

unCONSTITUTIONal



A Patriot's
Bulletin

VOLUME 1 ISSUE 2

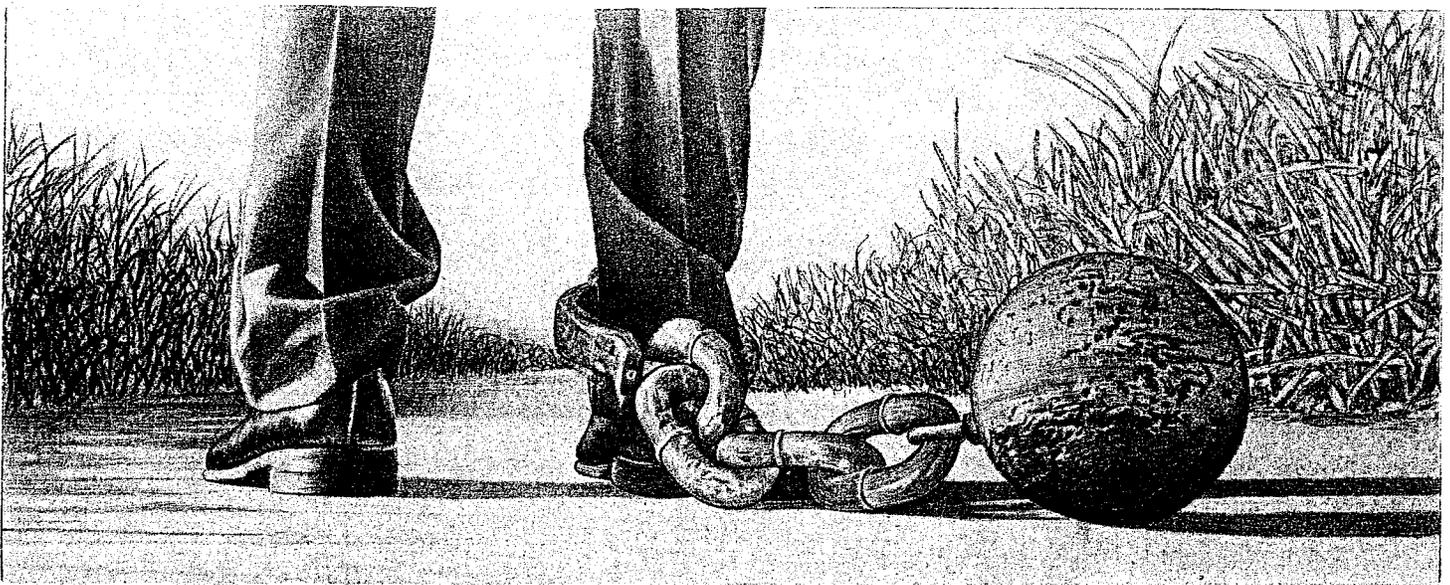
A COMPILATION OF ARTICLES AND ESSAYS

THE TREE IS DEAD!

WHAT'S MINE IS MINE AND HIS IS HIS

CREATING CRIME: The Consequence of Excessive and
America's Penal System

JUSTICE FOR ALL: The Forgotten Ideal



AND THERE I WAS . . .

I made my own AR-15 rifle with certain features and capabilities under the belief that I had the right to keep and bear arms as the Second Amendment so secures. I believed by making my own gun, I would avoid the government's jurisdiction to regulate and tax "firearms" that are produced and travel in interstate commerce, and that I wouldn't break any of the government's gun control laws. The point was not to commit crime, but to exercise my rights. The point was, to prove to everyone that the Second Amendment still existed, that you could do what I did lawfully under the Constitution and Bill of rights. Boy was I wrong when the government came for me.

Hello, my name is Schuyler Barbeau (Sky-ler Bar-bo). I was arrested December 6, 2015, before I could leave for Oregon to defend the Hammond Family from federal tyranny, which ended up later turning into the "occupation" of the Malheur National Wildlife Refuge. The FBI basically performed

a preemptive strike on me to prevent me from exercising my First Amendment right to assemble and protest government oppression. Since I served the Bundy Family during their stand against federal tyranny in 2014, and served in other similar operations, the government doesn't like me. They think I am and have labeled me a domestic terrorist.

I swore an Oath when I joined the Marine Corps to support and defend the Constitution and my fellow citizens. The government doesn't like that about me either, so they charged me under Internal Revenue and Interstate Commerce laws for making my own gun and have wanted the maximum 10 year sentence until recently. As of this writing, the prosecutor filed their sentencing memorandum and now want 72 months when my guideline range is 21 to 27 months.

I represented myself at trial, June 5th and 6th, but then changed my plea to guilty after realizing there was no way I was going to win. The judge denied my 'perfect argument' in my motions and said "The Court acknowledges that Mr. Barbeau wishes to undo decades of jurisprudence but will not assist him in rewriting the law." I got that Order during the first day of trial. It's like marijuana, it will not matter what anyone argues, the federal government is not going to legalize it, and likewise homemade short-barreled selectfire guns. Whether interstate commerce is actually involved or not, it's not going to happen.

I have been and will continue to fight for OUR rights and on the side, from dealing with my case, which sentencing is set for September 8th, I will exercise my Freedom of Speech and the Press with my Bulletin to bring awareness to and express opinions on matters of public interest (i.e. government corruption, tyranny, and all things unconstitutional) to you - **The People**. This Bulletin may feature writings from other people and will change from time to time as my creativity brings it forth. So, therefore... enjoy!

For Freedom, and Liberty, and the Republic, in God we trust - Schuyler Barbeau

WHAT'S MINE IS MINE AND HIS IS HIS

01/15/17
FDC

I was lying in my splendid rack on this night thinking about my situation, how I was arrested, my charges, my case, what the FBI has done to me, and so forth. I was thinking about how I made my own gun and the FBI took it from me. It was mine and they took it. Then the Persecutor put a "Forefeiture Allegation" in my Indictment making this claim that my gun, my private property, will be forfeited to the if I'm convicted. I was thinking, how can they do this? Do I not have a right to keep and use what I create? Do I not have property rights? I thought, what is this power the Federal Government has that what I build with my two hands is subject to their regulation and prohibition, and that they can just take it away without due process of law. That they can write laws that I am supposedly subject to without giving me notice that I am subject to them. That they have power to tell me what I can and can not do privately inside my home. Where is this power listed in the U.S. Constitution and how does it override the Bill of Rights? I haven't seen it, so it must be usurped or just plain tyranny. I was becoming angry as I thought about these things and right in the middle of it, randomly, a new thought injected into my train of thought.

Somehow I was led to think about how Man is God's creation, made by his own two hands. In Exodus chapter 20, God is giving Moses his ten Commandments. In verse 4, God says: you shall not make for yourself a carved image - any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; you shall not bow down to them nor serve them. For I, the Lord your God, am a jealous God...

I understand God not wanting us worshipping and serving other gods or false gods. But what I thought was - the way I feel now about someone taking away what I created must be how God feels when the enemy (satan) takes away what He created (us). Anyone who has skills and talent with his or her hands, like a craftsman who makes fine furniture or an artist painting could understand how it would feel if after spending a lot of time and focus creating something, to have someone come along and take it from you. I created my own gun. After all the labor I put in at my job to earn the money to buy all the parts, tools, and machining equipment; after all the months researching what I wanted to build, how to build it, and studying ballistics and theory of operation, I put my hands to work and created one fine tool. My best work. My masterpiece. My dream rifle. You gun guys out there, imagine having pretty much an unlimited budget to build or have built, the best AR rifle money can buy. I spent over \$5000 on mine. But then to have someone - the government - come and take it from you. That creation was private property. It was mine. Then the government throws me in prison for my creation and accuses me of crime. So now I've lost my property and my liberty, for what? I thought the Second Amendment protected my personal right to keep my personal arms. I thought the Fourth Amendment protected my right to be secure in my property from warrantless seizures. Yup, the FBI seized my property without a warrant. I also thought the Fifth Amendment protected my life, liberty, and property from being deprived without due process of law. Due Process deprivation is supposed to only be done on an individual basis by judicial procedure. Yup, no due process was given to me to tell me I don't have Second Amendment protection to make and possess a selectfire, short-barreled rifle.

Anyways, when God created Man, we were His best work, His masterpiece. The work of His two hands. Then satan comes along and tries to take us away from Him, and he does succeed all the time. Like a lion, he roams to and fro, seeking whom he may devour. God said he is a jealous God, why? I think it's because He does not want us to turn away from Him and because satan is always taking His creation away. This all ran through my mind at that moment and I think I shared the same feelings the Lord has.

Schuyler

I'm listening to the Dori Monson radioshow on 97.3. Dori was doing his "The Big Lead" segment and his topic is the Sound Transit's recently voted in, multi-county, "ST3" tax rate increase on vehicle registrations and tabs to raise 54 billion dollars to pay for expansion of the Sound Transit commuter train that services the Seattle area of Washington. Sound Transit has just admitted during testimony before the State Legislature to overtaxing **6 billion dollars** already from the taxpayers of King and Pierce Counties. KING 5 News did a story and Dori played a soundbyte of State Representative Judy Kliburn from Mercer Island, where she said with a little hint of a chuckle: "well, they did vote for it so it's kinda difficult to come in and remove it," and claiming "sticker shock". Well, actually most of Pierce County voted no on the measure last November and most people in Pierce County don't even want Sound Transit service, but because the Majority voted yes (the Majority being Seattle with its 3 million people), now people in Pierce County are subject to tax that they didn't want. Everyone is complaining about it. This is the problem with Democracy - the Majority can bully the Minority.

This ST3 tax hike was the largest tax hike in the United States in the Nation's history and was imposed by unelected members of a Board for Sound Transit. It is **TAXATION WITHOUT REPRESENTATION**. This is the "Democracy" everybody seems to want though, at least in the big cities. These big cities, these population centers, are what controls the whole State unfortunately, more Majority bullying the Minority.

I want to point out that I've written before about how the Legislators trick the citizens to enact laws that they themselves have no constitutional power to enact. They put these measures or initiatives on a ballot, that maybe would be unconstitutional, for the citizens to decide if they want it. The citizens don't study the State or Federal Constitutions to know if the initiatives are good law, so they just vote on how they feel. Normally it's the Legislators who deliberate on a Bill to see if it passes constitutional muster, but they can let an initiative slide through their scrutiny. And... according to State Rep. Judy Kliburn, the people voted for it, so it's not the government's fault, but the People's.

It's trickery by the government to be able to collect taxes without representation. \$6 billion of overtaxation in the first several months already without representation - is that not tyranny? Just like the British did that led to the Revolutionary War. And the Legislators are basically saying now that they can't undo the law. It's as simple as a resolution declaring the voted-in law as unconstitutional and it thereby is repealed.

Government at every level is out of control, so make sure you keep voting in new out of control government. That's what Democracy is all about right? Always voting in your new oppressors and slave masters.

Defender

U.S. NEWS

In Illinois, Long-Term Problems Still Loom

BY QUINT FORGEY
AND HEATHER GILLERS

The Democratic legislature in Illinois seems to have forged a budget deal that could stave off a junk credit rating and resolve a two-year fiscal standoff, but the plan appears to do little to solve the state's long-term problems.

Indeed, a major ratings firm said Wednesday that it continues to look at a possible downgrade of the state's credit rating to a level no state has ever seen.

On Thursday, the Illinois House is expected to join the Senate in overriding a veto by Republican Gov. Bruce Rauner, a defeat for the billionaire first-term governor.

Democratic House Speaker Michael Madigan, the governor's chief political opponent, passed the revenue measure over the weekend with 72 votes, surpassing the three-fifths-majority threshold of 71 votes required to override a gubernatorial veto.

Ahead of Thursday's vote, the focus remains on 15 House Republicans who voted Sunday to approve a \$5 billion permanent income-tax increase to fund a more than \$36 billion spending bill. The state brings in roughly \$32 billion a year.

Mr. Rauner, who vetoed the measure because he opposed making the tax increase permanent, is still seeking con-

Illinois is struggling with \$250 billion in pension debt, according to Moody's.

cessions from the legislature, including a property-tax freeze and a revamp of the state's worker-compensation system.

"Do not push for a tax hike with no fundamental reforms. Don't do it," Mr. Rauner said at a news conference Wednesday.

A budget wouldn't be a panacea. Illinois is struggling under the weight of \$250 billion in pension debt, according to an estimate by Moody's Investors Service, a liability far greater

Gun Laws Blocked in California

NRA challenges keep ammunition limits and ban on some weapons from taking effect

BY JOE PALAZZOLO

Two new California gun-control laws are on hold after challenges by the National Rifle Association, which is placing more emphasis on fighting restrictions in the state through legal and regulatory means rather than at the ballot box.

California voters last year approved a series of restrictions, including new limits on ammunition and magazines. During the campaign for the measure, pro-gun activists criticized the group, saying the NRA offered only token opposition.

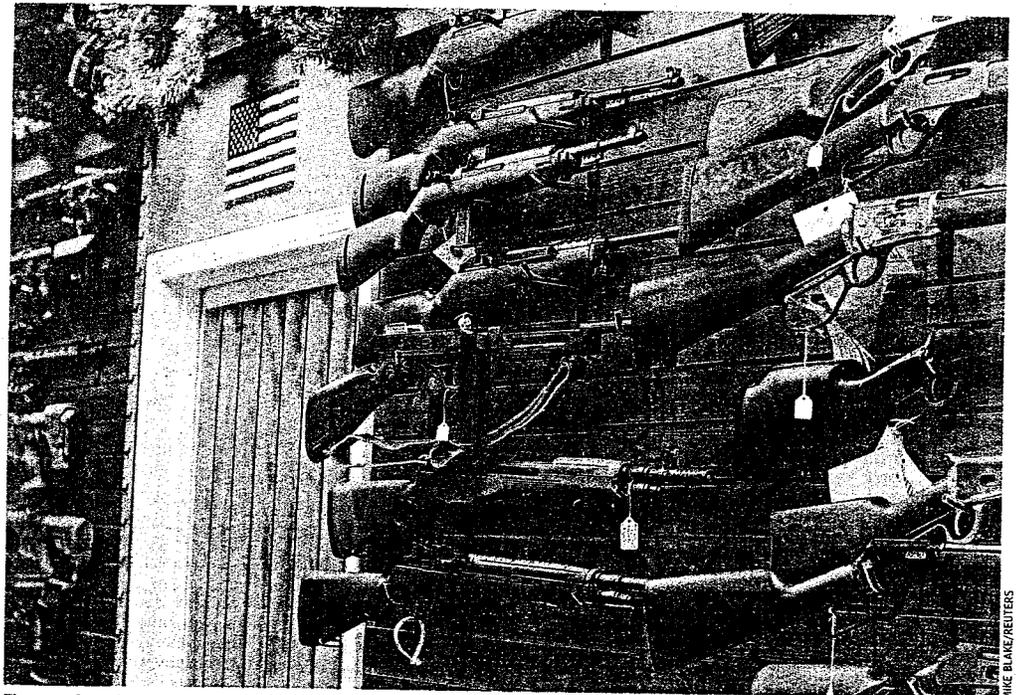
But last week, the group and its local affiliate, the California Rifle & Pistol Association, notched two significant wins—including a ruling by a federal judge who found that the Constitution may protect some "ordinary" military weapons.

"We had to shift our tactics to be more heavily focused on litigation," said Jennifer Baker, a spokeswoman for the NRA. California is home of some of the strictest gun laws in the nation and is often seen as an incubator for measures elsewhere in the nation.

The ballot measure, which passed last year with 63% of the vote, prohibited possession of magazines that hold more than 10 rounds and required background checks for ammunition purchases. U.S. District Judge Roger Benitez in San Diego blocked the magazine restrictions in a ruling on Thursday, while the lawsuit filed by the gun rights groups moves forward.

The law, scheduled to go into effect July 1, would force Californians to surrender any ammunition magazine exceeding the limit or face criminal penalty of up to a year in jail and a fine of \$100 per magazine, or both.

Separately last week, a California administrative agency denied proposed regulations for implementing a 2016 law that expanded the state's ban on the sale of military-style weapons. The California State Legislature, dominated by



Firearms for sale at a gun store in El Cajon, Calif., in 2016. Voters last year approved new limits on ammunition and magazines.

Democrats, last year expanded the definition of prohibited "assault weapons" to include firearms with detachable magazines.

On the same day as Judge Benitez's ruling, a senior U.S. district judge in Sacramento declined to block the high-capacity magazine law in a separate lawsuit, saying the state was likely to win.

California Attorney General Xavier Becerra said in a statement that he would continue to defend the law. California law already makes it illegal to buy or sell such magazines. A spokeswoman for Mr. Becerra, a Democratic former member of Congress, declined to comment on Monday.

In the NRA's other victory last week, California's Office of Administrative Law rejected the state Justice Department's proposed regulations for the expanded "assault weapon" law. The June 26 order effectively halts the law while Justice officials draft a new proposal, said Chuck Michel, who represents the NRA in the case.

The law, signed by Democratic Gov. Jerry Brown last year, expands the ban on sales

Defense Needs Cited in Ruling

The U.S. Supreme Court ruled in 2008 that the Second Amendment protects an individual right to own a gun for self-defense. Since then, courts have appraised gun-control laws through the prism of self-defense.

U.S. District Judge Roger Benitez, dusting off a Supreme Court case from 1939, said in his ruling last week that laws restricting guns and ammunition should also be weighed against the need for militias capable of defending the homeland.

of military-style weapons to include firearms with magazines that can be detached without disassembling the guns. The law also requires current owners of such weapons to register them.

The NRA and the California Rifle & Pistol Association challenged the proposal as unlawful and "riddled with other flaws" that would make the

"The right to bear arms includes the right to keep and carry ammunition and magazines holding more than 10 rounds for those arms, for both self-defense and to be ready to serve in a militia," Judge Benitez wrote.

Four federal appeals courts across the country have upheld restrictions on high-capacity magazines, said Hannah Shearer, a staff attorney at the Law Center to Prevent Gun Violence, which filed a brief in the case in support of the law.

Ms. Shearer said no other court has held that the Second Amendment creates an individual "militia right" to keep and bear certain arms.

Chuck Michel, a lawyer who

represents the NRA in the case, said Judge Benitez correctly found that the state had overstated the public-safety risk of high-capacity magazines, which were involved in two mass killings in California in recent years, according to one survey.

Those included a 2013 shooting in Santa Monica that left six dead and a 2009 Oakland shooting in which four police officers and the shooter perished.

The survey by Mayors Against Illegal Guns, which is now known as Everytown for Gun Safety, defined a mass shooting as one in which four or more people are killed.

—Joe Palazzolo

regulations unenforceable.

The groups have also filed a lawsuit against the state over the weapon ban and are preparing challenges to the new ammunition restrictions approved by voters in November, said Mr. Michel, who called California a "petri dish for bad gun control laws" that spread to other states.

"It's inevitable that a lot of

these battles have to be fought here," he said.

Lt. Gov. Gavin Newsom, who initiated the ballot measure, said in a statement posted to his Twitter account last week that the NRA cases amounted to "an orchestrated campaign to dismantle public safety laws and overturn the clear will of the California voters."

CREATING CRIME: The Consequence of Excessive Laws and America's Penal System

by Floyd E. Harshman, prisoner #16450-006

Crime and punishment are rarely topics of discussion in American homes. Mainstream America appears to care little about what passes for crime. Must seem content to allow the government to determine what is a "crime" and what isn't. Nor does mainstream America appear to concern themselves about the happenings within our nation's prisons. "Lock them up and forget them" seems to be the prevailing attitude. Both of these attitudes are individually dangerous - but together they are deadly.

Every law is an infraction on liberty.
Jeremy Betham, Philosopher 1832

Law

What is a law? A law, according to the dictionary, is a rule established by custom or authority. By this simplistic definition, a law can be anything, anything at all. Imagine it, and a law can be written making it a fact of life. Therein lies the danger to this open interpretation.

Our forefathers, the Framers of our United States Constitution, understood this danger. They understood that every law forcing a behavior limited free will and thus was "an infraction on liberty". For this reason, they placed limitations on the government's authority to pass laws in both the U.S. Constitution and our Bill of Rights.

A review of the Constitution shows three categories of law: Common Law, Equity Law, and Admiralty/Maritime Law. Every law passed by Congress, every executive order given, must fall within one or more of these three Constitutionally recognized categories. Any law, rule, regulation, statute, or Act falling outside of these three categories is a violation of the limitations set down by our forefathers.

Common Law is now considered to mean the body of law derived from judicial decisions, rather than from statutes or constitutions. The term caselaw refers to this modern distinction. In its historical origin, the term "common law" (jus commune) was identical in meaning with the term "general law". As America was founded as a highly religious nation, its common law was based on God's Law, the Ten Commandments.

Because our forefathers based their common law on God's law, and believed that every law was an infraction on their liberty, they sought to limit the number of laws by insisting each illegal act contain a victim. No victim, no crime. Any law written and passed by the government that failed to show an actual victim was referred to as an "imposter law".

Citizens held for trial under imposter laws were routinely found Not Guilty and set free by their jurors. The law itself was on trial just as much as the defendant. If any juror found the law to be wanting, they used their constitutional power as juror to ensure justice was done. The most famous example of this was the 1670 trial of William Penn, founder of the State of Pennsylvania. The major issues addressed in William Penn's court case became major components of our First Amendment: The right to Free Speech, Free Religion, and to Peaceably Assemble. Some scholars say our constitutional right to Habeas Corpus also resulted from this important case.

Equity Law, like the word "equity" itself, reflects the principles of fairness, impartiality, evenhanded dealing in a court of law. Equity means natural justice, but nowadays it is no more (and no less) natural justice than the common law, and it is in fact nothing else than a particular branch of law. This branch of law

deals with financial issues like contracts, bankruptcies, and disputes of a financial nature.

Admiralty/Maritime Law controls major waterways, navigable rivers, seas, and oceans. It has jurisdiction over all maritime legal disputes such as contracts, torts, injuries, or crimes committed on the high seas. Its jurisdiction ends three miles inland from the low tide's watermark. This distinction, its jurisdictional zone of operation, is important. The court has zero authority outside this zone.

Originally, Admiralty/Maritime Courts were known only by that name. But in the early 1800's the Feds started calling them District Courts. If the term "District Court" sounds familiar, it's because District Courts can be found in every major city in every state - regardless of its proximity to waterways, seas, or oceans. There is even one in Fairbanks, Alaska, 400 miles inland.

Nor is the federal government, or their courts, open to discussing this or other judicial inequities - myself and others have tried. On the issue of jurisdiction, I filed a motion with the court (aka, District Court of Alaska) questioning the legitimacy of their "jurisdiction & venue". The motion was ignored - no response at all.

Not only was it ignored by the court, it was summarily sealed so that the American public could not access it. In fact, all reference to this motion was removed from the official court docket. Only the missing numbers in the docket's sequential numbers gives proof of its existence. Why would the residing judge take it upon himself to violate court rules and our nation's bedrock principles of transparency, to hide it? Could it be there is validity to my concerns? That seems a reasonable assumption considering their behavior.

Necessity is the plea for every infringement of human
freedom. It is the argument of tyrants; it is the
creed of slaves.

William Pitt, before the House of Commons, Nov. 18, 1783

Every civilization, every society, needs basic laws in order to function... this fact is not in dispute. The problems arise from excessive laws, and in our nation's case, unconstitutional laws. No law should infringe upon a citizen's innate right or constitutional liberties. No law should restrict a citizen's religious practices or dictate the citizen's core values and morals... yet many of our government's laws do just that. The problem arises from government laws designed to give unlawful power & control over its citizens to the government. "Unlawful" because they conflict with the U.S. Constitution and Bill of Rights.

In the USA, we have more laws than any other nation in the world. This fact may help to explain the 5-to-1 disparity in America's prisoner/population ratio. America houses over 25% of the world's total prisoner population, yet contains less than 5% of the world's total population. The more laws you have the more crime you have - and the less freedom you have.

Excessive laws, and indeed unconstitutional laws, breeds discontentment, unrest, and anger - which in turn creates civil disobedience and crime. If we want less crime, we must force the government to remove the excessive and unconstitutional laws... and allow ourselves more FREEDOM.

Prisons

To declare that in the administration of criminal
law the end justifies the means - to declare that
the Government may commit crimes in order to secure
conviction of a private criminal - would bring
terrible retribution.

Louis D. Brandeis, Supreme Court Justice, 1856-1941

It is an open secret amongst law enforcement personnel and the officers of the court, that the government's minions routinely "commit crimes in order to secure convictions". The minions I speak of belong to local, state, and federal law enforcement agencies and the courts themselves. The government would have the public believe that these occurrences are random, isolated acts by a few bad apples. But the truth is these occurrences happen too frequently to be random or isolated. Further, the perpetrators, when caught, rarely get more than a hand slap if that. Typically, when the perpetrator's actions are brought to light, their supervisors and the court, refuse to take action - even when proof is provided.

Consider my pot case: I discovered falsified police reports, tampered-with evidence & witnesses, perjured grand jury testimony, etc, etc, and offered tapes & photos to prove my claim. I was ignored by everyone including my court appointed counsel. Trust me when I say this type of behavior is the norm, not the exception.

The experts agree, today's prisons contain more innocent than ever before in our nation's history. Sir William Blackstone (1765) stated: "It is far better that ten guilty persons escape than one innocent suffer". This belief became a bedrock principle of American justice. But in today's courts, this principle is no longer practiced. A twisted commercialized mindset has taken root in our justice system.

In our federal courts, over 90% of a defense attorney's time is spent with one goal in mind - getting their client to take a plea deal. 94% of all federal cases end in a plea bargain... and not because the deals are fair and just.

Citizens are routinely coerced into taking the government's lopsided "deals" - deals which require them to forfeit their constitutional rights. The threats come in the form of exorbitant prison sentences and/or threats against family members. Prosecutors routinely threaten spouses, children, even parents and grandparents with arrest and incarceration on trumped up charges - all in an effort to secure the plea deals. Rather than risk an outrageous prison sentence or the pain & suffering of a loved one, many opt to take the government's "deal" - guilty and innocent alike.

Reeling from the manufactured "evidence" presented, the corrupt court rules they must defend themselves under, and the lack of "assistance of counsel" their court appointed attorney's offer, 98% of all federal defendants soon find themselves convicted and on their way to prison. No surprise that most of them are upset with the way they were treated - and some angry.

No surprise, prisons are not fun places. No one expects them to be, least of all the prisoners. Prisons are typically overcrowded and filled with angry individuals. Some angry at themselves, but most are angry at their snitches... and 'themselves'.

Most Americans expect prisons to be humane institutions, providing the basic necessities like wholesome food, sanitary living conditions, hygiene supplies, clothing, medical attention, moderate safety, etc. Alas, because of society's disinterest in the actual operation of our nation's prisons... it is not so. The rosy picture the bureaucrats and politicians paint for the public is not based in reality. It is fiction... a lie.

Men and women are literally dying in our nation's jails and prisons. They are dying from violence, neglect, overdose, and suicide. Of the latter two causes, sometimes it's difficult to tell which is which.

The number of actual prison deaths is not reflected in their official report. The number of deaths is fudged. The most common technique used to hide prison deaths is the 'time of death' scam. A prisoner is not officially dead until the 'time of death' is called. Despite the availability of medical staff, this call is typically made by paramedics in the ambulance as they rush the body off prison grounds, or in the hospital. It does not matter if the death occurred hours

before and the body is cold & stiff, the prisoner is not legally dead until the 'time of death' is called.

I have been to seven institutions since my legal ordeal began. Not one of them met the basic criteria previously mentioned. Some institutions met some of the criteria and some met other criteria, but none of them met all the criteria. This is unacceptable for a nation as great as ours.

Lack of proper medical attention is one of my pet peeves. Suffering from serious & obvious medical symptoms, I approached medical staff for assistance - I begged for help. I filed grievances in different prisons and tried to file them in others - only to be thwarted by prison staff. For 5 years, FIVE YEARS! I attempted to get medical assistance on this. In anger and desperation I finally filed a \$10 million dollar Tort against the Federal Bureau of Prisons (FBOP or just BOP). Western Regional denies receiving the Tort but shortly after filing it, I was finally sent to an outside specialist. The diagnosis: cancer. Three malignant neoplasm tumors were removed.

I hope this illustrates my point - prisoners are not receiving adequate medical attention within our nation's prisons. We are dying in here and prison officials are covering it up. Our families receive a phonecall claiming we died "on the way to the hospital" or "at the hospital", when in fact we died here in prison. And always, the prison officials claim they did everything "humanly possible" to help us... that they are not responsible for our demise. They are lying!

Our nation's prisons are overcrowded; they have been for decades and the problem shows no sign of abatement. News article after news article has been written on the multitude of lawsuits filed on the issue. Congressional hearings have taken place with evidence and testimony given; no one denies that our prisons are grossly overcrowded. This dangerous condition is a direct result of the government's excessive laws, our politicians' grandstanding "tough on crime" forum with its excessive prison sentences... and the unwritten policy of using our prisons as a dumping ground for America's mentally challenged.

This unscrupulous method for disposing of America's mentally ill has been going on for decades, maybe longer. I first became aware of this practice in the early 1980's, when, due to cost concerns, mental ward patients were released en masse to our streets.

Abandoned, left to their own devices, these troubled souls inevitably ran afoul of the law and were arrested, sentenced, and placed in our prisons. This technique has been used on and off as deemed necessary to control costs. Our prisons are warehouses, not hospitals or treatment centers. They are not designed to treat these individuals - unless you consider indiscriminate use of pharmaceuticals to pacify them as "treatment".

Like the Leper colonies of old, our prisons have also become the dumping ground for diseased individuals. Not leprosy, but drug addiction. Now recognized as a disease by medical experts - like alcoholism - those afflicted are routinely sentenced to prison instead of treatment. Society is responding to the effect instead of the cause, responding to the symptoms instead of the underlying disease which caused the symptoms. The prison environment is not conducive to the goal of treatment. Further, imprisoning people for an illness is morally wrong... not to mention a waste of good bedspace.

Angry over questionable laws, angry over corrupt law enforcement practices, angry over one-sided court rules, angry over prosecutorial coercion forcing them to take the "deal", angry over their placement in overcrowded warehouses that are literally madhouses, it should come as no surprise that our prisons are war zones. Now consider the type of individual who willingly seeks employment in this hostile environment. I have seen the social worker type who wishes to do some good - but

they are few and far between. Most of these individuals may start with the best intentions but soon give up, settling for the paycheck, simply putting in their time. I have seen lots of ex-military. Some are simply collecting a paycheck and looking for the retirement package, but others are action junkies looking for an action fix. The latter thrive on physical confrontations and the chance to legally shoot someone. And I have seen the control freaks. People, who for whatever psychological reason, need to control, need to feel dominance over another. Typically, these are the people who failed to become police officers - could not pass the required psychological exam - and settled for being a correctional officer. Naturally these individuals create more havoc, more anger. More anger, more turmoil is not something our prisons need.

Prisons have lost any semblance of being places of rehabilitation. The mixed programs available are more about pacifying the more liberal minded than actual rehabilitation. The truth of this is reflected in our recidivism rates. A 60 percent or higher recidivism rate is unacceptable - especially when you factor in that a high percentage of those who didn't recommit crimes never should have been in prison in the first place.

Reducing the recidivism rate is a worthwhile goal, and an attainable one. Four years ago I wrote the Federal Bureau of Prisons in Washington, D.C., outlining a real program for reducing recidivism - one that attacked the underlying cause of crime: financial gain. Their response ignored my thesis... suggesting FBOP may be more interested in repeat business than the issue of recidivism.

The American public's lack of interest could be the result of the prison system's secrecy rules. All prisons are cloaked in a veil of secrecy. The American public cannot be expected to show interest in something they've never heard about.

America's news outlets can't report what they do not know. The prison administrations are not going to report disturbances within their prison walls - no matter how violent and newsworthy. They may issue a statement to the media, but only after word has gotten out. The correction officers and other prison staff are not going to speak up - their jobs and pensions are forfeited if they do. Nor does the media have direct access to prisoners; they must ask prison officials for permission and follow strict protocols which intentionally restrict media access. Those few prisoners who are allowed to talk to the press are carefully chosen and coached on their responses.

Our prisons rarely get tours by mayors, governors, or other politicians, except for photo-ops or propaganda purposes - something to show the voters that they are the "law and order" candidate. Those tours are carefully orchestrated events designed to provide for the needs of the politicians, while at the same time protecting the prison administration. No outsider is ever going to know what truly happens in our prisons, or why, unless a prisoner tells them. But because we are 'criminals', our credibility is suspect, thus limited. Who's more credible, the prisoners or the guards?

Consequence = Retaliation

Government was intended to suppress injustice, but its effect has been to embody and perpetuate it.

William Godwin, Philosopher 1836

It has been said that each of us is our own worst enemy. I am mine, you are yours. Just as there is validity to this statement, the same can be said of societies and the civilizations that spring forth from them. In this regard, America is no different than any other nation. We are our own worst enemy.

Consider our government's handling of crime. Society says that if somebody violates a law, we should fine and/or incarcerate them as punishment. The government chooses lengthy incarceration for those unfortunates without financial

substance and fines for America's wealthy. Okay, sometimes the wealthy are given token prison sentences in prisons better described as "country clubs".

This inequity in "justice" is noticeable even to average citizens. To prisoners serving lengthy prison terms, it is blatantly obvious! Naturally, this inequity does not set well with those serving lengthy sentences. It even creates animosity and fuels their anger.

Anger from unjust laws, unjust prosecution techniques, unjust court rules, unjust treatment in prison, unjust this, unjust that, all this anger must go some place. Obviously some of the anger is released in the prison setting (creating yet another cycle of anger), but not all of this internal anger ever comes out. There is too much anger so it builds and builds. This raises one of the issues our society must face: when we eventually release these people, are they likely to be more or less dangerous to society than when they were put into prison? The answer is obvious.

America has incarcerated millions of its citizens. These very angry repatriated citizens will be your neighbors and co-workers. They will give "going postal" a whole new level of meaning.

We as a nation must rethink our stance on crime and punishment. We must remove "imposter laws" from the law books. No victim, no crime! We must punish the law enforcement personnel who betray their oaths and our trust - and it must be harsh punishment. The same goes for the "officers of the court". We must free the mentally ill from our prisons so that they can get real help. The same goes for the drug addicts. We must provide humane penal institutions that meet our basic needs. We must remove the veil of secrecy surrounding our prisons. And we must work toward real rehabilitation by attacking crime's root cause: financial gain. Our 'out of sight, out of mind' policy does not work.

Failure to fix these problems can only end with death and destruction in America.

Federal Prisoner #16450-006

P.s. (Post Script)

Dear Reader,

The polls agree, most Americans distrust the federal government, and to varying degrees, their state governments too. This is not surprising. The federal government in particular has earned our distrust through their overbearing attitude, mismanagement, questionable shenanigans, persistent and blatant overreach of their constitutional powers, not to mention their constant interference with our private lives. Trust, like respect, is earned. The federal government has not earned our trust.

The federal government continues to turn out unwanted and unneeded laws, regulations, Acts, and statutes at an alarming rate. More troubling is the fact that a substantial number of these rules appear to be specifically designed to strengthen their hold over us - their control over us. Some of these rules go as far as to regulate (thus dictate) our personal values and morals. This is something no government should do. Our personal values and morals are a private affair and should not be required to meet federal standards.

Yet more troubling than the superfluous rules or even the superfluous nature of the government's attitude, is our seeming acceptance of it. Where is the moral outrage of our citizenry? Certainly the government's actions call for it. Why are we failing to respond to these provocations? Why are we failing to intercede, to correct and discipline our unruly government? It's like we have come to expect this behaviour... to accept it.

The truth is we are afraid. The government is like the unruly child who has grown too large to spank. Or even Frankenstein's monster: built from our parts, given life, now broken loose and rampaging across the countryside unchecked. The truth is we feel intimidated and powerless to effect change, powerless against the might of the federal government. So we place our head in the sand and ignore the problems... we choose to do nothing...

'United We Stand, Divided We Fall'

In truth, as separate individuals, we are weak, essentially powerless. Yet the opposite is also true: together we are strong, we are powerful. Throughout history, groups of everyday people have joined together in order to force change, to 'right a wrong'. They understood and utilized this principle. There's no reason we cannot do so too.

They say 'knowing you have a problem is half the battle'. We at Protect Our Liberties, take this adage to heart. We are primarily an 'information sharing' organization. Our goal is to alert the general public to a problem so that a public debate can be initiated, a solution found, and then corrective action taken. We believe that we can initiate positive change simply by alerting the public to a problem's existence. Bring the problem out of the shadows so that people will talk about it - hopefully in a rational manner. This is how solutions are found. And once a solution is found, arrived at by general consensus, the appropriate action can be taken to resolve the issue.

Our information sharing system is fairly simplistic. We encourage our members with writing skills to write articles identifying the problems, their causes, even their solutions if they are known. We ask our other members to read the material, to digest it; then to disseminate the information by passing it on or forwarding it on to other members and the public in general, and finally; to ask questions, give comments, and discuss the issue with others - friends, family, co-workers, etc... The whole point being to shine a spotlight on the issue so that it can be properly addressed. We call this the 3 D's: Digest, Disseminate, and Discuss.

The beauty of this low tech system is that it empowers the people who previously felt helpless. It encourages citizens who previously didn't participate - to participate. It does this by giving them a forum from which they can express themselves, an opportunity to be heard. Their opinion matters; your opinion matters. Only by having our voices heard can we hope to make a difference.

This low tech system also encourages citizen participation by keeping participation simple, realistic. Because of the 'time-constraints' placed on us by everyday life, most of us simply cannot afford to allot much of our personal time to endeavors outside our work and personal lives. Luckily, modern technology makes communicating with others easy. Cut-n-paste emails, or even photocopy printers and US Postal Service, allows us to transmit information to others quickly and cheaply. And disseminating the information widely is what Protect Our Liberties, is all about.

Please Join Us!

I am formally asking you to join Protect Our Liberties. We are an informal grass roots movement in the truest sense. We are not beholden to any candidate, political party, or industry. We are not a 'front' for some other agency's agenda. Our operating capital comes from donations and out of our own pockets. Nor is there anything to sign or pledge. No forms, no monthly fees, nothing. Everything

we do, everything we ask others to do, is voluntary. We are just ordinary everyday people standing united in order to produce positive change. We are simply people who no longer wish to sit on the sidelines while special interest groups manipulate the system for their benefit. We are simply everyday people who wish to have an actual say in our government, our country, anything that affects our lives. We are simply people who are fed up with being ignored and wish to be heard.

To join us, simply copy the current article and this postscript and pass it on to other people you know. Disseminate the information, pass the word on. And talk about the issues! Discuss it with others, get them to talk about it too. Write an article yourself; identify a problem that needs addressed, suggest a solution if you have one. Then pass it on just like this article and postscript was passed on to you. It's simple to do, and effective to use... join us! America is waiting to hear what you think...

If you wish to add your name to our mailing/email list, write or email:

Protect Our Liberties
375 NW Crestview Court
Hermiston, OR 97838

www.protectourliberties.org

Donations welcome, but not solicited.

Thank you!

THE TREE IS DEAD!

I want you, reader, to study the two trees here on these pages before reading any further and notice the difference between the two. Why is the Tree of Freedom and the Tree of Liberty dead?

I remember in June, 2013, in Idaho, KrissAnn Hall taught me that Freedom + Morality = Liberty. A concept that everyone has freedom to do whatever they want, but not everything people want to do is right. We all are born with a spirit that is meant to be free but that cannot mean that we can do just whatever we want because we might injure another person, or infringe on their ability to live life free of degradation.

Within a community, society, or nation, people develop a standard of right and wrong, or standards of morality that everyone believes in. When it comes to government, our Founding Fathers created it intending to have the least amount of government to be effective yet allow We The People the most amount of freedom. The Bill of Rights lists our Liberties the government was charged with securing and not to infringe upon.

The way liberty works under this Freedom + Morality concept is like this; we are at liberty to speak freely, but not to defame someone's character. As long as you are not using your speech to harm others, you are at liberty to say what you want. Freedom of speech + Morality = Liberty that the government can and is charged with protecting. Or, you have the freedom to peaceably assemble,

but not to riot and destroy property, because setting peoples' cars on fire and throwing rocks through windows is harming others. Destroying property and hurting others is wrong and we do not have liberty to harm other people or their property.

We are at liberty to keep and bear arms, but not to use those arms to rob banks or murder people. Have your guns and do what you want with them but harm no one. But, what has become a problem is too many individuals commit mass shootings, murders, and other crimes, but especially lately with the mass shootings and acts of terrorism, the people cry out to their leaders, their representatives to do something about the violence. Those representatives know we have our secured liberties but are forced to do something. So they find clever ways around our Bill of Rights Amendments and legislate away our liberty, or as we accuse, infringe on our rights. The minority ruins it for the majority.



I wouldn't be in prison right now if mobsters, bank robbers, gangsters, etc back in the 1920's and 30's weren't committing the crimes they were and shooting up the streets - which led Congress to enact the laws I was charged under. It's cause and effect. I wasn't committing crime or hurting anyone, but the excessive law turned me into a criminal, which is all excessive laws do, turn people into criminals.

Ayn Rand said in Atlas Shrugged: "There is no way to rule innocent men. The only power any government has is the power to crack down on criminals. Well, when there aren't enough criminals one makes them. One declares so many things to be a crime that it becomes impossible for men to live without breaking laws." I have learned that first hand. When I believed I was living free and exercising my God-given rights as a free American, not hurting anybody, I learned otherwise, that we are not free.

More importantly though, John Adams said: "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other." That is what America needs to get back to - being a moral and religious people. I believe there needs to be a moral revolution as well as other kinds. We can't have a "least amount of government" allowing the most amount of freedom and liberty when the people, in their freedom, conduct themselves and behave immorally. When the people behave and conduct themselves immorally, the government is forced to step in and regulate more and more of every aspect of our lives.

The religious part of what John Adams said means that morals stem from a religious foundation, which in his time was the christian faith, which is also my faith. We have God's law - the Ten Commandments - and we have what Jesus told us as his commandment - to love God and to love one another, that we would then fulfill the law. Like I talked about in my Memoir: An Appeal To Heaven, Issue 1, if people loved God and loved one another, we wouldn't be hurting each other. We wouldn't be committing all kinds of frauds, mass shootings, armed robberies, all this rioting in the cities, all the hate crimes, cyberbullying, and such if we were loving each other. There wouldn't be a need for the government to attempt to control everything and everyone. A police state, which is what the American government is evolving into, is not going to eliminate crime and solve the problem of an increasingly immoral people with more law & enforcement.



Justice For All: The Forgotten Ideal

by Floyd E. Harshman

The people of the United States are the rightful masters of both Congress and the Courts, not to overthrow the Constitution, but to overthrow the men who prevent the Constitution.

Abraham Lincoln

The United States of America was founded upon certain bedrock principles, one of which is justice for all. The foundation upon which this principle rests, its roots, can be found within our nation's three most sacred documents - the Declaration of Independence, United States Constitution, and our Bill of Rights. This founding principle can even be found chiseled in stone above the U.S. Supreme Court's courthouse entrance: Equal Justice Under Law.

Simply put, no one is above the law, and no one is beneath the protection and rights afforded by our nation's laws - regardless of their position within our society. All who come before the Court are equal under the law, no favoritism may be shown. In our courts, this is referred to as equal protection or equal protection under law. The government, under the Fifth Amendment's equal protection component and the Fourteenth Amendment's equal protection clause, "must treat a person or class of persons the same as it treats other persons or classes in like circumstances. (Black's Law Dictionary, Tenth Edition)

Fifth Amendment contains equal protection component prohibiting United States from invidiously discriminating between individuals or groups.
Washington v. Davis (1976)

While Fifth Amendment contains no equal protection clause, it does forbid discrimination that is so unjustifiable as to be violative of due process.
United States Dep't of Agriculture v. Morena (1973)

Concepts of "equal protection of laws" and "due process of law", though not always interchangeable, are not mutually exclusive; While Fifth Amendment contains no equal protection clause, it does forbid discrimination that is so unjustifiable as to be violative of due process. Bolling v. Sharpe (1954); Schneider v. Rusk (1964); Shapiro v. Thompson (1969)

The Judiciary, the government branch responsible for interpreting laws and administering justice, is likewise required to "treat a person or class of persons the same as it treats other persons or classes in like circumstances". Shamefully the federal courts are not honoring this constitutionally mandated civil right. Nor do they appear to be striving to rectify their "unjustifiable" and "discriminatory" behavior in order to return themselves to our forefather's principle of 'justice for all'. Instead, they studiously ignore their 'oath of office', and our pleas for justice - choosing to preside over two distinct courts, one for haves, and one for have nots.

The Honorable Gregory F. Van Tatenhove, U.S. Court of Appeals for the Sixth Circuit, acknowledged that "access to the courts cannot be contingent on wealth". Other federal justices have echoed this sentiment - yet roadblocks and hurdles of a financial nature continue to exist, limiting the 'have nots' access to the courts. What's more, new roadblocks and hurdles continue to be erected by Congress, furthering the separation of haves and have nots from the courts. Nor

is Congress alone in this behavior. Truly, 'justice for all' has become a forgotten ideal.

As actions speak louder than words, it is clear that Congress and their Federal Courts are true capitalists; they believe justice to be a commodity... to be doled out based solely on the citizen's ability to afford it.

Anonymous

Meaningful Access Necessitates Direct Access

A prime example of a financial barrier is the federal court's (District and Circuit) refusal to allow certain defendants direct, thus meaningful, access to their wayward courts. This denial of full and unfettered access effectively denies these citizens an opportunity to be heard, and their rights to due process. A citizen denied their opportunity to be heard, is a citizen denied justice.

Opportunity to be heard, required by due process, must be at meaningful time and in meaningful manner. Barry v. Barchi (1979)

Due process requires that there be opportunity to present every available defense, but it need not be before entry of judgement. George Moore Ice Cream Co. v. Rose (1933)

The fundamental requisite of due process of law is the opportunity to be heard. Grannis v. Ordean (1914)

When a defendant is denied the ability to respond to the state's case against him, he is deprived of "his fundamental constitutional right to a fair opportunity to present a defense". Crane v. Kentucky (1986)

It is the federal court's stated opinion that citizens with attorneys, do not have a right to directly access the court. They argue that all necessary access is granted via the attorney, insinuating any other access is unnecessary duplication and therefore frivolous. They point to Jones v. Barnes stating counsel is "vested with the authority to determine which issues should be raised". This of course implies counsel is also vested with the authority to determine which legal issues should be ignored. However, it is the court's silence when confronted with contrary arguments, their refusal to respond, to even acknowledge these contrary arguments, which gives lie to the court's position on this matter.

First consider the court's position that all necessary access is granted via the attorneys. Their position may have some validity if the defendant belongs to the "haves"; the affluent defendants can purchase compliance from their attorneys to argue the neglected legal issues - and therefore meaningful access to the court. But the same cannot be said of the "have not" defendants. They cannot purchase compliance and must rely on the goodwill of their attorneys - which for the most part are court appointed attorneys. Because of the court's "implied consent" rules, these "have not" defendants automatically lose by default - to the government - any and all issues not argued and/or objected to. This means the court's denial of direct access amounts to denial of their right to defend themselves - due process.

Due process, the fair and even application of law necessary to ensure the protection and enforcement of citizen's rights, is granted under the 5th and 14th Amendments. In order for due process to function correctly in our nation's adversarial style legal system, both parties must have equal access in which to present and argue their point-of-view. Further, both parties must have equal

access in which to object and/or debate the opposing party's arguments and/or evidence. This means both parties must have unfettered access to the court. This is the manner in which our adversarial style legal system was designed to function.

The U.S. Supreme Court concurs, "...access to the court means the opportunity to prepare, serve and file whatever pleadings or other documents are necessary or appropriate in order to commence or prosecute court proceedings affecting one's personal liberty, or to assert and sustain a defense therein, and to send and receive communications to and from judges, courts and lawyers concerning such matters". Hatfield v. Bailleaux; Bailleaux v. Hatfield (1961).

The U.S. Supreme Court further states that the 'right of access' - "...encompasses all the means a defendant or petitioner might require to get a fair hearing from the judiciary on all charges brought against him or grievances alleged by him." Gilmore v. Lynch (1970). Notice the phrase "all the means" used by the U.S. Supreme Court. Not some of the means, not most of the means, but "all the means". 'All the means' includes direct access to the courts.

Now consider the case cited by the federal courts, their authoritative justification for denying direct access to the have nots: Jones v. Barnes (1983).

To begin with, Jones v. Barnes is a questionable - nay, flawed - ruling. In Jones v. Barnes, the U.S. Supreme Court decided that a defendant's counsel was the master in all but a few key areas. The defendant could choose to plead guilty or not guilty, invoke trial by jury or judge, speak in court or remain, take the plea bargain or not, waive their constitutional rights or not, appeal their conviction or accept it... 'either or' choices in a few critical areas. All other decisions, largely concerning legal strategy, belong to their attorney. This includes which legal issues to address, and which legal issues to ignore.

Remember, any issue not addressed is lost to the government under the "implied consent" rules. This means the defendant may lose their freedom, even their lives, simply because their attorney ignored their wishes and chose not to object or argue an issue. This is why defendants, even those with counsel, must have direct access to the courts. When their counsel exercises their right to ignore important legal issues as per Jones v. Barnes, refuses to be their client's voice in court, the defendant must be able to raise their own voice in their own defense. Due process demands it! Without direct access there is no "meaningful" access!

"[W]henver one is assailed in his person or his property, there he may defend."
Windsor v. McVeigh (1876)

And finally, the last major - and dare I say, obvious - flaw in Jones v. Barnes, the court's view of the meaning: "assistance of counsel". The Sixth Amendment provides that "[i]n all criminal prosecutions, the accused shall enjoy the right... to have the Assistance of counsel for his defense." How is it the court misconstrued the meaning of "assistance" (the act of helping) and "counsel" (to give advice, suggestions) so badly as to come up with "master"?! The import of words like "assistance" and "counsel" seems inconsistent with master.

Granted, the lawyer is the expert in law, but that should not entitle him to be the master; it is the defendant who is on trial and who faces the consequences of a failed defense. Therefore it is the defendant who should be master in all decisions concerning his case. The defendant, after hearing counsel's advice on the issues raised and their arguable merit, should have the last word on whether or not his counsel addressed them. Not his "counsel"! Jones v. Barnes is fatally flawed.

This isn't justice, this is bullshit! - anonymous

Under Jones v. Barnes, "The accused has the ultimate authority to make certain fundamental decisions regarding the case, as to whether to plead guilty, waive a jury trial, testify on his or her own behalf, or take an appeal". The courts "allow" defendants to make a few major decisions regarding the direction in which their case will take. None of these choices are larger than the choice of whether or not to accept counsel: do I represent myself or do I retain counsel?

But no one warns the unsuspecting defendant of the adverse consequences of accepting counsel. No one tells the defendant that under Jones v. Barnes, accepting "assistance of counsel" equates to a forfeiture of their constitutional right to defend themselves. No one explains the court-appointed counsel, so far as the courts are concerned, satisfies the Fifth Amendment obligation to provide "meaningful access" to the courts. No one warns the defendant that a "presumption is made that when an accused proceeds with counsel he has elected to have counsel represent him" ... and that the federal courts infer "represent", not as agent, but as master.

Quite the contrary, starting with the arresting officer, everyone including the judge implies that counsel is a 'good thing'; citizens are encouraged to avail themselves of their right to "assistance of counsel". The courts go so far to routinely assign counsel to citizens who are hesitant, slow to respond in the affirmative to the judge's question: are you going to retain your own counsel or do you want one provided for you? No mention of the citizen's third option: self-representation. Further, the courts "have uniformly and explicitly held that absent a request from the defendant, a court has no sua sponte to advise him of his right to self-representation, nor any duty to ensure on the record that waiver of this right was knowing and intelligent."

"As the right is fundamental and personal it can only be relinquished by the person to whom it belongs, the defendant in a criminal trial. The general rule is clear that the relinquishment of such a right must be intentional and must be known to the one who gives it up."
(emphasis added) Johnson v. Zerbst (1938)

It is clear that under Jones v. Barnes, defense attorneys have become hazardous to their "have not" clients. It is also clear that this knowledge is an 'open secret' within America's legal industry - no federal judge can claim ignorance. Perhaps all defense attorneys should come with warning labels: DANGER! This Product May Be Hazardous To Your Health! Add a skull & crossbones symbol like they do with poisons so their consumer knows they can be deadly.

"I cannot accept the notion that lawyers are one of the punishments a person receives merely for being accused of a crime."

U.S. Supreme Court Justice Blackmun

That the courts - and the judges who rule them - are complicit in this constitutional outrage, goes without saying. The evidence of their guilt is conclusive. Each time a citizen comes before them, they make a conscious choice of whether or not to allow them their rights, to allow them the access necessary to defend themselves - due process. And each time they choose to deny "have not" citizens their rights, they violate their 'oath of office' and commit a crime against the defendant. These corrupted servants of the people, violate the 'spirit of the law' and the 'spirit of justice'.

Article III, Section 1, of our U.S. Constitution states: "The judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior..."

As a concerned citizen - nay, an outraged American citizen - I demand the Federal Courts cease and desist their discriminatory practices immediately. "Have nots" have as much right to access of the courts as the "haves" do.

I further demand that any judge accused of this practice, be properly indicted, charged, and if convicted, punished. And as a result of their conviction, I ask that the U.S. Senate begin its impeachment process... as per Article III, Section 1. Examples must be made; punishment for their actions must be given. Their actions not only adversely affect the defendant, they affect society. Because of their official positions, the actions of these federal judges directly influence future cases by setting precedent. The criminal cases of today become the caselaw of tomorrow - dictating the court's handling of all future cases. We dare not allow these mishandled cases, these corrupted cases, to become the caselaw upon which future cases are decided. We dare not allow this "bad behavior" to go unchecked.

The reason these 'officers of the court' felt at liberty to violate the "have not's" rights is simple. According to elected members of the U.S. Senate, few allegations of misconduct rise to the level of impeachable offense. Between 1803 and 2010, only 15 federal judges have been impeached. Their apparent immunity from discipline becomes more obvious when considering that out of the 1,219 judicial complaints filed in 2013, only 2 were referred for investigation! In 2014, out of 1,233 judicial complaints, only 4 were referred for investigation!

I understand that judges are only humane, but these federal judges hold our lives in their hands. Further, each and every ruling influences future rulings, thus our nation and its justice system. They must be held to a higher standard of conduct than they currently are.

Their "good behavior", in my opinion, must be defined by their 'oath of office', as well as the laws of our land. Any violation of this oath or our laws gives just cause for their impeachment.

Justice For All, does not have to remain the 'forgotten ideal'.

Respectfully,
/s/ Floyd E. Harshman
#16450-006

AMMOLAND

SHOOTING SPORTS NEWS



RIPCORD[®]
THE FASTEST ONE-PASS CLEANER



≡ MENU

Home » Gun Rights News

Schuyler Barbeau Gun Case Pits Principle Against Precedents

Posted on May 31, 2017 by David Codrea

By David Codrea



Schuyler Barbeau believes he has a right to keep and bear arms. The government insists he does not. (Facebook photo)

USA --(Ammoland.com)-An honorably discharged Marine and one-time bodyguard to rancher Cliven Bundy insists government has no delegated power to violate his rights in a transcribed



David Codrea in his natural habitat.

statement provided to AmmoLand Shooting Sports News. Despite his protests, Schuyler Barbeau has been incarcerated at the SeaTac Federal Detention Center since his December 2015 arrest.

The complaint, filed in the United States District Court for the Western District of Washington at Seattle, is posted along with links to other legal documents and numerous reports at LibertyUnderAttack.com. It accuses Barbeau of:

“knowingly possess[ing] a firearm which was not registered to him in the National Firearms Registration and Transfer Record, as required by law, namely, a particular black, semiautomatic AR-15 5.56mm caliber assault rifle with a 10.5 inch barrel and holographic sight, a rifle having a barrel of less than 16 inches in length.”

There are plenty of smears against Barbeau, notably by those who make a lucrative living off ad hominem insinuations like the Southern Poverty Law Center. There's also no shortage of gun owners ostensibly “on our side” who will argue this isn't the right case to back, and they'll cite Barbeau's own words and actions, being exploited by SPLC and others, to throw him under the bus.

It's interesting to note that a year-and-a-half after his arrest, Barbeau remains behind bars awaiting trial on a short barrel rifle possession charge. Compare that to, say, Ted Kennedy's bodyguard, arrested with two submachine guns and ammunition in Washington D.C. and released on his own recognizance.

Here's Barbeau's rationale from a transcribed handwritten note:

STATEMENT OF SCHUYLER BARBEAU

“The 2nd Amendment to the United States Constitution declares the right to bear arms shall not be infringed yet at the same time, Congress has the power to tax and regulate interstate commerce –

There are two kinds of firearms – the 2nd Amendment firearms and the interstate commerce firearms – because manufacturers, importers, and dealers are engaging in commerce, and there's a whole industry and market for firearms, Congress can regulate them. Even tell those businesses that they cannot make certain firearms (i.e. machineguns) for the civilian market, or can require registration before the manufacturer makes certain firearms (i.e. SBR's and suppressors). What I did, after researching the law and Constitution to understand this, was to build my own firearm instead of buying one out of the commerce stream. I am not a business or even engaging in business where Congress would have jurisdiction to impose any requirements or prohibitions on me. I am a private citizen and I made my own gun to use for lawful purposes.

There is no delegated power in the Constitution for Congress to regulate what I do with my two hands in my own home. Congress does not have the power to regulate or prohibit me from making my own gun for my own personal use. Not even the States with their “Police Power” can regulate or prohibit someone making their own gun because the 2nd Amendment extends to the State governments through the 14th Amendment.

The Supreme Court has decided that people making their own guns can still affect interstate commerce because “an object might enter the interstate market and affect supply and demand.” The Judicial Branch has unconstitutionally extended the reach of the Legislative Branch.

How can people exercise their right to keep and bear arms if they cannot make the arms in the first place? How can the people exercise their right to make and keep and use their arms un-infringed upon if the courts are extending Congress' reach and expanding their powers where the Constitution forbids?

The 5th Amendment requires that no person shall be deprived of the life, liberty, and property without Due Process of Law. I made something with my hands. It was my personal property. Now the government is taking away what I created without any due process.



Two sets of laws?

Due Process requires Notice of the Deprivation and an opportunity to have objections heard. Think Eminent Domain. There is a serious deprivation of liberty – to make, keep, and use my personal arms – and property – my rifle – because I have never received any due process. Criminal charges and prison is not Due Process.

If I would have bought an AR-15 complete rifle from a dealer, or if I would have bought a lower receiver for my build that was made by a licensed manufacturer – with a serial number – I would have registered it and got my Tax Stamp for the rifle as a Short-barreled rifle, and I wouldn't have built it as select-fire. That's how I read and understand the law's requirements. But I chose to buy and 80% lower because it is not a "firearm" yet, under the law and is not regulated. I machined it myself and built the rifle. Having an understanding of Congress' limited powers in the Constitution and the Bill of Rights, I read and understood the laws to not apply to me because I am not engaging in business and I didn't buy a "firearm" out of interstate commerce. The 2nd Amendment must still exist and I found it – outside interstate commerce. But the government disagrees, so I must fight, for all of us. There has to be a line and I am trying to make a bold one in the sand."

Taking this tack is a reason why he has dismissed court-appointed attorneys reluctant to present such a defense. Barbeau, assisted by a pro-bono paralegal, wanted to raise the points so they would be on the record if needed for appeal. *

The judge has reportedly denied Barbeau's May 24 motions, and is intent on the case proceeding based strictly on the complaint charge, without allowing arguments based on Constitutionality. That recalls another case from years past, that of Hollis Wayne Fincher, convicted on "illegal weapons" charges. That judge would not allow the Second Amendment to be raised in "his" courtroom as a defense.

"The trial is due to begin Monday, June 5 at 9 a.m.," a spokesperson for Barbeau advises. "We are submitting Motions this week to the Court for a continuance based on newly discovered evidence. It will probably be denied but we have to at least try."

It's true, based on existing precedents, this case is (putting it mildly) problematic, and as far as prevailing public sentiments go, Barbeau's past statements do not make him the ideal sympathetic defendant. It's also true this is but one more example of being set up by a provocateur/informant that established and then betrayed trust, something we all ought to be on guard against. If the provocative words attributed to Barbeau were actionable, we'd have seen criminal charges. They are irrelevant to the core issue. Diverting the focus to the defendant's internet presence serves only to prejudice minds against him as a person, and have nothing to do with the actual charge.



Wayne Fincher found out how courtrooms work the hard way.

What's Barbeau supposed to do? Take one for the team?

If you ignore the noise and focus strictly on the Second Amendment, why shouldn't he be able to possess whatever gun he wants?

Why shouldn't you?

* A source close to the case says the defense has also received advice from famed trial attorney Gerry Spence, noted for, among other cases, winning a \$10.5 M settlement for the family of Karen Silkwood and successfully defending Randy Weaver against murder and gun charges after the Ruby Ridge standoff. At this writing, The Spence Law Firm has not responded to a request for a statement.

About David Codrea:

David Codrea is the winner of multiple journalist awards for investigating / defending the RKBA and a long-time gun owner rights advocate who defiantly challenges the folly of citizen disarmament.

In addition to being a field editor/columnist at GUNS Magazine and associate editor for Oath Keepers, he blogs at "The War on Guns: Notes from the Resistance," and posts on Twitter: @dcodrea and Facebook.

Court says Florida doctors can ask patients about guns

By LIZETTE ALVAREZ
The New York Times

MIAMI — A federal appeals court cleared the way Thursday for Florida doctors to talk to their patients about gun safety, overturning a 2011 law that pitted medical providers against the state's powerful gun lobby.

In its 10-1 ruling, the full panel of the 11th U.S. Circuit Court of Appeals concluded that doctors could not be threatened with losing their license for asking patients if they owned guns and for discussing gun safety because to do so would violate their free speech.

I'll begin my commentary here. The 9th Amendment - "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people". Keep this in mind as we continue to read this newspaper article. Let's continue.

"Florida does not have carte blanche to restrict the speech of doctors and medical professionals on a certain subject without satisfying the demands of heightened scrutiny," the majority wrote in its decision. In its lawsuit, the medical community argued that questions about gun storage were crucial to public health because of the relationship between firearms and both the suicide rate and the gun-related deaths of children.

A number of doctors and medical organizations sued Florida in a case that came to be known as Docs v. Glocks, after the popular handgun.

"We are thrilled that the court has finally put to bed the nonsensical and dangerous idea that a doctor speaking with a patient about gun safety somehow threatens the right to own a gun," said Howard Simon, executive director of the American Civil Liberties Union of Florida, which helped organize a coalition of medical associations and family-rights groups that filed a friend-of-the-court brief. "This was a dangerous free-speech restriction, especially for the health and lives of children."

The federal appeals court found that one part of the law — on patient discrimination — was constitutional. That portion of the law stated that doctors could not deny service to patients who owned guns, a provision that was not at the heart of the lawsuit.

Asking about guns is asking for information that is private. It's none of the doctor's business what people do with their guns. This appeals court ruling opens a big door for abuse. Though the court found no evidence of doctors taking away patient's firearms, doctors are now in a protected position where they could take a patient's firearms indirectly by gathering information and making a determination that a patient's home is not safe with firearms. Then that doctor could be required to report a dangerous situation, especially if children are involved, to Child Protective Services or Health & Humane Services type of departments, and all of the sudden law enforcement will show up at a citizens home to temporarily or permanently confiscate their arms or children. Like Hitler said— For The Children's Sake.

The Florida law was the first in the country to try to restrict First Amendment rights of medical providers to discuss the safe storage of guns with patients, and the ruling will probably make it more difficult for other states to pass similar measures.

The Republican-controlled Florida Legislature, with the support of the state's Republican governor Rick Scott, passed the restrictions in 2011, aimed primarily at pediatricians. Under the law, doctors could lose their license or risk large fines for asking patients or their families about gun ownership and gun habits. Pediatricians routinely ask parents questions about safety in the home, including the safe storage of guns and precautions to prevent drowning in pools.

The Legislature grew concerned after it heard anecdotes about people who said they felt pressured to answer questions about gun ownership and harassment when they did not do so. One mother said she felt it was an invasion of privacy. The National Rifle Association viewed the medical community's gun-related questions as discriminatory and a form of harassment, a position that the state took in court when it argued the queries violated the right to bear arms.

We, The People, have a right to be secure in our persons, papers, and effects not just from unreasonable searches and seizures by the government, but also from any searches and seizures **and inquiries** by any other person when not in an official capacity. In other words - one citizen's right to free speech does not overrule another citizen's right to privacy.

It became one in a series of gun-rights laws that Florida - a state known for its "Stand Your Ground" self-defense law - has passed over the past few years. But the appeals court decided Thursday that the law did not violate the Second Amendment.

Instead, the court found that there was little evidence beyond a few anecdotes to demonstrate that this constituted harm.

"The first problem is that there was no evidence whatsoever before the Florida Legislature that any doctors or medical professionals have taken away patient's firearms or otherwise infringed on patients' Second Amendment rights," the judges wrote.

Free speech does not trump any other enumerated rights. Free Speech rights end at causing injury to another or infringing on another's exercise of rights. "Infringe" means to encroach upon. "Encroach" means to enter gradually or stealthily into the rights of others. Asking a patient about their guns is gradually infringing on their right to be secure in their keeping of firearms.

For the doctors, the decision to allow them to ask patients, or the parents of patients, whether they are safely storing their guns goes to the heart of their ability to care for patients and protect them from harm, lawyers said. "This decision is critical to the health and safety of Florida families," said Doug Hallward-Driemeier of Ropes & Gray, the law firm that represented the plaintiffs in the case. "It makes clear that the First Amendment does not allow the government to interfere with a doctor providing her best

medical advice to her patient."

So...what....are doctors government backed nannys now, managing how people live? Nos it's the doctors' job to protect people from themselves? How about doctors just provide the medical services patients expect and people protect themselves from harm. Let people be responsible adults like they already are. Accidents happen no matter what. People who are irresponsible already, are not going to change because some doctors start intruding on their personal business. Florida, you might as well give your doctors protection and a badge to go around to bars and clubs to make sure patrons are responsibly consuming alcohol, or to give advice to patients on how to properly store alcohol, for the children's sake. I don't think anybody wants doctors telling them how to drink or store their alcohol. Likewise, it is none of any doctors business to be the nannys of the people.

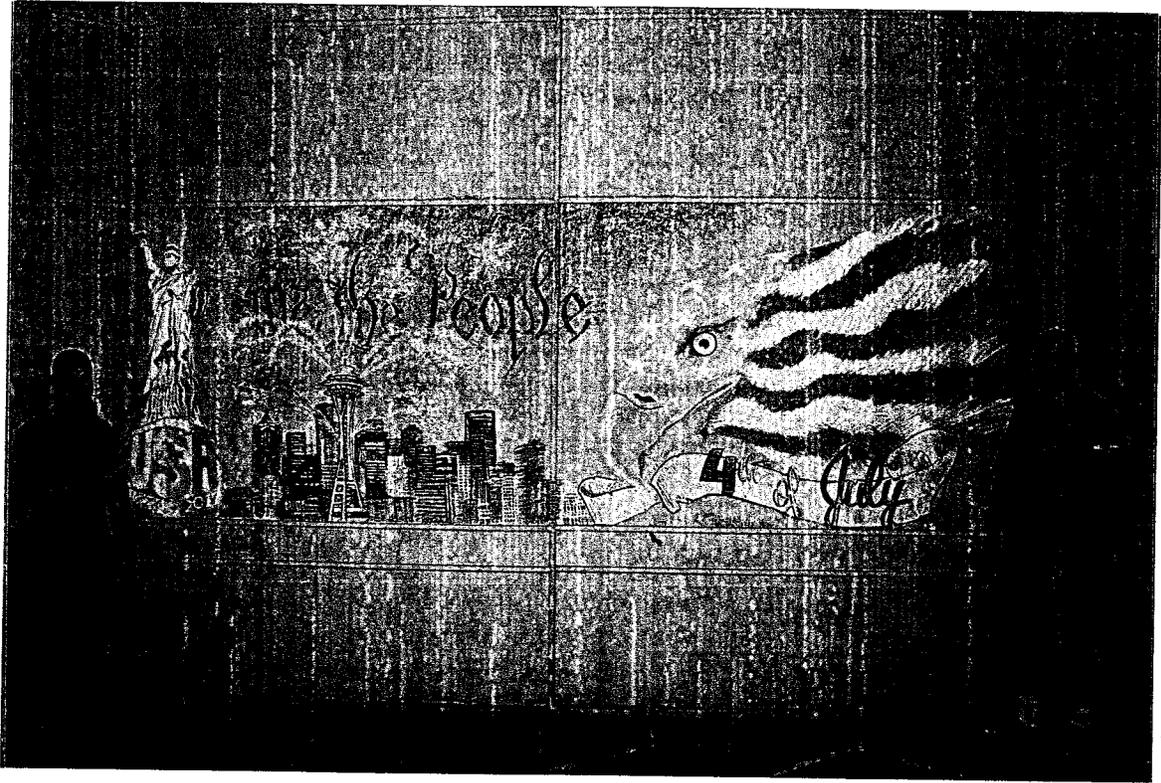
I see this as a small but insidious infringement on the rights of Florida's citizens, and I see this as a precedent for the rest of the states of the Union. I have written about this before; I think this is another form of gun control. In Washington, last November, the citizens voted in a new law that allows law enforcement and close family and friends to go to a court and get a temporary order from the court to take away guns from someone they think could potentially harm themselves or the public. The reasoning for the law is so the community can have a legal way of preventing shootings and was pushed after a few shootings last year in the state. I wrote that it was a way for the government to empower the citizens to take guns away from each other instead of the government taking away people's guns - which would cause much resistance and outrage. I wrote that I see opportunity for abuse.

Now I see Florida's government doing something similar. Empowering the medical community - the citizens - to manage gun control since there is so much resistance to government managing gun control. I don't know if there is anything currently, but I wouldn't be surprised if down the road, laws are enacted to require medical personnel to report situations of unsatisfactory gun storage. Floridians, I recomend, when these doctors exercise their free speech on you, you exercise your right to remain silent. You exercise your Fourth Amendment right to be secure and your Fifth Amendment right to not be deprived of your property and liberty unless by due process of law.

Always remember the golden rule - Do to others as you would have them do to you. So, doctors, exercise your right to speak without infringing on the rights of others and citizens, be responsible for yourselves.

Schuyler

!!! THE RESULTS ARE IN !!!



MY UNIT WINS THE 4th OF JULY CHALK ART CONTEST
and I helped

THE WHOLE STAR SPANGLED BANNER

Oh, say can you see, by the dawn's early light,
what so proudly we hail, at the twilight's last gleaming,
whose broad stripes and bright stars, through the perilous fight,
oh, the ramparts we watched, were so galantly streaming.
And the rocket's red glare, the bombs bursting in air,
gave proof through the night, that our flag was still there.
Oh, say does that star spangled banner yet wave.
O'er the land of the free, and the home of the brave.

On the shore dimly seen, through the mists of the deep,
where the foe's haughty boasts, in dread silence reposes,
what is that which the breeze, or the towering steep,
where it fitfully blows, half concealed half discloses.
And now it catches a beam, of the morning's first gleam,
in full glory reflected, now shines in the stream.
T'is the star spangled banner, oh long may it wave.
O'er the land of the free, and the home of the brave.

And where is that band, who so vauntingly swore,
that the havoc of war, and the battle's confusion,
a home and a country, should be thus now more,
and their blood hath washed out, their foul footstep's pollution.
And no refuge could save, the hireling and slave,
from the terror of flight, nor the gloom of the grave.
And the star spangled banner, in triumph doth wave.
O'er the land of the free, and the home of the brave.

And thus be it ever, when free men shall stand,
between their loved home, and the war's desolation,
blessed with victory and peace, may the heavenly rescued land,
praise the power that hath made, and preserved us a nation.
then conquer we must, when our cause it is just,
and this be our motto, in God is our trust.
T'is the star spangled banner, oh long may it wave.
O'er the land of the free, and the home of the brave.

* It took me a long time to memorize all four stanzas, but why would I find it necessary to do so, because it's beautiful and has so much meaning. Somebody please explain how I'm really a "terrorist", because what "terrorist" loves his country so much? Real Patriotism = Love!

A POEM ABOUT MY FRIEND SCHUYLER BARBEAU

I've met no truer soul, nor equally righteous man.
He stood alone on principle by doing all he can.

Protector of citizens, standing on the Constitution.
He exposed the dirty tricks of government pollution.

He walked into my cell one day, and I truly thought him mentally impaired.
But he woke me up and opened my eyes, with the information that he shared.

He was a soldier, he believed in God and country through and through.
Yet the powers that be continued to avoid, the issues that he said were true.

In all the prisons I've been in, and all the times I've made new friends.
I believe he's the only one, I've never seen pretend.

He carried his burden stoically, and never once complained.
And he is still the kind of man, who should never be detained.

What brought him to this place, was doing something right.
He was kidnapped by the feds, in the early morning light.

He's the portrait of what I would call, an all American kid.
He never should have been arrested, for the lawful things he did.

I've been in prisons all my life, and at times it's where I dwell.
I promise I've never met a better man than he, as he walked into my cell.

He never spent an idle day, while he lived in that tiny space.
He studied federal laws all day, as he prepared to win his case.

According to the fed's own laws, he was not guilty of a crime.
Yet there he was, in a cell with me, as we were stuck here doing time.

He was the only innocent man, that I ever had a chance to meet.
Just knowing him and his struggles too, made my knowledge more complete.

We had nothing in common, save respect and heartfelt caring.
And yet we became true friends, in that cell that we were sharing.

As I'm writing this li'l tale, his sentencing is ahead next week.
And I pray God be with him there, and give him the words to speak.

By Shane Wright

- 1) Does an individual [anyone] possess the moral right to control [or legislate] what another person peacefully possesses? Eg: Can you [or law enforcement] break into someone's home, kidnap and imprison them, just for possessing something you don't like?

- 2) Can an immoral act [deprivations of rights] be turned into a moral act without changing the act itself? Eg: If it is immoral to kidnap and imprison people for possessing things peacefully, can you put on a costume or join an organization [law enforcement] or do anything to make that immoral act moral? [How can one group of people MORALLY get together and vote away the rights held by others? I'm questioning democracy.]

- 3) Can any group of people [Congress, legislatures, the 51% majority] delegate to anyone else [police] the moral right to do something [arrest/kidnap] which none of the individuals have the moral right to do themselves? Eg: If nobody has the right to kidnap and imprison someone for peacefully possessing something [guns], can they get together with a group of others and say someone else now has that moral right? If so, by who's authority and by what mechanism is that transfer achieved?

Credit to my friend Mr. Russ, contributor to www.lpwa.org

note: The Declaration Of Independence states "that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed..." The government has to have our consent to do anything, and as a check and balance on Federal power, We The People have the 9th and 10th Amendments. The 9th is like the "golden rule", exercise your rights without infringing on anyone else's. The government has a right to exercise it's delegated authority only as long as our rights are untouched and it has our consent. That is why we are supposed to be government by representation. We all participate, and not just by elections, but by every law that will affect us. This is how maximum freedom is allowed with the least intrusive, yet most effective government possible.

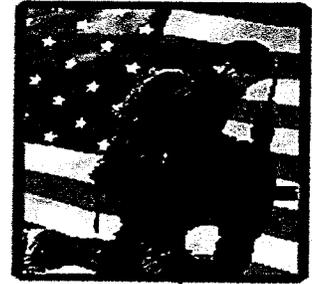


Learn more at:



Facebook - Unconstitutionall: Justice For Delia
Facebook - Patriot Mail Project
www.facebook.com/schuyler.barbeau
www.outpost-of-freedom.com/blog/?page_id=1790
www.yearofjubile.com/schuyler
www.protectourliberties.org

AMERICAN BY BIRTH



PATRIOT BY CHOICE

WHAT CAN YOU DO TO HELP?

Well, I need my story and my case spread about, to anyone that cares about the Second Amendment as well as the Fourth and Fifth. My case number is CR15-391RAJ, in the Western District of Washington, at Seattle. Check out the Motions I filed and the arguments, questions of law, and other issues I raised as a pro se defendant on the Court's Pacer system if you can (there is a small cost). I want the Second Amendment organizations out there, like the NRA, to look at my case. I made really important challenges to the current line of precedent that were shot down without any opinion. One of those challenges was to the Supreme Court's unlawful extension of Congress' reach under the Interstate Commerce Clause to prohibit possession of an object because "that object might bleed into the interstate market and affect supply and demand". I challenged the Federal Government's power and jurisdiction over what I, as a private citizen, can make with my own two hands, and then keep and use for lawful purposes that creation. Citizens of the Union need to understand the power of the government if they are going to be able to keep it in check. The purpose of the unCONSTITUTIONall documentary film I am co-producing and this side project Bulletin is to expose the unconstitutional abuses of power and to help The People understand it all. You are free to make copies of my Bulletin and distribute and share with everyone, your community, even your government. Thank you for your support and Semper Fi.