Memorial Edition

Outpost of Freedom Articles in the series

"No Bended Knee For Me"

A Phrase Uttered by

Robert M. Beecher

Rest in Peace February 5, 1954 - March 12, 2017

Articles written between

June 20, 2014 and March 13, 2017

"No bended knee for me" - the Persecution of Robert Beecher

Gary Hunt Outpost of Freedom June 20, 2014

A few days ago, a post appeared on Facebook. It was rather brief, and rather poorly written, but it had a message in it. Fortunately, the person posting was willing to remove it from Facebook, pending an investigation into the veracity of what was said, as well as what was implied, in that post. The post was about Robert Beecher, who was recently arrested, either in a conspiracy "to kidnap and torture" a DHS agent, or a simple firearms violation. That point is still not clear, though it is what leads up to the "conspiracy" allegation that brought it into the limelight.

The post read, in part, "Robert [Beecher] has asked me to give the name of the person who the FBI says... is accusing Robert M. Beecher of "planning with him" to kidnap and torture an agent of the DHS. He is the one... his name was given by the FBI and whose statement the FBI used to swarm in on Robert at his place of work. At the same time, they hit Robert's home property. The accuser's name is Jerry Bruckhart, with the Operation Mutual Aid group." As written, it is accusatory, though in fact, Beecher was trying to determine what the connection between he and Jerry Bruckhart was, which would lead to such an accusation. So, the subjects of the investigation are Jerry Bruckhart (co-founder of OMA), Operation Mutual Aid (OMA), as an organization, and Robert Beecher. It is the roles of the two people and the organization that is the subject of this article.

Payne and Bruckhart started <u>Operation Mutual Aid</u>, a few years back. In 2012, Beecher, thinking that he had found a group that appealed to his objectives, joined as a member -- an open membership organization. Bruckhart's explanation of his relationship with Beecher follows.

In an interview, Bruckhart states that his knowledge of Robert Beecher is minimal. He did have a conversation, via telephone, with Beecher back in 2012, as he does with all new members of OMA. That is the only conversation he has every had with Robert Beecher. He states that he has been involved with discussions on various Internet pages where Beecher may have been involved in the same discussion, as his recollection of the name brings that possibility to mind. Sometime in 2013, Robert Beecher deleted his membership on the OMA webpage. It was a consequence of a disagreement regarding the purpose (Mission Statement) of OMA. Jerry further states that the FBI has never contacted him, though others had told him that the FBI had asked them about him.

Now, let's look at Robert M. Beecher, the government alleged co-conspirator with Jerry Bruckhart, to "kidnap and torture an [unknown] DHS agent". Beecher has a somewhat checkered past, having been convicted of some crimes over twenty years ago, that may preclude him from owning firearms.

Beecher is 60 years of age, is a III% Commander, and has been active in the patriot community for at least a couple of years.

Regarding the controversy with the OMA, Beecher states that it had to do with a call for an armed march on Washington, D. C., OMA was supporting the march and Beecher declared it a "bad idea" and that it was "suicide to attempt to occupy D.C., armed". Though Beecher believed in the "Mission Statement" of OMA, he felt that this action was outside of the scope of that Statement. This is what led to Beecher removing himself from the rolls of OMA.

On May 6, 2014, FBI Special Agent Slater, a BATF agent and a local officer from Toombs County, Georgia, approached Beecher at work. He was told that he was "not under arrest, that they needed to talk about

some things". They then asked if he knew Jerry Bruckhart of OMA. Given the length of time since his dispute with Jerry, he took this question as a "sucker punch". The agent said that they had received word from Pennsylvania (Jerry's home state) that he had "agreed to assist Jerry in the kidnap of a Homeland Security Agent" and were in the process of recruiting two more people to assist. He was told that Jerry disclosed this information while being questioned on another matter. Well, this doesn't seem to be in agreement with what Jerry has stated, though we will address that, later.

Beecher was arrested on a "Complaint", with no affidavit indicating the commission of a crime, according to his statement. Additionally, a search warrant was served on his home. His computers and drives were confiscated, along with a .45 pistol along with a 30-30 rifle. This raises the question of the justification for the search. Was it based upon the alleged conspiracy with Jerry Bruckhart? Or, was it based upon the speculation, or proof, that he had firearms, in violation of his felony conviction, from years past?

The search warrant (click warrant for larger image) affords no help. According to the warrant, in "identify the person or describe the property to be searched and give its location", we find "The Residence located at 118 Pine Mountain Road, Reidsville, Georgia 30453, outbuildings, vehicles located thereon, and the person of Robert Beecher".

Conspicuously absent is the "Attachment B", which is intended to describe what "is believed to conceal (identify the person or describe the property to be seized)"

Further on, it states, "I find that the affidavit(s), or any testimony, establish probable cause to search or seize the person or property".

The warrant appears to be signed by "M. Smith", though the "Printed name and title" bears the name "G. R. Smith", and provides no title for that person.

Now, just think about the very general nature of the warrant. What did he do that justifies the warrant? What, specifically, are the looking for? Who really signed the warrant, and what is his title?

So, let's go to the remainder of Beecher's written statement:

As we got into their truck to talk, the FBI agent told me that "Just so you know, I have been following you for the past year and a half." He then went on to question me about my beliefs, my involvement with the militias, other websites, and what my role as Commander in the III%ers was. He was curious as to what Operation American Spring was, who was in charge of various details involved, and who I was attending with.

[T]he FBI Agent told me I wasn't "being truthful and at that point I was only hurting myself", that the "Government wasn't concerned with the preppers or survivalist, but was concerned with those willing to hurt anyone connected to the government." I agreed with that and told him that was why I opposed Jerry Bruckhart's attempt to have patriots march on DC armed. They didn't seem too happy about that comment.

I was then placed under arrest and taken to Tattnall County where I was questioned more about various people involved in different groups and organizations. I kept telling them I wasn't familiar with the names, and that because I dealt with a lot of people in different parts of the country, some with the same first names, that I was unsure of who they were talking about. Again I was told that if I helped them that they would help me, that they could help me get released if I helped them cooperate. Around 4:30, they read me my Miranda rights, and had a deputy take me to Chatham County. I was placed in segregation around 7:00 pm Wednesday the 7th of May, and kept isolated

until Friday when they came to get me for court. <u>Again they attempted to get me to agree to infiltrate</u> W.R.A.M., Three Percenters, and Modern Militia Movement...

I was transferred to Bulloch County, the US Marshalls told me where I was going was a "hellhole" and wished me luck. I must say that these people, the US Marshalls and the GBI [Georgia Bureau of Investigation] have been the only professionals I have dealt with... I went to court, was declared a "menace to society", and denied bond.

[Later] I told the agent I wasn't sure about which group he was referring to, and that I needed to be out and access my computer before I could answer any questions. He then told me he would bring my computer to the jail, and the attorney chimed in that I could access the info that way. I responded in the negative and knew then there would be no bond - regardless...

The important thing for people to understand is that if they did this to me, how many others have been snatched and agreed to inform? Good people, but outside their limits dealing with lying ass federal agents?...

Beecher concludes the above statement with, "I have sworn my oath and I will uphold it to the end. No bended knee for me."

The search warrant that was served, with only some of the paperwork being left at Beecher's home, resulted in the confiscation of a .45 pistol and a 30-30 rifle.

Since we can't find any elements of illegal activity on the part of either Bruckhart or Beecher, nor anything that suggests any recent communication, on a level that would be required for a conspiracy charge, we must look elsewhere for any justification, or should I say, rationalization, for the events that have unfolded. Darn, nothing wrong there. So, let's bring in the other players.

We can start with the three that participated directly in the arrest. We have a local officer; we have a BATF agent; and, then we have FBI Special Agent Slater. Well, the officer was "just doing his job", so we can discount him. Then, we have SA Slater, who brought up the suggestion of a conspiracy between Bruckhart and Beecher, which doesn't hold water. Finally, we have the BATF agent who deals with firearms violations. But, why was he even brought in? Was the purpose simply a "fishing expedition", to see if they could find something that would, eventually, lead to an actual criminal charge -- if they found firearms? If so, what could be the source of such information? Well, it appears that there was a picture posted on Facebook showing Beecher holding what appeared to be a rifle (30-30?). Is that grounds for a warrant? Perhaps so, though the warrant doesn't say it is so. Therefore, it must be far too insignificant, or in admissible, to bring any charges, or those charges would have been laid on the table from the beginning.

What other plausible explanation could be behind this whole episode, which has taken a man from his job and family, for nearly a month and a half, without even a presentation of any charge or evidence to justify these actions?

The only thing that comes to mind, and hasn't already be addressed is, perhaps, the most terrifying of all. They used the power of the government, in contravention of the Fourth Amendment, " The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Unfortunately, we have no oath or affirmation" that supports any of the activities of the government for the search. This stinks of the concept of "Writs of Assistance" that were so appalling to the Founders, and lead to the specific inclusion of that Amendment in the Bill of Rights.

Further, we must also question the arrest, itself. He was lied to when he was told he was not being arrested, and then was arrested. Beecher stated (above) that he was arrested on a Complaint. If they had a Complaint, then they knew that they were going to arrest him. To do otherwise would be to lie, to deceive, to use chicanery, to violate the "Miranda Decision", and to violate the Fifth Amendment to the Constitution, which read, in part, "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury..." Of course, the government has circumvented the Constitution by using "Complaints", for decades. The Framers, however, sought to leave the denial of liberty (jailing) in the hands of the people, not of the government. Even if the government's argument for "Complaints" is valid, the intent, for "a presentment or indictment" surely requires that the charges be a part of the circumventing "Complaint", though at over 45 days in, we have no charges.

What can we conclude from this? Well, try as I might, I can only draw one conclusion -- that the government will use the "color of law" to deny Liberty (Life, Liberty, and the Pursuit of Happiness) that they are charged with protecting, and to intimidate a person who may have knowledge that they want, to entice him to turn against friends and neighbors, hoping to find some chargeable crime, and make a permanent "snitch" a member of their "team". If Beecher were to sign a "plea agreement" to regain his Liberty, he will have made the first step into submission to the Big Brother that government has become. To understand this process, I would suggest that you read Informants Amongst Us?

Based upon my observation of the increase in activity of this nature, I think that I can safely predict that there is an escalation of this activity and it is likely to visit your neighborhood, in the very near future. This makes it imperative that we heed the proudly spoken words of Robert M. Beecher, when he said,

"I have sworn my oath and I will uphold it to the end. No bended knee for me."

This article can be found on line at "No bended knee for me" - the Persecution of Robert Beecher

"No bended knee for me" - the Charge against Robert Beecher

Gary Hunt Outpost of Freedom August 30, 2014

The charge against Robert Beecher is not based upon the malicious allegations made by FBI Special Agent Stanley H. Slater that Robert Beecher was involved in an operation, known as "Operation Mutual Aid", to kidnap and torture a DHS agent. In fact, it seems that the threat implied by Agent Slater has, well, just disappeared. The only charge is "Felon in Possession of a Firearm".

Now, before I proceed with discussing the charge, I want to establish a bit of background on the government and their US Code. Harvey A. Silverglate is an attorney. His book "Three Felonies a Day" is instrumental in beginning to understand the nature of that beast (government), when it targets someone for persecution (resulting in prosecution). It is suggested reading for anyone interested in the complexities, and chicanery of the federal legal system.

The Forward, by Alan M. Dershowitz, to Sliverglate's book begins,

The very possibility that citizens who believe they are law-abiding may, in the eyes of federal prosecutors, be committing three federal felonies each day... But when the executive branch, through its politically appointed prosecutors, has the power to criminalize ordinary conduct through accordion-like criminal statutes, the system of checks and balances breaks down." He continues, "These prosecutors threaten to indict underlings for conduct that is even further away from the core of criminality unless they cooperate against the real targets. Because federal criminal law carries outrageously high sentences -- often with mandatory minimums -- these prosecutorial threats are anything but illusory. They turn friends into enemies, family members into government witnesses and employees into stool pigeons. Silverglate believes that we are in danger of becoming a society in which prosecutors alone become judges, juries and executioners because the threat of high sentences makes it too costly for even innocent people to resist the prosecutorial pressure. That is why nearly all criminal defendants today plead guilty to "reduced" charges rather than risk a trial with draconian sentences in the event of a conviction.

On to Silverglate's Introduction, where we find reference to a 1952 Supreme Court decision, Morissette v. United States, [342 U.S. 246, 250-251]. This is interesting because it states that there must be intent to be a criminal act, to wit:

The contention that an injury can amount to a crime only when inflicted by intention is no provincial or transient notion. It is as universal and persistent in mature systems of law as belief in freedom of the human will and a consequent ability and duty of the normal individual to choose between good and evil. A relation between some mental element and punishment for a harmful act is almost as instinctive as the child's familiar exculpatory "But I didn't mean to," and has afforded the rational basis for a tardy and unfinished substitution of deterrence and reformation in place of retaliation and vengeance as the motivation for public prosecution.

Finally, Silverglate refers to an anecdote told by Tim Wu in a 2007 article titled "American Lawbreaking," published in the online magazine Slate:

At the federal prosecutor's office in the Southern District of New York, the staff, over beer and pretzels, used to play a darkly humorous game. Junior and senior prosecutors would sit around, and someone would name a random celebrity -- say, Mother Theresa or John Lennon. It would then be up to the junior prosecutors to figure out a plausible crime for which to indict him or her. The crimes were not usually rape, murder, or other crimes you'd see on Law & Order but rather the incredibly broad yet obscure crimes that populate the U.S. Code like a kind of jurisprudential minefield: Crimes like "false statements" (a felony, up to five years), "obstructing the mails" (five years), or "false pretenses on the high seas" (also five years). The trick and the skill lay in finding the more obscure offenses that fit the character of the celebrity and carried the toughest sentences. The result, however, was inevitable: "prison time," as one former prosecutor told me.

Hence the title, "Three Felonies a Day".

The only charge against Robert, now, is a violation of 18 USC §922(g)(1) (the full text of §922(g) can be found at 18 USC 922). The pertinent part is as follows:

(g) It shall be unlawful for any person -

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to <u>receive</u> any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

So, let's look at the obvious intent of the law. First, "It shall be unlawful", well, no problem with that.

Next, if that person "has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year." Let's assume for the sake of discussion, that that criterion has been met -- that Robert has such a criminal record. So, now we move on to the third portion of the Statute.

It is unlawful "to ship or transport in interstate... commerce". Now, this next phrase is rather interesting. "Possess" means "To occupy in person; to have in one's actual and physical control". So this must mean that you have in your control the firearm or you affect the commerce. The possession must be done while participating or affecting that commerce. Finally, "to receive any firearm or ammunition which has been shipped or transported in interstate commerce." Well, that last one surely must be the direct recipient, the addressee - to "receive", as opposed to "possess". For if that were the case, it would read, "to possess any firearm or ammunition which has been shipped or transported in interstate commerce." Otherwise, there would be an inequitable application of the law. The construction, if mistaken, would mean that you could possess the firearm, if it were made in your state, though you could not take it with you, if you moved. It would also mean that if the ammunition were not made in your state, then you could have the firearm, but could never use it. So, the only logical construction would be that you could not be the direct recipient could not receive a firearm or ammunition shipped from another state. Otherwise, only those who live in a state that has a plant that manufactures firearms could possess one, and could use it only if the requisite ammunition were also manufactured within that state. If that were the case, then the federal law would only apply to those people who happen to live in certain states, which would fly in the face of the concept of equal justice for all. Further, it would defy the concept of Article IV, § 2, which states, "The Citizens of each State shall be entitled to all of the Privileges and Immunities of the Citizens of the several States."

Finally, we need to look at what was intended by the Framers, as the prepared they plan for the creation of the federal government in devising the Constitution (Federalist Papers #62 - James Madison).

It poisons the blessing of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?

The manipulation of the intent of a law to serve the purpose of persecution and an effort to convert decent people into informants, or, at least, force them into a submissive condition, thereby removing that spirit that made US America.

This article can be found on line at "No bended knee for me" - the Charge against Robert Beecher

"No bended knee for me" - the Demonization of Robert Beecher



Gary Hunt Outpost of Freedom August 8, 2014

The Search Warrant has been made available, though the Arrest Warrant, if there ever was one, has not been produced. The Grand Jury Indictment is based upon first, demonization of Robert Beecher, then, on the evidence obtained from a search under a Search Warrant. Or, was it?

Understand that what you are about to read is not an uncommon occurrence in this country, today. You may well find yourself facing similar circumstances, under trumped up charges, or intentional misapplication of the law -- as in this present instance.

This is going to be a difficult story to follow, since there are so many quirks and appearances of injustice, and impropriety, at least based upon the concept that we have been led to believe in -- Innocent until proven Guilty.

We will break this down into six parts, though since we have no Grand Jury records, we can only discuss what went to the Grand Jury, not what they deliberated over. Those six parts are: Demonization of Robert Beecher; The Indictment; The Search Warrant; The Search; The Arrest; and, Possessing & Receiving.

Now, within this narrative, you will see what the government has presented to the Grand Jury, to obtain an indictment, and you will see what the Grand Jury did not see, that being the other side of the story.

Demonization of Robert Beecher

So, what did the government do to "demonize" Robert Beecher? In a "Full Investigation" opened on July 31, 2013, by FBI Special Agent Stanley H. Slater, (912) 764-6311 (Note: Call him at your own peril). The "investigation is being initiated based on Internet postings attributed to Beecher that indicate he is planning to commit violent acts toward federal government employees." So, what someone said on the Internet is sufficient to open an investigation, unless, of course, you are a Negro and say "Kill Whitey", or, a Muslim who says, "No Democracy, only Sharia law!" But, I digress.

From that investigation initiation report, we find:

Subjects Ryan Payne and Jerry Bruckhart are recruiting militia members throughout the United States to participate in a plan called "Operation Mutual Aid". The plan calls for the kidnapping of a DHS agent in hopes of creating an incident that will cause other militia groups to take supportive

action. Bruckhart has used the Internet to promote this plan and is the administrator of the Operation Mutual Aid website "operationmutualaidl.webs.com [no longer on line]".

First, we'll address something that my investigation has turned up with interviews with people who discussed that certain scenario. Some of them were associated with Operation Mutual Aid (OMA), others were not. At the time, it was discussed, fairly openly (on the Internet), and was not initiated by, or an objective of, OMA. I am still able to find reference to this activity, or bits of it, on the Internet. The scenario was that if DHS (or its subordinate agencies) were to clamp down and post roadblocks on all, or most, major highways, the objective was to "capture" a DHS agent and "escort" him to Washington and demand that the roadblocks cease, thereby proving that we could both "capture" and "escort" through the roadblocks, regardless of DHS's efforts to control the people and their movement. It was an "IF" scenario. Though it may have been discussed on the OMA website (I found no reference there), it was not, by any means, within the Purpose of OMA, nor an OMA "operation". The <u>OMA Mission Statement</u> has not changed since its inception, but the government seems to want it to be something other than what it really is.

Let's look at the evidence that has, as you will see, been misrepresented to demonize Beecher to the Grand Jury. From alleged discussions on the then OMA website, the FBI cites the following, attributing them the Beecher, using the pseudonym "Stalker" (pseudonym confirmed):

"... I am ready to do what is necessary to remove this rogue government that has taken over our Country. I grew up Free and will die Free, I will never submit, or bend knee, to a corrupt government. Neither will I ask for mercy nor give it, once the Battle is joined."

"The way I see it, to win this fight, we must fight like the insurgents. We must disable their communications and supply using hit & run tactics. There can be no more 'I'm just doing my job' passes given. We must destroy their support system which is the 'little man', without the 'little man' doing their jobs we can force the top to tumble, take their legs out from under them, so to speak. This means anyone working for the government. This would mean that anyone doing so would have to be mobile and willing to give up all comfort as they know it. A lot of 3-man Teams could accomplish what one large force couldn't."

Note that Beecher said, "...once the Battle is joined.". Also note that there is nothing in the report that suggests kidnapping and torturing a DHS agent, as claimed in the court documents. Now, that is not a call for action, rather, a statement that he will defend the Constitution, if the government goes "rogue" -- a reaction. Heck, if that is illegal, then they should be charging hundreds of thousands of people, if not many millions, who are apprehensive that government is approaching the level of "Despotism" mentioned in the Declaration of Independence -- it is our "right" and "duty" to act to preserve our nation. After all, the oath to the Constitution that all military personnel take (Beecher served in the Army, 1971-73) pretty much requires that the Constitution be preserved. However, that doesn't play well when you submit your "evidence" to a Grand Jury, seeking an Indictment.

Now, we all know that the government likes lists (I think it makes them feel like they are accomplishing something). It is their way of classifying us so that they know who, by their very words, might be extremely dangerous (unless a Negro or Muslim). On November 8, 2013, we find that the government has labeled Robert Beecher "Domestic Terrorism - Militia Extremist". They have also entered him on the "Terrorist Screening Database" (TSDB) and the "Known and Suspected Terrorists" (KST) list. This, apparently, based upon the erroneous and grossly misrepresented information above. However, inclusion on those two lists surely plays well with the Grand Jury.

So, let's continue reviewing the "excellent" work of those well-paid "Fidelity, Bravery and Integrity" people. In a report dated June 21, 2013, they provide even more "intelligence", to wit:

FBI Salt Lake City identifies Robert M. Beecher as a possible associate/member of the West Mountain Rangers 41st Mountain Field Force militia group based out of Montana. This group has a plan identified as "Operation Mutual Aid" in which they want to kidnap a DHS agent in hopes of creating an incident which will cause other militia groups to take supportive actions.

Well, they knew that Beecher was working in Georgia, so I suppose they think he went to Montana on weekends to join a militia that is, well, only for Montanans.

So, if you want to go to a Grand Jury and get an indictment for a crime unrelated to the above, you surely want to get the above information before the Grand Jury, regardless of the veracity of the information, so that the Grand Jury will know, before they evaluate any other information, that Robert Beecher is a despicable person, ready to kidnap and torture government agents, though he never left home or the surrounding area, in Georgia, for the period from the original investigation (July 31, 2013) to the date of the Grand Jury Indictment (June 4, 2014). They claim he was part of a Montana Militia and was conspiring with people in Montana (Payne) and Pennsylvania (Bruckhart), in open forums on the Internet, to commit these evil deeds, though they offer no more tangible proof than what is mentioned above -- that aren't even charges in the Indictment. However, that is the foundation laid before the Grand Jury, to assure Indictment on far lesser, and as will be explained, bogus charges.

The Indictment

The Indictment, duly signed by the Grand Jury Foreman and four members of the Department of Justice, show us the heinous crime, if it is, in fact a crime (See discussion of Possessing & Receiving), the has been manufactured by three government employees (DOJ, FBI, and BATF):

COUNT ONE

(Possession of Firearm by a Convicted Felon)

THE GRAND JURY CHARGES THAT:

Between on or about February 5, 2014, and February 15, 2014, in Tattnall County, within the Southern District of Georgia, the defendant,

ROBERT BEECHER,

who before that time had been convicted of a felony offense, an offense punishable by imprisonment for a term exceeding one year, did unlawfully and knowingly possess, in and affecting commerce, a firearm, that is, one Marlin .30-30 rifle, Model 336, serial number 231106294, which had previously been transported in interstate commerce, in violation of 18 U.S.C. §922(g)(1).

COUNT TWO

(Possession of Firearm by a Convicted Felon)

THE GRAND JURY CHARGES THAT:

On or about May 7, 2014, in Tattnall County, within the Southern District of Georgia, the defendant,

ROBERT BEECHER,

who before that time had been convicted of a felony offense, an offense punishable by imprisonment for a term exceeding one year, did unlawfully and knowingly possess, in and affecting commerce, firearms, that is,

one Marlin 30-30 rifle, Model 336, serial number 231106294, one Remington .22 caliber rifle, Model 597, serial number A2666353, and one Hi-Point .45 caliber pistol, Model MP, serial number 460571,

all of which had previously been transported in interstate commerce, in violation of 18 U.S.C. §922(g)(1).

A TRUE BILL.

Now, I have trouble understanding legalese, but I do understand words. So, if I read this carefully, I see that in both Counts, he is charged with *possessing* "one Marlin .30-30 rifle, Model 336, serial number 231106294". Except for the dates, the charges for that rifle are identical. So, we can conclude that dating the pictures (captions provided below) gave them, for Count One, dates of February 5 - 15, 2014, and for Count Two, May 7, 2014. So, if you get a Count for each occurrence of *possession*, why not give a Count for each day in between, if in fact Beecher did Possess such a weapon. This *possession*, however, will be discussed latter. However, we can conclude that the pictures played a role in the evidence submitted to the Grand Jury.

You might also note, for future reference, the phrase in both Counts, "did unlawfully and knowingly possess, in and affecting commerce, a firearm". This, too, will play a very significant role in the subsequent discussion.

I will point out here that some of the court documents make a point of showing the expansive experience and training that some of the agents have acquired, over the years, which is used to conclude that the weapons in question were, in fact, manufactured in a state other than Georgia. Those same documents show that Jessi purchased the mentioned "Marlin .30-30 rifle, Model 336, serial number 231106294", which raises the question of *possession*, which will be addressed, later.

Search Warrant

Now, we move on to the "Affidavit in Support of Application for Search Warrant". The information I have has no date on the Affidavit, though it is prepared by Special Agent Lorin Coppock, Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF when they raided Mt. Carmel Church, Waco, Texas). He lists his experience, including Deputy Sheriff and BPS, and then begins presenting his "evidence". He, apparently, had an informant who logged into Beecher's Facebook account and then allowed investigators to view Beecher's Facebook account and access the pictures on Beecher's page. Though I don't have the pictures, by the captions and other information in the Affidavit, Beecher is apparently seen in thirteen pictures holding, or near, a weapon (rifle or pistol). The Affidavit then describes both III% slogans and memes that are commonly circulating through Facebook, on hundreds of pages. There is also reference to "Molon Labe" (Come and Take It), which, as was explained above regarding his statements in the discussion on the OMA webpage, purely defensive. Then, as absolute proof of his nefarious activity, it shows that Beecher is a member of a Facebook group, "Central Ga Guns & Ammo Trader".

SA Coppock then talks about his experience and knowledge that people who own firearms, hold them for "lengthy periods of time and store them in their residence or vehicle". That is a rather interesting revelation.

Though the copy of the Affidavit that I have obtained had poor quality photographs, the captions are, in themselves, telling (underline, mine):

- On February 15, 2014, Jessi Winkler posted a photograph to Beecher's Facebook account. Winkler captioned the photograph "With Robert Beecher III". The photograph is of <u>Beecher sitting on a couch holding what appears to be a Marlin 336 rifle</u>.
- b) On February 15, 2014, Winkler posted another photograph of <u>Beecher holding what appears to be the same rifle</u>. In this photograph Beecher is outside leaning over a box-like structure in a braced firing position. The caption for this photograph is "Target practice-with Robert Beecher III". Beecher added a comment to the photograph which reads "Best present ever. Im glad this was shot from the back or I'd have been embarrassed"
- c) On January 7, 2012, Beecher posted a photograph of <u>a small child holding a candle standing next</u> to what appears to be a Rossi single shot rifle. Beecher captioned the photograph "I light the candle, he blows it out. I just love a Saturday morning with him..." Beecher later added the comment "For the record: <u>That is my Grandson's (Aidan) .22 single shot rifle</u>. Alex was dragging it by the sling earlier, its now secured..."
- d) On February 18, 2012, Beecher posted a photograph of two boys outside. One of the boys is holding what appears to be a Rossi single shot rifle while the other is holding what appears to be a BB gun. Beecher captioned the photograph "10 year old shooting-in Riverridge, GA.". Beecher later added the comment "1 let this one try a .20 gauge, He went back to the .22. This is the future...".
- e) On February 18, 2012, Beecher posted a photograph of the same two boys. One of the boys is holding what appears to be a single shot Rossi rifle and the other is holding what appears to be a BB gun. Beecher captioned the photograph "More practice". Clearly visible in the background of this photograph is a house that has been identified by your affiant as Beecher's residence.
- f) On October 20, 2012, Beecher posted a photograph of <u>a child holding what appears to be a Rossi single shot rifle</u>. One of Beecher's "friends" posted a comment about the child's finger 'being on the trigger of the rifle when the photograph was taken. In response Beecher posted the comment "I corrected it. He checked to make sure it was unloaded after picking it up. That was a good sign he listens..."
- g) On March 29, 2013, Beecher posted a photograph of <u>a child sitting on a tree stump holding what appears to be a Rossi single shot rifle</u>. Beecher captioned the photograph "Guard Duty". One of Beecher's "friends" posted the comment "CPS be looking into this, hope the kid has good aim! You teaching them right gpa!" In response Beecher commented "CPS will be stepping into a Hornet's Nest they come out here telling me how to raise my Grandson..."
- h) On April 26, 2013, Beecher posted a picture of three children in a wooded area. One of the children is holding what appears to be an AR-15 rifle. Beecher captioned the photograph "Aldan took the rifle, fight time...-at Beechers."
- i) On April-26, 2013, Beecher posted another picture of <u>the same child holding what appears to be an AR-15 rifle</u>. Beecher captioned the photograph "He won't put it down. I never argue with a kid holding a rifle...-at Beechers."
- j) On March 31, 2013, Beecher posted a photograph of a baby sitting on the floor inside a house. <u>In the corner of the room is what appears to be a scoped rifle leaning against the wall</u>. Beecher captioned the photograph "Max hopes everyone has a Happy Easter".
- k) On April 29, 2013, Beecher posted a photograph of a baby sitting on the floor inside a house. Directly behind the baby is what appears to be the stock of a rifle or shotgun that is leaning against the wall.
- l) On June 9, 2013, Beecher posted <u>a photograph of a child leaning over a table looking toward the person taking the photograph</u>. Beecher captioned the photograph "Papa. Papa. Papa. <u>I want to shoot my gun.</u>"
- m) On April 5, 2014, Beecher posted a photograph of <u>a young child inside a home next to a dining</u> table. Hanging on one of the chairs at the table is what appears to be a shoulder holster containing a <u>pistol</u>. Beecher captioned this photograph "Someone came to play with Papa..."

Note the effort to instill concern because there are children around the firearms? I doubt that the Grand Jury would over-look this with an understanding that firearm safety should be taught at home, by family.

He then points out that two of the firearms he was able to identify in the photographs on the Facebook page, a Marlin rifle and a Rossi rifle, are not manufactured in Georgia. Now, it begins to get interesting, at least in context to timing of events. The Affidavit resulted in the issuance of a Search Warrant signed on May 6, 2014 at 2:32 P.M.

When Coppock describes the "Items to be Seized", he begins with:

Based upon the aforementioned facts, I believe probable cause exists that the following items listed in Attachment B, which constitute evidence of violations of Title 18, United States Code, Section 922 (g) (1) will be found at the location to be searched. The items listed in Attachment B constitute contraband, evidence and/or instruments of the aforementioned offenses. (Attachment B is the Affidavit, complete with pictures.)

Wait a minute! He said that he needed the warrant and to search for these items to provide "evidence... of the aforementioned [18 USC 922 (g) (1)] offenses. Doesn't that imply that they need more than pictures to get an Indictment? They have to find proof that an "offense" has committed.

Well, if the Warrant was issued on May 6, at 2:32 P.M., and the Warrant was executed on May 7, 2014 "at approximately 2:00 P.M." Then they didn't have the evidence necessary to bring charges against Beecher until after they verified that the weapons actually existed as "evidence... of the aforementioned offenses." The search was not completed until nearly 5:00 P.M.

However, Beecher was first detained at work on May 7, 2014 at about 3:00 P.M. (See "Arrest", below) -- <u>before</u> the Search was completed. It sure appears to any observer that there was a presumption of guilt the led to the arrest, and then an effort to find "evidence... of the aforementioned offenses." Rather backward, and contrary to the intent of the Framers of the Constitution and the concept of: "Innocent until proven guilty."

Now, the Fifth Article in Amendment to the Constitution says, "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury." "Held to answer" means arrested and charged with something that you will have to answer to, in court. However, the Indictment (for arrest?) was filed by the Grand Jury on June 4, 2014, though the arrest occurred on May 7. Further, there is no record of an Arrest Warrant ever having been issued. So, hasn't the government got the cart before the horse? Or, perhaps more likely, "cart attached; horse to follow." Or, is it possible that the FBI Academy (as well as the BATF equivalent) failed to include a course on the Constitution -- "just take the oath, we know you know that the law is what you say it is".

The Search

Robert lives in an RV parked on Cindy's property. Cindy lives in a house on a 0.6-acre parcel. The address of the house is the address on the Search Warrant. Being divorced, they live separate lives, though they are still on friendly terms, occasionally playing cards, watching a movie, or playing with the grandchildren, most often at Cindy's house. However, whether Cindy goes to Robert's home, or Robert goes to Cindy's home, the visitor is a guest in the home of the other. The only thing shared is the mail delivery address.

May 7, 2014 about 5:00 P.M. When Jessi arrived at her mother, Cindy's, house [JL]:

The living room, kitchen, and bathroom were fairly decent, but the three bedrooms (the master, the kids' room, and the guest room/computer room) were absolutely trashed. A window unit AC was lying on my mother's bed, her bedspread torn off, jewelry dumped out, closets emptied. In the kids'

room, everything from the closet was strewn around, and the same with the computer room. I never went into the RV [Robert's home] but my mother said it was destroyed as well. My husband and I cleaned up the shed [Cindy's] ourselves, and it was a complete wreck.

No surprise that the government, in acquiring evidence of an atrocious crime such as holding a firearm, warrants such destruction of property that doesn't even belong to Robert Beecher.

The Arrest

The arrest of Robert Beecher deserves a detailed explanation, both as how the government operates and as a lesson on what to expect if you are ever confronted by lying government agents. We will repeat some of the elements of the timeline, so that a proper perspective can be put on what went down. Timelined events are factual, based upon documents in my possession. My commentary will be in separate paragraphs. This information, except the FBI interview report, was not presented to the Grand Jury.

Note: Sources: JL=Jessi Letters to OPF; RL=Robert's letters to OPF; FBI=FBI Interview report, other unattributed are from court records

May 6, 2014 at 2:32 P.M. - Search Warrant signed

May 7, 2014 at 2:00 P.M. - Search Warrant executed (search begun)

May 7, 2014 at about 3:00 P.M. - Beecher 'detained' by Agents Slater (FBI) and Coppock (BATF).

This is based upon letter from Jessi Winkler (Robert's daughter) to OPF. Jessi has an accurate timeline based upon times logged on her phone. At 4:01 P.M. she received a call from her mother (Cindy, Beecher's ex-wife) saying that Robert's boss had called her and said that the FBI and BATF had taken Robert away about an hour before. There are no available government records to substantiate this. A letter from Robert [RL] to OPF explains that the agents informed him that he was "not under arrest, that they needed to talk about some things and asked if [he] knew Jerry Bruckhart at OMA" (See "No bended knee for me" - the Persecution of Robert Beecher).

Now, I know that sounds self-serving -- to claim that he was told that he was not going to be arrested. This same "set-up" happened to Ron Cole, back in 1997. However, the FBI, in their own Interview Report [FBI], tell us:

Beecher was asked if there was anywhere else private to talk. Beecher suggested talking in the parking lot near the business and began to walk toward where SA Coppock's vehicle was parked. SA Coppock suggested talking in his vehicle and Beecher agreed. SA Coppock sat in the driver's seat, Beecher sat in the front passenger's seat and SA Slater sat in the middle of the back seat. Once inside the vehicle SA Coppock advised Beecher that he was not put under arrest and was free to leave at any time.

However, again according to the FBI, this about two-thirds of the way into the printed interview [FBI]:

At this point in the interview Beecher noticed SA Coppock and a uniformed Toombs County deputy walking around the front of SA Coppock's vehicle toward the passenger's side. Beecher turned back around toward SA Slater and asked if he was going to be arrested. Beecher was informed that he was going to be arrested for being a felon in possession of firearms.

This portion of the interview occurred at Beecher's workplace. Considering the amount of information discussed, that would probably come close to an hour after the original detention. They then left the Leprechaun Car Wash, in Vidalia and took Beecher to the Tattnall County Jail. This is about 20 miles and 23 minutes, according to Google Earth. That would put the arrival at the Jail, at earliest, at 4:00, though more likely about 4:30 (the record reflects very few times).

Once they arrived at the Jail, we find this in the interview [FBI]:

Beecher was led into the conference room of the Tattnall County Sheriff's investigator's office. Beecher was advised of his rights with a BATFE Advice of Rights and Waiver form. Beecher signed the form and agreed to continue talking with Agents.

So, Beecher signed the form AFTER they arrived at the jail. The form (ATF form 3200.4) does bear Beecher's signature, and it is witnessed by BATF SA Coppock, who dated and signed the form as a witness, "5/17/14 3:03". Beecher later commented that the time was in error (See May 7, 2014 at 4:37 P.M., RL), and we must agree with him. The original detention occurred, at best, no earlier than 3:00. Then we have the initial interview, conducted in SA Coppock's car. Later, they went to the Tatnall Sheriff's Office and then Beecher signed the waiver. At the earliest, around 4:00, more likely later. However, by making the "official record" show that it was signed about the time of the original detention (3:03), it would mean that everything discussed prior to the waiver could be included on the record, and fair game ("can be used against you"). However, considering the apparent low IQ of most government agents, lying both about not arresting Beecher and about when he signed the waiver, it is not difficult to understand that they were stupid enough to leave the proof of their perjury in the written evidence.

You should find it outrageous that the FBI (or any government agency) can lie to the people, yet they impose criminal penalties on the people, if they lie to the government agents (See 18 U.S. Code 1001 - Statements or entries generally), the people can be fined and/or imprisoned, though the government agents are immune from such penalties.

Jessi, being closer to where Robert was taken, attempted to find where he was detained. She was told at both the Tattnall County Sheriff's and the Reidsville Police Department that he <u>was not being detained at either facility</u>. After over half an hour, and numerous phone calls, Jessi found that Robert was being detained in a building behind the Sheriff's Office. We can let Jessi's words speak for themselves:

May 7, 2014 at 4:37 P.M. [JL]:

Jessi "drives up towards the Sheriff's office. There are two buildings located behind it, and as she asks a deputy outside of one where the proper one is, he points to the second one and she sees two men standing outside of it [Agent Slater and Agent Coppock]."

At this point, I pulled up and parked outside the proper building, and the agents introduced themselves as soon as I exited my car. We spoke for about five minutes or so. They discussed Dad's militia and patriot group ties, told me that he had "great historical knowledge" of the III% movement, and that they were hoping he could help them out. I asked them what the charge was and they mentioned the felon in possession of a firearm, and also a possibility of conspiracy. I asked them what kind of time that would bring, and Coppock told me that it was a maximum of 10 years. At that point, Agent Slater spoke up and told me that while he didn't think my father was dangerous, and that he seemed more of a patriotic prepper, he also believed that my father knew people who were

dangerous. He blathered on about how my father might not want to hurt people, but how he could let them know who would, and how those people were dangerous to the cause my father believes in.

I was told that if he would cooperate, and give them some solid information, that it could play in his favor. I asked them what he meant by that, and Coppock told me that since Dad was 60, had a clean record for the past two decades, and since none of the guns were high-capacity assault rifles, but rather hunting rifles, that he could be looking at a slap on the wrist. His expression and tone made it clear that nobody would push hard for hard time based on the rifles found. Slater told me that it would be helpful if my family and I would help pressure Dad into cooperating, to tell him that his grandchildren needed him to stay home. At this point, we went inside the building where I saw my father.

He was handcuffed, but he smiled and joked a little with me about the whole situation. I asked for permission to hug him, and when they gave it to me, I hugged him and whispered 'What should we do?' He told me to not say anything, that I didn't know anything, and that the guns were a bullshit charge. This is when he first mentioned the threat to arrest me in a roundabout way because he said 'T'm not going to let them do this to you.' He told me not to tell anyone other than Sean [Jessi's husband] and my sister for the next few days, until he had a better grip of what they were wanting and what was going on. I had about five minutes with him before two officers took him away to take him to Savannah.

The agents gave me his belongings in a large Ziploc bag, and again told me that we should pressure him into cooperating, and that he could walk away from this if he did. They also told me to keep his arrest quiet since he couldn't provide valuable information if everyone knew he was arrested. I told them I wouldn't say anything (since my father had instructed me not to), but that if they didn't get my Dad out on bail fast it was a moot point since he is very active online, and people would notice his absence very quickly. They said they would see what they could do.

This is corroborated by Robert's [RL] statement:

I was questioned about various people involved in different groups and organizations. I kept telling them I wasn't familiar with the names, and that because I dealt with a lot of people in different parts of the country, some with the same first names, that I was unsure of who they were talking about.

Again I was told that if I helped them that they would help me, that they could help me get released if I helped them. Around 4:30 they read me my Miranda rights. [This statements refutes Coppock's time of 3:03]

The important thing for people to understand is that if they did this to me, how many others have been snatched and agreed to inform? Good people, but outside their limits dealing with lying ass federal agents?

Conveniently, however, there is no mention of an effort to "turn" Beecher into an informant, though they do admit to asking him about some groups and some individuals.

May 7, 2014 at about 5:03 P.M. - [JL] ...two agents came into the building, and from their conversation it was clear that they had just returned from searching my mother's house. They were basically asked by Slater/Coppock if there had been any problems with the search.

This would put the completion of the search well after 4:30. Recall that the Search Warrant was granted because "The items listed [if found] constitute contraband, evidence and/or instruments of the aforementioned offenses." So, the earliest time that they could even begin to suggest that there was evidence of alleged crimes would be at the completion of the search, or at least 1 1/2 hours after he was first detained - without an arrest warrant. Now, let's look at:

Receiving & Possessing

Though I addressed this aspect of the charges in "No bended knee for me" - the charge against Robert Beecher, seeing the Indictment and reading the Affidavit, gives us even more to contemplate.

The statute, <u>18 USC 922 (g) (1)</u>, clearly states that:

It shall be unlawful for any person... who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year... [1] to ship or transport in interstate or foreign commerce, or [2] possess in or affecting commerce, any firearm or ammunition; or [3] to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Now, the Code of Federal Regulation (CFR), is titled, <u>27 CFR 478.32</u> - Prohibited Shipment, Transportation, Possession, or Receipt of Firearms and Ammunition by Certain Persons:

No person may ship or transport any firearm or ammunition in interstate or foreign commerce, or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, or possess any firearm or ammunition in or affecting commerce, who... [then lists elements that would preclude]"

Note the subtle difference between the two wordings. In Title 18, the shipping and receiving are separated by the "in or affecting commerce". However, in 27 CFR, the wording ties the first (shipping) with the second (receiving), then goes on to "in or affecting".

There is one more 'writing' that might tend to mislead. It is found in the Indictment, and most likely the chicanery of the US Attorney (probably AUSA Carlton R. Bourne, Jr.) in suggesting contrary to the law, itself, when they cite "Possession of Firearm by a Convicted Felon", in a very general sense, in identifying the charges. Titles, however, are not laws. It is the specific wording of the law that makes an act criminal, or not. And, we know that the government would never, ever, lie or try to mislead us -- or the Grand Jury.

So, let's look at the pertinent definitions of the words used in the statute [definitions from Black's Law Dictionary - Fifth Edition]:

Possess: (pertinent parts)

To occupy in person; to have in one's actual and physical control; to have exclusive detention and control of; to have and hold as property; to have a just right to; to be master of; to own or be entitled to.

Possession: (pertinent parts)

The detention and control, or the manual or ideal custody, of anything which may be the subject of property, <u>for one's use and enjoyment</u>, <u>either as owner or as the proprietor of a qualified right in it</u>, and either held personally or by another who exercises it in one's place and name. Act or state of possessing. <u>That condition of facts under</u> which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons.

Receive: (pertinent parts)

To take into possession and control; accept custody of; collect.

Now, common sense, a rather rare commodity, can also come into play, here -- though probably not to the well-paid public servants (Slater and Coppock), and the US Attorney that will be prosecuting this case. That common sense has to do with the concept that words have different meanings, or we wouldn't need different words. (This subject was addressed, to some degree, in a previous article - 'No bended knee for me' - the charge against Robert Beecher.) However, we will broaden the previous discussion, so that we can understand what the intent of the law is, verses the application in this current matter.

The statute has three parts, each of which defines an activity that is "illegal" under the statute. The first part is "No person may ship or transport any firearm or ammunition in interstate or foreign commerce". This says that a "felon" may not ship or transport in interstate commerce. Commerce is commercial enterprise, it is not a person moving, vacationing, or just traveling, between states. That is a right and is excluded from the even overly-broadened federal definition of commerce.

The next provision is "to possess <u>in or affecting commerce</u>". This agrees with the previous provision in that it makes clear that the possession has to be "in or affecting". One would have to be involved in commerce, or doing something that affected commerce, to satisfy this provision. The relationship would have to be direct. Simply because the firearm were transported, in commerce, at some prior, or subsequent, date, does not affect the person that possess a firearm totally unrelated to the commercial aspect of its transportation.

Finally, we arrive at "to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce". This might appear to be inclusive of the receipt of a firearm or ammunition that had, somewhere along the line, been shipped in interstate commerce -- unless we look at the word "receive". By the definition of receive, "to take into possession and control; accept custody of; collect", it appears that it must be tied to the transporting, as in that instance, one would collect or take into possession. Could it be that one would have to trace the entire history of the firearm before he acquired it, to assure that it had not, ever, entered interstate commerce (which would include leaving the state of manufacture and then returned to that state, via commerce in either direction), before you could rest comfortably in acquiring a new firearm? It is insane to think that one would have to trace the entire history of a firearm, and failing to do so could result in imprisonment for years. However, it is understandable, though perhaps not constitutional, to prohibit felons from involving themselves in the exercise of transporting, carrying, or receiving, directly, through interstate and foreign commerce.

Although one may "have exclusive detention and control of; to have a just right to; to be master of; to own or be entitled to" does not mean that it applies to possession other than in commerce. If one were to avoid the application of this law, he would have to purchase only firearms and/or ammunition that was manufactured within the state where he resided. If one, the other, or nether, were manufactured in his state, he would be denied the right that is protected by the Second Amendment, and denied what another, in another state, is not denied. That is not an equally applied law -- equal justice under the law.

The problem is compounded if he chooses to move, for whatever reason, to another state. Property that he might have lawfully (federal law) owned in one state would, upon crossing the state line, make him a criminal as he entered the next state -- if such a move were deemed "commerce". It would deny him the protection provided for in Article I, §2 of the Constitution, "The Citizens of each State shall be entitled to all <u>Privileges and Immunities</u> of Citizens in the several States." His privilege to own a firearm would, instantly, be denied, and immunity from prosecution would, simply disappear.

Conclusion

What we might want to consider, however, since they were not going to arrest Beecher, and the warrant was to get evidence to support the possibility of a crime, we might deduce that the decision to arrest was a result of the interview. First lesson, do not talk to officials. They will lie about when you signed your waiver of Miranda, and can, since cops never lie, use everything that they learned from you, against you. During the course of the interview, Beecher admitted that he had some guns. Was that the kicker that allowed them to arrest, without the vital evidence sought via the warrant? Quite often, if they can get you relaxed, you might be surprised at just what you might say without realizing that you have given something that you

should not have -- and that might be misconstrued, resulting in a possible conviction -- just because you thought you might be able to talk your way out of it.

The other possibility rests on the arrest, which appears to have been preplanned, was a result of the pictures -- sufficient in their mind to determine guilt. What can be determined by a picture showing someone holding a firearm? Does it prove possession, or receipt? Or, is there something else that just might be the truth of the matter? Suppose you have gone shopping with your wife (or any other person) and they ask you to hold their purse while they, say, hold a blouse up to see what it might look like on them. Do you "possess" the purse? Or, are you simply holding it? Suppose that someone said, "look at this rifle I got for Christmas". They hand it to you. Do you possess it, or receive it, or are you only holding it to observe it?

Compare these circumstances with the intent of the law, using the legal definitions, not the everyday definitions we might attribute to those words. The law is based on specific definitions for specific words. It has to be that way, as our use of language often doesn't warrant the specificity that the correct interpretation of a law does. If having something in your hands, in a temporary situation, whether holding the purse or looking at someone's new toy constitutes the legal definition that sets the standard to justify indicting someone for an alleged crime, then it would be a crime. However, if it does not meet that standard, then, surely, no crime has been committed.

However, if we look at this whole situation in context, it appears that the entire effort of the government was to turn Robert Beecher into an informant (See <u>Informants Amongst Us?</u>), as they tried to do with Randy Weaver -- costing the lives of a U.S. Marshall, Randy's wife and 14 year old son. Then we need to determine that that definition of Despotism that was written into the Declaration of Independence has been fully met by the current government, and that the solution is not in government, rather, in the hands of *We the People*.

Government should not be theoretically defensible, it should be the object of general acceptance.

This article can be found on line at "No bended knee for me" - the Demonization of Robert Beecher

"No bended knee for me" - No Speedy Trial - Just Punishment



Gary Hunt Outpost of Freedom October 23, 2014

The Founders were concerned over certain practices of the British government. From a judicial standpoint, both Habeas Corpus (Art. I, §9, cl. 2) and subsequently, in the Bill of Rights, with the Sixth Amendment, which reads, in part,

"In all criminal prosecutions, the accused shall enjoy the <u>right to a speedy and public trial</u>, by an impartial jury of the State and district wherein the crime shall have been committed..."

were to insure that the courts were not used to punish people, rather, to serve Justice and prohibit unlawful detention.

In the case of Robert Beecher, in the United States District Court, Southern District of Georgia, Statesboro Division, Case CR614-018, this is not the way it is working.

Robert M. Beecher was arrested on May 7, 2014, after being told that he was not going to be arrested (See "No bended knee for me" - the Demonization of Robert Beecher).

Let's go through a calendar of events in Beecher's case:

- July 31, 2013 Investigation initiated (FBI form FD 1057)
- May 7, 2014 Arrested
- May 24th Beecher was denied Bail by FBI, PD out of town....Saw Judge
- June 4 Grand Jury indictment
- June 19 Arraignment
- Aug. 14th Motions Hearing Postponed by ATF/FBI to obtain further charges and records from GA,
 TN and Galveston, TX that were not computerized and were searching for paper records from 1977
- Sept. 4th Postponed....Federal Judge had personal issues and Forwarded Caseload to another federal judge, who also has heavy caseload.

Some things that we can learn about persecution, as opposed to prosecution, can be gleaned from the above.

First is that the FBI and the BATF have been investigating Beecher since July 31, 2013. The arrest was made over 9 months later. However, at the August 14 hearing (over a year after the initiation of the investigation, they ask for a continuance so that they can research paper (not computerized) records so that the can prove that he is a felon, under the statute. That is over three months (over 70 days, as will be explained later). You would think that the government would have satisfied the requirement of proving that he was a felon, prior to arresting him as a FELON in possession of a firearm, than searching to see if they could find the firearms with which to satisfy the second part of the charge against Beecher. Let's just

suppose that Beecher wasn't a felon, they get the warrants, make a mess of the property, find some firearms, then realize that he was not a felon, or that they weren't sure, or could not prove that he was. Sort of a case of the cart before the horse, but, well, they are paid, just the same. This would suggest that US Attorney **Edward J. Tarver** (prosecuting); **Carlton R. Bourne**, Jr (AUSA & lead counsel); Special Agent **Stanley H. Slater** (FBI; and, Special Agent **Lorin G. Coppock** (BATF), are all bumbling incompetents, each making over \$100,000.00 a year, but unable properly prepare a case.

Nearly a month later, we find that because a judge, presumably G. R. Smith, U. S. Magistrate Judge, who signed the Search Warrant on May 6, 2014, had "personal issues", the law, and justice, apparently, can be set aside, while Beecher languishes in jail. This, now, really tops it. A man is deprived of time with his family, especially with his grandchildren. The Judge, however, has family problems, though he responding to his problems simply creates more family problems for Beecher.

However, it does bring to minds a rather interesting question, "Are the people to serve the government, or, is the government to serve the people?"

So, we have looked at an absolute lack of regard for Robert Beecher and the impact this has had on his family and his life. So, let us look at an even more important aspect, the laws that are put in place to define and satisfy Constitutional mandates. For example:

The Constitutional Mandate can be found in the Sixth Amendment, which says, in part:

"In all criminal prosecutions, the accused shall enjoy the <u>right to a speedy and public trial</u>, by an impartial jury of the State and district wherein the crime shall have been committed..."

In a previous article, we have addressed the facts that any records regarding the trial have yet to be released to the public. Is it fair to say that "sealed" judicial paperwork, for nearly six months, meets the "public trial" provision? I also addressed the specifics of the charges against Beecher, and it appear that they don't apply to him, anyway.

So, now, let's see what has been determined regarding "speedy trial". Here are the pertinent portions of <u>18</u> U.S. Code § 3161, et seq:

§ 3161 - Time limits and exclusions:

- (a) In any case involving a defendant charged with an offense, the appropriate judicial officer, at the earliest practicable time, shall, after consultation with the counsel for the defendant and the attorney for the Government, set the case for trial on a day certain, or list it for trial on a weekly or other short-term trial calendar at a place within the judicial district, so as to assure a speedy trial.
- **(b)** Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days.

Note: The filing of the Indictment provision was satisfied.

(c)

(1) In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs. If a defendant consents in writing to be tried before a magistrate judge on a complaint, the trial shall commence within seventy days from the date of such consent.

Note: It is interesting that the "making public" provision, if not met, means that the government can simply keep the record sealed, and theoretically, keep Beecher in jail, "indefinitely".

Well, (a) says that "at the earliest practicable time, shall... set the case for trial... so as to assure a speedy trial." Not difficult to understand, at it appears to be supportive of what the Founders envisioned when the assured us a "speedy trail". However, in what is an obvious effort to circumvent the intent of the Constitution, they have set a new benchmark by counting the seventy days "shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs." How thoughtful of them for using the last occurring date instead of the first. This allows them to detain someone for quite some time. For instance, in the current matter Beecher has had hearings cancelled on two occasions, so he has not been before the "judicial officer". Well, how about the Indictment? The Indictment was filed with the Court on June 4, but it has not been made public, so even though Beecher has been in jail for over 5 months, the clock has yet to begin ticking from which we can gauge whether, or not, he is going to get a "speedy trial".

Continuing on through the maze of legal complexity, we find:

(h)

(7)

(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

Note: Therefore, the judge can continue the matter (trial) if he does it based upon "his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." There you go. He can arbitrarily determine that the continuance serves the "ends of justice" and therefore outweighs the defendants right to a "speedy trial". This might be interpreted as, "yes, we have a constitution, but, I, with my black robes, can ignore it -- for the sake of justice, as I see it."

"Nothing to see here. Just keep moving."

There is a bit of redemption, however, in:

(C) No continuance under subparagraph (A) of this paragraph shall be granted because of general congestion of the court's calendar, or lack of diligent preparation or failure to obtain available witnesses on the part of the attorney for the Government.

Note: This last, this "failure to obtain available witnesses on the part of the attorney for the Government", which, presumably, would also include certain "evidence", seems to be at the heart of the current delay. As best I can find, the Prosecutor is still trying to determine if the "felonies" qualify under the statute upon which the Indictment was based. The statute is discussed, in detail, in "No bended knee for me - the Charge against Robert Beecher". Though it appears that the prosecutor and the FBI and BATF agents had the cart before the horse in assuming that the felonies qualified under the statute. At least, that is what has been alleged to be the reasoning behind the continuance.

Next, we can go to 18 USC §3162 - Sanctions, which provides punishment for certain activity that results in the delay of the "speedy trial".

(a)

- (1) If, in the case of any individual against whom a complaint is filed charging such individual with an offense, no indictment or information is filed within the time limit required by section 3161 (b) as extended by section 3161 (h) of this chapter, such charge against that individual contained in such complaint shall be dismissed or otherwise dropped. In determining whether to dismiss the case with or without prejudice, the court shall consider, among others, each of the following factors: the seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a reprosecution on the administration of this chapter and on the administration of justice.
- (2) If a defendant is not brought to trial within the time limit required by section 3161 (c) as extended by section 3161 (h), the information or indictment shall be dismissed on motion of the defendant. The defendant shall have the burden of proof of supporting such motion but the Government shall have the burden of going forward with the evidence in connection with any exclusion of time under subparagraph 3161(h)(3). In determining whether to dismiss the case with or without prejudice, the court shall consider, among others, each of the following factors: the seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a reprosecution on the administration of this chapter and on the administration of justice. Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty or nolo contendere shall constitute a waiver of the right to dismissal under this section.
- (b) In any case in which counsel for the defendant or the attorney for the Government
 - (1) knowingly allows the case to be set for trial without disclosing the fact that a necessary witness would be unavailable for trial;

Note: Would the term "witness" also include certified documents regarding previous convictions -- showing proof of the felony?

- (2) files a motion solely for the purpose of delay which he knows is totally frivolous and without merit;
- (3) makes a statement for the purpose of obtaining a continuance which he knows to be false and which is material to the granting of a continuance; or
- (4) otherwise willfully fails to proceed to trial without justification consistent with section 3161 of this chapter, the court may punish any such counsel or attorney, as follows:
- (A) in the case of an appointed defense counsel, by reducing the amount of compensation that otherwise would have been paid to such counsel pursuant to section 3006A of this title in an amount not to exceed 25 per centum thereof;
- **(B)** in the case of a counsel retained in connection with the defense of a defendant, by imposing on such counsel a fine of not to exceed 25 per centum of the compensation to which he is entitled in connection with his defense of such defendant;
- (C) by imposing on any attorney for the Government a fine of not to exceed \$250;

Note: This, however, would require the judge, whether of his own volition, or under pressure from other sources, pursue this token of justice. I wonder if there are very many judges currently sitting in District Courts who place justice before their job security and hopes for elevation to a higher bench.

It is interesting that the government attorney would only be fined \$250, while the defense attorney would be fined 25%, which could easily exceed \$10,000. But, I suppose that they look out for their own.

Now, as we continue through the maze of statutory befuddlement, we find another statute that might even force a more rigid implementation of the right to a speedy trial.

18 U.S. Code § 3164 - Persons detained or designated as being of high risk

- (a) The trial or other disposition of cases involving—
 - (1) a detained person who is being held in detention solely because he is awaiting trial, and
 - (2) a released person who is awaiting trial and has been designated by the attorney for the Government as being of high risk,

shall be accorded priority.

(b) The trial of any person described in subsection (a)(1) or (a)(2) of this section shall commence not later than ninety days following the beginning of such continuous detention or designation of high risk by the attorney for the Government. The periods of delay enumerated in section 3161 (h) are excluded in computing the time limitation specified in this section.

Note: So, if Beecher is detained, but not high risk, the trial must commence within 90 days of detention. On the other hand, if he is high risk (the apparent cause for no bail being granted), and not detained (released), the trial must commence within 90 days of such designation of high risk. Is there a middle ground where if one is both high risk and detained, there is no provision for a speedy trial? Not very just, if true. A person of high risk that is not detained is, well, a potential threat to the community, where the guy that is both high risk and detained is not a threat, though it appears that he is to suffer, without recourse, or, that the Judge should use the wisdom that God gave him to be just.

(c) Failure to commence trial of a detainee as specified in subsection (b), through no fault of the accused or his counsel, or failure to commence trial of a designated releasee as specified in subsection (b), through no fault of the attorney for the Government, shall result in the automatic review by the court of the conditions of release. No detainee, as defined in subsection (a), shall be held in custody pending trial after the expiration of such ninety-day period required for the commencement of his trial. A designated releasee, as defined in subsection (a), who is found by the court to have intentionally delayed the trial of his case shall be subject to an order of the court modifying his nonfinancial conditions of release under this title to insure that he shall appear at trial as required.

Note: Now, this is a bit more clear. "No detainee... shall be held in custody pending trial after the expiration of such ninety-day period required for the commencement of his trial".

So, why is Robert Beecher still in jail, nearly 180 days after is detention?

This can only be interpreted as Robert Beecher's right to be released, with his family and able to regain the life that has been, punitively, taken from him, in violation of the above statutes.

What we have been discussing is the statute verses the intent of the Sixth Amendment to the Constitution. So, we will venture into one more statute, within the speedy trial provisions, to see if there is merit to my interpretations, given above.

18 U.S. Code § 3173 - Sixth amendment rights

No provision of this chapter shall be interpreted as a bar to any claim of denial of speedy trial as required by amendment VI of the Constitution.

That pretty much cinches it. Any interpretation that does not favor Sixth Amendment is contrary to the intent of the law, itself.

This article can be found on line at "No bended knee for me" - No Speedy Trial - Just Punishment

"No bended knee for me" Who Does the Patriot Fight For?



Gary Hunt Outpost of Freedom June 15, 2015

Almost every patriot I have met, when asked, "What are you willing to fight for?", will answer, my family my children and grandchildren. The Founders chose the word "Posterity" to explain their objective in both fighting and establishing a new government comprised of member States. What they did, they did for us, their posterity.

So, what happened when that government established upon those principles, as well as others, becomes the enemy of that very protection that they were, and we are, willing to fight for?

In 1997, Jennifer McVeigh was threatened with a charge of treason and the possibility of the death penalty (<u>McVeigh's Sister Tells Why She Aided U.S. Case Against Him</u>) if she refused to testify against her brother. As tough at is it was, she opted to testify against her sibling.

Robert Beecher recently faced a similar situation. His daughter, Jessica, had owned two .22 caliber rifles that were found on the property that Beecher lived on, and one of which was included in the <u>Indictment</u>. She had also bought her father a .30-30 rifle for his birthday. This, too, was included in the Indictment and a picture of Robert holding the 30-30, pasted in Facebook, was instrumental in the government filing a Criminal Complaint, and securing search and arrest warrants for the property and Beecher.

During the initial interrogation of Beecher, FBI Special Agent Slater, having already ascertained that Jessica had purchased the firearms, suggested, "Maybe we should arrest her, instead". Though the applicability of federal law is, and ought to be, questioned, 18 U. S. Code §922 (d)(1) does make it criminal to transfer a weapon to a know felon, regardless of state law (See "Felon in Possession of a Firearm" is Not Legal or Lawful).

With the possibility of Jessica serving ten years in prison for giving a birthday present, Robert had the unfortunate necessity of making one of the most difficult decisions of his life. It was whether he, or Jessica, or both, would spend ten years in prison.

The only decision that could be more severe than what Robert faced would be whether he would give his life for her. Now the latter decision, I think we all would agree, has only one proper answer. So, we must consider that the former also has only one answer.

Some questions arise as to whether the threat to go after Jessica would be carried out. Would it have gotten Robert off on his charges? Would the government even stoop so low as to make such a threat -- to coerce someone into pleading guilty to what should not even be a crime, unless there was criminal intent in the activity?

We have been taught that we are a nation of laws, not a nation of men. So, just what laws are we a nation of?

In 1982, the Justice Department tried to determine <u>how many federal criminal laws</u> there were. Their answer was that there were over 3,000 criminal laws (however, many of those laws have multiple conditions that may be met, increasing the actual crimes to considerably more) contained within the 23,000 (currently 27,000) pages of U. S. Code.

When there are that many laws, we are not a nation of law; rather, we are a nation subject to the will of the men that administer those laws.

This brings to mind a quote from James Madison in Federalist #63:

It poisons the blessing of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?

In Robert's first letter to me, he said, "No bended knee for me". Against what Robert was faced with, he stood firm to the principles that guide true patriots. He refused to bend a knee, though the force was overwhelming, and he had no choice but to succumb to that force. He was willing to sacrifice a portion of his life -- for his Posterity.

His plea agreement, which he entered into to protect his family, especially his daughter, Jessica, committed him to 10 years in prison and 5 years supervised release. The government has promised (if any weight can be attributed to a government promise) to file for a sentence reduction within 360 days. Only time will tell if, and what, that will be.

In the meantime, we must all understand that those who speak out will find that the government will pull out all of the stops to put us in prison, if they can find just one violation of those 3,000 laws. This will continue to be true UNTIL such time as we find the need to replace the government that has deviated so far from what the Founders intended.

This article can be found on line at "No bended knee for me" - Who Does the Patriot Fight For?

"No bended knee for me" - the Final Chapter



Gary Hunt Outpost of Freedom March 13, 2017

Robert Beecher provided a written statement to me, shortly after his arrest. He concluded that statement with:

"I have sworn my oath and I will uphold it to the end. No bended knee for me."

He has held to that commitment, through his ordeal with the government's efforts to suppress a voice for God, Constitution, and Family. He never did *bend his knee* to the government. He always *bent his knee* to his God and his Family.

REST IN PEACE ROBERT M. BEECHER FEBRUARY 5, 1954 - MARCH 12, 2017 AGE: 63 YEARS, 1 MONTH, 7 DAYS

His name will, forever, be on the list of true American patriots.

This article can be found on line at "No bended knee for me" - the Final Chapter