were selling millions of the flawed detectors and had money to protect their market. All of these organizations had considerable influence on the International Association of Fire Chiefs (IAFC). However, during the late 1970s, some concerned fire safety officials (representing both private and government interests) began to warn of the dangers associated with the device. Direct quotes from these people and organizations and agencies are included in the Crusade report, *“Phony Smoke Detectors Continue To Kill”*. The reason why the ionization type so called “smoke” detector can be properly labeled as “phony” is explained in detail within the Crusade report, *The Smoke Detector That Doesn't Detect Smoke*” (both reports are available upon request). These concerns by the fire chiefs led to new fire testing.

During 1978 the Cal-Chiefs (a California fire chiefs’ organization) ran their own tests with support from the IAFC. These tests proved the ionization device so unreliable that the man in charge of the test program, **Chief John Gerard of Los Angeles, predicted the device would have a 50 to 80 percent failure rate in the field.** The fire chiefs tried to publish and disseminate the report. However, Richard Bukowski (who had left UL and was employed by NIST at the time) was able to block the finalization of the report. NIST and other Federal agencies supported the falsified Dunes Research Report because it was, after all, a federal program. Therefore, the Cal-Chiefs test report that proved the Dunes Tests to be a fraud was an undesirable report to the Feds. Mr. Bukowski was able to convince the U.S. Department of Commerce to help block its publication. Thus, the Cal-Chiefs Test report was “buried”, never to see the light of day again. The Chief in charge of the Cal-Chiefs test program, John Gerard, was hired by the NFPA and (apparently) gave up on any further efforts to warn the public of the endangerment.

Mr. Bukowski now seems to have become the official guardian of the “smoke detector performance lies.” He often acts as the “front man” for NIST and the Consumer Product Safety Commission (CPSC) when media investigations begin to expose ionization device. Mr.

Bukowski continues to claim the device will perform safely and as advertised despite overwhelming scientific evidence and legal precedence to the contrary. It is important to realize that after the failures of the ionization device were concealed from the public, the manufacturers (with help from the NFPA/UL/NIST combine) were able to convince the fire officials nationally that the device was safe. The official story (relative the on-going fire deaths within homes when the device failed to warn) became: "Deaths due to smoke detector failures are caused by dead or missing batteries, not any inherent defect of the device". The cover-up has prevailed for more than four decade as fire officials were deceitfully manipulated into the role of justifying the deadly device. As with the pedophile priests, the public and the media could not believe "good" people could be involved in anything so heinous.

**It is important to realize that probably 99.9 percent of the fire department personnel in the United States and around the world believed what they were being advised via NFPA/UL, and federal agencies such as NIST. Firefighters have become unwitting accomplices and victims of the fraud. Thousands of firefighters have been injured and killed fighting fires that were needlessly out of control when they arrived. Far too often they entered fully involved buildings trying to save lives because the delayed alarm was due to the deadly ionization device. Thus, this fraud has been directly responsible for the deaths and injuries of countless firefighters as well as innocent occupants of homes. It also must be reported that a substantial number of fire officials who rose to influential positions (by protecting the regulatory system regardless of the consequences) knew full well that the ionization devices were seriously defective. But they went where the NFPA/UL team led them because it was expedient to do so. These high ranking fire officials betrayed their own comrades as well as the public, by hiding the corruption from the honest firefighters who were risking their own lives to save others.**

At long last, largely due to the work of the World Fire Safety Foundation (WFSF) in Australia, new and honest tests of the ionization device have been conducted. Since the NFPA/UL/ NIST combine could not squelch independent studies in Australia, the truth is finally emerging. As a result, new testing is taking place in the United States. Honest fire test programs have been conducted in Tennessee, Vermont, and Indiana under the guidance of Chief Joseph Fleming of the Boston Fire Department. The new testing has dramatically exposed the true and deadly nature of the ionization device. Clearly, the ionization device - so called smoke detector - represents a major endangerment to the public and a prime example of scientific misconduct.

This device is now installed in 80 to 90 million homes in the U.S. alone. A fire official in Boston, Jay Fleming, has become a primary advocate for ending the smoke detector cover-up. Chief Fleming's work has resulted in the International Association of Fire Fighters (290,000 members) upgrading their official position regarding smoke detectors. Now they are advising the public to change their smoke alarms to a photoelectric (true) smoke detectors, not just change their batteries! These new tests, scientific studies and legal precedence (Hackert v BRK March 2008) have put all fire officials nationally in a position where they too must report the truth to the public or suffer the consequences. **With overwhelming evidence now in the public domain it is rapidly becoming impossible for fire officials to NOT be aware of the fraudulent nature of this very deadly business operation.** Because the ionization device is directly causing

needless deaths, fire industry professionals, politicians, testing agencies and others now have a “**duty of care**” to warn the public.

There is only one combination of fire detectors for home usage at this time that offers adequate protection relative both fire (smoke/heat) conditions. Only a photoelectric type smoke detector will adequately warn of a smoldering fire condition. Only a heat detector will offer a reliable and early warning of a clean burning, fast growing, flaming fire. The ionization type phony smoke detector is not reliable for either fire condition.

The evidence against the ionization device is overwhelming. Any official who continues to hide the truth from the public will, without a doubt, become a co-conspirator in a felony. When deaths result from a **felony**, the perpetrators may be charged with first degree murder. Those who continue to hide the facts from the public could face the real possibility of being appropriately charged. As of now, the safest course of action for any official is to report that he/she **was not previously aware of the unreliable nature of the device**. The official should then issue advisories and warnings and recommends a recall and a replacement with honest and reliable fire detectors. Those who continue to hide the truth (and thereby condemn more children to needless maiming or death) will eventually be brought to justice.

**The pedophile priest’s scandal is testimony to public condemnation of those who inflict great harm on children and those who help cover-up the crimes..**

Further information is available at these websites:

**[www.NewsChannel5.com](http://www.NewsChannel5.com) • [www.BarreCityFire.org](http://www.BarreCityFire.org)  
[www.SmokeAlarmRecall.org](http://www.SmokeAlarmRecall.org) • [www.FireCrusade.com](http://www.FireCrusade.com)  
[www.WTHR.com/Global/story.asp?s=6552929](http://www.WTHR.com/Global/story.asp?s=6552929)**

## **EVIL PERSISTS WHEN GOOD PEOPLE DO NOTHING**

**RICHARD M. PATTON, FIRE PROTECTION ENGINEER**  
**AUTHOR, *THE AMERICAN HOME IS A FIRE TRAP***  
President: **THE CRUSADE AGAINST FIRE DEATHS, INC.**  
P.O. Box 196, Citrus Heights, CA 95611, USA  
PH: +1 916 721 7700 **[rmpatton@surewest.net](mailto:rmpatton@surewest.net)**