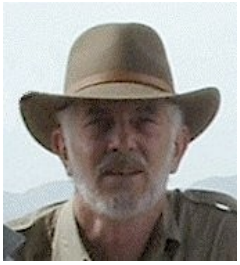
Statement by Gary Hunt, Outpost of Freedom, with regard to the Freedom of the Press.



Gary Hunt,
Outpost of Freedom
January 6, 2017

Rumor has it that I was visited by the FBI, yesterday, January 5, 2017. That rumor is true It was not and investigation or an interview. Instead, it was to hand me a letter from the Portland, Oregon, United States Attorney's Office, sign by Pamela R. Holsinger, Chief, Criminal Division, on behalf of Billy J. Williams. That letter was a Cease and Desist letter.

Today, I told the FBI messenger that I had no intention of complying; that I wanted to look into my legal rights. A few hours later, I was informed by two sources that the government has filed An affidavit, and request for a court order, and a proposed order wherein they order me to remove my articles with discovery information in them, and refrain from publishing any more discovery information.

This is fast becoming a matter of the First Amendment right of the people to know what their government is doing. This same subject went before the United States Supreme Court, in 1971. That case was "New York Times Co. V. United States 403 U.S. 713", wherein the Court, in defending the public right to know, stated:

"Our Government was launched in 1789 with the adoption of the Constitution. The Bill of Rights, including the First Amendment, followed in 1791. Now, for the first time in the 182 years since the founding of the Republic, the federal courts are asked to hold that the First Amendment does not mean what it says, but rather means that the Government can halt the publication of current news of vital importance to the people of this country."

The New York Times prevailed and the government could not restrain the Times from publishing the Pentagon Papers. The matter before us, now, is equally, or more important in that the right of the people to know how their operates in their private lives, with "spies" reporting everything that they can about what you do, with no criminal intent, to the government.

This is what the KGB did in the Soviet Union. It is what the Stasi did in East Germany. Neither country exists, now, as the police state was not compatible with people used to kings and emperors. It is absolutely unacceptable in a country of free and liberty loving people.

If exposing government spies that spy on the people is criminal, then I confess to that crime. If, however, We, the People, have a right to know what our government is doing, then the Court on Oregon is criminal.

The following documents are the letter and the three filings in the Ammon Bundy, et al, case in Oregon.

Cease and Desist Letter

Motion to Enforce Protective Order - (Expedited Consideration Requested)

Affidavit of FBI Special Agent Ronnie Walker in Support of Motion to Enforce Protective Order

[Proposed] Order Enforcing Protective Order

This article can be found on line at
Statement by Gary Hunt, Outpost of Freedom, with regard the Freedom of the Press

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Freedom of the Press #1
Meeting with the FBI

Gary Hunt
Outpost of Freedom
January 7, 2017

On the morning of January 5, 2017, I received a phone call from Special Agent Matthew Catalano, out of the Chico, California, FBI Office. I recognized the name from my research. It appears that he has been assigned to do Internet investigations on Gary Hunt. His research included articles in Mainstream Media that mentioned my name, and my own articles. However, I do know that he has been reading the "Burns Chronicles" series, as most of the earlier ones are in evidence in the *Ammon Bundy, et al*, trial discovery.

Back to the phone call. He told me that he had a letter from Portland that he wanted to deliver to me. He asked if I was going to be in Chico, which is about 25 miles away, and I seldom go there. I told him no. He then offered to meet me at the local Sheriff's Office. That is about 15 miles from me, so I said that I would be glad to meet him in a restaurant, here in Los Molinos. That was agreed to. I then asked him if he had a warrant. He said that there was no warrant, only the letter. We then arranged the meeting, and he then informed that he was bringing a fellow agent along with him.

As arranged, we met at the restaurant just before noon. We sat in the front booth, my back toward the window and daylight in their faces. There was an older man in the booth immediately behind them, and once he heard the words "F B I", he turned towards us and listened, intently. Apparently, FBI presence in Los Molinos (population about 1200 and rural) is not quite an everyday occurrence.

After introductions, they ordered coffee and me, iced tea. Then, he handed me the Letter. I asked the agent what statute that bound me to the Cease and Desist portion of the letter. He answered that he didn't know. When I asked him what he thought of the verdict in the Portland Group One trial, he answered that he was surprised by it and by the election results (Presidential). I had the distinct impression that he was pleased with the election results. We discussed the Roviaro decision (See "Informants - What to do About Them #2") and I wondered, aloud, why the government chose to intentionally out Mark McConnell when Oregon State Police (OSP) Officer Beckert testified. He seemed somewhat surprised that the government outed McConnell, so it appeared that he had not followed the trial.

I told him that no informants had received any serious threats, though McConnell, and his girlfriend, Shannon Vita, had displayed weapons when they went to a restaurant where Jon and some friends were eating. (See "Informant Mark McConnell Receives Surprise Christmas Gift From Activist Jon Ritzheimer")

I explained to Catalano that for over twenty years, I have always had respect for the FBI, as they have always been courteous and respectful (I know that many will disagree with this), with the exception of the Hostage Rescue Team (HRT). I explained to him about how the HRT overrode the regular negotiators in

Waco, resulting in the deaths of over 80 people. He said that he was only 4-years old at that time, making him about 31 years old, now.

In discussing the HRT, I pointed out that the HRT had fired two shots prior to the OSP murdering LaVoy Finicum, and then tampered with evidence by removing their shell casings and failing to report that they had fired shots at the incident. He seemed somewhat surprised, so he may not have known about that incident. Then, I explained that the FBI was investigating the FBI, and they still haven't concluded that investigation -- in nearly a year.

When the conversation turned back to the letter, he asked if I was going to turn over my files. I told him, absolutely not. I asked him if he recognized me as press. He responded, after starting and stopping, that he thought I worked in a gray area. I asked him if the FBI wasn't also working in a gray area when they placed 15 informants in the Refuge or other aspects of the occupation at Malheur National Wildlife Refuge.

He then asked if I was would tell him where I got the documents. I told him "Absolutely not", and that I had no intention of doing so. I then explained to him that the FBI had gone into my private email list account and my private (shared only with a few) Dropbox account, and that they didn't even notify me that they had done so. I had to find that out on my own. I then explained that I was open with the government and stated, in my first informant article, that I had received copies of the discovery documents. At least I was open about what I had done, unlike the government.

Then, we ventured into the Fourth Amendment. I asked him what "*secure in their papers*" meant. He said that it meant "*digital documents, too*." So, again, I pointed out that they accessed my digital documents from my private mail list and my private Dropbox account, and that they had never served me with a warrant. I contended that the FBI actions were far more egregious than mine. Though not responding to what I had said, he went back to the "Protective Order" (pages 2 & 3 of the Letter), relying on what the Court said, without regard to the Constitution. Well, heck, my Constitution is supposed to afford me the same protection.

He then said that they informants were "witnesses", and that to divulge that information is a violation of the Court Order. However, if they are "witnesses", as he said, then when the Sixth Amendment says that the defendant has a right "to be confronted with the witnesses against him", how can you confront someone whose name is not given?

As the conversation began to wind down, he pointed out that the purpose of this meeting was to compel me to comply with the letter. I told him that I had no intention to do so, though I would probably call Pamela Holsinger and inquire as to the specific statute that gives the Court such authority over me.

When I asked him if he was going to pick up the tab, since he had an expense account, he said that he doesn't get an expense account. I told him I found it rather curious that the informants have expense accounts, but the agents do not.

Thus ended my half hour discussion with FBI SA Catalano.

The following day, I called him and explained that I was not going to call Holsinger. Instead, I wanted to look into my legal rights. Just a few hours later, near the end of the day (Friday), the US Attorney's Office filed their Motions seeking a Court Order to compel me to comply with what was requested (i.e. demanded) in the Letter. This will be discussed in Part #3.

This article can be found on line at Freedom of the Press #1 - Meeting with the FBI

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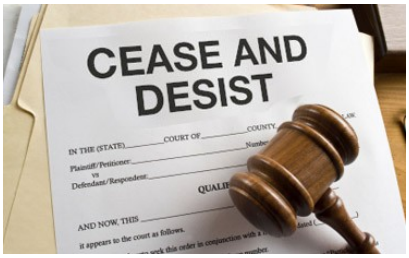
Freedom of the Press #2
Cease and Desist



Gary Hunt
Outpost of Freedom
January 8, 2017

THE PREAMBLE TO THE BILL OF RIGHTS
Congress of the United States
begun and held at the City of New-York, on
Wednesday the fourth of March, one thousand seven hundred and eighty nine.

> The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

THE FIRST AMENDMENT

> **Congress shall make no law** respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom** of speech, or **of the press**; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

* * * * * * * * * * * * *

Perhaps it would help if we look at the initial step that the government took in attempting to suppress the First Amendment protected right, that "**Congress shall make no law**... **abridging the freedom**... **of the press**". Congress, being the only legislative body of the government (Article I, Section 1, "**All legislative Powers herein granted shall be vested in a Congress of the United States**, which shall consist of a Senate and House of Representatives."), cannot, by that simple statement, delegate to any other branch of the government the authority to pass any law, rule, or policy that would be contrary to that protection afforded by the Constitution.

The first step, as explained in "Freedom of the Press - Part #1", was a Letter, hand delivered by a FBI Special Agent. I read the Letter in his presence, and we discussed certain aspects of it. However, for the reader, it is necessary to understand just how the Justice Department (pardon my misnomer) threatened me, if I did not comply with their demands. (Bold text in the original.)

> Dear Mr. Hunt:
>
> Excerpts of material produced in discovery under a Court Protective Order in the above subject case, *United States v. Ammon Bundy, et al.,* 3:16-CR-00051-BR, have been viewed on your website (http://outpost-of-freedom.com). Your possession of that material and any dissemination

and publication of any excerpts of that material violates the terms of the Court's Protective Order (copy enclosed).

Consequently, you must **immediately cease and desist** publicly disseminating that material. You must also return all copies of that material to the United States and remove all protected material from the referenced website or any other website. To make arrangements to immediately return all material, electronic or otherwise, that is illegally in your possession, please contact the Federal Bureau of Investigation at (916) 746-7000 and ask to be directed to the Chico Resident Agency. Failure to immediately comply with this demand within **twenty-four hours** will necessitate that the United States seek a court order compelling your compliance.

The Letter was signed by Pamala R. Holsinger, Chief, Criminal Division, for Billy J. Williams, United States Attorney, U. S. Department of Justice, District of Oregon.

Now, the Order states that the information is not to be "disseminated". I understood the provision, and the documents were provided to me with the understanding that I would only "excerpt" from the documents. This was explained the first time I excerpted from the document, in "Burns Chronicles Nº 40 - Allen Varner (Wolf)". I stated at that time:

> "I will be referring to FBI documents that I have obtained. They are marked, at the bottom left corner, "Dissemination Limited by Court Order". So, let me make this perfectly clear -- I have no intention of "disseminating" the documents, nor am I bound by any "Court Order". I am writing about a **Public Trial,** which was held in September and October 2016. Had I access to these documents during that trial, I would have written the same article that I am writing now."

Now, is there a difference between *excerpt* and *disseminate*? From Merriam-Webster:

> Disseminate:
> 1: to spread abroad as though sowing seed.
> 2: to disperse throughout

and,

> Excerpt
> 1: to select (a passage) for quoting: extract
> 2: to take or publish extracts from (as a book)

Disseminating the information that I received is something someone else did. I simply took excerpts, or extracts, from the documents. If laws, or edicts, are to be held to, they must be written. If the Court chose to use "disseminate", when they meant, "excerpt", they should have used "excerpt" instead of "disseminate". But, more about that, later. If the Court can pick and choose, or change, a definition to suit whim, then we really are in trouble. So, while that difference may appear relatively insignificant, generally speaking, from the legal standpoint, there is a chasm between the two.

Holsinger attempts to pretend that this is the same thing. But when we look the wording of the Letter, it is apparent that there is an attempt to misrepresent the Court Order by stating, "*dissemination and publication of any excerpts of that material*". Holsinger has added a new twist by separating "dissemination" from "publication of any excerpts" with an "and", making them separate and distinct elements. However, the Order only addresses *dissemination*.

Then, Holsinger states that *"[My] possession of that material and any dissemination and publication of any excerpts of that material violates the terms of the Court's Protective Order*". Obviously a conclusion that Holsinger has drawn, though that Order was not directed to me, rather, it was directed to other specific people. So, as I said in Burns Chronicles Nº 40, I am not bound by this Court Order. However, before we get to the attachment, there is one more point to address.

Holsinger further states that "*[I] must also return all copies of that material to the United States and remove all protected material from the referenced website or any other website*." Yesterday, January 8, 2017, hundreds of people began sharing the articles on Facebook. Dozens of people have begun mirroring the Outpost of Freedom blog, especially the Burns Chronicles series. They have also begun sharing and mirroring this new series, "Freedom of the Press".

Holsinger has attempted to impose on me the Herculean task of removing the referenced material from not only my website, but "*any other website*". Heck, I doubt that even the FBI could keep up with such a task. My supposed compliance would have little effect, as that *that horse is already out of the barn*.

I suppose that we could look at this in slightly different terms. We have all heard of civil disobedience. Well, I may, perhaps, be civilly disobedient, I am not criminally disobedient, as Holsinger attempts to suggest. However, those who have to propagate the articles have taken a first step in civil defiance (See Burns Chronicles Nº 9 - Civil Defiance or Submission?). A much more definitive statement to the government is that, not just me, but We, will not comply.

Now, the Court Protective Order

> Upon motion of the United States, the Court being advised as to the nature of this case, and good cause being shown, it is hereby
>
> ORDERED that. pursuant to Rule 16(d)(1l) of the Federal Rules of Criminal Procedure, defense counsel may provide copies of discovery only to the following individuals:
>
> (1) The defendants in this case;
>
> (2) Persons employed by the attorney of record who are necessary to assist counsel of record in preparation for trial or other proceedings in this case; and
>
> (3) Persons who defense counsel deems necessary to further legitimate investigation and preparation of this case.
>
> IT IS FURTHER ORDERED that defense counsel shall provide a copy of this Protective Order to any person above who receives copies of discovery.
>
> IT IS FURTHER ORDERED that any person above who receives copies of discovery from defense counsel shall use the discovery only to assist the defense in the investigation and preparation of this case and shall not reproduce or disseminate the discovery material to any other person or entity.
>
> IT IS FURTHER ORDERED that this Protective Order applies only to:
>
> (1) Statements by witnesses and defendants to government officials;
>
> (2) Sealed documents. and
>
> (3) Evidence received from searches of electronic media.
>
> IT IS FURTHER ORDERED that if there is specific discovery material that defense counsel believes should be an exception to this Protective Order, the parties shall confer before seeking guidance from this Court- The parties shall advise the Court by letter of any exceptions made to the Protective Order.
>
> IT IS FURTHER ORDERED that any materials subject to this Protective Order may be filed by a party under seal without prior approval of the Court.
>
> The parties shall continue to confer regarding the efficacy of this Protective Order. Any outstanding issues between the parties related to this Protective Order shall be addressed by the Court at the status conference on June 15, 2016.

The Order states to whom the defense counsel may provide copies. I am not among those so designated. As proof, I was not given a copy of the Protective Order, though I had secured a copy back in March, when the Protective Order became a part of the court record.

In the next "Further Ordered", we find there is a restriction placed upon those who are included in the designated recipients of the information. However, that Order does not extended its long arm of the Order to include me.

So, if we are a nation of laws, and if this edict is, in a sense, a law, then we must all, including the Court, be bound by the letter of the law.

Let me quote James Madison, the Father of the Constitution, from Federalist #62:

> "Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?"

That is why laws are written. And, once written, they can be easily understood by all. It is not up to the Judge to decide what the law means. The law must be in the language of the land so that any who may be bound by it can understand exactly what the are bound to obey.

We will, in a subsequent article in this series, address **why** that limited "Protective Order" extends only to those identified within its text.

This article can be found on line at Freedom of the Press #2 - Cease and Desist

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Freedom of the Press - Update
A Grateful Thank You

Gary Hunt
Outpost of Freedom
January 9, 2017

Judge Anna Brown, in Portland, Oregon, has made a decision regarding the Justice Department's efforts to shut down my writings. Before I give you what she has said, I want to thank you all for the incredible outpouring of support for what I have been doing. I have no doubt that Judge Brown has issued the following order realizing that the government, in Ammon Bundy, et al., has overstepped their bounds and has to, now, eat a little of that pie called humble.

The Minute Order filed, today, January 9, 2017, reads as follows:

> "Order by Judge Anna J. Brown. The Court has reviewed the governments Motion to Enforce Protective Order and directs the government to file no later than Noon on Tuesday, 1/10/17 a supplemental memorandum that addresses the following issues: (1) The Courts authority to enjoin the actions of a third party under the existing terms of the Protective Order and without advance notice to the third party and an opportunity for that third party to be heard; (2) the Courts jurisdiction to compel an individual who is not present within the District of Oregon to respond to the government's arguments raised in this Motion via an order to show cause or other form of order; and (3) whether the Court should amend the existing Protective Order in any respect to address the issues raised in the government's Motion."

Briefly, the Court required the government to prove that I, Gary Hunt, come under the authority of the Court's Protective Order regarding the Discovery material. Next, Judge Brown requires the government to prove that the Portland District Court has jurisdictional authority over someone not within that jurisdictional district. I am in California, the *situs* (def: the place to which, for purposes of legal jurisdiction or taxation, a property belongs.) of the alleged crime. Third, if the Court does decide to amend the Protective Order, they will have created an "ex post facto Order [law]", which is prohibited by the Constitution. And, finally, she has given them until tomorrow, sort of like the 24 hours they gave me, to provide a memorandum justifying their efforts to add me to the list of those persecuted by the government in the Malheur National Wildlife Refuge event.

Again, thanks to the thousands of patriots who joined this battle. Also, special thanks to Maxine Bernstein at the Oregonian/Oregon Live, for her article laying out the position of the government and as well, mine. I have no doubt that her article and the subsequent Associated Press articles on the subject were a major factor in the Judge's reinforcement of the principle that we are still a nation of laws, to which the government, also, is bound.

With gratitude to all,

Gary Hunt
Outpost of Freedom
(Press, publishing in a blog format)

This article can be found on line at Freedom of the Press Update - A Grateful Thank You

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Freedom of the Press #3
"Contemptuous Postings"

Gary Hunt
Outpost of Freedom
January 11, 2017

Well, even though there were many interruptions, I was working on a response to SA Ronnie Walker's first Affidavit. Then, on January 9, 2017, Judge Brown, in a Minute Order (See "Freedom of the Press Update - A Grateful Thank You"), told the US Attorney that what they had filed with the Court was insufficient, and they had to go back and "do over", to justify what they were asking the Court to do.

I will assume that they were up late, as they did make the deadline of providing a Memorandum, supported by an Affidavit, in Response to Judge Brown's Order. So, let's look into the minds of these well-paid defenders of justice (just kidding). We will deal with the Memorandum, though it will refer to, in one instance, the Affidavit. There is no need to address the Affidavit. It is simply a review of recent events with regard to this matter, but does provides a smidgen of hearsay supported by another smidgen of hearsay. When one is desperate, one digs deep.

Now to the Memorandum; I will include all pertinent text, I will underline and address the more significant parts.

> The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and through Ethan D. Knight, Geoffrey A. Barrow, Craig J. Gabriel, and Pamala R. Holsinger, Assistant United States Attorneys, hereby submits this supplemental memorandum in support of the Government's Motion to Enforce Protective Order.
>
> On January 6, 2017, the government filed a Motion to Enforce Protective Order seeking an order from this Court enjoining third party Gary Hunt from further dissemination of discovery materials subject to this Court's March 4, 2016, Protective Order. The Motion was supported by the Affidavit of FBI Special Agent Ronnie Walker. On January 9, 2017, this Court directed the government to file a supplemental memorandum addressing the following issues:

Well, I suppose they could be, at once, be paying attention and not paying attention. The Cease and Desist letter stated, "*dissemination and publication of any excerpts of that material*".

To which I responded in "Freedom of the Press #2 - Cease and Desist", when I wrote, "Holsinger has added a new twist by separating 'dissemination' from 'publication of any excerpts' with an 'and', making them separate and distinct elements. However, the Order only addresses *dissemination*."

So, we are back to *dissemination*. Readers will recall that I have consistently stated that I was "*excerpting*, not *disseminating*". Of course, I first drew that distinction back on October 15, 2016, in "Burns Chronicles No 40 - Allen Varner (Wolf)". So, are there two elements, each different from the other, as in the Letter, or,

only one element, as in the Protective Order? Again, we must look at the *letter of the law*, and not what some government attorney wants it to be, at any given moment.

This is what Judge Brown has ordered the US Attorney to address.

> 1. The Court's authority to enjoin the actions of a third party under the existing terms of the Protective Order and without advanced notice to the third party and an opportunity for that third party to be heard;
>
> 2. The Court's jurisdiction to compel an individual who is not present within the district of Oregon to respond to the government's arguments raised in the Motion via an order to show cause or other form of order; and
>
> 3. Whether the Court should amend the existing Protective Order in any respect to address the issues raised in the government's Motion.

Now, these three items were deficient in this latest attempt to intimidate me into acquiescing to their unlawful demands. Thankfully, Judge Brown saw through their charade and held their feet to the fire.

Now, let's be clear that I don't disagree with the title of this next section. I think that it is easily understood that any Court has the authority to enforce its own lawful orders. As an example, Mexico has the right to enforce its own lawful orders, within its own jurisdiction. Come to think of it, so does California. Even the Ninth Circuit Court can enforce its own awful orders, within its jurisdiction. Now, the Ninth Circuit, coincidently, includes both Oregon and California. However, the Oregon District, while fully able to enforce its lawful orders within its own jurisdiction, it is not able to enforce in another jurisdiction, such as Mexico, or California.

Let's see what the *legal eagles* in Portland have to say.

> **I. The Court Has Authority to Enforce Its Own Lawful Orders**
>
> This Court has authority to enjoin the actions of non-parties under the existing terms of the protective order when those non-parties aid and abet parties to violate the court's order. See, e.g., Reebok Int'l Ltd v. McLaughlin, 49 F.3d 1387, 1390 (9th Cir. 1995) (noting that courts have authority and subject matter jurisdiction to punish contemptuous violations of its order, citing 18 U.S.C. § 401); Inst. of Cetacean Research v. Sea Shepherd Conservation Soc'y, 774 F.3d 935, 948 (9th Cir. 2014) (organization that aids and abets a party's violation warrants contempt). This rule makes sense because it seeks to correct both direct and indirect or circuitous violations of this Court's orders. To permit a party to publicly disseminate material subject to this Court's Protective Order simply by transferring it to a non-party would violate the Order no less starkly than if the party posted the material on a public website himself.

From the "Background Facts", in Reebok Int'l Ltd v. McLaughlin, we find:

> Reebok International Limited brought suit against Byron McLaughlin for violations of the Lanham Act in allegedly counterfeiting Reebok footwear. Mr. McLaughlin controlled various corporations, including the Heatherdale Corporation. As a result of the lawsuit, Reebok obtained a temporary restraining order in the district court which enjoined "the defendants and their officers, servants, employees and agents and any persons in active concert or participation with them" from "transferring, disposing of, or secreting any money, stocks, or other assets of these defendants without prior approval of the court."

Well, that does remind me of the constitutional authority granted under the *Commerce Clause*, and it is understandable that this clause would also extend to all of the federal jurisdictions of the United States. But, heck, we are not talking about a constitutional law under the Commerce Clause; we are talking about a jurisdictional order within in a specific jurisdiction, to wit, District of Oregon.

So, let's look at Cetacean Research v. Sea Shepherd Conservation Soc'y. Now, from the "Factual and Procedural Background" of that decision:

> The International Convention for the Regulation of Whaling, to which the United States, Japan, and 87 other nations are signatories, authorizes whale hunting when conducted in compliance with a research permit issued by a signatory. See Int'l Conv. for the Regulation of Whaling, art. VIII, § 1, Dec. 2, 1946, 62 Stat. 1716, 161 U.N.T.S. 74.

Well, it is not Mexico, it is Japan. And, it appears that the President and the Senate have the authority to *treat* (make treaties) with other nations, which is a constitutional grant that is binding on all signatory whalers. However, it does not apply to *whiners*, only whalers. So, I think they missed the mark, once again.

Now to that last point made in the Memorandum paragraph, above, I find it rather intriguing, though perhaps a bit circular in its application. It says, "*To permit a party to publicly disseminate material subject to this Court's Protective Order simply by transferring it to a non-party would violate the Order no less starkly than if the party posted the material on a public website himself*." What was just stated is on point to what I have said. It is the person subject to the Order that would be guilty of transferring it to a non-party. It says nothing about any guilt associated to the *non-party*. This leaves us with the classic question, "Where's Waldo?" Surely, they do not think that I am Waldo, or they would have said so.

> In addition, Hunt did receive advance notice of this Court's Order and, as explained in Agent Walker's Affidavit in Support of Motion to Enforce Protective Order (ECF No. 1681), Hunt recognized this Court's Order but refused to follow it, incorrectly believing that it did not apply to him. The contemptuous postings, however, make clear that the material Hunt now holds is material subject to this Court's Protective Order and that Hunt has disseminated that information in contravention of this Court's Order. Hunt's stated reason for "outing" the CHSs is so they can serve as defense witnesses at the next trial. The reasons undergirding this Court's Protective Order—i.e., a need to protect the informants from harm—justifies immediate relief in the form of an injunction directing Hunt to remove all contemptuous postings immediately. In addition, the need for immediate relief is supported by Agent Walker's supplemental affidavit filed in support of this supplemental memorandum, which suggests that Hunt's contemptuous activities are ongoing. In a Facebook post regarding the FBI's February 5, 2017, visit to Gary Hunt to serve the cease and desist letter, a person asks "who is Gary Hunt?" On defendant Duane Ehmer's Facebook account a response is posted, "He is working with our lawyers."

When they say, "*In addition, Hunt did receive advance notice of this Court's Order*", presumably, they really mean the Protective Order. This case has generated many dozens of orders, so, perhaps a little specificity might be warranted. After all, it is very apparent that a word and the meaning of that word, really does have a place in our language, and especially so, with regard to our laws and legal proceedings.

And, yes, I did have advance notice of the Protective Order. Well, it wasn't really *notice*; actually, I had obtained a copy, way back in March. I read it. I have reread it. I have read it over and over. And I still cannot seem to find where it applies to me. Perhaps that is why the Honorable Judge Brown has placed that burden on the US Attorney, as per the Minute Order, which states, "*1. The Courts authority to enjoin the actions of a third party under the existing terms of the Protective Order and without advance notice to the third party and an opportunity for that third party to be heard*" (from above). Well, there are two parts to that Order. The first is to show "*The Courts authority to enjoin the actions of a third party under the existing terms of the Protective Order*". So, unless we can get that nasty little bugger out of the way, we need not even consider the second part, "*without advance notice to the third party and an opportunity for that third party to be heard*"

Now, when the Order says, "*to be heard*", I'm sure that the Order is referring to, *before the Court*. Although, there can be little doubt that I am being heard, loud and clear, outside of the courtroom. I trust, however, that the US Attorney is not attempting to suppress the Freedom of the Press and the right of the *public to know* is not being pushed to the wayside, in favor of government secrecy. We haven't even begun to discuss Roviaro, yet.

Then, the US Attorney asserts, "*Hunt recognized this Court's Order but refused to follow it, incorrectly believing that it did not apply to him*." Now, that is rather interesting. They suggest that I "*recognized this Court's Order*". I'm not sure what they mean by *recognized*. I recognize some people by their faces, others by their voices, and still others by their writing style. I suppose if I was subject to "*this Court's*" jurisdiction, and was placed on the stand, then handed a copy of the Protective Order, I would most assuredly and truthfully say that I recognized the Protective Order. But, no one has handed me a copy and asked if I recognized it, so I don't see the point. However, perhaps the phraseology is a bit off, if they mean, did I read and understand what it said, I would have no problem saying, "Yes, I have read it, and, I understand that I am not listed in those to whom it is directed".

Then, the US Attorney suggests that I was *incorrect* in believing that it didn't apply to me. Wait a minute. Don't put words in my mouth. I know that it doesn't apply to me. Perhaps law schools are deficient in teaching grammar, but, hey, buddy, have no doubt that words, their meanings, and application, are well known and understood by me. I do believe that it is a burden on the government to prove, not just state, such conjecture.

So, now we get to "*The contemptuous postings*". That is a rather subjective observation. It seems that my readers have a completely different perspective on the nature of my postings. So, we can simply write that off as either extreme bias, or, more colloquially, "butt-hurt".

My next observation is based upon the statement that seems to suggest that my postings, "*make clear that the material Hunt now holds is material subject to this Court's Protective Order*". I suppose that since I cited what was written on the documents, and explained, should any reader doubt the veracity regarding the content of the documents, that my statement gave the necessary legitimacy to the documents. However, had I known that I would also be writing these articles, on this subject, I could have saved some ink, because the US Attorney has given far more credibility to the document than my humble statement ever could.

Next, we come to, "*Hunt has disseminated*". Damn, that is quite an obstacle. Is it *disseminated*, or *published*, or *disseminated and published*. Obfuscation is really a brainteaser. However, I prefer what was really done, which is that I *excerpted* from the documents.

Moving right along, and probably boring the readers, as the colloquy is also beginning to bore me, we get into some rather interesting stuff. As I made clear in "Burns Chronicles Nº 50 - Informants - What to do About Them #2', the US Attorney referred to Roviaro v. United States, 353 U.S. 53 (1957) (Gee, I get my turn to cite a case). In Roviaro, the court ruled that since there was an extreme risk of great harm or death to the informants, the Court was justified in not releasing the names of the informants. After all, buying heroin and then "narcing" can get you killed. Drug dealers are well known for the predisposition to kill people, with either guns, knives, or bad drugs. However, that is a somewhat ridiculous justification, especially after the Group 1 Portland trial, to continue to hold those who remain in jail on similar charges in Nevada, pending their trial. After all, many of the defendants in Nevada were/are also defendants there, in Oregon.

Let's just look at how the government perceives the risk to the informants. On September 21, 2016, AUSA Gabriel, in questioning OSP officer Jeremiah Beckert, asked, "*And did you have information about whether the driver [Mark McConnell] was cooperating with the Government*?" Beckert answered in the affirmative, and of their own volition, the government hung one of their informants out to face, what, serious bodily harm? Death? Well, that didn't happen. And, the government put this informant *at risk*. That very act disputes the government's entire argument regarding the potential threat to any of the informants.

Next, in early October, Terri Linnell, who, according to the government's professed position regarding risk to informants, voluntarily came forward, at great risk to life and limb, to testify for the defendants.

Then, on the last day of the trial, we have Fabio Monoggio, who managed to buy himself some body armor, for his "own protection" in a dangerous situation", and at government expense, testified to the detriment of the government's case. Monoggio, because of his role, would be equally at risk with the previously outed McConnell, yet neither has had a hair on either head harmed.

Outside of the courtroom, however, there was a different story going on. On October 15, 2016, yours truly exposed Allen Varner as an informant. The next day, October 16, Dennis Dickenson was exposed as an informant. Two months later, in December, Robert "Rob" Seaver, Thomas "Tom" S. Dyman, and Will Kullman, were exposed. And, since the first exposure by the government and the remainder by me, not one hair, on one head, has been harmed. Doesn't that make Roviaro rather off point to the remaining defendants, in both states? As they say, the proof is in the pudding. And, this pudding has quite a story to tell.

Finally, nearly through with that rather boring paragraph, we finish with this gem:

> In a Facebook post regarding the FBI's February 5, 2017, visit to Gary Hunt to serve the cease and desist letter, a person asks "who is Gary Hunt?" On defendant Duane Ehmer's Facebook account a response is posted, "He is working with our lawyers."

Now, I have known Duane Ehmer since January 27, 2016. That is really an easy date to remember, as the only act of violence in this whole ordeal was the murder of LaVoy Finicum, the day before, at the hands of agents of the government. However, I have spoken with Duane. Why he said what he did is beyond me. Perhaps he wanted to act as if he had inside information. However, where we should be looking is at SA Ronnie Walker, who prepared the Affidavit. So, the real question is, "Is the FBI incapable of contacting Duane Ehmer?" If so, why didn't they get corroboration, elsewhere, as to the veracity of his statements. Have they learned to accept as fact statements on Facebook? If so, the hundred million dollars that they have spent on this persecution is just lining pockets, and not serving justice.

For the record, I have never spoken with any of the defense attorneys or investigators in this case. The closest I have come to that is speaking with some of the defendants. However, I have heard that the defense attorneys do like my work, and some even look forward to my next article. I also know that the government players read my work, though I have no doubt that they neither enjoy nor look forward to my next article. And, that is the way that it should be.

So, let's move on. We are getting close to the end.

> Whether Hunt should be subject to sanctions and/or held in civil or criminal contempt are matters that should be addressed after Hunt has an opportunity to be heard. Autotech Tech. LP v. Integral Research & Dev. Corp., 499 F.3d 737, 746-47 (7th Cir. 2007).

Darn, I already said that I am being heard. Let's see what Autotech Tech, LP v. Integral Research & Dev. Corp. says. Now, understand that this case is a bit confusing, though I will try to make it understandable. It starts with a company called Integral Research & Development Corp. (IRDC). It is a company wholly owned by the Belarusian government. The next player is Digital Devices, Inc. (DDI). Now, IRDC and DDI had an "Exclusive Sales Agreement", a contract. Next player, Autotech Technologies LP (ATLP). In 1994, ATLP purchased from DDI the exclusive right to promote and sell IRDC's products for resale or incorporation into products manufactured or sold in the United States; its authority was embodied in an "Exclusive Marketing Agreement." IRDC authorized the transfer of rights from DDI to ATLP through an "Acknowledgment and Modification of Agreement". Well, that is the foundation. There were contracts, the contracts were agreed to. In a subsequent dispute between ATLP and IRDC, IRDC challenged jurisdiction. IRDC lost, but they lost because they had a contractual arrangement with ATLP.

Now, this case is cited under the "*I. The Court Has Authority to Enforce Its Own Lawful Orders*" heading. I don't see where it fits into that subject, but in the above paragraph, the government says, "*Whether Hunt should be subject to sanctions and/or held in civil or criminal contempt are matters that should be addressed after Hunt has an opportunity to be heard*." So, maybe it has to deal with my right to be heard. So, we can look to the only mention of the word *heard*, in the entire aforementioned Autotech case.

> Before Integral can be barred either by law-of-the-case principles or something analogous to issue preclusion, it must have had a fair opportunity to be heard in the contempt proceeding.

I have no contractual arrangement with the Oregon District Court. I have not asked "*for a fair opportunity to be heard*". However, it seems that to be *heard* is my prerogative, if I choose to exercise it. Under the current circumstances, I see no reason in the world to step into the jurisdictional world of the Oregon District.

If it is possible for a journalist to be held in contempt of court for the mere act of excerpting segments of unclassified material from the discovery of a public trial, then this country is in a lot more trouble, and closer to a true police state, than I have ever imagined.

Sometimes, I wonder if these guys even read the cases they cite, or just jump on a case because they think it will sound impressive.

> **II. The Court Has Jurisdiction to Enforce Its Order Beyond the District of Oregon**
>
> This Court's authority to effectuate its own orders extends beyond the usual reach of this Court's subpoena power to the entire country. For example, when a party transferred assets to a non-party in violation of a court order, the non-parties who resided

> outside of the district court's jurisdiction (in Texas) were nevertheless subject to that court's jurisdiction (in Mississippi); indeed, enforcement of the injunction "must occur in the issuing court's jurisdiction because contempt is an affront to the court issuing the order." Waffenschmidt v. McKay, 763 F.2d 711, 716 (5th Cir. 1985); see also Static Control Components, Inc. v. Darkprint Imaging, 201 F.R.D. 431, 433-34 (M.D.N.C. 2001) (rejecting argument that to enforce discovery order, party had to file motion in non-party's judicial district); Platinum Air Charters, LLC v. Aviation Ventures, Inc., No. 2:05-cv-01451-RCJ-LRL, 2007 WL 121674 , *3 (D. Nev. Jan. 10, 2007) (same).

Now, we get into "subpoena power" and violation of a court order. However, the order in this one is directed at the party subpoenaed, and, there is aiding and abetting the completion of that crime. Let's look at the first part of the decision in Waffenschmidt v. McKay.

> Nonparties who reside outside the territorial jurisdiction of a district court may be subject to that court's jurisdiction if, with actual notice of the court's order, they actively aid and abet a party in violating that order.

So, just what is "aid and abet"? Black's Law Dictionary provides the answer:

> Help, assist, or facilitate the commission of a crime, promote the accomplishment thereof, help in advancing or bringing it about, or encourage, counsel, or incite as to its commission.

Now, I have yet to see anything presented by the US Attorney that might even remotely bear a resemblance to that definition. I was the recipient of some information. I explained why it was not criminal to excerpt, as opposed to disseminate, and, my possession of the material was not criminal, as I was not among those listed who were subject to the Protective Order.

As to the next two cited decisions, they are both District Court decisions. They are not *stare decisis*. That means that they are not precedence. There is no reliance on them by other courts. So, it appears that the government has fallen into a belief that quantity beats quality, and they have just thrown those in so as to increase the quantity, but none of these cases bear any aspect of quality.

Now, before we get into the last of the three items, I think it worth mentioning, at least to the subject of giving out information that the Court has determined should not be given out, or vice versa, and, yes, they are on the side of the courtroom that is subject to Court Orders. Let me provide some quotes from an Oregonian article, "Oregon standoff: Defense lawyer argues feds 'wantonly disregarded' terms of Facebook search warrant". This had to do with the government giving out irrelevant Facebook information that they were told to remove from Discovery, prior to dissemination.

> *"...the federal government "wantonly disregarded" the terms of the search warrant, and [Per Olson] accused government representatives of "hiding the ball." The warrant called for investigators to separate relevant from irrelevant Facebook account information, and then secure the irrelevant material.*
>
> *"It also shows an utter lack of respect for the process for the seizure and securing" of private Facebook communications," Olson argued. He argued that no one in the FBI took their responsibility seriously to safeguard this material.*
>
> *"I'm just confounded how they ought to be allowed to do that," Olson said." I hate to use the word lie, your Honor, but somebody did."*

The US Attorney has his own house to clean.

Finally:

> **III. The Court Should Expand the Protective Order**
>
> Finally, in the ordinary case, all parties comply with court orders. This has proven to be an extraordinary case; therefore, if this Court were to revisit the terms of its existing Protective Order, further language specifically addressing the Court's intent to ensure compliance with its orders for both direct and indirect violations—wherever they may occur—would be appropriate.

Here, the government suggests that the Court extend its authority beyond its lawful reach, in both jurisdiction and *persona*. I suppose that since *judicial activism* by higher courts, to make laws that were never intended by the Legislative Branch, has a new birth in lower courts. Now, the US Attorney is

suggesting not only that this Court can legislate, that it can do contrary to the case law submitted by the Prosecutor in the Memorandum. Then, they apparently want to go one step further to enact an Order (law) to prohibit what I have done, not in violation of the existing Order, but will be guilty of if Judge Brown simply waves a wand and changes the wording of the existing Order, making me, *ex post facto*, in violation of the Order and subject to punishment, therefore.

This article can be found on line at Freedom of the Press #3 - "Contemptuous Postings"

* * * * * * * * * * * *

Freedom of the Press #4
The Order

Gary Hunt
Outpost of Freedom
January 12, 2017

I got a call from FBI Special Agent Matthew Catalano, earlier today, January 11, 2017. He told me that he had an Order to serve. We made the same arrangements to meet at the restaurant in Los Molinos. The restaurant only serves breakfast and lunch, so it was closed, but I figured that this wouldn't take very long.

I arrived at about 4:15 pm, and he said that he had to serve me. He handed me the Order, I looked at it and said, "I refuse this service, it is for the District of Oregon, and I am not within that jurisdiction." I held the paperwork out toward him, but he did not take it, so, I said, "I will keep this, but I want you to tell Judge Anna Brown that I refuse service, as I am not subject to the Oregon District's jurisdiction." He agreed to convey the message, and then he proceeded to read certain portions of the Order to me. When he was finished, I reminded him that I wanted Brown to receive my message, and he assured me that he would pass it on. I feel certain that he will. After all, that is his job. We shook hands, and we departed.

Though I had already received two copies of the Order from other sources, I hadn't read it. The news traveled so rapidly that my phone was in near constant use. However, between calls, I read portions of the Order. As I did so, a smile crept across my face. Now, you may wonder why I would smile after receiving the Order, but my first thought was that Judge Brown had not had an opportunity to read my article, that had gone out just a few hours before. The Order had been docketed, and I received copies just minutes after posting my article. Judge Brown had not had the opportunity to read my response to the Memorandum that had refuted most, if not all, of what she was provided by the US Attorney in the form of the Memorandum to prepare the Order.

Quite frankly, when Brown filed the Minute Order (See Freedom of the Press Update - A Grateful Thank You), there were two possibilities. First, that she really was holding the government's feet to the fire, seeking real legal justification for issuing an Order. The other, that she simply wanted the government to give her the paperwork she needed, in the form of a Memorandum, to provide justification to issue such an Order. I decided to act on the former. I had said many things about Anna Brown in the past, few of them complimentary, but if she had turned to the right side, she was deserving of the benefit of the doubt. Her actions, in the past, had been nigh onto dictatorial, and had no foundation in law or justice.

So, let's look at her Order, and I will comment, as we go. It is dated January 11, 2017.

> This matter comes before the Court on the government's Motion (#1680) to Enforce Protective Order in which the government seeks to enjoin a third party, Gary Hunt, from further dissemination of discovery materials that are protected by the Court's Protective Order (#342) issued March 24, 2016.
>
> Through the Affidavits (#1681, #1690) of FBI Special Agent Ronnie Walker, the government asserts Hunt published excerpts from protected discovery materials on his website beginning on November 15, 2016, and continuing through the present. In

> particular, the government contends the postings on Hunt's website identify some of the confidential human sources (CHSs) that the government used during the occupation of the Malheur National Wildlife Refuge. This information is not only protected by the Protective Order (#342), but the Court also found in its Order (#1453) issued October 18, 2016, that the government had provided to Defendants all information regarding CHSs that was relevant and helpful to the defense and, in particular, that the government was not obligated to disclose to Defendants the identities of the CHSs. Thus, the information in Hunt's postings should not be publicly available.

Well, that is cute. Have I not said, from the beginning, that I was not subject to the Protective Order? Now, she says that the "information is protected by the Protective Order." That means that those subject to the Protective Order have an obligation to protect the information. She is right in line with my thinking. But, that will change a little later.

Then, she finds that "*the government had provided to Defendants all information regarding CHSs that was relevant and helpful to the defense*." That information was relayed to the defense on October 18, about ten days before the jury returned the not guilty verdict. She also stated, "*that the government was not obligated to disclose to Defendants the identities of the CHSs*."

So, let's get real. The government gave out redacted copies of the 1023 forms. The defense could not call any witnesses who had been informants. Obviously the information the government, and Judge Anna Brown, were willing to allow the defense to have was totally insufficient for them to prepare their defenses, especially with regard to possible exculpatory testimony those informants might have provided. The Judge, well let's just go with Brown, from this point on, disregarded the fact that two of the government's informants testified. Terri Linnell came forward voluntarily, against the wishes of the Prosecution, and testified for the defense. A diligent effort by the defense teams in tracking down Fabio Monoggio, another informant, whose testimony also was beneficial to the defense. Both gave testimony, which may well have turned the tide on the jury's verdict. This testimony would have been denied the defense under the enforcement of the Protective Order and the subsequent statement on October 18.

This is absolutely contrary to the right protected by the Sixth Amendment to the Constitution, which says that the accused has the right, "*to be confronted by the witnesses against him*". Now, some have claimed that informants, unless they testify, are not witness. However, that is not what the Protective Order (March 24, 2016) says. That Protective Order clearly states what the prohibitions are, to wit:

> IT IS FURTHER ORDERED that this Protective Order applies only to:
>
> (1) Statements by witnesses and defendants to government officials;
>
> (2) Sealed documents; and
>
> (3) Evidence received from searches of electronic media.

Now, there are only two human objects in the Protective Order. It applies to "witnesses" and "defendants". Well, I am not exposing defendants, so if the informants are not witnesses, then I am not in violation of the Protective Order. *Ergo*, the informants are witnesses, so saith Brown.

Therefore, Brown has denied the constitutionally protected right of the defendants to confront those witnesses.

> The record reflects FBI Special Agent Matthew Catalano met Hunt, who resides in Los Molinos, California, on January 5, 2017, and personally served him with a cease-and-desist letter from the government that demanded Hunt remove all discovery materials from his website. Special Agent Catalano also provided Hunt with a copy of this Court's Protective Order (#342). According to SA Walker, Hunt stated he did not intend to comply with the cease- and-desist letter and did not believe that the Protective Order applied to him. It appears Hunt has not removed the protected discovery materials from his website.

Now, SA Ronnie Walker is quite a character. In the Affidavit upon which the government based the current Order, he uses a Facebook post to allege *facts*. Well, the *fact* that something was said is not really a *fact*, unless what was said was really a statement of a *fact* (See Freedom of the Press #3 - "Contemptuous Postings".) Now, SA Walker does the same. I have never spoken with SA Walker, so, how could SA Walker know that I "*stated that [I] did not intend to comply with the cease and desist letter...*" At best, that is hearsay, and he probably heard it from Matthew Catalano. However, unlike the Facebook comment in the

Affidavit, which was attributed to a source, albeit the *fact* was not verified, Now, he states a *fact*, but provides no attribution. And, Brown perpetuates that absolutely arbitrary method of creating *facts* out of thin air. I doubt, seriously, that the defense could ever get away with such an outrageous approach to *evidence*.

> To the knowledge of the government, Hunt is not a member of the staff of any defense counsel representing any Defendant in this case.
>
> The Court issued the Protective Order in order to obviate "a risk of harm and intimidation to some witnesses and other individuals referenced in discovery." Order (#285) issued Mar. 9, 2016, at 2. The Protective Order (#342) states defense counsel may only provide copies of the discovery in this case to:
>
> (1) The defendants in this case;
>
> (2) Persons employed by the attorney of record who are necessary to assist counsel of record in preparation for trial or other proceedings in this case; and
>
> (3) Persons who defense counsel deems necessary to further legitimate investigation and preparation of this case.

Here, clearly stated, is Brown's argument to deny the names of the informants to the defense, "a risk of harm and intimidation to some *witnesses* and *other individuals* referenced in discovery."

This brings to mind a couple of things. First, the Protective Order only addresses *witnesses* and *defendants*. Now, we have "*other individual*" added to this list. And, I suppose, rewritten, without hesitation. What gives? What is the fact about who is protected, and who is not?

This leads us to the most significant of these very duplicitous statements that have been advanced by Brown. If a *risk of harm or intimidation* really does exist, why did the government expose Mark McConnell as an informant back in September? The government set the stage for exposing informants, and now they tell me that I cannot expose informants. What sort of judicial double standard is this? It reeks of hypocrisy and extinguishes any concept of equal justice, under the law.

> Protective Order (#342) at 1. The Protective Order requires any person who receives a copy of the discovery to "use the discovery only to assist the defense in the investigation and preparation of this case and shall not reproduce or disseminate the discovery material to any other person or entity." Id. (emphasis added). Defense counsel are further required to "provide a copy of this Protective Order to any person above who receives copies of discovery." Id.
>
> The Court notes although the literal terms of the Protective Order do not apply to third parties who obtain protected materials from a source other than defense counsel, it is well-settled that the Court may, nonetheless, prohibit a third party from violating a court order when that third party "'actively aid[s] and abet[s]'" a violation of such an order. Reebok Int'l Ltd. v. McLaughlin, 49 F.3d 1387, 1391 (9th Cir. 1995)(quoting Waffenschmidt v. MacKay, 763 F.2d 711, 714 (5th Cir. 1985)). Moreover, the Court has jurisdiction to enforce its orders within the jurisdiction of the United States. Reebok Int'l, 49 F.3d at 1391.

Well, that is what I have been saying, all along. Thank you, Brown, for pointing out that the Protective Order does not apply to *third parties*. Since that is what is written, I have pursued my efforts, in total compliance with what was written -- by you, Judge Brown, I might add. After all, we are a nation of laws, and we cannot be expected to live by *house rules* that can be changed at any time. If it is not written, how can one understand what he can, or cannot, do? I went into my efforts based upon what was written. Now, you sort of say that, "well, I didn't mean what I said (wrote), now, here is what I mean, but failed to say." It don't work that way, Brown.

Now, as far as "*it is well-settled*", let me suggest that it is only in your mind, and, further, that *well-settled* only came into existence in your mind when you realized that you screwed up. Your dictatorial highness still has the obligation to be honest, forthright, and to take responsibility for your actions. You are nothing more than a citizen of this country with a job that holds you to a higher standard than it holds me, as you work for the people. You may think that you have a higher privilege; however, really, you have a higher responsibility, especially to the defendants.

Let's jump in to a little history. Back in the early 19th century, in a country, which lived under a government created by a new concept and a Constitution, it was rightfully stated that judges were the arbiters that the people could rely upon to keep the government within the government's constitutional

limits. They were considered the protectors of the people's rights. Perhaps a bit more history and a little less arrogance might make you a decent judge. However, as explained above, I have lost hope in you.

> In order to make clear in the public record that the Protective Order prohibits even third parties from disseminating protected materials and information, the Court is filing a Supplement to the Protective Order together with this Order.

Perhaps this should have been made clear in the first Protective Order. I believe that the legal term is *estoppel*. So, I had reliance from the wording of the Protective Order, and a pursued a course of action. Subsequently, as my efforts yielded results, I began, in October, writing articles that contained the information developed from documents I had received. There is no doubt that the US Attorney's Office and most likely, nearly every judge and clerk in your courthouse, were aware of my articles, and I have that on good authority, should the need arise to establish the veracity of what I just said.

At the time, I received no notice from the Court or the US Attorney. That absence of action from October to January can be described three ways: 1) Silence; 2) Acquiescence; 3) Estoppel.

To more fully understand the implications and ramifications of this inactivity and subsequent activity, you have proven my point by, at this late date, after understanding my challenge to the recent activities of the Court and the US Attorney's Office, decide that you had screwed up, and now you have now decided to file "*a Supplement to the Protective Order*". Sorry, Brown, there are no "do-overs", you don't even get a "participation award". The Framers of the Constitution foresaw that possibility when they forestalled both legislative and judicial tyranny by incorporating Article I, § 9, clause 3, into the Constitution. And, if the legislative branch cannot enact *ex post facto* laws, then surely, a Court with limited jurisdiction has no less a prohibition.

Here is a rather interesting statement, "the Court may, nonetheless, prohibit a third party from violating a court order when that third party 'actively aid[s] and abet[s]'." Now, I will have to refer the reader to my previous article, Freedom of the Press #3 - "Contemptuous Postings", where I addressed this whole matter of allegations of "*aiding and abetting*". This also extends to the cases cited in Brown's Order. As explained in the above linked article, the US Attorney simply grabbed stuff, threw it in, and hoped that nobody would pay attention to the fact that the cases cited do not lead to the conclusions that have been suggested. Apparently, even Brown and her clerks, have fallen prey to the devious deception. However, I didn't, as I pulled all but the obscure District Court citations, and have seen that they have no relevance to the subject at hand.

> On this record, therefore, the Court concludes the government has sufficiently demonstrated that Hunt has aided and abetted the dissemination of materials covered by the Protective Order, and, therefore, the Court GRANTS in part the government's Motion (#1680) to Enforce Protective Order as follows:

Once again, the words flow wantonly. *Aiding and abetting* is a potential criminal charge, and, thusly, must be proven. Merely writing those words does not make it true, and cannot provide justification to imply that such an act occurred in order to impose punishment as a result of an activity that has not been tried, only applied. I'm going to toss out a phrase, where, there should be fair warning to the more astute players on the government's side of the aisle. That phrase, simply put, is "prior restraint".

> 1. The Court DIRECTS Hunt to remove all protected material and/or information derived from material covered by the Protective Order from his website(s) within 24 hours of the service of this Order;
>
> 2. The Court ENJOINS Hunt from further dissemination of material covered by the Protective Order or information derived therefrom to any person or entity.
>
> 3. The Court DIRECTS the government to serve Hunt personally with a copy of this Order together with a copy of the Protective Order (#342) and the Supplement (#1692) thereto as soon as possible and to file immediately in the record a certificate stating it has effectuated such personal service or otherwise ensured Hunt has personal knowledge of the contents thereof.
>
> 4. In the event that Hunt fails to comply with this Order after he is served, the government may initiate contempt or other enforcement proceedings in a court of competent jurisdiction. [1]

Here, we are getting some rather interesting insight. Does She, or Doesn't She? And, I am not talking about hair coloring, rather, jurisdiction. This will be discussed more, shortly.

5. In the event that the government obtains reliable evidence regarding the source from which Hunt obtained the protected materials, the Court trusts the government will seek appropriate relief from the Court without delay.

Now, this appears to be a disguised attempt to intimidate me into providing the source of the information, because they really have nothing on me. The Cease & Desist Letter had no effect; this Order has no effect, in my pursuit of bringing to the public, through the Freedom of the Press, their right to know the workings of their own government. This might be an appropriate place to quote from John Adam:

"[W]e have nothing to expect from their justice but everything to hope from their fears."

Adams to James Warren, July 17, 1774, "Papers of John Adams"

[Footnote]

1 Because the question is not presently before it, the Court does not express any opinion regarding which United States District Court would have jurisdiction to require Hunt to appear personally in such enforcement proceedings.

I have made my case before you, the public. My case has not been lost on only you, since both the defense and the prosecution await my scribblings. The former with anticipation, the latter with dread. So, there can be little doubt that this sudden concession to the jurisdictional issue is a consequence of their dread.

Now, we can move to another aspect of my writings, that being as to whether the Protective Order extends to me, or stops at those named. This is the *ex post facto* violation. This is where the Court has now determined, at this late date, to incorporate, and I hate to say it, anybody and everybody that has read any of my articles and/or simply posted or shared them on Facebook. What follows is the Supplement to the Order:

BROWN, Judge.

For the reasons stated in the Court's Order (#1691)Granting in Part the Government's Motion to Enforce Protective Order, the Court supplements the Protective Order (#342) issued March 23, 2016, as follows:

Any individual or entity that obtains materials protected by the Court's Protective Order (#342) is prohibited from disseminating those materials or any information derived therefrom to any other individual or entity by any means.

IT IS SO ORDERED.

DATED this 11th day of January, 2017.

Now is the time to refresh your memory to what John Adams said, and I will repeat at the end of this article. We must decide not to be civilly disobedient, rather we need to stand strong and be civilly defiant -- to challenge the presumed authority of the Court in their efforts to quash me, but, more importantly, to defend, at whatever cost, your absolute right, under the First Amendment to the Constitution, specifically the Freedom the Press, and your right to know the workings of YOUR government.

"[W]e have nothing to expect from their justice but everything to hope from their fears."

Adams to James Warren, July 17, 1774, "Papers of John Adams"

This article can be found on line at Freedom of the Press #4 - The Order

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Freedom of the Press #5
"Tilting at Windmills"

Gary Hunt
Outpost of Freedom
January 31, 2017

Well, it has been almost three weeks since the government's most recent effort to suppress Freedom of the Press. Not really surprising, since they have nothing to go on; they just think that they do. However, Billy J. Williams (aka Don Quixote) and Pamala R. Holsinger (aka Sancho Panza) have spent a bunch of taxpayer's money on "Tilting at Windmills". They just do not seem to believe that the Constitution is the very document that created them, and the government that they represent. Well, it didn't really create them, but it did create the positions that they hold.

Back on January 10, 2017, the government filed the "Government's Supplemental Memorandum in Support of Motion to Enforce Protective Order (1689)". This was discussed in Freedom of the Press #3 - "Contemptuous Postings", published on January 11. That same day, just hours before #3 was published, the Court filed an "Order Granting in Part Government's Motion to Enforce Protective Order (1691)". This, of course, led to my response, on January 12, with Freedom of the Press #4 - The Order. Rather a hectic pace, for three days.

Apparently, the government had some heavy homework, for it wasn't until January 30 that they made their next move. They filed "Government's Motion for an Order to Show Cause (1788)", and, not to be out done, they filed an "Affidavit of FBI Special Agent Ronnie Walker in Support of Government's Motion for an Order to Show Cause (1789)". The Motion (1788) is only 6 pages, but the Affidavit (1789) is 14 pages, 8 of which are actually entering my Article #4 into the record. I sure like it when they expand my readership. Thank you, Don and Sancho.

So, let's look at the Affidavit (1789), first. The first three paragraphs are explanations of Ronnie Walker's qualifications. In that third paragraph, we find this rather curious limitation of her authority:

> I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), authorized to conduct investigations into alleged violations of **federal law**.

Now, it says that she is "*authorized to conduct investigations into alleged violations of federal law*." It does not say that Walker cannot investigate other allegations, but if Walker could, would not Walker have made the point clear. It kinda makes you wonder, since nobody has found the time to provide a statute that I am in violation of. This was first discussed when I received the "Letter- Demand to Cease and Desist", which I reported on in Freedom of the Press #1 - Meeting with the FBI, when "*I asked the agent what statute bound me to the Cease and Desist portion of the letter*?" I received no reply. Since they have not provided me a statute (*federal law*), I am just wondering if maybe SA Walker is moonlighting for the US Attorney.

Now, here is the kicker. In the next paragraph in the affidavit, Walker states:

> 4. This affidavit is intended to show only facts pertinent for the requested motion and does not set forth all of my knowledge about this matter.

So, let's see some facts. In paragraph 15, Walker states that I received:

> a Supplement to the original Protective Order, court record #1692, which prohibits any individual or entity from disseminating those materials or any information derived therefrom to any other individual or entity by any means.

Well, that is a fact. Any *individual or entity* that disseminates *those materials or any information derived therefrom to any other individual or entity[,] by any means*. Now, that would make almost any person who has read and shared certain of my articles, and presumably, even if you did not read them and only shared them, you have been brought into the "long arm of the Protective Order", and are subject to the very same punishment that they want to try to hang on me. And, as Walker said, that's a *fact.*

Do not let that scare you, because we still have to see if the Court can find some way to reach out of their jurisdiction and grab me, or you, unless, of course, you live in Oregon. But, even if you do live in Oregon, unless you are party to *Ammon Bundy, et al*, the trial, which will start, again, with Group 2, on February 14, it would not apply to you, either. The reason I say that it can't reach you is that you have to have *aided and abetted* a party in the action. That condition exists when two parties work together. We'll touch on that, a little later.

Then in paragraph 17, we find:

> On January 23, 2017, I reviewed the Outpost of Freedom blog at http:lloutpost-of-freedom.com and observed that HUNT not only had not removed the protected material but had posted new additional discovery information subject to this Court's original Protective Order (#342), January 11, 2017, Order (#1691), and January 11, 2017, Supplement to Protective Order (#1692). The new CHS discovery information was posted January 23, 2017, in an article by HUNT titled "Bums Chronicles No 55." In this post, HUNT alleges two individuals are FBI CHSs. HUNT fully identifies one of the individuals and refers to the second individual only by first name and physical description. HUNT draws conclusions based on five FD-1023 reports provided in the CHS discovery. HUNT quoted verbatim text from the CHS discovery reports.

Now, we can move on to the Government's Motion (1788).

From that Motion:

> Hunt told SA Catalano that he did not intend to comply with the terms of the letter. Hunt stated he had two more articles outing CHSs; those articles were in their final review stage before he planned to upload them.

Now, the Affidavit confirms that I had added the one article naming two people, though in the Motion, Catalano's report indicated that I had informed them that I had two articles nearly completed. Even if the Order were valid, I had advised them of two articles that predate the Order, though they had not, yet, been published.

The Motion then states, after going through the various events that led up to January 30,

> The Order states that in the event Hunt fails to comply with the Order after he is served, the government may initiate contempt or other enforcement proceedings.

How very nice of the Court to *authorize* the government *to initiate contempt or other enforcement proceedings*. However, the Order was issued, "*in part*". The "*in part"*, though it had other parts, did address the problem of jurisdiction. As explained in Article #4, the Order clearly states:

> 4. In the event that Hunt fails to comply with this Order after he is served, the government may initiate contempt or other enforcement proceedings in a court of competent jurisdiction. [1]

And, the referenced footnote ([1]) says:

> 1 Because the question is not presently before it, the Court does not express any opinion regarding which United States District Court would have jurisdiction to require Hunt to appear personally in such enforcement proceedings.

The question was NOT before the Court. The Motion does NOT address that touchy little matter of jurisdiction. So, no ruling has been made with regard to jurisdiction. Nor has the government offered anything within the Motion to suggest that jurisdiction exists for this Court to proceed any further than simply mouthing off, hoping to intimidate me into the Oregon federal District's jurisdiction.

The Motion ends with the following:

> Accordingly, the United States asks that this Court order third-party Gary Hunt to appear in the United States District Court for the District of Oregon and show cause as to why this Court should not hold him in contempt.

Well, I doubt that the Court can do any more than the government has done, to *ask* me to visit Oregon. Unfortunately, my last visit left a bad taste in my mouth. Just two days after I arrived, LaVoy Finicum was murdered on the side of the road. Certain events that occurred just moments before, and shortly after, the murder took place have been left in the hands of the government to investigate. Those events include two shots fired by the FBI Hostage Rescue Team (HRT), the removal of evidence from a crime scene (removed brass), and the failure to report weapons fired by the HRT members. And, that investigation has allegedly been going on for over a year. I say "allegedly" because the government has been so silent on the matter that we do not know for sure.

So, if the government cannot do their job, unless it suits them, it must be left to the Press to inform the people of the misdeeds of that government.

This article can be found on line at Freedom of the Press #5 - "Tilting at Windmills"

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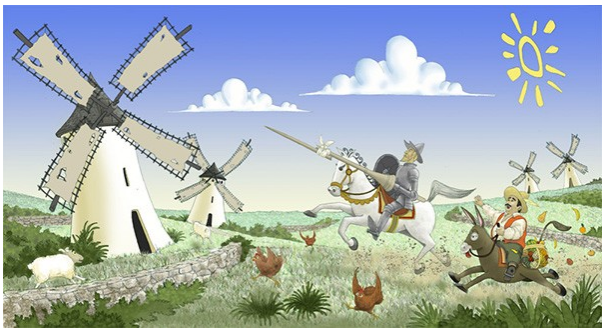
Freedom of the Press #6
"Tilting at Windmills" - Redux



Gary Hunt
Outpost of Freedom
February 09, 2017

I have noticed over the years, that some believe in quality, as I do, and others believe in quantity. They think that throwing out a massive missive will drown the opposition in, well, paper. It appears this is the new approach by the United States Attorney, and minions, from Portland, Oregon. They have, with their most recent filing (Supplemental Memorandum in Support of Government's Motion For an Order to Show Cause), on February 7, exceeded all my expectations, in terms of quantity. They have cited 30 court decisions. I have reviewed five of the cited cases, though I will comment on more of them. Since their research is of such poor quality, It would be my pleasure to review cases for them in the future. However, if I work for the government, my prices will not be discounted. Considering how poorly their current hired help performs, it just might be worthwhile for them to get it right, for a change.

Now, let's get on with the boring stuff. However, there will be some really good stuff towards the end.

They begin the Memorandum with a statement of what it will address:

> 1. The District of Oregon is the proper venue for this Court to enforce its own Protective Order against a third party;
>
> 2. Third-party Gary Hunt should be held in Civil Contempt of this Court's Orders after he has had an opportunity to appear and Show Cause why he should not be held in contempt;
>
> 3. There is a factual basis to conclude by clear and convincing evidence that third party Gary Hunt is aiding and abetting a defendant (or defendants) in this case in violating the Court's original Protective Order (ECF No. 342), the new Order (ECF No. 1691), and the Supplement to the original Protective Order (ECF No. 1692); and
>
> 4. There are no prior restraint issues or "press" privilege issues.

So, we will begin with Part I. Under the heading in the Memorandum:

> I. The District of Oregon Is the Only Proper Venue for This Court to Enforce Its Own Orders
>
> A. Proper Venue Under the Law

The first case cited is:

> *Myers v. United States*, 264 U.S. 95, 101 (1924). The Supreme Court in Myers held that venue is only proper where the court rendered the decree sought to be enforced.

Well, I did look that one up and here is what I found:

> An information charged that plaintiffs in error willfully disobeyed the injunction lawfully issued in equity cause, St. Louis, San Francisco Railway Company, Complainant, v. International Association of Machinists, et al., Defendants, pending in the Western

> Division of the Western District of Missouri, by attempting, within the Southwestern Division of the same District, to prevent certain railroad employees from continuing at work. The order ran against men on strike, and the cause is treated as one within the purview of the Clayton Act.

Well, that supports my position. The case was in "Western Division of the Western District of Missouri", however, the other jurisdiction mentioned was in the "Southwestern Division of the **same** District."

Now, that "Clayton Act" does come under the Commerce Clause of the Constitution, since it deals with the Sherman Antitrust Act.

> **Clayton** Antitrust **Act** is an amendment passed by U.S. Congress in 1914 that provides further clarification and substance to the **Sherman Antitrust Act** of 1890 on topics such as price discrimination, price fixing, and unfair business practices.

Well, I sought relevance, but did not find. So, let's move on.

Next citation is *United States v. Twentieth Century Fox Film Corp*., 882 F.2d 656, 666 (2d Cir. 1989)

This was also brought under the Sherman Anti-Trust Act. Here we have a "consent decree"; however, it dealt with whether Twentieth Century Fox had a right to a jury trial over the contempt proceedings against one of Twentieth Century's employees, for violating said "consent decree".

Oops! There's that pesky Sherman Antitrust Act, again.

Then, we have *Steers v. United States*, 297 F. 116, 118 (8th Cir. 1924). I haven't been able to locate anything but citations referring to *Steers*. But, it appears that it had to do with Divisions within a District, not between Districts, just like *Myers*. So, they strike out.

Moving right along, we find *Eli Lilly & Co v James B. Gottstein* 617 F3d 186 (2d Cir 2010)

Gottstein was a party to the action. He was enjoined from disseminating the documents. If the Prosecution is looking for Mr. "X", or perhaps "Waldo"; is it possible that what I have came from his own ranks? From that decision:

> Understandably alarmed, Eli Lilly applied for and received a series of orders culminating in an injunction, which barred Gottstein from disseminating the documents and required their return. In re Zyprexa Injunction, 474 F.Supp.2d 385 (E.D.N.Y.2007). Gottstein now appeals that injunction, claiming that the district court erred in finding that his issuing subpoenas was part of a sham proceeding, that he aided and abetted the violation of the protective order, that the documents at issue were confidential, that the court could bind him under the protective order and that the court possessed personal jurisdiction to issue the injunction against him. We affirm the judgment of the district court in all respects.

Gottstein was subject to the Protective Order, and he violated that Order. Are they trying to imply that I am subject to the *Ammon Bundy, et al*, Protective Order?

Finally, we come to *In re Special Proceedings 291* F Supp 2d 44 (DRI. 2003). This is interesting in that they are not looking at me. Here, they are, once again, looking for "Waldo".

> On August 8, 2000, while Corrente was awaiting trial and the grand jury investigation of other, later named defendants was continuing, the district court entered a protective order prohibiting counsel in the Corrente case from disclosing the contents of audio and video surveillance tapes that had been made by law enforcement officials and furnished to defense counsel during discovery. The aim was to safeguard the on-going grand jury investigation of Cianci and to avoid pretrial publicity that could prejudice the defendants' right to a fair trial.

Well, this had to do with Corrente and a fellow named Taricani. "The aim was to safeguard the on-going grand jury investigation." Taricani obtained discovery footage of a corrupt civil servant

receiving a cash payment and then aired that footage. This is a far cry from exposing informants, the precedence, which, incidentally, was established by the Prosecution when they intentionally exposed one informant. Another informant came forward on her own, and the third was subpoenaed by the defense after their exercise of the same sort of diligence that is my standard practice.

There is no *grand jury investigation* in progress in the current case. At this point, the future condition of the defendants, as well as the knowledge of the means by which the police state government operates, is at stake. My acts will taint No investigation. And, unlike Corrente and Taricani, who were in the same district, I am not.

The next subject area in the Memorandum is:

> B. Proper Venue Based upon the Facts

The government makes this allegation:

> The District of Oregon is the proper venue to enforce this Court's Orders because third-party Gary Hunt is aiding and abetting a defendant or defendants and their counsel in the violation of the original Protective Order.

Now, I am going to paraphrase a juror in a recent trial in Portland. The juror stated that the verdict was based on the fact that although there might have been an *effect*, there was no *intent*. The government is alleging that they know something, which must be true, since they say that it is. The information that I have put out in the articles may have the *effect* of aiding the defense, both defendants and counsel, though that was not the *intent*. I have sent nothing to the defense attorneys, unless they chose to join my mail list.

A thorough investigation of me by the prosecution would clearly demonstrate that there have been two objectives in my reporting for over two decades. First, to expose "*the misdeeds of government*", and second, to cover stories where "*the government is pointing their guns in the wrong direction*". The Prosecutor's mere words cannot define my motives, and especially so when my motives have been made quite clear, both in the written words and the historical accuracy of my reporting. The public does have a right to know what their government does -- behind their backs.

They go on to state:

> Defendants or their counsel are the originating point of access and whoever provided the material did so in violation of the original Protective Order. Hunt has admitted the protected material is subject to this Court's Protective Order.

Now, their assumption that "the originating point of access..." is just that, their assumption. Their assumption does not make it truth, it simply shows that they think that they know what they really don't know.

They correctly state that the "protected material is subject to [the] Court's Protective Order", omitting that I have also "admitted" that I was not subject to the Court's Protective Order. Of course, the Court later expanded the Protective Order to include thousands of people, but the government has offered nothing to suggest that the Court can, after the fact, revise a Protective Order when that Order was issued subject to the legal limitations of the imposition of that Order, which, by the way, is quite clear in the above cited cases. You can't change horses in midstream. The Constitution prohibits *ex post facto* laws, even to the Congress. Can the Court then assume that it can do what the Congress cannot? However, I might add that it was the Prosecution who first suggested that the Court should change that horse.

The Prosecution continues,

> As described in the Government's Supplemental Memorandum in Support of Motion to Enforce Protective Order and Special Agent Ronnie Walker's supporting Affidavit, defendant Ehmer's Facebook post provides insight—when asked "Who is Gary Hunt?" the answer was "He is working with our lawyers."

It is amazing that the government presents an unsubstantiated Facebook post as factual statement, and especially when they and Duane Ehmer were in the same courtroom. For whatever reason, it didn't suit them to ascertain the truth, when it could have been so easily accomplished. Instead, they rely on the hearsay of Facebook.

Let's be clear about what I have stated, in Freedom of the Press #3 - "Contemptuous Postings":

> "For the record, I have never spoken with any of the defense attorneys or investigators in this case. The closest I have come to that is speaking with some of the defendants. However, I have heard that the defense attorneys do like my work, and some even look forward to my next article. I also know that the government players read my work, though I have no doubt that they neither enjoy nor look forward to my next article. And, that is the way that it should be."

So, the Prosecutor, who chose not to get affirmation as to the veracity of Duane Ehmer's Facebook post, when the opportunity was right in front of him this past Monday and Tuesday (the latter being the date of this filing) during hearings, failed to do so. Further, having knowledge that I had made that statement, "for the record", they chose, instead, to manufacture their own truth. It is apparent that justice has no role in this little ploy, the purpose of which is to win, at any cost, with any deceit, and that appears to be their mantra.

Then, they state:

> This Court has authority to enjoin the actions of non-parties under the existing terms of the protective order when those non-parties aid and abet parties to violate the court's order. See e.g., Reebok Intern. Ltd. v. McLaughlin, 49 F.3d 1387, 1390 (9th Cir. 1995) (noting that courts have authority and subject matter jurisdiction to punish contemptuous violations of its order, citing 18 U.S.C. § 401);

I have discussed Reebok in both Freedom of the Press #3 - "Contemptuous Postings" and Freedom of the Press #4 - The Order. Nothing has changed. The authority came from the Commerce Clause of the Constitution, and is not on point with regard to the current matter. At this point, we can assume that whoever drafted this Memorandum did not do any homework, or the government believes that neither the Court, nor I, are paying Attention.

The same is true of *Inst. of Cetacean Research v. Sea Shepard Conservation Soc'y*, discussed in #4, except that case was a direct aiding and abetting, which in this case is only a claim of the Prosecutor. They have offered nothing to show that aiding and abetting is a part of this current matter. It is extremely difficult to prove that something that is not true, is true, despite their feeble, yet desperate efforts to do so.

This Section, Part I, concludes with:

> Venue for the Motion to Show Cause is properly in the District of Oregon and not in Eastern District of California. In addition, venue is proper in the District of Oregon because government has made a prima facie showing that Hunt is aiding and abetting one or more of defendants in violating this Court's original Protective Order (ECF No. 342). The Orders has failed to comply with were issued by this Court and the District of Oregon is the proper venue to enforce those Orders.

The cases cited above, by the Persecutor, demonstrate that the Order cannot cross-District jurisdiction, unless other elements exist. In an effort to create that element, they claim that they have "*made a prima facie showing that Hunt is aiding and abetting*". Apparently, the *prima facie* case is what one person said on Facebook, without regard to my clear and concise statement to the contrary. Now, if they can't figure this out, then they have no idea what *prima facie* means.

Let's move on to:

> II. Third-Party Gary Hunt Should Be Held in Civil Contempt

I will begin by admitting, as I did early on, that it was time consuming and that I am not being compensated for correcting their errors, with regard to citations.

This Part deals with contempt of court. The Prosecutor seems to base his arguments on whether it is civil or criminal contempt. However, contempt of court only applies to those who are parties to the action. I have addressed this from the outset. The Protective Order was directed to the defense attorneys, investigators, and the defendants. It did, however, fail to address the Prosecution, their staffs, the investigators for the government, or even the Court's staff. It surely didn't address me, though the aforementioned Supplement to the Order, if it is even legal to incorporate others at this late date, would even include those in the FBI (SA Ronnie Walker), the Prosecutions staff, and even the Court's staff, for passing on my articles. Now, they are being coy, in that SA Walker does not use the words that were of the forbidden nature, addressing only the Bates number (example - MNWR _0059424), though surely, the articles were passed around FBI headquarters. The same would be true of both the Prosecutor's staff and the Court's staff. They are all included by the Supplement, though they were not addressed in the original Protective Order. How can that have retroactive merit? This doesn't even touch on the jurisdictional limitations of the Court.

They do cite *United States v. Chandler*, 380 F.2d 993, 1000 (2d Cir. 1967. Well, let's just look at what the Prosecutor says that *Chandler* says:

> Contempt of court is an act of disobedience or disrespect towards the judicial branch of the government, or an interference with its orderly processes, and includes refusals by witnesses, without just cause, to obey a direct order of the court.

I have not been disobedient to the Court; as there is no nexus between the Court and me that warrants obedience. If I have been disrespectful, it has only been done to the extent necessary to assert both my rights as press and my reader's rights to know the workings of their government. However, disrespect, when warranted, cannot be illegal. I have not interfered with the Court's *orderly process*. I am not a witness, nor do I have any obligation to said Court. So, if that is all the Prosecution can make of *Chandler*, then they need a better drawing board to return to.

In citing *United States v. Conces*, 507 F.3d 1028, 1042 (6th Cir. 2007), they state:

> Civil contempt must be proved by clear and convincing evidence.

What evidence have they presented? They had the opportunity to get verification of a few words posted on Facebook. I think that I understand why they didn't question Ehmer, under oath, when the opportunity availed itself. That would have removed the only shred, and meager at that, of "evidence" of what they attempt to present as truth.

They go on to state:

> After third-party Gary Hunt has had an opportunity to be heard, the United States will be asking the Court to hold Gary Hunt in civil contempt and incarcerate him until he complies with this Court's January 11, 2017, Orders directing him to remove the protected material from his website and not further disseminate the protected material. Civil contempt sanctions can be imposed in court proceedings upon notice…

There is an old saying about opportunity knocking, though I see no opportunity in voluntarily subjecting myself to the jurisdiction of the Portland District. Additionally, it is quite apparent that I am being heard by an audience, which has increased substantially due to the actions of the Prosecutor.

I do love how these guys think. If I were incarcerated, how could I remove anything from my website? Would they give me special privilege; allow me to take a laptop computer to jail, and then provide a hot spot

so that I could connect? However, this does demonstrate an almost comical level of incompetence. This has become abundantly demonstrated, these past few weeks.

In Part:

> III. The Government Has Established by Clear and Convincing Evidence That Gary Hunt Is Violating This Court's Lawful and Direct Orders

And, I make the best hamburgers in California.

They then go on to provide a history of their one-sided paper chase with the Court, giving the history from the Letter to Cease and Desist, mentioning my continued publication of *forbidden material*, and their additional efforts to quash the Freedom of the Press.

Then, in Part:

> IV. There Is No Prior Restraint Issue or Qualified Press Privilege
> A. There Is No Prior Restraint Issue Presented Here

They begin with:

> This Court has the authority to issue protective orders protecting criminal discovery and, specifically, confidential source information. The substantial government interest in protecting confidential sources is long established. See *Roviaro v. United States*, 353 U.S. 53 (1957). This substantial government interest is unrelated to any suppression of expression and outweighs Hunt's First Amendment rights. No one has challenged the legitimacy of the Court's Protective Order, and to permit a party to end run the order by passing the information to a blogger threatens to undermine criminal discovery and the interests identified in *Roviaro* - i.e., if we cannot protect the confidentiality of our law enforcement informants, we cannot expect their cooperation in future investigations.

Well, I'm glad they brought up *Roviaro*. I brought it up, as well, in two previous articles (#1 and #3), though I didn't really get to the meat of it. Come to think of it, the Memorandum didn't get to the meat of it, either. So, let's see if we can find the beef. I'll just provide a few of the quotes from that decision:

First, however, let me address two of the points made (above) by the Prosecution. They say, "*The substantial government interest in protecting confidential sources is long established*." That is correct. It is referred to as the *informant's privilege*. Then they say, *"[I]f we cannot protect the confidentiality of our law enforcement informants, we cannot expect their cooperation in future investigations*." So, we can see that by quoting those two portions, the Prosecutor's primary intention is to secure a continuing ability to monitor the activity, maybe even encourage illegal activity, of the targeted group of people. In escalating a police state, it is necessary to have the means of keeping track of the activities of dissidents, or in this case, the people that still believe that the Constitution is the "supreme Law of the Land."

However, they ignore the final decision in *Roviaro*. The lower court ruled that the government did not have to identify the informant. Here is some of the reasoning behind the final decision, which reversed the lower court.

> We believe that no fixed rule with respect to disclosure is justifiable. The problem is one that calls for balancing the public interest in protecting the flow of information against the individual's right to prepare his defense. Whether a proper balance renders nondisclosure erroneous must depend on the particular circumstances of each case, taking into consideration the crime charged, the possible defenses, the possible significance of the informer's testimony, and other relevant factors.

In that *balancing*, it must show that the identification of the informant must rest on "*the individual's right to prepare his defense*." So, let's look at the Group 1 trial. First, they no longer wanted McConnell, so they exposed him. Then, Terri Linnell came forward and testified. I spoke with an alternate juror and was told that Linnell's testimony had very little to do with what her verdict would have been, though she did catch that the Prosecution tried to get Linnell to lie.

Next came Fabio Minoggio. His testimony was critical to the verdict. If he had not been tracked down and made to testify, the verdict may have gone the other way. However, his role in training the occupiers, demonstrated by a video that the Prosecution showed four times, was of someone working for the government who staged the violence.

Proof then, exists, that under the *particular circumstances*, and especially with the number of informants at the Refuge, that absent the names of the informants, to give the defense the opportunity to determine if their testimony might affect the "*individual's right to prepare his defense*", is absolutely necessary

However, most importantly, is that the people have the right to know what their government is doing. Not only by numbers of informants, which was approaching a majority of able-bodied people on some days, but also what the nature of their activity was. That can only out be found by knowing who the informants are, so that the attorneys can question them as to their role (effect) --by knowing what they have reported. This leaves the public with an understanding of not just that there are informants, but what affect their role might have played in what resulted in a mountain of charges against the defendants (intent).

> The circumstances of this case demonstrate that John Doe's possible testimony was highly relevant and might have been helpful to the defense. So far as petitioner knew, he and John Doe were alone and unobserved during the crucial occurrence for which he was indicted. Unless petitioner waived his constitutional right not to take the stand in his own defense, John Doe was his one material witness. Petitioner's opportunity to cross-examine Police Officer Bryson and Federal Narcotics Agent Durham was hardly a substitute for an opportunity to examine the man who had been nearest to him and took part in the transaction.

Repeating myself, Minoggio's testimony has proven that absent such information, those who have been paying attention (observing as an informant) may be the best witnesses for the defense. And, again, the public does need to know whether the informants are there to serve the government, or o serve justice.

Now, let's cover those other two points made in the Memorandum. First:

> No one has challenged the legitimacy of the Court's Protective Order

I have not challenged the legitimacy of the Order, though I have challenged the applicability (jurisdiction and authority) of the Order. Why do they keep avoiding that point?

Then:

> permit a party to end run the order by passing the information to a blogger

Now, this really gets me. I am, and have been so, for over two decades, a journalist. I suppose that there is nothing that I can do about how they choose to describe me, but that coin does have two sides. The US Shyster, and minions, can continue to refer to me as they please. I am free to do the same. Henceforth, USA (United States Attorney) and AUSA (assistant to same) will be referred to as USS and AUSS.

Let me add that my writings, since 1993, are still posted on my webpage. They have more facts in them than most Mainstream Media (MSM) stories. Nearly all of them have the five W's of journalism (Who, What, Why, Where, When), more than most MSM, and especially television news.

However, since we are talking about Portland, Oregon, let me reference a case for the benefit of the USS and the AUSSes. I will not go into the detail, though I will, in the future, if I am not able to respectfully refer to them as attorneys. The case is *Obsidian Finance Group LLC v Crystal Cox* - Ninth Circuit.

Now, we get into a rather interesting subject (I thought they would never bring it up) known as *prior restraint*. They open the topic with:

> This discovery material was not in the public domain in any form. This Court should be able to enforce its Protective Order and prohibit wide dissemination of discovery which includes confidential FBI reports. See Seattle Times Co. v. Rhinehart, 467 U.S. 20

> (1984) (an order prohibiting dissemination of discovered information before trial is not the kind of classic prior restraint that requires exacting First Amendment scrutiny)

First, the "confidential FBI reports" (that sounds really good) were not. The top of every page has this notation, "UNCLASSIFIED// FOUO". So, they are "unclassified", though they are For Official Use Only. Why must the shysters try to make what is into what isn't? Is that just another form of obfuscation?

Now getting to another point, it was after the Group 1 trial that I began exposing informants. The government set the stage for exposing them, not I. Are we not able to contravene a limitation if the government willfully does so? Are the attorneys (defense, not government) exempt when they expose an informant? The only difference is that to identify and expose the informants (the same as the attorneys did with Minoggio); I needed to deduce from the CHS reports just who might be able to identify an informant based upon the information contained within the reports. Once identified, I could just name names, but that would subject me to ridicule and denial, since it would seem so much like we see throughout various communities. I think that would best be described as gossip. Absent the substantiating proof, the text from the documents, what I wrote would have no merit, and it would destroy the reputation for truthfulness that I have been building for 24 years. In the same paragraph mentioned above, the government states, "We are not asking this Court to restrain Hunt's ability generally to write about the case - or even the informants." Why can't they get there story straight?

Then, they cite

> In United States v. Noriega, 917 F.2d 1543 (1990), the issue was the balance between a defendant's Sixth Amendment Right to a fair trial and the First Amendment interests asserted by CNN.

Interesting. All of a sudden, they are concerned with "*the balance between a defendant's Sixth Amendment Right to a fair trial and the First Amendment interests asserted by CNN*."

Aren't they saying that the defendant's Sixth Amendment Right outweighs the right of the Press? If that is so, if any defendant comes forward and asks me to remove the *forbidden material*, I will do so, without hesitation. At least the shysters and I agree on that one -- that the right of the defendants comes before any other rights of informants, the shysters, or the Court, itself. And, to assure those rights, it cannot be left to the Court or the shysters. Our Liberty is best kept secure in the hands, and minds, of the people.

Now, to the final Part:

> V. Conclusion
> Accordingly, the United States asks that this Court order third-party Gary Hunt to appear in the United States District Court for the District of Oregon and show cause as to why this Court should not hold him in contempt.

Now, let me state that it is the United States Shyster that should show cause why such an Order is issued. I think that it is quite apparent that they (AUSS) have not demonstrated any justification for such an Order to be granted. On the contrary, it appears that this Memorandum does more to hurt, than to help, their request.

This article can be found on line at Freedom of the Press #6 - "Tilting at Windmills" - Redux

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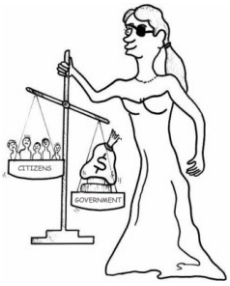
Freedom of the Press #7
"Judicial Discretion" and Tyranny



Gary Hunt
Outpost of Freedom
February 20, 2017

Let's review this whole situation from the beginning. After all, it has taken a month and a half to get to this point, so perhaps a refresher is in order.

On January 5, 2017, I was hand served a "Cease and Desist Letter" by an FBI agent. Since the service was disclosed on Facebook, I wrote a "Statement with regard to the Freedom of the Press", on January 6. That was followed with a series entitled "Freedom of the Press", beginning on January 7 entitled Freedom of the Press #1 - Meeting with the FBI. The following day, January 8, I explained the Cease and Desist Letter with Freedom of the Press #2 - Cease and Desist.

These events were preceded by a number of articles that I had written in the "Burns Chronicles" series. In those articles, I exposed FBI informants associated with the occupation of the Malheur National Wildlife Refuge outside of Burns, Oregon. The information used to identify and expose the informants was derived from some Discovery documents I had obtained.

The original Protective Order, dated March 24, 2016, lays out the restrictions placed upon certain described individuals. Those prohibited from "disseminating" information contained in the Discovery are described in that Protective Order:

> ORDERED that, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, defense counsel may provide copies of discovery only to the following individuals:
> (1) The defendants in this case;
> (2) Persons employed by the attorney of record who are necessary to assist counsel of record in preparation for trial or other proceedings in this case; and
> (3) Persons who defense counsel deems necessary to further legitimate investigation and preparation of this case.

Upon my indicating to the FBI agent that hand-delivered the Cease and Desist Letter, that it was not applicable to me, the government filed a Motion to Enforce Protective Order (Expedited Consideration Requested), dated January 6, 2017. That Motion states:

> Pamala R. Holsinger, Assistant United States Attorneys, hereby moves this Court for an order enforcing the Protective Order against a third party illegally in possession of protected sensitive discovery materials in this case.

Now, the wording of the Protective Order says nothing about a third party, nor does it say anything about the possession of the material is illegal. If it were illegal, it would be against the law. However, you can only be in violation of a Protective Order if you are among those to which the Order applies.

The government makes a rather interesting statement in that Motion, "*This Court has jurisdiction to enjoin a non-party from disseminating confidential documents produced in reliance upon and subject to this Court's Protective Order*." However, they cite a Second Circuit Court decision, *Eli Lilly & Co. v. Gottstein*, 617 F.3d 186, which I addressed in a subsequent article. It does not corroborate their claim, to the contrary, it supports the limited jurisdiction that I had already stated exists.

The Motion is supported by an Affidavit, of the same date. That Affidavit refers to some of my articles. In so doing, they have entered those articles, which would include the entire series, into the Court's record. Those specifically mentioned were from "Burns Chronicles", to include #40, #41, and #49. Also quoted is my statement regarding the "prohibited material" taken from #40. That statement serves as prima facie evidence of my intent. But, the government is insistent upon twisting the truth, in order to create a wholly different characterization of my actions. This would allow them to charge culpability on my part.

> Let's get to the heart of the matter. To do so, I will be referring to FBI documents that I have obtained. They are marked, at the bottom left comer, "Dissemination Limited by Court Order". So, let me make this perfectly clear- I have no intention of "disseminating" the documents, nor am I bound by any "Court Order". I am writing about a Public Trial, which was held in September and October 2016

I had been working on a response to that Affidavit and its erroneous presumptions, though I never completed it (maybe I will, when time allows), when the government came back with a Supplemental Memorandum in Support of Motion to Enforce Protective Order, dated January 10, 2017. That Motion has a rather interesting statement made when they refer to the Affidavit filed in support of the Motion. It states:

> In a Facebook post regarding the FBI's February 5, 2017, visit to Gary Hunt to serve the cease and desist letter, a person asks "who is Gary Hunt?" On defendant Duane Ehmer's Facebook account a response is posted, "He is working with our lawyers."

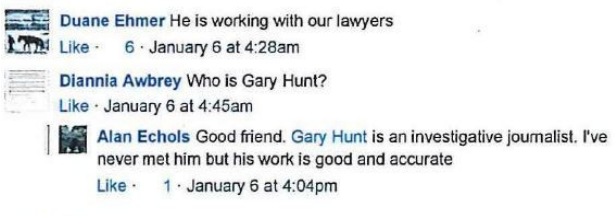
The Ronnie Walker Affidavit in Support of that Motion, also filed on January 10, 2017, states:

> On January 6, 2017, another individual posted a question on that same page asking "Who is Gary Hunt?" That same day, the message "He is working with our lawyers" was posted in reply from defendant Duane EHMER's Facebook account. Sarah Redd-Buck and Duane EHMER's Facebook accounts are not private and can be viewed by anyone accessing Facebook.

So, the Motion states, "He is working with our Lawyers" is a response to the question, "Who is Gary Hunt?"

On the other hand, the Affidavit states "a question on that same page asking, "Who is Gary Hunt?". Then states, "He is working with our lawyers" were posted in reply from defendant Duane EHMER's Facebook account."

Now, there is a subtle difference between the two, however, the Affidavit is more accurate than the statement made on the Motion. Perhaps we should go to the source and see what was really said (this image is taken from the Affidavit):



Well, son of a gun, the question was actually asked a full 17 minutes after it was answered. Who would believe that the FBI (Ronnie Walker) and the US Shyster (See Freedom of the Press #6 - "Tilting at

Windmills" - Redux) would attempt to mislead the Judge? This sequence begs a question, just to whom is Ehmer referring to by "He"?

Also, see "5." In the event...", below. The have yet to even suggest that Duane Ehmer is the "source", the condition that the Judge imposed on the government, and a requisite necessary to extend the Protective Order to me.

Even more disconcerting is the fact that the government will continue to rely upon this Facebook post as truth and absolute proof that I "aided and abetted" someone. Keep this in mind, as we will soon return to the subject of *aiding and abetting*.

On January 9, the day before this Motion and Affidavit were filed, I put out Freedom of the Press Update - A Grateful Thank You. I was hoping that Judge Brown had not taken leave of her senses, but I was wrong.

The day after the Motion and Affidavit were filed, we find the Court's Order, in part, of January 11, 2017. In this Order, she does realize that the legal criterion for lawful authority has not been met.

> 1. The Court DIRECTS Hunt to remove all protected material and/or information derived from material covered by the Protective Order from his website(s) within 24 hours of the service of this Order;
>
> 2. The Court ENJOINS Hunt from further dissemination of material covered by the Protective Order or information derived therefrom to any person or entity.
>
> 3. The Court DIRECTS the government to serve Hunt personally with a copy of this Order together with a copy of the Protective Order (#342) and the Supplement (#1692) thereto as soon as possible and to file immediately in the record a certificate stating it has effectuated such personal service or otherwise ensured Hunt has personal knowledge of the contents thereof.
>
> 4. In the event that Hunt fails to comply with this Order after he is served, the government may initiate contempt or other enforcement proceedings in a court of competent jurisdiction. [1]
>
> 5. In the event that the government obtains reliable evidence regarding the source from which Hunt obtained the protected materials, the Court trusts the government will seek appropriate relief from the Court without delay.
>
> [Footnote to #4]
>
> 1 Because the question is not presently before it, the Court does not express any opinion regarding which United States District Court would have jurisdiction to require Hunt to appear personally in such enforcement proceedings.

The first three items are intended to be authoritative instructions to, or regarding, me. However, there is a caveat in both #4 and "5. Let's deal with #5 first.

If "*the government obtains reliable evidence regarding the* ***source***", then the government may "*seek appropriate relief*". So, how does that work? She says that items 1 through 3 apply, yet that is exactly the *relief* they are seeking. If it is invalid, absent the proof of *aiding and abetting*, by providing *reliable evidence*, then there is no authority to proceed with any sanctions against me. The nexus to the source is the only element that will, perhaps, bring me under the authority of the Protective Order. However, that will also be addressed, again.

Next, we need to look at #4. It says, "*the government may initiate contempt or other enforcement proceedings in a court of competent jurisdiction.* [1]" Don't overlook the superscripted "1", as this refers to the footnote. If the Judge says that it "*does not express any opinion regarding which United States District Court would have jurisdiction to require Hunt to appear personally in such enforcement proceedings*", then how is it that she can assume to have legal authority to give the *orders* given in #1 and #2, and to send the government on a *fool's errand* by serving me this Order?

The Order also explains the reason for the following Supplement. It states:

> In order to make clear in the public record that the Protective Order prohibits even third parties from disseminating protected materials and information, the Court is filing a Supplement to the Protective Order together with this Order.

So, the Court is going to make clear that which was made clear in the initial Protective Order. In truth, the Court wants to change the original intent of the Protective order to encompass those that were not included in that Order. They were probably not included as there is no authority to go beyond the reach of that Order when it was written. That explains why *aid and abet* is a significant part of any Protective Order extending beyond the legitimate reach of the any other than parties to the action.

In the Court's effort to extend the Protective Order of March 24, as just described, she does endeavor to *ex post facto* that Order with a Supplement to the Protective Order, dated January 11, 2017. In it, she extends her Protective Order, and, presumably, her jurisdiction, to the four corners of the Earth.

> For the reasons stated in the Court's Order Granting in Part the Government's Motion to Enforce Protective Order, the Court supplements the Protective Order issued March 23, 2016, as follows:
>
> Any individual or entity that obtains materials protected by the Court's Protective Order is prohibited from disseminating those materials or any information derived therefrom to any other individual or entity by any means.

Based upon the tens of thousands visits to my page, alone, the information has likely been shared to at least that many times. So, at the stroke of Brown's pen, they have become subject to the Protective Order w/ Supplement. Darn, that is one powerful pen.

In Response to the Affidavit previously mention, filed on January 10, I wrote Freedom of the Press #3 - "Contemptuous Postings". To refute the frivolous comment made by Duane Ehmer, I stated:

> For the record, I have never spoken with any of the defense attorneys or investigators in this case. The closest I have come to that is speaking with some of the defendants. However, I have heard that the defense attorneys do like my work, and some even look forward to my next article. I also know that the government players read my work, though I have no doubt that they neither enjoy nor look forward to my next article. And, that is the way that it should be.

It seems that the government, once again asserts the veracity of Ehmer's comment, and submitted hearsay from Facebook as evidence, while ignoring a direct statement from my article. However, we will touch on this, again.

In that same article, I addressed the shysters by citing *Roviaro v. United States*, 353 U.S. 53 (1957). For whatever reason, they ignored what the Court determined in that decision. The defendants had a right to know the identity of the informant, even in the high risk situation of a drug case, if that informant's testimony might be exculpatory, and might affect the verdict. So, where was Judge Anna Brown's *judicial discretion* when she chose to allow the government to redact the identifying information?

In response to the January 11 Memorandum resulting in the issuance of the Order of January 12, I wrote Freedom of the Press #4 - The Order. In that article, I addressed the case law the government cited in the Motion and Memorandum. It seemed that they just threw cases against the wall, hoping some would stick. It appears that all of the case law cited supports my position, not theirs.

After the January 11 Order, there was silence. It would be 19 more days before the government could figure out their next move. That came on January 30, 2017, when they filed Government's Motion for an Order to Show Cause, and, not to be out done, they filed an Affidavit of FBI Special Agent Ronnie Walker in Support of Government's Motion for an Order to Show Cause. Interestingly, in the Affidavit, they entered my Freedom of the Press #4 - The Order into the record. So, now, they have introduced both the "Burns Chronicles" and "Freedom of the Press" series. This, then, would make all of my articles in the series' a part

of the record. You cannot enter a page and not include the book. I'm sure that in hindsight, they realize that this was not a good move.

That Motion was chocked full of case law, though, as in their previous Motion and Memorandum, the case law tended to support my position.

Their case law, of course, was rebutted by my January 30, 2017, Freedom of the Press #5 - "Tilting at Windmills". In this article, I, again, rebutted their case law, showing that what they cited supported my position, to their detriment.

Now, we move into the recent happenings. Instead of heeding her own edicts, particularly #4 and #5 from her Order of January 11, 2017, she Grants the government's Motion for an Order to Show Cause of January 30.

> 4. In the event that Hunt fails to comply with this Order after he is served, the government may initiate contempt or other enforcement proceedings in a court of competent jurisdiction. [1]
>
> 5. In the event that the government obtains reliable evidence regarding the source from which Hunt obtained the protected materials, the Court trusts the government will seek appropriate relief from the Court without delay.
>
> [Footnote to #4]
>
> 1 Because the question is not presently before it, the Court does not express any opinion regarding which United States District Court would have jurisdiction to require Hunt to appear personally in such enforcement proceedings.

Their argument regarding jurisdiction (#4) is without merit. Reading "Tilting at Windmills" will set that record straight. None of their citations were on point to the situation in Oregon, and some specifically addressed the limitation on contempt to be within the Judicial District that had jurisdiction over the case, though it did extend to other parties, even employees of those parties, to the case, who were in other Districts. It would also apply if one were found to have *aided and abetted* a party to the action (#5). However, as she stated on that Order, it required *reliable evidence* of the *aiding and abetting*.

However, they have simply repeated the Facebook hearsay, asserting Duane Ehmer's out of sequence statement as fact. Now, just last week Ehmer was in Court, they could have sworn him in and proven, or disproven, the veracity of that Facebook claim. They could also determine, while Ehmer was under oath, whether he was the source from whom I received the Discovery documents. Their ability to prove, or disprove, was in their hands, and they chose not to go there. Is it difficult to understand just why that remedy was not pursued?

Then, on February 7, the government, in an effort to bring some big guns to bear, or, perhaps realizing just how weak their argument was, filed their Supplemental Memorandum in Support of Government's Motion For an Order to Show Cause.

I addressed portions of this Supplement in Freedom of the Press #6 - "Tilting at Windmills" - Redux. However, I left a portion out, intending to address that portion in a subsequent article (which will follow this one).

Although rather lengthy, it does put the proper perspective on what has transpired. For example, two of the cases cited by the shysters came under anti-trust acts, and being within the Commerce Clause of the Constitution, are not relevant. The cited *Myers v. United States*, 264 U.S. 95. In that case, defendants, "*in the Western Division of the Western District of Missouri, [were] attempting, within the Southwestern Division of the same District, to prevent certain railroad employees from continuing at work. The order ran against men on strike, and the cause is treated as one within the purview of the Clayton Act*." There was no crossing of jurisdictional lines between *Districts*, only between *Divisions*. However, in her majesties *judicial discretion,* she ignored Division boundaries in both Grand and Petit Jury selections, yet now decides that District boundaries have no limitations

I would like to refer the reader to an article that appeared in the "Burns Chronicles" series. To understand what was written about some of the recent shenanigans in the Group 2 trial, currently underway, which parallel this current discussion. Read Burns Chronicles Nº 57 Collusion or Conspiracy?

On February 16, 2017, Judge Anna Brown Granted the "Government's Motion for Order to Show Cause" and an "Order to Show Cause", addressed to "Gary Hunt", who is not a party to the proceedings.

In so doing, she has ignored the arguments that I have made in the Court of Public Opinion. Apparently, she doesn't realize that my arguments have been made a part of the record, thanks to the actions of the government shysters. In her majesty's *judicial discretion*, she has ignored case law since the beginning. She ignores case law, now. She simply asks the shysters to give her a piece of paper that appears to say what it does not say, and then uses that, in her *judicial discretion*, to rule from her throne.

In allowing the government shysters to add additional misdemeanor charges to the Group 2 trial, now commenced, the use of her *judicial discretion* is suggestive of her desire to obtain the Group 2 defendants conviction, even if those guilty verdicts must come from her lips. The government having spent a fortune in the prosecution of the Group 1 trial, left the government empty-handed. It appears that the government wants something to show for their efforts. It appears that her *judicial discretion* is being used to aid the Executive Branch Department of Justice to save face. She is also using *judicial discretion* to endeavor to silence the press, in its rightful role of exposing misdeeds of government.

So now, let's look very closely at *judicial discretion*.

From: "Law Dictionary Adapted to the Constitution and Laws of the United States of America and of the Several States of the American Union" by John Bouvier, Philadelphia, 1856 (aka Bouvier's Law Dictionary)

DISCRETION, practice.

1. When it is said that something is left to the discretion of a judge, it signifies that he ought to decide according to the rules of equity, and the nature of circumstances. [citations omitted.]

2. The discretion of a judge is said to be the law of tyrants; it is always unknown; it is different in different men; it is casual, and depends upon constitution, temper, and passion. In the best, it is oftentimes caprice; in the worst, it is every vice, folly, and passion, to which human nature is liable. *Optima lex quae minimum relinquit arbitrio judicis: optimus judex qui minimum sibi**. [citations omitted.]

Black's Law Dictionary: 2nd Edition

Definition. *Optima lex quae minimum relinquit arbitrio judicis: optimus judex qui minimum sibi*:

That law is the best which leaves least to the discretion of the judge; that judge is the best who leaves least to his own. [citations omitted.] That system of law is best which confides as little as possible to the discretion of the judge; that judge the best who relies as little as possible on his own opinion. [citations omitted.]

Now, all that is left is for the reader to decide if Judge Anna Brown's *Judicial Discretion* is in accordance with the first, or the second, definition.

This article can be found on line at Freedom of the Press #7 - "Judicial Discretion" and Tyranny

* * * * * * * * * * * *

Freedom of the Press #8
"Qualified Press Privilege"

Gary Hunt
Outpost of Freedom
February 21, 2017

In Freedom of the Press #6 - "Tilting at Windmills" - Redux, I address the jurisdictional issue that the government addressed in their Supplemental Memorandum in Support of Government's Motion For an Order to Show Cause, of February 7, 2017. Due to the length of the Supplement, and the length of #6, I chose to address two remaining issues in a subsequent post. Those two issues, *Prior Restraint* and *Qualified Press*, will be addressed in that order. From the Supplemental Memorandum:

> IV. There Is No Prior Restraint Issue or Qualified Press Privilege
> A. There Is **No Prior Restraint** Issue Presented Here
>
> This Court has the authority to issue protective orders protecting criminal discovery and, specifically, confidential source information. The substantial government interest in protecting confidential sources is long established. See *Roviaro v. United States*, 353 U.S. 53 (1957). This substantial government interest is unrelated to any suppression of expression and outweighs Hunt's First Amendment rights. No one has challenged the legitimacy of the Court's Protective Order, and to permit a party to end run the order by passing the information to a blogger threatens to undermine criminal discovery and the interests identified in Roviaro—i.e., if we cannot protect the confidentiality of our law enforcement informants, we cannot expect their cooperation in future investigations.
>
> We are not asking this Court to restrain Hunt's ability generally to write about the case— or even the informants— we only want him to observe this Court's Order, which means that he cannot publish the discovery material subject to the Court's Order. This discovery material was not in the public domain in any form. This Court should be able to enforce its Protective Order and prohibit wide dissemination of discovery which includes confidential FBI reports. See *Seattle Times Co. v. Rhinehart*, 467 U.S. 20 (1984) (an order prohibiting dissemination of discovered information before trial is not the kind of classic prior restraint that requires exacting First Amendment scrutiny). Besides Seattle Times Co. there are no cases that discuss the prior restraint issue in the context of sealed and protected discovery information in the context of a criminal trial. In *United States v. Noriega*, 917 F.2d 1543 (1990), the issue was the balance between a defendant's Sixth Amendment Right to a fair trial and the First Amendment interests asserted by CNN. The Noriega Court held that CNN should not be able to violate a court order and litigate at the same time. Hunt has waived any First Amendment defense by defying the Court's Orders.

Let's address these underlined items, one at a time. First, we will look at *Roviaro*. Although I have addressed *Roviaro*, before, it is worth revisiting, since the government seems to rely heavily upon that decision. Here is what they said:

> *This Court has the authority to issue protective orders protecting criminal discovery and, specifically, confidential source information. The substantial government interest in protecting confidential sources is long established. See Roviaro v. United States, 353 U.S. 53 (1957)*

The government asserts that they have a right to protect the identity of informants with a *protective order*. They have made this assertion, before, though they appear to have not yet read the decision nor understand the ramifications.

Albert Roviaro was indicted on two counts of trafficking narcotics. When he was arrested, a John Doe was present and was closest in proximity to the transaction, which led to Roviaro's arrest. In requesting a Bill of Particulars, including the identification of the informant, he was denied that information. He was subsequently convicted in a bench trail. The Court of Appeals sustained the conviction. The United States Supreme Court granted certiorari and heard the case. Justice Burton wrote the decision.

Though they recognized the *informants privilege*, they held that the right of the accused, if the informant would provide possible exculpatory testimony, exceeded that of the privilege. The following are from that decision:

> Before trial, petitioner moved for a bill of particulars requesting, among other things, the name, address and occupation of "John Doe." The Government objected on the ground that John Doe was an informer and that his identity was privileged. The motion was denied.

The protection of the informant was held by the District Court and upheld at appeal. However, in their decision, the Supreme Court stated.

> The scope of the privilege is limited by its underlying purpose. Thus, where the disclosure of the contents of a communication will not tend to reveal the identity of an informer, the contents are not privileged. Likewise, once the identity of the informer has been disclosed to those who would have cause to resent the communication, the privilege is no longer applicable.

Once the informant is identified, the privilege is removed, as explained, "where the disclosure of the contents of a communication will not tend to reveal the identity of an informer, the contents are not privileged." That was the circumstance with the Discovery information in question. However, once "*the identity of the informant has been disclosed... the privilege is no longer applicable*." They don't suggest by what means that disclosure might be achieved, however, the public should, by right, have any knowledge that can be obtained by such disclosure. So, while the government contends that such disclosure by Hunt is a violation of the Protective Order, once that disclosure is made, the *informants privilege* ceases to exist.

> A further limitation on the applicability of the privilege arises from the fundamental requirements of fairness. Where the disclosure of an informer's identity, or of the contents of his communication, is relevant and helpful to the defense of an accused, or is essential to a fair determination of a cause, the privilege must give way. In these situations the trial court may require disclosure and, if the Government withholds the information, dismiss the action.

So, was it *judicial discretion*, on the part of Judge Brown, that favored, at least selectively, the protection of the identity of the informants? There was no objection when the government exposed Mark McConnell. There was no objection when Terri Linnell exposed her role as an informant. There was no objection when the diligence of the defense exposed Fabio Minoggio. For, at that instant in time, as each was exposed, the *informants privilege* ceased to exist.

Once the privilege, intended to protect the identity of the informant, ceases to exist, so, too, does the need for protection under the Protective Order.

The government goes on to say that the "*substantial government interest is unrelated to any suppression of expression and outweighs Hunt's First Amendment rights*." Now, it seems that the government, in the use of the term "expression", is speaking of my right to *freedom of speech*. I have never contended such, and I am sure that both Facebook hearsay and recorded statements made by me make clear that it is the right of the people to the Freedom of the Press, the right to know what their government is doing, is at stake here.

Then, they state that *"[n]o one has challenged the legitimacy of the Court's Protective Order, and to permit a party to end run the order by passing the information to a blogger[sic] threatens to undermine criminal discovery*." I must admit that they are correct in that. I have not challenged the legitimacy of the Protective

Order. I have no doubt that it applies to those so identified within the Protective Order of March 2016. I have clearly stated that I am not among those so identified.

They go on to state that "*if we cannot protect the confidentiality of our law enforcement informants, we cannot expect their cooperation in future investigations*." I have no qualm with what they are asserting, however, as was decided in *Roviaro*, once the identity is known, then the *informants privilege* no longer exists. It does not matter whether the government, the informant, the defense, or any other party exposes the identity. That was not a consideration then, nor should it be now.

They then state:

> *if we cannot protect the confidentiality of our law enforcement informants, we cannot expect their cooperation in future investigations.*

Well, that is correct. However, that protection is not a right of the government, it is simply what they endeavor to do, and it does not preclude such exposure by the government, the informant, or any other party. The government should do their best. However, if they cannot achieve the desired result, they have no right to blame such failure on anybody else.

Next, we have:

> *This Court should be able to enforce its Protective Order and prohibit wide dissemination of discovery which includes confidential FBI reports. See Seattle Times Co. v. Rhinehart*

Before we get to *Seattle Times Co*., let's look at what they said. They don't want "*wide dissemination of discovery*". The discovery was not widely disseminated. It is only when the *informants privilege* ceased to exist that those portions of discovery that no longer came under the *privilege* were excerpted and made public, via the press.

Now, on to *Seattle Times Co. v. Rhinehart*. This case was civil, not criminal. As such, many standards are different. Even the federal judiciary recognizes this, as they have Rules for both Criminal and Civil Procedures. However, Rhinehart was the spiritual leader of a religious group, the Aquarian Foundation. The discovery that the Seattle Times wanted to publish had to do with the names of the member's and financial contributors to Foundation. If we compare the private names and contributions of a religious order to the actions of government, we need to make a distinction. The former is a private entity, as are its members and contributors. As such, they are afforded the protection of the Constitution and the Bill of Rights. The latter, however, is the servant of the people and are afforded only those powers and authorities provided for in the Constitution. Informants are nothing more than contract employees of government, paid under the table (no IRS form 1099 provided), and as such are subject to the scrutiny of the citizenry as much as any other government employee. In addition, by the way, the Seattle Times Co. discovery had nothing, at all, to do with "confidential FBI reports". In fact, the Discovery in this (Ammon Bundy, et al) case are "Unclassified".

Then, we have:

> *In United States v. Noriega, 917 F.2d 1543 (1990), the issue was the balance between a defendant's Sixth Amendment Right to a fair trial and the First Amendment interests asserted by CNN.*

The Noriega case is so far off point that it is a surprise that the government would even bring it up. CNN obtained recordings made by the government of privileged attorney client communications while Noriega was in jail in Miami, Florida. To compare disclosure of attorney-client privileged information, most likely made available by a government employee of the jail, to the identification of informants is, well, beyond absurd.

Then the government asserts that,

> *Hunt has waived any First Amendment defense by defying the Court's Orders.*

First, Hunt has not defied "the Court's Order", as Hunt was not among those to whom the Order was addressed. Second, it is not Hunt's right that the Court is trying to suppress; it is the right of the press to inform the public of the doings and misdeeds of that government.

Now, that second issue:

> B. No **Qualified Press Privilege** Is Implicated Here
>
> Although the Ninth Circuit has recognized a qualified press privilege in *Shoen v Shoen*, 5 F.3d 1289 (9th Cir. 1993), the doctrine simply doesn't apply to the Motion before this Court. The government is not seeking the testimony of third-party Gary Hunt to identify the source or sources of the protected discovery information. The government intends to investigate that on its own. The government is merely seeking the removal of protected discovery material that this Court has ordered protected. Nothing about Gary Hunt's blogging activities is implicated by the Motion to Show Cause. Third-party Gary Hunt is continuing to disseminate protected discovery material in the face of three Court Orders. No privilege is implicated.
>
> Finally, even if this case were subject to a balancing test, the government's interests far outweigh any First Amendment interest Hunt may assert. First, we need to protect our confidential sources for all of the valid reasons identified in Roviaro. Second, the Court has a significant interest in enforcing the terms of its own Protective Order. Without enforcement, Hunt's defiance threatens to undermine our ability to exchange discovery in future criminal cases.

First, we have:

> *Although the Ninth Circuit has recognized a qualified press privilege in Shoen v Shoen, 5 F.3d 1289 (9th Cir. 1993), the doctrine simply doesn't apply to the Motion before this Court.*

Regarding *Shoen*, I agree with the government. The government has not sought to have me divulge the source of my information. Maybe their investigation has gone far enough that they really do not want that source known. However, they did choose to include it in their Supplemental Memorandum, so now it has been addressed. It does not, however, reach the point of excluding any "qualified press privilege", if that is what they are trying to get at.

Then, they say, "*The government is merely seeking the removal of protected discovery material that this Court has ordered protected*." Darn, the informants privilege ceased to exist, once the identities were exposed.

"[T]he Court has a significant interest in enforcing the terms of its own Protective Order." Well, that is quite understandable. So, enforce away. Find the person subject to the Protective Order and go after them. Far be it for me to discourage you from doing so. Moreover, your repetition of the same arguments will not make them any more irrelevant than they already are.

Then, they endeavor to make me "defiant", when they state:

> *Hunt's defiance threatens to undermine our ability to exchange discovery in future criminal cases.*

If the Protective Order included me within its reach, that might be true. I am not being defiant, I am simply asserting my rights as press and challenging their misguided presumptions of my culpability.

However, to suggest that the government would no longer be able "*to exchange discovery in future criminal cases*" suggests that they would ignore standing Rules and law regarding discovery. I am not quite sure that

this is what they were suggesting, however, I think that they should consider just how they word things, in the future. This is almost an admission to future illegal activity on the part of the government.

Note that they only had one citation to suggest that I have no "Qualified Press Privilege", as if with the sweep of their magic pen, they can simple say it, and make it so. They have, at least, in that stroke, dispelled their assertion of my right of expression (speech).

Now, it is my turn. Let's start with just who is violating clearly stated rules. The applicable Rule, from Federal Rules of Criminal Procedure (1215), is,

> Rule 49.1. Privacy Protection For Filings Made with the Court
>
> (a) Redacted Filings. Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, a financial-account number, or the home address of an individual, a party or nonparty making the filing may include only;
>
> (1) the last four digits of the social-security number and taxpayer-identification number;
>
> (2) the year of the individual's birth;
>
> (3) the minor's initials;
>
> (4) the last four digits of the financial-account number; and
>
> (5) the city and state of the home address.

However, on January 6, 2017, the government filed "Affidavit of FBI Special Agent Ronnie Walker in Support of Motion to Enforce Protective Order (Expedited Consideration Requested)". That document contained my home address, twice. Not just "city and state", but the street name and number, as well. I suppose that they simply assume that they are above the law.

Now, unlike the specific wording of the Protective Order, as to who is subject to the Order, in this instance, there is specific wording on what must be redacted. But, heck, since the government can do no wrong, and those on the other side of the bar can do no right, this double standard is not surprising. Let me guess that no sanctions or other action will be taken against FBI SA Ronnie Walker, who prepared the Affidavit for filing, or Pamala Holsinger, whose electronic signature is on the filing of the Motion to which the Affidavit is attached.

I would not want to suggest that the government would not enforce Rules and laws violated by the government. So, well, I won't. However, they will twist the wording to suit their needs, even when one is acting within the Rules and law.

As much as we pay these people, don't you think that they might be able to do a better job?

This article can be found on line at Freedom of the Press #8 - "Qualified Press Privilege"

* * * * * * * * * * * * *

Freedom of the Press #9
"Prior Restraint"

Gary Hunt
Outpost of Freedom
February 22, 2017 - George Washington's Birthday

In the previous article, though suggested in the government's Supplemental Memorandum in Support of Government's Motion For an Order to Show Cause, of February 7, 2017, it really didn't get to the heart of "Prior Restraint". So, let's get to the heart of that matter.

Let's start with the law that explains the potential severity of publication of certain information, in a case similar to what the government and Judge Anna J. Brown are attempting to construct against me. Section 793 (e) of the Espionage Act was cited as the authority by which the government attempted to impose "Prior Restraint" on the New York Times for publishing what was known as the "Pentagon Papers". The Papers had been leaked to the press by a government employee who had signed a non-disclosure agreement (not just based upon a Protective Order), which precluded that employee from divulging any information protected by Section, 793 (e):

> Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it.
> ... Shall be fined under this title or imprisoned not more than ten years, or both.

There, in a rather large nutshell, is the extent of the government's authority to impose upon a party limitations in *communicating* certain information, and/or *retaining* and/or not *delivering* it to the government. However, as we shall see, even that did not have the effect implied in the wording of the Act.

To understand the legal limitations of government's authority, we need to look at *New York Times Co. v. United States* 403 U.S. 713 (1971). The case taken up by the Supreme Court included a similar action brought against the Washington Post. The cases were joined and the Supreme Court granted certiorari, in which the United States sought to enjoin the New York Times and the Washington Post from publishing the contents of a classified study entitled "History of U.S. Decision-Making Process on Viet Nam Policy." Prior to the Supreme Court decision, the District Court for the Southern District of New York, in the New York Times case, and the District Court for the District of Columbia, and the Court of Appeals for the District of Columbia Circuit in the Washington Post case held that the Government had not met that burden of proof.

The Second Circuit Court of Appeals overruled the District Court in the New York Times case, putting a stay on publication on June 25, 1971. The Supreme Court then ordered that the stay be vacated.

Now, before we go on, this is not about the source that provided the information to the newspapers. It is solely about the right of the press to publish what it had obtained, regardless of the source. With that in mind, we must take the reader back to a statement in the Supplement Memorandum (linked above), which states:

> The government is not seeking the testimony of third-party Gary Hunt to identify the source or sources of the protected discovery information. The government intends to investigate that on its own. The government is merely seeking the removal of protected discovery material that this Court has ordered protected. Nothing about Gary Hunt's blogging[sic] activities is implicated by the Motion to Show Cause. Third-party Gary Hunt is continuing to disseminate protected discovery material in the face of three Court Orders. No privilege is implicated.

This demonstrates the similarity of the parties in *New York Times Co.* and the current situation. In neither case is the source of the information sought, though there can be little doubt that in both cases, the government was investigating the source.

In the very first paragraph of Justice Black's Decision, Justice Douglas concurring, we find:

> I adhere to the view that the Government's case against the Washington Post should have been dismissed and that the injunction against the New York Times should have been vacated without oral argument when the cases were first presented to this Court. I believe that every moment's continuance of the injunctions against these newspapers amounts to a flagrant, indefensible, and continuing violation of the First Amendment.

It would have been impossible for the *Times* and the *Post* to remove newspapers already sold. Though in my case, the Orders (yes, there have been three of them) have directed me to remove the *prohibited material*, not only from my website, but every website where they are posted.

In the *Times/Post* situation, the injunction was described as "a flagrant, indefensible, and continuing violation of the First Amendment." In my case, the Orders have attempted to *restrain* my continued publication of *prohibited material*. The Supreme Court determined that this was *prior restraint* of the press. Of course, in Oregon, they do not have wise and just judges and shysters, so the government and judge have attempted to impose *prior restraint* on me.

Continuing through the *Times* decision, we find an interesting historical note:

> Our Government was launched in 1789 with the adoption of the Constitution. The Bill of Rights, including the First Amendment, followed in 1791. Now, for the first time in the 182 years since the founding of the Republic, the federal courts are asked to hold that the First Amendment does not mean what it says, but rather means that the Government can halt the publication of current news of vital importance to the people of this country.

Now, that is quite profound. The intention of the First Amendment is to protect the press and the people from the government, which prefers to control what can, and what cannot, be written. The publication of information regarding misdeeds of government is the rightful and proper role of the press.

This is expounded upon, in Black's decision, with,

> The Bill of Rights changed the original Constitution into a new charter under which no branch of government could abridge the people's freedoms of press, speech, religion, and assembly. Yet the Solicitor General argues and some members of the Court appear to agree that the general powers of the Government adopted in the original Constitution should be interpreted to limit and restrict the specific and emphatic guarantees of the Bill of Rights adopted later. I can imagine no greater perversion of history. Madison and the other Framers of the First Amendment, able men that they were, wrote in language they earnestly believed could never be misunderstood:

> "Congress shall make no law . . . abridging the freedom . . . of the press . . . ." Both the history and language of the First Amendment support the view that the press must be left free to publish news, whatever the source, without censorship, injunctions, or **prior restraints**.
>
> In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell. In my view, far from deserving condemnation for their courageous reporting, the New York Times, the Washington Post, and other newspapers should be commended for serving the purpose that the Founding Fathers saw so clearly. In revealing the workings of government that led to the Vietnam war, the newspapers nobly did precisely that which the Founders hoped and trusted they would do.

And, that is what this is all about. Though the current matter is about *prohibited material*, basically, about spies amongst our own people, it is equally, if not more important, as the use of informants against the people is nothing less than the tool of tyrants.

Justice Black concludes his decision by citing from *De Jonge v. Oregon*, 299 U.S. 353, 365 (1937):

> "The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

This paragraph warrants special consideration, as it gets to the heart of not only the Freedom of the Press, but the Freedom of Speech and Assembly, as both were expressed in January 2016, at the Malheur National Wildlife Refuge.

In that incident, the peaceful intention of the occupiers, in seeking Redress of Grievances, was repeatedly stated and demonstrated. The weapons used by the occupiers were simply words (speech). It was government that chose not to be peaceful when it brought hundreds of militarily outfitted, armed, "law enforcement officers" to bear. The final un-peaceful act, at the hands of agents of government was the firing of non-lethal and lethal bullets at some of the occupiers, resulting in the murder of LaVoy Finicum. The endeavors of the occupiers is what was addressed in *De Jonge*, and, ironically, from the same state, Oregon.

It is so clearly stated, the those rights are necessary for "*the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion*". And, it was for this very reason, "*that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means*", which began by that protected process and ended with a government unwilling to listen to the people regarding the abuse of federal land agencies.

Next, we will look at Justice Douglas, Justice Black concurring, in which Douglas added his views:

> It should be noted at the outset that the First Amendment provides that "Congress shall make no law . . . abridging the freedom of speech, or of the press." That leaves, in my view, no room for governmental restraint on the press.
>
> There is, moreover, no statute barring the publication by the press of the material which the Times and the Post seek to use. Title 18 U.S.C. 793 (e) provides that "[w]hoever having unauthorized possession of, access to, or control over any document, writing . . . or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates . . . the same to any person not entitled to receive it . . . [s]hall be fined[403 U.S. 713, 721] not more than $10,000 or imprisoned not more than ten years, or both."

> The Government suggests that the word "communicates" is broad enough to encompass publication.
>
> There are eight sections in the chapter on espionage and censorship, 792-799. In three of those eight "publish" is specifically mentioned: 794 (b) applies to "Whoever, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates . . . [the disposition of armed forces]."
>
> Section 797 applies to whoever "reproduces, publishes, sells, or gives away" photographs of defense installations.
>
> Section 798 relating to cryptography applies to whoever: "communicates, furnishes, transmits, or otherwise makes available . . . or publishes" the described material.

The use of the word "whoever" does not include all. He then explains that "publishes" is specifically applied to only certain provisions. And, in this instance, the concern is of national security. It is not a mere *protective order* that the government wants to use to protect their contract employees.

Douglas continues, citing Near v. Minnesota, 283 U.S. 697 (1931), which refutes the expansive doctrine, the intent to broaden the powers of government when he states:

> The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information. It is common knowledge that the First Amendment was adopted against the widespread use of the common law of seditious libel to punish the dissemination of material that is embarrassing to the powers-that-be.

There, you have it. The government, and the Judge, want to continue "*the widespread practice of governmental suppression of embarrassing information*". They also want "*to punish the dissemination of material that is embarrassing to the powers-that-be.*" Why else would they persist in trying to suppress my exposure of informants, particularly when once the informant is identified, the *informants privilege* ceases to exist.

Justice Marshall concurred with Justices Black and Douglas, and he made a quite prescient observation:

> It would… be utterly inconsistent with the concept of separation of powers for this Court to use its power of contempt to prevent behavior that Congress has specifically declined to prohibit.

That very aspect, the "*separation of powers*", was the subject of a previous article, "Burns Chronicles Nº 57 Collusion or Conspiracy?"

After all is said and done, it is OUR government. It is not for the government to act omnipotent. It is for the government to serve the people, and to remain within the limitations imposed upon it by the Constitution.

This article can be found on line at Freedom of the Press #9 - "Prior Restraint"

* * * * * * * * * * * * *

Freedom of the Press #10
Not Served, Again

Gary Hunt,
Outpost of Freedom
February 27, 2017

As has been reported by Maxine Bernstein's Tweets (my primary source for keeping track of the doings in the Portland Group 2 trial), I have finally been served with the Order to Show Cause (ECF No. 1901). I say "finally" since the first notice had come from Maxine. Next, I received a FedEx delivery. However, that doesn't satisfy initial service. So, On Wednesday, February 22, I received a call from my favorite FBI personality. SA Matthew Catalano. He is good natured, diligent in his duties, and appears to have not taken a side in this ongoing battle between Judge Anna J. Brown and the United States' chief Shyster, Billy J. Williams, on the one side, and yours truly on the other. I had already made plans for Thursday, and he seemed quite busy with other matters, so we agreed to meet on Friday. When we met, he handed me some paperwork, specifically the Order to Show Cause.

Now, as required, he reported to Portland that it had been delivered (note, I didn't say served), and the Certificate of Service was duly recorded in the Ammon Bundy, et al, trial docket, that afternoon. The text of that Certificate of Service reads as follows:

> Pursuant to this Court's February 16, 2017, Order (ECF No. 1900) the government certifies that on February 24, 2017, FBI Special Agent Matthew Catalano met with third party Gary Hunt and personally served Hunt with a copy of the Order to Show Cause (ECF No. 1901). Agent Catalano had previously sent the Order to Hunt by FedEx. Hunt acknowledged that he had already seen and read the Order. Hunt stated that the Order included a time for him to respond to the Order, which he understood to be for civil contempt. Agent Catalano showed Hunt that there was an option for Hunt to call and request a defense attorney, and Hunt acknowledged this. Although Hunt took the copy of the Order to Show Cause, he stated that he was refusing service of the Order.

Now, they did get it right when they stated that I had refused service, though they pointed out that I had taken the Order to Show Cause. I simply want to set the record straight with my notes, taken shortly after the meeting:

> *Meeting with FBI SA Catalano on February 24, 2017, at about 10:30 am in Los Molinos, California.*
>
> *I asked Catalano if he wanted to hand it to me so that I could hand it back to him. He laughed.*
>
> *I acknowledged that I had already read it. He told me that I had an option to call the Court and get a defense attorney. I explained that to do so would constitute an appearance and subject me to jurisdiction. I told him that her Protective Order couldn't reach me.*
>
> *I then told Catalano that Judge Brown needs to read Numbers 7, 8, and 9, of the Freedom of the Press series. I asked him if he had read them yet. he said no. (In our phone conversation of the 22nd I suggested, since he was supposed to be assigned to me, that he should read those three before we met.) He said that he had passed the word for her to read them. I assured him that I knew that he was reporting, faithfully, to FBI SA Ronnie Walker, as he was putting my responses in his Affidavits.*

Next, I told Catalano that I didn't believe that she had any right to reach down here (California) or to extend that Protective Order to reach me. I explained that the Supplemental Protective Order presumed to extend its reach to the entire world, if anybody passed my articles on, and would be subject to the Protective Order. Then, I asked if what she was doing to me was selective enforcement.

I told him that she couldn't change the rules (Supplemental Protective Order) in the middle of the game. I asked him that when he made his report to please include my statements. He said he would pass it on.

He said that he had already passed it on (meaning the jurisdiction and Protective Order portions). I told him that I knew that he had, but that this was Round 3. He asked me if this was going to be the last round. I told him that I didn't know, that it was up to them (Brown and the shysters). That when they realized that they didn't have jurisdiction and they can't do a damned thing, that they especially needed to look at my "Prior Restraint" article. It was their problem, not mine.

He seemed somewhat concerned, so I told him that it was not an inconvenience to come down here to talk with him, that I liked him. He told me that he appreciated that because it made his life easier.

Then, I told him that I still refuse the Order and held the paperwork out to him. I told him that if he didn't want to take it back, I would take it. (though I didn't explain, I didn't want to just drop it on the ground and be charged with littering.) Then, he made the point that I had it. I explained that I was taking it because he didn't want to take it back, though I told him that I still refused it.

It was important that I made some points, since the government has already entered my writings of both the "Burns Chronicles" and the "Freedom of the Press" series into the record. In so doing, that record is a part of any judicial review of the efforts to hold me in Contempt of Court. Since you can't introduce just a page of a book, you must enter the entire book, so, too with the series, as they are interdependent on other articles within those series.

Perhaps an understanding of the Paper Chase that I refer to is in order, for those who don't realize that there are two sides to any legal proceedings. We are all aware of the Perry Mason side, the courtroom drama that takes place. There are daily reports from a number of sources that, through video or written articles, provide observations of that aspect.

On the other side, there is the Paper Chase. Those are the motions, responses to motion, orders, and other legal necessities that go on behind the public scene, and in the case of the Portland and Nevada trials, have been going on since January 2016. Each document, and often statements from the bench, are entered in chronological order and assigned a number. Generally, the Criminal Complaint and Indictment are within the first few entries. They were referred to by their docket number, though in this electronic age where documents can be filed electronically, they are often referred to with "ECF" (Electronic Case Filing) number, as in the text, above, though both methods use the same number.

As you can see in the text of the Certificate of Service, it was the nineteen-hundred and forty-sixth entry in that docket. So, there is much that goes on behind the scenes that most are not aware of, though much of my writing is to bring to light those dealings, as injustice is as likely to occur there, perhaps more so, than it does during the trial.

This article can be found on line at Freedom of the Press #10 - Not Served, Again

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Freedom of the Press #11
Aiding, But Not Abetting

Gary Hunt,
Outpost of Freedom
March 3, 2017
(Coincidental to the presumed authority of Judge Brown's assumption that she could Order me to answer by this date.)

The government has persistently suggested that I have "aided and abetted" the defendants by exposing informants that were paid by the government to spy on the occupiers of the Malheur National Wildlife Refuge during January 2016. That is only one of the elements that needs to exist before the Court can find me in *contempt of court* for non-compliance with the Order to remove all *prohibited material* from my website and any other website.

The other elements include whether I am subject to the Court's Protective Order, and, if so, do I fall within the jurisdiction of the Court. Currently, the Court has an outstanding Order that I appear and *show cause* why I should not be held in *contempt of court*.

Well, as explained in Freedom of the Press #3 - "Contemptuous Postings", *aiding and abetting* has a legal definition. That definition can be found in case law as well as legal dictionaries, such as Black's Law Dictionary, 5th Edition, which states:

> Help, assist, or facilitate the commission of a crime, promote the accomplishment thereof, help in advancing or bringing it about, or encourage, counsel, or incite as to its commission.

The case law cited by the government shysters also includes criminal activity as a necessary element. One of the reasons for the Supreme Court decision in *New York Times Co. v. United States* (Pentagon Papers) was that there was no crime resulting from the disclosure of the classified documents. The Court then upheld, in rather strong terms, the right, even the responsibility, of the press to publish such information.

Key to that decision was an absence of *aiding and abetting*, since though the exposure of the information was in good faith and brought to light some misdeeds of government, the publication of that material was not criminal, nor did it lead to a criminal act. The person (Daniel Ellsberg) who violated his signed agreement not to disclose the information, committed the only criminal act. The New York Times aided and abetted no one. (See Freedom of the Press #9 - "Prior Restraint".)

In the Court's Order (ECF #1691) of January 11, 2017, Judge Brown states:

> On this record, therefore, the Court concludes the government has sufficiently demonstrated that Hunt has aided and abetted the dissemination of materials covered by the Protective Order, and, therefore, the Court GRANTS in part the government's Motion (#1680) to Enforce Protective Order as follows:

Using her judicial discretion (See Freedom of the Press #7 - "Judicial Discretion" and Tyranny), she has determined that there is no party that I aided, since that party is unnamed. She has also made the

dissemination of materials a criminal act, though I, similar to the New York Times, am not subject to the Protective Order.

The government has not indicated whom I may have *aided and abetted*, nor have they indicated just what criminal act resulted from my publication of the *prohibited material*. So, let's look and see just who might have been aided by what I have disclosed.

There can be little doubt that the defendants in the *Ammon Bundy, et al*., Group 2 trial, currently being heard in Portland, Oregon, have benefitted as a consequence of what I have published. They have subpoenaed, to the best of my knowledge, Will Kullman, and Allen Varner, to testify. So, they have been *aided*, though *not abetted*, by my articles.

Since the exposure, in the Group 1 trial, of Mark McConnell, as an informant paid by the government, the voluntary act of Terri Linnell, and the exposure of Fabio Minoggio, may all have played a role in the verdict; there can be little doubt that identities of the informants may provide exculpatory testimony, to the benefit of the defendants.

However, in that trial, the government shysters and the Judge determined that disclosure of the informants, or even unredacted informant reports (the reports were heavily redacted and gave no indication of the identity of the informants), would not be necessary, as there was no exculpatory purpose in releasing that information. The verdict clearly disputes the assertion.

Further, in the Group 1 trial, the defense was not allowed to mention the six informants that never visited the MNWR. They were only, during the discussion prior to the testimony of Minoggio, allowed to mention that there were nine informants who had visited the MNWR.

Now, in the Group 2 trial, the government has demonstrated some integrity clearly missing in the Group 1 trial. The government has admitted that there were 15 informants, and, that some of the informants were authorized to conduct criminal activity during their paid spying/infiltration of the MNWR occupation. The law requires this disclosure if there is exculpatory information. So, the Justice Department has abided by the law, perhaps due to my exposing of the informants. Simply put, they have been *aided*, though *not abetted*, by my articles.

I must mention another group of people that have been aided by my writings. This group is the primary target of those efforts and the exposures that have come to light. As I have stated for over twenty years, I will write about the *misdeeds of government*. The government putting spies in our midst is, without a doubt, a *misdeed* of government. It is tantamount to the servant spying on the master. When that master's intention is to hold the servant (government) accountable to the contract (Constitution), the servant is subject to the scrutiny to determine the extent of his misdeeds. So, too, is the government --as they have clearly demonstrated by being a bit more forthright in the Group 2 trial.

My intent to aid was directed at the people, my reading audience. The affect, however, did aid the defense as well as the prosecution. However, if there was any abetting, it would be more realistically described as "un-abetting", if the government was acting criminally (along with the Judge) in hiding exculpatory evidence. Hence, they have been un-abetted in their criminal activity, by exposing in the Group 2 trial what should have been exposed in the Group 1 trial.

This article can be found on line at Freedom of the Press #11 - Aiding, But Not Abetting

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Freedom of the Press #12
Fully Biased Instigators

Gary Hunt,
Outpost of Freedom
March 13, 2017

When I was in the Army, I had to obey the orders that were given to me, by my superiors. That obligation ceased nearly fifty years ago.

Since that time, I have only taken "orders" from my employer or supervisor, though I have given "orders" to subordinates, as a part of my supervisory responsibilities in various positions I have held.

I have also given "orders" for food or other purchases, as I don't expect waitresses or clerks to be mind readers.

In all of the above instances, there has been a relationship predicated on the fact that there was some implied obligation by virtue of the relationship, fiduciary or voluntary, between the "*orderer*" and the "*orderee*". Yes, I made those two words up, but I suppose that all reading this will get the point being made.

This tribulation began when the U. S. Department of Justice "Demanded" that I Cease and Desist publishing a series of articles exposing informants, both inside and outside of the Malheur National Wildlife Refuge during the occupation by those seeking a "Redress of Grievances" (First Amendment). The Letter also wanted me to return information that I had obtained without any illegal act on my part. And, in a somewhat ridiculous (impossible) Demand, that I remove the articles from my website "and any other website".

However, I have no more control over "any other website" than the Justice Department has over me.

An FBI agent delivered the Letter. I asked the agent what obliged me to recognize the authority of the Letter. He said that he did not know. (See Freedom of the Press #1 - Meeting with the FBI)

Since that time, the Court has "Ordered" me to do things that I didn't want to do. I have refused service on two of them; the second (middle) one was never even offered to me to be refused. In each instance, I have asked for some law that I violated or how I came under the jurisdiction of the Court in Portland, Oregon. I have yet to receive a qualified answer thereto.

Now, I say "qualified answer", in that the US Shysters have included case law in their Motions, though when I researched those cases submitted, I found that those cases really supported my position, not the government's position.

The government is using the Court as a forum, while I cannot do so, since I would be submitting to the Court's jurisdiction. So, my recourse is to use the "Court of Public Opinion". The government has introduced articles from both the "Burns Chronicles" and "Freedom of the Press" series into the Court Record. As I have pointed out, one cannot submit a page of a book into the record without submitting the whole book. The articles are nothing less than pages of a book, and must be taken as a whole. This is

especially true with "Freedom of the Press", as it is chapters in an ongoing story -- recorded as that story plays out.

The government has set forth arguments, made assertions, and have otherwise provided "papers" to the Court which represent that I am subject to jurisdiction. However, each of those assertions has been disproven in my responses. So, though they began by using my articles in an effort to defame me, and have selectively chosen what "evidence" they want in the Record, the government has been remarkably consistent in ignoring content that disputes those claims.

On Friday, March 10, 2017, the government filed "Government's Status Report Regarding Order to Show Cause" (Report), asking that the Court "issue a warrant for his arrest to be served by the United States Marshal." In support of that Report, they also filed the "Affidavit of FBI Special Agent Jason P. Kruger in Support of Government's Status Report Regarding Order to Show Cause" (Affidavit). This article is my response to which can only be seen as a demonstration of the incompetence of the Federal Bureau of **Investigation**.

The first section of the Report is titled "*The Government Has Established by Clear and Convincing Evidence That Gary Hunt Is Violating This Court's Lawful and Direct Orders*". So, let's look at some of that "clear and convincing evidence". (Emphasis, mine.)

They do make a statement that the reports from which I obtained my information (Form 1023) "*were provided in discovery to the 26 defendants being prosecuted in United States v. Bundy, et al*." We clearly see that some of the people in the US Shyster's office and some in the Court were also provided copies of those reports. However, they tend to be suggestive (subjective) rather than objective (what should be "the whole truth"), they conveniently omit any source that may have provided the information to me. Obviously, to do so would not fit their narrative.

Then, regarding the Cease and Desist Letter of January 5, 2017, they state, "The letter requested Hunt to cease and desist from publicly disseminating the material. The letter also directed Hunt to remove the protected material from his website." Well, close, but no prize. For example, the Letter said, "you must immediately, cease and desist". Not quite a request, rather, a demand. When they said that it must be removed from my website, they conveniently omitted "or any other website". The former would be a rather simple task; the latter, clearly impossible.

In referring to a comment made on Facebook, by Duane Ehmer, one of the defendants, they repeat that Duane has said, back on February 5, 2017, that in response to a question, he replied, "He is working with our lawyers". As I have pointed out, previously, the answer was posted 17 minutes before the question, "Who is Gary Hunt?", was asked. However, now there is more to this "Clear and Convincing Evidence". We will get to that, shortly.

Then, in referring to the Affidavit, they finally get something right when they state:

> "On March 2, 2017, Hunt was interviewed on an internet-based radio talk show at http://www.blogtalkradio.com/longlivetherepublic/2017/02/10/we-the-people. The radio show lasts for two hours and forty-nine seconds. During the radio show Hunt discussed the protected material and named seven people he alleged to be FBI CHSs. During the course of the radio show, Hunt stated that he does not recognize the Court's jurisdiction, nor does he intend to comply with the Court's Protective Order. Hunt stated he would not make an appearance as directed by the Order to Show Cause, because if he does he would have 'submitted himself to the jurisdiction of the Court and I ain't gonna do that.'"

Well, it is mostly correct. However, I seldom refer to myself as "himself". Sounds more like those gender identity people, "today, I am *himself*. Tomorrow I will be *herself*."

The Report concludes with the following:

> The government has presented unrefuted clear and convincing evidence through sworn Affidavits of Special Agent Walker and Special Agent Kruger that prove Hunt is continuing to violate this Court's Orders.
>
> Accordingly, at the March 10, 2017, hearing the United States will ask this Court to find that there is clear and convincing evidence that third-party Hunt should be held in civil contempt and issue a warrant for his arrest to be served by the United States Marshal.

I suppose that they have taken a concept from history, that if you repeat something often enough, some will accept it as the truth. That then, should make everything valid evidence, regardless of the truthfulness of it.

You will note that two Special Agents were named. "Walker", being Ronnie Walker that filed the two previous affidavits, and Jason P. Kruger, who filed this Affidavit. It is only the current Affidavit that we will now discuss.

After giving his qualification, Kruger states:

> 8. On March 9, 2016, Judge Brown entered an Interim Protective Order, court record #288, which stated that defense counsel may provide copies of discovery only to individuals further described in the Order.
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> 9. On March 24, 2016, Judge Brown entered the final Protective Order, court record #342, which stated defense counsel may provide copies of discovery only to: 1) the defendants in this case; 2) persons employed by the attorney of record who are necessary to assist counsel of record in preparation for trial or other proceedings in this case; and 3) persons who defense counsel deems necessary to further legitimate investigations and preparations of this case.

Now, the government is contending that I "aided and abetted" someone, though the have yet to identify just who it was that I "aided and abetted". However, with that in mind, it would appear that they are trying to project me into those who are identified there, probably in the third listed identifications. Thus, it becomes extremely important for the government to rely upon the statement made by Duane Ehmer, on Facebook.

Now, I have written a number of articles in the two series, "Burns Chronicles" and "Freedom of the Press" There is no doubt that the shysters are reading the articles, since they have referred to them numerous times in their numerous submissions to the Court, endeavoring to create an illusion that I am what they are trying to make me out to be.

So, let's look at what Ehmer has to say, now. He has been given permission by his attorney to clarify his statement, as explained in this posting made on Sunday, March 12, 2017, at about 10:23 am PDT.

However, as George Washington said in a letter to Charles Thruston:
"Truth will ultimately prevail where pains is taken to bring it to light."

However, the government and FBI, having repeated their claim as to the significance of a Facebook post so often, we could expect that the Judge will buy their lie, instead of the truth.

The Affidavit also provides a number of quotes from the radio show of March 2. I suppose they want to demonstrate what to them might appear to be belligerence on my part. From my point of view, I am simply stating a fact, that I am not subject to the Court's jurisdiction, in this current matter, and that I will not be duped into submitting to that jurisdiction by making any appearance.

This is one of the quoted portions of the show:

> They've had the cease and desist letter and three orders now, and I'm supposed to, by tomorrow, respond in court to them. Then the government has until the 8th of March to respond to what I file

> with the court. Then on the 10th I'm supposed to appear there for a show cause hearing, to show cause why I shouldn't be held in contempt of court. But they're going to be really nice, because they said, 'Well you can call in and make a phone appearance.' But if I make an appearance then I have submitted myself to the jurisdiction of the Court and I ain't gonna do that. Because if I did then they are going to be able to grab me."

And, that is truthful.

However, while we are discussing the FBI, let's look a bit into their investigative skills. These are the people that, in a two month period were able to produce a Criminal Complaint charging 26 people with felony crimes. In the next eight months, they were able to put together a case that went to trial, resulting in the acquittal of the Group 1 defendants. However, in over a year, they have been unable to figure out which FBI HRT team members fired two shots on January 26, 2016, and then covered up the fact that they fired those shots. Those two shots were, without a doubt, part and parcel to the murder of LaVoy Finicum, on that date. A real crime, not the manufactured appearance of a crime.

By the Affidavit, we see that they have, through specialized use of their superior investigative skills, found a Facebook post and a radio show. That is all the evidence they have provided to create that which isn't. They have not interviewed me, though I have explained my position to Special Agent Catalano, as was well explained in a few of the "Freedom of the Press" articles. They haven't incorporated what I have stated, regarding both case law and factual arguments, along with any other material that should be considered in an objective investigation. After all, it would prove "exculpatory" in the current situation.

Instead, we can see that truth is not the objective of the government. An objective investigation would provide all of the truth, not just those meager pieces made of "whole cloth", by what Walker and Kruger have put together in an effort to, and I will say it, loud and clear, frame me.

I can understand the US Shysters, seeing this as adversarial, want to "find dirt", to justify the exclusion of facts that don't suit their objective. Heck, we have seen that through the last two Malheur trials -- every effort to exclude that which might dispute, or interfere with, their desire for a conviction, or in my case, to be incarcerate for "contempt of court".

The FBI, however, is not a private tool of the US Shysters. It is supposed to be a part of a functional government, whose purpose is to serve its creator, the People. When those powers become so misdirected, as they have in this instance, we can easily see that the government has decided to serve itself, not the People -- that, in fact, we have become subject to a police state, every bit the same as the old U.S.S.R., East Germany, and Hitler's Third Reich.

This article can be found on line at Freedom of the Press #12 - Fully Biased Instigators

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