

Unjust Justice: Repeated Incompetence in Criminal Investigations Involving the Less-Dead as Victims

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ABSTRACT

Acknowledging the less-dead phenomenon - the pattern of lackluster investigations into the disappearances and murders of people from marginalized groups in society who lack prestige and come from a lower socioeconomic class - is an essential step to achieving fair and equal justice. Unfortunately, no previous academic research has attempted to broach this topic. In this paper I aim to highlight the lack of competency in police investigations that is often encountered in cases involving people considered less-dead. I analyzed several serial murder cases that involved the victimization of the less-dead to find and catalog patterns of victim characteristics and police investigation attempts. My research revealed that in many serial murder cases, police investigations into the deaths and disappearances of the less-dead were conducted poorly. Sometimes, cases involving people considered less-dead were deliberately neglected by the authorities. A combination of laziness and contempt for people considered less-dead contributes to the long active periods and high body counts of serial killers in North America.

Introduction

The demographics of murder victims in the United States and Canada contribute to how victims' cases are investigated by police. To understand why this occurs, we must first understand the statistics of murder in these regions. In the United States, 77.8% of murder victims are male, while 22.2% are female. In Canada, 69.8% of murder victims are male, and 30.2% are female. (Wikipedia). In the United States, 57% of gun homicide victims were black, 40.6% white or Hispanic, 1.35% were Asian, 0.98% were of unknown race and 0.48% were indigenous American. (Wikipedia). In the United States, 61.5% of non-gun homicide victims were white or Hispanic, 32.9% were black, 2.29% were Asian, 1.89% were of unknown race and 1.43% were indigenous American. (Wikipedia). Canada does not collect the racial data of crime victims, including homicide victims. (Wikipedia). In the United States, 72.6% of victims of anti-LGBT+ homicides were gay men. 4.4% of victims were lesbian, 1.8% were bisexual, 13.3% were transgender, and 8% were heterosexual. (ResearchGate). Of hate crimes reported in the United States, 47.7% were racially motivated (with 72% of those murders being against African Americans). 20.8% were motivated by sexual orientation (with 57.8 being against gay men), and 18.2% were motivated by religion (with 62.2 of these crimes being against Jewish people). (Wikipedia).

In America, a total of 38.4% of murders go unsolved and unpunished. However, this number also shifts based on demographics. In the United States, 53% of black murders go unsolved, and 37% of white murders go unsolved. (Vox). In Canada, 47% of missing or murdered indigenous females have not had their cases solved (NWAC.ca). In the United States, between 1970 and 1979, only 16% of sex worker murders were solved despite sex workers making up 32% of female serial homicide victims (Quinet). No statistics exist for the clearance rate (how many murders are solved compared to how many murders go unsolved) of murders of homeless or transient victims, but an inference can be made that these cases go unsolved at a rate higher than that of victims who are non-transient. Tracking cases of these murders is difficult because they are statistically under-investigated.

To summarize the statistics above: the clearance rate of murders in America and Canada is low and changes based on certain demographics such as race, occupation, sexuality, and socioeconomic status.

The perceived “value” of a human life in the eyes of the law is based on a variety of factors, particularly socioeconomic and societal status. For example, a sex worker addicted to drugs who has little money has less “value” than a middle-class teacher with no criminal record. Murders or disappearances of individuals with the most “value” have high case clearance rate numbers, while cases involving individuals with less “value” have lower rates of being resolved. Individuals with less “value” are referred to as the less-dead because less attention and fewer resources are used during investigations into their disappearances or murders.

This research aims to identify who the individuals in society with less “value” are, and why cases involving those people go unsolved at higher rates than cases involving high “value” Individuals.

No formal research has been conducted on the less-dead phenomenon. Certain groups like MMIWG, or Missing or Murdered Indigenous Women and Girls, have drawn attention to social issues involving specific categories of people who are considered less-dead, but have never discussed the larger picture. The term “less-dead” was coined by Eric Hickey in 2003, though no formal academic research has been conducted to identify the less-dead and define the less-dead phenomenon.

This research, which focuses specifically on who the less dead are and how their cases are investigated, seeks to answer several important inquiries. Who are the less-dead, and how does their status as less-dead affect how cases of their murders or disappearances are investigated?

Literature Review

In society, the disappearances, and murders of individuals with less perceived value, known as the less-dead, go unsolved at higher rates than individuals with a higher perceived value. The value of a person, which is determined by socioeconomic status, occupation, sexuality, and race, contributes to how peoples’ disappearances and murders are investigated by police, resulting in a high rate of unsolved cases and a lack of justice for families as a result prejudice and apathy.

Socioeconomic Status

The socioeconomic status of victims contributes to how murder and disappearance cases are investigated. Victims who are middle class or wealthy and have established themselves in a family unit are more likely to attract the attention and resources of investigators. A study called *Vulnerable to Hate: A Survey of Bias-Motivated Violence Against People Experiencing Homelessness (2016-2017)* found that the majority of violent acts against the homeless go unreported and uninvestigated.

Socioeconomic status also contributes to whom serial murderers choose as victims. The article “Ronald Dominique Murdered 23 People. Because They Were Homeless, He Almost Got Away With It” by allthatisinteresting.com demonstrates how some killers choose victims whom they believe will not be missed - because they are homeless, transient, or otherwise ignored by society.

Occupation

A victim’s occupation contributes to how that victim’s case is investigated following a disappearance or murder. The article “Why So Many Sex Worker Murders Go Unsolved” by Rolling Stone Magazine how the failure to solve murders of sex workers is born from a failure or unwillingness to devote resources to murder cases where the victim is a prostitute. The documentary *Tales of the Grim Sleeper (2014)* by Nick Broomfield documents how investigators are prejudiced against sex workers and often do minimal work when examining murder cases involving prostitution by exploring the Grim Sleeper’s hunting ground and interviewing residents.

Sexuality

Before identifying with LGBT+ spectrum became widely destigmatized, cases of disappearances and murder involving LGBT+ individuals went under-investigated due to homophobia and lack of understanding on the part of investigators. Murders of men who identify as gay, who represented the largest category of LGBT+ individuals targeted by serial murders, went uninvestigated as a result of widespread homophobia. The Last Podcast on the Left Episode 105: John Wayne Gacy Part I and Episode 106: John Wayne Gacy Part II examines homosexual serial murders and argues that stigma towards homosexuality results in LGBT+ serial murder victims being ignored.

Race and Ethnicity

While it is true that white murders and disappearances are solved at higher rates than black murders and disappearances, investigation effort based on skin color differs by region. In Canada, cases involving indigenous people as victims go unsolved at higher rates than cases involving victims of other races. This is examined in the article “Addressing the Epidemic of Missing & Murdered Indigenous Women and Girls.” “Jordan Paul Gilbert: The Boozing Barber” also demonstrates how race bias against indigenous women resulted in seven murders. In the United States, cases involving black murder victims historically go under-investigated. The documentary “Tales of the Grim Sleeper” provide excellent evidence about why some murder cases are ignored based on race. “Tales of the Grim Sleeper” reveals how police investigations are inherently biased against black Americans.

Methods

In my research, I attempted to uncover information about the less-dead phenomenon, which I have defined as the lackluster investigation into the disappearance or murder cases of marginalized groups in society who lack prestige and come from a lower socioeconomic class. My research used secondary qualitative and quantitative data as well as analysis of the common patterns found in the cases and investigations of the less-dead. The research I have done strives to answer the question “Are police investigations into people of a lower socioeconomic class less effective than other case investigations? Who are the less-dead, and why do their disappearances or murders go unsolved at higher rates than other murders?”

I gathered research material by looking into previous murder cases, particularly into cases where the “less-dead” were targeted by serial murderers. The material that makes up the basis for this paper is sourced from a mix of books, podcasts, documentaries, government information databases, news organizations, academic resources, and websites. I carefully selected material that focused on cases of serial murder from 1950 to 2020 where the criminal investigations had substantial bias. I only included well-researched, credible sources that had a reliable amount of factual detail. I only reviewed cases from North America, where documented cases of serial murder with a wealth of information about the criminal investigation are numerous. The specific cases of serial killing where the “less-dead” were targeted that I examined were the cases of Robert Pickton (Canada), John Wayne Gacy (United States), Gary Ridgeway (United States), Lonnie David Franklin Jr. (United States), and Jordan Paul Gilbert (Canada). I conducted the bulk of my research by going through each case in the order that they are listed above, beginning with grasping a general overview of the case. I examined the timeline of the killer’s active period from the first murder to their eventual capture. In addition, I reviewed the criminal investigation into each case by examining official documents such as inquiry reports, police reports, and reports from the Federal Bureau of Investigation. I also reviewed popular media sources.

I used the information that I gathered to examine the timelines of each killer’s active period in conjunction with the resulting criminal investigations. I reviewed the dates and details of police reports in correspondence with the dates of each killer’s murders. Based on the progress and effort put into the investigations of each missing vic-

tim, I identified patterns in how the authorities used resources to investigate each case. As a result of thoroughly investigating each criminal investigation, I was able to draw conclusions about who the less-dead are and how cases involving their deaths or disappearances are treated.

Results

As a result of examining the details of several cases, I can define who the less-dead are, as well as why they are a popular target for serial killings through a case-by-case breakdown. I am also able to definitively assert that cases involving the less-dead were consistently under-investigated by the authorities.

Case Examination One - Robert Pickton

The case of Robert Pickton, who was a Canadian serial killer who confessed to forty-nine murders in 2002 is heavily involved with the less-dead phenomenon. Pickton's victims were mostly sex workers, many of whom were drug addicts. Many of the victims were indigenous or white, but the victim's races widely varied - making Robert Pickton different from the typical serial murderer, as serial murderers usually kill within their race. Pickton killed from 1978 to 2001 - a period where sixty-five women went missing from Vancouver's Downtown Eastside. (The Last Podcast on the Left).

The Vancouver Police Department completely mishandled the case and investigation, ignoring the disappearances of dozens of women. Anishinaabe activist Audrey Huntley claims that "I have a friend who went to the cops in 1998 and told them about Robert Pickton's whole farm. They called her a 'junkie ho.'" (Vice). A 2012 report on the investigation of the Pickton case by Wally Oppal outlines "blatant failures" by police, "including inept criminal investigative work, compounded by police and societal prejudice against sex trade workers and Indigenous women — had led to a "tragedy of epic proportions." (The Canadian Encyclopedia). One excerpt from the report claims that "Between 1998 and 1999, four people told police about Pickton's alleged activities. Informant Lynn Ellingsen even said she saw Pickton butchering a woman in his slaughterhouse. Apparently, police didn't act because these witnesses were potential drug addicts and often changed their stories." (Vice).

Senior officers in the Vancouver Police Department refused to believe that there was a serial killer among the populace. Kim Rossmo, the investigator who developed the formula for geographic criminal profiling, worked for the VPD at the time and was mocked for expressing his concerns about the massive amount of missing women in their jurisdiction. He was later fired. (Missingwomen.library.uvic.ca).

Robert Pickton was only convicted of 6 murders. Originally, he was charged with twenty-six, but the decision to stay the other murder charges was made in 2010 because Pickton had already been given the maximum life sentence and prosecutors felt that another trial would be unnecessary. This angered the families of victims and revealed "a deep bias against the poor, often drug-addicted, victims." (BBC News).

The Robert Pickton case highlights several hallmarks of the less-dead phenomenon. His victims were of lower socioeconomic status and many of them were sex workers. Several victims were addicted to drugs at the time they were murdered. In addition to this, the investigations into each missing woman were near nonexistent. Police report timelines were often short and lacked detail. Investigators made very few moves to look into the massive amount of missing women in their jurisdiction, and even during the trials, victims were ignored. (Missingwomen.library.uvic.ca).

Case Examination Two - John Wayne Gacy

The case of John Wayne Gacy also reflects patterns of the less-dead phenomenon. During his active period from January 1972 to December 1978, Gacy committed and was later convicted of thirty-three murders of young men and

boys, the majority of whom lived a transient lifestyle or were runaways. Some of the victims used drugs, were homosexual, or were sex workers.

The police investigation into the reported disappearances of Gacy's victims by the boys' parents was pathetic. In one instance, when a boy was reported missing by his parents after he had failed to return from selling a car, the police completely dismissed the report and just labeled the boy a runaway. This became a common response from investigators - the boys were deemed runaways and forgotten. Investigators ignored the often unreported disappearances of drifters and transients altogether. (Federal Bureau of Investigation), (Zebrowski et. al.).

Before Gacy began his murder spree, he was convicted of sexually assaulting a boy and served eighteen months of a ten-year prison sentence. In 1976, police surveyed Gacy's house under suspicion that he was responsible for the abduction of a nine-year-old boy but failed to produce a case. (Chicago Tribune). In March of 1977, Gacy was charged with sexual assault but settled for \$3,000 in a civil suit. In December 1977, Gacy was arrested after a teen accused him of kidnapping at gunpoint and sexual assault. Gacy claimed the encounter was consensual, and the state attorney decided against prosecuting him, so he was released. The overworked court system allowed Gacy to slip through the cracks. "It was a one-on-one situation with Gacy's word against the kid's. There were no witnesses." An unidentified official familiar with the case [claimed]." (Chicago Tribune), (Zebrowski et. al.).

In December of 1978, Robert Piest, an honors student from Maine West High School, went missing after telling his parents he was going to see a man about a construction job that paid double the salary of his current job. The same day, when he failed to return home, his mother filed a missing person's report at the police station. In the days following, Gacy was questioned, and his house was searched, where the police found items linking Robert Piest, as well as other missing young men, to Gacy. (Chicago Tribune), (Federal Bureau of Investigation).

Police then learned of the previous conviction of Gacy as well as the brief sentence he had served in prison for sex-related crimes. After being under surveillance for some time, Gacy was arrested, then confessed. (Chicago Tribune). We can discern that the case of John Wayne Gacy involves the less-dead phenomenon because of how the case was handled by police. Gacy was allowed to get away with sex crimes due to homosexuality within the justice system. In addition to this, missing young men from poor families were dismissed as runaways and transients, and their disappearances were ignored by the police. Gacy was only investigated when he murdered someone who would not be considered less-dead - an honors student from a wealthier family who could not be written off as yet another runaway. When police were forced to work the case, they uncovered thirty-three bodies. (Federal Bureau of Investigation), (Zebrowski et. al.).

The Gacy case serves as solid evidence for the existence of the less-dead phenomenon. His victims were ignored by the police because they came from low-class families, and institutional homophobia prevented authorities from wanting to investigate and prosecute Gacy. It was only when a boy from an upper-class family was killed that the police began to investigate Gacy.

Case Examination 3 - Gary Ridgway

Gary Ridgway, known more commonly as "The Green River Killer," was a serial killer with an IQ of 82 who was convicted of killing forty-nine sex workers from 1982 to 1998. Though he confessed to killing at least seventy women, he claims that he "killed so much he forgot how many." (Wikipedia). In a fashion similar to Robert Pickton, Ridgway killed across racial lines, murdering a mix of black and white sex workers. His fascination with violence began at a young age, when he stabbed a six-year-old in the woods, citing that he "always wanted to know what it felt like to kill." (Last Podcast on the Left).

Ridgway developed a fascination with women following his return from the Vietnam war, where he had contracted a venereal disease from a sex worker. His anger towards women developed through a deep hatred of sex workers and became intertwined with Ridgway's obsession with religion - he was known to cry after reading the bible or attending a church sermon.

Despite his religious ideals and venereal disease, Ridgway continued to see sex workers, and “admitted to having a fixation with sex workers” with whom he had a bipolar relationship - often complaining about their presence in his hometown and decrying them as whores as he paid for their services. (Wikipedia). The murders began when Ridgway’s fury with sex workers for participating in sexual acts with him and “sinning” grew. Ridgway sought to rid his world of sex workers, which fits the profile of the mission-oriented killer, defined by profilers as killers who “justify their murders as being necessary to rid the world of a group of people that they perceive to be undesirable. Such groups may include sex workers, the homeless, or those who are different from the killer in terms of race, ethnicity, religion, or sexual orientation.” (Psychology Today). Ridgway was without a doubt a missionary killer - his ultimate goal was to rid the world of sex workers. Ridgway was only caught through DNA evidence found on the bodies of his victims after his killing spree had ceased. (Zebrowski et. al.).

The police investigation into the Green River Killer case began with the formation of the Green River Task Force in the early 1980s. Ridgway was arrested in 1982 on prostitution charges and became a suspect in the murders in 1983. However, in 1984, he passed a polygraph test and was no longer considered a suspect as a result. Samples of his DNA were collected in 1987 after he was once again considered a suspect, and these samples would contribute to his capture in 2001. His house was also searched, but nothing was found. (Wikipedia, Schoolwires.net). Ridgway’s murders slowed down after he married Judith Mawson in 1988. In fact, of his 49 confirmed murders, only 3 occurred after he married, and Ridgway claims that he “truly loved her.” (Wikipedia).

The profiles of Ridgway’s victims can be considered “less-dead” because the vast majority, if not all, were sex workers. Some were addicted to drugs, and all were of low socioeconomic status. The Green River murder cases were investigated by more attentive detectives and police officers than those who typically investigate less-dead murders. Though Ridgway was not caught right away, a task force was formed to investigate the Green River murders and did not disband until Ridgway was caught. In fact, the task force interviewed Ridgway as a suspect in 1982, but he slipped through the cracks of the investigation because he passed a polygraph test - a test which is so unreliable that it is not admissible as evidence in court.

Case Examination 4 - Lonnie David Franklin Jr.

Lonnie David Franklin Jr. also known as the “Grim Sleeper” was a serial murderer who targeted black, female sex workers in Los Angeles from 1985 to 2010. Franklin was convicted of ten murders but is estimated to have killed over twenty-five women. Some say that the actual number of his victims could be in the hundreds. (Tales of the Grim Sleeper). South Los Angeles was gripped by the crack epidemic at the time of Franklin’s murders, and industry was declining rapidly in the area. Less than fifty percent of the population graduated high school, and one-third of males were convicted of a felony. Police avoided the area, and the population did not trust them due to instances of abuse and brutality. (Tales of the Grim Sleeper).

Though Franklin himself was sober, he got many of his victims into his car with the promise of drugs or by soliciting them for sex. After getting them into the car, he took them to his house and persuaded the women to come inside. His victims ranged from fourteen to thirty-six years old and were either killed with a .25 caliber pistol or strangled. One hundred and eighty photographs of women were found inside Franklin’s house during a search. (Tales of the Grim Sleeper). The police investigation into the disappearances of Franklin’s victims was practically nonexistent. Though the police knew that a serial killer was on the loose since 1988, they did not warn the public until 2008 - twenty years later. Many more women were likely killed than the police will ever admit, and those cases will likely not be investigated. Those victims’ bodies will most certainly never be found because Franklin worked in sanitation and had access to landfills, where he could get rid of bodies discreetly. (Tales of the Grim Sleeper). It took the deaths of 11 women and over twenty years for police to announce that a serial killer was on the loose - because Franklin was “only killing hookers.” (Tales of the Grim Sleeper). All of the victims were black women, the majority of whom were drug addicts and sex workers. The disappearances of the women were ignored because of

their status as the less-dead. Police also refused to put out a sketch of the potential perpetrator to help gather tips. (Tales of the Grim Sleeper).

It took the arrest of Franklin's son, Christopher, to connect Franklin to the crimes at all. Following Christopher's arrest, a sample of his DNA was taken, and computer software signaled that one of his close relatives was a contributor of DNA in the cases of several unsolved murders. To definitively prove that he was the perpetrator, a sample of Franklin's DNA was collected by a police officer posing as a pizza shop employee and compared to an unknown DNA sample found on many of the victims. (Forensic Technology Center of Excellence). Police held a press conference where they claimed that twenty-five years of "exhaustive police work" went into catching Franklin. This was a blatant lie. The Black Coalition Fighting Back Serial Murders held their own press conference where they set the record straight, outlining the lack of care police held towards the investigation as well as police refusal to care about the deaths of black prostitutes. (Tales of the Grim Sleeper).

It is obvious that in this case, people considered less-dead were targeted; Franklin's victims were black sex workers, the majority of whom were addicted to drugs. All of the victims were of low socioeconomic status and lived in an area that police tended to avoid and ignore. As a result, numerous murders went under-investigated, some not investigated at all, with one person even claiming that it was "lack of concern [that] allowed so many women to be killed in [his] hunting ground." (Tales of the Grim Sleeper).

Troublingly, the majority of these cases were branded with the acronym "N.H.I." - No Humans Involved - this acronym is given to many cases where the murder of a sex worker or drug addict is concerned. Certain investigators do not consider these people - the less-dead - human. (Vanity Fair, Tales of the Grim Sleeper). After Franklin was apprehended, police attempted to cover up the lackluster investigation, and the chief of police, the mayor, and the head of the Grim Sleeper Task Force still refuse to give interviews about how the investigation was handled. Nick Broomfield claims that "This behavior wouldn't be tolerated for a minute in a white, affluent neighborhood . . . It's easy for [the L.A.P.D.] to say, well, we've got Lonnie now. But they don't want to answer why it took so long, because they can't answer it. There is no way of answering it." (Vanity Fair, 2014).

Case Examination 5 - Gilbert Paul Jordan

Gilbert Paul Jordan murdered between eight and ten Canadian sex workers from 1980 to 1987 by alcohol poisoning. He targeted indigenous sex workers, lured them to hotel rooms or his barbershop, and paid them to drink with him. After his victims passed into a state of unconsciousness due to excessive alcohol consumption, Jordan continued to pour alcoholic drinks down their throats. While they were dying, Jordan sexually assaulted them, claiming he received pleasure from watching them die. Eventually, his victims would pass away due to alcohol poisoning. (The First Nations Drum).

The investigation into the deaths of Jordan's victims was conducted poorly. Three of Jordan's victims were found in his barbershop on three separate occasions with blood alcohol contents of .76, .51, and .79 (in the order in which they were killed). These deaths, along with three others, were written off as accidental by police. It was not until Jordan murdered a seventh victim, a white woman, that police began to investigate him. (Wikipedia).

Police watched Jordan as he picked up prostitutes on the street and took them into hotel rooms. After some time, they would intervene. Four women were rescued from Jordan's hotel rooms on four separate occasions during the period when he was under surveillance, one with a blood alcohol content of .52, another with a blood alcohol content of .43, and the other two with unknown blood alcohol contents. Jordan was eventually arrested and charged with one count of manslaughter. He served only six years. (Wikipedia).

Jordan targeted the less-dead, in this case, indigenous sex workers. Similarly to the Gacy case, police only began to investigate Jordan when he murdered someone who was not "less-dead" - in this case, that person was a white woman. Police were completely apathetic towards investigating the deaths of indigenous women, especially indigenous women involved in sex work.

The court system, in this case, was also apathetic towards the deaths of the “less-dead” victims. The one murder that Jordan served time for was the murder of his white victim - though because she was a sex worker, he was only charged with manslaughter. He was originally sentenced to fifteen years in prison, which was later reduced to nine. Gilbert served six years before being paroled in 2004. He died a free man in 2006.

Conclusion

There is no question about whether or not the less-dead phenomenon exists. The results of this research indicate that factors including a victim’s race, socioeconomic status, sexuality, and occupation affect how investigations into cases of murder or disappearance are handled. As a result, I can define the less-dead phenomenon as “the lackluster investigation into the disappearances or murders of marginalized groups in society who lack prestige and come from a lower socioeconomic class.” This is because investigations into cases involving individuals who are less-dead are handled without care by investigators and are conducted poorly, according to this research.

Patterns that confirm my hypothesis that cases involving the less-dead are poorly investigated can be found in my research. For example, cases involving the deaths or disappearances of prostitutes, transients, or the homeless are poorly investigated and sometimes completely ignored. This confirms the assertions in the study *Vulnerable to Hate* (2016-2017). Cases involving homosexual men and boys also go under-investigated and pushed aside in favor of other cases due to police officers’ homophobia (confirming the claims of *The Last Podcast on the Left*) - though in recent years, this has improved in tandem with the destigmatization of homosexuality.

Race is also a factor in how cases of death or disappearance are investigated. African American and indigenous women have their cases ignored in favor of cases involving white or Asian women. Also in line with the hypothesis, all cases concerning the less-dead involve people who are of low socioeconomic status. Socioeconomic status is the biggest factor in determining how case investigations will be handled. Wealthy people’s cases are solved more frequently than those who are poor, according to this research.

These results indicate the existence of the less-dead phenomenon, again defined as “the lackluster investigation into the disappearances or murders of marginalized groups in society who lack prestige and come from a lower socioeconomic class.” Previous research indicates that the less-dead exist, but the patterns I used in this practical investigation to discover who the less-dead imply that there is bias within investigations into the deaths and disappearances of the less-dead. Further research must be done going forward in order to bring to light these injustices and ensure the equality of police investigations.

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