

Bader Qarmout for Senate, Kenneth Ellman My Opinion, Bulldog Reply
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Reply to Bull Dog Pundit of April 10, 2012

In a posting on Bull Dog Pundit that discusses the allegations of sale of illegal tobacco products by the stores owned by the Senate Candidate Bader Qarmout and the Qarmout family, certain facts are left out.

1. Two stores were raided by the United States Marshals. After the first Qarmout store was raided phone calls were made to the second store to advise them of what happened and that the Marshals were on the way to the second store. In the second store, the store personally run by Senate Candidate Bader Qarmout, the counterfeit tobacco products were immediately taken off the shelves and put out of the reach of the Marshals. The removal of these tobacco products would give rise to an inference that Bader Qarmout knew of such illegal products. Otherwise why remove them from the shelves and conceal them from the Marshals?
2. The tobacco products delivered to the two Qarmout stores had the unusual feature of not being directly delivered by the trucks of "Pine-Lesser". Instead they were picked up by the brother of Bader Qarmout, Albert Qarmout, and he then delivered the tobacco products to the stores as an intermediary. The inference of course is that Albert Qarmout was able to deliver products to the Qarmout stores that did not actually originate with "Pine-Lesser".

It is all the facts together (as described in my previous post on Qarmout), when taken as a total, that lead me to form the opinion that Senate Candidate Bader Qarmout and other family members certainly knew of what they were selling. In my opinion it was very profitable to them to sell such illegal tobacco products and they simply did not care or consider what they were doing. Money can sometimes blind people to the reality of their acts. Further the selling of illegal tobacco products is all too common a practice in a very large industry with large scale retail distribution. Most of the stores that sell this illegal tobacco are not able to defend themselves.

In this case we devoted the time, resources and skill to defend and Lorillard at that time was not prepared or able to properly contend with our defense. In our system of justice, the burden is on the Plaintiff to prove all elements of the allegations necessary to prevail. Our strategy however was to also go on the offensive and find the errors and omissions in the Lorillard case, Counterclaim and fight which increased the burden upon them. We were successful. I advise any truly interested party to speak to people in the industry, including stores who sell these products. Ask them how the illegal tobacco products get in the stores. I believe you will find one answer; that they are knowingly purchased. Particularly when delivery is not made directly by the distributor as was the case in Qarmout.

However I was personally disturbed by the imbalance between Lorillard being represented by a large law firm and the small convenience stores who certainly do not normally have the ability to defend themselves. We see this imbalance in our legal system all the time. Many of the foreign born store owners did not even understand our law, let alone be capable of coordinating a defense. This imbalance in money, resources and legal knowledge determined the outcome in most situations. Most Defendants simply do not defend and settle with an agreement to allow inspections and other burdens and pay costs to Lorillard. Some just default. It is a tragedy of our legal system that we tout the word "Justice" but are faced with the daily reality that skill and money can influence the outcome of our truth finding function.

I do not confuse an inequality in our legal system between large and small litigants, with the reality of the sale of illegal tobacco products and neither should you. These are separate issues and stand alone. They particularly come to attention in a race for United States Senate where we hope for a different sort of standard and character even if we all too often don't get it. Yes a smaller hard working litigant can defeat a more powerful one in our relatively fair and honest system of Justice. That is an important lesson to remember. Just as important is that whom we elect as a United States Senator must be honest with us, warts and all. We have no saints to run for office and those who pretend they are should give us concern.

The aforementioned is my opinion only based upon my personal knowledge. You may have a different opinion and I am happy to receive it.

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