

FABRICATIONS, FALSE CLAIMS, AND MATERIAL OMISSIONS: AN ABBREVIATED SUMMARY

GUERNICA MAGAZINE'S ["THE LIMITS OF JURISDICTION"](#)
BY ERIN SIEGAL MCINTYRE

For years Erin Siegal McIntyre has provided emotionally wrenching information to readers of her blog on the alleged kidnapping of Anyelí Rodríguez and her purported relation to the Monahans' adopted daughter, Karen.

Recently, *Guernica Magazine* published the latest version of her reporting entitled "The Limits of Jurisdiction," which challenged readers to consider compelling moral questions raised by her reporting. Essentially, the article asked if it was right, criminal, or even moral for a privileged family from the United States to "have kept" Karen, despite a Guatemalan judge's order to restore a child to her loving mother. Ms. McIntyre described the claim of Ms. Rodríguez's husband that two strangers had abducted his daughter and subsequently trafficked her for adoption. The article suggested that this case was representative of the injustices perpetuated by the "limits of jurisdiction." In other words, the Guatemalan family had no meaningful way to seek the return of her child.

As an activist/journalist, Ms. McIntyre is fully entitled both to her opinion and to even advocate for it strenuously. However, as an investigative journalist, Ms. McIntyre runs the risk of perpetrating injustice and exploitation herself if she fails to report the facts accurately and place them in their proper context. This is especially critical when reporting on victims of childhood trauma, even if investigations might lead a reporter to have to reconsider their preconceptions. Sadly, Ms. McIntyre's article in *Guernica Magazine* fails to report critical facts accurately and includes numerous fabricated quotations, false statements, material omissions, and a reckless lack of context.

As former U.S. Supreme Court Justice Louis Brandeis noted, "[s]unlight is among the best of disinfectants." This response to the *Guernica Magazine* article is designed to enable readers to find the truth for themselves, using primary source materials and numerous hyperlinks. Here are some examples of fabrications, false claims, and material omissions from Ms. McIntyre's story, which form the foundation of her self-proclaimed expert opinion:¹

1. **Ms. McIntyre falsely claims: A. The Monahans emphasized that they wanted to work with an ethical facilitator, but they understood that perhaps ethics**

¹ In the *Guernica* article, Ms. McIntyre says she "used over five thousand documents obtained and leaked from various sources in Guatemala, interviewed dozens of parties, and gained insight from criminal investigators and experts involved with the case in both countries." Elsewhere on the Internet, when fundraising on [Kickstarter](#) for her first book on the subject of adoption corruption, she claimed "[n]o other American journalist has the contacts and sources I've nurtured (over 400!), and I can say with certainty that my immersion in the world of Guatemalan adoption corruption has made me an expert on the subject."

might be outside people's control in Guatemala. B. Their investigator told them that if they proceeded with Karen's adoption, "something illegal would come out." *These are allegedly quotations from Mrs. Monahan's 2007 timeline but they were actually altered to the point of fabrication. Previously, Ms. McIntyre contradicted herself by reporting in her own book Finding Fernanda that the second quotation did not relate to Karen's adoption at all. Why did she alter both quotations and change their meaning in a way which cast doubt on the Monahan's integrity?*

2. Ms. McIntyre omits material facts: **Ms. Rodríguez's daughter Anyelí was presented to the U.S. Embassy for the adoption by an "imposter."** *The only clear conclusion from comparing the DNA at the Embassy was that Ms. Rodríguez, the "imposter" birth mother, and the child that was brought to the embassy were all closely biologically related. Ms. McIntyre completely omits this material fact in her reporting for Guernica. DNA testing which was previously posted on Ms. McIntyre's website, demonstrated that there was an 18/20 allele match between the woman and child at the Embassy, making the woman her likely biological aunt.*
3. Ms. McIntyre falsely presents: **There is only a single version of the alleged abduction; no discrepancies are noted.** *CNN published a story raising serious questions about the veracity of Ms. Rodríguez's story, even putting in quotes the word "stolen" to describe what had allegedly happened in the case. Specifically, CNN reported what Ms. Rodríguez told their news organization and says "[b]ut that account is not what she has told other news organizations in describing what happened that day." In fact, Ms. Rodríguez has reported a half-dozen different versions of the abduction story, which do not match her husband's, and Ms. McIntyre, on her own blog, links to two different versions of the abduction story than the version she describes in her article in Guernica Magazine.*
4. Ms. McIntyre materially omits: **After the DNA test failed, the Monahans did more than just seek to find out what happened. On her blog, Ms. McIntyre suggested that the Monahans did this merely to continue pushing a fraudulent adoption through.** *In fact, as demonstrated in numerous emails allegedly in Ms. McIntyre's possession, the Monahans hired an investigator to find the birth mother and gave him clear instructions: "we [the Monahans] under no circumstances wish him to pressure her or offer her a financial bribe to give up her baby . . . even if we can't adopt her we want to make sure she's safe – and with her birthmother if there's been any fraud." None of this was reported by Ms. McIntyre.*
5. Ms. McIntyre falsely claims: **In April 2009, the Monahans were told about the criminal investigation through diplomatic channels.** *In fact, they were sent a deceptive letter directly and not through diplomatic channels, which didn't tell them about any investigation. As relevant information was made available to them, the Monahans proactively provided material information to the Guatemalan*

police, the Guatemalan Consulate in Chicago, U.S. Department of State, and U.S. law enforcement personnel about Karen's adoption.

6. Ms. McIntyre makes the following material omission: **In May 2008, Ms. Rodríguez participated in a hunger strike to draw attention to kidnapped girls, including her own.** *Ms. McIntyre fails to report at the time that Ms. Rodríguez was actually demonstrating on behalf of another little girl, a Dulce Maria, who she thought was Anyeli. Her counsel had already filed an injunction in Guatemalan court to stop Dulce Maria's departure from the country. That young girl, among several, remains listed as a possible daughter of Ms. Rodríguez.*
7. Ms. McIntyre falsely claims: **The Monahans said the U.S. Embassy was willing to "bend the rules" to allow for their adoption of Karen.** *In 2008, on the basis of Ms. Rodríguez and other mother's claims, all adoptions from Guatemala were suspended. Subsequently, birth mothers who claimed their children were abducted were provided access to adoption files and physical access to see children waiting to be adopted. The Monahans were informed of numerous investigations by the Guatemalan and U.S. authorities into Karen's origins, and had every reason to have confidence in the legality of their adoption.*
8. Ms. McIntyre falsely insinuates: **The Monahans were obligated to comply with a Guatemalan court ruling ordering her return to Guatemala.** *By not specifying the parties or terms of the court order, Ms. McIntyre makes the Monahans appear uncooperative and uncaring. Ms. McIntyre fails to report this was an ex parte court order, that the Monahans were not a party to the lawsuit at all, let alone given the opportunity to present evidence, and that the Monahans themselves were not ordered to do anything by the court. She fails to report that despite this, the Monahans still continued to pursue the truth of Karen's past through safe and legal channels.*
9. Ms. McIntyre falsely implies: **By their public silence the Monahans must have also privately stonewalled Ms. Rodríguez's efforts to recover her child.** *In fact, the Monahans reached out nearly three years ago to Ms. Rodríguez through a letter hand-delivered to her representative by the U.S. Embassy to open up a private channel to discuss the sensitive issues relating to this adoption and never received a reply.*

Her representative had told the U.S. Ambassador to Guatemala that Ms. Rodríguez was not seeking the return of her daughter to Guatemala and had told the Associated Press she had no need to communicate with the Monahans. Ms. Rodríguez also waived her right to reverse the adoption in Missouri for fraud for by not filing within one year after Karen's adoption. None of this was reported by Ms. McIntyre.
10. Ms. McIntyre falsely implies: **She has had to fight hard to report this story**

because she and the media have been bullied by the Monahans’ “aggressive” lawyer, who threatened to sue them for libel and “refused to speak on-the-record.” *In fact, both Ms. McIntyre and Associated Press materially changed their book/blog and story respectively under the advice of counsel after libelous material was identified. The Monahan’s lawyer Jared Genser never threatened to sue the New York Times. And Ms. McIntyre omits that she actually threatened through counsel to sue the Monahans and Mr. Genser. Mr. Genser has provided on-the-record comments to both Ms. McIntyre and Guernica Magazine, which rather than printing his critical assessment of the article, instead pretended as if he refused to comment.*

In correspondence with *Guernica Magazine*, it claims to have “carefully fact-checked” and “vet” this article. Despite having been made aware of the substance of the concerns documented in this response, it stood by Ms. McIntyre’s story after claiming to have “availed itself of the opportunity to review its factchecking [sic].” It declined to make any substantive edits and described these concerns as “inaccurate and indeed fanciful assertions.” It also failed, as requested directly, to post a detailed letter explaining our concerns alongside the article, thereby depriving their readers of the ability to understand the other side of the story.

FABRICATIONS, FALSE CLAIMS, AND MATERIAL OMISSIONS: A DETAILED REPLY TO

GUERNICA MAGAZINE'S ["THE LIMITS OF JURISDICTION"](#)
BY ERIN SIEGAL MCINTYRE

Quotations from Erin Siegal McIntyre's *Guernica Magazine* article are in **bold**

1. Ms. McIntyre falsely claims: A. The Monahans emphasized that they wanted to work with an ethical facilitator, but they understood that perhaps ethics might be outside people's control in Guatemala. B. Their investigator told them that if they proceeded with Karen's adoption, "something illegal would come out." *These are allegedly quotations from Mrs. Monahan's 2007 timeline but they were actually altered to the point of fabrication. Previously, Ms. McIntyre contradicted herself by reporting in her own book Finding Fernanda that the second quotation did not relate to Karen's adoption at all. Why did she alter both quotations and change their meaning in a way which cast doubt on the Monahan's integrity?*

"We want to work with an ethical facilitator, although we know in Guatemala there are always things out of people's control," Monahan said, as recounted in an email she later sent to Guatemalan adoption lawyer Susana Luarca.

Here is the actual quotation from Mrs. Monahan's timeline:

We ask Katherine many questions about Marvin, and the birthmother's situation, explaining that we want to work with an ethical facilitator who normally (although we know in Guatemala there are always things out of people's control) gets his work done within a reasonable time – particularly since Karen is already 2.

Ms. McIntyre cut and changed the words to mean something else entirely, by critically omitting two words, "who normally" and making the parenthetical appear to be modifying the facilitator's ability to control the ethical conduct of others.

As is abundantly clear, there are two independent issues being addressed by Mrs. Monahan. First, the Monahans wanted to work with an ethical facilitator. And second, the Monahans wanted to work with someone who reliably got their work done in a reasonable time, accepting there would be things outside that person's control, in terms of timelines.

Reyna [the Monahans' investigator] also had a warning for the Monahans. If the family continued trying to adopt Karen, "...the odds are high [that] somewhere on the way something illegal would come out."

Here is the actual quotation Mrs. Monahan's timeline:

“As now established, the fraudulent bio mother is the sister of the real bio mother, but the main point is that this was premeditated and nobody from the Bran's got caught here by surprise . . . and even if they'd offer your agency a follow up referral for you, well, the odds are high somewhere on the way something illegal would come out again.”

As it turns out, this was not a quote from the investigator, but rather a lawyer reporting on what the investigator had told him. And the lawyer quoted was not talking about continuing Karen's adoption. He was referring to what would hypothetically happen if the Monahans wanted to drop Karen's adoption and accept a “follow-up referral” of another child from the Brans. In other words, the lawyer was commenting on the *modus operandi* of the Bran operation, based on their investigator, Mr. Reyna's, work.

Ms. McIntyre changed the meaning entirely by beginning her sentence falsely saying Reyna “had a warning for the Monahans” about proceeding with Karen's adoption. She also removed the word “again,” and misled readers to a false conclusion – that the Monahans knew illegality would likely result from continuing to try and adopt Karen. Such a claim is false and defamatory.

Amazingly, Ms. McIntyre's own earlier reporting proves the Monahans' claim of fabrication is accurate. In her self-published book, she confirms that the lawyer quoted (not Mr. Reyna) was not talking about Karen's adoption at all.

He [Wilbert Reyna] . . . advised the Monahans that even if they tried to adopt a new child with CCI [Celebrate Children International] and the Galindo Brans that ‘the odds are high that something illegal would come out again.’²

It is inexplicable why Ms. McIntyre would alter the quotation in a way that sowed suspicion onto the Monahans. And, as is also clear, even in her own book she also altered the quotation from its original without demarking she had done so.

2. Ms. McIntyre omits material facts: Ms. Rodríguez's daughter Anyelí was presented to the U.S. Embassy for the adoption by an “imposter.” *The only clear conclusion from comparing the DNA at the Embassy was that Ms. Rodríguez, the “imposter” birth mother, and the child that was brought to the embassy were all closely biologically related. Ms. McIntyre completely omits this material fact in her reporting for Guernica. DNA testing which was previously posted on Ms. McIntyre's website, demonstrated that there was an 18/20 allele match between the woman and child at the Embassy, making the woman her likely biological aunt.*

² Erin Siegal, *Finding Fernanda: Two Mothers, One Child, and a Cross-Border Search for Truth*, CATHEXIS PRESS (Kindle Edition), 256 of 318 (Loc 3809 of 4962).

On August 1, 2007 the Monahans learned that the DNA test failed to establish a maternal match. Felicita Antonia López was an imposter.

While there was no maternal match between the child originally presented at the U.S. Embassy, the DNA conclusively demonstrated a close biological relationship between then child, Mrs. Rodriguez, and the “imposter.”

At the time, the Monahans were told that a negative DNA test did not necessarily mean a kidnapping, but might be reflective of many different cultural scenarios. One could have been a situation where a birth mother had previously abandoned her child or died. A relative with no understanding of DNA took the child in, thought of themselves as a temporary “mother” at great sacrifice, and then been unable to continue caring for the child. In this situation, among many others, the child would be effectively abandoned and eligible for adoption after proper abandonment proceedings were complete, which the Monahans were assured they were. In any event relinquishment adoption had to be terminated, which it was. The Monahans also terminated their status as clients of Celebrate Children International.

Ms. McIntyre appears to have failed to compare the DNA tests of the three subjects, of which she has copies, between the child, the “imposter” who presented the child at the Embassy, and Ms. Rodríguez. According to a DNA expert who compared the three test results, the woman presenting the child at the Embassy was a “close familial relation” with the child and “most likely her aunt.” Ms. Rodríguez was “most likely her sister.”

Even without training in evaluating DNA comparisons, it should have struck Ms. McIntyre as rather surprising that in the publicly-available DNA test comparison between the child and “imposter” at the U.S. Embassy 18 of 20 alleles actually matched between this child and the “imposter” who abducted her. This is especially relevant because Ms. Rodríguez used the very same DNA test to confirm the child presented at the Embassy was her daughter. It is scientifically impossible for the child at the U.S. Embassy to be her daughter and for her to have had no biological relationship with the woman who was most likely the child’s biological aunt. Ms. Rodríguez has publicly cast doubt on suspicion of her sister, with whom she lived. *Fundación Sobrevivientes* (“Survivors Foundation”), Ms. Rodríguez’s counsel, has previously investigated and publicized wrongdoing within family relationships. If the aunt did abduct the child, that is very relevant for Anyelí’s safety and determining what happened.

This also means the claim in Ms. McIntyre’s story that Ms. Rodríguez’s daughter was abducted by a stranger is not reliable without a much deeper examination of what happened. In a CNN [story](#) entitled “Guatemalan mother seeks ‘stolen’ daughter’s return from U.S.,” from May 21, 2012, CNN also quotes a “source with knowledge of the case” as raising “questions” about whether the person “presenting the child at the embassy was,

in fact, Rodríguez's sister."³ Given her prodigious claims of expertise and lengthy investigation of this case, it is curious that Ms. McIntyre does not raise or delve into any of these facts at all.

3. Ms. McIntyre falsely presents: There is only a single version of the alleged abduction; no discrepancies are noted. *CNN published a story raising serious questions about the veracity of Ms. Rodríguez's story, even putting in quotes the word "stolen" to describe what had allegedly happened in the case. Specifically, CNN reported what Ms. Rodríguez told their news organization and says "[b]ut that account is not what she has told other news organizations in describing what happened that day." In fact, Ms. Rodríguez has reported a half-dozen different versions of the abduction story, which do not match her husband's, and Ms. McIntyre, on her own blog, links to two different versions of the abduction story than the version she describes in her article in Guernica Magazine.*

But on November 3, 2006, their [Rodríguez and Hernández's] daughter, two-year-old Anyelí Lisseth was abducted . . . In the [police] report [filed "[t]he next morning,] he [Hernández] stated that two unknown women seized Anyelí, fleeing in a white taxi . . .

As noted before, CNN [published](#) an article raising serious questions about the veracity of Ms. Rodríguez's story. The article then goes on to describe the different accounts. Amazingly, Ms. McIntyre even reports two different versions of the events on her own [website](#) that are not what she included in the *Guernica* article.⁴ Given this information, it is reasonable to conclude Ms. McIntyre chose to omit numerous and conflicting stories put forward by Ms. Rodríguez and her husband. Why?

According to the International Commission on Impunity in Guatemala ("CICIG"), on November 3, 2006, a girl known as Anyelí Lisbeth Hernández Rodríguez was [stolen](#).⁵ Two different news outlets, *ABC News*, which interviewed Ms. Rodríguez, and *Prensa Libre*, which broke news of Anyelí's kidnapping, stated she was kidnapped in 2007.

Fundación Sobrevivientes ("Survivors Foundation"), which is Ms. Rodríguez's counsel, and the Guatemalan court system both indicated she was 25-months-old when

³ CNN, available at http://www.cnn.com/2012/05/17/world/americas/guatemala-us-adoption/index.html?_s=PM:AMERICAS.

⁴ See <http://findingfernanda.com/2012/05/breaking-associated-press-reports-us-won't-return-adopted-girl-snatched-from-guatemalan-mother/> (The *Associated Press* article cited on this page reports one woman whisked her away in a taxi when she turned to open her door; The *New American Media* article cited on this page reports Ms. Rodríguez as saying she was entering her house and when she turned around her daughter was "gone from the patio." (e.g., the child disappeared and Ms. Rodríguez no idea what happened to her).

⁵ *Report on the Players Involved in the Illegal Adoption Process in Guatemala Since the Entry into Force of the Adoption Law (Decree 77-2007)*, INTERNATIONAL COMMISSION ON IMPUNITY IN GUATEMALA (CICIG), Dec. 10, 2010 (Original in Spanish), at 90.

abducted. But CICIG, which is a partnership between the Government of Guatemala and United Nations, contradicted these claims by reporting that Anyelí was kidnapped when she was 13-months old.

CICIG [reported](#) that the birth father Dayner Orlando Hernández “initially filed a complaint with the Citizens Service Bureau of the Criminal Investigation Division (DINC) on 4 November 2006.”⁶ According to Ms. McIntyre in her *Guernica Magazine* article, that report stated “that two unknown women seized Anyelí, fleeing in a white taxi” (emphasis added). But on her [website](#), in a previewed excerpt of her book *Finding Fernanda*, she said “[t]hey [Ms. Rodríguez and Mr. Hernández] reported Anyelí’s kidnapping the same day.”⁷

In a Survivors Foundation [petition](#) to the Minor and Family Commission of the Congress of the Republic of Guatemala, Ms. Rodríguez reported that the girl disappeared at 6:00 pm when she had been playing in the backyard of her home. She claimed that she received several phone calls stating her daughter was in a house located in Villa Canales, but she was never found there.⁸

Ms. Rodríguez presented a different story in a letter to President Alvaro Colom on May 5, 2008. In that version, neighbors reported to Ms. Rodríguez that the child was taken by a woman to get into a taxi, and Anyelí was said to have been abducted from her home at 4:00 pm in the yard of her residence. At 6:00 pm, Ms. Rodríguez received a call from an unknown woman informing her that her daughter could be found on the main boulevard in Villa Canales.

A Survivors Foundation [report](#) on human trafficking stated that as Ms. Rodríguez entered her home, a woman took her daughter by the hand and led her away. Ms. Rodríguez reportedly “ran desperately after the woman but she immediately took a taxi that was waiting for her at the street.”⁹

In an [interview](#) with *ABC News*, Ms. Rodríguez stated “My daughter . . . was kidnapped as I was entering my home . . . [a] woman appeared in my backyard and grabbed her out of my arms. There was nothing I could do” (emphasis added).¹⁰

⁶ *Id.*

⁷ See <http://findingfernanda.com/2012/05/breaking-associated-press-reports-us-won't-return-adopted-girl-snatched-from-guatemalan-mother/>.

⁸ Petition to Minor and Family Commission of the Congress of the Republic of Guatemala, Survivors Foundation, Apr. 29, 2008, available at http://www.sobrevivientes.org/com_pronunc/Acuerdo1.pdf.

⁹ See *Estudio Jurídico-Social Sobre Trata de Personas En Guatemala*, Fundación Sobrevivientes, Jan.-Aug. 2009, at 192-206.

¹⁰ *U.S. Adoptions Fueled by Guatemalan Kidnappings*, ABC NEWS, May 13, 2008. This version is similar, but slightly different than the version reported by the Survivors Foundation in its own report, where it stated as Ms. Rodríguez entered her house, a woman took her daughter by the hand and led her away. See

When speaking with *Associated Press*, Ms. Rodríguez [reported](#) that her daughter had been right behind her just outside her home when she was grabbed by a woman who sped off in a waiting taxi.¹¹

In a version reported in *Prensa Libre*, Ms. Rodríguez reported her child had been playing in a courtyard and a woman came in, took her daughter, and got into a white taxi.¹²

And in a more recent [interview](#) with *New American Media*, Ms. Rodríguez “recalls carrying her groceries into her Guatemala City apartment before turning around to find her two-year-old daughter Anyelí gone from the patio . . . ‘I said, Where is she? I was very confused – why did they take my nena?’” she reported.¹³ In this version, Ms. Rodríguez did not see who took her daughter at all.

4. Ms. McIntyre materially omits: After the DNA test failed, the Monahans did more than just seek to find out what happened. On her blog, Ms. McIntyre suggested that the Monahans did this merely to continue pushing a fraudulent adoption through. *In fact, as demonstrated in numerous emails allegedly in Ms. McIntyre’s possession, the Monahans hired an investigator to find the birth mother and gave him clear instructions: “we [the Monahans] under no circumstances wish him to pressure her or offer her a financial bribe to give up her baby . . . even if we can’t adopt her we want to make sure she’s safe – and with her birthmother if there’s been any fraud.” None of this was reported by Ms. McIntyre.*

According to the Monahan chronology, Hedberg said she’d ask LabCorp “... to bury this [DNA] result, like they used to do for her, but LabCorp said . . . they couldn’t do that any more.” . . . Monahan reported begging Hedberg for help; she wanted to find Karen’s real birth mother in order to figure out what had happened.

The implication of Ms. McIntyre’s work is that the Monahans were desperate to complete the adoption at all costs. Not only is that false, Ms. McIntyre has again selectively quoted from the following section of Mrs. Monahan’s chronology to remove the very next sentence which provides unmistakable information that clearly describes her exact intention:

She [Ms. Hedberg] then began to say something like “IF, and I mean, IF, Marvin

Estudio Jurídico-Social Sobre Trata de Personas En Guatemala, Fundación Sobrevivientes, Jan.-Aug. 2009, at 192-206.

¹¹ *Guatemala Mother Searched Five Years for Adopted Girl*, ASSOCIATED PRESS, Aug. 6, 2011.

¹² LA PRENSA LIBRE, Mar. 24, 2009.

¹³ *Amid Allegations of Human Trafficking, Guatemala to Review Adoptions*, NEW AMERICAN MEDIA, Aug. 24, 2011.

does the right thing – IF he does – than what he would do is take her to a judge and have her sent to an orphanage” . . . I did ask what she meant by “IF” Marvin did the right thing, and asked what the alternatives were, and she said Marvin might just dump her somewhere where nobody could find her. Of course, this was terrifying . . . I ask for a short period of time to find the birthmother, and asked for her help so that Karen won’t be dumped immediately in an orphanage or on the street or somewhere where people would be unaccountable for her treatment – and tell her that even if we can’t adopt her we want to make sure she’s safe – and with her birthmother if there’s been any fraud.¹⁴

In a conversation captured in the same notes, Mrs. Monahan recalled “I pleaded with her [Ms. Hedberg] that finding the birthmother would be the best thing for the child.”¹⁵

Mrs. Monahan said much more than that she wanted to find Karen’s real birth mother to find out what happened. On the contrary, Mrs. Monahan made very clear that she wanted to make sure Karen did not get abandoned and was somewhere safe, and that her goal was to reunite the child with her birthmother if there had been “any fraud.” Similarly, Ms. McIntyre speaks extensively about the relationship between the Monahans and Wilbert Reyna, the investigator they hired through Adoption Services to try and find Karen’s birth mother. Consider this email exchange, which did not make it into Ms. McIntyre’s story:

Thank you for your update. I do understand that we need to wait to hear from Wilbert about finding the birthmother. And I am thankful that we may be able to do this . . . Please, convey to Wilbert that we under no circumstances wish him to pressure her or offer her a financial bribe to give up her baby. I would very much like to understand what happened here so that we can ensure Karen was not stolen against her mother’s wishes and make sure Karen remains in a safe loving environment. I am sure you understand and I thank you for having a reputation for honesty.¹⁶

Ms. McIntyre’s repeated selective quotations makes it appear like the Monahans were engaged in illegal, unethical, or questionable conduct – and yet the very places from which she quotes contained information that would have made clear for readers their exact intention.

Additionally, Ms. McIntyre reports that Ms. Hedberg said “she’d ask” LabCorp to bury the DNA - when Ms. Hedberg said she had already asked LabCorp to do so, without the Monahans’ knowledge or consent, and that they said they could not do that.

¹⁴ Timeline created by Jennifer Monahan, 2007 (emphasis added).

¹⁵ *Id.* (emphasis added).

¹⁶ Email from Jennifer Monahan to Adoption Supervisors, Aug. 6, 2007 (emphasis added).

The Monahans pleaded with Ms. Hedberg to report the negative DNA directly to Guatemalan authorities. When she refused, the Monahans paid for an official translation of the negative DNA test and sent it directly to Guatemalan police. Additionally, they wrote to the U.S. Embassy and reported the negative DNA test, after their communication with Sue Hedberg broke down irreparably, to make sure it was part of the file and their original attempt to adopt Karen was indeed terminated. They were assured that any new proceeding would be in light of the negative DNA test, pending multiple searches for Karen's birth family, and any reports by a searching birth family of prior kidnappings to authorities.

5. Ms. McIntyre falsely claims: In April 2009, the Monahans were told about the criminal investigation through diplomatic channels. *In fact, they were sent a deceptive letter directly and not through diplomatic channels, which didn't tell them about any investigation. As relevant information was made available to them, the Monahans proactively provided material information to the Guatemalan police, the Guatemalan Consulate in Chicago, U.S. Department of State, and U.S. law enforcement personnel about Karen's adoption.*

[T]hey [the Monahans] had known about the criminal investigation into Karen's adoption since April 2009, when Guatemalan officials reached out to them through diplomatic channels. According to a faxed response, the Monahans told the officials to communicate with their lawyer.

This statement is false. A diplomatic channel is a government-to-government communication. Contrary to Ms. McIntyre's false claim, on May 8, 2009, the Monahans received a disturbing and deceptive letter directly from Gustavo Lopez, Consul General of Guatemala in Chicago requesting an in-person health and welfare verification for Karen Abigail. This letter purported to be part of "follow-up on every adopted child from Guatemala in our jurisdiction of Midwestern United States." It asked for the Monahans' "kind cooperation to conduct an evaluation on [their] adoption of the Guatemalan minor Karen Abigail Lopez Garcia/Karen Abigail Monahan. The evaluation consists of verifying health status of the child as well as their living conditions."¹⁷ There was no mention of a criminal investigation. The Consulate asked the Monahans to come to Chicago or allow the Guatemalan government to visit them at their home.

Rather than simply refer the Consul to their lawyer, Ms. McIntyre omits that the Monahans voluntarily, and without any legal duty to do so, requested that their attorney provide the Consulate with a summary of a post-adoption home study report regarding the health and welfare of their adopted daughter. The Guatemalan Consulate's flagrant breach of the Vienna Convention on Consular Relations and diplomatic protocol was especially egregious in light of the deceptive letter. A formal protest (demarche) was lodged by the U.S. Department of State against the Government of Guatemala, with the United States insisting that all communications with its nationals in the United States be through the State Department, as is standard protocol for all foreign governments and

¹⁷ Letter from Gustavo Lopez to the Monahans, May 8, 2009.

what is equally demanded in Guatemala by its Ministry of Foreign Affairs if the U.S. Embassy wishes to correspond with a Guatemalan citizen.

6. Ms. McIntyre makes the following material omission: In May 2008, Ms. Rodríguez participated in a hunger strike to draw attention to kidnapped girls, including her own. *Ms. McIntyre fails to report at the time that Ms. Rodríguez was actually demonstrating on behalf of another little girl, a Dulce Maria, who she thought was Anyelí. Her counsel had already filed an injunction in Guatemalan court to stop Dulce Maria's departure from the country. That young girl, among several, remains listed as a possible daughter of Ms. Rodríguez.*

In May 2008, Rodríguez participated in a hunger strike whose goal was to call attention to the women's missing children and kidnappings for adoption. Camping out with a small group of searching mothers atop blankets in a public park near Guatemala's National Palace, Rodríguez lasted eight full days

With help from her husband and brother, Rodríguez reviewed thousands of files. In the three years since Anyelí had been kidnapped, American citizens had adopted around thirteen thousand Guatemalan children. By now, Anyelí was almost five years old. Rodríguez wondered how her daughter's appearance had changed since she'd last seen her.

First, Ms. McIntyre omits the material fact that before the hunger strike, the Survivors Foundation, which represented Ms. Rodríguez, filed a court motion claiming that another older and previously adopted girl, Dulce Maria Ortiz Garcia, was Ms. Rodríguez daughter. Ms. Rodríguez actually publicly claimed, during the hunger strike that Ms. McIntyre refers to, that Dulce Maria was her daughter. Dulce Maria was reportedly at least a year older than Anyelí. According to the 2008 court complaint, Ms. Rodríguez identified Dulce from a picture file number 2222-2008-CAN as her daughter, so perhaps there had been some review of cases prior to May 2008 not reported by Ms. McIntyre. The Survivors Foundation demanded the Peace Crime and Faults Duty Court of Guatemala issue an injunction to prevent Dulce Maria's departure from the country.¹⁸

Despite being a different age from Karen, and despite the three negative DNA tests Ms. McIntyre refers to, Dulce is still claimed on the initial Internet website with a reward as a possible daughter for Loyda Rodríguez.

Second, Ms. McIntyre, but not all sources, reports in her story that Anyelí's alleged kidnapping happened in November 2006. Thus, by Ms. McIntyre's account, it had not been three years since Anyelí was kidnapped, but eighteen months. Therefore, the number of cases Ms. McIntyre cites as needing to be reviewed was actually wrong.

7. Ms. McIntyre falsely claims: The Monahans said the U.S. Embassy was willing

¹⁸ See *Filing on Dulce Maria Case*, available at http://www.sobrevivientes.org/com_pronunc/Acuerdo1.pdf.

to “bend the rules” to allow for their adoption of Karen. *In 2008, on the basis of Ms. Rodríguez and other mother’s claims, all adoptions from Guatemala were suspended. Subsequently, birth mothers who claimed their children were abducted were provided access to adoption files and physical access to see children waiting to be adopted. The Monahans were informed of numerous investigations by the Guatemalan and U.S. authorities into Karen’s origins, and had every reason to have confidence in the legality of their adoption.*

“Rudy . . . confirms that we can proceed in looking for the birth mother, and that the U.S. Embassy will not stand in our way should the abandonment ever be complete [finished],” Monahan wrote. When I spoke to him in 2010, Rivera wouldn't comment on the U.S. Embassy, or its alleged willingness to bend rules.

Again, Ms. McIntyre fails to report on the context of the search for the birth mother, to return her child to her if there had been any fraud. Additionally, there would be no bending of the rules should Guatemalan law be followed correctly through a properly conducted abandonment proceeding designed to flag fraud and identify any kidnapped child, as the Monahans were assured it was. Ms. McIntyre also fails to note that the picture presented four times total in two national daily newspapers was reportedly the same picture the Rodríguez family eventually used to identify the child. These pictures were commonly known to be published on behalf of searching mothers. Additionally, it is not clear what name the child should have been advertised under – due to fact the “imposter” obviously had not presented real information to the U.S. Embassy about the name of the child.

Karen’s new adoption process began on December 7, 2007. One of the most compelling features of a new reformed adoption system at the time was the requirement that all children being considered for adoption be publicly presented so that people who claimed their children had been wrongly taken could have the opportunity to identify their children should they see them. When a person claimed a child was theirs, DNA tests were administered and the adoption was suspended until the results were received.

The Government proclaimed that this new process would be public, transparent, without cost to potential birth families, and assisted by observers from the Office of Human Rights and Public Prosecutor’s Office. In a statement, the Government later said “adoptive families and the general public can have confidence in the verification process that is taking place.”¹⁹ As the Monahans were told at the time and CICIG later [confirmed](#), Karen had been presented publicly to a room full of families looking for lost or abducted children and was not claimed. Ms. Rodríguez was there that day. At the time, this physical presentation to birth families was reaffirming to the Monahans that Karen had not been abducted. Not only hadn’t she been identified as a possible missing

¹⁹ CERIGUA, Guatemala, May 7, 2008, *Organizaciones Piden Verificar Estado de Menores en Proceso de Adopción* (Organizations Ask for Verification of Status of Children in the Process of Adoption).

child, but she also spent more than two years in foster care or orphanages prior to the completion of the adoption without anyone stepping forward to claim her.²⁰

8. Ms. McIntyre falsely insinuates: The Monahans were obligated to comply with a Guatemalan court ruling ordering her return to Guatemala. *By not specifying the parties or terms of the court order, Ms. McIntyre makes the Monahans appear uncooperative and uncaring. Ms. McIntyre fails to report this was an ex parte court order, that the Monahans were not a party to the lawsuit at all, let alone given the opportunity to present evidence, and that the Monahans themselves were not ordered to do anything by the court. She fails to report that despite this, the Monahans still continued to pursue the truth of Karen's past through safe and legal channels.*

Although a Guatemalan judge ruled that Karen should be returned to Guatemala in 2011, the Monahans have kept her.

This claim is an extension of the false narrative that Ms. McIntyre launched immediately after the original court order was issued. Specifically, she still claims on her [blog](#) in an inaccurate summary translation “[b]asically, she’s given the Monahans a deadline of two months to respond, counting down from the date of the ruling . . . If they don’t cooperate, a fine of 3,000 Quetzales (about \$389) will be imposed, and the Guatemalan authorities will ‘order the location of the girl through the International Police, INTERPOL.’” In fact, the Monahans were not even a party to the lawsuit and the original Spanish actually only orders the Attorney General’s Office and the Ministry of Foreign Affairs to cooperate with the United States in seeking the return of the child. The fine is actually directed against Guatemalan government authorities should it fail to comply within two months.

This statement leads readers to conclude that somehow the Monahans have a still unfulfilled legal obligation to return their daughter to Guatemala since 2011 or that not doing so was inappropriate or even illegal through the use of the word “although” to begin the sentence. Ms. McIntyre also failed to explain the meaning of this order or to provide appropriate context: Consider what she failed to report:

- The Monahans were not ordered to return the child to Guatemala, nor were they a party to the lawsuit. In fact, the Government of Guatemala was ordered to secure the return of the child in cooperation with the Government of the United States or face a fine for failing to do so. In response to its request, the Government of Guatemala was told the appropriate venue to dispute the adoption was in a Missouri court.
- This was a case filed under seal, *ex parte*. The Monahans were completely unaware of this suit. They had heard frightening rumors on the Internet that efforts would be

²⁰ *Report on the Players Involved in the Illegal Adoption Process in Guatemala Since the Entry into Force of the Adoption Law (Decree 77-2007)*, INTERNATIONAL COMMISSION ON IMPUNITY IN GUATEMALA (CICIG), Dec. 10, 2010, at 51.

made to annul their adoption and return Karen to a Guatemalan orphanage, likely for life, even if this was yet another case of tragically mistaken identity. Due to this announcement by Ms. Rodríguez's team, they feared an annulment without proper due process or all the facts, and a heartbreaking outcome for Karen. They proactively approached U.S. law enforcement to suggest a possible investigation.

- The U.S. Department of State informed the Monahans and the Guatemala Government that the civil court order had no force of law in the United States. This fact was later reported publicly by the *Associated Press* and a [link](#) to that story is on Ms. McIntyre's own web site.²¹
- The Monahans sought urgently to obtain the court order and were told by a lawyer seeking a public copy from the Guatemalan court that the verdict itself had been "kidnapped." This was followed by a clarification that the court order had been "sequestered" by the judge away from all public view, including the government of the United States. The U.S. Department of State told the Monahans that urgent diplomatic requests for a public copy of the ruling had been unsuccessful. They were unable to obtain the official court order for weeks. However, Ms. McIntyre had access to it before the Monahans and the U.S. Government. Her inaccurate reporting about the Monahans being ordered to comply with a foreign order they could not even get an official copy of for weeks terrified and confused the Monahans.
- Norma Cruz, representing Ms. Rodríguez, told the *Associated Press* there was no necessity of even contacting the Monahan family regarding this potentially life-altering verdict: "We don't have to contact the [adoption] family. The judge's order says [Guatemalan] authorities have to find the child wherever she is."²² This reaffirms that the duty was exclusively on the Guatemala Government and not on the Monahans.
- There had also been no guarantee that there had not been child switching at the U.S. Embassy by the Bran organization, something that Ms. McIntyre has investigated in the past.

Ms. McIntyre compounded her inaccurate reporting by publishing this threatening and accusing insinuation on her [blog](#), which was also seriously misleading and lacking in context:

I haven't heard back from Monahan, nor do I expect to. With this latest court development, I can't offer her any kind of anonymity- the Monahans are named publicly in the ruling. If they don't cooperate, Guatemalan authorities are threatening to get INTERPOL involved.

Literally, the only way the Monahans were named in the ruling was as being the

²¹ *Guatemala Mom to Ask U.S. Court Help on Adopted Girl*, ASSOCIATED PRESS, May 15, 2012.

²² *Guatemala Mother Searched Five Years for Adopted Girl*, ASSOCIATED PRESS, Aug. 6, 2011.

people who adopted Karen, listing their home address as the location where the child lived. There was not even a request, let alone an order, that the Monahans cooperate – the duty was exclusively on the Government of Guatemala to reach out to the U.S. government through diplomatic channels to secure government-to-government cooperation. Furthermore, as INTERPOL is an international criminal law enforcement organization, the mere mention of the agency suggested that a failure to cooperate could be criminal, even though the actual mention of the agency was focused on locating the child, whose home address was already listed in the court order.

9. Ms. McIntyre falsely implies: By their public silence the Monahans must have also privately stonewalled Ms. Rodríguez’s efforts to recover her child. *In fact, the Monahans reached out nearly three years ago to Ms. Rodríguez through a letter hand-delivered to her representative by the U.S. Embassy to open up a private channel to discuss the sensitive issues relating to this adoption and never received a reply.*

Her representative had told the U.S. Ambassador to Guatemala that Ms. Rodríguez was not seeking the return of her daughter to Guatemala and had told the Associated Press she had no need to communicate with the Monahans. Ms. Rodríguez also waived her right to reverse the adoption in Missouri for fraud for by not filing within one year after Karen’s adoption. None of this was reported by Ms. McIntyre.

According to a diplomatic [cable](#) published by Wikileaks, on October 1, 2009, Ms. Cruz met with U.S. Ambassador to Guatemala, Stephen McFarland. She urged the U.S. government to cooperate with her in securing DNA tests of the children. Nevertheless, the cable goes on to state “[t]wice in the conversation Cruz noted, without any questioning on our [U.S. government’s] part, that the birthmothers understood that their children would not leave their adoptive families; what the birthmothers seek is that their daughters know that they were not abandoned by their birthmothers. The Ambassador took note of these statements but did not explore further.”²³

Yet literally the very next day, October 2, the Survivors Foundation filed its petition under seal to annul Karen’s adoption and seek her return to Guatemala, without proof of identity.²⁴ Thus, it is reasonable to question whether Ms. Cruz intentionally misled Ambassador McFarland into believing she merely sought to provide some comfort to the birthmothers. Ironically, Ms. Cruz’s claim to the State Department in 2009 closely mirrors what Ms. McIntyre states as Ms. Rodríguez present goal.

²³ *Human Rights Defender Norma Cruz Soften Rhetoric on Controversial Adoption Case*, Unclassified Cable/For Official Use Only, Oct. 30, 2009, available at <http://www.cablegatesearch.net/cable.php?id=09GUATEMALA1178> (emphasis added).

²⁴ *Court Order* (noting in a procedural summary of the case that it had originally been filed on October, 2, 2009 – this information only became available when the court order was made public).

Ms. McIntyre had both the court order showing when it was filed as well as this specific diplomatic cable. Her expertise in researching diplomatic cables is documented on her own [biographical page](#), “[h]er second book, ‘U.S. Cables: International Adoption in Guatemala, 1987-2010,’ (Cathexis Press, February 1, 2012) is a compilation of diplomatic cables between the U.S. State Department and the U.S. Embassy in Guatemala.”²⁵

It is not merely about these misrepresentations, however; it is also about unwillingness on the part of Ms. Cruz to communicate or share information with the Monahans on behalf of her client at all. From the moment that the Monahans adopted Karen in December 2008 through today, more than six years later, they have never received any written correspondence from Ms. Rodríguez or Ms. Cruz. Indeed, Ms. Cruz publicly said, right after the civil court order was made public to the *Associated Press*, that she had no interest in communicating with the Monahans: “We don’t have to contact the [adoption] family. The judge’s order says [Guatemalan] authorities have to find the child wherever she is.”²⁶

For the first time, in March 2012, the Monahans received a message from Ms. Cruz through Ambassador Susan Jacobs, Special Advisor for Children’s Issues at the U.S. Department of State, indicating that she would like to talk. The Monahans promptly responded through Mr. Genser in a letter dated March 30, 2012. The letter stated “it is my [Mr. Genser’s] hope that we can engage in productive communication.” He went on to ask seven questions about the case, stating that “[y]our clear and reliable explanations to the following questions could go a long way toward building trust and are a condition of our willingness to engage in further communication.” These were not complex questions. As an illustration, he asked about an issue discussed above, saying “[c]an you explain why you personally told Ambassador Susan Jacobs [this was after the meeting with Ambassador McFarland] that you would not seek Karen’s return to Guatemala because you did not think it would be in her best interest? This reported contradiction, among others, is a big stumbling block for me as I contemplate whether I can safely correspond with you.” Mr. Genser concluded the letter by saying “I eagerly await your reply.”

This letter was hand-delivered by U.S. Embassy officials to Ms. Cruz in Guatemala a few weeks later.²⁷ Nearly three years after Ms. Cruz received Mr. Genser’s letter, he has yet to receive a reply. This is highly relevant information that undermines Ms. McIntyre’s implication that the Monahans have hidden behind an aggressive lawyer, and the safety provided by living in the United States. Due to Ms. McIntyre’s extensive use of Ms. Cruz as a source, she should have had this information; indeed, in other online

²⁵ Erin Siegal McIntyre, *available at* <http://www.brandeis.edu/investigate/about/fellows/siegal.html>.

²⁶ *Guatemala Mother Searched Five Years for Adopted Girl*, ASSOCIATED PRESS, Aug. 6, 2011.

²⁷ Email from Alison Dilworth, Chief, Adoption Division, Office of Children’s Issues, to Jared Genser, Counsel for the Monahans, April 17, 2012 (noting “Post wrote to us this morning to let us know that they delivered the letter to Norma Cruz yesterday”).

posts she talks about how she has gotten “exclusive” information from Ms. Cruz, including the original court order weeks before the Monahans received a copy.

There is also no mention that had Ms. Rodríguez and her counsel had filed a claim in Missouri when she learned of Karen’s location and proved both DNA evidence and the merits of her case that her child would have been returned to her. Instead, she later filed the *ex parte* court claim in Guatemala. Ms. Rodríguez knew of Karen’s whereabouts since at least March 2009 when it was posted on the Internet. Inexplicably, particularly since she was represented by highly competent counsel, she failed to file a claim in Missouri state court to cancel the adoption.

Missouri law contemplates the prospect of fraud or duress with regards to consent in any adoption process, foreign or domestic. Missouri law is unequivocal on this point – such consent required for an adoption “may only be revoked within one year . . . for fraud or duress.”²⁸

They instead decided to file a suit in Guatemala that they should have known would have no force of law to return the child. Yet, Ms. McIntyre’s story ends by saying that Ms. Rodríguez is seeking pro bono counsel in Missouri and fails to note that she now has no basis for a legal claim in Missouri, since she waived that right by failing to file within the one-year timeframe.

10. Ms. McIntyre falsely implies: She has had to fight hard to report this story because she and the media have been bullied by the Monahans’ “aggressive” lawyer, who threatened to sue them for libel and “refused to speak on-the-record.” *In fact, both Ms. McIntyre and Associated Press materially changed their book/blog and story respectively under the advice of counsel after libelous material was identified. The Monahan’s lawyer Jared Genser never threatened to sue the New York Times. And Ms. McIntyre omits that she actually threatened through counsel to sue the Monahans and Mr. Genser. Mr. Genser has provided on-the-record comments to both Ms. McIntyre and Guernica Magazine, which rather than printing his critical assessment of the article, instead pretended as if he refused to comment.*

Jared Genser sent letters and emails to journalists and editors reporting on the case, including myself, the Associated Press, the New York Times, and others, threatening legal action.

This statement is false, incomplete, and highly misleading. In all three of the specific cases mentioned by Ms. McIntyre, specific corrections were taken after Mr. Genser lodged his complaints, demonstrating their validity. Contrary to the implication that somehow these were strong-arm tactics – elsewhere she described Mr. Genser as “aggressive” – here is what Ms. McIntyre omits:

²⁸ MO. CODE Title XXX (Domestic Relations), 453.160(2) (2009).

First, Ms. McIntyre originally claimed on her website that “the Monahans knew that the adoption was in fact fraudulent.” She also included defamatory statements in a published excerpt from a chapter of her book about the case, without ever even speaking to the Monahans about them at all. Based on Mr. Genser’s warning of a libel action and under advice of her lawyer, she withdrew her claim and changed numerous parts of her draft book chapter.

Second, with regards to the *New York Times*, her claim is just false. Mr. Genser never threatened any kind of legal action at all in his letter of August 26, 2011. Here is what happened: On July 17, 2011, Ms. McIntyre said the following on her own website: “Right now I’m working with the *New York Times* on an adoption-related investigation story. It’s a co-bylined feature with Ginger Thompson.” On July 20, 2011, Ms. McIntyre attempted to contact the Monahans via phone and email. She stated the following in an email:

I’d like to talk to you off the record about your experience with Celebrate Children International . . . The case I’m writing about is that of the Emanuel family of Gallatin, Tennessee, who lost two referrals before successfully adopting a baby with CCI. My book traces their experience, along with what was happening on the ground in Guatemala with the birth mother, Mildred Alvarado . . . From the emails I’ve read . . . it sounds like you and your husband were in an extremely difficult position, trying to do your best to help Karen.

Ms. McIntyre failed to disclose she was working on a story for the *New York Times*. The *New York Times Company Policy on Ethics in Journalism* stated at the time: “others on assignment for us should disclose their identity to the people they cover” and “it is essential we preserve professional detachment, free of any hint of bias.” In addition to failing to disclose she was working for the paper, she also, it appeared to the Monahans, intentionally mislead them to believe she wanted to speak off the record, that she wanted to interview them about another story, and that she was sympathetic to their challenges in their own adoption. But a few weeks later, Mr. Genser heard from Ginger Thompson herself asking to interview the Monahans and him on-the-record because she was working on a feature story, about the Monahans’ case. If it had not been for Ms. McIntyre’s own self-promoting post, the Monahans would have had no idea that Ms. Thompson was actually working with Ms. McIntyre on a story about the Monahan case.

On August 26, 2011, Mr. Genser wrote to Ms. Jill Abramson, Executive Editor of the *New York Times*, not to threaten any legal action but rather to complain about what he characterized about the breach of the *New York Times Company Policy on Ethics in Journalism*. He was later informed that no story would be published by Ms. McIntyre in the *New York Times*. All Mr. Genser had to do was to explain the above chronology of events and provide this documentary evidence. No threats of legal action were necessary or delivered.

Finally, with respect to the *Associated Press*, Mr. Genser did indeed threaten a libel action against them for several different false and defamatory statements in one of

their stories. When Mr. Genser provided them with the information to correct these statements based on publicly available information, the *Associated Press*, to its credit, rapidly corrected the story. It is also worth noting that Ms. McIntyre omits from this narrative that the story in question was actually generated under the leadership of her longtime personal friend and collaborator Juan Carlos Llorca, then the AP Bureau Chief in Guatemala City. Mr. Llorca, who is tragically now deceased, actually worked with her on this *Guernica Magazine* article as noted in the byline, and was a financial supporter of her first book.

In short, this simple unpacking of Ms. McIntyre's statement demonstrates that Mr. Genser was justified lodging these various complaints on his clients' behalf. Given the extraordinary legal resources available to the *New York Times* and the *Associated Press*, especially compared to Mr. Genser being a solo practitioner at the time, the only reason the companies would take action in response to such complaints is because they decided there was merit to his claims.

Ms. McIntyre, also fails to note that she threatened to sue the Monahans and Mr. Genser via counsel, in the process making outrageous and false claims about the Monahans and their response to events surrounding their adoption. It is not fair or professional to violate journalistic standards of ethics, and then blame the subjects of your reporting for wanting to kill a story instead of disclosing that they do not trust you because of your deception, violation of ethics, libel, and repeated poor reporting.

Their lawyer [Jared Genser] also refuses to speak on-the-record.

This is false.

In an email provided to *Guernica Magazine* on November 21, 2014, after reviewing a pre-publication version of "The Limits of Jurisdiction," Mr. Genser responded to the magazine's Editor-in-Chief Michael Archer as follows:

"On-the-record

After claiming to work for five years to publish this 'carefully fact-checked' account, Ms. McIntyre has once again presented numerous fictions as facts. In light of this and her earlier false and defamatory statements, my clients cannot trust Ms. Siegal-McIntyre with the deeply personal details of their daughter's story."

Guernica Magazine did not include this quotation in its article and published its article willfully ignoring an on-the-record comment marked clearly for that purpose. It is neither fair nor appropriate to refuse to allow the subject of a purported news story to respond, let alone to then claim they refused comment.

Previously, on August 29, 2011, Mr. Genser sent her another letter, also on-the-record, threatening her with a libel action speaking in some detail about the case. He also

described what he believed were false and defamatory claims. This was not the only on-the-record letter sent to Ms. McIntyre.

If Ms. McIntyre's version of events is to be believed, Mr. Genser is an "aggressive" lawyer who stonewalled her investigation, refused to speak on-the-record, and tried to intimidate her by threatening her and other publications with libel actions. The truth, quite simply, is that he has vigorously defended his clients from her shoddy and false reporting.

Conclusion

Over the last six years the Monahans have devoted themselves to their adopted daughter's security and well-being. They continue to investigate the truth of their daughter's origins, but their efforts have been hampered by a tangled web of deception and misinformation. They have endured threats and vitriol generated by Ms. McIntyre's libel, and they have sought police protection from threats to their daughter's safety. They have not waged a public relations campaign to honor Karen's past and her birth family, whoever they may be, by working through these issues with appropriate discretion and attention to Karen's right and need for privacy.