United States District Court

For the Eastern District of Arkansas
500 W Capitol Ave # D157, Little Rock, AR 72201

Also
Inter-American Commission on Human Rights, Washington D.C.,
Petition (Complaint) No. P-330-20

DON HAMRICK, *pro se* 322 Rouse Street Kensett, AR 72082 Phone (501) 742-1340	) THIS IS A CASE OF FIRST IMPRESSION.
PLAINTIFF	) 42 U.S. CODE § 1985(2) CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS THROUGH OBSTRUCTING JUSTICE.
V.	
(1) **GOVERNOR ASA HUTCHINSON**, ARKANSAS (2) **FEDERAL JUDGE MOODY**, LITTLE ROCK, AR (3) **CLAYTON HIGGINS**, CASE ANALYST, SCOTUS	) JURY TRIAL DEMANDED.
(4) **DAVID SACHAR**, DIR. JUD. DISCIPLINE COMM (5) **STARK LIGON**, DIR. OFF. PRO. RESPONSIBILITY (6) **JUDGE ROBERT EDWARDS**, White Cnty Circ	) THE SHORT STATEMENT IN RULE 8(a)(2) DOES NOT APPLY IN THIS CASE.
(7) **JUDGE MARK DERRICK** of Kensett, AR (8) **JUDGE MILAS HALE** of Sherwood, AR (9) **PROSECUTOR DON RANEY** of Kensett, AR	) OBSURDITY DOCTRINE AND CONTINUING VIOLATIONS DOCTRINE APPLY.
(10) **JOHN POLLARD**, Police Chief, Kensett, AR (11) **CHRISTINA ALBERSON**, Clerk, Kensett Ct (12) **LAURA BALLENTINE**, Clerk, Kensett Water Individual & Official Capacities	) STATE DAMAGES = $6 Million FEDERAL DAMAGES = $6 Million COURT APPOINTED ATTORNEY REQUIRED
(13) **MID-SOUTH HEALTH SYSTEMS** 2707 Brown Lane Jonesboro, AR 72401	) CONSTITUTIONAL CHALLENGES OF STATE LAWS AND RULES OF COURT
DEFENDANTS	) PERSONAL & FINANCIAL INJURIES SUSTAINED

My Affidavit in Support of This Criminal Complaint For Citizen's Tenth Amendment Federal Arrest Warrant And My Omnibus & Particularized Civil Complaint

FROM BLACK'S LAW DICTIONARY, TENTH EDITION, 2014

CASE OF FIRST IMPRESSION: (1806) A case that presents the court with an issue of law that has not previously been decided by any controlling legal authority in that jurisdiction.

> "*If the case is the first of the kind, a case of first impression, the decision is not of great weight until supported by subsequent decisions. In a case of first Impression, there is by definition a total lack of precedent; and there can also be only an imperfect foresight of the results to which the new decision may lead,*" Eugene Wambaugh, **THE STUDY OF CASES**, § 60, at 56 (2d ed. 1894).

TABLE OF CONTENTS

1. PLEADING THE COMMON DEFENCE AS THE ULTIMATE FACT 1

2. JURISDICTION 2

3. PLEADING FRAUD & CONDITIONS OF MIND, RULE 9(b), Federal Rules of Civil Procedure 3

(A). Treaties with the United States 3

(B). Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 3

(C). Other Treaties That May Be Enforceable on the United States and the State of Arkansas.. 7

(E). History is Repeating Itself Again and Again.. 18

(F). Gun Control's Nazi Connection 21

(G). 2003 The Birth of the U.S. Supreme Court of Politics 27

(H). 2017 Lack of Rules Stops Article V Convention Movement Cold September 12, 2017 27

(I). January 13, 2019: 116th Congress Extends Stivers Rule; Application Count Continues 28

(J). May 13, 2019 The Cracks in Marbury's Judicial Review Began With Franchise Tax Board of California v, Hyatt, 587 U.S. ____ (May 13, 2019) 29

(K). February 24, 2020: Baldwin v United States, 589 U.S. ___ (February 24, 2020)` 30

(L). February 24, 2020: Marcia Coyle, *Justice Thomas, in Lone Dissent, Thrashes 'Chevron' and His Own 'Brand X' Decision*, The National Law Journal, February 24, 2020 30

(M). Chevron Deference Blurs the Separation of Powers 33

(N). Chevron Deference Implies A Return to Constitutional Originalism 34

(O). Citing the INTRODUCTION to Michael Stokes Paulsen, *The Irrepressible Myth of Marbury*, 101 Michigan Law Review 2706 (2003) 34

(P). Rule 8(a)(1) Short and Plain Statement vs. Rule 9(b) Fraud.................. 38

(Q). This is a Case of First Impression Testing the Tenth Amendment Powers Reserved to the People Themselves. 39

(R). The Source For All of The Supreme Court's False Doctrines is 18 U.S. Code § 1001 Statements or Entries Generally.. 39

(S). National Reforms Across The Board For Government And Society 43

1. Stopping Crime in Future Generations the Right Way. 43

2. Critical Thinking and Occam's Razor 44
4. AFFIDAVIT IN SUPPORT OF THIS CRIMINAL COMPLAINT 44
5. MY ADVISORY TO THIS COURT 48
6. NOTICE OF THE HUMAN RIGHTS COMPLAINT I FILED WITH THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS IN WASHINGTON, DC 50
7. MY LETTER TO THE SECRETARY OF DEFENSE 52
7. QUOTATIONS 55
8. CHARGES AGAINST CLAYTON HIGGINS, CASE ANALYST, U.S. SUPREME COURT 57
9. CHARGES AGAINST FEDERAL JUDGE MOODY, LITTLE ROCK 59
2007 Treason Against the Constitution 59
Contradicting Federal Judge Moody 63
I invoke the Dissenting Opinion in *Younger* v. *Harris* 63
COMPLAINT: *Hamrick* v *President George W. Bush*, *et al,* E.D. Ark, Batesville Case 1:06-cv-00044-(Judge Moody), filed September 11, 2006 (Table of Contents Next 29 pages) 67
INITIAL SCEDULING ORDER: BY JUDGE GEORGE HOWARD filed January 1, 2007 100
10. NO SOVEREIGN IMMUNITY FOR THE GOVERNOR AS THE CHIEF MAGISTRATE AND NO IMMUNITIES FOR JUDGES AND PROSECUTORS RUNNING DEBTORS' PRISONS FROM KANGAROO COURTS OUTSIDE ALL JURISDICTIONS 122
11. CHARGES AGAINST GOVERNOR ASA HUTCHINSON 126
12. CHARGES AGAINST DAVID SACHAR, DIR. JUD. DISCIPLINE COMM 131
13. CHARGES AGAINST STARK LIGON, DIR. OFF. PRO. RESPONSIBILITY 135
14. CHARGES AGAINST JUDGE ROBERT EDWARDS 141
15. CHARGES AGAINST JUDGE MARK DERRICK OF KENSETT, AR 146
16. CHARGES AGAINST JUDGE MILAS HALE OF SHERWOOD, AR 150
17. CHARGES AGAINST PROSECUTOR DON RANEY OF KENSETT, AR 151
18. CHARGES AGAINST JOHN POLLARD, CHIEF OF POLICE, CITY OF KENSETT, ARKANSAS 158
19. CHARGES AGAINST CHRISTINA ALBERSON 167
20. CHARGES AGAINST LAURA BALLENTINE 173
21. CHARGES AGAINST MID-SOUTH HEALTH SYSTEMS 179
22. RUNNING FOR MAYOR OF KENSETT, ARKANSAS IS A MISDEMEANOR CRIMINAL OFFENSE. (JUSTIFIED SARCASM) 180
23.THE ENTIRE HISTORY OF UNITED STATES IS BASED ON A SINGULAR ACT OF JUDICIAL TREASON AGAINST THE CONSTITUTION 181

24. THE CULTURE OF TREASON AGAINST THE CONSTITUTION. 182
C. The Boiled Frog Theory of Treason and Domestic Enemies 186
D. Has The United States War On The Common Defence Gone Too Far? 191
E. The U.S. Supreme Court's 2003 Treason Against The Common Defence. 192
F. 2020 SECOND AMENDMENT SANCTUARIES TODAY IS TENTH AMENDMENT LEGISLATIVE CIVIL WAR. 193
I. The proposed Interstate Compact on Second Amendment Sanctuary States is, in essence, the start of legislative Civil War over the Common Defence. 193
25. DEMAND FOR RESTITUTION, EXPUNGEMENT OF MY RECORD, AND MONEY DAMAGES 200
26. MY POLITICAL POEMS 201

TABLE OF AUTHORITIES

CASES

Agostini v. *Felton*, 521 U. S. 203, 235 (1997) 29

Baldwin v United States,
589 U.S. ___ (February 24, 2020) 30, 34

Bradley v. *Fisher* and *Gregoire* v. *Biddle*, 177 F.2nd 579, 581 (C.A.2 1949) 11

Charles Dade. et al, v. *Milas Hale*, et al., E.D. Ark., Case No. 4.16cv602-JM Complaint, filed August 23, 2016 131

Chisholm v. *Georgia*, 2 U.S. (Dall.) 419 at 479 (1793), the FIRST CONSTITUTIONAL CANON 13

Cohens *v*. Virginia, 19 U.S. 264, at 404 (6 Wheaton 264) (1821) 14, 27, 49

Connick v. *Thompson*, 561 U.S. 51 (2011) 13

Dred Scott v. *Sandford*, 60 U.S. 393, at 416–417 (1856) 1

Evelyn Miller v. *United States*, 230 F.2d 486 at 489 (5th Cir. February 29, 1956) "*The claim and exercise of a constitutional right cannot thus be converted into a crime*." 168

Franchise Tax Board of California v, Hyatt,
587 U.S. ____ (May 13, 2019) 29

Hamrick v *President George W. Bush*, *et al*, E.D. Ark, Batesville Case 1:06-cv-00044-(Judge Moody), filed September 11, 2006 67

Hamrick v. *Derrick*, No. 4:17-MC-00018-JM March 15, 2018, ORDER 62

Hamrick v. *Derrick*, U.S. District Court, Eastern District of Arkansas, Western Division, No. 4:17-MC-00018-JM, Judge James M. Moody's ORDER Dated March 15, 2018 61

Hamrick v. *Derrick*, U.S. District Court, Eastern District of Arkansas, Western Division, No. 4:17-MC-00018-JM, Judge James Moody 61

Hamrick v. *President Bush*, 540 U.S. 940 (2003); SCt 03-145 188

Hamrick, pro se* v. *United Nations, et al., U.S. District Court, Eastern District of Arkansas, Northern Division, No. 1:06-cv-0044 59

Justice Network, Inc. v. *Craighead County.*, No. 3:17-cv-00169-JM, 2017 WL 5762397 138

Justice Network, Inc. v. *Craighead County.*, No. 3:17-cv-00169-JM, 2017 WL 5762397, at *2 (E.D. Ark. Nov. 28, 2017) 122

Marbury v. *Madison*, 5 U.S. (Cranch) 137 (1803) 13

Nakita Lee Mahoney et. al. v. *Judge Mark Derrick*, Pulaski County Circuit Court, Case No. 60CV-18-5616 filed August 9, 2018 124

Nakita Lee Mahoney et. al. v. *Judge Mark Derrick*, White County Circuit Court, Case Number 73CV-18-874, filed November 14th, 2018 137

Nakita Mahoney et. al. v. *Judge Mark Derrick*, Pulaski County Circuit Court, Case No. 60CV-18-5616 filed August 9, 2018 .... 124, 137

Norwood v. Dickey, 409 F.3d 901, 903 (8th Cir. 2005) 62

Pearson v. *Callahan*, 555 U. S. 223, 233 (2009) 29

SILVEIRA* v. *LOCKYER, 312 F.3d 1052 (9th Cir. 2002) 27

The Justice Network, Inc. v. *Craighead County, et al.*, 8th Circuit, No. 17-3770 138

The Justice Network, Inc. v. *Craighead County, et al.*, 8th Circuit, No. 17-3770, Filed July 26, 2019 .... 122, 127

UNITED STATES* v. *EMERSON, 270 F.3d 203 (5th Cir. 2001) 27

Vodak v. *City of Chicago*, 092768 (CA 7, March 17, 2011) 13

***Younger v. Harris*, 401 U.S. 37, 59 (1971)** 61, 63

***Younger v. Harris*, 401 U.S. 37, 59 (1971)**, a.k.a. the *ABSTENTION DOCTRINE*, and the *YOUNGER DOCTRINE* 62

STATUTES

18 U.S. Code § 1001 Statements or Entries Generally 39

18 U.S. Code § 1962(a) RACKETEERING IN UNLAWFUL DEBT 173

18 U.S. Code § 2382 Misprision of Treason 39

18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS 2, 168, 171

18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW 3, 168

28 U.S. CODE § 1455 PROCEDURE FOR REMOVAL OF CRIMINAL PROSECUTIONS 63

Arkansas Code § 5-53-116 Simulating Legal Process 188, 189

ARKANSAS CODE § 5-53-116(a) SIMULATING LEGAL PROCESS 169

Arkansas Criminal Code § 5-51-201 TREASON 146, 150, 151, 167

ARKANSAS CRIMINAL CODE § 5-53-131 FRIVOLOUS, GROUNDLESS, OR MALICIOUS PROSECUTIONS is a crime 123

National Firearms Act of 1934 14

OTHER AUTHORITIES

2019 Federal Poverty Guidelines 190

FREDERICK DOUGLASS FAMOUS SPEECH FOR FREEDOM TO LIVE BY 56

Guns and Ammo Magazine, Gun Control's Nazi Connection May 1993 21

Human Rights Watch, *UNITED STATES RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES*, July 24, 2009 6

In the Arkansas Municipal League, *GUIDEBOOK FOR MUNICIPAL OFFICIALS OF MAYOR/COUNCIL CITIES*, Revised May 2017 169

Marcia Coyle, *JUSTICE THOMAS, IN LONE DISSENT, THRASHES 'CHEVRON' AND HIS OWN 'BRAND X' DECISION*, The National Law Journal, February 24, 2020 30

National Center for State Courts says: "*ARKANSAS JUDGES MAY BE REMOVED IN ONE OF THREE WAYS* 128

Nazi Weapons Law of 1938 23

RES IPSA LOQUITER DOCTRINE....................200

Samuel Moyn, *RIGHTS VS. DUTIES: RECLAIMING CIVIC BALANCE* (Philosophy & Religion), Boston Review (A Political and Literary Forum), May 16, 2016 45

SENATOR ROBERT F. KENNEDY, *"Day of Affirmation,"* address at the University of Capetown, South Africa, June 6, 1966.—*Congressional Record,* vol.112, June 6, 1966, p.12430. This quotation is an inscription on Robert F. Kennedy gravesite at Arlington National Cemetery.................... 55

Suzy Platt, ed., *RESPECTFULLY QUOTED: A DICTIONARY OF QUOTATIONS REQUESTED FROM THE CONGRESSIONAL RESEARCH SERVICE*, Congressional Reference Division, Library of Congress, (1989), Quotation TREASON #1826, page 343.................... 8

THEODORE ROOSEVELT, address at the Sorbonne, Paris, France, April 23, 1910.—"Citizenship in a Republic," *The Strenuous Life* (vol. 13 of *The Works of Theodore Roosevelt*, national ed.), chapter 21, p. 510 (1926).................... 55

RULES

ARKANSAS ADMINISTRATIVE RULES: ORDER 21.—ELECTRONIC FILING....................168, 171

ARKANSAS RULES OF CIVIL PROCEDURE, RULE 72(d) corrupts the entire *ARKANSAS JUDICIAL SYSTEM* against the poor in the State of Arkansas....................123

ARKANSAS RULES OF CIVIL PROCEDURE, RULE 72(d) is legislative act of Treason against the Constitution of Arkansas....................123

ARKANSAS RULES OF CIVIL PROCEDURE, RULE 72(d) SUITS IN FORMA PAUPERIS (No person shall be permitted to prosecute any action of slander, libel or malicious prosecution in forma pauperis)....................123, 142

ARKANSAS RULES OF CIVIL PROCEDURE, RULE 72(d) SUITS IN FORMA PAUPERIS violates the *ARKANSAS CONSTITUTION, ARTICLE 2 DECLARATION OF RIGHTS, § 3. EQUALITY BEFORE THE LAW.* Rule 72(d) 123

FEDERAL RULES OF CIVIL PROCEDURE, RULE 16(a)(5) provides "facilitating settlement." 48

TREATISES

DOJ GUIDANCE DIRECTIVE No. 11, *DEAR COLLEAGUE LETTER ON ENFORCEMENT OF FINES AND FEES* (March 2016).................... 133, 142, 188, 189

EXECUTIVE ORDER 13777 ENFORCING THE REGULATORY REFORM AGENDA 132, 142, 188, 189

Thomas C. Hennings, Jr. (United States Senator from Missouri), **THE UNITED STATES SUPREME COURT: THE ULTIMATE GUARDIAN OF OUR FREEDOM,** Congressional Record, 85th Congress, Second Session, Volume 104 —Part 5, SENATE, pages 6049–6050. Thursday, March 27, 1958.................... 16

CONSTITUITIONAL PROVISIONS

ARKANSAS CODE § 5-51-201 TREASON 127, 131, 135

Arkansas Constitution, ARTICLE 2 DECLARATION OF RIGHTS, SECTION 14 TREASON.............passim

TREATY CLAUSE in ARTICLE III, Section 2....................2, 3

LAW REVIEW ARTICLES

Daniel Grădinaru, *The Principle of Legality*, (November 20, 2018), RAIS Conference Proceedings - The 11th International RAIS Conference on Social Sciences ... 122, 138

Kaimipono D. Wengrer "*Slavery as a Takings Clause Violation*." 53 American University Law Review 191-259 (October 2003) ... 56

Michael Stokes Paulsen, *The Irrepressible Myth of Marbury*, 101 Michigan Law Review 2706 (2003) ... 34

Parker B. Potter, Jr., *Antipodal Invective: A Field Guide to Kangaroos in American Courtrooms*, 39 Akron Law Review 73 (2006) ... 190

Pat Mcpherron, Proof That Absolute Immunity From Suit Is Not Constitutional ... 8, 40

LAW REVIEW ARTICLES

Daniel Grădinaru, *The Principle of Legality*, (November 20, 2018), RAIS Conference Proceedings - The 11th International RAIS Conference on Social Sciences ... 122, 138

Kaimipono D. Wengrer "*Slavery as a Takings Clause Violation*." 53 American University Law Review 191-259 (October 2003) ... 56

Michael Stokes Paulsen, *The Irrepressible Myth of Marbury*, 101 Michigan Law Review 2706 (2003) ... 34

Parker B. Potter, Jr., *Antipodal Invective: A Field Guide to Kangaroos in American Courtrooms*, 39 Akron Law Review 73 (2006) ... 190

Pat Mcpherron, Proof That Absolute Immunity From Suit Is Not Constitutional ... 8, 40

TREATIES

ARNOLD J. TOYNEE, *A Study of History*, vol. 4, part B, p.6 (1948) ... 55

Convention on the Prevention and Punishment of the Crime of Genocide ... 7

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power ... 3

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985 ... 51

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms ... 7

Inter-American Commission on Human Rights (IACHR) (Organization of American States) ... 49

International Covenant on Civil and Political Rights (ICCPR) ... 7

International Covenant on Economic, Social and Cultural Rights (CESCR) ... 7

U.N. HUMAN RIGHTS TREATY: Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by the United Nations General Assembly Resolution 40/34 of November 29, 1985 ... 45

United Nations Declaration on Human Rights Education and Training ... 7

1. PLEADING THE COMMON DEFENCE AS THE ULTIMATE FACT[1]

The Gun Control Doctrine was specifically designed to destroy the *COMMON DEFENCE* of the United Sates. The spelling of *DEFENCE* is the original spelling in the United States Constitution. Right or wrong I construe the term "*COMMON DEFENCE*" to mean the People themselves have Tenth amendment Powers Reserved to the People to provide for the Common Defense for themselves and for society at large through NATIONAL OPEN CARRY for free citizens as defined by *Dred Scott* v. *Sandford*, 60 U.S. 393, at 416–417 (1856):

> "The legislation of the States therefore shows in a manner not to be mistaken the inferior and subject condition of that race at the time the Constitution was adopted and long afterwards, throughout the thirteen States by which that instrument was framed, and it is hardly consistent with the respect due to these States to suppose that they regarded at that time as fellow citizens and members of the sovereignty, a class of beings whom they had thus **stigmatized**, whom, as we are bound out of respect to the State sovereignties to assume they had deemed it just and necessary thus to **stigmatize**, and upon whom they had impressed such deep and enduring marks of inferiority and degradation, or, that, when they met in convention to form the Constitution, they looked upon them as a portion of their constituents or designed to include them in the provisions so carefully inserted for the security and protection of the liberties and rights of their citizens. It cannot be supposed that they intended to secure to them rights and privileges and rank, in the new political body throughout the Union which every one of them denied within the limits of its own dominion. More especially, it cannot be believed that the large slaveholding States regarded them as included in the word citizens, or would have consented to a Constitution which might compel them to receive them in that character from another State. For if they were so received, and entitled to the privileges and immunities of citizens, it would exempt them from the operation of the special laws and from the police regulations which they considered to be necessary for their own safety. It would give to persons of the negro race, who were recognised as citizens in any one State of the Union, the right to enter every other State whenever they pleased, singly or in companies, without pass or passport, and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation, unless they committed some violation of law for which a white man would be punished; and it would give them the full liberty of speech in public and in private upon all subjects upon which its own citizens might speak; to hold public meetings upon political affairs, **and to keep and carry arms wherever they went**. And all of this would be done in the face of the subject race of the same color, both free and slaves, and inevitably producing discontent and insubordination among them, and endangering the peace and safety of the State."

[1] **BLACK'S LAW DICTIONARY**, 10th ed. 2014) Ultimate Fact is defined as, "*A fact essential to the claim or the defense; A fact that is found by making an inference or deduction from findings of other facts; specifically, a factual conclusion derived from other facts.*"

The **COMMON DEFENCE CLAUSE** in the PREAMBLE to the UNITED STATES CONSTITUTION and in Article I, Section 8, Clause 1, is linked to the **SECOND AMENDMENT** and to the **PRIVILEGES AND IMMUNITIES CLAUSE** in Article IV, Section 2, Clause 1 and in the FOURTEENTH AMENDMENT, Clause 1; and linked to the **TENTH AMENDMENT POWERS RESERVED TO THE PEOPLE THEMSELVES** and further linked to the **NINTH AMENDMENT'S "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people*."**

That means NATIONAL OPEN CARRY is an embedded right in the United States Constitution. It proves that gun control serves only to destroy the Common Defence and on that basis all gun control laws in their individual and collective intent is TREASON against the Common Defence of the CONSTITUTION OF THE UNITED STATES and the CONSTITUTIONS OF THE STATES.

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2. JURISDICTION

Jurisdiction for the Federal Court rests on the **TREATY CLAUSE** in ARTICLE III, Section 2, "*The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, ...*" It is because (1) this Federal Court, (2) the U.S. Court of Appeals for the Eighth Circuit, (3) the U.S. District Court in Washington DC, (4) the U.S. Court of Appeals for the D.C. Circuit, and (5) the U.S. Supreme Court all dismissed and denied my complaints and appeals that I filed from 2002 to the present simply because (1) I filed ***pro se in forma pauperis*** and (2) for the **ULTIMATE FACT** that the **COMMON DEFENCE CLAUSE** in the **PREAMBLE to the UNITED STATES CONSTITUTION** and in Article I, Section 8, Clause 1, is linked to the **PRIVILEGES AND IMMUNITIES CLAUSE** in Article IV, Section 2, Clause 1 and in the **FOURTEENTH AMENDMENT**, Clause 1; and is linked to the **SECOND AMENDMENT** with the **TENTH AMENDMENT POWERS RESERVED TO THE PEOPLE THEMSELVES** and is further linked to the **NINTH AMENDMENT** proves the **ULTIMATE FACT** that **NATIONAL OPEN CARRY** is an embedded constitutional right, *NOT a privilege or* ***TENTH AMENDMENT POWER*** *of the State to license, permit, or register* because **NATIONAL OPEN CARRY** is a **TENTH AMENDMENT POWER** Reserved to the people themselves.

The Federal and State Governments conspired for nearly 90 years to commit the federal crimes of 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS and 18 U.S. CODE § 242

DEPRIVATION OF RIGHTS UNDER COLOR OF LAW against the constitutional right, duty, and power of the **COMMON DEFENCE** of *We, the People*.

The level of Federal and State Gun Control Laws violating the constitutional right, duty, and power of the **COMMON DEFENCE** rise to violations of the **TREATY CLAUSE** in ARTICLE III, Section 2. Hence this case being a **CASE OF FIRST IMPRESSION** for this Federal Court or any Federal Court.

3. PLEADING FRAUD & CONDITIONS OF MIND, RULE 9(b), Federal Rules of Civil Procedure

(A). TREATIES WITH THE UNITED STATES

TREATIES WITH THE UNITED STATES	SIGNED	RATIFIED
Intl Covenant on Civil and Political Rights	Oct 5, 1977	Jun 8, 1992
Intl Covenant on Economic, Social and Cultural Rights	Oct 5, 1977	NOT RATIFIED
Intl Covenant on Civil and Political Rights	Oct 5, 1977	Jun 8, 1992
SOURCE: https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en		

I AM RELYING ON THIS TREATY TO BE ENFORCEABLE BY THE INTER-AMERICAN COURT OF HUMAN RIGHTS:

(B). Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Adopted by General Assembly resolution 40/34 of 29 November 1985

A. Victims of Crime

1. "Victims" means persons who, **individually** or collectively, **have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.**

2. **A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted** and regardless of the familial relationship between the perpetrator and the victim. **The term "victim" also includes, where appropriate, the immediate family** or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion,

nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

Access to justice and fair treatment

4. **Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.**

5. **Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.**

6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

(a) **Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;**

(b) **Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;**

(c) **Providing proper assistance to victims throughout the legal process;**

(d) **Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;**

(e) **Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.**

7. **Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.**

Restitution

8. **Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families** or dependants. **Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.**

9. **Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.**

10. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.

11. **Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.**

Compensation

12. When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:

> (a) **Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;**
>
> (b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.

13. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

Assistance

14. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.

15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

16. **Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.**

17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.

B. Victims of abuse of power

18. **"Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.**

19. **States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation,** and necessary material, medical, psychological and social assistance and support.

20. States should consider negotiating multilateral international treaties relating to victims, as defined in paragraph 18.

21. **States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.**

Citing Human Rights Watch, *UNITED STATES RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES*, July 24, 2009[2]

The US has not ratified any international human rights treaties since December 2002, when it ratified two optional protocols to the Convention on the Rights of the Child. Since that time, important new treaties have been adopted and other long-standing treaties have gained new member states. Unfortunately, the US has too often remained outside these efforts. For example, the US is the only country other than Somalia that has not ratified the Convention on the Rights of the Child, the most widely and rapidly ratified human rights treaty in history. It is one of only seven countries- together with Iran, Nauru, Palau, Somalia, Sudan and Tonga- that has failed to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

These and other key treaties that the US has yet to ratify protect some of the world's most vulnerable populations. . . . The treaties espouse non-discrimination, due process, and other core values that most American unquestionably support. They are also largely consistent with existing US law and practice.

[2] https://www.hrw.org/news/2009/07/24/united-states-ratification-international-human-rights-treaties

The failure of the US to join with other nations in taking on international human rights legal obligations has undercut its international leadership on key issues, limiting its influence, its stature, and its credibility in promoting respect for human rights around the world.

(C). Other Treaties That May Be Enforceable on the United States and the State of Arkansas

● DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

● UNITED NATIONS DECLARATION ON HUMAN RIGHTS EDUCATION AND TRAINING

● INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) – United States signed in 1977, and ratified in 1992

The ICCPR obligates countries who have ratified the treaty to protect and preserve basic human rights such as the right to life and to human dignity, equality before the law, freedom of speech, assembly and association, religious freedom and privacy, freedom from torture, ill-treatment and arbitrary detention, gender equality, fair trial and minority rights. (via ACLU)

● CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE – United States signed in 1948, and ratified in 1988

On December 9, 1948, in the shadow of the Holocaust, the United Nations approved the Convention on the Prevention and Punishment of the Crime of Genocide. This convention establishes “genocide” as an international crime, which signatory nations “undertake to prevent and punish.” (via U.S. Holocaust Memorial Museum)

● INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (CESCR) – United States signed in 1977, **but has not yet ratified**

Nearly every country in the world is party to this legally binding treaty that guarantees rights, which include rights at work, the right to education, cultural rights of minorities and Indigenous Peoples, the right to the highest attainable standard of physical and mental health, the right to adequate housing, the right to food, and the right to water. (via Amnesty International)

(D). Intervals Throughout History Proving Fraud & Treason

1618 QUOTATION

"Treason doth not prosper; what's the reason? For if it prosper, none dare call it Treason."

SIR JOHN HARINGTON, "Of Treason," *The letters and Epigrams of Sir John Harington* . . . ,ed. Norman E, McClure, book 4, epigram 5, p. 255 (1977). The complete edition of his epigrams was published in 1618. Cited in Suzy Platt, ed., *RESPECTFULLY QUOTED: A DICTIONARY OF QUOTATIONS REQUESTED FROM THE CONGRESSIONAL RESEARCH SERVICE*, Congressional Reference Division, Library of Congress, (1989), Quotation TREASON #1826, page 343.

EARLY 1600's—The First Judicial Treason

Citing the conclusion from Pat McPherron's ***PROOF THAT ABSOLUTE IMMUNITY FROM SUIT IS NOT CONSTITUTIONAL*** here, and is included in full in the next Section below.

> **"The Founders clearly did not expect judges to be so independent as to be free from suit. It was after the Constitution was signed that the courts introduced common law from the early 1600's in order to grant Judicial Acts *Absolute Immunity*. These assumptions ignore that by the end of the 1600's, holding magistrates more accountable was under consideration.**
>
> **American courts public policy assumptions as to *ABSOLUTE IMMUNITY FROM SUIT* can be summed up as *'BALANCE OF EVILS'* arguments. The expected result on the markets for justice [was] a return to conditions existing during the *INTOLERABLE ACTS*, which cannot be socially equitable, *AND THEREFORE NOT CONSTITUTIONAL*."**

LAW REVIEW ARTICLE
Pat Mcpherron, Proof That Absolute Immunity From Suit Is Not Constitutional, 18 JUL 2011.[3]

ABSTRACT

> The 7th Circuit Court of Appeals [in] *Vodak* v. *City of Chicago* conditions on academic research and rules municipalities have been overly protected from liabilities of their officials. Former U.S. Supreme Court

[3] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1881347

Justice Stevens states Congress should enact legislation to allow suit for prosecutorial misconduct, shortly after Justice Ginsburg read aloud the court's dissent in *Connick* v. *Thompson*. Waiting in the wings is the most sacred cow of all—**Absolute Immunity for judicial acts**. There are two prongs to the proof.

> One prong shows common law did not desire absolute immunity at the time of ratifying the constitution.
>
> The other prong establishes that a policy of absolute immunity is not socially equitable as per the constitution.

COMMON LAW

In 1774, the British Crown passed the **ADMINISTRATION OF JUSTICE ACTS** as part of what the colonists called the **INTOLERABLE ACTS**, or in this particular case, the **MURDER ACT**.

> …that the fact was committed by the person against whom such inquisition or indictment shall be found, or against whom such appeal shall be sued or preferred, as aforesaid, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid: and if it shall also appear, to the satisfaction of the said governor, or lieutenant governor respectively, that an indifferent trial cannot be had within the said province, in that case, it shall and may be lawful for the governor, or lieutenant governor, to direct, with the advice and consent of the council, that the inquisition, indictment, or appeal, shall be tried in some other of his Majesty's colonies, or in Great Britain…

The British considered the act necessary to promote the fair administration of justice by removing fear of prosecution. The idea of reducing or removing the accountability of magistrates was a cause the colonists declaring independence.

The U.S. Supreme Court's attempts to explain their **policy of absolute immunity from suit for judicial acts** is isomorphic to the British argument for their acts. Moreover, *Yates* v. *Lansing*, 5 Johns. R. 282 N.Y. 1810 and *Bradley* v. *Fisher*, 80 U.S. 335 (1871) borrow from Sir Edward Coke—at one time a member of the Star Chamber—while the author of the **Declaration of Independence** follows John Locke.

Note that the following passages from John Locke, **2nd TREATISE OF CIVIL GOVERNMENT**, Ch 19 (1690) record a common law attitude about **judicial immunity** more recent than the records of Sir Edward Coke.

> Sec. 231: That subjects or foreigners, attempting by force on the properties of any people, may be resisted with force, is agreed on all hands. **But that magistrates, doing the same**

> **<u>thing, may be resisted, hath of late been denied: as if those who had the greatest privileges and advantages by the law, had thereby a power to break those laws, by which alone they were set in a better place than their brethren</u>**: whereas their offence is thereby the greater, both as being ungrateful for the greater share they have by the law, and breaking also that trust, which is put into their hands by their brethren.
>
> Sec. 232. <u>Whosoever uses force without right</u>, as every one does in society, <u>who does it without law</u>, puts himself into a state of war with those against whom he so uses it; and in that state all former ties are cancelled, all other rights cease, **and every one has a right to defend himself, <u>and to resist the aggressor</u>.** This is so evident, that Barclay himself, that great assertor of the power and sacredness of kings, **is forced to confess**….

Thomas Jefferson states in **A SUMMARY VIEW OF THE RIGHTS OF BRITISH AMERICA**, August 1774 that "***A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate***." Also, Mr. Jefferson warns in the 1798 KENTUCKY RESOLUTIONS, "***in questions of power then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution***".

Finally, in *Stern* v. *Marshall*, ___U.S.___(2011) (decided June 23, 2011), the majority opinion quotes [Judge] James Wilson on the intent of Article III, Section 1 as to **the level of immunity for judges**.

> Article III protects liberty not only through its role in implementing the separation of powers, but also by specifying the defining characteristics of Article III judges. The colonists had been subjected to judicial abuses at the hand of the Crown, and the Framers knew the main reasons why: **<u>because the King of Great Britain "*made Judges dependent on his Will alone*</u>*, for the tenure of their offices, and the amount and payment of their salaries*.**" THE DECLARATION OF INDEPENDENCE. The Framers undertook in Article III **<u>to protect citizens subject to the judicial power of the new Federal Government from a repeat of those abuses</u>**. By appointing judges to serve without term limits, and restrSicting the ability of the other branches to remove judges or diminish their salaries, the Framers sought to ensure that each judicial decision would be rendered, not with an eye toward currying favor with Congress or the Executive, but rather with the "***[c]lear heads . . . and honest hearts***" deemed "***essential to good judges***." 1 WORKS OF JAMES WILSON 363 (J. Andrews ed. 1896).

There remains no reasonable common law support for absolute immunity from suit at the time of ratifying the Constitution, unless misbehavior under Article III, Section 1 is to be addressed without suit. **HOW TO REMOVE A FEDERAL JUDGE**, 116 Yale L.J. (2006) clarifies that civil trial for misbehavior

was expected common law when ratifying the U.S. Constitution, so that Article IV, Section II impeachments are clearly the province of Congress and a decidedly different path.

PUBLIC POLICY

The public policy arguments the high court uses to support absolute immunity from suit are found in both *Bradley* v. *Fisher* and *Gregoire* v. *Biddle*, 177 F.2nd 579, 581 (C.A.2 1949)-.

> *Bradley*, Footnote 11.
>
> …The question raised upon this record is whether an action is maintainable against the judge of a county court, which is a court of record, for words spoken by him in his judicial character, and in the exercise of his functions as judge in the court over which he presides, where such words would as against an ordinary individual constitute a cause of action, and where they are alleged to have been spoken maliciously and without probable cause, and to have been irrelevant to the matter before him. The question arises, perhaps, for the first time, with reference to a county court judge, but a series of decisions uniformly to the same effect, extending from the time of Lord Coke to the present time, establish the general proposition that no action will lie against a judge for any acts done or words spoken in his judicial capacity in a court of justice.

This doctrine has been applied not only to the superior courts, but to the court of a coroner, and to a court martial, which is not a court of record. It is essential in all courts that the judges who are appointed to administer the law should be permitted to administer it under the protection of the law, independently and freely, without favor and without fear. **This provision of the law is not for the protection or benefit of a malicious or corrupt judge**, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their functions with independence, and without fear of consequences.

> Judge Learned Hand in Gregoire v. Biddle,
>
> We discussed at length the **absolute privilege of judges**, and held that a United States attorney "if not a judicial officer, is at least a quasijudicial officer, of the government," and that as such the defendant "*in the performance of the duties imposed upon him by law, is immune from a civil action for* ***malicious prosecution****.* ***The immunity is absolute and is grounded on principles of public policy****. The public interest requires that persons occupying such important positions and so closely identified with the judicial departments of the Government should speak and act freely and fearlessly in the discharge of their important official functions*." Upon appeal the Supreme Court affirmed this judgment in a *per curiam* opinion on the authority of *Bradley* v. *Fisher* and *Alzua* v. *Johnson*. Both those decisions concerned the privilege of a judge, and held that it

> was **absolute**, **even though his decision was not the result of an honest effort to apply the law to the facts before him, but of a desire to gratify his personal ill will against the defeated suitor**. Thus the conclusion is inevitable that the Supreme Court took the same view as we: i.e., that officers of the **Department of Justice, when engaged in prosecuting private persons enjoy the same absolute privilege as judges**. The Court had indeed already granted similar immunity to the **Postmaster General** declaring that the doctrine covered "**heads of Executive Departments**"; and the Court of Appeals of the District of Columbia has extended it to a number of other executive officials, **some of them by no means heads of departments**.

It does indeed go without saying that an official, **who is in fact guilty of using his powers to vent his spleen upon others, or for any other personal motive not connected with the public good, should not escape liability for the injuries he may so cause**; and, **if it were possible in practice to confine such complaints to the guilty, it would be monstrous to deny recovery**. The justification for doing so is that it is impossible to know whether the claim is well founded until the case has been tried, and that to submit all officials, the innocent as well as the guilty, to the burden of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties. Again and again the public interest calls for action which may turn out to be founded on a mistake, in the face of which an official may later find himself hard put to it to satisfy a jury of his good faith. There must indeed be means of punishing public officers who have been truant to their duties; but that is quite another matter from exposing such as have been honestly mistaken to suit by anyone who has suffered from their errors. As is so often the case, the answer must be found in a balance between the evils inevitable in either alternative. In this instance it has been thought in the end better to leave unredressed the wrongs done by dishonest officers than to subject those who try to do their duty to the constant dread of retaliation. Judged as *res nova*, we should not hesitate to follow the path laid down in the books.

The decisions have, indeed, always imposed as a limitation upon the immunity that the official's act must have been within the scope of his powers; and it can be argued that official powers, since they exist only for the public good, never cover occasions where the public good is not their aim, and hence that to exercise a power dishonestly is necessarily to overstep its bounds. A moment's reflection shows, however, that that cannot be the meaning of the limitation without defeating the whole doctrine. What is meant by saying that the officer must be acting within his power cannot be more than that the occasion must be such as would have justified the act, if he had been using his power for any of the purposes on whose account it was vested in him. For the foregoing reasons it was proper to dismiss the first count…

The similarity of selected portions of these rulings to the ADMINISTRATION OF

JUSTICE ACT is readily apparent, and therefore just as readily **defeatable**. There remains mapping public policy via COASE'S THEOREM to determine the social equity of immunity for judges. The indications are the marginal benefits to judges of **abusing discretion** exceed **marginal costs**, with the expected result that the otherwise **sovereign public** will have to pay for their inalienable rights, possibly in the form of excessive attorney fees, or by enduring lengthy appeal processes.

Judicial actors can be protected from responding to suits only if there is **lacking clear and convincing evidence of abuse of discretion**. This threshold alleviates the judiciary from facing frivolous suits, but protects the public from abuses of discretion that are reminiscent of when judges were under **the thumb of the Crown**.

SUMMARY

The long and winding road to removing absolute immunity from suit for judicial acts is coming to an end. With *Vodak* v. *City of Chicago*, 092768 (CA 7, March 17, 2011) exposing municipalities to significantly higher levels of liability, and *Connick* v. *Thompson*, 561 U.S. 51 (2011) (decided March 29, 2011) inducing strong responses from several Supreme court justices, **the trend on absolute immunity from suit is on the wane. There is hope the dissent of Justice Souter in *Seminole Tribe of Florida* v. *Florida*, 517 U.S. 44 (1996) will be revived, as modeling social equity in the markets for justice implies he is correct in that the Constitution was a rejection of significant areas of common law. Note that shortly after ratification, Justice Chase asserts equal justice is new.**

The Founders clearly did not expect judges to be so independent as to be free from suit. *It was after the Constitution was signed that the courts introduced common law from the early 1600's in order to grant judicial acts absolute immunity. These assumptions ignore that by the end of the 1600's, holding magistrates more accountable was under consideration.*

American courts public policy assumptions as to absolute immunity from suit can be summed up as '*BALANCE OF EVILS*' arguments. The expected result on the markets for justice is a return to conditions existing during the INTOLERABLE ACTS, which cannot be socially equitable, *AND THEREFORE NOT CONSTITUTIONAL*.

1793

Back in the day when *Chisholm* v. *Georgia*, 2 U.S. (Dall.) 419 at 479 (1793), the FIRST CONSTITUTIONAL CANON declared "***the people are the sovereign of this country***" meant that the People had the Tenth Amendment powers reserved to the people themselves to say what the United States Constitution said, as they should.

1803

In 1803 *Marbury* v. *Madison*, 5 U.S. (Cranch) 137 (1803) was a "CASE OF FIRST IMPRESSION" imposing "JUDICIAL REVIEW." In my opinion *Marbury* was an unconstitutional taking, a judicial theft, from The Tenth Amendment power reserved to the People in *Chisholm*.

What did *Marbury's* "JUDICIAL REVIEW" get us into today? *Marbury* gave us **CASUS INCOGITAS**, "*circumstances that were unthought of in 1803; situations that was not addressed. Marbury* brought us State and Federal Judges with political agendas to interpret the Constitution of the United States in ways that was not originally intended. The prime disastrous example of this Treason is the False Doctrine of perpetual Federal and State gun control laws that have accumulated in their collective effect for the destruction of the Common Defense, the right of the People to provide for the Common Defence of society at large, a right protected by the Ninth Amendment and by the Tenth Amendment power reserved to the People themselves. *Marbury* brought us to **CASUS MALE INCLUSUS:** [Latin "*case wrongly included*"] A situation literally provided, but wrongly so because the provision's literal application gave us unintended or absurd consequences under the ABSURDITY DOCTRINE. The absurdity is the Gun Control Doctrine gave us a society where SINGLE SHOOTER MASS MURDER scenarios have become the norm in a vicious emotional knee-jerk delusional belief that the continuous additions of prohibiting guns and their features will stop predatory violence. But what Congress and State legislatures refuse to accept is that the human race, as a species, is a predatory creature with every other creature in the animal kingdom. The right to armed self-defense is a "*human right*" for the "COMMON DEFENSE" of society and of the United States as originally intended by the PREAMBLE to the UNITED STATES CONSTITUTION. In other words, **"IF IT AIN'T BROKE, DON'T FIX IT!"**

1821

Cohens v. Virginia, 19 U.S. 264, at 404 (6 Wheaton 264) (1821)

> "It is most true that this Court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. **The judiciary cannot**, as the legislature may, **avoid a measure because it approaches the confines of the Constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given**. **<u>The one or the other would be treason to the Constitution</u>**. Questions may occur which we would gladly avoid, but we cannot avoid them. All we can do is to exercise our best judgment and conscientiously to perform our duty. In doing this on the present occasion, we find this tribunal invested with appellate jurisdiction in all cases arising under the Constitution and laws of the United States. We find no exception to this grant, and we cannot insert one."

1934

Franklin Roosevelt's National Firearms Act of 1934

Ronald G. Shafer, *THEY WERE KILLERS WITH SUBMACHINE GUNS. THEN THE PRESIDENT WENT AFTER THEIR WEAPONS*: *Franklin Roosevelt's* ***National Firearms Act of 1934*** *Was Aimed at John Dillinger, Bonnie and Clyde, and Other Murderous Gangsters*, The Washington Post, August 9, 2019

They were the mass shooters of their day, and all of America knew their names: John "the Killer" Dillinger, Arthur "Pretty Boy" Floyd, Bonnie and Clyde, George "Machine Gun" Kelly.

In the 1930s, the violence by the notorious gangsters was fueled by Thompson submachine guns, or Tommy guns, that fired up to 600 rounds of bullets in a minute. In response, President Franklin D. Roosevelt was pressing Congress to act on his “New Deal for Crime,” specifically a bill officially called the National Firearms Act of 1934. Informally, it was known as the “Anti-Machine Gun Bill.”

…

By 1934, more than two dozen states passed gun-control laws. West Virginia required gun owners to be bonded and licensed. Michigan mandated that the police approve gun buyers. Texas banned machine guns.

Rather than a federal ban on machine guns, the Roosevelt administration proposed taxing the high-powered weapons virtually out of existence. It would place a $200 tax on the purchase of machine guns and sawed-off shotguns. The tax — equal to about $3,800 today — was steep at a time when the average annual income was about $1,780.

“A machine gun, of course, ought never to be in the hands of any private individual,” Attorney General Homer Cummings said at a House hearing. “There is not the slightest excuse for it, not the least in the world, and we must, if we are going to be successful in this effort to suppress crime in America, take these machine guns out of the hands of the criminal class.”

The NRA once believed in gun control and had a leader who pushed for it

The NRA gave qualified support to the proposed law.

“I do not believe in the general promiscuous toting of guns. I think it should be sharply restricted and only under licenses,” testified NRA President Karl Frederick, a New York lawyer. But he was dubious about the proposed law. “In my opinion, the useful results that can be accomplished by firearms legislation are extremely limited,” he said. The NRA at the time represented “hundreds of thousands” of gun owners but not gun manufacturers.

The NRA and groups representing hunters opposed extending the tax to pistols and revolvers. “It is a fact which cannot be refuted that a pistol or revolver in the hands of a man or woman who knows how to use it is one thing which makes the smallest man or the weakest woman the equal of the burliest thug,” argued Milton Reckord, the NRA’s executive vice president. But as for a bill limited to machine guns and sawed-off shotguns, he said, “We will go along with such a bill as that.”

Congress eventually stripped the bill of regulations on pistols and revolvers. When Democratic Rep. Robert Lee Doughton of North Carolina introduced the final bill, he declared that the law would mean that the public no longer would be at the “mercy of the gangsters, racketeers and professional criminals.” But “law-abiding citizens who feel that a pistol or a revolver is essential in his home for the protection of himself and his family,” he said, “should not be compelled to register his firearms and have his fingerprints taken and placed in the same the same class with gangsters, racketeers, and those who are known as criminals.”

Congress passed the firearms act in June, and Roosevelt signed it into law along with more than 100 other bills. By 1937, federal officials reported that the sale of machine guns in the United States had practically ceased. In 1939, the U.S. Supreme Court ruled that law didn't violate the Constitution.

Hundreds of illegal machine guns were still around, but a crackdown by law enforcement basically ended the run of gangster gun violence.

In May 1934 in Louisiana, a posse led by a former Texas Ranger ambushed and killed Bonnie and Clyde in a blaze of submachine-gun fire. Later that year, federal agents killed Pretty Boy Floyd in a gun battle in an Ohio cornfield.

In June, the feds tracked down Dillinger at the Biograph Theater in Chicago where he watched the movie "Manhattan Melodrama" starring Clark Gable. Agents chased Dillinger into an alley, where he reached for his gun and was shot dead.

In May 1936, the Federal Bureau of Investigation nailed the last official "Public Enemy No. 1," Alvin "Creepy" Karpis, in New Orleans. Karpis gave up without a fight. Personally leading the arrest was the FBI's 41-year-old director, J. Edgar Hoover.

1958

Thomas C. Hennings, Jr. (United States Senator from Missouri), **THE UNITED STATES SUPREME COURT: THE ULTIMATE GUARDIAN OF OUR FREEDOM,** Congressional Record, 85th Congress, Second Session, Volume 104 —Part 5, SENATE, pages 6049–6050.

Thursday, March 27, 1958

(*The following statement was originally prepared by Senator Hennings for delivery on the floor of the Senate in July 1957. The statement is a defense of the Supreme Court against recent widespread criticism. The Senator is the Chairman of the Senate Committee on Constitutional Rights. He argues that the Court is performing its constitutional function by striking down statutes and practices that are unconstitutional and unlawful*.)

FIRST EXCERPT:

I in no way suggest that the Supreme Court is above criticism, or that all lawful and orderly means should not be used, by everyone so inclined, to change any or all decisions of the Court. In fact, I think that frank and open criticism of all public institutions, including the Supreme Court, is a healthy and vital part of our democratic processes.

I thoroughly agree with what one member of the Court itself said almost 60 years ago about criticism of the Court. In the worda of Justice DaVid J. Brewer, uttered in 1898:

> "It is a mistake to suppose that the Supreme Court Is either honored or helped by being spoken of as beyond criticism. On

> the contrary, the life and character of its Justices should be the objects of constant watchfulness by all, and its judgments subject to the freest criticism. The time is past in the history of the world when any living man or body of men can be set on a pedestal and decorated with a halo. True, many criticisms may be, like their authors, devoid of good taste, but better all sorts of criticism than no criticism at all."

While I think that free and open criticism of the Court's decisions and opinions is healthy and desirable, I deplore, and earnestly caution against, any hasty or ill-considered attempt to limit the powers of the Court by changing its basic structure. The governmental system established by our forefathers almost 170 years ago has served this Nation well and should not be changed except in unusual circumstances, and then only after the most careful study and thought.

SECOND EXCERPT:

Another suggestion now being urged as a desirable means of limiting the power of the Supreme Court is that the Constitution should be amended to provide a periodic review by Congress of Judicial appointments.

This suggestion, reduced to its essentials, is simply a variation of the proposal that judges be appointed for limited terms. **It would engender the same evil results.**

(E). History is Repeating Itself Again and Again

George Santayana Quotation

The Life of Reason or the The Phases of Human Progress

A book published in five volumes from 1905 to 1906, by Spanish-born American philosopher, essayist, poet and novelist, George Santayana. The volumes are titled (1) **Reason in Common Sense**, (2) **Reason in Society**, (3) **Reason in Religion**, (4) **Reason in Art**, and (5) **Reason in Science**.

Source: https://en.wikiquote.org/wiki/George_Santayana

From Volume I—Reason in Common Sense

"Progress, far from consisting in change, depends on retentiveness. When change is absolute there remains no being to improve and no direction is set for possible improvement: and when experience is not retained, as among savages, infancy is perpetual. ***Those who cannot remember the past are condemned to repeat it****."*

This famous statement has produced many paraphrases and variants.

● Those who cannot learn from history are doomed to repeat it.

● Those who do not remember their past are condemned to repeat their mistakes.

● Those who do not read history are doomed to repeat it.

● Those who fail to learn from the mistakes of their predecessors are destined to repeat them.

● Those who do not know history's mistakes are doomed to repeat them.

● There is a similar quote by Edmund Burke (in *Revolution in France*) that often leads to misattribution: *"People will not look forward to posterity, who never look backward to their ancestors*."

APPLIES TO GUN CONTROL LEADING TO GENOCIDE.

FOR AN EXAMPLE OF HISTORY REPEATING ITSELF WITHOUT MERCY ON THE INNOCENT BECAUSE OF GUN CONTROL,

SEE NEXT PAGE FOR THE GENOCIDE CHART.

The Mother of All Stats:
The Human Cost of "Gun Control" Ideas

The Genocide Chart © JPFO.org 2002
http://jpfo.org/filegen-a-m/deathgc.htm#chart

Government	Dates	Targets	Civilians Killed	"Gun Control" Laws	Features of Over-all "Gun Control" scheme
Ottoman Turkey	1915-1917	Armenians (mostly Christians)	1-1.5 million	Art. 166, Pen. Code, 1866 & 1911 Proclamation, 1915	• Permits required •Government list of owners •Ban on possession
Soviet Union	1929-1945	Political opponents; farming communities	20 million	Resolutions, 1918 Decree, July 12, 1920 Art. 59 & 182, Pen. code, 1926	•Licensing of owners •Ban on possession •Severe penalties
Nazi Germany & Occupied Europe	1933-1945	Political opponents; Jews; Gypsies; critics; "examples"	20 million	Law on Firearms & Ammun., 1928 Weapon Law, March 18, 1938 Regulations against Jews, 1938	•Registration & Licensing •Stricter handgun laws •Ban on possession
China, Nationalist	1927-1949	Political opponents; army conscripts; others	10 million	Art. 205, Crim. Code, 1914 Art. 186-87, Crim. Code, 1935	•Government permit system •Ban on private ownership
China, Red	1949-1952 1957-1960 1966-1976	Political opponents; Rural populations Enemies of the state	20-35 million	Act of Feb. 20, 1951 Act of Oct. 22, 1957	•Prison or death to "counter-revolutionary criminals" and anyone resisting any government program •Death penalty for supply guns to such "criminals"
Guatemala	1960-1981	Mayans & other Indians; political enemies	100,000-200,000	Decree 36, Nov 25 •Act of 1932 Decree 386, 1947 Decree 283, 1964	•Register guns & owners •Licensing with high fees •Prohibit carrying guns •Bans on guns, sharp tools •Confiscation powers
Uganda	1971-1979	Christians Political enemies	300,000	Firearms Ordinance, 1955 Firearms Act, 1970	•Register all guns & owners •Licenses for transactions •Warrantless searches •Confiscation powers

Cambodia (Khmer Rouge)	1975-1979	Educated Persons; Political enemies	2 million	Art. 322-328, Penal Code Royal Ordinance 55, 1938	•Licenses for guns, owners, ammunition & transactions •Photo ID with fingerprints •License inspected quarterly
Rwanda	1994	Tutsi people	800,000	Decree-Law No. 12, 1979	•Register guns, owners, ammunition •Owners must justify need •Concealable guns illegal •Confiscating powers

"GUN CONTROL"

Gateway to Tyranny

Proof that U.S. Gun Law
Has Nazi Roots
by Aaron Zelman
with contributions by attorney Richard Stevens

The Nazi Weapons Law of 1938 compared side-by-side with the U.S. Gun Control Act of 1968

(F). GUN CONTROL'S NAZI CONNECTION

This original article appeared in
Guns and Ammo Magazine, Gun Control's Nazi Connection May 1993

Gun Control's Nazi Connection

Are you tired of being told that "gun control" is a chronic pain that you have to accept because there's no cure? Do you -- a law abiding person -- want to be free: to own whichever firearms you want to own, regardless of where in America you live; from waiting periods, gun bans, magazine capacity restrictions, etc.; to spend your time on the range or in the field, rather than fighting "gun control"?

Are you tired of giving hard earned bucks to efforts that have at best only slowed the gun grabbers' push toward firearms registration and confiscation? If you have had enough of death by a thousand cuts, you are ready to take action to wipe out "gun control" -- now.

Members of Jews for the Preservation of Firearms Ownership (JPFO) consider "gun control" to be an aggressive cancer. JPFO has a cure, a way to destroy "gun control". JPFO has hard evidence that shows that the Nazi Weapons Law (March 18, 1938) is the source of the U.S Gun Control Act of 1968 (GCA '68). Adolph Hitler signed the Nazi Weapons Law. The Gestapo (Nazi National Secret Police) enforced it. In "Gun Control": Gateway to Tyranny we present the official German text of the Nazi Weapons Law and a side-by-side translation into English. Even more deadly: a side-by-side, section-by-section comparison of the GCA '68 with the Nazi Weapons Law. If you have this in your hands, no one can tell you that you're imagining things.

The clincher: JPFO **knows** who implanted into American law cancerous ideas from the Nazi Weapons Law.

The likely culprit is a former senator, now deceased. We have documentary proof -- see below -- that he had the original text of the Nazi Weapons Law in his possession 4 months before the bill that became GCA '68 was signed into law.

This former senator was a senior member of the U.S. team that helped to prosecute Nazi war criminals at Nuremberg, Germany, in 1945-46. That is probably where he found out about the Nazi Weapons Law. He may have gotten a copy of it then, or at a later date. We cannot imagine why any U.S. lawmaker would own original texts of Nazi laws. To find out his name, read on.

With this hard evidence in your hands and in your head, you can destroy cancerous "gun control". You can challenge anyone who backs "gun control". You can show them the Nazi ideas, line by line.

The parallels between the Nazi law and GCA '68 will leap at you from the page. For example, law abiding firearm owners in Illinois, Massachusetts and New Jersey must carry identification cards based on formats from the Nazi Weapons Law. Nazi based laws have no place in America. Thousands of Americans died or were wounded in the war to wipe out the Nazis. They did not suffer or die so that Hitler's ideas could live on in America and kill more Americans. Remember Killeen, Texas! The 23 who died in Luby's Cafeteria there died because they obeyed Nazi inspired "gun control" laws. The law forced them, unarmed, to face an armed madman.

To destroy "gun control" before more law abiding Americans are

murdered by criminals or madmen helped by "gun control", you need to get hold of the evidence as presented in "Gun Control": Gateway to Tyranny. You can then challenge the media, the most aggressive backers of "gun control". Ask media personalities in your city or town why they back Nazi based laws. You can help to erase "gun control", **Hitler's last legacy**.

GCA '68 puts your life at risk right now. You have a constitutional civil right to be armed in order to protect yourself, because under U.S law the police have no duty to protect the average person:

"There is no constitutional right to be protected by the state (or Federal) against being murdered by criminals or madmen. It is monstrous if the state fails to protect its residents against such predators but it does not violate the due process clause of the Fourteenth Amendment, or, we suppose, any other provision of the Constitution. The Constitution is a charter of negative liberties: it tells the state (gov't) to let people alone; it does not require the federal government or the state to provide services, even so elementary a service as maintaining law and order"

(*Bowers v. DeVito*, U.S. Court of Appeals, Seventh Circuit, 686F.2d 616 [1982]).

The Supreme Court last dealt with this issue in 1856; the 1982 decision states the position in modern language. The laws of virtually every state parallel federal law (see JPFO Special Report Dial 911 and Die! covered in Guns & Ammo, July 1992). This has been so ever since the Constitution was adopted in 1791. As a result, the framers of the Second Amendment deliberately created (guaranteed) an individual civil right to be armed. It is your only reliable defense against criminals. GCA '68 ties your hands and keeps you from carrying out your legal duty to ensure your own self defense. GCA '68 thus undermines a pillar of U.S. law and helps criminals to kill law abiding Americans. Hitler would be pleased.

Thus, GCA '68 marked a new approach to "gun control". It replaced the Federal Firearms Act (June 30, 1938), which was based on the federal power to regulate interstate commerce. The 1938 law required firearms dealers to get a federal license (which then cost $1). Only dealers could ship firearms across state lines. Ordinary people could receive shipments from dealers.

In GCA '68 the government required that in almost all cases only dealers could send and receive firearms across state lines. This ended "mail order" sales of firearms by law abiding persons who are not licensed dealers. GCA '68 hits you even harder. Congress gave federal bureaucrats in Washington D.C., the power to decide what kinds of firearms you can own. The framers of GCA '68 borrowed an idea -- that certain firearms are "hunting weapons" -- from the Nazi Weapons Law (Section 21 and Section 32 of the Regulations, page 61 and page 73, respectively, of "Gun Control": Gateway to Tyranny). The equivalent U.S. term, "sporting purpose," was used to classify firearms. But it was not defined anywhere in GCA '68. Thus, bureaucrats were empowered to ban whole classes of firearms. They have, in fact, done so.

We wanted to know the source of these new ideas. On reading "Dial 911 and Die!" a JPFO member told us he had seen an article -- by Alan Stang in 'Review of the News,' October 4, 1967 (pages 15-20) -- the author of which felt that the Nazi Weapons Law was the model for GCA '68. We found the article. But Stang did not

reproduce the Nazi law, so we could not check his conclusions.

We started to hunt for the text of the Nazi Weapons Law. We eventually found it, in the law library of an Ivy League university.

Until 1943-44, the German government published its laws and regulations in the 'Reichsgesetzblatt,' roughly the equivalent of the U.S. Federal Register. Carefully shelved by law librarians, the 1938 issues of this German government publication had gathered a lot of dust. In the 'Reichsgesetzblatt' issue for the week of March 21, 1938, was the official text of the Weapons Law (March 18, 1938). It gave Hitler's Nazi party a stranglehold on the Germans, many of whom did not support the Nazis. We found that the Nazis did not invent "gun control" in Germany. The Nazis inherited gun control and then perfected it: they invented handgun control.

The Nazi Weapons Law of 1938 replaced a Law on Firearms and Ammunition of April 13, 1928. The 1928 law was enacted by a center-right, freely elected German government that wanted to curb "gang activity," violent street fights between Nazi party and Communist party thugs. All firearm owners and their firearms had to be registered. Sound familiar? "Gun control" did not save democracy in Germany. It helped to make sure that the toughest criminals, the Nazis, prevailed.

The Nazis inherited lists of firearm owners and their firearms when they 'lawfully' took over in March 1933. The Nazis used these inherited registration lists to seize privately held firearms from persons who were not "reliable." Knowing exactly who owned which firearms, the Nazis had only to revoke the annual ownership permits or decline to renew them.

In 1938, five years after taking power, the Nazis enhanced the 1928 law. The Nazi Weapons Law introduced handgun control. Firearms ownership was restricted to Nazi party members and other "reliable" people.

The 1938 Nazi law barred Jews from businesses involving firearms. On November 10. 1938 -- one day after the Nazi party terror squads (the SS) savaged thousands of Jews, synagogues and Jewish businesses throughout Germany -- new regulations under the Weapons Law specifically barred Jews from owning any weapons, even clubs or knives.

Given the parallels between the Nazi Weapons Law and the GCA '68, we concluded that the framers of the GCA '68 -- lacking any basis in American law to sharply cut back the civil rights of law abiding Americans -- drew on the Nazi Weapons Law of 1938.

Finding the Nazi Weapons Law whetted our appetite. We wanted to know who implanted this Nazi cancer in America. We began by probing the backgrounds of lawmakers who championed "gun control". We focused on those whose bills became part of GCA '68. GCA '68 as enacted closely tracks proposals dating to August 1963. We felt that if the culprit were a lawmaker -- or a congressional staffer -- he or she would know Germany, German law and possibly even speak German. He or she probably would have spent time in Germany on business or during military service. Alternatively, if the culprit were not a member of Congress or a staffer, there would be testimony at the hearings to that effect.

Most potential suspects were quickly eliminated; they had no apparent ties to Germany. But one lawmaker caught our attention.

An old "Who's Who" entry showed he had been a senior member of the U.S. team that prosecuted German war criminals at Nuremberg in 1945-46. Thus, he had lived in Germany just after the Nazi period. His official duties required him to look at Nazi records, including Nazi laws. In 1963 he led the effort to greatly expand the Federal Firearms Act of 1938.

We then got a break. We told a legal scholar of our findings. He was intrigued. He sent us an extract from the record of hearings held a few months prior to the enactment of GCA '68. At the end of June 1968, the Senate Judiciary Subcommittee to investigate Juvenile Delinquency -- chaired by Thomas J. Dodd (D-CT) -- held hearings on bills: (1) "To Require the Registration of Firearms" (S.3604). (2) "To Disarm Lawless Persons" (S.3634) and (3) "To Provide for the Establishment of a National Firearms Registry" (S.3637), among others.

U.S. Representative John Dingell (D-MI) testified at these Senate hearings on "gun control". Senator Joseph D. Tydings (D-MD) chaired some of these hearings, in Dodd's absence.

Rep. Dingell expressed concern that if firearms registration were required, it might lead to confiscation of firearms, as had happened in Nazi Germany. Tydings angrily accused Rep. Dingell of using "scare tactics":

"Are you inferring that our system here, gun registration or licensing, would in any way be comparable to the Nazi regime in Germany, where they had a secret police, and a complete takeover?"

Rep. Dingell backed away.

(Hearings before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, 90th Congress, 2nd Session, June 26, 27 and 28 and July 8, 9 and 10. 1968, pp. 479-80, 505-6 cited as Subcommittee Hearings.)

Tydings later inserted into the hearing record various documents, "concerning the history of Nazism and gun confiscation."

Exhibit No. 62 (see reproduction) is fascinating. This letter -- dated July 12, 1968 -- is to Subcommittee Chairman Dodd from Lewis C. Coffin, Law Librarian at the Library of Congress. Coffin wrote:

" ... we are enclosing herewith a translation of the Law on Weapons of March 18, 1938, prepared by Dr. William Solyom-Fekete of [the European Law Division -- ed.] as well as the Xerox of the original German text which you supplied" (Subcommittee Hearings, p. 489, emphasis added).

This letter makes it public knowledge that at the end of June 1968 -- 4 months before GCA '68 was enacted -- Senator Thomas J. Dodd, now deceased, personally owned a copy of the original German text of the Nazi Weapons Law.

Why did Dodd own the original German text of any Nazi law? Why did he make known that he owned it?

The Library of Congress then had (and still has) the 'Reichsgesetzblatt' in its collection. The Library of Congress translator, Dr. Solyom-Fekete, could easily have used the Library of Congress' own copy.

Any member of Congress who wanted to read the Nazi Weapons Law need only have asked for it to be produced from the shelves of the Library of Congress and for it to be translated by Library of Congress experts. Why should any member of Congress ever have owned the original German text of the Nazi Weapons Law?

Without access to Tom Dodd's personal papers, archived under his heirs' control, we unfortunately cannot offer definite answers.

Dodd could have acquired the German text of the Nazi Weapons Law during his time at Nuremberg. But he had no need to do so.

Dodd did not personally handle the prosecution of Nazi Interior Minister Wilhelm Frick, who signed the Nazi Weapons Law. The case against Frick was presented by Robert M.W. Kempner, Assistant Trial Counsel for the United States (see 'Trial of the Major War Criminals before the International Military Tribunal,' cited as TMWC, Vol. V, pp. 352-67, Nuremberg, Germany, 1947).

Nor should the Nazi Weapons Law otherwise have come to Dodd's attention. The Nazi Weapons Law was not used as evidence against Frick (see Kempner's speech, TMWC, V, pp. 352-67 and 'Index of Laws, Decrees, Orders, Directives, and the Administration of Justice in Nazi Germany and Nazi Dominated Countries', TMWC, Vol. XXIII, pp. 430-33). The Nazi Weapons Law is not listed among documents submitted as evidence to the Tribunal by the American prosecutors (see Vol. XXIV, pp. 98-169).

The prosecutors at Nuremberg doubtless knew of the Nazi Weapons Law. They probably saw it in the 'Reichsgesetzblatt.' On the same day that Nazi Interior Minister Frick signed the Weapons Law, March 18, 1938, he signed another law governing security measures in newly annexed Austria. This law concerning Austria appeared in the 'Reichsgesetzblatt' -- directly in front of the Weapons Law -- and was introduced into evidence at Nuremberg ('Reichsgesetzblatt' 1938, I, p. 262; the Nazi Weapons Law was published in the same volume, p. 265; see TMWC, Vol. V, p.358 for reference to law concerning Austria).

Thus, the Nazi Weapons Law appeared to have no historical merit at Nuremberg and should not have attracted anyone's notice, certainly not to the extent of causing anyone to want to keep a copy of it as a separate document.

If Dodd got his copy of the original German text of the Nazi Weapons Law during his time at Nuremberg, it likely was part of a collection of documents, for example, issues of the 'Reichsgesetzblatt'.

But if he acquired the original German text of the Nazi Weapons Law after his service at Nuremberg, he must have done so for a very specific reason. The Nazi Weapons Law plainly did not figure at Nuremberg.

We may safely conclude it had little, if any, interest for those interested in the history of the Nazis' rise to power. For example, the Nazi Weapons Law is not mentioned at all in William L. Shirer's very thorough study of Nazi Germany, 'The Rise and Fall of the Third Reich' (Simon and Schuster, New York, 1950).

At the hearings held by Dodd's subcommittee at the end of June 1968, Rep. Dingell had objected to the firearms registration provision then being discussed. Dodd may have offered his copy of the Nazi Weapons Law to show that the specific proposal did not resemble anything in the Nazi law.

He may not have realized that he was revealing a broader truth; that the whole fabric of GCA '68 was based on the Nazi Weapons Law, even if the specific registration proposal was not so based.

Alternatively, Dodd may not have cared whether or not anyone knew that he had the German text of the Nazi Weapons Law. He doubtless knew that months would pass before the hearing record was printed and so generally available for scrutiny. Thus, even if anyone then noticed the parallels

between the two laws, the bill would already have become law.

Rep. Dingell does not appear to have pursued the matter: the firearms registration provision was not included in GCA '68. The Congress was stampeded on "gun control" by public enthusiasm. Martin Luther King had been murdered on April 4, 1968, and Robert F. Kennedy had been murdered on June 6, 1968.

We are not the first to have seen this hearing record. But we appear to be the first to have recognized its importance. This hearing record suggests strongly that the late Senator Thomas J. Dodd (D-CT) himself implanted the Nazi Weapons Law into American law, or, at very least, helped others to do so.

Now you know the ugly truth about the roots of GCA '68. But you need to see -- with your own eyes -- the hard evidence of the Nazi roots of "gun control" in America presented in "Gun Control": Gateway to Tyranny.

If you want to destroy "gun control", you can use this book to do it.

The Nazi Weapons Law of March 18, 1938, cleared the way for World War II and Nazi genocide against the Jews, Gypsies and 7,000,000 other people.

The 1938 Nazi Weapons Law that disarmed, enslaved & murdered the men above, is alive and well in the United States, and is called, "The Gun Control act of 1968", and is enforced by the modern day Gestapo, known as the "Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE)."

(G). 2003 THE BIRTH OF THE U.S. SUPREME COURT OF POLITICS

In 2003 The U.S. Supreme Court became the Supreme Political Court by Its Own TREASON AGAINST THE CONSTITUTION by violating *Cohens v. Virginia*, 19 U.S. 264, at 404 (6 Wheaton 264) (1821) (*See page 9*) and **violating their own Rule 10(a) to deny my PETITION FOR WRIT OF CERTIORARI in *Don Hamrick* v, *President Bush*, 540 U.S. 940 (2003) even though I had opposing opinions from two U.S. Courts of Appeals on the Second Amendment**:

> ● ***SILVEIRA* v. *LOCKYER***, 312 F.3d 1052 (9th Cir. 2002), is a decision by the United States Court of Appeals for the Ninth Circuit ruling that the Second Amendment to the United States Constitution **did not guarantee individuals the right to bear arms**. The U.S. Supreme Court denied review. 124 S. Ct. 803 (2003)
>
> ● ***UNITED STATES* v. *EMERSON***, 270 F.3d 203 (5th Cir. 2001), cert. denied, 536 U.S. 907 (2002), is a decision by the United States Court of Appeals for the Fifth Circuit holding that the **Second Amendment to the United States Constitution guarantees individuals the right to bear arms**.

I smelled a rat in the **U.S. SUPREME POLITICAL COURT**. I continued my then 15-year course of self-study in Behavior Psychology, Constitutional Law, Civil Rights Law, Federal Law, and the Rule of Law (30-years today) as my educational hobby mainly because I don't back down from a legal fight when I stand on constitutional grounds, especially when I am innocent, as today's example proves, I don't care who it its I am facing. I knew then that I will need the legal education someday to prove my innocence against a corrupt and rogue prosecutor and an equally corrupt and rogue judge.

If the U.S. Supreme Court can violate their own Rule 10(a) ***for political reasons*** then every State & Federal judge across the country can violate the rights of We the People with impunity because individual rights will mean nothing in Federal or State Courts.

(H). 2017 LACK OF RULES STOPS ARTICLE V CONVENTION MOVEMENT COLD

SEPTEMBER 12, 2017

> Recent discussion with House of Representatives Parliamentarian Tom Wickham, Congressman Jared Polis (D-CO) and FOAVC supporters provided the actual reason Congress, despite hundreds of applications from all 50 state legislatures, has never called an Article V Convention. The reason: Congress has no rules in place to count the applications and issue the necessary convention call. Without procedural rules in place no convention call will ever be issued by

Congress irrespective of whether state applications contain identical language, address the same subject or are counted numerically regardless of subject and language because no process exists for Congress to count the applications and issue the convention call. You can see a video discussing the problem at

https://www.youtube.com/embed/5xHfSg0xeYQ

https://www.youtube.com/watch?v=5xHfSg0xeYQ&feature=youtu.be

Further information can be read:

http://www.foavc.org/reference/file96.pdf

FRIENDS OF ARTICLE V CONVENTION
(http://www.foavc.com/)

(I). JANUARY 13, 2019: 116TH CONGRESS EXTENDS STIVERS RULE; APPLICATION COUNT CONTINUES

HR 6 In a surprising political move, House Democrats, whose majority controls the House of Representatives for the 116th Congress, extended the Stivers Rule in the House Rules on January 8, 2019. In 2015 Congressman Steve Stivers, (R-OH) introduced a rule change in the House of Representatives (House Rule Section 3c) which created a collection of Article V Convention applications through the House Judiciary Committee but not an official list of applications on which to base a convention call. This rule was the first in United States history Congress created any process for counting state applications. Before implementation, the official count of state applications by Congress stood at zero. Since the rule was instigated, the committee has gathered 140 applications containing at least one set of applications representing applications by two thirds of the several state legislatures. (To read the House Rule, click image left to enlarge).

The decision of House Democrats is surprising given Democratic opposition to the proposed Messer bills by former Indiana Republican Congressman Luke Messer led to bottling the bill in the House Judiciary Committee. Messer introduced his legislation H.R. 5306 in 2015 and again in 2016 (H.R. 1742). The purpose of the bill was to provide a permanent methodology for gathering applications sent to Congress by the state legislatures applying for an Article V Convention call. The legislation did not provide a mechanism for issuing an actual call by Congress. Without the Stivers Rule the Judiciary Committee would cease gathering applications effectively preventing any convention call by Congress. With the rule in place, the process

continues and now represents bi-partisan support of a convention call.

The Supreme Court knows that *two thirds of both Houses of Congress or on the Application of the Legislatures of two thirds of the State*, will call a Convention for proposing Amendments to the United States. But the Supreme Court also knows about the near impossibility of achieving amendments to the Constitution. Under these circumstances the U.S. Supreme Court committed Treason against the Constitution. That's pure legal logic using CRITICAL THINKING & OCCAM'S RAZOR solution under CONSTITUTIONAL LAW.

(J). MAY 13, 2019 THE CRACKS IN MARBURY'S JUDICIAL REVIEW BEGAN WITH FRANCHISE TAX BOARD OF CALIFORNIA V, HYATT, 587 U.S. ____ (MAY 13, 2019)

"[S]tare decisis is " 'not an inexorable command,' " *Pearson* v. *Callahan*, 555 U. S. 223, 233 (2009), and we have held that it is "at its weakest when we interpret the Constitution because our interpretation can be altered only by constitutional amendment," *Agostini* v. *Felton*, 521 U. S. 203, 235 (1997).

PARAPHRASED

"*Stare decisis is not an inexorable command and it is at its weakest when we interpret the Constitution* **because our interpretation can be altered only by constitutional amendment**."

"*Stare decisis is not an inexorable command and it is at its weakest when we interpret the Constitution* . . ." IS TRUE.

"*. . .* ***because our interpretation can be altered only by constitutional amendment***." **IS A DAMN LIE!**

The Supreme Court denigrated their own Stare Decisis Doctrine even though the Supreme Court claimed "*their interpretation can be altered only by constitutional amendment*." The truth is the Supreme Court can alter their doctrines anytime they choose.

(K). FEBRUARY 24, 2020: BALDWIN V UNITED STATES, 589 U.S. ___ (FEBRUARY 24, 2020)`

Citing Michael Stokes Paulsen, ***THE IRREPRESSIBLE MYTH OF MARBURY V. MADISON, 5 U.S. 137 (1803)***, 101 Michigan Law Review 2706 (2003) is not so reliable today as proven by the instability of ***Baldwin* v *United States*, 589 U.S. ___ (February 24, 2020)**.

Baldwin proves the falability of *Marbury*'s *JUDICIAL REVIEW* suggesting, if not demanding, a return to ***Chisholm* v. *Georgia*, 2 U.S. 419 (1793)'s *FIRST CONSTITUTIONAL CANON* that the *PEOPLE ARE THE SOVEREIGN OF UNITED STATES* to *Say what the United States Constitution's Original Intent Meant*.**

(L). FEBRUARY 24, 2020: MARCIA COYLE, *Justice Thomas, in Lone Dissent, Thrashes 'Chevron' and His Own 'Brand X' Decision*, THE NATIONAL LAW JOURNAL, FEBRUARY 24, 2020

Here I dissect for a conceptual analysis of *Baldwin* through Marcia Coyle, *JUSTICE THOMAS, IN LONE DISSENT, THRASHES 'CHEVRON' AND HIS OWN 'BRAND X' DECISION*, The National Law Journal, February 24, 2020 is presented in its entirety here for its direct impact on my case presented herein:[4]

THE NATIONAL LAW JOURNAL ARTICLE IN FULL

> Thomas regularly writes solo dissents, urging his colleagues to revisit, or even strike down, earlier rulings. **But it's rare for any justice to cast doubt on a prior ruling the justice had earlier written**.
>
> Justice Clarence Thomas on Monday sharply criticized his own majority opinion in a 15-year-old telecommunications case and an underlying decision that says **courts must give deference to agencies interpreting their own regulations**, urging his colleagues to reconsider both rulings.
>
> Thomas wrote alone in an 11-page dissent that said the Supreme Court should have agreed to review the tax case Baldwin v. United States. The Baldwin petition, arriving from the U.S. Court of Appeals for the Ninth Circuit, had asked the justices outright to overrule Thomas's 2005 decision in *National Cable & Telecommunications Assn.* v. *Brand X Internet Services*, a regulatory case that said a federal agency had **correctly interpreted** the Communications Act of 1934.
>
> Thomas used the *Baldwin* case to raise and advance his concerns about his prior *Brand X* decision, and the underlying doctrine called

[4] https://www.law.com/nationallawjournal/2020/02/24/justice-thomas-in-lone-dissent-thrashes-chevron-and-his-own-brand-x-decision/?slreturn=20200125152344

“***Chevron deference***,” a bedrock part of administrative law that says *courts generally adopt agencies’s views, if reasonable, of their rules*. **That deference has drawn criticism from conservatives members of the court, but no justice has moved to overturn the 1984 ruling.**

“**Even if the court is not willing to question Chevron itself, at the very least, we should consider taking a step away from the abyss by revisiting Brand X**,” Thomas wrote in Monday’s dissent. Quoting a statement from the late Justice Robert Jackson in a 1950 ruling, Thomas said: “**It is never too late to ‘surrende[r] former views to a better considered position**.’”

Thomas regularly writes solo dissents, urging his colleagues to revisit, or **even strike down, earlier rulings**. **But it’s rare for any justice to cast doubt on a prior ruling the justice had earlier written.**

Critical to the Brand X decision was the majority’s view, led by Thomas, that it “**follows from Chevron**” **that a court must abandon its previous interpretation of a statute in favor of the agency’s interpretation unless the prior court decision found the statute was unambiguous.**

“**Regrettably, Brand X has taken this court to the precipice of administrative absolutism**,” Thomas said Monday. “**Brand X may well follow from Chevron, but in so doing, it poignantly lays bare the flaws of our entire executive-deference jurisprudence**.”

Expressing what he called “**skepticism**” of the Brand X ruling, Thomas said his decision now “**appears to be inconsistent with the Constitution, the Administrative Procedure Act (APA), and traditional tools of statutory interpretation**.”

The Supreme Court’s 1984 decision Chevron U.S.A. Inc. v. Natural Resources Defense Council held that **courts generally must accept an agency’s interpretation of an ambiguous statute if the interpretation is reasonable. That decision is in “serious tension” with the Constitution, the Administrative Procedure Act and “over 100 years of judicial decisions,”** Thomas wrote Monday.

Thomas has **criticized the Chevron doctrine** in prior opinions, as have other justices, including Justice Neil Gorsuch. **He repeated many of those criticisms in Monday’s dissent**. Thomas argued that the **Chevron decision gives federal agencies unconstitutional power and undermines the ability of the judiciary to perform its checking function on the other branches**.

Appellate veteran Elbert Lin of Hunton Andrews Kurth noted that **Thomas’ criticism of Chevron on Monday went further than it had before**. Thomas had said in the past that there could be “some unique historical justification for deferring to federal agencies.” In Monday’s statement,

Thomas said, "**it now appears to me that there is no such special justification**."

Thomas' combination of his criticism of Chevron with his disavowal of his Brand X opinion was striking.

"**Chevron requires judges to surrender their independent judgment to the will of the executive**; **Brand X forces them to do so despite a controlling precedent**," Thomas wrote. He continued: "**Chevron transfers power to agencies; Brand X gives agencies the power to effectively overrule judicial precedents. Chevron withdraws a crucial check on the executive from the separation of powers; Brand X gives the Executive the ability to neutralize a previously exercised check by the judiciary**."

The Baldwin petition was a challenge to a ruling by U.S. Court of Appeals for the Ninth Circuit. The appellate court gave deference to a new interpretation by the Internal Revenue Service of the deadline for requesting tax refunds. Aditya Dynar of the New Civil Liberties Alliance was counsel to Howard and Karen Baldwin.

"**Their decision to not take the Baldwins' case is going to negatively affect judicial independence for years to come,**" Dynar said in a statement. "**And it is going to dilute the continued legitimacy and finality of court decisions**. We are currently reviewing next steps in terms of bringing this issue back up in a different case."

The Justice Department had urged the Supreme Court to turn down the petition. "As long as Chevron remains the law, there is no sound reason to reconsider Brand X, and petitioners do not ask the court to revisit Chevron," U.S. Solicitor General Noel Francisco told the justices.

"As this court recognized in Brand X itself, the rule the court adopted there 'follows from Chevron,'" Francisco wrote. "Petitioners have not asked this court to overrule Chevron, and this case is not a suitable vehicle for considering that step."

Francisco also told the court: "It would make little sense for a court of appeals to decline to give effect to an agency regulation that is otherwise **entitled to deference**, simply because a prior panel of the same court had interpreted an ambiguous statute differently before the **regulation** was promulgated."

(M). Chevron Deference Blurs the Separation of Powers

(1). Courts must give **Deference to Agencies** interpreting their own regulations

(2). Chevron Deference has drawn criticism from conservatives members of the U.S. Supreme Court but no justice has moved to overturn the Chevon Deference.

(3). Chevron Deference compels a federal court to abandon its previous interpretation of a statute in favor of an agency's interpretation unless the prior court decision found the statute **was unambiguous**.

(4). *Brand X* has taken this U.S. Supreme Court to the precipice of administrative absolutism," *Brand X* following Chevron lays bare the flaws of the U.S. Supreme Court's entire executive-deference jurisprudence."

(5). *Brand X* now "**appears to be inconsistent with the Constitution, the Administrative Procedure Act (APA), and traditional tools of statutory interpretation**."

(6). Chevron Deference held that courts generally must accept an agency's interpretation of an **ambiguous statute** if the interpretation is **reasonable**. **That decision is in "serious tension" with the Constitution, the Administrative Procedure Act and "over 100 years of judicial decisions**,"

(7). Chevron Deference gives federal agencies **unconstitutional power** and **undermines the ability of the judiciary to perform its checking function on the other branches**.

(8). "**Chevron requires judges to surrender their independent judgment to the will of the executive**; Brand X forces them to do so despite a controlling precedent,"

(9). "Chevron transfers power to agencies;

(10). Brand X gives agencies the power to effectively overrule judicial precedents.

(11). Chevron withdraws a crucial check on the executive from the separation of powers;

(12). Brand X gives the Executive the ability to neutralize a previously exercised check by the judiciary."

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(14). U.S. Solicitor General Noel Francisco also told the court: "It would make little sense for a court of appeals to decline to give effect to an agency regulation that is otherwise **entitled to deference**, simply because a prior panel of the same court had interpreted an ambiguous statute differently before the regulation was promulgated."

(N). CHEVRON DEFERENCE IMPLIES A RETURN TO CONSTITUTIONAL ORIGINALISM

(1). "Even if the U.S. Supreme Court is not willing to question **Chevron Deference** itself, at the very least, the U.S. Supreme Court should consider **taking a step away from the abyss by revisiting *Brand X*,**"

(2). "It is never too late to 'surrender former views to a better considered position.'"

(3). It's rare for any justice to cast doubt on a prior ruling the same justice had earlier written.

(4). Thomas had **said in the past that there could be "some unique historical justification for deferring to federal agencies [but] "it now appears to me that there is no such special justification.**"

Baldwin v *United States* is the Clarion Call for the Supreme Court to Start Over with a Clean Slate from *Chisholm v. Georgia* or *Marbury v. Madison* and Try Again to Keep Their Political Bias out of their Opinions and Stay Within Their Judicial Jurisdiction and Stop Creating Unconstitutional Doctrines.

(O). CITING THE INTRODUCTION TO MICHAEL STOKES PAULSEN, *THE IRREPRESSIBLE MYTH OF MARBURY*, 101 MICHIGAN LAW REVIEW 2706 (2003)

I. INTRODUCTION

> Nearly all of American constitutional law today rests on a myth. The myth, presented as standard history both in junior high civics texts and in advanced law school courses on constitutional law, runs something like this: A long, long time ago — 1803, if the storyteller is trying to be precise — in the famous case of *Marbury v. Madison*,[5] the Supreme Court of the United States created the doctrine of "judicial review." Judicial review is the power of the Supreme Court to decide the meaning of the Constitution and to strike down laws that the Court finds unconstitutional.
>
> As befits the name of the court from which the doctrine emanates, the Supreme Court's power of judicial review — the power, in Chief Justice John Marshall's famous words in *Marbury*, "to say what the law is"[6] — is *supreme*.

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[5] 5 U.S. (1 Cranch) 137 (1803).

[6] Marbury, 5 U.S. (1 Cranch) at 177.

The Congress, the President, the states — indeed, “We the People” who “ordain[ed] and establish[ed][7] “the Constitution — are all bound by the Supreme Court’s pronouncements. Thus, the decisions of the Supreme Court become, in effect, part of the Constitution itself. Even the Supreme Court is bound by its own precedents, at least most of the time. Occasionally the Court needs to make landmark decisions that revise prior understandings, in order to keep the Constitution up to date with the times. When it does, that revised understanding becomes part of the supreme law of the land. Other than through the adoption of a constitutional amendment, however, the Supreme Court is the final authority on constitutional change.

Judicial review (the myth continues) thus serves as the ultimate check on the powers of the other branches of government, and is one of the unique, crowning features of our constitutional democracy. The final authority of the Supreme Court to interpret the Constitution has withstood the test of time. It has survived periodic efforts by the political branches, advanced during times of crisis (the Civil War and the Great Depression) or out of short-term political opposition to initially unpopular or controversial rulings (like *Brown v. Board of Education*[8] and *Roe v.* Wade[9]), to undermine this essential feature of our constitutional order. Through it all — *Dred* Scott[10] and the Civil War, the New Deal Court-packing plan, resistance to *Brown*, the Nixon Tapes case,[11] the Vietnam War, the quest to overrule *Roe v. Wade* — the authority of the Supreme Court as the final interpreter of the Constitution has stood firm. Indeed, the Court’s authority over constitutional interpretation by now must be regarded, rightly, as one of the pillars of our constitutional order, on par with the Constitution itself.

So the myth goes.

But nearly every feature of the myth is wrong. For openers, *Marbury v. Madison* did ***not*** create the concept of judicial review, but (in this respect) applied well-established principles. The idea that courts possess an independent power and duty to interpret the law, and in the course of doing so must refuse to give effect to acts of the legislature that contravene the Constitution, was well accepted by the time *Marbury* rolled around, more than a dozen years after the Constitution was ratified. Such a power and duty was contemplated by the Framers of the Constitution, publicly defended in Alexander Hamilton’s brilliant ***Federalist No. 78*** (as well as other ratification debates), and well-recognized in the courts of many states for years prior to *Marbury*.[12]8

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[7] U.S. CONST. pmbl

[8] 347 U.S. 483 (1954).

[9] 410 U .S. 113 (1973).

[10] Dred Scott v. Sandford, 60 U.S. (19 How.) 393 (1857).

[11] United States v. Nixon, 418 U.S. 683 (1974).

[12] See generally Sylvia Snowiss, *JUDICIAL REVIEW AND THE LAW OF THE CONSTITUTION* 13-89 (1990) (setting forth pamphlets, legislative debates, and cases accepting the doctrine of judicial review

> Moreover, and also contrary to the mythology that has come to surround *Marbury*, the power of judicial review was never understood by proponents and defenders of the Constitution as a power of judicial supremacy over the other branches, much less one of judicial exclusivity in constitutional interpretation. *Nothing* in the text of the Constitution supports a claim of judicial supremacy. The courts possess "[t]he judicial Power of the United States"[13] and that power extends to "Cases, in Law and Equity, arising under this Constitution,"[14] but nothing in the logic or language of such a statement of constitutionally authorized judicial *jurisdiction* implies *judicial* supremacy over the other branches of government. Jurisdiction to decide cases does not entail special guardianship over the Constitution. (If anyone could lay claim to the title of Special Trustee or Lord Protector of the Constitution, it would be the President, for whom the Constitution prescribes a unique oath that he will, "to the best of my Ability, preserve, protect, and defend the Constitution of the United States.")[15]
>
> None of the Constitution's authors or proponents ever suggested that the Constitution provides for judicial supremacy over the other branches in constitutional interpretation. All prominent defenses of the Constitution at the time of its adoption explicitly deny - indeed, take pains to refute - any such notion, which was sometimes charged by opponents of ratification but never accepted by the document's defenders.[16]
>
> Nothing in Chief Justice Marshall's opinion in *Marbury* makes such a claim of judicial supremacy either. The standard civics-book (and law school

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from independence to *Marbury*); William Van Alstyne, *A CRITICAL GUIDE TO MARBURY V. MADISON*, 1969 DUKE L.J. 1, 16-29 (explaining that the argument for judicial review was familiar and accepted by the time of Marbury)

[13] U.S. CONST. art. III , § l.

[14] U.S. CONST. art. Ill, § 2, cl.1.

[15] U.S. CONST. art. II, § 1, cl. 8. I do not claim that the President's oath makes him the unique protector of the Constitution, vested with interpretive supremacy over the other branches. I claim only that the judiciary is not the unique protector of the Constitution, vested with interpretive supremacy over the other branches. The correct answer, James Madison and I submit, is that none of the branches has interpretive supremacy over the others. See THE FEDERALIST No. 49, at 313 (James Madison) (Isaac Kramnick ed., 1987) ("The several departments being perfectly co-ordinate by the terms of their common commission, neither of them, it is evident, can pretend to an exclusive or superior right of settling the boundaries between their respective powers.") For an extended defense, see Michael Stokes Paulsen, THE MOST DANGEROUS BRANCH: EXECUTIVE POWER TO SAY WHAT THE LAW IS, 83 GEO. L.J. 217 (1994) [hereinafter, Paulsen, THE MOST DANGEROUS BRANCH].

[16] Michael Stokes Paulsen, NIXON NOW: THE COURTS AND THE PRESIDENCY AFTER TWENTY-FIVE YEARS, 83 MINN. L. REV. 1337, 1349-51 (1999) (hereinafter Paulsen, Nixon Now] (collecting authorities). Alexander Hamilton's The Federalist No. 78 is a careful defense of the propriety of judicial review while simultaneously an emphatic refutation of the anti-Federalist writer Brutus's accusation of judicial supremacy. See Paulsen, Nixon Now, supra, at 1350 n.39; id. at 1353-56 (collecting sources); see also Garry Wills, EXPLAINING AMERICA: THE FEDERALIST 126-36 (1981). But cf Jack N. Rakove, ORIGINAL MEANINGS: POLITICS AND I DEAS IN THE MAKING OF THE CONSTITUTION 1 86-87 (1997) (intimating that Brutus, rather than Hamilton, may have correctly understood the judicial supremacist implications of Article III of the Constitution).

casebook) myth misrepresents and distorts what John Marshall and the Framers understood to be the power of judicial review: a *coordinate, coequal* power of courts to *judge for themselves* the conformity of acts of the other two branches with the fundamental law of the Constitution, and to refuse to give acts contradicting the Constitution any force or effect insofar as application of the judicial power is concerned.

That was a big enough deal in its own right. The idea that written constitutions could serve as judicially enforceable checks on the powers of legislatures elected by the people is an important, distinctively American, contribution to what the founding generation called the science of politics.[17] Written constitutionalism, combined with separation of powers — including an independent judiciary deriving its authority directly from the Constitution and not from the other branches — yields an *independent* judicial power to interpret and apply the Constitution in cases before the courts. That is the proposition of *Marbury v. Madison*, and it is a proposition of considerable significance (even if not original to the case).

But that proposition is nowhere close to a holding, or claim, of judicial *supremacy* over the other branches — a notion that would have been anathema to the founding generation, and that the Supreme Court in *Marbury* appeared explicitly to disavow.[18] Nothing in *Marbury* supports the modem myth of judicial supremacy in interpretation of the Constitution. Quite the contrary, *Marbury's* holding of judicial review rests on premises of separation of powers that are fundamentally inconsistent with the assertion by any one branch of the federal government of a superior power of constitutional interpretation over the others.

The logic of *Marbury* implies not, as it is so widely assumed today, judicial supremacy, but *constitutional* supremacy — the supremacy of the document itself over misapplications of its dictates by any and all subordinate agencies created by it. As a corollary, *Marbury* also stands for the independent obligation of each coordinate branch of the national government to be governed by that document rather than by departures from it committed by the other branches. Under Chief Justice John Marshall's reasoning (and Alexander Hamilton's before him in *Federalist No. 78*), the duty and power of judicial review do not mean the judiciary is supreme over the Constitution. Rather, the duty and power of judicial review exist in the first place because the Constitution is supreme *over the judiciary* and governs its conduct. As Marshall wrote in *Marbury*, "the framers of the constitution contemplated that instrument as a rule for the government of courts, as well as of the legislature."[19]

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[17] See generally Gordon S. Wood, THE CREATION OF THE AMERICAN REPUBLIC 1776-1787, at 3, passim (1969).

[18] See *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137, 170 (1803) (disclaiming "all pretensions to . . . jurisdiction" over matters in which political branches "have a discretion").

[19] *Marbury*, 5 U.S. (l Cranch) at 179-80.

> It is the fundamental betrayal of Marbury's premises and Marbury's logic that accounts for nearly all of what is wrong with "constitutional law" today. The twin peaks of constitutional law today are judicial supremacy and interpretive license. Marbury refutes both propositions. Correctly read, Marbury stands for constitutional supremacy rather than judicial supremacy. And constitutional supremacy implies strict textualism as a controlling method of constitutional interpretation, not free-wheeling judicial discretion.

(P). RULE 8(A)(1) SHORT AND PLAIN STATEMENT VS. RULE 9(B) FRAUD

The Wikipedia Timeline for the September 11, 2001 Terrorist Attacks[20] provides the **CONSTITUTIONAL JUSTIFICATION AND VALIDATION** for my 19-year pursuit for the RESTORATION of the COMMON DEFENCE (original spelling) in the **PREAMBLE** to the **UNITED STATES CONSTITUTION** by restoring the **SECOND AMENDMENT** to its **ORIGINAL INTENT** as a vital function for the **COMMON DEFENCE**.

If there is any lingering doubt with this Federal Court on the veracity of my Claim for the **SECOND AMENDMENT** link to the **COMMON DEFENCE** then I present a rewritten version of the **PREAMBLE** to the **UNITED STATES CONSTITUTION:**

> "We the People of the United States, in Order to form a more perfect Union, ***declare that National Open Carry, without license or permit, will*** establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

The **SECOND AMENDMENT** is linked to the **COMMON DEFENCE CLAUSE** in the PREAMBLE to the UNITED STATES CONSTITUTION and in Article I, Section 8, Clause 1, with the **PRIVILEGES AND IMMUNITIES CLAUSE** in Article IV, Section 2, Clause 1 and in the FOURTEENTH AMENDMENT, Clause 1; with the **TENTH AMENDMENT POWERS RESERVED TO THE PEOPLE THEMSELVES** with the **NINTH AMENDMENT'S "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people*."**

That means National Open Carry is an embedded right in the United States Constitution. It proves that gun control serves only to destroy the

[20] https://en.wikipedia.org/wiki/Timeline_for_the_day_of_the_September_11_attacks

Common Defence and on that basis all gun control laws in their individual and collective intent is TREASON against the CONSTITUTION OF THE UNITED STATES and the CONSTITUTIONS OF THE STATES.

18 U.S. Code § 2382 Misprision of Treason

> Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the **President** or to **some judge of the United States**, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

The Fox News Channel is discussing the Socialist/Communist leanings of the Democrat Presidential Candidates pushing for various degrees of Socialist and/or Communist programs in defiance of the Constitution's guarantee of a Republican Form of Government. Why isn't anyone calling this Presidential Election an act of Treason?

THIS IS WHY!

This is why the United States is on the threshold of collapse.

(Q). THIS IS A CASE OF FIRST IMPRESSION TESTING THE TENTH AMENDMENT POWERS RESERVED TO THE PEOPLE THEMSELVES.

It is my application of the **BUTTERFLY EFFECT from CHAOS THEORY of Weather Prediction** to CONSTITUTIONAL LAW, CIVIL RIGHTS LAW, FEDERAL CRIMINAL LAW, and the STATE OF ARKANSAS CRIMINAL LAWS as I exercise my NINTH AMENDMENT right and my TENTH AMENDMENT powers reserved to the people ourselves to issue this **TENTH AMENDMENT CITIZEN'S FEDERAL ARREST WARRANT** charging **TREASON AGAINST THE CONSTITUTION OF THE UNITED STATES** and against the **CONSTITUTION OF THE STATE OF ARKANSAS** against the **FEDERAL and STATE DEFENDANTS** where applicable with additional **FEDERAL and STATE crimes up to and including all for all.**

And so it is today that I proved the entire **ARKANSAS JUDICIAL SYSTEM** is corrupt against the poor because I am poor. I suffered from multiple examples of **FEDERAL and STATE SANCTIONED PREJUDICE AGAINST THE POOR.**

(R). THE SOURCE FOR ALL OF THE SUPREME COURT'S FALSE DOCTRINES IS 18 U.S. CODE § 1001 STATEMENTS OR ENTRIES GENERALLY

> (a) Except as otherwise provided in this section, whoever, in any matter **within the jurisdiction of the executive, legislative, or**

JUDICIAL✱ branch of the Government of the United States, knowingly and willfully—

> **(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;**
>
> **(2) makes any materially false, fictitious, or fraudulent statement or representation; or**
>
> **(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;**

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

(b) ***Subsection (a) does not apply to a party to a <u>JUDICIAL PROCEEDING</u>,✱ or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding*.**

✱ 18 U.S. CODE § 1001 hypocritically gives and takes away a remedy for lying State & Federal court judges and Justices of the UNITED STATES SUPREME COURT. By definition of CONSTITUTIONAL LAW and *Cohens* v. *Virginia*, 19 U.S. 264, at 404 (6 Wheaton 264) (1821) (*See top of page 3 or next page, 7*) this unconstitutional taking of a remedy for what would be a federal crime for common citizens, 18 U.S. CODE § 1001(b) becomes TREASON against the UNITED STATES CONSTITUTION. 18 U.S. CODE § 1001(b) is motivation for federal judges and Justices to create false doctrines like the delusional false gun control doctrine the is designed to destroy the Common Defense by perpetual gun con control laws, to inflict the *death* of the Common Defence *through a thousand cuts*.[21]

Pat McPherron's law review article titled, ***PROOF THAT ABSOLUTE IMMUNITY FROM SUIT IS NOT CONSTITUTIONAL***, (see pages 11–16), 18 U.S. Code § 1001(b) shown above is a

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[21] Timothy Brook, Jerome Bourgon and Gregory Blue, *DEATH BY A THOUSAND CUTS*, Harvard University Press, 336pp, May 8, 2008 ISBN 97806740732

> Few of those who now use the phrase "death by a thousand cuts" will be aware of its origins in *lingchi*, a highly unpleasant form of execution used in Imperial China, which involved the slicing of the convicted criminal's flesh until death ensued.

www.timeshighereducation.com/books/death-by-a-thousand-cuts/401789.article#survey-answer

form of Absolute Immunity for the simple fact that **ABSOLUTE IMMUNITY** cannot coexist with the "**NO ONE IS ABOVE THE LAW**" Doctrine. Because this schismatic relation between the two opposing judicial doctrines that *Marbury* v *Madison's* Judicial Review has created we now have a Schizophrenic judicial system that caused the United States to achieve the deplorable dishonor of being the country with the most people in prison and jail than any country in the world. For evidence of this fact *See* pages 130–133 herein.

NOTICE OF UNDERSTANDING of certain doctrines & legal terms and their applications in this Tenth Amendment power reserved to the people to issue a Citizen's Federal Arrest Warrant directly to this Federal Court for enforcement in combination with the Ninth Amendment.

MY COMMENT:

But Congress and the State legislatures have their delusions. In my 30-years of my self-study as an educational hobby in Behavioral Psychology, Constitutional Law, Civil Rights Law, Federal Law, and the Rule of Law I coined a new doctrine of psychological reality. *"DELUSION IS REALITY FOR THE CORRUPT."*

So it is with **Judge Mark Derrick** operating an unconstitutional Debtor's Prison scheme from a Kangaroo Court to raise revenue for the State of Arkansas off the backs of the poor in White County, Arkansas. An indefensible practice for Leslie Rutledge, Arkansas State Attorney General to defend. The State Attorney General would do well for the People of Arkansas to plead NOLO CONTENDERE because there are matters that cannot be defended regardless of the Right to a Defense when the evidence clearly proves the crime. Court Reform is clearly needed here to prevent the practice of State and Federal Attorney Generals from defending the indefensible when the evidence is beyond a reasonable doubt.

POLITICAL QUESTION: (1808) A question that a court will not consider because it involves the discretionary power by the executive or legislative branch of government. — Also termed *nonjusticiable question.*

POLITICAL-QUESTION DOCTYRINE: (1935) The judicial principal that a court should refuse to decide an issue involving the exercise of discretionary power by the executive or legislative branch of government.

MUGWUMP: This archetypal American word derives from the Algonquian dialect of Native Americans in Massachusetts. In their language, it meant "war leader". The Puritan missionary John Eliot used it in his translation of the Bible into their language in 1663 to convey the English words duke, officer and captain.

Mugwump was brought into English in the early nineteenth century as a humorous term for a boss, bigwig, grand panjandrum, or other person in authority, although often one of a minor and inconsequential sort. This example comes from a story in an 1867 issue of Atlantic Monthly: "I've got one of your gang in irons — the Great Mugwump himself, I reckon — strongly guarded by men armed to the teeth; so you just ride up here and surrender".

It hit the big time in 1884, during the presidential election that set Grover Cleveland against the Republican James G Blaine. Some Republicans refused to support Blaine, changed sides, and the New York Sun labelled them little mugwumps. Almost overnight, the sense of the word changed to turncoat. Later, it came sto mean a politician who

either could not or would not make up his mind on some important issue, or who refused to take a stand when he was expected to do so. **Hence the old joke that a mugwump is a person sitting on the fence, with his *mug* on one side and his *wump* on the other.**[22]

When does Politics become Treason?

Nancy Pelosi tearing up President Trump's State of the Union speech is an act of Treason. Pelosi is not Mugwumping the fence between politics and Treason. She fell off that fence falling flat on her wump on the treason side of the fence.

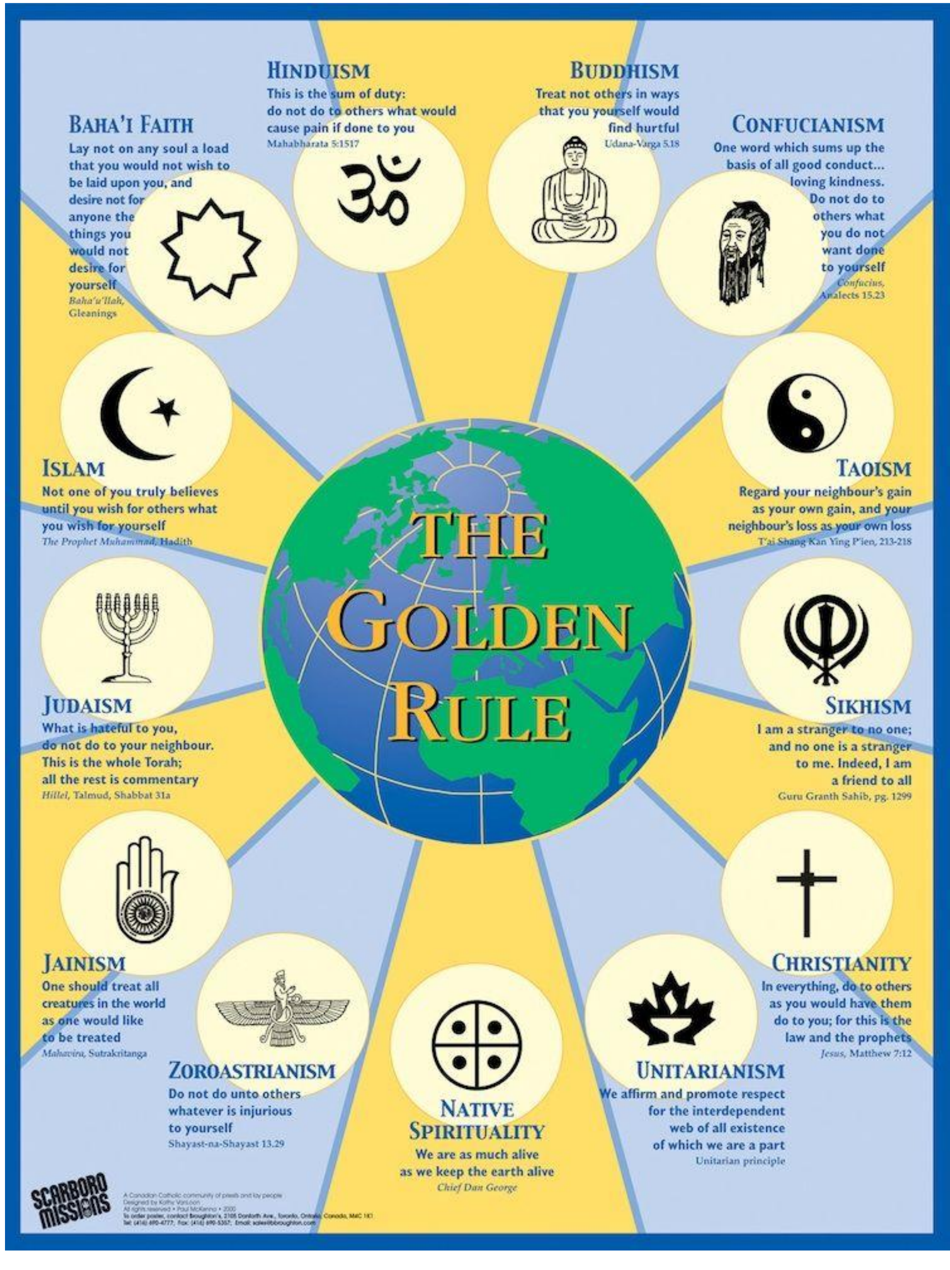
Why isn't Pelosi in jail for Treason?

[22] http://www.worldwidewords.org/weirdwords/ww-mug1.htm

(S). NATIONAL REFORMS ACROSS THE BOARD FOR GOVERNMENT AND SOCIETY

1. STOPPING CRIME IN FUTURE GENERATIONS THE RIGHT WAY.

Why Not Try This? **THE GOLDEN RULE** or also known as **THE ETHIC OF RECIPROCITY** is a universal rule. Every society in the world needs their moral code of conduct. Teaching THE GOLDEN RULE as THE ETHIC OF RECIPROCITY does not violate the **FIRST AMENDMENT** right to religious freedom because **THE GOLDEN RULE** is part of every religion in the world. No religious discrimination there.



2. CRITICAL THINKING AND OCCAM'S RAZOR

Now combine that with teaching Critical Thinking and Occam's Razor in elementary and junior high school will give that generation the cognitive skills to acutely determine right from wrong when group think leads them in the wrong direction just as the U.S. Supreme Court lead the Country down the wrong path of history with the unconstitutional and treasonous Gun Control Doctrine.

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4. AFFIDAVIT IN SUPPORT OF THIS CRIMINAL COMPLAINT

I, Donald Lee Hamrick (Don Hamrick), being duly sworn, depose and state:

A. This Court is compelled to check the PACER Database to find all of my cases at (1) this Federal Court, (2) at the Eighth Circuit, (3) at the District Court in Washington DC, (4) at the D.C. Circuit, and (5) at the U.S. Supreme Court to find that all of my complaints and appeals I filed from 2002 to the present were dismissed and denied all the way up to the U.S. Supreme Court simply because (1) I filed ***pro se in forma pauperis*** and (2) I sued for the **ULTIMATE FACT** (*A fact essential to the claim or the defense; A fact that is found by making an inference or deduction from findings of other facts; specifically, a factual conclusion derived from other facts*. **BLACK'S LAW DICTIONARY**, 10th ed. 2014) that the **COMMON DEFENCE CLAUSE** in the **PREAMBLE to the UNITED STATES CONSTITUTION** and in Article I, Section 8, Clause 1, is linked to the **PRIVILEGES AND IMMUNITIES CLAUSE** in Article IV, Section 2, Clause 1 and in the **FOURTEENTH AMENDMENT**, Clause 1; and is linked to the **SECOND AMENDMENT** with the **TENTH AMENDMENT POWERS RESERVED TO THE PEOPLE THEMSELVES** and is further linked to the **NINTH AMENDMENT'S "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people*."**

These cascading links mean that **NATIONAL OPEN CARRY** is an embedded right in the **UNITED STATES CONSTITUTION**. It means that **GUN CONTROL LAWS** serve only to **DESTROY THE COMMON DEFENCE** and on that basis all gun control laws in their individual and collective intent is **TREASON against the CONSTITUTION OF THE UNITED STATES and the CONSTITUTIONS OF THE STATES**.

That is the **ULTIMATE FACT** for the reason for and the purpose of the Second Amendment proving the **ULTIMATE FACT** that **NATIONAL OPEN CARRY** without license or permit **as it existed at the time the UNITED STATES CONSTITUTION was ratified was, and still is, the original intent for the Common Defence**.

Being denied my First Amendment right to petition the Government for the last 18 years is a denial of my **Thirteenth and Fourteenth Amendment rights** as a free citizen. That continuous denial of my rights as a free citizen for 18 years rises to violations of my Human Rights under United Nations human rights treaties. **This brings me to Samuel Moyn, *RIGHTS VS. DUTIES: RECLAIMING CIVIC BALANCE* (Philosophy & Religion), Boston Review (A Political and Literary Forum), May 16, 2016:**

> "*Our age of rights, **lacking a public language of duties**, is a historical outlier. The consequences are significant. **Human rights themselves wither when their advocates fail to cross the border into the language of duty**; insofar as compliance with norms on paper is sought, **the bearers of duties have to be identified and compelled to assume their burden.***"

B. I AM INVOKING THE U.N. HUMAN RIGHTS TREATY: Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by the United Nations General Assembly Resolution 40/34 of November 29, 1985

A. VICTIMS OF CRIME

RESTITUTION

> **8. Offenders or third parties responsible for their behaviour should, where appropriate, *MAKE FAIR RESTITUTION TO VICTIMS, THEIR FAMILIES* or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.**
>
> **9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.**

A. I am a United States citizen and a resident in the State of Arkansas TESTING my *TENTH AMENDMENT* Powers reserved to the People themselves vested in me to DECLARE my power to issue this ***CITIZEN'S FEDERAL ARREST WARRANT FOR THE NAMED DEFENDANTS*** supported by the *AFFIDAVIT FOR THE ARREST WARRANT* with the accompanying COMPLAINT presented herein.

B. I have the Tenth Amendment Power Reserved to the People themselves to issue this *CITIZEN'S FEDERAL ARREST WARRANT* when the entire Federal Judicial SYSTEM and the entire Arkansas Judicial SYSTEM are corrupt as explained in the next paragraph. However, I submit this CRIMINAL COMPLAINT and *CITIZEN'S FEDERAL ARREST WARRANT* under the FEDERALISM POLICY of the *UNITED STATES CONSTITUTION* in order that this Court will establish a *TENTH AMENDMENT DOCTRINE* citing the *FIRST CONSTITUTIONAL CANON*: *Chisholm* v. *Georgia*, 2 U.S. (Dall.) at 479 (1793) "*that the people are the sovereign of this country*"in support of the Citizen's Federal Arrest Warrant.

C. This Jus Agendi (Latin, *One's power to take action to pursue one's rights*) in the form of the TENTH AMENDMENT (Powers reserved to the People themselves) CITIZEN'S FEDERAL ARREST WARRANT in combination with the NINTH AMENDMENT is submitted in support of my OMNIBUS AND PARTICULARIZED COMPLAINT charging the following defendants with State and Federal crimes on the next page:

(1) **GOVERNOR ASA HUTCHINSON**, Little Rock
(2) **FEDERAL JUDGE MOODY**, Little Rock
(3) **CLAYTON HIGGINS**, CASE ANALYST, SCOTUS
(4) **DAVID SACHAR**, Director, Judicial Discipline Commission
(5) **STARK LIGON**, Director, Office of Professional Responsibility
(6) **JUDGE ROBERT EDWARDS**, White County Circuit Court
(7) **JUDGE MARK DERRICK** of Kensett, AR
(8) **JUDGE MILAS HALE** of Sherwood, AR
(9) **PROSECUTOR DON RANEY** of Kensett, AR
(10) **JOHN POLLARD,** Chief of Police, City of Kensett, Arkansas
(11) **CHRISTINA ALBERSON**, Mayor's Asst & Clerk, Kensett District Court
(12) **LAURA BALLENTINE**, (still a Police Officer?), Clerk, Kensett Water Dept.
(13) **MID-SOUTH HEALTH SYSTEMS**, Jonesboro, AR

D. Arkansas Criminal Offenses:

- **ARKANSAS CODE § 5-51-201 TREASON** Against the Arkansas Constitution.
- Arkansas Code § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- Arkansas Code § 5-2-203 Culpable mental states — Interpretation of statutes.
- Arkansas Code § 5-2-209 Entrapment.

- Arkansas Code § 5-2-401 Criminal Liability Generally.
- Arkansas Code § 5-2-402 Liability for Conduct of Another Generally.
- Arkansas Code § 5-2-403 Accomplices.
- Arkansas Code § 5-3-201 Conduct Constituting Attempt.
- Arkansas Code § 5-3-202 Complicity.
- Arkansas Code § 5-3-401 Conduct Constituting Conspiracy.
- Arkansas Code § 5-3-402 Scope of Conspiratorial Relationship.
- Arkansas Code § 5-3-403 Multiple Criminal Objectives.
- Arkansas Code § 5-36-103(a) Theft of property (Unlawful Repossession of 2013 Toyota Sienna through false arrest)
- Arkansas Code § 5-71-208. Harassment

E. Federal Offenses:

- **18 U.S. CODE § 2381. TREASON** Against the United States Constitution.
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.
- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS

5. MY ADVISORY TO THIS COURT

This entire combined Citizen's Arrest Warrant and Omnibus & Particularized Civil Complaint is based on the Ninth Amendment and the Tenth Amendment powers reserved to the people themselves falls within my First Amendment right to Petition the Government for Redress of Grievances under the Federalism Policy of the United States Constitution.

Relevant Evidence Supporting My Demand for Remedies

Every page in this AFFIDAVIT for my NINTH AMENDMENT and TENTH AMENDMENT CITIZEN'S FEDERAL ARREST WARRANT against the named Defendants and OMNIBUS & PARTICULARIZED COMPLAINT has Relevant Evidence under **RULES 401 & 402 OF THE FEDERAL RULES OF EVIDENCE.** For the necessity of all this evidence proving every issue herein, principally **(1)** my innocence against State multiple misdemeanor False Convictions, **(2)** my constitutional right to demand restitution, **(3)** my right to restore my name, character, and reputation by expunging my record, and **(4)** my right to demand $6 million in MONEY DAMAGES under the CONTINUING VIOLATIONS DOCTRINE for State and Federal violations of my constitutional rights from 2002 to the present. This Court cannot dismiss this case for any reason, not even under **RULE 8(a)(2)** because this is a case of **FIRST IMPRESSION** in addition to the fact that I am pleading **FRAUD under RULE 9(b)**.

Facilitating Settlement at Pretrial Conference

FEDERAL RULES OF CIVIL PROCEDURE, RULE 16(a)(5) provides "facilitating settlement." To that end my most urgent concern is the return of my life from the control of the State of Arkansas and from the obstructions of the federal courts in opposition to my defense of my violated constitutional rights.

This is a Case of First Impression

I lived my entire life instinctively under the concept of the Common Defence in the Preamble of the United States Constitution, the Reciprocity of Ethics, which is another way to refer to The Golden Rule which is a part of nearly every religion in the world and by The Butterfly Effect from Chaos Theory of weather prediction applied to Behavioral Psychology and Constitutional Law and I lived by **Frederick Douglass' famous struggle for freedom speech on the "West India Emancipation" at Canandaigua, New York, on the twenty-third anniversary of the event** (*and I am a white guy*) even when I did no know of such things in my youth. Because I never backed down from aggression in my life I knew early on that I will need to study Behavioral Psychology, Constitutional Law, Civil Rights Law, and Federal Law because I observed the behavior of people, even in my childhood, that everyone believes they are smarter than everyone else. I also learned that DISCONFIRMATION BIAS and CONFIRMATION BIAS are contagions causing POLARIZATION OF ATTITUDES (part of the SEVEN UNIVERSAL PATTERNS OF ARGUMENTS from my study of BEHAVIORAL PSYCHOLOGY), like identity politics rather than the unification of the AMERICAN CULTURALISM. Oh God! I hope I don't get accused of being a religious racist! (That's humor!)

Since the terrorist attacks on September 11, 2001 I began collecting evidence of DISCONFIRMATION BIAS (judges believing us common folk don't have the noodles to think for ourselves) and CONFIRMATION BIAS (judges believing they know what is best for us common folk than we know for ourselves). In my **LITIGIOUS SAFARI HUNT** to collect evidence to prove the **ULTIMATE FACT** (*A fact essential to the claim or the defense; A fact that is found by msking an inference or deduction from findings of other facts; specifically, a factual conclusion derived from other facts*. **BLACK'S LAW DICTIONARY**, 10th ed. 2014) that the **COMMON DEFENCE**, the **PRIVILEGES AND IMMUNITIES**, and the **SECOND AMENDMENT** are all linked together in the **ORIGINAL INTENT** in the **UNITED STATES CONSTITUTION** proving **NATIONAL OPEN CARRY** without license or permit **is an embedded constitutional right as it existed at the time the UNITED STATES CONSTITUTION was ratified.**

SHOCKING TO THINK THAT!

I might get lynched for such heresy in today's delusional gun control world! We are all victims of THE BOILED FROG THEORY.

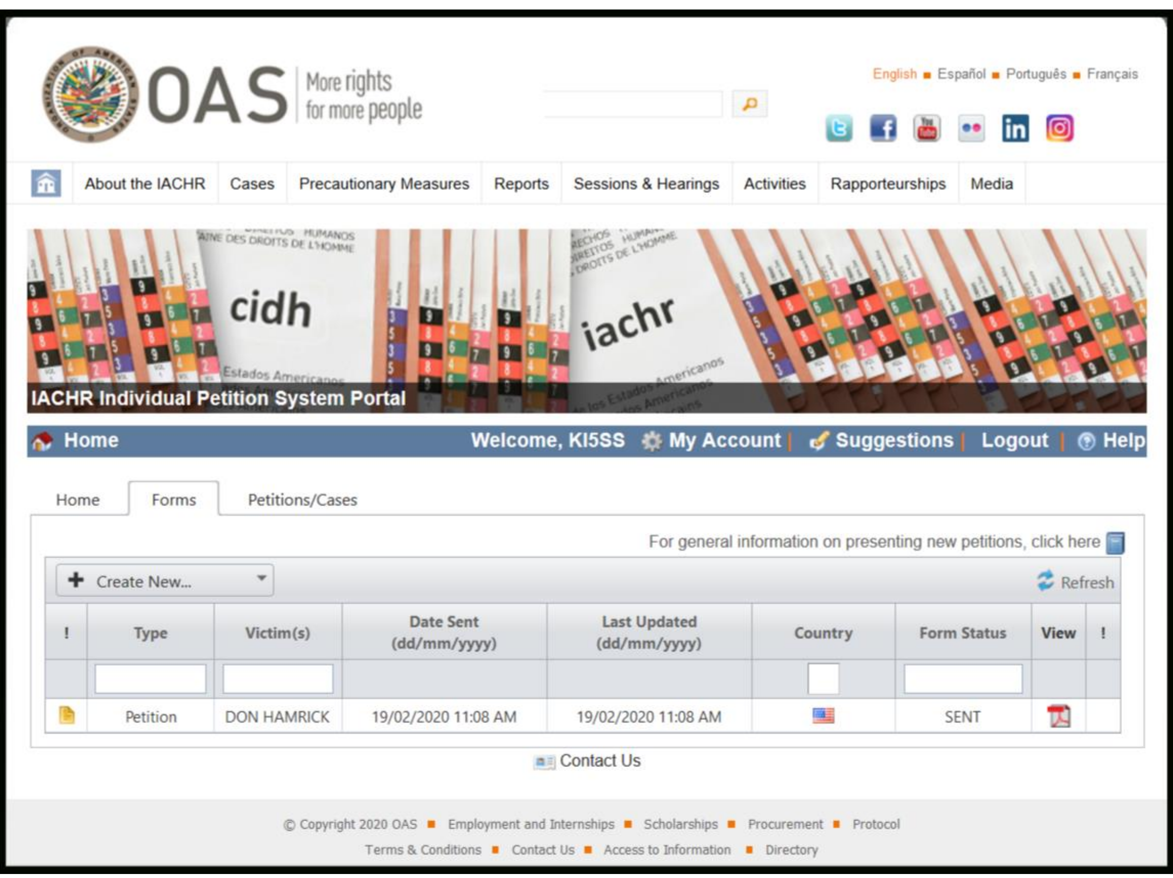
You will find herein that my Litigious Safari Hunts making the **UNITED NATION** and the **INTER-AMERICAN COMMISSION ON HUMAN RIGHTS** (IACHR) (Organization of American States) to get them to admit the individual right to armed self-defense is an international human right were failures. But the sperarate failure will, in the collective effect will prove the ULTIMATE FACT that the **SECOND AMENDMENT** AND the **COMMON DEFENCE** are **human rights** for the **CITIZENS OF THE UNITED STATES.**

In the Arkansas **Federal JUDGE MOODY** of this Federal Court committed multiple counts of **TREASON** (*See also page 10*) against the **CONSTITUTION OF THE UNITED STATES.** *Cohens* v. *Virginia*, 19 U.S. 264, at 404 (6 Wheaton 264) (1821) **imposed upon State and Federal Courts the addition of JUDICIAL TREASON against the United States Constitution as an additional definition of Treason in Article III, Section 3 in the United States Constitution regarding the unconstitutional taking (usurpation) or the unconstitutional refusal of jurisdiction**:

6. NOTICE OF THE HUMAN RIGHTS COMPLAINT I FILED WITH THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS IN WASHINGTON, DC

The **ARKANSAS** and **FEDERAL COURTS** up to and including the **U.S. SUPREME COURT** denied my appeals of innocence. I filed my human rights complaint against the **STATE OF ARKANSAS** and against the **UNITED STATES** with the **INTER-AMERICAN COMMISSION ON HUMAN RIGHTS** in Washington, D.C.

I created the star logo for my blog 15 years ago. I created the circle label this week because the corrupt **ARKANSAS AND FEDERAL COURTS** left me no choice but to become a human rights advocate. I will create a new ***UNITED STATES COMMON DEFENCE HUMAN RIGHTS COALITION*** to do what the NRA refuses to do.



Because the ***Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power***, Adopted by General Assembly resolution 40/34 of 29 November 1985, has the provision for ***Restitution***, I filed my human rights complaint with the Inter-American Commission on Human Rights.

> Restitution
>
> 8. Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.
>
> 9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.

I am tired of the dismissals and denials of my federal cases up to and including U.S. Supreme Court from 2002 to the Present. I am also tired of the misdemeanor false convictions in the corrupt Arkansas Courts.

7. MY LETTER TO THE SECRETARY OF DEFENSE

Don Hamrick Thursday, February 18, 2020

322 Rouse Street, Kensett, Arkansas 72082 Email: ki5ss@yahoo.com

Dr. Mark T. Esper
SECRETARY OF DEFENSE
Public Communications - DOD Public Affairs
1400 Defense Pentagon
Washington, DC 20301-1400

ADMISSIBLE EVIDENCE

Rule 401 & 402: Evidence is relevant if it has any tendency to make [facts] more or less probable than it would be without the evidence; and the fact[s are] of consequence in determining the action.

Voluntary Interrogatory on the Common Defense

Dear Mr. Secretary,

I am preparing a civil complaint for the federal court in Little Rock, Arkansas on the constitutional relationship between the **COMMON DEFENCE** in the **PREAMBLE**, and in Article I, Section 8, Clause 1; the **PRIVILEGES AND IMMUNITIES** in Article IV, Section 2, Clause 1, and in the **FOURTEEN AMENDMENT**, Section 1; and the **SECOND AMENDMENT**.

I need **UNCLASSIFIED ANSWERS** from the **SECRETARY OF DEFENSE** to the following questions. The Q & A will be Evidence under **RULES 401 & 402 of the FEDERAL RULES OF EVIDENCE.**

QUESTION (1) Does Brenton Harrison Tarrant's manifesto, *THE GREAT REPLACEMENT,* present a threat to the United States?

March 15, 2019 excerpt from New Zealand mosque shooter Brenton Harrison Tarrant's manifesto, The Great Replacement (page 9):

"Why did you carry out the attack?"

> ". . . Finally, to create conflict between the two ideologies within the United States on the ownership of firearms in order to further the social, cultural, political and racial divide within the United States. **This conflict over the 2nd amendment and the attempted removal of firearms rights will ultimately result in a civil war that will eventually balkanize the US along political, cultural and, most importantly, racial lines.**[23]
>
> This balkanization of the US will not only result in the racial separation of the people within the United States ensuring the future of the White race

[23] My emphasis.

on the North American continent, **but also ensuring the death of the "melting pot" pipe dream**.[24] "

Michael Davis, The Manifesto Posted On 8chan By Alleged El Paso Shooter Minutes Before Attack, August 6, 2019.[25]

QUESTION (2): For about three years the Congressional Democrat Leadership pushed impeachment of President Trump with no impeachable offenses. They were mugwumping [26] the fence between politics and treason.

Under Constitutional Law and the Law of Treason, presuming the Impeachment Process was an insurrection to overthrow the United States Government, did President Trump have the Presidential authority and justification to invoke the Militia Clause in Article II, Section 2, to call out the U.S. Marine Reserves under the MANPOWER GUIDANCE FOR ACTIVATION AND DEACTIVATION OF RESERVE COMPONENT MARINES ORDERED TO ACTIVE DUTY ISO DEFENSE SUPPORT OF CIVIL AUTHORITIES, Date Signed: 10/3/2019 | MARADMINS Number: 550/19? [27]

FACT (1): The COMMON DEFENCE is part of the Preamble to the United States, and in Article I, Section 8, Clause 1.

FACT (2): The PRIVILEGES AND IMMUNITIES CLAUSE is contained in Article IV, Section 2 and in the FOURTEENTH AMENDMENT, Section 1.

QUESTION (3): Is the Second Amendment linked to the Common Defence and the Privileges and Immunities? My interpretation is YES. Am I correct? Please explain the connection in Common Defence terms.

Defence is the original spelling in the Constitution. Am I correct to interpret the spelling of Defence, as opposed to the Defense spelling today to have constitutional significant differentiations with the two spellings? Implying that the Common Defence is the provence of the People under the Ninth Amendment and the Tenth Amendment powers reserved to the people themselves. The prime example is the constitutional militia without the criminal element bastardizing the constitutional militia concept. (*A serious political issue associated with that question*.)

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[24] My emphasis.

[25] https://www.memri.org/reports/manifesto-posted-8chan-alleged-el-paso-shooter-minutes-attack

[26] *https://www.merriam-webster.com/dictionary/mugwump*. Mugwump is an anglicized version of a word used by Massachusett Indians to mean "*war leader*." The word was sometimes jestingly applied in early America to someone who was the "head guy." The first political mugwumps were Republicans in the presidential race of 1884 who chose to support Democratic candidate Grover Cleveland rather than their own party's nominee. Their independence prompted one 1930s humorist to define a mugwump as "***a bird who sits with its mug on one side of the fence and its wump on the other***."

[27] https://www.marines.mil/News/Messages/Messages-Display/Article/1979422/manpower-guidance-for-activation-and-deactivation-of-reserve-component-rc-marin/

QUESTION (4): If I am correct on the linkage then am I correct to interpret that linkage to mean that NATIONAL OPEN CARRY is an embedded constitutional right originally meant to protect the COMMON DEFENCE?

QUESTION (5): Am I correct to apply Constitutional Law to the sum total of the perpetual Federal and St--ate gun control laws as primarily designed to destroy the Common Defence of the people of the United States and thereby destroying the right of self-defense for the people "*to keep and carry arms wherever they went?*" *Dred Scott* v. *Sandford*, 60 U.S. 393, AT 416–417 (1856). My Causality theory is the perpetual Federal and State gun control laws benefits the criminal element and is unconstitutionally detrimental to the law-abiding people making Single-Shooter, Mass Murder incidents a common occurrence in society at large for the past couple of decades, maybe more..

QUESTION (6): Am I correct to interpret gun control laws as treason against the United States Constitution?

QUESTION (7): Am I correct to interpret the gun control doctrine to be a delusional false doctrine?

QUESTION (8): If Congress, the State legislatures, the Federal and State Courts, including the U.S. Supreme Court concede that National Open Carry is an imbedded constitutional right how would you propose the restoration of that right?

THE CURRENT PREAMBLE

> **We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.**

THE POSSIBLE PREAMBLE, IF AMENDED

> **We the People of the United States, in Order to form a more perfect Union, Declare National Open Carry will establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.**

The idea here is that all present gun control laws prohibiting the constitutionally normative purpose for the Common Defense will become unconstitutional. The reasoning here is that National Open Carry was the social, legal, and the constitutional norm when the Constitution was ratified. While the country changed human behavior has not changed and never will. That is the reason the Constitution is a Statict Constitution and not a Living Constitution.

Sincerely,

Don Hamrick

7. QUOTATIONS

SOURCE: Suzy Platt, Congressional Research Division, ***RESPECTFULLY QUOTED: A DICTIONARY OF QUOTATIONS REQUESTED FROM THE CONGRESSIONAL RESEARCH SERVICE***, **LIBRARY OF CONGRESS**, **1989** serves to validate portions of this Complaint for historical accuracy and appropriateness for the remedies I demand herein.

● "On this showing, the nature of the breakdowns of civilizations can be summed up in three points: a failure of creative power in the minority, an answering withdrawal of mimesis on the part of the majority, and a consequent loss of social unity in the society as a whole."

ARNOLD J. TOYNEE, *A STUDY OF HISTORY*, vol. 4, part B, p.6 (1948)[28]

● "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, and comes short again and again, because there is no effort without error and short coming; but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall be with those cold and timid souls who know neither victory nor defeat."

THEODORE ROOSEVELT, address at the Sorbonne, Paris, France, April 23, 1910.—"Citizenship in a Republic," *The Strenuous Life* (vol. 13 of *The Works of Theodore Roosevelt*, national ed.), chapter 21, p. 510 (1926).[29]

● "It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance." ❋

SENATOR ROBERT F. KENNEDY, *"Day of Affirmation,"* address at the University of Capetown, South Africa, June 6, 1966.—*Congressional Record,* vol.112, June 6, 1966, p.12430. This quotation is an inscription on Robert F. Kennedy gravesite at Arlington National Cemetery.[30]

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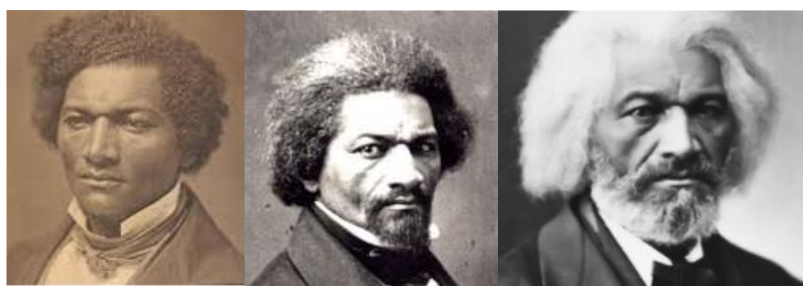
[28] Suzy Platt, Congressional Research Division, *RESPECTFULLY QUOTED: A DICTIONARY OF QUOTATIONS REQUESTED FROM THE CONGRESSIONAL RESEARCH SERVICE*, Library of Congress, 1989; CIVILIZATION, #227, p. 48.

[29] *Id.* ACTION, #10, p. 4.

[30] *Id.* ACTION, #8, p. 4.

✱ Referring to the **BUTTERFLY EFFECT from CHAOS THEORY** on Weather Prediction. See my reference to that same theory, page 15 herein.

FREDERICK DOUGLASS FAMOUS SPEECH FOR FREEDOM TO LIVE BY



Frederick Douglass

> "Let me give you a word of the philosophy of reform. The whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of earnest struggle. The conflict has been exciting, agitating, all-absorbing, and for the time being, putting all other tumults to silence. It must do this or it does nothing. **If there is no struggle there is no progress**. Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing up the ground; they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters.
>
> This struggle may be a moral one, **or it may be a physical one**, and it may be both moral and physical, but it must be a struggle. **Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows, or with both. The limits of tyrants are prescribed by the endurance of those whom they oppress**."[31]

Citing Kaimipono D. Wengrer "*SLAVERY AS A TAKINGS CLAUSE VIOLATION*." 53 American University Law Review 191-259 (October 2003), this Article concludes by examining some potential judicial and legislative consequences of treating slavery as a Takings Clause violation. "After making the case that slavery is a Takings Clause violation, Part V discusses

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[31] SOURCE: On August 3, 1857, Frederick Douglass delivered his famous speech on the "West India Emancipation" at Canandaigua, New York, on the twenty-third anniversary of the event. Most of the address was a history of British efforts toward emancipation as well as a reminder of the crucial role of the West Indian slaves in that own freedom struggle. However shortly after he began Douglass sounded a foretelling of the coming Civil War when he uttered two paragraphs that became the most quoted sentences of all of his public orations. They began with the words, "*If there is no struggle, there is no progress*." The entire speech appears is published online at www.blackpast.org/1857-frederick-douglass-if-there-no-struggle-there-no-progress.

potential effects of this conclusion in both judicial and legislative forums.” [p. 198]. **“Finally, takings claims provide another opportunity to raise these issues in a judicial forum. Every time these claims are raised, there is a chance they will succeed, as well as a chance that defendants will choose to settle.”** [p. 258].

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8. CHARGES AGAINST CLAYTON HIGGINS, CASE ANALYST, U.S. SUPREME COURT

All the federal Complaints I filed in the federal courts in Little Rock, Arkansas, and Washington, D.C. and my appeals to the 8th Circuit and the D.C. Circuit and to the U.S. Supreme Court were dismissed and denied for two reasons. The two reasons were (1) they approached the limits of constitutional rights and (2) because I was a poor man who filed *in forma pauperis,* that’s something the federal courts are prejudiced against Check the PACER database to verify my allegation for causality in support of my claim for $6 million in damages.

FEDERAL DAMAGES

PERSONAL INJURY: On May 27, 2019 I suffered I congestive heart failure polishing my appeal at FedEx in Fairfax, Virginia, before printing, under the stress of knowing that every case I filed from 2002 to the present in all the federal courts I filed in, including the U.S. Supreme Court was dismissed or denied, ***check PACER***. I spent 7 days at the V.A. hospital in Washington, D.C. where I had a stent inserted into my heart.	$1 million
On June 6, 2019, filed my appeal with the U.S. Supreme Court by delivering my appeal to the police booth.	n/a
On or about June 8, 2019 my rejected appeal arrived at my residence.	$1 million
PERSONAL INJURY: On June 10~11, 2019 I suffered a mini-stroke and a full stroke that landed me at the White County Medical Center’s Emergency Room in Arkansas.	$1 million
On June 12, 2019, I transferred to V.A. hospital North Little Rock for speech, physical **and** occupational therapies.	n/a
The U.S. Supreme Court in *Hamrick* v. *President Bush, et al,* 540 U.S. 940, SCt. No. 03-145, Cert. was Wrongfully Denied October 6, 2003 violating U.S. Supreme Court Rule 10(a).	$1 million
U.S. Supreme Court Rule 28.8. predisposes the appeals of unrepresented appellants to denial of their appeals. This violates the	$1 million

First Amendment right to petition the Government for redress of grievances.	
The U.S. Supreme Court's *GUIDE FOR PROSPECTIVE INDIGENT PETITIONERS FOR WRITS OF CERTIORARI* contains the one-form-fits-all for all income brackets titled *AFFIDAVIT OR DECLARATION `IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS*. This form is unconstitutional on its face because the form does not take into account the poor in income brackets below the *FEDERAL POVERTY GUIDELINES*. The Supreme Court's form is based on the Court's prejudice against the poor in like manner to Rule 28.8.	$1 million
TOTAL	**$6 million**

9. CHARGES AGAINST FEDERAL JUDGE MOODY, LITTLE ROCK

I am charging JUDGE MOODY with (1) JUDICIAL BIAS; (2) ABUSE OF PROCESS; (3) OBSTRUCTION OF JUSTICE; and (4) TREASON AGAINST THE UNITED STATES CONSTITUTION *AND* the ARKANSAS CONSTITUTION.

Statute of Limitation does not apply because The Continuous Violations Doctrine and The Absurdity Doctrine run against The Gun Control Doctrine.

THE GUN CONTROL DOCTRINE VIOLATES HUMAN RIGHTS TREATIES.

2007 TREASON AGAINST THE CONSTITUTION

Hamrick, pro se v. *United Nations, et al.*

February 15, 2007: #31 ***Hamrick, pro se* v. *United Nations, et al***., U.S. District Court, Eastern District of Arkansas, Northern Division, No. 1:06-cv-0044, *CIVIL RICO ACT COMPLAINT: JUDICIAL NOTICE: COMPETENCE OF THE CLERK'S OFFICE CALLED INTO QUESTION*: *RE: CONTINUING VIOLATIONS OF THE SEAMAN'S SUIT LAW, 28 U.S.C. § 1916 AND RULE 4(C)(2) FEDERAL RULES OF CIVIL PROCEDURE: CORRECTIVE TRAINING IN THE SEAMEN'S SUIT LAW, 28 U.S.C. § 1916 AND RULE 4(C)(2) IS CLEARLY EVIDENT AND IS HEREBY DEMANDED!*" [**RETITLED ON THE DOCKET AS**: MOTION for return of filing fee due to Clerk's incompetence by Don Hamrick. (bkp) filed Febraury 15, 2007 (Entered: 02/16/2007)],

EXCERPT FROM THIS MOTION

> I have recently completed a 2-month employment as a merchant seaman aboard a car carrier importing Toyota cars from Japan to the Jacksonville, Florida and Newark, NJ.
>
> Upon returning home for a visit I find in my mail the Summons intended for the U.S. Attorney in Little Rock signed by Kay Parker, Deputy Clerk. **This Summons was sent to me in error by the Court.** It should have been sent to the U.S. Attorney's Office, Little Rock by the U.S. Marshals Service in accordance with Rule 4(c)(2) of the Federal Rules of Civil Procedure and in accordance with federal law under **28 U.S.C. § 1916 Seaman's Suit law,**.
>
> Today, Friday, February 9, 2007, I called the Court and spoke with Kay Parker to discuss the procedures the Court uses in handling the Summons form. **Kay Parker advised me that because I paid the Court's filing fee that it is my responsibility to deliver the Summons**. **This explanation is an example of an erroneous**

<u>bureaucratic response to a seldom used procedure under Rule 4(c)(2) that requires cognitive and logical thinking by the Clerk's Office personnel. Kay Parker failed to overcome the mundane daily procedures when she was faced with a Seaman's Suit</u>.

Combine this explanation with the fact that on September 11, 2006 when I filed my 3-volume complaint plus the Addendum, **<u>that even after formally notifying the Court of my status as a seaman under federal law, 28 U.S.C. § 1916 and Rule 4(c)(2) Fed.R.Cv.P., and even providing the text of the Seaman's suit law, 28 U.S.C. § 1916, and a copy of my merchant seaman's identification card known as the Merchant Mariner's Document, the Court (i.e., Judge George Howard) denied my Motion to file as a seaman exempt from paying the Court's filing fee of $350. The Court violated federal law, 28 U.S.C. § 1916, to which I construe as an act of extortion under 18 U.S.C. § 872</u>**, these events become prima facie evidence of Clerk's Office personnel and the judge himself becoming so ingrained with common daily office procedures that they lack the procedural training to handle a Seaman's Suit under Rule 4(c)(2). This lack of competency, or in other words, this incompetency as lead to criminal violations of federal law: extortion, 18 U.S.C. 872, and violations of my right to equal justice under the law and my First Amendment right to petition the government for redress of grievances.

JURY TRIAL SET FOR WEEK OF NOVEMBER 13, 2007

April 6, 2007: #44 <u>SCHEDULING ORDER</u> (Direction of the Court): **Jury Trial set for the week of 11/13/2007 09:30 AM in Batesville Courtroom # 252 before Judge George Howard Jr**., **Discovery due by 8/13/2007**, **Motions due by 9/13/2007**, **Joinder of Parties due by 7/13/2007**, **Pretrial Disclosure Sheet due by 9/27/2007**, **Exhibit List due by 9/27/2007**, **Jury instructions due 10/29/2007** Signed on 4/6/2007. (plm) (Entered: 04/06/2007)

April 10, 2007: #47 Summons Returned Unexecuted as to **United Nations** pursuant to attached Letter from Legal Counsel for **<u>Mr. Alejandro D. Wolff, Acting Permanent Representative of the United States to the United Nations, New York</u>**. (mkf) (Entered: 04/10/2007) [*MY COMMENT: I gave the United Nations my best effort. But I am a nobody as an unrepresented American merchant seaman.*]

THEN JUDGE GEORGE HOWARD, JR. DIED!

April 21, 2007: Judge George Howard, Jr., Jefferson Regional Medical Center, after battling health issues for several years. Judge Howard was still performing his duties when he died on April 21, 2007.

THEN JUDGE JAMES M. MOODY, JR. GOT ASSIGNED

April 27, 2007 #55 <u>ORDER REASSIGNING CASE: Case reassigned to JUDGE JAMES M. MOODY for all further proceedings</u>. Judge George Howard, Jr. no longer assigned to case. Signed at the Direction of the Court on 4/27/2007. (smb) (Entered: 04/27/2007)

THEN JUDGE JAMES M. MOODY DISMISSED MY CASE!

May 24, 2007 #57 (#56 skipped/missing. Why?) **ORDER granting #15 *FEDERAL DEFENDANTS' MOTION TO DISMISS*; granting #24 FEDERAL DEFENDANTS' SUPPLEMENTAL MOTION TO DISMISS;** finding as moot #27 ***PLAINTIFF'S MOTION FOR DISCOVERY***; finding as moot #35 ***PLAINTIFF'S MOTION FOR THE COLLABORATIVE SYSTEM OF JUSTICE***; finding as moot #39 ***PLAINTIFF'S MOTION FOR SANCTIONS***; finding as moot #54 ***PLAINTIFF'S MOTION FOR DENIAL OF THE MOTION TO DISMISS***; and, denying #50 ***PLAINTIFF'S MOTION FOR WRITS OF REPLEVIN AND ARREST***. **Signed by Judge James M Moody on 05/24/2007**. (thd) (Entered: 05/24/2007)

> I presume the death of Judge George Howard caused a heavy case load on the other judges. The only logical explanation I can presume is that the reason Judge Moody dismissed my case so abruptly was that he wanted to reduce his case load by dismissing cases by *pro se* civil plaintiffs of constitutional rights cases, especially a Second Amendment case for American merchant seamen facing pirates on the high seas (my presumption).
>
> **My question?** Why did Judge Moody dismiss my case for lack of subject-matter jurisdiction, lack of personal jurisdiction, improper venue; and failure to state a claim upon which relief can be granted (Federal Rules of Civil Procedure, Rule 12(b)(1), (2), (3) and (6)) when Judge George Howard had already set a Jury Trial date for November 13, 2007. The implication here is that I had already passed Rule 12(b)(1), (2), (3) and (6) roadblocks. Otherwise, I would not have gotten a Jury Trial scheduled.
>
> From any analysis of this dismissal, I believe Judge James M. Moody committed an injustice by dismissing a justiciable case for the Second Amendment rights of American merchant seamen facing pirates on the high seas simply for a lighter case load because an unrepresented civil plaintiff with a constitutional case for the Second Amendment does not matter because of judicial prejudice against *pro se* civil plaintiffs. That! By any definition is damnable judicial tyranny.

FEDERAL JUDGE MOODY committed Treason against the Constitution of the United States Constitution in *Hamrick* v. *Derrick*, U.S. District Court, Eastern District of Arkansas, Western Division, No. 4:17-MC-00018-JM, Judge James Moody. ORDER Dated March 15, 2018

> Plaintiff, Don Hamrick filed this action as a miscellaneous case[32] asking the Court to dismiss his state court criminal prosecution, the state court's no contact order and to expunge his record. Plaintiff's claims challenging the pending state criminal proceedings are **barred under the abstention doctrine articulated in *Younger v. Harris*, 401 U.S. 37, 59 (1971)**. **The *Younger* doctrine provides that federal courts should abstain from**

[32] This action would have been more appropriately filed as a civil action.

> **hearing cases when there is an ongoing state judicial proceeding that implicates important state interests, and when that proceeding affords an adequate opportunity to raise the federal questions presented**. *See Norwood v. Dickey*, 409 F.3d 901, 903 (8th Cir. 2005). **Because Plaintiff's state criminal case is still pending, "a federal court must not, save in exceptional and extremely limited circumstances, intervene by way of either injunction or declaration in an existing state criminal prosecution." *Younger*, 401 U.S. at 56**. **Accordingly, Plaintiff's claims relating to the validity of his pending criminal charges fail to state cognizable claim**.
>
> IT IS, THEREFORE, ORDERED that plaintiff's complaint against the defendant is **DISMISSED for failure to state a claim**.

Judge James M. Moody had to have recognized my name from my previous case he dismissed in 2007. It is possible that Judge Moody was pre-disposed to dismiss by taking a disapproving approach to my selection of the MISCELLANEOUS CASE method (Fee of $45) instead of the CIVIL COMPLAINT METHOD (Fee of $400) as noted in Footnote 1 in Judge James M. Moody of the U.S. District Court, Eastern District of Arkansas, Western Division, *Hamrick* v. *Derrick*, No. 4:17-MC-00018-JM March 15, 2018, ORDER, he states in Footnote 1, "*This action would have been more appropriately filed as a civil action*."

The mere fact he complains about my TYPE OF CASE selection in the first sentence of his ORDER, as it is my right to select the type of case matching the purpose of my case, implies that he was **prejudiced** against the $45 fee and dismissed my case out-of-hand without any serious consideration of the circumstances of my case requiring a permanent injunction or a compelling dismissal of State case with prejudice under *28 U.S. CODE § 2283 STAY OF STATE COURT PROCEEDINGS*.

Apparently Judge Moody prefers the "*Show Me The Money!*" method of Judicial Review rather than any other traditional Standards of Review. This deviation from the norm is indicative of judicial bias.

Nevertheless, Judge Moody cites ***Younger v. Harris*, 401 U.S. 37, 59 (1971)**, a.k.a. the *ABSTENTION DOCTRINE* and the *YOUNGER DOCTRINE*, that "*federal courts should abstain from hearing cases when there is an ongoing state judicial proceeding that* ***implicates important state interests, and when that proceeding affords an adequate opportunity to raise the federal questions presented***."

CONTRADICTING FEDERAL JUDGE MOODY

The fatal flaw of ***Younger* v. *Harris***[33] as used by Judge Moody is that the ABSTENTION DOCTRINE cannot be applied to **28 U.S. CODE § 1455 PROCEDURE FOR REMOVAL OF CRIMINAL PROSECUTIONS** when Arkansas' entire Judicial System is corrupt beyond recognition with Debtor's Prisons and kangaroo courts against the poor of which I am a poor citizen of the State of Arkansas.

Citing *Younger* v. *Harris et al.* 401 U.S. at 60–61, (1971) "*The 'anti-injunction' statute, 28 U. S. C. § 2283,* ***is not a bar to a federal injunction under these circumstances.***[34] *That statute was adopted in 1793, § 5, 1 Stat. 335,*[35] *and reflected the early view of the proper role of the federal courts within American federalism*."

I INVOKE THE DISSENTING OPINION IN *YOUNGER* V. *HARRIS*

See *Cohens* v. *Virginia*, 19 U.S. 264, at 404 (6 Wheaton 264) (1821):

> "It is most true that this Court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. **The judiciary cannot**, as the legislature may, **avoid a measure because it approaches the confines of the Constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given**. **The one or**

---

[33] *Younger* v. *Harris et al.* 401 U.S. 37, at 58, 60–63, 65, (1971) Decided February 23, 1971.

[34] "A court of the United States may not grant an injunction to stay proceedings in a State court **except** as expressly authorized by Act of Congress, **or where necessary in aid of its jurisdiction**, or to protect or effectuate its judgments." (Emphasis added.)

[35] In its initial form the "*anti-injunction*" *Act* provided: "[*N*]*or shall a writ of injunction be granted [by any court of the United States] to stay proceedings in any court of a state*." There were no exceptions. In 1874 it was subsequently modified by an insertion of the Revisers to read: "*The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State,* ***except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy***." Rev. Stat. § 720.

In *Toucey* v. *New York Life Ins. Co*., 314 U. S. 118, 133-134, in discussing the statutory exceptions to the "*anti-injunction*" *Act* we noted that, while only bankruptcy was the explicit exception, there were others. (1) The "*Removal Acts qualify pro tanto the Act of 1793.*" (2) The Act, of 1851 limiting shipowners' liability "[*b*]*eing a 'subsequent statute' to the Act of 1793 . . .operates as an implied legislative amendment to it*." We also added (3) the Interpleader Act of 1926 and (4) the Frazier-Lcmke-Act_7 Stat. 1473. *Toucey* limited a line of cases dealing with nonstatutory exceptions to the "*anti-injunction*" *Act*. Shortly thereafter the current language of § 2283 was written into the Judicial Code. The Reviser's Note states: "[*T*]*he revised section restores the basic law as generally understood and interpreted prior to the Toucey decision*." Both pre-*Toucey* and post-*Toucey* decisions recognize **implied legislative exceptions to the "anti-injunction" Act**. See *Porter* v. *Dicken*, 328 U. S. 252; *Leiter Minerals* v. *United States*, 352 U. S. 220.

the other would be treason to the Constitution. Questions may occur which we would gladly avoid, but we cannot avoid them. All we can do is to exercise our best judgment and conscientiously to perform our duty. In doing this on the present occasion, we find this tribunal invested with appellate jurisdiction in all cases arising under the Constitution and laws of the United States. We find no exception to this grant, and we cannot insert one."

MR. JUSTICE DOUGLAS, Dissenting Opinion.*

* [This opinion also applies to No. 4, *Boyle, Judge, et al.* v. *Landry et al., post,* p. 77.]

The fact that we are in a period of history when enormous extrajudicial sanctions are imposed on those who assert their First Amendment rights in unpopular causes emphasizes the wisdom of *Dombrowski* v. *Pfister,* 380 U.S. 479. There we recognized that in times of repression, when interests with powerful spokesmen generate symbolic [pograms] against nonconformists, the federal judiciary, charged by Congress with special vigilance for protection of civil rights, has special responsibilities to prevent an erosion of the individual's constitutional rights.

[401 U.S. 58]

Dombrowski **represents an exception to the general rule that federal courts should not interfere with state criminal prosecutions. The exception does not arise merely because prosecutions are threatened to which the First Amendment will be the proffered defense.** ***Dombrowski*** **governs statutes which are a blunderbuss by themselves or when used** ***en masse*****—those that have an "*****overbroad*****" sweep. "*****If the rule were otherwise, the contours of regulation would have to be hammered out case by case—and tested only by those hardy enough to risk criminal prosecution to determine the proper scope of regulation*****."** ***Id*****., at 487. It was in the context of overbroad state statutes that we spoke of the "*****chilling effect upon the exercise of First Amendment rights*****" caused by state prosecutions**. *Ibid.*

As respects overbroad statutes we said at least as early as 1940 that when dealing with First Amendment rights we would insist on statutes "***narrowly drawn to prevent the supposed evil*****.**" *Cantwell* v. *Connecticut,* 310 U.S. 296, 307.

The special circumstances when federal intervention in a state criminal proceeding is permissible are not restricted to bad faith on the part of state officials or the threat of multiple prosecutions. They also exist where for any reason the state statute being enforced is unconstitutional on its face. As Mr. Justice Butler, writing for the Court, said in *Terrace* v. *Thompson,* 263 U.S. 197, 214:

> Equity jurisdiction will be exercised to enjoin the threatened enforcement of a state law which contravenes the Federal Constitution wherever it is essential in order effectually to protect property rights and the rights of persons against

> injuries otherwise irremediable; and in such a case a person, who as an officer of the State is clothed with the duty of enforcing its laws and who threatens and is about to commence proceedings, either civil or criminal, to enforce such a law against parties affected, may be enjoined from such action by a federal court of equity.

Our *Dombrowski* decision was only another facet of the same problem.

[401 U.S. 60–63] . . .

The "*anti-injunction*" statute, 28 U. S. C. § 2283,[36] **is not a bar to a federal injunction under these circumstances**. That statute was adopted in 1793, § 5, 1 Stat. 335,[37] and reflected the early view of the proper role of the federal courts within American federalism.

Whatever the balance of the pressures of localism and nationalism prior to the Civil War, they were fundamentally altered by the war. The Civil War Amendments made civil rights a national concern. Those Amendments, especially § 5 of the Fourteenth Amendment, cemented the change in American federalism brought on by the war. Congress immediately commenced to use its new powers to pass legislation. Just as the first Judiciary Act, 1 Stat. 73, and the "*anti-injunction*" statute represented the early views of American federalism, the Reconstruction statutes, including the enlargement of federal jurisdiction,[38] represent a later view of American federalism.

One of the jurisdiction-enlarging statutes passed during Reconstruction was the Act of April 20, 1871. 17 Stat. 13. Beyond its jurisdictional provision that statute, now codified as 42 U. S. C. § 1983, provides:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an

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[36] "A court of the United States may not grant an injunction to stay proceedings in a State court *except as expressly authorized by Act of Congress*, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." (Emphasis added.)

[37] In its initial form the "anti-injunction" Act provided: "[N]or shall a writ of injunction be granted [by any court of the United States] to stay proceedings in any court of a state." There were no exceptions. In 1874 it was subsequently modified by an insertion of the Revisers to read: "The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy." Rev. Stat. § 720.

[38] What is now 28 U. S. C. § 1343 (3) was added in 1871, 17 Stat. 13, and the federal-question jurisdiction of 28 U. S. C. § 1331 was added in 1875. 18 Stat. 470.

action at law, suit in equity, or other proper proceeding for redress. (Emphasis added.)

A state law enforcement officer is someone acting under "color of law" even though he may be misusing his authority. *Monroe* v. *Pape,* 365 U.S. 167. And prosecution under a patently unconstitutional statute is a "deprivation of . . . rights, privileges, or immunities secured by the Constitution." "Suit[s] in equity" obviously includes injunctions.[39]

I hold to the view that § 1983 is included in the "expressly authorized" exception to § 2283,[40] a point not raised or considered in the much-discussed *Douglas* v. *City of Jeannette,* 319 U.S. 157. **There is no more good reason for allowing a general statute dealing with federalism passed at the end of the 18th century to control another statute also dealing with federalism, passed almost 80 years later, than to conclude that the early concepts of federalism were not changed by the Civil War.**

That was the view of Judge Will in the *Boyle* case, *Landry* v. *Daley,* 288 F.Supp. 200, 223. In speaking of the Civil War Amendments as "a constitutional revolution in the nature of American federalism" he said:

> **This revolution, in turn, represents a historical judgment. It emphasizes the overwhelming concern of the Reconstruction Congresses for the protection of the newly won rights of freedmen. By interposing the federal government between the states and their inhabitants, these Congresses sought to avoid the risk of nullification of these rights by the states. With the subsequent passage of the Act of 1871, Congress sought to implement this plan by expanding the federal judicial power. Section 1983 is, therefore, not only an expression of the importance of protecting federal rights from infringement by the states but also, where necessary, the desire to place the national government between the state and its citizens**. Ibid.

[401 U.S. 65] . . .

As the standards of certainty in statutes containing criminal sanctions are higher than those in statutes containing civil sanctions, so are the standards of certainty touching on freedom of expression higher than those in other areas. *Winters* v. *New York,* 333 U.S. 507, 515-516. "*There must ascertainable standards of guilt. Men of common intelligence cannot be required to guess at the meaning of the enactment. The vagueness may be from uncertainty in regard to persons within the scope of the act . . . or in regard to the applicable tests to ascertain guilt*."

---

[39] We have already held that § 1983 requires no exhaustion of state remedies. *McNeese* v. *Board of Education,* 373 U.S. 668.

[40] In accord with the view are *Honey* v. *Goodman,* 432 F.2d 333 (CA6), and *Cooper* v. *Hutchinson,* 184 F.2d 119 (CA3). Opposed are *Goss* v. *Illinois,* 312 F.2d 257 (CA7), and *Baines* v. *City of Danville,* 337 F.2d 579 (CA4).

> **<u>Where freedom of expression is at stake these requirements must be more sedulously enforced</u>**.
>
> . . .
>
> **<u>*Dombrowski* and 42 U. S. C. § 1983 indicate why in *Boyle* federal intervention against enforcement of the state laws is appropriate</u>**. **<u>The case of *Younger* is even stronger</u>**. There the state statute challenged is the prototype of the one we held unconstitutional in *Brandenburg* v. *Ohio, supra.*
>
> **<u>The eternal temptation, of course, has been to arrest the speaker rather than to correct the conditions about which he complains</u>**. I see no reason why these appellees should be made to walk the treacherous ground of these statutes. They, like other citizens, need the umbrella of the First Amendment as they study, analyze, discuss, and debate the troubles of these days. **<u>When criminal prosecutions can be leveled against them because they express unpopular views, the society of the dialogue is in danger</u>**.

COMPLAINT: *HAMRICK* V *PRESIDENT GEORGE W. BUSH, ET AL,* E.D. ARK, BATESVILLE CASE 1:06-CV-00044-(JUDGE MOODY), FILED SEPTEMBER 11, 2006 (TABLE OF CONTENTS NEXT 29 PAGES)

Pages 33–63 herein is the Table of Contents to my RICIO ACT COMPLAINT that I filed in THIS Court on September 11, 2006 in honor of those who died in the terrorist attacks on September 11, 2001.

On February 2, 2007 I amended my Complaint to add the United Nations as the lead Defendant changing the case to *Hamrick* v. *United Nations.* I intended to force the United Nations to concede the fact that the United States Common Denfence and the Second amendment are human rights under international human rights treaties protecting people's human right to armed self-defense from not only the criminal element of society but also from a government's attempt to disarm the people of a county that historically precedes a genocide.

On January 1, 2007 Judge Howard set a trial date for the Week of November 12, 2007 in Batesville, Arkansas. The Final Scheduling Order would have been issued on or before April 6, 2007 confirming the trial date, setting deadlines, and resolving any disputes presented to the Court.

May 24, 2007 (Docket #57) Judge Moody dismissed my case:

<u>Document #15: GRANTING FEDERAL DEFENDANTS' MOTION TO DISMISS</u>

Document #24: Federal Defendants' Supplemental Motion to Dismiss; finding as moot

Document #27: Plaintiff's Motion for Discovery; finding as moot

Document #35: Plaintiff's Motion for the Collaborative System of Justice; finding as moot

Document #39: Plaintiff's Motion for Sanctions; finding as moot

Document #54: Plaintiff's Motion for denial of the Motion to Dismiss; and,

Document #50: Plaintiff's Motion for Writs of replevin and arrest.

Signed by Judge James M Moody on 05/24/2007. (thd) (Entered: 05/24/2007)

I would have had the First Second Amendment Case in a Federal Court to challenge the United Nations to Declare the Common Defence & the Second Amendment are Human Rights. Judge Moody committed Treason Against the Constitution.

United States District Court for the Eastern District of Arkansas, Northern Division, Batesville, Arkansas

Don Hamrick, *pro se*
5860 Wilburn Road
Wilburn, AR 72179
PLAINTIFF

v.

President George W. Bush, *et al*
White House
1600 Pennsylvania Ave.
Washington, DC 20500
DEFENDANTS

I.A.W. the Substantial Benefit Doctrine
) A.K.A. the "Private Attorney General" Doctrine
) **18 U.S.C. § 1964(c) RICO Treble Damages**
) **42 U.S.C. § 1983; § 1985; § 1986; § 1988**
) **42 U.S.C. § 1402(a)(1)**
)
) **Civil Action No.** 1-06 CV00000044 GH
)
)Jury Trial Demanded
)
) Damages Sought: $9 million (RICO Treble)

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
SEP 11 2006
JAMES W. McCORMACK, CLERK
By: DEP CLERK

VOLUME 1 - THE COMPLAINT

CIVIL RICO ACT COMPLAINT

(1) ALLEGING THE UNITED STATES OF RACKETEERING AN UNLAWFUL AND AN UNCONSTITUTIONAL PROTECTION SCHEME IN VIOLATION OF THE SECOND, FIFTH, NINTH, TENTH, THIRTEENTH, AND FOURTEENTH AMENDMENTS AS VITAL DUTIES IMPLIED BY THE *"COMMON DEFENCE"* CLAUSE OF THE PREAMBLE TO THE CONSTITUTION OF THE UNITED STATES

This case assigned to District Judge ____
and to Magistrate Judge ____

- & -

(2) PETITION FOR WRIT OF MANDAMUS, WRIT OF PROHIBITION, DECLARATORY JUDGMENT, AND INJUNCTIVE RELIEF

- & -

(3) COMPLAINT FOR DEFAMATION AND DAMAGES, RETALIATION, HARASSMENT, AND EMOTIONAL DISTRESS THROUGH BASELESS MULTIPLE CRIMINAL INVESTIGATIONS AND BAR NOTICES FOR EXERCISING FIRST AMENDMENT RIGHTS OF FREE SPEECH, PETITION, AND ASSOCIATION IN A PUBLIC AND LITIGIOUS PURSUIT OF SECOND AMENDMENT RIGHTS; LIBEL AS A MATTER OF PRIVATE CONCERN; INJURY TO REPUTATION FROM GOVERNMENT RETALIATION AND HARASSMENT; UNLAWFUL INTERFERENCE WITH THE LAWFUL OPERATION OF A MERCHANT VESSEL, UNLAWFUL INTERFERENCE WITH A SEAMAN'S EMPLOYMENT ABOARD A MERCHANT VESSEL; WRONGFUL MULTIPLE DETENTIONS OF A U.S. MERCHANT SEAMAN PURSUING SECOND AMENDMENT RIGHTS

LIST OF DEFENDANTS

President George W. Bush, ***et al***
White House
1600 Pennsylvania Ave.
Washington, DC 20500

Michael Chertoff, Secretary
Department of Homeland Security
Washington, DC

Michael Prendergast
Associate Director for Security Operations
U.S. Department of Transportation
400 7th Street, SW
Washington, DC

Admiral Thomas H. Collins
Commandant (G-C)
U.S. Coast Guard
2100 2nd Street, SW
Washington, DC

(1) Judge Reggie B. Walton
(2) Judge Ellen Segal Huvelle
U.S. District Court for DC
333 Constitution Ave., NW
Washington, DC 20001

Dennis Barghaan
U.S. Attorney's Office
2100 Jamieson Ave.
Washington, DC 22314

Heather Graham-Oliver
U.S. Attorney's Office
Washington, DC

"Freedom of men under government is to have a standing rule to live by, common to every one of that society, and made by the legislative power vested in it; a liberty to follow my own will in all things, when the rule prescribesnot, and not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man."

John Locke, *ON GOVERNMENT*, Book X, Chapter 4.

Table of Contents . . . p. v

PRELIMINARIES **1**

1. Related Cases are Void for Lack of Jurisdiction 1

2. Notice of Lack of Jurisdiction in My Related Cases was Emailed to the U.S. Department of Justice on July 8, 2006 2

3. Case Law for This Motion 3

4. The Corrupt U.S. Department of Justice 4

5. Pleading for Proper Justice 4

The Bias & Misconduct of Judge Reggie B. Walton! 4

Definition of "Further" 5

Evidence of Corruption with Judge Reggie B. Walton 7

Is their any interest in justice? 8

3. Statutory Waiver of Sovereign Immunity 9

4. Plaintiffs' Standing to Bring Suit 9

5. Seaman's Suit Under 28 U.S.C. § 1916 10

6. Plaintiff is Exempt From Filing Fee & Court Costs 11

7. Historical and Revision Notes On The Seaman'S Suit Law 11

8. PLAINTIFF HAS THE RIGHT TO CHALLENGE THE CONSTITUTIONALITY OF A STATUTE (CASE LAW) 12

9. Right to Petition 12

10. When Is Process Due? 13

11. INTERVENTION BY THE U.S. ATTORNEY GENERAL 14

12. Expedition of Actions Against Racketeering 14

13. Rulings Under Judicial Review 15

14. Basis for Jurisdiction 16

15. Jurisdiction & Civil Remedies for Racketeering 18

16. Venue, USAM 4 Civil.R.M. § 38 19

17. Venue - United States as Defendant, USAM 4 Civil.R.M. § 40 19

19. Change of Venue, USAM 4 Civil.R.M.§ 42 20

20. Venue and Process 18 U.S.C. § 1965 (a) 21

22. Representations to the Court 21

23. Jury Trials in Civil Cases: USAM 4 Civil.R.M. § 201 22

24. Restoring the Common Defence 23

26. In Defense of Pro Se Litigation 25

27. Questions Presented 26

28. Plaintiff's Declarations 28

Table of Contents . . . p. vi

A. Civil RICO Act Complaint **41**

1. Stating the Claims Clearly and Concisely Under Rule 8(a)(2), Fed. R. Civ. Pro. 41

2. Stating the Claims with Particularity Under Rule 9(b), Fed. R. Civ. Pro. 42

3. Introduction 42

"The Substantial Benefit Doctrine"A.K.A. "The Private Attorney General Doctrine" & the RICO Act 45

4. Evolution of the Plaintiff's Case 68

5. Identification of the RICO Defendants 75

6. A Statement of Proposed RICO Charges 76

A. RICO charges: USAM 4 Civil.R.M. § 109 82

B. RICO-related Charges USAM 9 Criminal.R.M. § 110 83

C. Extortion: Hobbs Act - Generally USAM 9 Criminal.R.M. § 2402 84

D. Extortion By Force or Fear - USAM 9 Criminal.R.M. § 2403 84

E. Extortion Under Color of Official Right - Hobbs Act USAM 9 Criminal. Resource Manual § 2404 88

7. Outline of the U.S. Coast Guard's Administrative Process Denying Plaintiff's Application for National Open Carry Handgun 93

8. The Coast Guard's Deliberate Indifference to My First and Second Amendment Rights Became Actionable for Tort Damages 98

9. U.S. Government Racketeering an Unlawful and an Unconstitutional Protection Scheme over the Second Amendment 100

10. Plaintiff's Right to Petition and Right to Due Process Violated 106

11. Motion to Transfer Denied on several Occasions 107

12. Plaintiff Alleges Assistant U.S. Attorney Heather Graham-Oliver Obstructed Justice with Motion to Dismiss for Failure to Exhaust Administrative Remedies . 107

13. Judge Ellen Segal Huvelle Wrongfully Denied Me Mandamus Relief 109

A. Mandamus: Reserved for Extraordinary Situations: Sseries of Statements establishing not only my own extraordinary situation but the United States' own extraordinary situation. 109

14. Excerpt from a law review discussing the Full Faith and Credit clause of the U.S. Constitution as authorization for an opinion/order of a U.S. District Court with any or all other federal and state courts under the federal registration station as a remedy for a conflict of laws. 111

15. Plaintiff stands in disagreement with State Oil Co. v. Khan claiming that the doctrine of stare decisis reflect a policy judgment that it is more important that the aplicable rule of law be settled right than that it be just simply and expediently settled. 112

16. The Plaintiff cites evidence of misconduct against Assistant U.S. Attorney Heather Graham-Oliver in Plaintiff's case for damages, No. 02-1434 112

17. The Plaintiff equates his situation as extraordinary and ripe for Mandamus 113

Table of Contents . . . p. vii

18. *The Transfer of the U.S. Coast Guard from the Department of Transportation to the Department of Homeland Security is an extraordinary situation.* 114
19. *Brief Legal History of Civil Defense (50 U.S.C. § 2251 et seq.)* 114
20. *The Plaintiff cites Silveira, Nordyke, and the Emerson* 115
21. *The Department of Homeland Security has general superintendence of the U.S. Merchant Marine.* 117

***B. JUDGE HUVELLE ON MANDAMUS: THREE CONDITIONS MUST BE MET* 119**

1. *MANDAMUS CONDITION 1: A CLEAR RIGHT TO RELIEF* 119

A. *Did Judge Ellen Segal Huvelle Conspire to Defraud the United States (18 U.S.C. § 371) and/or Commit a Fraud or Make False Statements (18 U.S.C. § 1001) in her Memorandum and Order in Case Nos. 02-1435 or 02-1434? What about Judge Reggie B. Walton in Plaintiff's Case No. 03-2160? And Judge Leon sitting on my Case No. 04-mc-00422 Miscellaeous case motion for a special grand jury to look into the judicial handling of my other cases for two years now. I filed that case way back on September 1, 2004.* 119

(1). Perjury (Case Law) 119

(2). Perjury, Obstructing Justice, Conspiracy to Obstruct Justice, Inadmissible Evidence Allowed Into the Case as Admissible Evidence in U.S. District Court Docket No. 02-1434 120

B. *I Have A Clear Right to Relief* 130

C. *No right to travel while openly armed means slavery!* 139

D. *Attorney General John Ashcroft referred to Abraham Lincoln's Emancipation Proclamation in his July 25, 2002 testimony before the Senate Judiciary Committee, Oversith of the Department of Justice* . . . 140

E. *Appropriate excerpt from Abraham Lincoln's Emancipation Proclamation for the Plaintiff's case for National Open Carry Handgun and Light Weapons* 141

F. *The U.S. Coast Guard's denial of My Application for National Open Carry Handgun attaches to Abraham Lincoln's Emancipation Proclamation for "actual freedom."* 141

2. *MANDAMUS CONDITION 2: DEFENDANT HAS A CLEAR DUTY TO ACT* 143

A. *The U.S. Constitution is a contract* 147

B. *The United Nations IMO/MSC attacks the Second Amendment of the United States* 147

C. *Judge Ellen Segal Huvelle of the U.S. District Court for DC in Plaintiff Second Amendment case attacks the Second Amendment* 149

D. *Judge Ellen Segal Huvelle reveals bias against the Second Amendment and/or against the unrepresented Plaintiff* 149
E. *Judge Huvelle further reveals her judicial bias* 149
F. *Judge Huvelle's Memorandum Opinion dismissing the Plaintiff's Second Amendment case (No. 02-1435) and his case for damages (No. 02-1434) is evidence of judicial bias under Rule 1005 of the Federal Rules of Evidence* 149
G. *The Rules of Logic on the Second Amendment dictate that it cannot simultaneously be both "a right of the individual" and "not a right of the individual."* 150
H. *Judge Segal Huvelle, backed-up by the DC Circuit claimed that the Plaintiff's case does not meet the criteria for Mandamus* 150
3. *MANDAMUS CONDITION 3: NO OTHER REMEDY AVAILABLE TO THE PLAINTIFF* 151
A. *Plaintiff's view to the Second Amendment's political quagmire* 151

C. MY REBUTTAL TO SPECIAL ATTORNEY DENNIS BARGHAAN ON MANDAMUS FROM HIS MOTION TO DISMISS, AUGUST 4, 2006 . **153**

D. COMMENTARIES ON THE LAW **154**

1. *The Dirty Little Secret about the Fourteenth Amendment* 154
(a). *THE TEXT OF SECTION 1 OF THE FOURTEENTH AMENDMENT.* . . 154
(b). *"NO STATE SHALL" IN THE FOURTEENTH AMENDMENT. BUT WHAT ABOUT THE UNITED STATES?* 154
The United States shall make and enforce any law which shall abridge the privileges and immunities of citizens of the United States and shall deprive any person of life, liberty, and property, without due process of law and deny to any person within its jurisdiction the equal protection of the laws; but the States shall not." 154
(c). *IN THE CONGRESSIONAL RECORD OF JUNE 13, 1967, REP. RARICK, "THE 14TH AMENDMENT: EQUAL PROTECTION LAW OR TOOL OF USURPATION" ATTACKS THE CONSTITUTIONALITY OF THE FOURTEENTH AMENDMENT.* 155
(I). *H. CON. RES. 208 (1967)* 156
(ii). *The 14th Amendment is Unconstitutional by Judge Lander H. Perez* 158
I. *The Unconstitutional Congress* 158
II. *Joint Resolution Ineffective* 161
III. *Proposed Amendment never Ratified by Three Fourths of the States* . 161
The Constitution Strikes the 14th Amendment with Nullity 170
2. *Judge Edith Jones, 5th Circuit Tells Harvard Law School, "The American Legal System Has Been Corrupted Almost Beyond Recognition." "The Question of What Is Morally Right Is Routinely Sacrificed to What Is Politically Expedient. The Change Has Come Because Legal Philosophy Has Descended to Nihilism."* . 174

Table of Contents . . . p. ix

3. Bad Judges Deny Rights of Pro Se Litigants . . . 178
I. There Is a Fundamental Right to Proceed Pro Se in a Civil Case . . . 178
II. Pro Se Litigants must Have Equal Access to the Discovery Process . . . 179
a. Equal Access to Discovery Is Inherent in the Right to Procedural Due Process. . . . 179
b. Pro Se Litigants must Have Access to Sanctions of Equal Deterrent Effect as Those Afforded to Litigants Represented by Counsel . . . 180
c. The District Court Abused its Discretion by Failing to Impose a Sanction Sufficient to Deter Misconduct by Those Litigating Against a Pro Se Party 180
d. Failure to Grant Attorneys Fees to a Pro Se Litigant for Discovery Abuses Committed by an Opposing Party Violates the Due Process Rights of the Pro Se Party . . . 181
4. Fraud Of Federal Adjudication: Dirty Tricks Of The Trade . . . 182
I. Denial of Counsel . . . 182
II. Abuse of Immunity Doctrines . . . 182
III. Abuse of Federal Rule 12. . . . 182
IV. Abuse of Federal Rule 56 . . . 183
V. Other Abuses: No Hearings, No Publication, Judges Do Not Read Pleadings . . . 183
5. Revised Policy Recommendations on Self-represented Litigants from the American Judicature Society . . . 185
6. On the Right to Proceed Pro Se in a Civil Case: Amicus Curiae Brief of Halt in Andrew Pickholtz v. Rainbow Technologies, Inc. and Software Security, Inc . . 185
I. There is a fundamental right to proceed pro se in a civil case. . . . 186
II. Pro se litigants must have equal access to the discovery process. . . . 186
A. Equal access to discovery is inherent in the right to procedural due process. . . . 187
B. Pro se litigants must have access to sanctions of equal deterrent effect as those afforded to litigants represented by counsel. . . . 188
III. The district court abused its discretion by failing to impose a sanction sufficient to deter misconduct by those litigating against a pro se party. 188
A. The sanctions imposed by the district court were insufficient to deter discovery misconduct committed against an unrepresented party. . . . 188
B. Failure to grant attorneys fees to a pro se litigant for discovery abuses committed by an opposing party violates the due process rights of the pro se party. . . . 189
Conclusion . . . 190
7. Primer on Federal Sovereign Immunity . . . 191
8. Comments on the Ninth Circuit's Interim Report: Task Force on Self-Represented Litigants . . . 223
I. Basic Summary of the Task Force's Report . . . 223
II. Fundamental Role of the Judiciary . . . 223

Table of Contents . . . p. x

III. Problems Not Addressed in the Report . . . 224
A. The Role of Bias . . . 224
B. Remedies That Fail . . . 226
C. Common Experiences of pro se litigants . . . 227
1. Perjury Is Tolerated by the Judge . . . 227
2. Records Submitted to the Court Disappear from the Files . . . 228
3. Judges' Opinions Fail to Address the Issues of the Lawsuit . . . 228
4. Certain Litigants must Always Win . . . 228
5. Different Standards Are Applied to Different Litigants . . . 229
6. Recent Handling of Civil Lawsuits by the Courts Have Instigated a White Collar Crime Wave . . . 229
7. Court Orders Go Unheeded . . . 230
8. Judges Give Orders Contrary to Law and Accepted Standards of Behavior . . . 230
9. Judges Refuse to Take Actions Required by Law . . . 230
10. Courts Have Become Inconsistent and Arbitrary . . . 231
11. Federalism Theory Interferes with Practical Justice . . . 231
IV. Remedies . . . 232
V. The Solution in the United States Constitution . . . 233
VI. The Search for Remedies by the Task Force . . . 235
VII. Closing Words . . . 236
9. On Judicial Immunity: The Dixianne Hawks Case . . . 237
Introduction to the Issue . . . 237
Unenforceable rights are not rights at all. . . . 238
The Rationality of Judicial Immunity . . . 239
1. Judicial Immunity Prevents Democratic Change . . . 239
2. Judicial Immunity Undermines Judicial Credibility . . . 239
3. Judicial Immunity Violates Two American Revolutions . . . 239
Conclusion of this Part . . . 240
II. The Historical Basis for Judicial Immunity . . . 240
We Are Three Worlds Away from Ancient English Law. . . . 243
III. Judicial Immunity Violates the Constitution . . . 245
The Journey Back to Judicial Constitutionality . . . 247
10. Judicial Accountability Initiative Law (J.A.I.L.) As Proposed Amendment E to South Dakota's Constitution For Their November 2006 Election . . . 250
§28. Judicial Accountability Initiative Law (J.A.I.L.) . . . 250
Preamble. . . . 250
1. Definitions . . . 250
Blocking: *Any act that impedes the lawful conclusion of a case, to include unreasonable delay and willful rendering of an unlawful or void judgment or order.* . . . 250
Judge: *Justice, judge, magistrate judge, judge pro tem, and all other persons claiming to be shielded by judicial immunity.* . . . 250
Juror: *A Special Grand Juror.* . . . 250

Strike: *An adverse immunity decision or a criminal conviction against a judge.* . . . 250

2. Immunity. No immunity shall extend to any judge of this State for any deliberate violation of law, fraud or conspiracy, intentional violation of due process of law, deliberate disregard of material facts, judicial acts without jurisdiction, blocking of a lawful conclusion of a case, or any deliberate violation of the Constitutions of South Dakota or the United States, notwithstanding Common Law, or any other contrary statute. . . . 250

3. Special Grand Jury. For the purpose of returning power to the People, there is hereby created within this State a thirteen-member Special Grand Jury with statewide jurisdiction having power to judge both law and fact. This body shall exist independent of statutes governing county Grand Juries. Their responsibility shall be limited to determining, on an objective standard, whether any civil lawsuit against a judge would be frivolous or harassing, or fall within the exclusions of immunity as set forth in paragraph 2, and whether there is probable cause of criminal conduct by the judge complained against. . . . 250

11. Flowchart: Federal Courts Implied Rights of Action . . . 254

E. STATEMENT OF THE LAW . . . 277

1. The precise formulation of the RICO enterprise: The United States Government . . . 277

D. How the enterprise was engaged in or its activities affected interstate commerce. . . . 291

Law Review: Samuel J. Toney, RESCUING THE COMMERCE CLAUSE: WHY THE FEDERAL GOVERNMENT MAY NOT CONSTITUTIONALLY REGULATE THE POSSESSION OF FIREARMS, 42 University of Memphis Law Review 865 (Summer, 2004) . . . 291

2. AN ANALYSIS OF THE DECLINE IN GUN DEALERS: 1994-2005 . . . 309

3. If applicable, the elements and theory of any conspiracy to violate 18 U.S.C. § 1962 . . . 323

4. The elements of any Federal offense charged as a RICO violation . . . 323

F. LAW REVIEWS . . . 323

Robert Dowlut, FEDERAL AND STATE CONSTITUTIONAL GUARANTEES TO ARMS, 15 Dayton L. Rev. 59-89 (1989) . . . 323

VI. Constitutionally Protected Arms . . . 323

VII. Practical Considerations . . . 325

Gun control laws have at least five political functions: . . . 325

(1) increase citizen reliance on government and tolerance of increased police powers and abuse . . . 325

(2) facilitate repressive action by government . . . 325

(3) help prevent opposition to government . . . 325

(4) lessen pressure for major or radical reform . . . 325

Table of Contents . . . p. xii

(5) allow selective enforcement against dissidents *326*
VIII. Conclusion *326*

Candice K. Lee, ACCESS DENIED: LIMITATIONS ON PRO SE LITIGANTS' ACCESS TO THE COURTS IN THE EIGHTH CIRCUIT, 36 U.C. Davis L. Rev. 1261 (June, 2003) *327*

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Citing from Eric M. Axler, THE POWER OF THE PREAMBLE AND THE NINTH AMENDMENT: THE RESTORATION OF THE PEOPLE'S UNENUMERATED RIGHTS, 24 Seton Hall Legis. J. 431 (2000) from Section III. The Background and Meaning of the Ninth Amendment *332*

Mark C. Niles, NINTH AMENDMENT ADJUDICATION: AN ALTERNATIVE TO SUBSTANTIVE DUE PROCESS ANALYSIS OF PERSONAL AUTONOMY RIGHTS, 48 UCLA L. Rev. 85 (October, 2000); (Mark C. Niles is Assistant Professor of Law, American University, Washington College of Law. B.A., Wesleyan University, 1988; J.D., Stanford University, 1991) *337*

Timothy Lynch, BREAKING THE VICIOUS CYCLE: PRESERVING OUR LIBERTIES WHILE FIGHTING TERRORISM, Cato Policy Analysis, No. 433, June 26, 2002 . . . . *338*

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Amir N. Licht, SOCIAL NORMS AND THE LAW: A SOCIAL INSTITUTIONAL APPROACH, March 2005* *339*

Law Review Subject: Non-Physical Takings & the Fifth Amendment, Andrew S. Gold, Regulatory Takings and Original Intent: the Direct, Physical Takings Thesis "Goes Too Far," 49 Am. U.L. Rev. 181, 241 (1999) *342*

John F. Manning, THE ABSURDITY DOCTRINE, 116 Harv. L. Rev. 2387 (June, 2003). Citing the Conclusion *345*

Nelson Lund, HAVE GUN, CAN'T TRAVEL: THE RIGHT TO ARMSUNDER THE PRIVILEGES AND IMMUNITIES CLAUSE OF ARTICLE IV, George Mason University School of Law, Law and Economics Working Paper Series 05-34; UMKC Law Review Vol. 73:4; p.951-967, 966-967 (2005). Citing the Conclusion *345*

Andrew Beckerman-Rodau, A JURISPRUDENTIAL APPROACH TO COMMON LAW LEGAL ANALYSIS, Suffolk University Law School, 1999, Faculty Publications, Paper 13. Citing the Conclusion *347*

U.S. Senate, THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION: ANNOTATIONS OF CASES DECIDED BY THE SUPREME COURT OF THE UNITED STATES TO JUNE 29, 1992 . . . . *348*

G. CASE LAW FOR VARIOUS SUBJECTS ON RIGHTS 349

1. Case Law on Delegated Powers 349

Cohens v. Virginia 19 U.S. 264, 404 (1821) 349

Billings v. Hall 7 CA 1 349

Billings v. Hall 7 CA 1 349

Amos v. Mosley, 77 SO 619 350

State v. Sutton 63 Minn 167, 65 NW 262, 30 LRA 630 350

Norris v. Baltimore 192 A 531 350

Norton vs. Shelby County, 118 US 425 p.442 350

1. Case Law Defending Pro Se Litigant's Right to Petition 350

1. Case Law on Unconstitutional Laws 350

Westbrook v. Mihaly 2 C3d 756 351

2. Case Law on No Right To Police Protection 351

Wilson v. State, 33 Ark. 557, 560, 34 Am. Rep. 52 (1878) 352

Presser v. Illinois 352

3. Case Law on the Right To Travel 353

Dred Scott v. Sanford, 60 U.S. (19 How.) 393, 416-417 (1856) 353

Simmons v. United States, 390 US 389 (1968) 353

4. Case Law: Government Must Respect Constitutional Rights 357

5. Case Law: Government Must Give Sufficient Weight to Individual Rights. 358

6. Case Law: Judges' Duty Is To Be Guardians of Peoples' Liberty 358

7. Case Law: Citizens Have a Right to Stand on Their Rights and to Enjoy the Benefits of the U.S. Constitution 359

8. Case Law: Police May Not Misuse Their Authority (Including Coast Guard Officers by Implication) 359

9. Case Law: Supremacy Clause 359

10. Case Law: A Contract Dispute Cannot be the Basis for a Criminal Arrest or Prosecution 359

11. Case Law: Essence of Civil Liberty 360

12. Case Law: Citizens Have a Well Established Right to Be Free of Unwarranted Intrusion 360

H. U.S. ATTORNEY'S MANUAL, TITLE 9, CRIMINAL RESOURCE MANUAL 361

§ 902. 1996 Amendments to 18 U.S.C. § 1001 (Fraud & False Statements) 361

§ 904. Purpose of Statute 363

§ 907 Statements Warranting Prosecution 363

§ 908 Elements of 18 U.S.C. § 1001 364

§ 909 False Statement 364

§ 910 Knowingly and Willfully 365

§ 911 Materiality 366

§ 912 Falsity 367

§ 914 Concealment--Failure to Disclose 368

§ 915 False Statements as to Future Actions 368

§ 919 Multiplicity, Duplicity, Single Document Policy 369

§ 923: 18 U.S.C. § 371 -- CONSPIRACY TO DEFRAUD THE UNITED STATES 370

§ 925 Obstructing or Impairing Legitimate Government Activity 372

§ 930 Major Fraud Against the United States 372

§ 2078 RICO Prosecution Memorandum -- Statement of Facts -- Proof of the Offense 373

I. STATE & FEDERAL GUN CONTROL LAWS AS RACKETEERING UNDER THE RICO ACT **374**

J. THE NRA AND THE FRAUDULENT AGENDA FOR NATIONAL RECIPROCITY FOR CONCEALED CARRY **377**

1. NRA-ILA DATA: COMPENDIUM OF STATE FIREARMS LAWS 377

2. NRA-ILA DATA: RIGHT-TO-CARRY LAWS 2005 383

3. NRA-ILA DATA: GUN LAWS, CULTURE, JUSTICE & CRIME IN FOREIGN COUNTRIES 389

4. NRA-ILA DATA: FIREARM FACTS 2005 394

CURRENT ISSUES 395

SELF-DEFENSE AND RIGHT-TO-CARRY 396

GUNS DON'T CAUSE CRIME 397

"GUN CONTROL" DOESN'T REDUCE CRIME 397

ENFORCE THE LAWS AGAINST CRIMINALS 398

GUN SAFETY 398

ASK THE PEOPLE 399

5. NRA-ILA DATA: GUIDE TO RIGHT-TO-CARRY RECIPROCITY AND RECOGNITION 401

6. ALAN KORWIN: RECIPROCITY IS BULLSHIT. RECIPROCITY IS A SCAM. IT'S A SYSTEM FOR DENYING YOUR RIGHTS. 421

7. ALAN KORWIN, "RECIPROCITY, OR, WHAT STATES RECOGNIZE MY PERMIT?" 422

8. ALAN KORWIN, "RECIPROCITY SCHEMES: GOVERNMENT PLUMBS THE DEPTHS OF "RIGHTS" MANAGEMENT" 424

9. ALAN KORWIN: GUN-FREE-ZONE LIABILITY ACT, "IF YOU CREATE A GUN-FREE ZONE, YOU'RE LIABLE FOR ANY HARM IT CAUSES." 427

10. ALAN KORWIN ON FOX NEWS.COM (2005): GUN101? 431
11. STATE OF ILLINOIS: GUN-FREE ZONE CRIMINAL CONDUCT LIABILITY ACT OF 2006 434
12. STATE OF ILLINOIS: GUN-FREE ZONE CRIMINAL CONDUCT LIABILITY ACT OF 2005 436
13. STATE OF ARIZONA: GUN-FREE ZONES; LIABILITY (2003) 438
14. STATE OF GEORGIA: GUN-FREE ZONES; CERTAIN INJURIES; LIABILITY (2003) 440
15. Steve R. Johnson, Unlv, the Doctrine of Judicial Estoppel, Nevada Lawyer Magazine, December 2003 442

K. THE U.S. MERCHANT MARINE 448

1. The U.S. Merchant Marine industry is specifically governed by the following U.S.C. & C.F.R.s 448
   (a) U.S. Code, Title 46 - Shipping, Chapter I - Coast Guard, Department of Homeland Security 448
   (b) U.S. Code, Title 46 Appendix - Shipping 448
   (c) Code of Federal Regulations, Title 33, Navigation and Navigable Waters; Chapter I - Coast Guard, Department of Homeland Security . 448
   (d) Code of Federal Regulations, Title 46, Shipping; Chapter I - Coast Guard, Department of Homeland Security 448
2. 46 U.S.C. Appendix § 801, Definitions; "maritime labor agreement" 448
3. Seafarers International Union Maritime Safety Courses 448
   (a). Chemical, Biological and Radiological Defense (CBR-D) 449
   (b). Small Arms Training 449
   (c). Small Arms Re-Qualification 449
   (d). Basic Safety Training 453
   (e). First Aid (8-Hour) 453
   (f). First Aid & CPR (21-Hour) 453
   (g). Basic Fire Fighting (16-Hour) 453
   (h). Basic Fire Fighting (30-Hour) 453
   (i). Advanced Fire Fighting 454
   (j). Combined Basic & Advanced Fire Fighting 454
4. Small Arms Range, Courses Approved by MSC 455
5. AUTOMATIC IDENTIFICATION SYSTEM (AIS): SAFETY OR DANGER? 459
6. AIS VENTURE CAUSES STIR 465
7. MARITIME PIRATES ARE USING AIS AS A SHOPPING CART 467

L. The U.S. Merchant Seaman and the Thirteenth Amendment **468**

M. Slavery is Alive and Well in the United States - TWIC & MMC **469**

N. The Second Amendment and International Treaties . . **470**

A. CORPUS JURIS SECUNDUM: VOLUME 87: TREATIES *470*

II. Construction and Operation *470*

87 C.J.S. § 6. Generally *470*

III. Duration, Modification, Suspension, and Termination *470*

87 C.J.S. § 10. Generally — Effect of abrogation. *470*

87 C.J.S. § 11. Modification or amendment *470*

87 C.J.S. § 12. Manner of termination — Termination by constitutional amendment or by Congress *471*

87 C.J.S. § 12. Manner of termination — Effect of War *471*

IV. Relation To, and Conflict With, Other Laws *472*

87 C.J.S. § 13. Generally *472*

87 C.J.S. § 14. Acts of Congress *472*

87 C.J.S. § 15. State Constitutions and Statutes *472*

O. The Second Amendment as a Civil Right in the United States **473**

A. CORPUS JURIS SECUNDUM: VOLUME 16A CONSTITUTIONAL LAW *473*

IX. Personal, Civil, and Political Rights and Freedoms Generally *473*

16A C.J.S. § 444. Basic Rights. *473*

16A C.J.S. § 446. Bill of Rights in General *473*

16A C.J.S. § 511 Personal Security *474*

16A C.J.S. § 478 The Right to Travel *475*

16A C.J.S. § 480 Durational Residency Requirements to Right to Travel *475*

16A C.J.S. § 482 Involuntary Servitude *475*

P. The Laws Impacting the Common Defence **477**

A. MILITIA LAWS OF THE U.S. CODE *477*

10 USC § 311. Militia: composition and classes *477*

10 USC § 312. Militia duty: exemptions *477*

10 USC § 331. Federal aid for State governments (Insurrection) *478*

10 USC § 332. Use of militia and armed forces to enforce Federal authority (Insurrection) *478*

10 USC § 333. Interference with State and Federal law (Insurrection) . . . *478*

10 USC § 334. Proclamation to disperse (Insurrection) *478*

B. TREASON, SEDITION, AND SUBVERSIVE ACTIVITIES . . . 480

18 USC § 2383. Rebellion or insurrection (Treason, Sedition, Subversive Activities) . . . 480

18 USC § 2384. Seditious conspiracy (Treason, Sedition, Subversive Activities) . . . 480

50 USC § 205. Suspension of commercial intercourse with State in insurrection . . . 480

50 USC § 206. Suspension of commercial intercourse with part of State in insurrection . . . 481

Q. THE MERCHANT MARINE ACT OF 1936 . . . **482**

1. U.S.Code; Title 46, Appendix - Shipping; Chapter 27 - Merchant Marine Act, 1936; ***SUBCHAPTER I - DECLARATION OF POLICY*** . . . 482

46 U.S.C. § 1101. Fostering Development and Maintenance of Merchant Marine . . . 482

2. U.S. Code; Title 46, Appendix - Shipping; Chapter 27 - Merchant Marine Act, 1936; ***SUBCHAPTER II - CREATION AND FUNCTIONS OF MARITIME AGENCIES*** . . . 482

46 U.S.C Appendix § 1122. MARITIME PROBLEMS; COOPERATION WITH OTHERS; CARGO CARRIAGE; RECOMMENDATIONS . . . 482

3. U.S. Code; Title 46 - Shipping; Title 46, Appendix - Shipping; Chapter 27 - Merchant Marine Act, 1936; ***SUBCHAPTER III - AMERICAN SEAMEN*** . . . 482

46 U.S.C. Appendix § 1131. MANNING AND WAGE SCALES; SUBSIDY CONTRACTS . . . 482

R. MARITIME EDUCATION AND TRAINING UNDER THE MERCHANT MARINE ACT OF 1936 . . . **483**

1. U.S. CODE; TITLE 46, APPENDIX - SHIPPING; CHAPTER 27 - MERCHANT MARINE ACT, 1936; ***SUBCHAPTER XIII - MARITIME EDUCATION AND TRAINING*** . . . 483

46 U.S.C. Appendix § 1295. CONGRESSIONAL DECLARATION OF POLICY . . . 483

2. U.S. CODE; TITLE 46, APPENDIX - SHIPPING; CHAPTER 27 - MERCHANT MARINE ACT, 1936; SUBCHAPTER XIII - MARITIME EDUCATION AND TRAINING DEFINES "SECRETARY" TO MEAN THE ***SECRETARY OF TRANSPORTATION*** *[?]* . . . 484

46 U.S.C. Appendix § 1295a. DEFINITIONS . . . 484

(1) the term "Secretary" means the Secretary of Transportation . . . 484

3. U.S. CODE; TITLE 46, APPENDIX - SHIPPING; CHAPTER 27 - MERCHANT MARINE ACT, 1936; SUBCHAPTER XIII - ***MARITIME EDUCATION AND TRAINING*** . . . 484

46 U.S.C. Appendix § 1295d. Additional training . . . 484

46 U.S.C. Appendix § 1295g. Powers and Duties of Secretary [of Transportation (?)] . . . 484
(a) Rules and regulations . . . 484
(b) Excess vessels and equipment . . . 484
(c) Securing of information, facilities, or equipment; detailing of personnel . . 485
(d) Employment of personnel . . . 485
4. U.S. Code; Title 46, Appendix - Shipping; CHAPTER 35 - MARITIME ADMINISTRATION . . . 485
46 U.S.C. Appendix § 1601. TRANSFER OF ADMINISTRATION . . . 485
46 U.S.C. Appendix § 1602. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES . 485

S. THE MERCHANT MARINER'S DOCUMENT . . . 485
1. CODE OF FEDERAL REGULATIONS; TITLE 46 – SHIPPING; CHAPTER I – COAST GUARD, DEPARTMENT OF HOMELAND SECURITY; PART 12 – CERTIFICATION OF SEAMEN; SUBPART 12.01 – GENERAL . . . 485
46 C.F.R. § 12.01-1 PURPOSES OF REGULATIONS . . . 486

T. MERCHANT MARINER'S DOCUMENT PILOT PROGRAM . . . 487
1. ON AUGUST 9, 2004 THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004 (HR 2443) BECAME PUBLIC LAW NO. 108-293 . . . 487
2. SECTION 611 OF THAT LAW AUTHORIZES AND ESTABLISHES THE MERCHANT MARINERS DOCUMENTS PILOT PROGRAM. . . . 487
The Secretary of the department in which the Coast Guard is operating may conduct a pilot program to demonstrate methods to improve processes and procedures for issuing merchant mariners' documents . . . 487
C. Section 217 of that law adds new Subsection (y) to 14 U.S.C. § 93 for "GENERAL POWERS OF THE COMMANDANT" . . . 487

U. THE LAWS RELATIVE TO SEAMEN . . . 488
1. THE C.F.R. AND THE U.S. CODE ON TRANSPORTATION OF FIREARMS. . . . 488
27 C.F.R. § 178.38 Transportation of Firearms (Commerce in Firearmas and Ammunition) . . . 488
18 U.S.C. § 926A. Interstate Transportation of Firearms (Crimes) . . . 488
2. THE C.F.R. ON THE GENERAL REQUIREMENTS FOR ABLE SEAMEN. . . . 489
46 CFR §12.05-3 General Requirements (for Able Seamen) . . . 489
3. THE U.S. CODE ON REGULATIONS FOR THE SUPPRESSION OF PIRACY. . . . 489
33 USC § 383. Resistance of pirates by merchant vessels (Suppression of Piracy) . . . 489
4. THE U.S. CODE ON THE ARMING OF AMERICAN VESSELS . . . 490
10 USC § 351. During war or threat to national security . . . 490

5. THE PRIMARY DUTIES OF THE REGULAR COAST GUARD 490

14 U.S.C. § 2. Primary duties (of Coast Guard) 490

6. THE U.S. CODE DEFINITION OF "SECRETARY" FOR THE COAST GUARD IN TITLE 14 IS THE "SECRETARY OF HOMELAND SECURITY" 491

14 U.S.C. § 5. "Secretary" defined (is Secretary of Homeland Security) . . 491

7. THE U.S. CODE ON THE GENERAL POWERS OF THE "SECRETARY OF HOMELAND SECURITY" 491

14 U.S.C. § 92. Secretary; general powers (Homeland Security) 491

8. THE U.S. CODE ON THE GENERAL POWERS OF THE "COMMANDANT OF THE U.S COAST GUARD" 491

14 U.S.C. § 93. Commandant; general powers (land, sea & air patrols) . . 492

9. THE U.S. CODE ON THE U.S COAST GUARD'S COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS" 492

14 USC § 141. (Coast Guard) Cooperation with other agencies, States, territories, and political subdivisions 492

10. THE U.S. CODE ON MARITIME INSTRUCTION BY THE U.S COAST GUARD'S . . 493

14 USC § 148. Maritime instruction (by Coast Guard) 493

11. THE U.S. CODE ON THE SECRETARY OF HOMELAND SECURITY PRESCRIBING REGULATIONS ON MERCHANT MARINERS' DOCUMENTS 493

46 U.S.C. § 7301(b). General (Merchant Mariners' Documents) 493

12. THE U.S. CODE ON THE GENERAL REQUIREMENTS AND CLASSIFICATIONS FOR ABLE SEAMEN'S MERCHANT MARINERS' DOCUMENTS 493

46 U.S.C. § 7306(a)(3). General Requirements and Classifications for Able Seamen (Merchant Mariners' Documents) 493

13. THE MERCHANT MARINE ACT OF 1936's DECLARATION OF POLICY CODIFIED IN THE APPENDIX TO TITLE 46 OF THE U.S. CODE 494

46 U.S.C. Appendix § 1101. Fostering Development and Maintenance of Merchant Marine 494

14. THE MERCHANT MARINE ACT OF 1936's ONMARITIME EDUCATION AND TRAINING CODIFIED IN THE APPENDIX TO TITLE 46 OF THE U.S. CODE 494

46 U.S.C. Appendix § 1295. Congressional declaration of policy on Maritime Education and Training 494

46 U.S.C. Appendix § 1295d. Additional training (Maritime Education & Training) 495

46 U.S.C. Appendix § 1295g. Powers and duties of Secretary (Homeland Security - Maritime Education & Training) 495

15. THE C.F.R.s ON MARITIME SECURITY OF VESSELS IN TITLE 33, CHAPTER 1, SUBCHAPTER H, PART 104 497

Subpart B—Vessel Security Requirements 497

33 C.F.R. § 104.200 Owner or operator. 497

Table of Contents . . . p. xx

33 C.F.R. § 104.205 Master 497
33 C.F.R. § 104.210 Company Security Officer (CSO) 498
33 C.F.R. § 104.215 Vessel Security Officer (VSO) 499
33 C.F.R. § 104.220 Company or vessel personnel with security duties 499
33 C.F.R. § 104.230 Drill and exercise requirements 500
16. DID THE DC CIRCUIT & THE U.S. SUPREME COURT EXTORT FILING FEES FROM THE SEAMAN-PLAINTIFF-APPELLANT IN VIOLATION OF THE SEAMEN'S LAW UNDER THE C.F.R.s ON MARITIME SECURITY OF VESSELS IN TITLE 33, CHAPTER 1, SUBCHAPTER H, PART 104 500
28 U.S.C. § 1916. Seamen's suits (Procedures with Fees & Costs) 500
Historical and Revision Notes On The Seaman'S Suit Law 501

V. THE DEPARTMENT OF LABOR **502**
1. REMARKS BY U.S. SECRETARY OF LABOR ELAINE L. CHAO AT THE AFL-CIO EXECUTIVE COMMITTEE MEETING; DIPLOMAT HOTEL; MIAMI, FLORIDA; FEBRUARY 26, 2003, DIRECTED THIS COMMENT TO MIKE SACCO, PRESIDENT OF THE SEAFARERS INTERNATIONAL UNION] 502
"As we wage the war against terrorism, your members are sailing the vessels that get our troops and supplies where they are needed to defend our allies and defeat our enemies. This job is so dangerous that firearms training is required. And of course, your union is supplying that training along with all of the other skills our merchant mariners need to do their important work." 502

W. THE DEPARTMENT OF HOMELAND SECURITY **503**
1. THE DEPARTMENT OF HOMELAND SECURITY HAS GENERAL SUPERINTENDENCE OVER THE MERCHANT MARINE UNDER THE U.S. CODE; TITLE 46 - SHIPPING; SUBTITLE II - VESSELS AND SEAMEN; PART A - GENERAL PROVISIONS; CHAPTER 21 - GENERAL 503
46 U.S.C. § 2103. SUPERINTENDENCE OF THE MERCHANT MARINE 503
2. Secretary Defined for the U.S. Merchant Marine: U.S. Code; Title 46 - SHIPPING; Subtitle II - Vessels and Seamen; Part A - General Provisions; Chapter 21 - General 503
*46 U.S.C. § 2101(34). **GENERAL DEFINITIONS: "SECRETARY"**, except in part H, means the head of the department in which the Coast Guard is operating.* 503
2. Secretary Defined for the U.S. Coast Guard: U.S. Code; Title 14 - Coast Guard; Part I - Regular Coast Guard; Chapter 1 - Establishment and Duties 503
*14 U.S.C. § 5. **"SECRETARY"** defined: As used in this title, the term **"SECRETARY"** means the Secretary of the respective department in which the Coast Guard is operating* 503
3. The U.S. Merchant Marine is an Orphan Child in the Department of Homeland Security Under the U.S. Code. 503
*The term **"Merchant Marine"** does not appear in the U.S. Code, Title 6 - Domestic Security; Chapter 1 - Homeland Security Organization.* 503

4. The U.S. Merchant Marine is an Orphan Child in the Department of Homeland Security Under the C.F.R's. Aside from "6 C.F.R. § 17.210 MILITARY AND MERCHANT MARINE EDUCATIONAL INSTITUTIONS." . . . 503
*The term **"Merchant Marine"** does not otherwise appear.* . . . 503

X. THE U.S. COAST GUARD . . . **505**
1. ESTABLISHMENT AND DUTIES - U.S. CODE, TITLE 14 . . . 505
14 U.S.C. § 2. PRIMARY DUTIES . . . 505
2. FUNCTIONS AND POWERS - U.S. CODE, TITLE 14 . . . 505
14 U.S.C. § 92(b). Secretary [of Homeland Security]; GENERAL POWERS . . . 505
14 U.S.C. § 93(a). Commandant; GENERAL POWERS . . . 505
3. COOPERATION WITH OTHER AGENCIES - U.S. CODE, TITLE 14 . . . 505
14 U.S.C. § 141. Cooperation with Other Agencies, States, Territories, and Political Subdivisions . . . 505
14 U.S.C. § 142. State Department . . . 506
14 U.S.C. § 144. Department of the Army and Department of the Air Force 506
14 U.S.C. § 148. Maritime Instruction . . . 506
4. COAST GUARD ADMINISTRATION - U.S. CODE, TITLE 14 . . . 507
14 U.S.C. § 631. DELEGATION OF POWERS BY THE SECRETARY [OF HOMELAND SECURITY] . . . 507
14 U.S.C. § 632. FUNCTIONS AND POWERS VESTED IN THE COMMANDANT . . . 507
14 U.S.C. § 633. REGULATIONS . . . 507
14 U.S.C. § 634. OFFICERS HOLDING CERTAIN OFFICES . . . 507
14 U.S.C. § 641. DISPOSAL OF CERTAIN MATERIAL . . . 507
14 U.S.C. § 644. PAYMENT FOR THE APPREHENSION OF STRAGGLERS . . . 508

5. COAST GUARD RULEMAKING PROCEDURE, 33 C.F.R. § 1.05 et seq. . . . 509
Subpart 1.05—Rulemaking . . . 509
33 C.F.R. § 1.05–1 Delegation of Rulemaking Authority. . . . 509
33 C.F.R. § 1.05–5 Marine Safety and Security Council . . . 510
33 C.F.R. § 1.05–10 Regulatory Process Overview. . . . 510
33 C.F.R. § 1.05–15 Public Participation . . . 510
33 C.F.R. § 1.05–20 Petitions for Rulemaking. . . . 511
33 C.F.R. § 1.05–25 Public Docket. . . . 511
33 C.F.R. § 1.05–30 Advance Notice of Proposed Rulemaking (ANPRM) . . 511
33 C.F.R. § 1.05–35 Notice of Proposed Rulemaking (NPRM). . . . 511

33 C.F.R. § 1.05–40 Supplemental Notice of Proposed Rulemaking (SNPRM) 512
33 C.F.R. § 1.05–45 Interim Rule 512
33 C.F.R. § 1.05–50 Final Rule 512
33 C.F.R. § 1.05–55 Direct Final Rule 512
33 C.F.R. § 1.05–60 Negotiated Rulemaking 513

Y. FEDERAL PREEMPTION OF STATE LAWS 514

1. *UNITED STATES CONSTITUTION, ARTICLE I, SECTIONS 8 AND 10; ARTICLE 6; AND THE 10TH AMENDMENT FEDERAL PREEMPTION OF STATE LAW, PREPARED BY ROBERT MARCHANT, LEGISLATIVE ATTORNEY; WISCONSIN LEGISLATIVE REFERENCE BUREAU; CONSTITUTIONAL HIGHLIGHTS, MAY 2003, VOL. III, NO. 1* 514
2. *FEDERAL PREEMPTION OF STATE LAWS* 516
   1. *Origin and Nature of Preemption.* 516
   2. *The Four Distinct Kinds of Preemption.* 516
   3. *Trends in the Reconciliation of Federal and State Interests.* 517
3. *EXAMPLE OF FEDERAL PREEMPTION BY THE FCC - PR DOCKET 91-36 IS THE FEDERAL PREEMPTION OF STATE AND LOCAL LAWS CONCERNING AMATEUR USE OF TRANSCEIVERS CAPABLE OF RECEPTION BEYOND AMATEUR ALLOCATIONS. THIS PREEMPTION ALLOWS AMATEURS TO POSSESS A TRANSCEIVER CAPABLE OF RECEPTION (BUT NOT TRANSMISSION) ON FREQUENCIES ADJOINING THE AMATEUR VHF/UHF BANDS. IT DOES NOT APPLY TO SCANNERS WHICH ARE SEPARATE FROM AN AMATEUR TRANSCEIVER.* 519

Z. BATFE 529

1. *PETITION FOR RULEMAKING 27 C.F.R. § 70.701 RULES AND REGULATIONS.* 529
   27 C.F.R. § 70.701(c) Petition to change rules. 529
2. *THE BATFE HAS THE AUTHORITY TO PREEMPT STATE GUN CONTROL LAWS PROTECTING THE SECOND AMENDMENT RIGHT OF OPEN CARRY NATIONWIDE OF LAWFULLY OWN FIREARMS.* 529

AA. ARMED FORCES 529

1. *U.S.CODE; TITLE 10 - ARMED FORCES; SUBTITLE A - GENERAL MILITARY LAW; PART I - ORGANIZATION AND GENERAL MILITARY POWERS; CHAPTER 13 - THE MILITIA* 529
   10 U.S.C. § 311. Militia: Composition and Classes 529
   10 U.S.C. § 351. DURING WAR OR THREAT TO NATIONAL SECURITY 529
2. *U.S. CODE; TITLE 32 - NATIONAL GUARD; CHAPTER 1 - ORGANIZATION* 530
   32 U.S.C. § 109. MAINTENANCE OF OTHER TROOPS 530

BB. NATIONAL MILITARY PARKS 530

1. U.S. CODE; TITLE 16 - CONSERVATION; CHAPTER 1 - NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES; SUBCHAPTER LX - NATIONAL MILITARY PARKS 530

16 U.S.C. § 411. MILITARY MANEUVERS 530

16 U.S.C. § 412. CAMPS FOR MILITARY INSTRUCTION; REGULATIONS FOR MILITIA 531

CC. THE U.S. CONGRESS 531

1. U.S. CODE; TITLE 2 - THE CONGRESS; CHAPTER 9 - OFFICE OF LEGISLATIVE COUNSE; SUBCHAPTER I - SENATE 531

2 U.S.C. § 271. ESTABLISHMENT 531

2 U.S.C. § 272. LEGISLATIVE COUNSEL 531

2 U.S.C. § 275. FUNCTIONS 531

2. U.S. CODE; TITLE 2 - THE CONGRESS; CHAPTER 9 - OFFICE OF LEGISLATIVE COUNSEL; SUBCHAPTER II - HOUSE OF REPRESENTATIVES; PART I - PURPOSE, POLICY, AND FUNCTION 531

2 U.S.C. § 281. ESTABLISHMENT 531

2 U.S.C. § 281a. PURPOSE AND POLICY 531

2 U.S.C. § 281b. FUNCTIONS 532

3. U.S.CODE; TITLE 2 - THE CONGRESS; CHAPTER 9A - OFFICE OF LAW REVISION COUNSEL 532

2 U.S.C. § 285. ESTABLISHMENT 532

2 U.S.C. § 285a. PURPOSE AND POLICY 532

2 U.S.C. § 285b. FUNCTIONS 533

DD. ON GOD, GUNS, AND RELIGIOUS FREEDOM: THE SECOND AMENDMENT IS AN EXTENSION OF THE FIRST AMENDMENT RIGHT TO RELIGIOUS FREEDOM 534

1. The Line of Logic Proving the Second Amendment Is a First Amendment Right of Religious Freedom 534

NATURAL RIGHTS 534

CIVIL RIGHTS: (CIVIL LIBERTIES) 534

RELIGIOUS FREEDOM 534

14 C.J.S. § 12. General Considerations (Civil Rights = Inherent rights = Creeds) 534

2. Primary Legal Statements Based on Religion: 535

(1) THE KING JAMES BIBLE is a System of Religious Belief = Creed = Bill of Rights = Inalienable Rights = Inherent Rights 535

Table of Contents . . . p. xxiv

(2) CHRISTIAN = A follower of the Christian religion guided by the King James Bible and various other translations of the Hebrew Bible . . 535

(3) THE PLAINTIFF is a Christian and he has a religious right to be openly armed in intrastate and interstate travel 535

3. Secondary Legal Statements Based on Religion: 535

(a) THE KING JAMES BIBLE is a System of Religious Belief = Creed = Bill of Rights = Inalienable Rights = Inherent Rights 535

(b) THE KORAN is a System of Religious Belief = Creed = Bill of Rights = Inalienable Rights = Inherent Rights 535

(c) CHRISTIAN = A follower of the Christian religion guided by the King James Bible and various other translations of the Hebrew Bible . . 535

(d) THE PLAINTIFF is a Christian 535

(e) MUSLIM = A follower of Islam guided by the Koran. 535

(f) ISLAM has been an arch enemy of CHRISTIANITY 535

(g) The United States is currently engaged in a 4th generation war against terrorists who follow the Islamic religion of the Middle East on religious reasons 535

(h) The war on terrorism is, in fact and law, a religious war 535

4. Articles of Faith, a System of Religious Belief: Verses Containing the Word "Sword" in the King James Bible 537

5. Applying Biblical Law & Morals in Today's World 538

2nd Kings 19:32-34 — Warnings of Government Genocide 538

Ecclesiastes 3:16-17 — Corruption 538

Isaiah 1:23-26 — Corruption/Bribery 538

Job 20:24-25 — The Corrupted Receives Justice 539

Jeremiah 5:20-31 — Defending Against Government Abuses 539

Psalms 59:1-5 — Malicious Prosecution 539

Numbers 35:18 — Illegal Use of Weapons 539

Ecclesiastes 4:12-13 — Militias 539

2 Chronicles 23:10 — Defending the Church with Weapons 539

Nehemiah 4:17 — Weapons in the Workplace 539

Deuteronomy 32:25 — Lawlessness Without The Sword 539

Isaiah 54:16-17 — Weapons Manufacturing & Defense Against Persecution 540

Ezekiel 9:1-2 — The Slaughter Weapon (Sword v. Full-Auto Firearms) . . . 540

Deuteronomy 20:1 — Facing Your Enemy 540

Exodus 15:3 — War 540

Joshua 5:13 — The Lord as a Warrior . . . 540
Zechariah 9:8 — Standing Watch . . . 540
6. David Defeated Goliath Because of Childhood Training with a Weaponized Sling . 542
1 Samuel 17:39-40 — Weapons Training For Children . . . 542
7. Larry Pratt, What Does the Bible Say about Gun Control? . . . 544

***EE. The Nature of the Relief Sought* . . . 551**
1. Estoppel To Be Applied Against the U.S. Government . . . 551
A. U.S. Attorney Manual, Title 4: Civil Resource Manual, § 209 ESTOPPEL . 551
B. Equitable Estoppel . . . 551
(1) The five essential elements for this type of estoppel are: . . . 551
(1) that there was a false representation or concealment of material facts 551
(2) that the representation must have been known to be false by the party making it, or the party must have been negligent in not knowing its falsity . . . 552
(3) that it was believed to be true by the person to whom it was made . . . 552
(4) that the party making the representation must have intended that it be acted on, or the person acting on it must have been justified in assuming this intent, and . . . 552
(5) that the party asserting estoppel acted on the representation in a way that will result in substantial prejudice unless the claim of estoppel succeeds. — Also termed estoppel by conduct; estoppel in pais . . . 552
C. Estoppel by Silence . . . 552
D. Judicial Estoppel . . . 552
(1) Citing Lawrence B. Solum, Caution! Estoppel Ahead: Cleveland V. Policy Management Systems Corporation, 32 Loyola of Los Angeles Law Review 461, 468-471 (January, 1999) . . . 552
(2) The Five Elements of Judicial Estoppel are Met in Plaintiff's Case . . . 556
1 The Two Positions must Be Taken by the Same Party . . . 556
2. The Positions must Be Taken in Judicial Proceedings . . . 556
3. The Positions must Be Given under Oath . . . 556
4. The Party Taking the Positions must Have Been Successful in Maintaining the First Position and Receive Benefit . . . 556
5. The Two Positions must Be Totally Inconsistent . . . 557
3. Injunctions, USAM 4 Civil.R.M. § 214 . . . 557
4. Mandamus USAM 4 Civil.R.M. § 215 . . . 558

■ ***Evidentiary Exhibits: Part 1. That Each of the Following Statements Are True* . . . 561**

EXHIBIT 1. MY REBUTTAL TO SPECIAL ATTORNEY DENNIS BARGHAAN ON MANDAMUS FROM HIS MOTION TO DISMISS, AUGUST 4, 2006 . . . . **563**

EXHIBIT 2. MANDAMUS CONDITION 3 "NO OTHER REMEDY AVAILABLE" EVIDENCE: COMPENDIUM OF UNANSWERED LETTERS OF THE LAST 4 YEARS TO OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES OF THE U.S. GOVERNMENT AS RELEVANT EVIDENCE UNDER RULE 402 SUPPORTING MY PRESUMPTION IN GENERAL UNDER RULE 301 OF THE FEDERAL RULES OF EVIDENCE THAT THE WRIT OF MANDAMUS IS MY ONLY REMAINING REMEDY **575**

EXHIBIT 2.1. Howard Nemerov, "Gun Control: Campaign Finance," NewsBusters.org, August 4, 2006: Anti-Gun Campaign Contributions Flood Congress *576*

EXHIBIT 2.2. My Letter to President George W. Bush on U.S. Seafarers Rights under the Second Amendment. March 14, 2002 . . . . *579*

EXHIBIT 2.3. My Letter to Desiree Thompason, Special Assistant to President George W. Bush about My Second Amendment Case in the Federal Court. September 13, 2002. . . . . *587*

EXHIBIT 2.4. My Letter to U.S. Coast Guard (Cc: Heather Graham-Oliver) Comparing U.S. Coast Guard, BATFE, and FBI Criminal Background Checks . . . *588*

Anti-Militia Laws of the Twenty-four States *603*

EXHIBIT 2.5. My Letter to U.S. Coast Guard with Proposing the Legislative Creation of the U.S. Merchant Marine Auxiliary; Submitting Proposed Manual and Model Law adding Part III to Title 14 of the U.S. Code *613*

EXHIBIT 2.6. My Letter to the U.S. Coast Guard "About American Merchant Seamen Defending Against Pirates With Guns on the High Seas *781*

EXHIBIT 2.7. My Letter to U.S. Coast Guard "About H.R. 2555 Department of Homeland Security Appropriations Act 2004 and My Proposed Merchant Marine Auxiliary *784*

EXHIBIT 2.8. My Letter to the U.S. Coast Guard,"Request Stay of Final Agency Action Denial of Application for National Open Carry Handgun Endorsement on MMD in Accordance with 46 C.F.R. § 1.03-15(e) Pending Appeal to the U.S. Supreme Court on a Petition For Writ of Certiorari" August 31, 2005 . . . . *794*

EXHIBIT 2.9. My Letter to the U.S. Coast Guard,"Rule 11 Petition for Writ of Ceritorari DENIED at U.S. Supreme Court Petition for Rehearing En Banc Filed at U.S. Court of Appeals/DC Circuit Rule 13 Petition for Writ of Certiorari at U.S Supreme Court is Last Resort," August 31, 2003 . . . . *796*

EXHIBIT 2.10. My Letter to Asa Hutchinson, Under Secretary for the Border and Transportation Security, Department of Homeland Securitty Giving Due Notice of My Second Amendment Case. Hutchinson was formerly one of the Representative from Arkansas, September 6, 2003 798

EXHIBIT 2.11. My Letter to Joseph Grano, Chairman of the Homeland Security Advisory Council, Department of Homeland Security, September 6, 2003 800

EXHIBIT 2.12. My Letter to the U.S. Coast Guard, September 8, 2003 807

EXHIBIT 2.13. My Letter to the U.S. Coast Guard, November 17, 2003 815

EXHIBIT 2.14. My Letter to Senator Orin Hatch, December 15, 2003 833

EXHIBIT 2.15. My Letter to the U.S. Coast Guard, February 5, 2004 887

EXHIBIT 2.16. My Second Letter to Senator Orin Hatch, September 8, 2003 890

EXHIBIT 2.17. My Letter to the American Bar Association's Join Commission, February 29, 2004 891

EXHIBIT 2.18. President's Executive Order 13353 Dated August 27, 2004 Establishing the President's Board on Safeguarding Americans' Civil Liberties . . 899

EXHIBIT 2.19. My Letter to the James Comey, Chairman of the President's Board on Safeguarding Americans' Civil Liberties, September 13, 2004 903

EXHIBIT 2.20. My Letter to Rep. Sensenbrenner, Chairm of the House Committee on the Judiciary, September 30, 2004 905

EXHIBIT 2.21. My Second Letter to James Comey, October 4, 2004 906

EXHIBIT 2.22. My Second Letter to Rep. Sensenbrennerl, October 4, 2004 907

EXHIBIT 2.23. My Letter to the U.S. Coast Guard, October 5, 2004 on the Merchant Mariners Documents Pilot Program 908

EXHIBIT 2.25. My Letter to the U.S. Coast Guard, September 8, 2003 on the Rule of Law and my Second Amendment case 915

EXHIBIT 2.26. My Freedom of Information Act Request to TSA, estimated date November 2004, on Merchant Mariners Documents Pilot Program Can End "TSA Harassment of U.S. Merchant Mariners" Through [by stopping] Extra Security Screenings at Airports 923

EXHIBIT 2.27. My Petition for Rulemaking to the U.S. Coast Guard, September 8, 2003, on National Open Carry Handgun and/or Small Arms and Light Weapons Endorsement for the Merchant Mariner's Document Under the Merchant Mariners Documents Pilot Program: DENIED 925

EXHIBIT 2.28. My Letter to Glenn A. Fine, Inspector General for the U.S. Department of Justice, January 27, 2005 on Misconduct: Complaint of Obstructing Justice and Witholding Evidene that Would Have Proved the Merits of My Case 943

EXHIBIT 2.29. My Letter to Rep. Marilyn Musgrave, January 27, 2005, on U.S. Supreme Court Twice Extorts $300 Filing Fee from a U.S. Merchant Seamen under the Seamen's Suit Law, 28 U.S.C. § 1916 949

EXHIBIT 2.30. My Letter to Rep. Marilyn Musgrave, January 27, 2005 on Restoring Second Amendment Rights 951

EXHIBIT 2.31. My Petition for Rulemaking to the U.S. Coast Guard Proposing Authorizing the Merchant Mariner's Document Endorsement for "National Open/Concealed Carry Handgun/Small Arms & Light Weapons" in Accordance with Section 611, MMD Pilot Program of the Coast Gurd and Maritime Transportaton Act of 2004 953

Evidence of U.S. Supreme Court Bias Against Second Amendment Cases and Against Pro Se Plaintiffs with a Second Amendment Case 967

Order of Recusal 968

Revised Order of Recusal 968

Plaintiff-Appellant's Other Cases 970

Justice Department Withheld Evidence From the Appellant's Case at the District Court 975

EXHIBIT 3. MY COMMENTS TO THE FCC IN SUPPORT OF ARRL'S PETITION FOR RULE MAKING (RM-11306) — "THE AMATEUR RADIO SERVICE AS A WELL REGULATED MILITIA UNDER THE TERMS OF THE U.S. CONSTITUTION AND THE BILL OF RIGHTS" 1033

EXHIBIT 4. MY PETITION FOR RULEMAKING TO THE FCC 1181

EXHIBIT 5. LAW REVIEW: LARRY J. SECHREST, PRIVATEERING AND NATIONAL DEFENSE: NAVAL WARFARE FOR PRIVATE PROFIT, SUL ROSS STATE UNIVERSITY, ALPINE, TEXAS (REVISED FEBRUARY 2002) 1271

EXHIBIT 6. LAW ARTICLE: J. GREGORY SIDAK, THE QUASI WAR CASES (AUGUST 2004) 1315

EXHIBIT 7. LAW REVIEW: GARY D. ROWE, THE FOUNDERS, FEDERALISM, AND FARCE: A LITIGIOUS SAILOR AND THE CONFLICT OVER CONSTITUTIONALISM IN THE EARLY REPUBLIC, UCLA SCHOOL OF LAW, (UNDATED). 1349

EXHIBIT 8. LAW REVIEW IN SUPPORT OF MY PRESUMPTION THAT THE U.S. GOVERNMENT DOES, IN FACT AND LAW OWE A CLEAR DUTY TO ACT THROUGH THEIR OATH OF OFFICE TO SUPPORT AND DEFEND THE U.S. CONSTITUTION INCLUSIVE OF

THE BILL OF RIGHTS TO WHICH THE SECOND AMENDMENT IS A PART OF THOSE ENUMERATED RIGHTS IN RE: MANDAMUS RELIEF: LAW REVIEW: BRANNON P. DENNING, GUN SHY: THE SECOND AMENDMENT AS AN "UNDER-ENFORCED CONSTITUTIONAL NORM," HARVARD JOURNAL OF LAW & PUBLIC POLICY 21 HARV. J.L. & PUB. POL'Y 719 (SUMMER, 1998)* *1419

I. INTRODUCTION* *1419

II. THE SAGER THESIS* *1420

A. Indicia of Underenforcement *1420*

Although cautioning that there is no "litmus test," Sager's article did suggest certain "indicia of underenforcement." They were *1420*

[i] a disparity between the scope of a federal judicial construct and that of plausible understandings of the constitutional concept from which it derives, ... *1420*

[ii] the presence in court opinions of frankly institutional explanations for setting particular limits to a federal judicial construct, and *1421*

[iii] other anomalies...between the independent reach of the amendments and the scope of congressional authority which they confer. *1421*

B. Understanding Underenforced Norms *1421*

C. Underenforced Norms: Results and Remedies *1422*

III. THE SECOND AMENDMENT AND THE "INDICIA OF UNDERENFORCEMENT"* *1424

A. Disparity Between Scope of Judicial Enforcement and the Amendment's "Plausible Understanding" *1424*

1. The Second Amendment and the Legal Academy *1424*

2. The Evolution of Second Amendment Jurisprudence *1428*

a. United States v. Miller and the Supreme Court's Second Amendment Jurisprudence *1429*

b. Lower Federal Courts and the Second Amendment *1431*

B. The Presence of Institutional Explanations for Setting Limits on Judicial Construction *1441*

C. Gap Between Independent Reach of Amendment and Congressional Power to Enforce *1443*

D. Lack of Incorporation by the Courts *1444*

IV. REMEDIES FOR UNDERENFORCEMENT* *1446

A. Lower Court Incorporation of the Second Amendment 1447
B. State Court Expansion of the Second Amendment 1450
C. Congressional Enforcement Through Section 5 of the Fourteenth Amendment . . 1452
1. Congressional Authority Under Section 5 1453
a. Katzenbach v. Morgan 1453
b. Criticisms of Katzenbach v. Morgan 1455
c. Oregon v. Mitchell 1457
d. City of Boerne v. Flores 1458
2. Limits on Congressional Authority Under Section 5 1463
3. A Second Amendment Rights Restoration Act? 1465
D. Passing "Normal" Congressional Findings Regarding the Second Amendment . 1469

V. Conclusion **1472**

EXHIBIT 9. Rule 406, Habit, Routine Practice, Federal Rules of Evidence: President Bush Calls the U.S. Constitution "Just a Goddamn Piece if Paper," **1477**

EXHIBIT 10. The Dupont Racketeering Case: Case Law that a RICO Act Case of Similar Circumstances to My Case Where Special U.S. Attorney Dennis Barghaan and/or the U.S. Department of Justice Withheld Evidence Vindicating my Case **1485**

EXHIBIT 11. Judge Ellen Segal Huvelle's Memorandum Opinion Dismissing My Case with Prejudice, October 9, 2002 . . . . **1489**

EXHIBIT 12. Evidence of U.S. Supreme Court Bias Against Second Amendment Cases and Against Pro Se Plaintiffs with a Second Amendment Case **1492**
Order of Recusal 1494
Revised Order of Recusal 1494

EXHIBIT 13. Cato Institute Policy Analysis: Alcohol Prohibition was a Failure, by Mark Thornton, (No. 157), July 17, 1991. . . . . **1501**
Executive Summary 1501

The Iron Law of Prohibition 1502
Prohibition Was Not a Healthy Move 1507
Prohibition Was Criminal 1509
Prohibition Caused Corruption 1513
Conclusion: Lessons for Today 1513
H. UNIVERSITY OF TOLEDO, PROFESSOR DAVIS, "GUN CONTROL POLICY: A MODEL ESSAY" 1514
HISTORY 1515
POLICY CYCLE 1515
PUBLIC AND GUN CONTROL 1516
INTERGOVERNMENTAL RELATIONS 1517
WORKS CITED 1518

EXHIBIT 14. MEMORANDUM OPINION FOR THE ATTORNEY GENERAL WHETHER THE SECOND AMENDMENT SECURES AN INDIVIDUAL RIGHT (DATED AUGUSTE 24, 2004) **1519**
The Second Amendment secures a right of individuals generally, not a right of States or a right restricted to persons serving in militias. 1519
Introduction 1519
I. The Unsettled Legal Landscape 1521
II. TEXTUAL AND STRUCTURAL ANALYSIS 1527
A. "The Right of the People" 1528
B. "To Keep and Bear Arms" 1530
1. "To Keep . . . Arms." 1530
2. "To . . . Bear Arms." 1532
C. "A Well Regulated Militia, being Necessary to the Security of a Free State" 1534
1. The Limits of Prefatory Language. 1535
2. The "Militia." 1538
3. The "Well Regulated" Militia. 1542
4. The "Security of a Free State." 1544
D. Structural Considerations 1548
1. The Bill of Rights. 1548
III. THE ORIGINAL UNDERSTANDING OF THE RIGHT TO KEEP AND BEAR ARMS 1551
A. The Right Inherited from England 1552
B. The Right in America before the Framing 1559
1. The Experience of the Revolution. 1559
2. Early Constitutional Recognition of the Right. 1563

DOCUMENT #(26). *PLAINTIFF'S LETTER, October 5, 2004, to Admiral Thomas H. Collins, Commandant, U.S. Coast Guard, titled, Merchant Mariner's Document Pilot Program. The Plaintiff suggested to the Commandant of the Coast Guard the Plaintiff's "National Open Carry Handgun" or "National Open Carry Small Arms and Light Weapons could be submitted to Congress under the* COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004, *Public Law No. 108-293.* ***Responded See #(27).*** *(5 pages).* *1681*

Section 217 of COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004, *Public Law No. 108-293, adds new Subsection (y) to 14 U.S.C. § 93 for "*GENERAL POWERS OF THE COMMANDANT*"* *1681*

"after informing the Secretary [of Homeland Security], make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate." *1681*

Section 611 of COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004, *Public Law No. 108-293, authorizes and establishes the* ***MERCHANT MARINERS DOCUMENTS PILOT PROGRAM.*** *That section states:* *1682*

"The Secretary of the department in which the Coast Guard is operating may conduct a pilot program to demonstrate methods to improve processes and procedures for issuing merchant mariners' documents." . . *1682*

DOCUMENT #(27). *PLAINTIFF'S LETTER, January 22, 2005, to Commandant (G-LRA), Coast Guard's Office of Regulations and Administrative Law in Washington, DC, titled,* PETITION FOR RULEMAKING: NATIONAL OPEN CARRY HANDGUN AND/OR SMALL ARMS AND LIGHT WEAPONS ENDORSEMENT FOR THE MERCHANT MARINER'S DOCUMENT UNDER THE MERCHANT MARINERS DOCUMENTS PILOT PROGRAM & HR 173 ANTI-TERRORISM AND PORT SECURITY ACT OF 2005RESURRECTS LETTERS OF MARQUE AND REPRISALS IN THE WAR ON TERRORISM AND PIRACY! *The Plaintiff comments on Commander Brian Judge, Chief, Claims and Litigation, letter dated December 3, 2004 denying Plaintiff's letter (Document #(26) above) proposal to initiate the National Open Carry Small Arms and Light Weapons endorsement through the Merchant Mariners Documents Pilot Program. Commander Judge stated, "there is no statutory basis in Section 611 for the Coast Guard to create the MMD weapons endorsement that you seek. Even if there was some way to creatively interpret the language of Section 611 to afford the Coast Guard the discretion to create the MMD weapons endorsement you seek, doing so would be unnecessary and would create conflicts of law." The Petitioner will show at trial that it is necessary and that the Coast Guard must comply with the U.S. Constitution before complying with laws. If a Coast Guard action in compliance with the U.S. Constitution results in a conflict of laws, the responsibility rests with the U.S. Congress to resolve the conflict. If by the Coast Guard failing to take action violates the constitutional rights of a seaman in the administrative process of an application based upon Second Amendment rights in an attempt to avoid conflicts of law the resulting dispute becomes the jurisdiction of the federal judicial branch of the U.S. Government. Commander Judge further states, ". . . we rely upon the laws of the various [state] jurisdictions involved to establish the legal parameters for permissible firearms carriage." The firearms laws of the various states in combination with the firearms laws of the United States stand in conflict with each other and with the privileges and immunities clause in Article IV, Section 2 of the Constitution and in the Fourteenth Amendment.*

Congress has yet to correct this situation. Hence, this is an extraordinary situation warranting Mandamus Relief by President Bush. **No response.** *1682*

DOCUMENT #(28). *PLAINTIFF'S LETTER, January 27, 2005, to Rep. Marilyn Musgrave, Chair of the Second Amendment Caucus* *1682*

DOCUMENT #(29). *PLAINTIFF'S LETTER, January 27, 2005, to Rep. Marilyn Musgrave, Chair of the Second Amendment Caucus, titled, RESTORING SECOND AMENDMENT RIGHTS OF OPEN CARRY NATIONWIDE FOR AMERICAN MERCHANT SEAMAN IN HAMRICK V. PRESIDENT BUSH, ET AL (DC CIRCUIT NO. 04-5316) ON APPEAL TO THE U.S. SUPREME COURT (CASE NO. TO BE ASSIGNED) HR 173 ANTI-TERRORISM AND PORT SECURITY ACT OF 2005 RESURRECTS LETTERS OF MARQUE AND REPRISALS IN THE WAR ON TERRORISM AND PIRACY!* *1682*

DOCUMENT #(30). *PLAINTIFF'S LETTER, January 27, 2005, to Glenn A. Fine, Inspector General, U.S. Department of Justice, titled, MISCONDUCT: COMPLAINT OF OBSTRUCTING JUSTICE AND WITHHOLDING EVIDENCE THAT WOULD HAVE PROVED THE MERITS OF MY CASE — ABA MODEL RULES OF PROFESSIONAL CONDUCT* *1683*

DOCUMENT #(31). *PLAINTIFF'S LETTER, March 7, 2005, to Albert Gonzales, Attorney General, titled, ETHICS COMPLAINT AGAINST SPECIAL ATTORNEY HAS SPECIAL ATTORNEY DENNIS BARGHAAN GONE RENEGADE? OR WHERE DOES THE U.S. DEPARTMENT OF JUSTICE REALLY STAND ON THE SECOND AMENDMENT? The Plaintiff questioned why the Special Attorney, Dennis Barghaan, from the U.S. Attorney's Office in Alexandria, Virginia as Defense Counsel stands in opposition to Plaintiff's case when United States v. Emerson, Fifth Circuit, Northern District of Texas, No. 99-10331, and the the U.S. Department of Justice's own Memorandum Opinion for the Attorney General, August 24, 2004, titled, WHETHER THE SECOND AMENDMENT SECURES AN INDIVIDUAL RIGHT, both concluded that the Second Amendment is an individual right regardless of the militia.* **No response.** *(12 pages).* *1683*

DOCUMENT #(32). *PLAINTIFF'S LETTER, March 13, 2005, titled, IS THE SEAMEN'S SUIT, 28 U.S.C. § 1916 ENFORCEABLE ON THE U.S. COURT OF APPEALS FOR THE DC CIRCUIT AND THE U.S. SUPREME COURT? "The DC Circuit and the U.S. Supreme Court both have required me to pay their filing fees each on two separate occasions, total of four occasions amounting to the sum total of $1,065. The problem is that as a U.S. Merchant Seaman with a Second Amendment case I have the statutory right to be exempt from paying their filing fees. The Seamen's Suit law, 28 U.S.C. § 1916 says: 'In all courts of the United States, seamen may institute and prosecute suits and appeals in their own names and for their own benefit for wages or salvage or the enforcement of laws enacted for their health or safety without prepaying fees or costs or furnishing security therefor.'"* **No response.** *(39 pages).* *1683*

DOCUMENT #(33). *PLAINTIFF'S LETTER, October 30, 2005, to Robert Mueller, Director of the FBI, and to John Clark, Director of the U.S. Marshals Service, titled, COMPLAINT OF EXTORTION AND CORRUPTION AGAINST JUDGES OF THE U.S. COURT OF APPEALS FOR THE DC CIRCUIT & THE U.S. SUPRUME COURT.* **No response.** *(39 pages).* *1683*

CERTIFICATE OF SERVICE ***1685***

INITIAL SCEDULING ORDER: BY JUDGE GEORGE HOWARD FILED JANUARY 1, 2007

The Proposed Trial Date was for the week of November 12, 2007.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

DON HAMRICK

vs Case Number 1:06CV00044 GH

GEORGE W. BUSH ET AL

Initial Scheduling Order

The following deadlines and proposals are in effect:

(1) **Rule 26(f) Conference Deadline:** **MARCH 9, 2007**

The parties are jointly responsible for holding their Rule 26(f) on or before MARCH 9, 2007.

(2) **Rule 26(f) Report Due Date:** **MARCH 23, 2007**

Consult FRCP 26(f) and Local Rule 26.1 for information to be included in the Rule 26(f) Report. The report should be filed with the Clerk of the Court.

(3) **Proposed Trial Date:** **Week of NOVEMBER 12, 2007 in BATESVILLE**

(4) **Rule 16(b) Conference (if needed)** **SCHEDULED IF NEEDED**

A telephone conference will be held SCHEDULED IF NEEDED, if needed, to resolve any conflicts among the parties with deadlines, the proposed trial date, mandatory disclosures, etc. If the parties can agree on all issues in the Rule 26(f) Report and the trial date proposed by the Court, then the telephone conference scheduled for SCHEDULED IF NEEDED will be unnecessary.

(5) **Final Scheduling Order:** **Will be issued on or before APRIL 6, 2007**

A Final Scheduling Order will be issued on or before APRIL 6, 2007, confirming the trial date, setting deadlines, and resolving any disputes presented to the Court.

It will be the responsibility of the plaintiff to serve a copy of the Initial Scheduling Order on any defendant who makes an appearance after the Initial Scheduling Order has been filed. It will be the responsibility of the party filing a new claim after the date of the Initial Scheduling Order to immediately serve a copy of the Initial Scheduling Order on new defendant(s).

Dated: JANUARY 29, 2007

AT THE DIRECTION OF THE COURT
JAMES W. MCCORMACK, CLERK

BY: /s/ Patricia L. Murray
COURTROOM DEPUTY CLERK

Note: If a party or party's attorney fails to obey a scheduling order or pretrial order, or if no appearance is made on behalf of a party at a scheduling or pretrial conference, or if a party or party's attorney is substantially unprepared to participate in the conference, or if a party or party's attorney fails to participate in good faith, the judge, upon motion or the judge's own initiative, may make such orders with regard thereto as are just, and among others any of the orders provided in Rule 37(b)(2)(B), (C), (D). In lieu of or in addition to any other sanction, the judge shall require the party or the attorney representing the party or both to pay the reasonable expenses incurred because of any noncompliance with this rule, including attorney's fees, unless the judge finds that the noncompliance was substantially justified or that other circumstances make an award of expenses unjust.

I amended my CIVIL RICO ACT COMPLAINT of September 11, 2006 to add the United Nations as the lead Defendant on February 2, 2007.

(SEE NEXT PAGE)

United States District Court for the Eastern District of Arkansas, Northern Division, Batesville, Arkansas

Don Hamrick (*"Non-State Actor"*) *pro se*	)
5860 Wilburn Road	)18 U.S.C. § 1964(c)
Wilburn, AR 72179	) 42 U.S.C. § 1983; § 1985; § 1986; § 1988
PLAINTIFF	)
v.	) Civil Action No. 06-0044
United Nations, *et al*	) Jury Trial Demanded
c/o Ban Ki-Moon, Secretary General	)Damages Sought:
405 E 42nd Street	) $9 million from United States Defendants
New York, NY 10017	) $9 million from United Nations as Lead Defendant
DEFENDANTS	)

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
FEB 02 2007
JAMES W. McCORMACK, CLERK
By: [signature] DEP CLERK

VOLUME 4

AMENDED COMPLAINT
ADDING UNITED NATIONS AS LEAD DEFENDANT

SERVICE OF SUMMONS AND COMPLAINT CONSISTS OF VOLUMES 1 THROUGH 4 PLUS THE ADDENDUM TO BE DELIVERED BY THE U.S. MARSHALS SERVICE UNDER RULE 4(c)(2) OF THE FEDERAL RULES OF CIVIL PROCEDURE

TO

BAN KI-MOON

SECRETARY GENERAL OF THE UNITED NATIONS AS THEIR AUTHORIZED AGENT

AND

VOLUME 4 TO BE DELIVERED TO THE CURRENT DEFENDANTS ALL VIA U.S. MARSHALS SERVICE IN ACCORDANCE WITH RULE 4(c)(2) OF THE FEDERAL RULES OF CIVIL PROCEDURE

LIST OF DEFENDANTS

United Nations
c/o Ban Ki-Moon, Secretary General
405 E 42nd Street
New York, NY 10017

President George W. Bush
White House
1600 Pennsylvania Ave.
Washington, DC 20500

Michael Chertoff, Secretary
Department of Homeland Security
Washington, DC

Michael Prendergast
Associate Director for Security Operations
U.S. Department of Transportation
400 7th Street, SW
Washington, DC

Admiral Thad Allen
Commandant (G-C)
U.S. Coast Guard
2100 2nd Street, SW
Washington, DC

(1) Judge Reggie B. Walton
(2) Judge Ellen Segal Huvelle
U.S. District Court for DC
333 Constitution Ave., NW
Washington, DC 20001

Dennis Barghaan
U.S. Attorney's Office
2100 Jamieson Ave.
Washington, DC 22314

Heather Graham-Oliver
U.S. Attorney's Office
Washington, DC

AMERICAN MERCHANT SEAMEN IN HARM'S WAY

By Don Hamrick
© 2004 Don Hamrick

Pirates by sea, terrorists by land,
Through hostile waters we sailors dare steam,
Defensive weapons denied our hand.
Not the law of land or sea it would seem.

Without rhyme or reason,
September 11, a day of slaughter.
Security now a perpetual season.
Arm ourselves now! Sailors oughta!

Pirates and terrorists armed to the teeth,
With every blade and firepower within reach,
Against sailors defenseless as sheep.
For to arm sailors liberals would screech,

Would cause the Bill of Rights
To become our steering light.

"Even where the shoot 'em up TV News is concerned, any highjacked plane whatsoever is considered big news, but when a ship is taken forever, and its crew murdered — no one seems to care."

Eric Ellen, International Maritime Bureau

See Pages 151-158 for the few political poems I wrote on the Second Amendment as a Human Right of armed self-defense in humam rights treats.

VII. STATING THE CLAIMS:

In accordance with Federal Rules of Civil Procedure Rule 8(a) *Claims for Relief*, I hereby make the following Claims against the United Nations and against the United States as noted below:

CLAIM NO. 1. THE UNITED NATIONS HAS BREACHED THE U.N. CHARTER

The United Nations is violating its own Charter under Article 2, Clause 7[63] by pursuing the *PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS* (UN Document A/CONF.192/15) and by causality is intervening in matters which are essentially within the domestic jurisdiction of the Member States, i.e., United States, by coercion to of customary internal law to force the United States to submit the Second Amendment of the Bill of Rights to settlement under the United Nations Charter.

CLAIM NO. 2. THE UNITED NATIONS HAS BREACHED SEVERAL INTERNATIONAL AND REGIONAL HUMAN RIGHTS TREATIES IN ITS CULTURE WAR AGAINST LAWFUL FIREARMS POSSESSION BY NON-STATE ACTORS.

The United Nations has breached many international and regional human rights treaties with their *PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS* (UN Document A/CONF.192/15) and their latest attacks on lawful firearms ownership by Non-State Actors. Firearms ownership by Non-State Actors (i.e., law-abiding citizens) is an internationally recognized culture not restricted to the United States and is known as the "gun culture." Culture is defined as the total pattern of human behavior and its products embodied in thought, speech, action, and artifacts and dependent upon man's capacity for learning and transmitting knowledge to succeeding generations through the use of tools, language, and systems of abstract thought. Culture is the body of customary beliefs, social forms, and material traits constituting a distinct complex of tradition of a racial, religious, or social group. Culture is a complex of typical behavior or standardized social characteristics peculiar to a specific group, occupation or profession. Culture is the act of developing by education, discipline, social experience. Culture is the training or refining of the moral and intellectual faculties. To this end the United Nations has specifically breached *THE AMERICAN CONVENTION ON HUMAN RIGHTS* (1969) ("Pact of San Jose, Costa Rica") (See Appendix 16), and *THE ADDITIONAL PROTOCOL TO THE AMERICAN*

---

[63] U.N. Charter, Article 2, Clause 7: *"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially **within the domestic jurisdiction of any state** or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."*

r

CONVENTION ON HUMAN RIGHTS IN THE AREA OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS (Protocol of San Salvador) (Appendix 17). Every person has the right to take part in the cultural life of the community, to enjoy the arts, and to participate in the benefits that result from intellectual progress, especially scientific discoveries in Article XIII and every person has the right to associate with others to promote, exercise and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union or other nature of Article XXII and it is the duty of every able-bodied person to render whatever civil and military service his country may require for its defense and preservation, and, in case of public disaster, to render such services as may be in his power of Article XXXIV in Chapter 2, Duties, in of the *AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN*. ***Everyone has the right freely to participate in the cultural life of the community***, to enjoy the arts and to share in scientific advancement and its benefits of Article 27.1 in the U.N.s Universal Declaration of Human Rights. ***No destructive activities*** toward rights and freedoms and no restrictions or derogations of any fundamental human rights. in Article 5, *INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*. "Protocol of San Salvador"

CLAIM NO. 3. THE UNITED NATIONS COMMITTED FRAUD ON THE ORIGIN OF FUNDAMENTAL RIGHTS IN ARTICLE 8 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

Article 8 of the Universal Declaration of Human Rights declares that, "*Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.*" The true origin of fundamental rights do not come from the constitution in grants. Fundamental rights pre-existed any constitution to the extent that they are considered to have been ordained by God because we are human beings created in his image.

CLAIM NO. 4. THE UNITED NATIONS COMMITTED FRAUD AGAINST RIGHTS AND FREEDOMS IN ARTICLE 29 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

Article 29 in the *U.N.S UNIVERSAL DECLARATION OF HUMAN RIGHTS* reads:

> Everyone has *duties to the community*[64] in which alone the free and full development of his personality is possible. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. **These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations**

[64] Plaintiff's emphasis.

I construe "duties to the community" to include the right and the duty under the Second, Fourth, Fifth, Ninth, Tenth, Thirteenth, and Fourteenth Amendments *openly* keep and bear arms "in all its aspects" which includes protection one's own right to life and the right to life of every individual in the community, being a law and order participant through the Posse Comitatus Act, the State Defense Forces, and the unorganized militia for not only law and order purposes but for purpose of having an armed society for the purpose of intimidating the Government from overstepping its constitutional authority. The last sentence embeds a fraud in that if ever the United Nations ever elected to violate long-standing treaties with conflicting new treaties or in pursuit of new conflicting treaties that ultimately would render the People of the their Member States without the ways or means to resist or revolt against oppressive governments because such rebellion would be contrary to the purposes and principles of the United Nations.

CLAIM NO. 5. THE UNITED NATIONS IS NEGLIGENT IN THE PREVENTION OF OR IS COMPLICIT BY WILLFUL FAILURE TO ACT IN THE PREVENTION OF GENOCIDE

Nowhere in any international instrument is there stated a Right and Duty to provide for one's own personal safety and security and to defend one's self with firearms against the criminal element of society and against governments and/or their lawless agents from engaging in a long trail of abuses of power. Included in the abuses of power is the taking of one's *Right to Life* through government sanction murder and violence. up to and including genocide.

Quotation on Murder, Democide, Genocide

> *"The more power a government has, the more it can act arbitrarily according to the whims and desires of the elite, the more it will make war on others and murder its foreign and domestic subjects. The more constrained the power of governments, the more it is diffused, checked and balanced, the less it will aggress on others and commit Democide."* Rudolph J. Rummel, "Democide In Totalitarian States," in *GENOCIDE: A CRITICAL BIBLIOGRAPHIC REVIEW SERIES*, Vol 3. (I. W. Charny, ed), 1994.

CLAIM NO. 6. THE UNITED NATIONS' RECKLESS ENDANGERMENT AGAINST THE SAFETY OF SEAMEN.

The United Nations refuses to allow the arming of seamen as a fundamental right and duty upon the high seas as an added measure in the fight against piracy even though it is the duty of Member States to cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State in accordance with the United Nations *CONVENTION ON THE LAW OF THE SEA*, Part VII. High Seas, Section 1. General Provisions, Article 100, *Duty to Cooperate in the Repression of Piracy.* (*See* Appendix 19, at page 186, 504). The United Nations has failed to take appropriate steps to safeguard the right to work with fundamental political and economic freedom as stipulated in Article 6 of the

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, *"Protocol of San Salvador."* The threat of murder by piracy in the workplace aboard ship at sea transiting known pirate waters is an ever increasing concern. There are direct similarities of criminal behavioral patterns between gun-free zones on land and the behavioral patterns of pirates at sea with gun-free ships transiting know pirate waters.

CLAIM NO. 7. THE UNITED NATIONS OF AIDING AND ABETTING PIRACY ON THE HIGH SEAS BY FAILURE TO ACT FOR THE SAFETY OF SEAMEN.

The United Nations, through its major organ, the Economic and Social Council, and the specialized agency/autonomous organization, the International Maritime Organization (IMO) irrationally discourages the use of firearms aboard ship to repel or defend against pirate attacks as a matter of policy in Maritime Safety Committee MSC/Circ. 623/Rev. 2; 20 June 2001 *PIRACY AND ARMED ROBBERY AGAINST SHIPS: GUIDANCE TO SHIPOWNERS AND SHIP OPERATORS, SHIPMASTERS AND CREWS ON PREVENTING ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS*," page 8, paragraphs 44 and 45:

> ¶44. The carrying and use of firearms for personal protection or protection of a ship is strongly discouraged.
>
> ¶45. Carriage of arms on board ship may encourage attackers to carry firearms thereby escalating an already dangerous situation, and any firearms on board may themselves become an attractive target for an attacker. The use of firearms requires special training and aptitudes and the risk of accidents with firearms carried on board ship is great. In some jurisdiction, killing a national my have unforeseen consequences even for a person who believes he has acted in self defence."

The firearms policy of the IMO in that same IMO document states at: ¶50 PIRATES/ARMED ROBBERS START TO BOARD SHIP: "*Timing during this phase will be critical and as soon as it is appreciated that a boarding is inevitable **all crew should be ordered to seek their secure positions**.*" This guideline threatens the safety and the lives of seamen because it favors the safety and security of the pirates. The no firearms policy places the innocent seafarer at grave risk of losing his ***Right to Life*** when the vessel transits known pirate waters. There countless circumstances proving that there is a corresponding duty to protect own's own human right to life by use of deadly force with firearms. In those circumstances it is either kill the aggressor or be killed by the agressor.

CLAIM NO. 8. SELECTED U.S. FEDERAL COURTS EXTORTED (18 U.S.C. § 872) EXEMPTED FILING FEES (28 U.S.C. § 1916) TO THE AMOUNT OF $1,615 STANDING IN VIOLATION OF ARTICLES 11, 19, 30, AND 34 OF THE U.N. CONVENTION AGAINST CORRUPTION.

Even though my case fits the safety requirements stipulated under 28 U.S.C. § 1916, Judge George Howard of this Court wrongfully denied my statutory right as a seaman to file my Civil RICO Act Complaint

without pre-paying the Court's filing fee as a seaman under 28 U.S.C. § 1916 compelling me to pay the Court's $350 filing fee.

Compounding the Court's misconduct the Court Clerk violated my right as a seaman under 28 U.S.C. § 1916 and under Rule 4(c)(2) of the *FEDERAL RULES OF CIVIL PROCEDURE* to have the U.S. Marshals Service perform the Service of Summons and Complaint on my behalf as a seaman Plaintiff on the pretext that the Court did not have the storage capacity for the defendants' copies of the Plaintiff's 3-volume plus one addendum Complaint. The Court Clerk instead required me to take the copies of the complaint (4 large boxes) home (60 miles North of Little Rock) and then return to the Court when Judge Howard would grant the Plaintiff's Rule 4(c)(2) Motion. Finding that procedure inexcusable I took the copies of the Complaint (all 4 boxes) home and mailed them to the defendants by certified U.S. Mail.

The Plaintiff cites as comparative evidence that the seamen's statutory right under 28 U.S.C. § 1916 are not given the same respectful regard in every Court of the United States, up to and including the U.S. Supreme Court:

(1) the U.S. District Court for the Eastern District of Arkansas extorted the Court's filing fee from the Plaintiff in the amount of $350.

(2) the U.S. Court of Appeals for the DC Circuit extorted its filing fee from the Plaintiff on several appeals in the amount of $665.

(3) the U.S. Supreme Court twice extorted its filing fee from the Plaintiff in the amount of $600

(4) the total amount of the above extorted filing fees in violation of 28 U.S.C. § 1916 = $1,615.

(5) the U.S. District Court for the Western District of North Carolina, Charlotte Division, and the U.S. District Court for the District of Columbia *DID NOT EXTORT* their filing fees from the Plaintiff because they *OBEY THE FEDERAL LAW UNDER 28 U.S.C. § 1916* and allowed me to file my cases without paying their filing fee.

I have tried every means available to get the extorted filing fees returned but to no avail. The FBI won't even respond to my criminal complaint or inquiries into this matter.

I construe the above incidences as a predictive propensity of this Court for judicial bias against the Plaintiff's case. And because I construe the Court to be a corrupt court in league with the federal courts in Washington, DC, I filed my Petition 1142-06 alleging human rights violations against the United States with the Inter-American Commission on Human Rights located in Washington, DC. They oversee the Inter-American Court on Human Rights located in Costa Rica. This actions is compliant with Article 33.1 of the United Nations Charter.

United Nations Charter, Article 33.1:

> The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

United Nations Charter, Article 52.1:

> Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of *international peace and security*[65] as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

However, as a non-state actor, (a term used by the United Nations), I find that the purpose of my federal litigation is not consistent with the Purposes and Principles of the United Nations under Article 52 of the U.N. Charter in regard to the United Nations *PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS* (UN Document A/CONF.192/15)

Because I do not have trust in Judge Howard properly adjudicate this case I initiated a human rights case against the United States Government in accordance with Article 33.1 of the U.N. Charter and under Article 8 of the Genocide Convention for violation of Article 3(e), *Complicity in Genocide,* of the Genocide Convention by filing Petition No. 1142-06 with the Inter-American Commission on Human Rights in Washington, DC.

The central point of my Petition 1142-06 which has now become the central point in this case before the U.S. District Court in Little Rock, Arkansas, puts the Second Amendment of the Bill of Rights to the United States Constitution on international judicial review for its proper role in the prevention of genocide within the United States.

CLAIM NO. 9. THE UNITED STATES OF AIDING AND ABETTING PIRACY ON THE HIGH SEAS BY FAILURE TO ACT FOR THE SAFETY OF SEAMEN.

The United States refuses to employ the long dormant *"Letters of Marque and Reprisals"* as a private sector of Non-State Actors method of national defense in this 4th Generation Warfare against terrorists

[65] Plaintiff's emphasis questioning which has greater importance to the *People* of not only the United States but to the People of the other 191 Foreign States of the United Nations. "International peace and security" or American style "international freedom and liberty?"

as authorized in Article 1, Section 8, Clause 11 of the United States Constitution even though encouraged to do so by select members of the United States Congress.

CLAIM NO. 10. THE UNITED STATES CONTINUES TO VIOLATE MY RIGHT OF ACCESS TO COURTS (SUBSTANTIAL DUE PROCESS) AS A FUNDAMENTAL CONSTITUTIONAL RIGHT UNDER ARTICLE XVIII OF THE AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN AND IN ARTICLE 25 IN THE *AMERICAN CONVENTION ON HUMAN RIGHTS* "PACT OF SAN JOSE, COSTA RICA."

> ***AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN:***
>
> **Article XVIII.** Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.
>
> ***AMERICAN CONVENTION ON HUMAN RIGHTS:***
>
> **Article 25. Right to Judicial Protection**
>
> 1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.
>
> 2. The States Parties undertake:
>
> > (a). to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;
> >
> > (b). to develop the possibilities of judicial remedy; and
> >
> > (c). to ensure that the competent authorities shall enforce such remedies when granted.

CLAIM NO. 11. THE UNITED STATES HAS OBSTRUCTED JUSTICE IN VIOLATION OF THE DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER.

The United States has violated nearly every paragraph of the ***DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER*** Adopted by General Assembly Resolution 40/34 of 29 November 1985 in its effort to keep my Second Amendment case from proceeding to trial such that I am now treated like a political dissident. The Department of Transportation (DOT) issued two Bar Notices, one in 2004 and the other in 2006 prohibiting me from visiting any DOT, FAA, or U.S. Coast Guard headquarters building in Washington, DC on unspecified allegations by the U.S. Coast Guard. The U.S. Coast Guard and the DOT refuse to clarify what the allegations are. It is my allegation that the U.S. Coast Guard has

no allegation to make but requested the Bar Notices from the DOT based upon simple retaliation for initiated my Second Amendment case and including the U.S. Coast Guard as a defendant.

CLAIM NO. 12. THE UNITED NATIONS THEFT OF SOVEREIGNTY FROM THE PEOPLE OF THE MEMBER STATES AS NON-STATE ACTORS THROUGH THEIR GLOBAL GUN CONTROL AGENDA.

The ***Right to Life*** is explicitly protected in Article I of the *AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN*, in Article 3 of the U.N. *UNIVERSAL DECLARATION OF HUMAN RIGHTS*, in Article 6 of the U.N. *INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS*. The *Right to Life* implied in the Fifth and Fourteenth Amendments to the U.S. Constitution. The omission of the most sacred of all human rights, the right and duty to protect and defend that right to life with the use of deadly force by firearms, introduces a flawed and fraudulent system of international law. where sovereignty is said to reside in the Governments of the Member States to the United Nations instead of the correct view of human rights law that true and ultimate sovereignty rests in the people of a nation. Citing the law review article by David B. Kopel, Paul Gallant, & Joanne D. Eisen, ***FIREARMS POSSESSION BY "NON-STATE ACTORS": THE QUESTION OF SOVEREIGNTY***, Texas Review of Law & Politics, Vol. 8, No. 2, Introduction, pp. 374-376, Conclusion pp. 435-436:

> I. INTRODUCTION
>
> At United Nations conferences and in other international fora, many diplomats and NGOs have called for prohibiting or severely limiting firearms possession by ***"non-state actors."*** Use of the phrase "non-state actors," however, reveals a profound misunderstanding of the nature of sovereignty. While the phrase implies that sovereignty belongs to the government, sovereignty properly belongs to the people and is merely delegated by them to the government. In this article, we examine the connection between arms possession and sovereignty and we detail the horrible violations of human rights that have so often resulted from the prohibition of guns to "non-state actors." From ancient Athens to modern Zimbabwe, weapons bans for "non-state actors" have often led to human rights abuses by illegitimate governments; these abuses are perpetrated against the legitimate sovereigns: the people of the nation.
>
> When Confucius was asked what would be the first step if a government sought his advice, he answered that "[i]t would certainly be to rectify the names. . . . If the names are not correct, language is without an object."[1]
>
> The modern push for civilian gun prohibition—for banning gun ownership by "non-state actors"—is based on the faulty premise that "the government" is equivalent to "the state." To the contrary, as the Declaration of Independence teaches, it is a self-evident truth that governments are created by the people of a state, in order to protect the human rights of the people.[2] As sovereigns, the people have the authority to change the government when they

[1] Confucius, *THE ANALECTS OF CONFUCIUS* 13:3, at 60 (Simon Leys trans., W.W. Norton 1997).

[2] *THE DECLARATION OF INDEPENDENCE* para. 2 (U.S. 1776).

determine that the government is no longer fulfilling its function of protecting the people's rights. The people are the only true and legitimate rulers of a state, and the government is only their instrument and servant. To the extent that a government is not founded on the consent of the governed, it is illegitimate. As a United States federal district court put it, "the people, not the government, possess the sovereignty."[3]

At the 2001 United Nations Small Arms Conference, Iran took the lead in promoting a ban on weapons supplies to "non-state actors."[4] The "non-state actors" clause would require vendors "to supply small arms and light weapons only to governments, or to entities duly authorized by government."[5] The clause would make it illegal, for example, to supply weapons to the Kurds or religious minorities in Iran, even if Iranian persecution or genocide drove them to forcible resistance. The clause would have made it illegal for the United States to supply arms to the oppressed Kurds and Shia of Iraq before the Saddam Hussein regime was toppled.

Had the "non-state actors" provision been in effect in 1776, the transfer of firearms to the American patriots would have been prohibited. Had the clause been in effect during World War II, the transfer of Liberator pistols to the French Resistance, and to many other resistance groups, would have been illegal.

At the U.N. Conference, the United States delegation stood firm against the "non-state actors" clause, rejecting compromise efforts to revise the language or to insert it into the preamble of the Program of Action.[6] Although Canada pushed hard, the U.S. would not relent.

U.S. Under-Secretary of State John Bolton pointed out that the proposal "would preclude assistance to an oppressed non-state group defending itself from a genocidal government."[7]

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[3] *Mandel* v. *Mitchell*, 325 F. Supp. 620, 629 (E.D.N.Y. 1971), rev'd sub nom. on other grounds, *Kleindienst* v. *Mandel*, 408 U.S. 753 (1972).

[4] *See* CONVENING OF AN INTERNATIONAL CONFERENCE ON THE ILLICIT ARMS TRADE IN ALL ITS ASPECTS: REPORT OF THE SECRETARY-GENERAL, U.N. GAOR, 54th Sess., Prov. Agenda Item 76(f), at 12–13, U.N. Doc. A/54/260 (1999); *DRAFT REPORT OF THE UNITED NATIONS CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS, UNITED NATIONS CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS*, at 2, U.N. Doc. A/CONF.192/L.6 (2001).

[5] *DRAFT PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS, U.N. CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS*, at 5, U.N. Doc. A/CONF.192/L.5 (2001), available at http://www.smallarmssurvey.org/source_documents/UN%20Documents/UN%202001%20 Conference/A_CONF.192_L.5.pdf, revised by A/CONF. 192/L.5/Rev.1 (2001).

[6] *See* Press Release, Statement by John R. Bolton, United States Under-Secretary of State for Arms Control and International Security Affairs, to the Plenary Session of the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (July 9, 2001), available at http://www.un.int/usa/01_104.htm.

[7] Id.

U.N. Deputy Secretary-General Louise Frechette (of Canada) explained that in some parts of the world, an AK-47 could be obtained for $15 or a bag of grain.[8] Small-arms "proliferation erodes the authority of legitimate but weak governments," she complained.[9]

U.S. delegate Faith Whittlesey replied that the U.N. "non-state actors" provision "freezes the last coup. It favors established governments, while taking away rights from individuals. It does not recognize any value higher than peace, such as liberty."[10]

According to the United Nations, any government with a U.N. delegation is a "legitimate" government. This U.N. standard conflicts with the Declaration of Independence's standard that the only legitimate governments are those "deriving their just powers from the consent of the governed."[11]

Mao Zedong once observed that "[p]olitical power grows out of the barrel of a gun."[12] American Federalist Noah Webster would have agreed. Arguing in 1787 for adoption of the proposed American Constitution, Webster urged Americans not to worry that the new federal government could become a military dictatorship, for "[b]efore a standing army can rule, the people must be disarmed."[13] Not all governments that have disarmed the people have become dictatorships, but dictatorship is rarely present without an attempt by the government to obtain a monopoly of arms. Let us study some examples.

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[8] Stephen Romei, *World Bears Burden of America's Right to Arms*, THE WEEKEND AUSTRALIAN, July 14, 2001, at 13.

[9] Andrew Parker & Richard Wolffe, *UN Efforts to Curb Small Firearms Resisted by Bush Administration*, FIN. TIMES (U.K.), July 10, 2001, at 12 (quoting Ms. Frechette).

[10] David Kopel, *U.N. Gives Tyranny a Hand*, NAT'L REV. ONLINE, at http://www. nationalreview .com/kopel/kopel080601.shtml (Aug. 6, 2001). In a letter to the New York Times, answering a Times editorial criticizing the United States for not allowing the conference to be used as a tool to disarm civilians, Whittlesey elaborated:

> The highest priority of freedom-loving people is liberty, even more than peace.
>
> The small arms you demonize often protect men, women and children from tyranny, brutality and even the genocide too frequently perpetrated by governments and police forces. The world's numerous dictators would be delighted to stem the flow of small arms to indigenous freedom fighters and civilians alike to minimize any resistance.
>
> . . . .
>
> The right of individual self-defense in the face of criminal intimidation and government aggression is a deeply held belief of the American people dating back to 1776, when small arms in the hands of private individuals were the means used to secure liberty and independence.

Faith Whittlesey, *Letter to the Editor, Small Arms in a Big Brutal World*, N.Y. TIMES, July 13, 2001, at A20 (responding to Editorial, *An American Retreat on Small Arms*, N.Y. TIMES, July 11, 2001, at A16).

[11] *THE DECLARATION OF INDEPENDENCE* para. 2 (U.S. 1776).

[12] Mao Tse-Tung, *Problems of War and Strategy* (Nov. 6, 1938), in 2 *SELECTED WORKS* 224 (Foreign Languages Press 1961–1965) ("Every Communist must grasp the truth, 'Political power grows out of the barrel of a gun.'").

[13] Noah Webster, *AN EXAMINATION INTO THE LEADING PRINCIPLES OF THE FEDERAL CONSTITUTION* 43 (1787).

VII. CONCLUSION

Like Saudi Arabia's global funding and promotion of Wahabist indoctrination and concomitant intolerance of all other religions,[362] the United Nations' disarmament campaign springs from a sincere belief that some restrictions on civil liberties are in the best interests of the people being restricted. The Wahabis do not trust the world's people to make religious choices, and the disarmament lobby does not trust the world's people to make choices about owning a firearm. The result of the Wahabbi campaign and the disarmament campaign is widespread murder by governments and by terrorist groups, and the suppression of human rights.

The explicit principle that sovereignty inheres in the people, not in the government, is at least as old as the great Confucian philosopher Mencius. In contrast to the Legalist philosophers popular in the imperial palaces, Mencius considered the people more important than the state. Mencius wrote: "Heaven sees as the people see; Heaven hears as the people hear."[363] Accordingly, the dissatisfaction of the people could remove the mandate of Heaven from a ruler, and place it on another ruler. The Encyclopædia Britannica notes that Mencius believed that revolution in severe cases is not only justifiable, but is a moral imperative.[364]

The American political philosopher Theodore Schroeder explained that removing tyranny is not illegitimate rebellion. Rather, tyrannical "government is in rebellion against the people."[365]

In the years leading up to the American Revolution, Patriots and Tories alike began to use the term "Body of the People" to mean "a majority of the people," and eventually, "the united will of the people." Legitimate sovereignty, Americans said, flowed not from "the Crown," but from the "Body of the People." Locating sovereignty in the People, and not in the Crown, meant locating the power to enforce the law in the People as well.

Removing arms from "non-state actors" is too often a formula for removing the sovereignty of the people, placing them at the mercy of whoever happens to be running the government. Some of these governments may be benign, but many are not. The Thirty Tyrants of Athens were not benign, nor is Robert Mugabe, nor are the many other dictatorships whose illegitimate power would be strongly enhanced by prohibition of firearms for "non-state actors." The people are the only legitimate sovereigns of a nation. An international agenda for the protection of human rights should work to ensure the widespread ownership of firearms by the lawful rulers of a state (that is, the people) while seeking to deprive the real "non-state actors" (that is, the dictatorships) of their monopoly of force.

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[362] See Michael A. Ledeen, *THE WAR AGAINST THE TERROR MASTERS: WHY IT HAPPENED. WHERE WE ARE NOW. HOW WE'LL WIN*. 33–35, 197–200, 207 (2002) ("The Wahhabi Poison Has Penetrated Very Deeply into the Body of [Saudi Arabia]." Id. At 207.); *ISLAMIC FUNDAMENTALISM* 225 (Abdel Salam Sidahmed & Anoushiravan Ehteshami Eds., 1996); Louis Alexander Olivier De Corancez, *HISTORY OF THE WAHABIS* (Eric Tabet Trans., 1995).

[363] *MENCIUS* 66 (W.A.C.H. Dobson trans., Oxford U. Press 1963)

[364] *Mencius*, in 8 *ENCY. BRITANNICA* 3 (15th ed. 1998) ("When a ruler no longer practices benevolence . . . and righteousness . . . , the mandate of Heaven . . . has been withdrawn, and he should be removed.").

[365] Theodore Schroeder, *FREE SPEECH FOR RADICALS* 105 (1969) (1916).

EVIDENTIARY EXHIBIT 3. John B. Quigley, *"TOWARDS MORE EFFECTIVE JUDICIAL IMPLEMENTATION OF TREATY-BASED RIGHTS," The Ohio State University, Moritz College of Law, Fordham International Law Journal (vol. 29, 2006), Public Law and Legal Theory, Working Paper Series No. 47, October 2005*

TOWARDS MORE EFFECTIVE JUDICIAL IMPLEMENTATION OF TREATY-BASED RIGHTS,

John B. Quigley
The Ohio State University
Moritz College of Law
Fordham International Law Journal (vol. 29, 2006)
Public Law and Legal Theory, Working Paper Series No. 47, October 2005+

INTRODUCTION

The framers of the federal constitution inserted a mention of treaties into the constitution's Article VI, sec. 2, which has come to be called the Supremacy Clause. The Clause proclaims the supremacy of federal statutes, treaties, and the constitution itself over the laws of the constituent states.[1] The framers wrote treaties into the Supremacy Clause in order to ensure that state courts would not interfere with the obligations the federation had already assumed, and would in the future assume, towards other nations of the world. Arguing in favor of including a reference to treaties in Article VI, sec. 2, as the Constitution was being approved in Virginia, James Madison said that if state laws were supreme over a treaty, this "would bring on the Union the just charge of national perfidy."[2]

As of the late eighteenth century, the range of obligations states assumed by treaty was modest. In the nineteenth century, treaties came to be used more frequently. As communication and transportation increased internationally, so too did the need to regulate relations between nations. States concluded agreements with one another to regulate commercial relations and the rendition of criminal suspects.

+ Available online at Social Science Research Network Electronic Paper Collection:

http://ssrn.com/abstract=822204

About John B. Quigley: President's Club Professor in Law, Ohio State University. LL.B., M.A. 1966, Harvard Law School. The author was co-counsel on the amicus curiae brief, cited herein, of the European Union and Members of the International Community in Medellin v. Dretke. The author is grateful to his colleagues Prof. Stanley Laughlin (for consultation on constitutional law issues), Prof. John Powell (for information on race issues as raised at the United Nations), and Prof. Mary Ellen O'Connell (for alerting him to treaty issues in Hamdan v. Rumsfeld).

[1] U.S. Const., Art. VI, sec. 2 ("This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

[2] 3 *DEBATES IN THE SEVERAL STATE CONVENTIONS, ON THE ADOPTION OF THE FEDERAL CONSTITUTION, AS RECOMMENDED BY THE GENERAL CONVENTION AT PHILADELPHIA IN 1787*, at 515 (J. Elliot ed. 1836).

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

APR 27 2007

JAMES W. McCORMACK, CLERK
By: ______ DEP CLERK

IN THE MATTER OF ALL CIVIL CASES PREVIOUSLY ASSIGNED TO JUDGE GEORGE HOWARD JR.

ORDER TRANSFERRING CASES

Due to the death of Judge George Howard, Jr., the Clerk has been delegated the authority to randomly reassign civil cases which were originally assigned to Judge Howard. The following cases are transferred from the docket of Judge George Howard, Jr., to the docket of Judge James M. Moody. Accordingly, the case numbers have been modified to reflect the initials of Judge Moody. The new case number should appear on all future filings to ensure that all documents are properly forwarded to Judge Moody. Unless the parties are notified by separate order, all scheduling orders for each of the following cases shall remain in place.

1:06-cv-00044-JMM	Hamrick v. Bush et al
2:04-cv-00126-JMM	Johnson v. Dean-Smith, et al
2:06-cv-00163-JMM	Scott v. Social Security Administration
2:05-cv-00064-JMM	Moon, et al v. Chea, et al
2:05-cv-00075-JMM	Freeman v. Suarez, et al
2:05-cv-00213-JMM	Chandler v. Norris
2:07-cv-00047-JMM	Johnson v. Allen et al
3:04-cv-00224-JMM	Littleton v. Pilot Transportation, et al
3:04-cv-00249-JMM	Marshall, et al v. Osceola, City of
3:05-cv-00182-JMM	Jones v. Standard Insurance Company
3:05-cv-00242-JMM	Brading v. Gilbert Central Corporation et al

3:06-cv-00033-JMM	Monroe v. Arkansas State University et al
3:06-cv-00220-JMM	Mitchell v. Bryson
4:02-cv-00711-JMM	Brown v. Norris, et al
4:06-cv-00573-JMM	Owens v. Alltel Communications, Inc. et al
4:06-cv-00615-JMM	Williams v. Premier NSN LLC et al
4:06-cv-00731-JMM	Northland Casualty Company v. Harrell et al
4:06-cv-00779-JMM	Ray v. Blocker et al
4:06-cv-00864-JMM	Garrett v. LaForce et al
4:06-cv-01412-JMM	Hobbs v. Social Security Administration
4:06-cv-01414-JMM	Beverly v. Collier et al
4:06-cv-01529-JMM	Green v. Faulkner County Sheriff Department et al
4:06-cv-01657-JMM	Archer et al v. Singh et al
4:06-cv-01720-JMM	Green v. Social Security Administration
4:06-cv-01726-JMM	Coorstek Inc v. Electric Melting Services Company Inc
4:07-cv-00032-JMM	Scott v. Guntharp et al
4:07-cv-00047-JMM	Broadway v. Verizon Wireless Tennessee Partnership
4:07-cv-00088-JMM	Cox v. Social Security Administration
4:07-cv-00175-JMM	Casey v. Grant County Sheriff Department et al
4:07-cv-00186-JMM	Delta Grow Seed Company Inc v. Sikeston Seed Company Inc et al
4:07-cv-00275-JMM	Rodgers v. Sexton Foods
4:07-cv-00366-JMM	Scott v. Staffmark
4:07-cv-00441-JMM	Pickett Industries Inc v. Deere & Company
5:03-cv-00461-JMM	Fudge v. Norris, et al
5:03-cv-00482-JMM	Allen, et al v. Altheimer Unified, et al
5:04-cv-00084-JMM	Kee v. ARMY

5:04-cv-00262-JMM	Thomas v. Arkansas, State of, et al
5:05-cv-00157-JMM	Cantrell v. Huckabee, et al
5:06-cv-00020-JMM	Cole et al v. Tyson Foods Inc
5:06-cv-00150-JMM	Echlin et al v. McGee et al
5:06-cv-00184-JMM	Pardue v. Norris
5:06-cv-00317-JMM	Johnson v. Norris
5:07-cv-00010-JMM	Bradshaw v. Social Security Administration
5:07-cv-00030-JMM	Stone v. Norris et al
5:07-cv-00046-JMM	Cooper v. Norris
5:07-cv-00082-JMM	Bocksnick v. Jefferson County, Arkansas et al

Dated this 27th day of April, 2007.

AT THE DIRECTION OF THE COURT
JAMES W. MCCORMACK, CLERK

By: ______________________
Deputy Clerk

cc: Hon. James M. Moody
Counsel of Record

10. NO SOVEREIGN IMMUNITY FOR THE GOVERNOR AS THE CHIEF MAGISTRATE AND NO IMMUNITIES FOR JUDGES AND PROSECUTORS RUNNING DEBTORS' PRISONS FROM KANGAROO COURTS OUTSIDE ALL JURISDICTIONS

In 2019 *The Justice Network, Inc*. v. *Craighead County, et al*., 8th Circuit, No. 17-3770, Filed July 26, 2019 (Appeal from United States District Court for the Eastern District of Arkansas - Jonesboro (Judge Moody), page 5:

> "The district court granted the defendants' motions to dismiss. First, the court found that Judges Boling and Fowler are entitled to absolute judicial immunity against all of TJN's claims because **"[u]nless judges act *completely outside a*ll jurisdiction*, they are absolutely immune from suit when acting in their judicial capacity."** *Justice Network, Inc.* v. *Craighead County.*, No. 3:17-cv-00169-JM, 2017 WL 5762397, at *2 (E.D. Ark. Nov. 28, 2017) (citing *Martin* v. *Hendren*, 127 F.3d 720, 721 (8th Cir. 1997))."

"*Outside all jurisdiction*" opens the Pandora's Box of interpretation. It is my interpretation that "*outside all jurisdiction*" invokes the PRINCIPLE OF LEGALITY, *nullum crimen, nulla poena sine lege.* Citing Daniel Grădinaru, *THE PRINCIPLE OF LEGALITY*, (November 20, 2018), RAIS Conference Proceedings - The 11th International RAIS Conference on Social Sciences:[41]

> "**The PRINCIPLE OF LEGALITY**, in criminal law, means that only the law can define a crime and prescribe a penalty (*nullum crimen, nulla poena sine lege*). **It also embodies, that the criminal law must not be extensively interpreted to an accused's detriment, for instance by analogy."**

Justice Network invites the application of "*Outside All Jurisdictions*" to the resurgence of Debtor's Prisons all across the country that transformed legal courts into Kangaroo Courts for the increased revenue for the State from the backs of the poor in the county in each State.

KANGAROO COURT: (1849) "*2. A court or tribunal characterized by unauthorized or irregular procedures, esp. so as to a fair proceeding impossible. 3. A sham legal proceeding.*" **BLACK'S LAW DICTIONARY**, 10th ed., page 433:

KANGAROO COURT IS CODIFED IN ARKANSAS CRIMINAL CODE § 5-53-116(a) SIMULATING LEGAL PROCESS: "*A person commits the offense of simulating legal process if, with the purpose of*

[41] Available at SSRN: https://ssrn.com/abstract=3303525

obtaining anything of value, he or she knowingly delivers or causes to be delivered to another a request, demand, or notice that simulates any legal process issued by any court of this state."

KANGAROO COURT AS APPLIED IN ARKANSAS: (*Running or aiding and abetting unconstitutional Debtor's Prison schemes for the purpose of increased revenue against the poor by transforming legal courts into kangaroo courts operating outside all jurisdictions*). Prosecutors, judges, and anyone associated with kangaroo courts have absolutely no immunities from prosecution because kangaroo courts are operating outside all jurisdictions. Because Governor Asa Hutchinson is the ` of the Judicial Branch the loss of all immunities, including State Sovereign Immunity extends to the Governor of Arkansas.

> **WHEREAS,** the GOVERNOR OF ARKANSAS is the chief magistrate for the Arkansas Judicial System.
>
> **WHEREAS,** *ARKANSAS CRIMINAL CODE § 5-53-131 FRIVOLOUS, GROUNDLESS, OR MALICIOUS PROSECUTIONS* is a crime.
>
> **WHEREAS,** *ARKANSAS RULES OF CIVIL PROCEDURE, RULE 72(d) SUITS IN FORMA PAUPERIS (No person shall be permitted to prosecute any action of slander, libel or malicious prosecution in forma pauperis)*
>
> **WHEREAS,** *ARKANSAS RULES OF CIVIL PROCEDURE, RULE 72(d) SUITS IN FORMA PAUPERIS* violates the *ARKANSAS CONSTITUTION, ARTICLE 2 DECLARATION OF RIGHTS, § 3. EQUALITY BEFORE THE LAW*. Rule 72(d).
>
> **WHEREAS,** *ARKANSAS RULES OF CIVIL PROCEDURE, RULE 72(d)* corrupts the entire *ARKANSAS JUDICIAL SYSTEM* against the poor in the State of Arkansas.
>
> **THEREFORE,** *ARKANSAS RULES OF CIVIL PROCEDURE, RULE 72(d)* is legislative act of Treason against the Constitution of Arkansas.
>
> **THEREFORE,** I am constitutionally justified to charge the Defendants with Treason for crimes extending from criminal laws that violate State or Federal constitutional rights.

CAUSALITY: The principle causal relationships; the relationship between cause and effect <the foreseeability test is one of duty and of causality>. Also termed Causation.

ESTABLISHING A WHEEL CONSPIRACY AGAINST MY RIGHTS

18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS

18 U.S. CODE § 241 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

Now imagine this! Judge Mark Derrick facing a class action lawsuit, *Nakita Lee Mahony* at the White County Court. My Motion for Recusal for display of bias against me in open court forced him tor recuse himself. WHAT HAPPENS? Judge Milas Hale, another Judge who faced a debtors' prison class action in federal court. Judge Milas Hale convicted me faster than a humming bird flapping its wings and adjourned. That is too much of a coincidence to be a coincidence. Well, using Critical Thinking and Occam's Razor the

simplest solution is most likely the correct answer. The most obvious answer is a **W*HEEL* *CONSPIRACY* = *CORRUPT ARKANSAS JUDICIAL BRANCH*.**

THE WHEEL CONSPIRACY IS MOTIVE FOR MY MULTIPLE MISDEMEANOR FALSE CONVICTIONS:

I have proven the entire Arkansas Judicial System is corrupt against the poor in Arkansas by the State Sanction of **RULE 72(d)** of the **ARKANSAS RULES OF CIVIL PROCEDURE**. **RULE 72(d)** states: "***No person shall be permitted to prosecute any action of slander, libel or MALICIOUS PROSECUTION in forma pauperis***."

MALICIOUS PROSECUTION is a Class A Misdemeanor under *ARKANSAS CRIMINAL CODE § 5-53-131 FRIVOLOUS, GROUNDLESS, OR* ***MALICIOUS PROSECUTIONS***. (*Any officer or any person who knowingly brings or aids and encourages another to bring a frivolous, groundless, or malicious prosecution is guilty of a Class A misdemeanor*).

Under **RULES 401 & 402** of the **FEDERAL RULES OF EVIDENCE:** Relevant Evidence is admissible when it has the tendency to make facts more probable than it would be without the evidence; and the facts are of consequence proving my innocence in determining the action demanded based on the evidence I presented herein.

Its more than likely, in fact, **it is extremely probable to be beyond doubt that the WHEEL CONSPIRACY exists in ARKANSAS because RULE 72(d) is effectively a gag order against the poor in ARKANSAS to not upset the apple cart that Debtor's Prisons provide increased revenue for the State "*from the pockets of their poorest and most vulnerable citizens*."**

Judge Mark Derrick is facing a class action lawsuit in *Nakita Lee Mahoney et. al.* v. *Judge Mark Derrick*, Pulaski County Circuit Court, Case No. 60CV-18-5616 filed August 9, 2018, Citing the first paragraph in the civil class action reads:

> "This action seeks declaratory relief for **thousands of people** in White County, Arkansas, **who have been and will be deprived of state and federal rights** by the policies and practices of District Court Judge Mark Derrick. Those policies and practices have ***created an illegal, modern day, debtors' prison*** in White County."

Id. (My emphasis.)

And because both David Sachar and Stark Ligon rejected my Complaints I charge both of them with Obstruction of Justice and 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS 18 U.S. CODE § 241 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.

The case was transferred to White County on MOTION FOR CHANGE OF VENUE becoming *Nakita Lee Mahoney et. al*. v. *Judge Mark Derrick*, White County Circuit Court, Case Number 73CV-18-874, filed November 14th, 2018.

RULE 72(d) IS THE SOLE CAUSE OR THE SUPERSEDING CAUSE OF MY MISDEMEANOR FALSE CONVICTIONS

Black's Law Dictionary (10th ed., p. 266) **defines Sole Cause as: *"The only cause that, from a legal viewpoint, produces an event or injury. If it comes between a defendant's action and the event or injury, it is treated as a superseding cause."***

Therefore, where I am **factually innocent the cause for my multiple false arrests and multiple false convictions puts the cause on Judge Milas Hale and Judge Mark Derrick. But Critical Thinking and Occam's Razor point to Rule 72(d) as the Sole Cause or the Superseding Cause because Rule 72(d) provides MOTIVE for corrupt rogue prosecutors and corrupt rogue judges to run Debtors' Prisons "outside all jurisdictions" transforming legal courts into kangaroo courts. This Sole Cause taints the legality of my multiple misdemeanor convictions with REASONABLE DOUBT. Even if Rule 72(d) is the Sole Cause of my Multiple Misdemeanor False Convictions the State Judges and the Prosecutor are still criminally liable for the charges I ave lodged herein.**

THIS APPLICATION OF THE FACTS TO LAW PROVES MY INNOCENCE.

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11. CHARGES AGAINST GOVERNOR ASA HUTCHINSON

FOR IMMEDIATE COMPULSORY RESTITUTION

➔ (1) MY DEMAND FOR IMMEDIATE $500,000 COMPULSORY RESTITUTION FROM THE SATE OF ARKANSAS FOR THE PERSONAL INJURIES AND FINANCIAL LOSS CAUSED BY PROSECUTOR DON RANEY, JUDGE MARK DERRICK AND JUDGE MILAS HALE FOR MALICICIOUS MULTIPLE PROSECUTIONS AND MULTIPLE FALSE CONVICTIONS BECAUSE I WAS INNOCENT EVERY TIME DESPITE MY EXCULPATORY MOTIONS PROVING MY INNOCENCE, HENCE MY EVIDENCE PROVING THEIR CRIMINAL INTENT ON RUNNING KANGAROO COURTS TO INCREASE THE REVENUE FOR THE STATE OF ARKANSAS THROUGH THEIR DEBTORS' PRISON SCHEMES AGAINST THE POOR IN WHITE COUNTY UNTIL THEY TRAPPED ME IN THEIR RACKETEERING SCHEME IN UNLAWFUL DEBT:

For the illegal seizure and unrecoverable loss of the 2013 Toyota Sienna by repossession caused by my false arrest (*I was not able to make the car payment*) based on a false affidavit and by Judge Mark Derrick's false **FAILURE TO APPEAR BENCH WARRANT** when Judge Mark Derrick is **OPERATING OUTSIDE ALL JURISDICTIONS** by running a **DEBTORS' PRISON SCHEME** against the poor in White County, Arkansas, transforming his circuit of courts into **KANGAROO COURTS** in violation of **ARKANSAS CRIMINAL CODE § 5-53-116 SIMULATING LEGAL PROCESS**.

The need for IMMEDIATE RESTITUTION is for my mother, Patsy Hays (age 86), U.S. Air Force Veteran. I am age 64, a U.S. Coast Guard Veteran. My mother has frequent medical appointments with the V.A. Medical Center in Little Rock and North Little Rock for her recurring treatment for her life-long chronic back pain.

➔(2) **DEMAND FOR $6 MILLION IN DAMAGES FROM THE SATE OF ARKANSAS:**

As explained in this Complaint

➔(3) **DEMAND FOR $6 MILLION IN DAMAGES FROM THE UNITED STATES:**

As explained in this Complaint

➔(4) **EXPUNGE MY RECORD**: My demand for other remedies, i.e, restoring my name, character, and reputation by expunging my state record of false convictions; and

➔(5) **OTHER REMEDIES**: this Federal Court may deem necessary and proper.

➔(6) **THE MOST IMPORTANT REMEDY FOR THE POOR IN ARKANSAS**: The repeal of RULE 72(d), SUITS IN FORMA PAUPERIS, ARKANSAS RULES OF CIVIL PROCEDURE *(No person shall be permitted to prosecute any action of slander, libel or malicious prosecution in forma pauperis)*."

IN ACCORDANCE WITH THE Arkansas Constitution, ARTICLE 2 DECLARATION OF RIGHTS, SECTION 14 TREASON and ARKANSAS CODE § 5-51-201 TREASON, I charge Asa Huthinson with TREASON against the ARKANSAS CONSTITUTION and against the UNITED STATES CONSTITUTION. I am also charging Governor Asa Hutchinson with the additional crimes listed on page 43 and explaining the listed crimes.

● **ARKANSAS CODE § 5-51-201 TREASON**

The ARKANSAS CONSTITUTION, ARTICLE 6 EXECUTIVE DEPARTMENT, SECTION 2 GOVERNOR - SUPREME EXECUTIVE POWER is the chief magistrate known as the Governor of the State of Arkansas. As the chief magistrate, Asa Hutchinson did nothing about the resurgence of Debtor's Prison schemes converting legal courts into kangaroo courts operating "*outside all jurisdictions*:"

> "-The district court granted the defendants' motions to dismiss. First, the court found that Judges Boling and Fowler are entitled to absolute judicial immunity against all of TJN's claims because **"[u]nless judges act completely outside all jurisdiction, they are absolutely immune from suit when acting in their judicial capacity."**
>
> *The Justice Network, Inc*. v. *Craighead County, et al*., 8th Circuit, No. 17-3770, (Appeal from United States District Court for the Eastern District of Arkansas - Jonesboro (Judge Moody) Filed July 26, 2019, page 5.

A judge *"operating outside all jurisdictions"* loses all immunities from prosecution. The loss of immunities attaches to Governor Asa Hutchinson as the chief magistrate of the Judicial Branch.

Judge Mark Derrick & Prosecutor Don Raney falsely and maliciously prosecuted and falsely convicted me multiple times. I twice filed complaints against the prosecutor and the judge with their respective ethics commissions and twice they found no wronging doing in defiance of my evidence proving my innocence. Then enquired about how to file a complain or a petition with the Arkansas House Judiciary Commission to impeach and disbar the judge and prosecFFutor. I did not get a response from any of the members of the House Judiciary Commitee. Then I mailed a letter to Governor Asa Hutchins asking him to file a petition with the House Judiciary Committee on my behalf

Zach A. Mayo, Criminal Justice Counsel for Governor Asa Hutchinson replied:

> ”The Governor’s Office is not the proper entity with which to file this correspondence. Also, if the misdemeanors are State cases, then you must request expungement through appropriate channels. Therefore, I am returning your documents to you.”

But, according to the National Center for State Courts says: “*ARKANSAS JUDGES MAY BE REMOVED IN ONE OF THREE WAYS*:”[42]

> (1). The judicial discipline and disability commission, which is responsible for enforcing the Arkansas Code of Judicial Conduct, has the authority to investigate, as well as to initiate, complaints concerning misconduct of judges. After notice and hearing, the commission may, by majority vote of the membership, recommend to the supreme court that a judge be suspended or removed, and the supreme court sitting en banc may take such action.
>
> (2). Judges may be impeached by the house of representatives and convicted by two thirds of the senate.
>
> (3). **The governor** may remove judges for good cause upon the joint address of two thirds of the members of both houses of the general assembly.

Since Zach Mayo speaks for Governor Asa Hutchinson then that legal standard means the Governor Asa Hutchinson lied to me. Zach Mayo ignored the evidence in my documents proving I went through the appeals process up to and including the Arkansas Supreme CourT I also filed twice my complaints against the judge with the Judicial Discipline Commission; and I twice filed my complaints against the prosecutor with the Office of Professional Conduct. Twice both ethics commissions rejected my complaints finding no wrongdoing. I accused both ethics commissions of a political whitewash because I was, and I still am a poor man representing myself. My appeals were denied simply because I am a poor man who could not afford the filing fees of the courts. My evidence proves the entire Arkansas Judicial System is corrupt with bias and prejudice against the poor as evidenced by Governor Asa Hutchinson’s Proxy Letter. SEE THE GOVERNOR’S LETTER ON THE NEXT PAGE.

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[42] http://www.judicialselection.com/judicial_selection/methods/removal_of_judges.cfm?state--

STATE OF ARKANSAS
ASA HUTCHINSON
GOVERNOR

MEMORANDUM

TO: Don Hamrick

FROM: Zach A. Mayo, Criminal Justice Counsel

DATE: October 17, 2019

The Office of the Governor received the enclosed documents from you. The Governor's Office is not the proper entity with which to file this correspondence. Also, if the misdemeanors are State cases, then you must request expungement through appropriate channels. Therefore, I am returning your documents to you.

Enclosures

500 WOODLANE, SUITE 250 • LITTLE ROCK, AR 72201
TELEPHONE (501) 682-2345
www.governor.arkansas.gov

The State and Federal crimes listed below are charged against Governor Asa Hutchinson for denying my constitutional right to a remedy:

- Arkansas Code § 5-2-202 **Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.**
- Arkansas Code § 5-2-203 **Culpable mental states — Interpretation of statutes.**
- Arkansas Code § 5-2-401 **Criminal Liability Generally**.
- Arkansas Code § 5-2-402 **Liability for Conduct of Another Generally**.
- Arkansas Code § 5-2-403 **Accomplices**.
- Arkansas Code § 5-3-201 **Conduct Constituting Attempt**.
- Arkansas Code § 5-3-202 **Complicity**.
- Arkansas Code § 5-3-401 **Conduct Constituting Conspiracy**.
- Arkansas Code § 5-3-402 **Scpe of Conspiratorial Relationship**.
- **Arkansas Code § 5-71-208. Harassment**

Federal Offenses:

- **18 U.S. CODE § 2381. TREASON**
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.
- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS

12. CHARGES AGAINST DAVID SACHAR, DIR. JUD. DISCIPLINE COMM

IN ACCORDANCE WITH THE ARKANSAS CONSTITUTION, ARTICLE 2 DECLARATION OF RIGHTS, SECTION 14 TREASON AND ARKANSAS CODE § 5-51-201 TREASON,

I charge David Sachar, Director, ARKANSAS JUDICIAL DISCIPLINE AND DISABILITY COMMISSION with the State and Federal criminal offenses listed below.

Twice on separate occasions I filed complaints against Judge Mark Derrick with the Judicial Commission and twice on separate occasions I filed complaints against Prosecutor Don Raney with the Office of Professional Responsibility. And twice my complaints were rejected. The problems with the rejections were the facts that I had more than enough evidence proving my innocence from the multiple false convictions imposed on me, the first false conviction was by Special Judge Milas Hale from Sherwood District Court where he himself was a defendant in a Class Action Debtor's Prison lawsuit, the same as Judge Derrick, *Charles Dade*. et al, v. *Milas Hale*, et al., E.D. Ark., Case No. 4.16cv602-JM Complaint, filed August 23, 2016.

> 1. A state may not punish an individual just because he or she is poor. This enduring principle is a bedrock of the Due Process and Equal Protection Clauses of the Constitution of the United States and Article 2, Section 16, of the Constitution of the State of Arkansas of 1874 (the "Arkansas Constitution"). These fundamental constitutional rights ensure that an individual, even if convicted of a crime and sentenced to pay a fine, may not then be re-arrested and sent to jail simply because of his or her inability to pay.
>
> 2. In recent years, however, these fundamental rights have been slowly and insidiously eroded. Local courts and municipalities throughout Arkansas have used the threat and reality of incarceration to trap their poorest citizens in a never-ending spiral of repetitive court proceedings and ever-increasing debt. Faced with opposition to increased taxes, **municipalities have turned to creating a system of debtors' prisons to fuel the demand for increased public revenue from the pockets of their poorest and most vulnerable citizens.**

There Are Four Fatal Errors in the *Mahoney* case.

(1). *Mahoney's* first fatal flaw is the quoted above are elements of **18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS** and **18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.** Special Judge David Laser knew or should have known the first paragraph in *Mahoney's* Complaint was a Jurisdictional Statement putting jurisdiction in the Federal Court. Special Judge David Laser should have dismissed *Mahoney* and he should have advised the Plaintffs to file their Complaint in Federal Court in Little Rock.

(2). *Mahoney's* second fatal flaw is their failure to include **PROSECUTOR DON RANEY** as a Co-Defendant with **JUDGE MARK DERRICK** because the Rule of Law require a prosecutor to present cases to the judge to complete the requisite conspiracies noted in (1) above.

(3). Citing *The Justice Network, Inc*. v. *Craighead County, et al.*, U.S. District Court, Eastern District of Arkansas, Jonesboro Division, Case No. 3:17CV00169:

> "The Court finds that Judge Boling and Judge Fowler are entitled to absolute judicial immunity against all of Plaintiff's claims. **Unless judges act completely outside all jurisdiction**, they are absolutely immune from suit when acting in their judicial capacity. *Martin* v. *Hendren*, 127 F.3d 720, 721 (8th Cir.1997).

Id. (My emphasis).

> *Mahoney* alleging Judge Mark Derrick, and by extension of the Rule or Law, Prosecutor Don Raney as a Co-Conspirator are running a debtors' prison scheme. THAT, by the RULE OF LAW, the judge and prosecutor are operating their debtors' prison scheme in their circuit of small town courts that they transformed into **kangaroo courts operating completely outside all jurisdiction in in the State of Arkansas**. On that standard of law both Judge Mark Derrick and Prosecutor Don Raney have lost all protections from immunities of any kind.

(4) I attempted to fix *Mahoney's* fatal errors with my Amicus Curiae Brief as my MOTION FOR JOINDER to include me as a Co-Plaintiff under identical conditions as the Plaintiffs and to include Prosecutor Don Raney as Co-Defendant. To my surprise the attorneys for *Mahoney* objected to my MOTION FOR JOINDER and presiding Special Judge David Laser denied my MOTION FOR JOINDER. My allegation in a subsequent Amicus Curiae Brief. Special Judge David Laser displayed bias by denying my Motion for Joinder as required by the Rule of Law compelled Judge David Laser to recuse himself but he did not recuse himself,

Through intended or unintended consequences, former Attorney General Jeff Sessions' response to EXECUTIVE ORDER 13777 ENFORCING THE REGULATORY REFORM AGENDA caused the resurgence of Debtors' Prisons all across the country transforming legal courts into

kangaroo courts when he rescinded 25 Guidance Directives on December 21, 2017. Of those 25 directives, it is the DOJ GUIDANCE DIRECTIVE No. 11, *DEAR COLLEAGUE LETTER ON ENFORCEMENT OF FINES AND FEES* (March 2016) that caused the resurgence of Debtors' Prisons all across America spurring ***FALSE CONVICTIONS OF THE INNOCENT***.[43]

- **ARKANSAS CODE § 5-51-201 TREASON (Against the Arkansas Constitution)**
- Arkansas Code § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- Arkansas Code § 5-2-203 Culpable mental states — Interpretation of statutes.
- Arkansas Code § 5-2-401 Criminal Liability Generally.
- Arkansas Code § 5-2-402 Liability for Conduct of Another Generally.
- Arkansas Code § 5-2-403 Accomplices.
- Arkansas Code § 5-3-201 Conduct Constituting Attempt.
- Arkansas Code § 5-3-202 Complicity.
- Arkansas Code § 5-3-401 Conduct Constituting Conspiracy.
- Arkansas Code § 5-3-402 Scope of Conspiratorial Relationship.

5. Federal Offenses:

- **18 U.S. CODE § 2381. TREASON (Against the United States Constitution)**
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.
- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS

[43] See President Trump's *EXECUTIVE ORDER 13777 ENFORCING THE REGULATORY REFORM AGENDA*, dated February 24, 2017. Available online at: https://www.gpo.gov/fdsys/pkg/FR-2017-03-01/pdf/2017-04107.pdf. See also, *ATTORNEY GENERAL JEFF SESSIONS RESCINDS 25 GUIDANCE DOCUMENTS*, dated December 21, 2017. Available online at: https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-rescinds-25-guidance-documents. See item 11 in that list of 25 Guidance Documents: 11. *DEAR COLLEAGUE LETTER ON ENFORCEMENT OF FINES AND FEES* (March 2016) Available online at https://www.justice.gov/opa/file/832541/download. **It is widely reported in the media that the Dear Colleague Letter is responsible for the resurgence of Debtors' Prisons across America**.

`

Judicial Discipline & Disability Commission

JUDGE KIRK JOHNSON
CHAIRMAN

323 Center Street • Suite 1060
Little Rock, AR 72201
(501) 682-1050 • Fax: (501) 682-1049
E-Mail: jddc@arkansas.gov

DAVID J. SACHAR
EXECUTIVE DIRECTOR

September 25, 2019

Don Hamrick
322 Rouse St.
Kensett, AR 72082

RE: Case #19237

Dear Mr. Hamrick:

The Arkansas Judicial Discipline & Disability Commission acknowledges receipt of your recent complaint. You will be notified by mail as the investigation progresses.

By Arkansas Supreme Court rule and ACA §16-10-404, except for the Commission's final action or other limited circumstances, all information that is written, recorded or orally received by this Commission is confidential. Any person other than the person being investigated who discloses information about the Commission's work and violates the confidentiality requirement is subject to punishment for contempt of the Arkansas Supreme Court.

Sincerely,

David Sachar /by E Abbott

David J. Sachar
Executive Director

13. CHARGES AGAINST STARK LIGON, DIR. OFF. PRO. RESPONSIBILITY

IN ACCORDANCE WITH THE Arkansas Constitution, Article 2 Declaration of Rights, Section 14 Treason and ARKANSAS CODE § 5-51-201 TREASON,

I charge Sark Ligon with the State and Federal criminal offenses listed below.

DATE: FEB 24, 2020, 12:00 PM

FROM: DON HAMRICK

TO: STARK LIGON

DON RANEY

CC: ARKANSAS LEGISLATIVE COUNCIL

Reginald Murdick	Jim Wooten	Ken Bragg	Marsh Davis
Chris Richey	David Whitaker	Laurie Rushing	Jimmy Gazaway
Dan Sullivan	Gary Deffenbaugh	Carol Dalby	Don Glover
Deborah Ferguson	Charlene Fite	Rebecca Petty	Spencer Hawks
John Payton	Dan Douglas	Stan Berry	Douglas House
Fredrick Love	Jim Dotson	Sarah Capp	John Maddox
Josh Miller	Jeff Wardlaw	Nicole Clowney	Jamie Scott
Mark Lowery	David Fielding	Andrew Collins	Matthew J. Shepherd
Landry Fite	Bruce Cozart	Cindy Crawford	Dwight Tosh

RE: SUBJECT: MY DEMAND FOR $500,000 IMMEDIATE RESTITUTION

TODAY'S EMAIL FROM STARK LIGON:

DATE: February 24, 2020 at 9:40 AM

FROM: Stark Ligon

To: Don Hamrick

Cc: Stark Ligon (DON HAMRICK'S QUESTION: Why does Stark Ligon Cc: himself in emails he sends?)

Mr. Hamrick, if you are going to file this 165 page new federal lawsuit that includes me as a defendant, please do so and quit sending me repeat copies of it as large email attachments. I will read it when and if served. Thank you.

Stark Ligon

Executive Director & Chief Disciplinary Counsel

Arkansas Supreme Court

Office of Professional Conduct*

2100 Riverfront Drive, Suite 200

Little Rock, AR 72202-1747

MY REBUTTAL TO STARK LIGON'S EMAIL: (excerpt)

Always true to your Pattern of Behavior. You are always annoyed by everything. You never appreciate anything, even a courtesy advance notice of a criminal complaint that will put you in prison for **OBSTRUCTION OF JUSTICE**. You display prejudice against complainants who are not attorneys judging by you behavior toward me. I have all the all emails you sent to me to prove your behavior and **OBSTRUCTION OF JUSTICE**. **In fact, your email today helped me prove WHEEL CONSPIRACY in the Arkansas Judicial Branch** (Black's Law Dictionary, 10th ed. page 375, "***A conspiracy in which a single member of a group (the "hub") separately agrees with two or more other members or groups (the "spokes"). The person or group at the hub is the party liable for all the conspiracies. — Also termed rimless-wheel conspiracy, circle conspiracy; hub-and-spoke conspiracy.***"

THE HUB = Governor Asa Hutchinson, The Chief Magistrate for the Arkansas Judicial Branch.

AND YES! I bought the newest edition of BLACK'S LAW DICTIONARY. That's what helped me define the type of conspiracy going on with the Arkansas Judicial Branch. **And you, STARK LIGON, are part of the CORRUPT JUDICIAL SYSTEM System.**

Judge Mark Derrick is facing a class action lawsuit in *Nakita Lee Mahoney et. al.* v. *Judge Mark Derrick*, Pulaski County Circuit Court, Case No. 60CV-18-5616 filed August 9, 2018, Citing the first paragraph in the civil class action reads:

> "This action seeks declaratory relief for **thousands of people** in White County, Arkansas, **who have been and will be deprived of state and federal rights** by the policies and practices of District Court Judge Mark Derrick. Those policies and practices have ***created an illegal, modern day, debtors' prison*** in White County."

Id. (My emphasis.)

The case was transferred to White County on MOTION FOR CHANGE OF VENUE becoming *Nakita Lee Mahoney et. al.* v. *Judge Mark Derrick*, White County Circuit Court, Case Number 73CV-18-874, filed November 14th, 2018.

THE WHEEL CONSPIRARCY IN PLAY IN WHITE COUNTY, ARKANSAS

Stark Ligon carries a self-imposed disability by rejecting complaints containing conspiracies between a judge and a prosecutor. Stark Ligon's stated policy is that the **OFFICE OF PROFESSIONAL RESPONSIBILITY** only considers complaints against attorneys.

In my opinion, that conveniently excludes complaints against Prosecutor Don Raney in a federal criminal conspiracy with Judge Mark Derrick (**18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS and 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW**) through **RACKETEERING IN UNLAWFUL DEBT** by running a **DEBTORS' PRISON SCHEME** against the poor in White County for the sole purpose to unconstitutionally increasing the revenue for the **STATE OF ARKANSAS** by targeting the poor by turning **KENSETT DISTRICT COURT** into a **KANGAROO COURT** operating "**OUTSIDE ALL JURISDICTION**" as defined in:

> *The Justice Network, Inc*. v. *Craighead County, et al*., 8th Circuit, No. 17-3770, (Appeal from United States District Court for the Eastern District of Arkansas, Jonesboro (Judge Moody) Filed July 26, 2019, page 5:
>
> > "The district court granted the defendants' motions to dismiss. First, the court found that Judges Boling and Fowler are entitled to absolute judicial immunity against all of TJN's claims because **"[u]nless judges act completely outside all jurisdiction, they are absolutely immune from suit when acting in their judicial capacity."** *Justice Network, Inc.* v. *Craighead County.*, No. 3:17-cv-00169-JM, 2017 WL 5762397, at *2 (E.D. Ark. Nov. 28, 2017) (citing *Martin* v. *Hendren*, 127 F.3d 720, 721 (8th Cir. 1997))."

"*OUTSIDE ALL JURISDICTION*" opens Pandora's Box of interpretation. It is my interpretation that "*outside all jurisdiction*" invokes the PRINCIPLE OF LEGALITY, *nullum crimen, nulla poena sine lege.* Citing Daniel Grădinaru, ***THE PRINCIPLE OF LEGALITY***, (November 20, 2018), RAIS Conference Proceedings - The 11th International RAIS Conference on Social Sciences:[44]

[44] Available at SSRN: https://ssrn.com/abstract=3303525

"The PRINCIPLE OF LEGALITY, in criminal law, means that only the law can define a crime and prescribe a penalty (*nullum crimen, nulla poena sine lege*). It also embodies, that the criminal law must not be extensively interpreted to an accused's detriment, for instance by analogy."

For specificity, it is my additional interpretation that Judge Mark Derrick is running a debtor's prison "*outside all jurisdiction*," and the consequence is Judge Mark Derrick transformed the legal Kensett District Court, and all the courts in his circuit of courts in White County into kangaroo courts. **Extrapolating my interpretation, means that every case the judge presides over, every court order, every false conviction, & every conviction were issued "*OUTSIDE ALL JURISDICTION*." Cascading my interpretation, every court order, i.e., Failure to Appear, and every conviction Judge Derrick issued under his DEBTOR'S PRISON SCHEME HAS *NO FORCE OF LAW* UNDER CONSTITUTIONAL LAW. And my final interpretation is because of these circumstances Judge Mark Derrick is a *rogue judge* and Co-conspirator Prosecutor is a *rogue prosecutor*.**

That further means the judge and prosecutor must get disbarred. And anyone associated with or aiding and abetting Debtor's Prison and kangaroo courts in an official capacity, *such as Governor Asa Hutchinson* are subject to arrest for TREASON AGAINST THE ARKANSAS CONSTITUTION and the UNITED STATES CONSTITUTION. THAT'S CONSTITUTIONAL LAW.

WHEREAS, my interpretations above are correct and proper that means my TENTH AMENDMENT CITIZEN'S FEDERAL ARREST WARRANT is correct and proper under the FEDERALISM POLICY of the UNITED STATES CONSTITUTION.

THEREFORE, this federal court is bound by the NINTH AMENDMENT and TENTH AMENDMENT powers reserved to the People themselves to validate this AFFIDAVIT and The TENTH AMENDMENT ARREST WARRANT by issuing COURT ORDERED ARREST WARRANTS for the named Defendants herein.

- **<u>ARKANSAS CODE § 5-51-201 TREASON</u>** Against the Constitution of Arkansas and the United States.
- ARKANSAS CRIMINAL CODE § 5-54-102. Obstructing Governmental Operations.
- ARKANSAS CRIMINAL CODE § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- ARKANSAS CRIMINAL CODE § 5-2-203 Culpable mental states — Interpretation of statutes.
- ARKANSAS CRIMINAL CODE § 5-2-401 Criminal Liability Generally.
- ARKANSAS CRIMINAL CODE § 5-2-402 Liability for Conduct of Another Generally.
- ARKANSAS CRIMINAL CODE § 5-2-403 Accomplices.
- ARKANSAS CRIMINAL CODE § 5-3-201 Conduct Constituting Attempt.
- ARKANSAS CRIMINAL CODE § 5-3-202 Complicity.
- ARKANSAS CRIMINAL CODE § 5-3-401 Conduct Constituting Conspiracy.
- ARKANSAS CRIMINAL CODE § 5-3-402 Scope of Conspiratorial Relationship.
- ARKANSAS CRIMINAL CODE § 5-3-403 Multiple Criminal Objectives.
- ARKANSAS CRIMINAL CODE § 5-71-208. Harassment

Federal Offenses:

- **<u>18 U.S. CODE § 2381. TREASON</u>** Against the Constitution of Arkansas and the United States.
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.
- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS

14. CHARGES AGAINST JUDGE ROBERT EDWARDS

IN ACCORDANCE WITH THE Arkansas Constitution, Article 2 Declaration of Rights, Section 14 Treason and Arkansas Criminal Code § 5-51-201 TREASON I charge Judge Robert Edwards with the State and Federal criminal offenses listed on page 101.

FEDERAL POVERTY GUIDELINES*

2019	2020	
*$16,910.00	*$17240.00	
–$12,324.00	–$13,752.00	My annual V.A. Pension
***–$4,586.00**	***–$3,488.00**	**BELOW GUIDELINES**

The **FEDERAL POVERTY GUIDELINES** should be the determining factor for Judge Robert Edwards to use in determining my qualifications to file *in forma pauperis.* I qualified for *in forma pauperis* filing under the GUIDELINES.

However, Judge Robert Edwards' Letter dated January 24, 2019, shown on the next page, denied my application for *in forma pauperis* without citing any justifying authorities to support his denial. There was no **RULE OF LAW** cited by Judge Robert Edwards.

This suggests that Judge Robert Edwards is a participant in the **WHEEL CONSPIRACY** cited on pages 84 and 97 herein. This adds credibility to my allegation that the entire ARKANSAS JUDICIAL BRANCH is corrupt and prejudiced against the poor because the poor are vulnerable to corrupt judges.

My allegation that the entire Arkansas Judicial Branch is corrupt and prejudiced against the poor is further confirmed by the ARKANSAS SUPREME COURT denying my *in forma pauperis* appeal (*See page 103)* from Judge Robert Edwards at the WHITE COUNTY CIRCUIT COURT to the ARKANSAS SUPREME COURT, just like Judge Robert Edwards, without citing any justifying authorities to support the denial. There was no **RULE OF LAW** cited by the ARKANSAS SUPREME COURT for the denial.

There is no evidence disproving my allegation that the entire ARKANSAS JUDICIAL BRANCH consists of KANGAROO COURTS running DEBTORS' PRISONS OUTSIDE ALL JURISDICTIONS

as introduced into Arkansas by former U.S. ATTORNEY GENERAL JEFF SESSIONS' response to EXECUTIVE ORDER 13777 ENFORCING THE REGULATORY REFORM AGENDA. Then U.S. ATTORNEY GENERAL JEFF SESSIONS' caused the resurgence of DEBTORS' PRISONS all across the country transforming legal courts into KANGAROO COURTS when he rescinded DOJ GUIDANCE DIRECTIVE No. 11, *DEAR COLLEAGUE LETTER ON ENFORCEMENT OF FINES And Fees* (March 2016). See pages136–139.

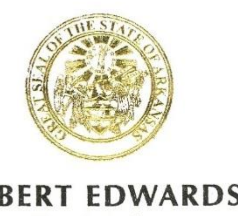
This is a prime example of Federal and State Governments using the Wheel Conspiracy and The Boiled Frog Theory to embed Government Corruption in a State's three branches of government. This is clearly evident by *ARKANSAS RULES OF CIVIL PROCEDURE, RULE 72(d) SUITS IN FORMA PAUPERIS (No person shall be permitted to prosecute any action of slander, libel or malicious prosecution in forma pauperis*). (*See page 137*).

- **ARKANSAS CRIMINAL CODE § 5-51-201 TREASON**
- ARKANSAS CRIMINAL CODE § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- ARKANSAS CRIMINAL CODE § 5-2-203 Culpable mental states — Interpretation of statutes.
- ARKANSAS CRIMINAL CODE § 5-2-209 Entrapment.
- ARKANSAS CRIMINAL CODE § 5-2-401 Criminal Liability Generally.
- ARKANSAS CRIMINAL CODE § 5-2-402 Liability for Conduct of Another Generally.
- ARKANSAS CRIMINAL CODE § 5-2-403 Accomplices.
- ARKANSAS CRIMINAL CODE § 5-3-201 Conduct Constituting Attempt.
- ARKANSAS CRIMINAL CODE § 5-3-202 Complicity.
- ARKANSAS CRIMINAL CODE § 5-3-401 Conduct Constituting Conspiracy.
- ARKANSAS CRIMINAL CODE § 5-3-402 Scope of Conspiratorial Relationship.
- ARKANSAS CRIMINAL CODE § 5-3-403 Multiple Criminal Objectives.
- ARKANSAS CRIMINAL CODE § 5-36-103(a) Theft of property (Unlawful Repossession of 2013 Toyota Sienna through false arrest)
- ARKANSAS CRIMINAL CODE § 5-71-208. Harassment

Federal Offenses:

- **18 U.S. CODE § 2381. TREASON**
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;

- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.
- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS



ROBERT EDWARDS
Circuit Judge
1600 E Booth Suite 500
SEARCY, ARKANSAS 72143
501-279-6212 • Fax: 501-279-6293

SEVENTEENTH JUDICIAL CIRCUIT
SECOND DIVISION

PRAIRIE AND WHITE
COUNTIES

January 14, 2019

Mr. Donald L. Hambrick, Jr.
322 Rouse St.
Kensett, AR 72082

RE: City of Kensett v. Donald L. Hambrick, Jr.

Dear Mr. Hambrick:

Ms. Tami King, the Circuit Clerk, has called my attention to a group of documents you delivered to her office in the Wilber D. Mills Courts Building on December 11, 2018. The documents appear to be an attempt by you to appeal a conviction from Kensett District Court entered on December 28, 2018.

I am writing to inform you that I have reviewed the documents and that your request and Motion to Proceed In Forma Pauperis will not be approved. Your affidavit of financial means indicates that you receive $1,027.00 per month through a VA non-service connected pension. That would disqualify you from being considered a pauper and as I stated your motion for such a determination is denied.

Your appeal documents have not been filed or docketed in the Circuit Clerk's Office. They will not be filed until you pay your filing fee of $150.00. That fee must be paid on or before January 28, 2019. The failure to pay the filing fee on or before January 28, 2019 will result in the Circuit Court of White County having no jurisdiction to hear such an appeal and the judgment of the Kensett District Court will not
be reviewed by the White County Circuit Court.

Sincerely,

Robert Edwards
Circuit Judge

cc: Mr. Don Raney, City Attorney
Ms. Tami King, White County Circuit Clerk

FORMAL ORDER

STATE OF ARKANSAS,)
) **SCT.**
SUPREME COURT)

BE IT REMEMBERED, THAT A SESSION OF THE SUPREME COURT BEGUN AND HELD IN THE CITY OF LITTLE ROCK, ON MARCH 14, 2019, AMONGST OTHERS WERE THE FOLLOWING PROCEEDINGS, TO-WIT:

SUPREME COURT CASE NO. CR-19-164

DON HAMRICK PETITIONER

V. APPEAL FROM WHITE COUNTY CIRCUIT COURT

HON. ROBERT EDWARDS, CIRCUIT JUDGE; HON. MILAS HALE, SPECIAL JUDGE, AND HON. MARK DERRICK, DISTRICT JUDGE RESPONDENTS

PETITIONER'S PRO SE PETITION TO PROCEED IN FORMA PAUPERIS AND AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS IS DENIED. HART, J., WOULD GRANT.

FILING FEE OF $165.00 DUE WITHIN SEVEN DAYS (MARCH 21, 2019).

IN TESTIMONY, THAT THE ABOVE IS A TRUE COPY OF THE ORDER OF SAID SUPREME COURT, RENDERED IN THE CASE HEREIN STATED, I, STACEY PECTOL, CLERK OF SAID SUPREME COURT, HEREUNTO SET MY HAND AND AFFIX THE SEAL OF SAID SUPREME COURT, AT MY OFFICE IN THE CITY OF LITTLE ROCK, THIS 14TH DAY OF MARCH, 2019.

CLERK

BY: ______________________

DEPUTY CLERK

ORIGINAL TO CLERK

CC: DON HAMRICK
DARNISA EVANS JOHNSON, DEPUTY ATTORNEY GENERAL
DON RANEY
HON. ROBERT EDWARDS, CIRCUIT JUDGE
HON. MILAS HALE, SPECIAL JUDGE
HON. MARK DERRICK, DISTRICT JUDGE

15. CHARGES AGAINST JUDGE MARK DERRICK OF KENSETT, AR

IN ACCORDANCE WITH THE Arkansas Constitution, Article 2 Declaration of Rights, Section 14 Treason and Arkansas Criminal Code § 5-51-201 TREASON,

I charge Judge Mark Derrick with the State and Federal criminal offenses listed below.

SEE SECTION 12, pages 97–100;
SEE SECTION 13, Pages 101–106;
SEE SECTION 26, pages 153–159.

- **ARKANSAS CRIMINAL CODE § 5-51-201 TREASON**
- ARKANSAS CRIMINAL CODE § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- ARKANSAS CRIMINAL CODE § 5-2-203 Culpable mental states — Interpretation of statutes.
- ARKANSAS CRIMINAL CODE § 5-2-209 Entrapment.
- ARKANSAS CRIMINAL CODE § 5-2-401 Criminal Liability Generally.
- ARKANSAS CRIMINAL CODE § 5-2-402 Liability for Conduct of Another Generally.
- ARKANSAS CRIMINAL CODE § 5-2-403 Accomplices.
- ARKANSAS CRIMINAL CODE § 5-3-201 Conduct Constituting Attempt.
- ARKANSAS CRIMINAL CODE § 5-3-202 Complicity.
- ARKANSAS CRIMINAL CODE § 5-3-401 Conduct Constituting Conspiracy.
- ARKANSAS CRIMINAL CODE § 5-3-402 Scope of Conspiratorial Relationship.
- ARKANSAS CRIMINAL CODE § 5-3-403 Multiple Criminal Objectives.
- ARKANSAS CRIMINAL CODE § 5-36-103(a) Theft of property (Unlawful Repossession of 2013 Toyota Sienna through false arrest)
- ARKANSAS CRIMINAL CODE § 5-71-208. Harassment

Federal Offenses:

- **18 U.S. CODE § 2381. TREASON**
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.

- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS

Judge Mark Derick Ignored This Allegation (Corruption)

In the Kensett District Court

101 NE First Street, Kensett , AR 72082

John Pollard, Chief of Police)
Kensett Police)
101 NE 1st St)
Kensett, Arkansas 72082)
) **January 27, 2018**
v.)
) RPS #: 17-00012
Don Hamrick) CR17-12
322 Rouse Street)
Kensett, AR 72082)
______________________________)

MY ALLEGATION OF OBSTRUCTION OF JUSTICE AGAINST PROSECUTOR DON RANEY

Prosecutor Don Raney committed several acts of obstruction of justice during 2017. **I presume he has once again committed an act of obstruction of justice by causing my email address to be blocked at the Kensett District Court's email server as I explain in my letter to Don Raney on the next page herein**. If he did not cause my email address to be blocked then who did? Don Raney's letter to me is included herein on page 3.

Don Raney's letter is my evidence against him for malicious prosecution by refusing to act on my motions containing exculpatory evidence proving my innocence. Don Raney's letter is my justification to perceive the Kensett District Court is a kangaroo court intent on railroading me to a conviction even though I did NOT commit the crime I am charged to have committed.

My perception of a kangaroo court is further supported by the fact that Judge Mark Derrick refused to dismiss the cause with prejudice *sua sponte* based on my motions containing exculpatory evidence proving my innocence.

Now, it is apparent that Judge Butch Hale has joined the railroad.

I will deliver this Motion as an Addendum to my Motion for a Rehearing at the 8th Circuit and to the FBI Public Corruption division, and to the Arkansas State Police with the intent to get an investigation into the Kensett District Court,

BECAUSE I AM INNOCENT!

Submitted,

Don Hamrick

EMAIL NO. 12

Date: Tuesday, March 13, 2018, 2:25:42 AM CDT

From: Don Hamrick<ki5ss@yahoo.com>

To: Police Chief John Pollard<chiefjpollard4@yahoo.com.
Alan Edge, Mayor of Kensett<kensettmayor@yahoo.com>
Christina Alberson, Mayor's Assistant/Court Clerk<calberson.kensett@gmail.com;
Laura Balantine<lbalentine.kensett@gmail.com>
Don Raney, Prosecutor< d_raney@lightlelawfirm.net>
Arkansas State Police<info@asp.arkansas.gov>

Subject: I AM A CANDIDATE FOR MAYOR OF KENSETT, ARKANSAS

SEE MY BLOG: https://americancommondefencereview.wordpress.com/

I had stopped posting to my blog for 2 years now. But I have resumed posting today to spread the news that I have resumed my campaign for Mayor of Kensett.

You can view all of my postings political poems by clicking April 2006 in the Archives list in the right column. It is because I pushed my Second Amendment case for Nationwide Open Carry as a merchant seaman in the federal courts all the way up to the U.S. Supreme Court, TWICE, without an attorney to represent me that I will make a great mayor for Kensett. I now my rights and I know the law, federal & state. I know enough, and I am presently studying up on the Arkansas election laws and the municipal laws to make Kensett a corruption free zone.

I am starting with the Kensett District Court that I have characterized as a kangaroo court long before my false conviction. I have fast tracked my parallel case against the judges and prosecutor at the Kensett District Court through the federal court up to the 8th Circuit Court of Appeals with my Motion for Rehearing with 7 Addendums to my Motion for Rehearing, the last was my post-false conviction Summary Addendum to my Motion for Rehearing making my appeal to the 8th Circuit a well developed case for the 8th Circuit to rule in my favor. I am demanding an FBI Public Corruption investigation into the Kensett District Court to investigate my false conviction and my question on how many other innocent defendants were convicted before me. That's my best effort to make Kensett a corruption free zone other than my complaint to the Judicial Discipline Committee against Judge Mark Derrick and Judge Milas Hale and my complaint to the Office of Professional Conduct against Prosecutor Don Raney for their disbarment. Their disbarment will go a long way to making Kensett a corruption free zone.

I am the perfect candidate for a full-time Mayor of Kensett.

DON HAMRICK

16. CHARGES AGAINST JUDGE MILAS HALE OF SHERWOOD, AR

In accordance with the Arkansas Constitution, Article 2 Declaration of Rights, Section 14 Treason and Arkansas Criminal Code § 5-51-201 Treason,

I charge Judge Milas Hale with the State and Federal criminal offenses listed below.

SEE SECTION 12, pages 97–100;
SEE SECTION 13, Pages 101–106;
SEE SECTION 26, pages 153–159.

- **ARKANSAS CRIMINAL CODE § 5-51-201 TREASON**
- ARKANSAS CRIMINAL CODE § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- ARKANSAS CRIMINAL CODE § 5-2-203 Culpable mental states — Interpretation of statutes.
- ARKANSAS CRIMINAL CODE § 5-2-209 Entrapment.
- ARKANSAS CRIMINAL CODE § 5-2-401 Criminal Liability Generally.
- ARKANSAS CRIMINAL CODE § 5-2-402 Liability for Conduct of Another Generally.
- ARKANSAS CRIMINAL CODE § 5-2-403 Accomplices.
- ARKANSAS CRIMINAL CODE § 5-3-201 Conduct Constituting Attempt.
- ARKANSAS CRIMINAL CODE § 5-3-202 Complicity.
- ARKANSAS CRIMINAL CODE § 5-3-401 Conduct Constituting Conspiracy.
- ARKANSAS CRIMINAL CODE § 5-3-402 Scope of Conspiratorial Relationship.
- ARKANSAS CRIMINAL CODE § 5-3-403 Multiple Criminal Objectives.
- ARKANSAS CRIMINAL CODE § 5-36-103(a) Theft of property (Unlawful Repossession of 2013 Toyota Sienna through false arrest)
- ARKANSAS CRIMINAL CODE § 5-71-208. Harassment

5. Federal Offenses:

- **18 U.S. CODE § 2381. TREASON**
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.
- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS

17. CHARGES AGAINST PROSECUTOR DON RANEY OF KENSETT, AR

IN ACCORDANCE WITH THE Arkansas Constitution, Article 2 Declaration of Rights, Section 14 Treason and Arkansas Criminal Code § 5-51-201 TREASON,

I charge Prosecutor Don Raney with the State and Federal criminal offenses listed below.

SEE SECTION 12, pages 97–100;
SEE SECTION 13, Pages 101–106;
SEE SECTION 26, pages 153–159.

- **ARKANSAS CRIMINAL CODE § 5-51-201 TREASON**
- ARKANSAS CRIMINAL CODE § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- ARKANSAS CRIMINAL CODE § 5-2-203 Culpable mental states — Interpretation of statutes.
- ARKANSAS CRIMINAL CODE § 5-2-209 Entrapment.
- ARKANSAS CRIMINAL CODE § 5-2-401 Criminal Liability Generally.
- ARKANSAS CRIMINAL CODE § 5-2-402 Liability for Conduct of Another Generally.
- ARKANSAS CRIMINAL CODE § 5-2-403 Accomplices.
- ARKANSAS CRIMINAL CODE § 5-3-201 Conduct Constituting Attempt.
- ARKANSAS CRIMINAL CODE § 5-3-202 Complicity.
- ARKANSAS CRIMINAL CODE § 5-3-401 Conduct Constituting Conspiracy.
- ARKANSAS CRIMINAL CODE § 5-3-402 Scope of Conspiratorial Relationship.
- ARKANSAS CRIMINAL CODE § 5-3-403 Multiple Criminal Objectives.
- ARKANSAS CRIMINAL CODE § 5-36-103(a) Theft of property (Unlawful Repossession of 2013 Toyota Sienna through false arrest)
- ARKANSAS CRIMINAL CODE § 5-71-208. Harassment

5. Federal Offenses:

- **18 U.S. CODE § 2381. TREASON**
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.
- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS

EVIDENCE SUPPORTING MY AFFIDAVIT

EMAIL NO. 1

MAY 09 2017 KENSETT COURT Don Raney Email to Eric Kennedy as Obstruction of Justice.pdf

Don Hamrick Tuesday, May 9, (2017?)
322 Rouse Street, Kensett, Arkansas 72082 Email: ki5ss@yahoo.com

To: Eric Kennedy (**Fired** Court Appointed Attorney)
Don Raney (Kensett Court Prosecuting Attorney)
Christina Alberson (Kensett Court Clerk)
Cc: Stark Ligon, Arkansas Office of Professional Conduct

Don Raney's Obstruction of Justice Against Pro Se Defendant's Right to Represent Himself

ITEM 1. ERIC KENNEDY. By taking advantage of the judge admonishing me for acting as a *pro se* defendant, you interjected insulting remarks about me to the judge. You are supposed to act in my best interests. I included you in all of my emailed motions to the court. You had ample information to object to the judge's expressed bias against me for my *pro se* motions. But you didn't act in my best interests. Your insulting remarks were in the prosecuting attorney's and the judge's best interests to proceed to trial when my efforts were to have the case dismissed with prejudice for lack of credible evidence under the Doctrine of *Nulla Poena Sine Lege* and have the record expunged. You knew that and did nothing to further my efforts. For that, you are fired. I will act in my own interests as *pro se*. This makes it official.

Please return the arrest ticket to me because it is my evidence of police incompetence, malicious prosecution, and abuse of procedure.

ITEM 2. DON RANEY. Your email in question is included on page 2 of this letter. Eric Kennedy is no longer my court-appointed attorney. I have been and I am still acting *pro se*. You must now communicate directly with me.

ITEM 3. STARK LIGON. Please include this letter with my complaint. If Don Raney's action deleting my "*Kensett Court is a Kangaroo Court*" email from his files and from the Kensett Court's files are criminal offenses as I believe they are then please consider this letter as my criminal complaint for obstruction of justice.

Sincerely,

Don Hamrick

KENSET COURT'S PROSECUTING ATTORNEY'S EMAIL OBSTRUCTING JUSTICE AGAINST A *PRO SE* DEFENDANT: A CRIMINAL OFFENSE

Date: Tuesday, May 9, 2017 6:47 AM
From: Don Raney (d_raney@lightlelawfirm.net)
To: [Eric Kennedy, Court Appointed Attorney] dalaw@centurytel.net; [Court Clerk] calberson.kensett@gmail.com;
Cc: [Don Hamrick] ki5ss@yahoo.com;

Subject: **RE: KENSETT COURT IS A KANGAROO COURT**

Erick,

I am sure you are aware of this email since you were on the email list **but since you are Mr. Hamrick's court appointed attorney**[10] I only need to be communicating with you about the matter I wanted you to know that **I have simply deleted it from my system**[11] as I indicated I would do in the last court session.

Don Raney

HWLTACC

[10] My emphasis.

[11] My emphasis. Deleting a document from the court's system authored by a *pro se* defendant is an act of obstructing justice which is a criminal offence. It proves bias against a *pro se* defendant's right to represent himself. The question here is: *"Did Don Raney delete the email and the attachment titled "Kensett Court is a Kangaroo Court" without reading it?"* I suspect that is exactly what he did. Because if he did read it he would have known the emailed document was from me as a *pro se* defendant since the title of the motion included the phrase: "Notice: I am Proceeding as *Pro Se*."

Don Hamrick

322 Rouse Street, Kensett, Arkansas 72082

Saturday, January 27, 2018

Email: ki5ss@yahoo.com

Don Raney

In answer to your letter dated January 25, 2018, included herein, I asked you to clarify why I am banned (i.e., my email address is blocked by the Kensett District Court email server). Your letter stated: "*. . . there is no provision under the Arkansas Rules of Criminal Procedure to file or send such documents via email.*"

My rebuttal to your statement? I flip your statement right back at you! "*No provision under the Arkansas Rules of Criminal Procedure to file or send such documents via email*" does NOT explicitly prohibit email submissions of court documents as you are implying. The standard rule of law is that what is not explicitly prohibited by law or rule of court is lawful, permitted, and allowed. In fact, I claim that you are unlawfully interfering with or denying my right to substantive and procedural due process rights to email my court documents to the Kensett District Court. You might even be attempting to obstruct justice.

In the last paragraph of your letter you state: "*All such pleadings have to be filed at the clerk's office in Kensett either in person or via mail or courier. I think the District Court's office has blocked your emails mainly due to the excessive pleadings you are attempting to file which have no relevance to the proceeding pending in the Kensett District court but that is just my opinion and thinking at this point.*"

In the first sentence of that last paragraph above you do not cite any law or rule of court to back up that sentence. For all I know that sentence is nothing more than an expression of your bias and prejudice against a defendant representing himself. And your use of the terms "*excessive pleadings*" and "*have no relevance to the proceeding*" are subjective, NOT objective. You provide no citations to prove your statements.

It is my right as a defendant to represent myself and my right to submit any number of court documents that serve my defense to prove my innocence. You, however, seem to operate on the presumption of guilt where I have to prove my innocence. But even at that you attempting to restrict my rights. I believe that violates the Arkansas Rules of Professional Conduct under *RULE 3.4 FAIRNESS TO OPPOSING PARTY AND COUNSEL*.

Your assertions run counter to the federal court system. Are you aware of the federal judiciary's *CASE MANAGEMENT/ELECTRONIC CASE FILES* (CM/ECF) system? And the *PUBLIC ACCESS TO COURT ELECTRIC RECORDS?*

If you are not able to provide citations to law or rules of court to prove your assertions then I suggest you have the block on my email address removed and notify me of the removal. I will motion for your recusal from prosecuting this case in the interest of justice (my innocence).

Submitted,

Don Hamrick

LIGHTLE, RANEY, STREIT & STREIT, LLP

Attorneys at Law
211 West Arch
Searcy, Arkansas 72143-5331
Telephone 501-268-4111
Direct Fax No. 501-268-5306

DONALD P. RANEY
SUSANNAH R. STREIT
JONATHAN R. STREIT

J. E. Lightle, Sr. (1932-45)
J. E. Lightle, Jr. (1936-88)
Cecil A. Tedder, Jr. (1957-78)

January 25, 2018

Don Hamrick
c/o Patsy Hayes
322 Rouse Street
Kensett, AR 72082

HNR TACC

Ref: Kensett v. Hamrick
CR-17-49

Mr. Hamrick,

In your last attempted email communication to the Kensett District Court Clerk's office a copy of which you provided to me you asked for an explanation of why you are banned from emailing PDF attachments of your court documents to the district court clerk.

You stated that you did not have sufficient funds for printing expense or for postage to print out and mail such material. I am not for sure "banned" is the correct term but hopefully you remember one day in court I believe the day you requested your Public Defender be discharged that I explained to you that there is no provision under the Arkansas Rules of Criminal Procedure to file or send such documents via email.

All such pleadings have to be filed at the clerk's office in Kensett either in person or via mail or courier. I think the District Court Clerk's office has blocked your emails mainly due to the excessive pleadings you are attempting to file which have no relevance to the proceeding pending in the Kensett District Court but that is just my opinion and thinking at this point.

Sincerely,

[signature]

Donald P. Raney

EMAIL NO. 13

Date: Sunday, June 17, 2018, 4:26:12 PM CDT
From: Don Raney
To: Don Hamrick
Subject: Kensett v. Don Hamrick

All relevant pleadings in any Kensett District Court proceeding need to be filed with the court clerk.

I will alert the court clerk you have a pleading which you think needs to be filed in the above proceeding.

Please file such pleading with the court clerk for it is not necessary for you to email them to me.

If the clerk thinks any pleading needs to be reviewed by me as the prosecuting attorney she will forward them to me accordingly.

So please file you relevant pleadings with the Kensett District Court clerks' office located at 202 SE First Street in Kensett.

Don Raney

EMAIL NO. 14

Date: Monday, June 18, 2018, 12:28:29 AM CDT
From: Don Hamrick
To: Don Raney
Subject: Re: Kensett v. Don Hamrick

District Court Benchbook by Keith Caviness, Administrative Office of the Courts, Justice Building, 625 Marshall, Little Rock, Arkansas 72201; (501) 682-9400

VIII ARREST WARRANTS (pages VIII-1 & -2)

B Basis for Issuance

1 A **judicial officer** may issue an arrest warrant:

(d) **An affidavit** or other documented information in support of an **arrest warrant** may be **transmitted to the issuing judicial officer by facsimile or by other electronic means**.

According to the **District Court Benchbook**, I presume a "judicial officer" is the judge. I can **EMAIL** my affidavit to Christina Alberson, Kensett District Court Clerk. **BUT,** you apparently instructed her to block my email address last year. I have not yet been notified that my the block on my email address has been removed. I do not want to waste my time negotiating with Christiana Alberson to remove the block on my email address since I doubt she has the I.T. skills or the authority to do that. Occam's Razor dictates the simplest solution is for you to get someone to remove the block on my email address so that I can resume emailing court documents to Christina Alberson in the future AND to forward my Affidavit to Judge Mark Derick directly or through Christina Alberson in the present circumstances.

Please notify me when I can resume emailing court documents to Chistina Alberson.

DON HAMRICK
Independent Candidate for Mayor of Kensett

EMAIL NO. 21

Date: Sunday, July 1, 2018, 1:59:23 PM CDT
From: Don Hamrick
To: Don Raney
Alan Edge, Mayor of Kensett
Christina Alberson, Mayor's Assistant & Kensett Court Clerk
John Pollard, Chief of Police
Subject: EMAILING A AFFIDAVIT FOR ARREST WARRANT

Arkansas Rules of Criminal Procedure 7.1

(b) In addition, a judicial officer may issue a warrant for the arrest of a person if, from affidavit, recorded testimony, or other documented information, it appears there is reasonable cause to believe an offense has been committed and the person committed it. A judicial officer may issue a summons in lieu of an arrest warrant as provided in Rule 6.1. **An affidavit or other documented information in support of an arrest warrant may be transmitted to the issuing judicial officer by facsimile or by other electronic means**. Recorded testimony in support of an arrest warrant may be received by telephone or other electronic means provided the issuing judicial officer first administers an oath by telephone or other electronic means to the person testifying in support of the issuance of the warrant.

DEFINITION:

Other Electronic Mean = EMAIL

MY ADVISE TO DON RANEY:

Tell Christina Alberson that she not only broke State laws but also Federal laws as I previously advised when she not only refused to accept my emailed Affadavit for Arrest Warrant against Laura Balentine but when she hung up on me on the phone trying to explain why she was in the wrong. That's when she committed federal crimes against my rights "under color of law."

You should also advise everyone at city hall to stop all hostile personal or political hostilities and/or retaliations against me as a candidate for Mayor of Kensett. Any other activities of this nature in the

future will cause me to get the FBI involved. They should accept the fact that if I get elected as Mayor of Kensett I will have the authority to fire all that I can lawfully fire and hire new city employees.

NO THREAT HERE.

JUST AN EXPLANATION ON THE CAUSE AND EFFECT OF THINGS UNDER THE STATE AND FEDERAL LAWS.

I expect to be notified that Christina will now and in the future accept my documents be email. That Don Raney and Christina Alberson did not understand the law correctly.

MORE ADVICE: Be aware that I know the law well. I will not back down in any dispute where I know I am in the right. I expect my 29-page **[Now 54-page]** Affidavit for Arrest Warrant against Laura Balentine to be filed by Christina Alberson and the arrest warrant to be signed and issued by Judge Mark Derrick. Otherwise, I will file at the White County Circuit Court with additional allegations of Obstruction of Justice, Obstructing Governmental Opperations, and any other allegations that fit the circumstances.

DON HAMRICK
Candidate for Mayor of Kensett

18. CHARGES AGAINST JOHN POLLARD, CHIEF OF POLICE, CITY OF KENSETT, ARKANSAS

I charge John Pollard, Chief of Policie for the City of Kensett, Arkansas with the State and Federal criminal offenses listed below.

Charges Against John Pollard:

The Affidavit & Charges against **John Pollard**, **Christina Alberson**, and **Laura Balentine** are contained in my 115 page Motion dated July 23, 2018 and filed in the Kensett District Court titled: *MOTION TO DISMISS WITH PREJUDICE AND EXPUNGE MY RECORD THEN AND NOW BECAUSE THE KENSETT DISTRICT COURT UNDER JUDGE MARK DERRICK IS A KANGAROO COURT || CANON 1 INTEGRITY, IMPARTIALITY ; RULE 2.3 - BIAS, PREJUDICE, AND HARASSMENT [Arkansas Code of Judicial Conduct]*. The Federal Court can subpoena all the court documents from the Kensett District Court related to my malicious prosecutions & multiple False Convictions.

ARKANSAS CRIMINAL CODE § 5-52-107(a)(1)&(2) Abuse of office.

ARKANSAS CRIMINAL CODE § 5-53-103 False Swearing Generally.

ARKANSAS CRIMINAL CODE § 5-53-131 Frivolous, Groundless, or Malicious Prosecutions.

ARKANSAS CRIMINAL CODE § 5-54-102(a)(1) Obstructing Governmental Operations.

ARKANSAS CRIMINAL CODE § 5-54-122(c)(1)(B),(D)&(E) Filing False Report with Law Enforcement Agency.

- **ARKANSAS CRIMINAL CODE § 5-51-201 TREASON**
- ARKANSAS CRIMINAL CODE § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- ARKANSAS CRIMINAL CODE § 5-2-203 Culpable mental states — Interpretation of statutes.
- ARKANSAS CRIMINAL CODE § 5-2-209 Entrapment.
- ARKANSAS CRIMINAL CODE § 5-2-401 Criminal Liability Generally.
- ARKANSAS CRIMINAL CODE § 5-2-402 Liability for Conduct of Another Generally.
- ARKANSAS CRIMINAL CODE § 5-2-403 Accomplices.
- ARKANSAS CRIMINAL CODE § 5-3-201 Conduct Constituting Attempt.
- ARKANSAS CRIMINAL CODE § 5-3-202 Complicity.
- ARKANSAS CRIMINAL CODE § 5-3-401 Conduct Constituting Conspiracy.

- ARKANSAS CRIMINAL CODE § 5-3-402 Scope of Conspiratorial Relationship.
- ARKANSAS CRIMINAL CODE § 5-3-403 Multiple Criminal Objectives.
- ARKANSAS CRIMINAL CODE § 5-36-103(a) Theft of property (Unlawful Repossession of 2013 Toyota Sienna through false arrest)
- ARKANSAS CRIMINAL CODE § 5-71-208. Harassment

5. Federal Offenses:

- **18 U.S. CODE § 2381. TREASON**
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.
- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS

EXHANGE OF EMAILS FROM RUSSELL A. WOOD, ATTORNEY REPRESENTING JOHN POLLARD (CHIEF OF POLICE) AND OFFICER CHANDLER FOLLOW:

EMAIL NO. 1 OF 8

Date: Friday, July 6, 2018, 12:36:17 PM CDT
From: Russell A. Wood, J.D., B.A (Attorney for John Pollard, Chief of Police)
To: Don Hamrick
Cc: Stark Ligon, Office of Profesional Conduct
Allen Edge, Mayor of Kensett
Don Raney, Kensett Prosecutor
John Pollard, Kensett Chief of Police
Christina Alberson, Mayor's Assistant & Kensett Court Clerk
David Sachar, Judicial Discipline Commission

SUBJECT: CHIEF POLLARD AND OFFICER CHANDLER – KENSETT POLICE DEPARTMENT

Please be advised that I represent Chief Pollard and Officer Chandler regarding your ongoing harassment. Please have no further contact with my clients unless it involves necessary police services, and you should contact 911 for emergencies or go through the proper channels for non-emergencies. My clients do not run the clerk's office, prosecutor's office, Sheriff's office or courts. As such, stop copying them on emails regarding your various issues. You have continually harassed my clients and even stated that "they will be sucking goobers to pay their rent" after you become Mayor.

This harassment will stop or my clients will seek criminal charges against you and seek civil damages through lawsuits.

Russell A. Wood, J.D., B.A.
Wood Law Firm, P.A.
501 East 4th Street, Suite #4
Russellville, AR 72801
http://www.RussellWoodLawFirm.com
Licensed in AR and TN

Date: Friday, July 6, 2018, 1:39:55 PM CDT
From: Don Hamrick
To: Russell A. Wood, J.D., B.A (Attorney for John Pollard, Chief of Police)
Cc: Stark Ligon, Office of Profesional Conduct
Allen Edge, Mayor of Kensett
Don Raney, Kensett Prosecutor
John Pollard, Kensett Chief of Police
Christina Alberson, Mayor's Assistant & Kensett Court Clerk
David Sachar, Judicial Discipline Commission

Subject: Re: Chief Pollard and Officer Chandler – Kensett Police Department

POINT 1: "ongoing harassment?" THAT'S A DAMN LIE!

POINT 2: You claim "You have continually harassed my cleints and even stated that "they will be sucking goobers to pay their rent" after you become Mayor." THAT'S A DAMN LIE!

POINT 3: I have never emailed Officer Chandler. I believe I filed and inquiry or complaint about Officer Chandler's performance as a police officer. That cannot be construed as harassment. It is my right to report possible police misconduct to the chief of police. For the chief of police to retaliate in this manner can be construed as federal offenses, 18 U.S. Code § 241 Conspiracy Against Rights, and 18 U.S. Code § 242 Deprivation of Rights Under Color of Law, especially since I am an independent candidate for Mayor of Kensett. I will be forwarding your email and my reply to the U.S. Attorney, in Little Rock as unlawful harassment of a candidate (election laws; and other laws that I may find).

POINT 4: I believe a chief of police is allowed to accept an affidavit for arrest warrant from a complainant and deliver that affidavit to the prosecutor. Perhaps you can research that question and advise me of you findings.

POINT 5: Your involvement in this matter is additional evidence for my allegation of corruption, obstruction of justice, and interfering in governmental operations.

POINT 6: YES. I CEASE CONTACT WITH THE KENSETT POLICE DEPARTMENT.

POINT 7: CAVEAT: DO NOT CONSTRUE MY FILING MY 54-PAGE AFFIDAVIT FOR ARREST WARRANT FOR LAURA BALENTINE (POLICE OFFICER & CLERK FOR KENSETT WATER & SEWER DEPARTMENT — QUESTION OF LEGALITY ON HAVING TWO JOBS AT KENSET CITY GOVERNMENT) AND CHRISTINA ALBERSON (MAYOR'S ASSISTANT & KENSETT COURT CLERK — LEGALITY OF TWO JOBS AT KENSET CITY GOVERNMENT MAY BE PERMISSIBLE UNDER THE LAW, BUT IT IS CURRENTLY IN THE GRAY AREA FOR ME. I NEED CITATIONS OF LAW ON THIS POINT) AS VIOLATING YOUR ADVISORY – THE FILING IS A PRE-EXISTING STATE BEFORE I RECEIVED YOUR EMAIL.

POINT 8: DON NOT CONSTRUE POSTS ON MY CAMPAIGN BLOG AS VIOLATING YOUR ADVISORY. THAT'S MY FIRST AMENDMENT RIGHT TO SPEAK FREELY AND MY RIGHT AS A CANDIDATE TO DESCRIBE CONDITIONS OF KENSETT GOVERNMENT REQUIRING A NEW MAYOR.

YOU HAVE BEEN WARNED

DON HAMRICK
Independent Candidate for Mayor of Kensett

Date: Friday, July 6, 2018, 3:52 PM CDT
From: Don Hamrick
To: Russell A. Wood, J.D., B.A (Attorney for John Pollard, Chief of Police)
Cc: Stark Ligon, Office of Profesional Conduct
Allen Edge, Mayor of Kensett
Don Raney, Kensett Prosecutor
John Pollard, Kensett Chief of Police
Christina Alberson, Mayor's Assistant & Kensett Court Clerk
David Sachar, Judicial Discipline Commission

Please have your client, Chief of Police John Pollard and/or Officer Chandler provide me with the FULL copy of my email where they allege I wrote "they will be sucking goobers to pay their rent after I become Mayor." By full copy, I mean the full internet header of the email showing IP addresses, routing info, and such.

If they cannot provide the copy of that email or they refuse or decline for any reason to provide the copy of that email then I will construe their refusal or inability to provide the demanded copy as their attempt to obstruct justice, interfere with government operations and derail my campaign for Mayor of Kensett, by the fact that you, as their attorney, included Stark Ligon, Office of Professional Responsibility and David Sachar, Judicial Discipline Commission in your email to me.

What was your purpose, as their attorney, for you to include Stark Ligon and David Sachar? The only purpose I can think of is your intent to prejudice the two ethics commission to rule against my forthcoming complaint. That, by any definition, is an act of obstructing justice, among other offenses.

Date: Saturday, July 7, 2018, 9:25:50 AM CDT
From: Don Hamrick
To: Russell A. Wood
Cc: Stark Ligon, Office of Professional Conduct
David Sachar, Judicial Discipline Commission
Allen Edge, Mayor of Kensett
Don Raney, Kensett Prosecutor
John Pollard, Kensett Chief of Police
Christina Alberson, Mayor's Assistant & Kensett Court Clerk

SUBJECT: Re: Chief Pollard and Officer Chandler – Kensett Police Department

Russell A. Wood,

I have had a day to think about your clients' false allegations. If your clients cannot prove their allegations are true, i.e., provide me with full copies of the alleged offending emails they have complained about, including the full internet headers to the emails, then your clients are vulnerable to my counter lawsuit for defamation (slander and liable) and criminal allegation of police misconduct and corruption. I construe your clients and Laura Balentine, being employed as Kensett police officers, making these false allegations as police misconduct and corruption. Your client's and other certain individuals in Kensett City Government and Kenset District Court seem to not know right from wrong and don't know enough to leave well enough alone: Leave a candidate for Mayor of Kensett alone and let me run my campaign for Mayor of Kensett on my theme to "Make Kensett a Corruption Free Zone." The actions of your clients have provided evidentiary proof the Kensett City Government is corrupt.

Here's another problem for your clients. I already have a 54-page Affidavit for Arrest Warrants against Laura Balentine (Kensett Police Officer & Kensett Water & Sewer Department Clerk) and Christina Alberson (Mayor's Assistant & Kensett District Court Clerk) compared to Laura Balentine's one-paragraph Affidavit for Arrest Warrant Against me. I have already emailed my affidavit against Laura Balentine and Christina Alberson to White County Sheriff Ricky Shourd to be forwarded to the White County Prosecutor, Rebecca Reed McCoy. I met too much resistance from Kensett Prosecutor Don Raney and Christina Alberson as Court Clerk that it was necessary to file at White County level.

I have attached my 54-page Affidavit for Arrest Warrant for your convenience to deduce who is telling you the truth. You will see where Laura Balentine got offended by my emails telling her she was rude in her emails to me and where I defended my remarks. You will also read where I gave her fair warning not to file a false police report (a crime) but she did it anyway. You will also read where I am a candidate for Mayor of Kensett and under Arkansas laws as a candidate I have the right to assess the conduct of city employees. You will also read that as an elected Mayor I have the authority to fire department heads, and by extension, city employees. You can also read where I construe Laura Balentine's Affidavit for Arrest Warrant as politically motivated with the purpose of derailing my campaign for Mayor of Kensett to protect her presumptively illegal dual-employment as a Kensett city employee. Christina Alberson's dual-employment as Mayor's Assistant and Court Clerk may be permissible under Arkansas laws.

Anything and everything I may have said or emailed was and is supported by Arkansas and federal laws. Thank your clients for me. They have given me confirming evidence of police corruption. I give you this chance to persuade your clients to withdraw the threats you conveyed to me on their behalf or they risk my counter-lawsuit for defamation for damages.

DON HAMRICK
Independent Candidate for Mayor of Kensett

EMAIL NO. 5 OF 8

Date: Saturday, July 7, 2018, 9:57:41 AM CDT
From: Russell A. Wood
To: Don Hamrick

SUBJECT: Re: Chief Pollard and Officer Chandler – Kensett Police Department

None of your issues **pertain to me** or my clients. **Please stop emailing me** and my clients. I'm not sure how the other individuals got included on my initial email to you so I have emailed you separately. I think it is inappropriate for you to continue to include those people on your emails.

Russell A. Wood

EMAIL NO. 6 OF 8

Date:Saturday, July 7, 2018, 10:40:29 AM CDT
From: Don Hamrick
To: Russell A. Wood

Subject:Re: Chief Pollard and Officer Chandler – Kensett Police Department

WHAT A MINUTE!

You claim to represent Kensett Chief of Police and Officer Chandler. Correct? YES.

By any standard in your legal profession that places you as their "go between." In other words, I have to send emails directly to you. Correct? YES.

So, why are you telling me to stop emailing you? You are violating the Canons of Ethics in the attorney-client relationship.

YOUR STATEMENT: "I'm not sure how the other individuals got included on my initial email to you so I have emailed you separately."

MY REBUTTAL: How often are you unaware of what you do? You included the other recipients yourself intentionally in your first email to me! I wondered why you did that. It didn't make sense to me. Unless you intentionally did it but now claim ignorance or innocence. However it happened the error is on you! Not me. No inuendos from you, either.

EMAIL NO. 7 OF 8

Date: Friday, July 6, 2018, 12:36:17 PM CDT
From: Russell A. Wood, J.D., B.A (Attorney for John Pollard, Chief of Police)
To: Don Hamrick
Cc: Stark Ligon, Office of Profesional Conduct
Allen Edge, Mayor of Kensett
Don Raney, Kensett Prosecutor
John Pollard, Kensett Chief of Police
Christina Alberson, Mayor's Assistant & Kensett Court Clerk
David Sachar, Judicial Discipline Commission

It is YOUR error that I had to include the other recipients in my rebuttals. You compounded the problem to the extent your competency is now in question since you demanding I stop emailing you when you are representing cleints making false allegations against me. Do you actually think you can legally demand me to stop contacting you? Isn't it my right to contact you to achieve a resolution of this dispute? That is my right in this legal system, isn't it? That's enough from me because I am starting to editorialize and I may digress into rhetoric. (That's humor!)

On serious matters now. It is my right and duty to inform you that your clients are lying to you. Are you prepared to push their case to trial based on lies? I included my affidavit as an attachment in my previous email to wise you up on the losing case you have. Don't get sucked into Kensett's corruption.

DON HAMRICK
Independent Candidate for Mayor of Kensett

EMAIL NO. 8 OF 8

Date: Saturday, July 7, 2018, 11:06:14 AM CDT
From: Don Hamrick
To: Russell A. Wood, J.D., B.A (Attorney for John Pollard, Chief of Police)

Subject: Re: Chief Pollard and Officer Chandler – Kensett Police Department

MY ADVISORY

To expose corruption you expose it to the light of day so everyone knows what's going on.

THAT'S MY FIRST AMENDMENT RIGHT TO FREE SPEECH & PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES.

DON HAMRICK
Independent Candidate for Mayor of Kensett

END OF EMAIL EVIDENCE

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19. CHARGES AGAINST CHRISTINA ALBERSON

IN ACCORDANCE WITH THE Arkansas Constitution, Article 2 Declaration of Rights, Section 14 Treason and Arkansas Criminal Code § 5-51-201 TREASON.

I charge Christina Alberson with the State and Federal criminal offenses listed below.

ADMISSIBLE RELEVANT EVIDENCE

SEE PAGES 141–144

IN THE KENSETT DISTRICT COURT

101 NE First Street, Kensett , AR 72082

State of Arkansas	)	
	)	
v.	)	Case No. CR-18-230 Obstructing Governmental
	)	Case No. CR-18-231 Harassing Communications.
Don Hamrick	)	
322 Rouse Street	)	
Kensett, Arkansas, 72082	)	Monday, September 23, 2019
	)	

OBJECTION TO MOTION:

ENTRAPMENT = FALSE CONVICTION

Evelyn Miller v. *United States*, 230 F.2d 486 at 489 (5th Cir. February 29, 1956) "*The claim and exercise of a constitutional right cannot thus be converted into a crime*."

THE ULTIMATE CONFLICT OF INTEREST FOR JUDGE DIRECT

Since Judge Derrick has lost all impartiality and fairness under the Judicial Code of Conduct I filed my MOTION TO ADD PROSECUTOR DON RANEY AS CO-DEFENDANT and MOTION TO ADD DON HAMRICK AS CO-PLAINTIFF under the Rules of Civil Procedure 18, 19, 20, & 23. **Under these circumstances Judge Derrick is prohibited from presiding over my Plea Hearing tomorrow, September 24, 2019.**

Prosecutor Don Raney's Motion is a continuing violation of my federal civil rights through *18 U.S. CODE 241 CONSPIRACY AGAINST RIGHTS* and *18 U.S. CODE 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.*

ELECTRONIC FILING

ARKANSAS ADMINISTRATIVE RULES: ORDER 21.—ELECTRONIC FILING

> Section 1(a) Purpose: This order establishes statewide policies and procedures governing the electronic filing process in **all the courts in Arkansas**.[45]

Christina Alberson blocking my ***RIGHT TO ELECTRONIC FILING*** triggered the cause and effect of malicious prosecution. In other words, she started the dominos falling leading to Laura Ballentine's ***FALSE***

[45] https://www.arcourts.gov/rules-and-administrative-orders/administrative-orders

Affidavit for Arrest Warrant, Judge Mark Derrick's ***False Arrest Warrant***, Prosecutor Don Raney's ***Malicious Prosecution***, and Judge Mark Derrick's ***False Conviction***.

I was running for Mayor of Kensett at the time. The charges violated my First Amendments as a candidate for an election. It is a federal crime under *18 U.S. Code 241 Conspiracy Against Rights* and *18 U.S. Code 242 Deprivation of Rights Under Color of Law* that Prosecutor Don Raney refuses to acknowledge my First Amendment rights and my federal and state civil rights. Judge Derrick and Prosecutor both criminalized the First Amendment.

In the Arkansas Municipal League, *Guidebook for Municipal Officials of Mayor/Council Cities*, Revised May 2017:

> **The Duties of the Mayor**
>
> All mayors are encouraged to become familiar with their duties and responsibilities by reading the sections concerning the powers of the mayor in the current Handbook. The purpose of this Guidebook is to give a summary and overview of the duties of mayor.
>
> **• The Duties of the Mayor in the Mayor-Council Form of Government**
>
> The principal officer of all Arkansas cities and towns within the mayor/council form of government is the mayor. By virtue of this position, the mayor is ex-officio president of the council. It is the mayor's responsibility to keep the city government running properly. This includes enforcing city ordinances **and making sure that the residents receive maximum benefits and services for the taxes that they pay.**

As a candidate for Mayor of Kensett I had the First Amendment right to confront Police Officer (*double employment as clerk for Kensett Water & Sewer Department*) Laura Ballentine about her rudeness in her emails. The highlighted and underlined text from the above note guidebook was my authorization to make sure that the residents receive maximum benefits and services for the taxes that they pay. The text is the same in the 2019 Edition.

Since it is clear the Case No. CR-18-230 Obstructing Governmental and Case No. CR-18-231 Harassing Communications are based on the First Amendment the prosecution and false convictions are constitutionally void. Judge Derrick and Prosecutor Don Raney are criminally running a kangaroo court in violation of Arkansas Code § 5-53-116(a) Simulating Legal Process:

> (a) A person commits the offense of simulating legal process if, with the purpose of obtaining anything of value, he or she knowingly delivers or causes to be delivered to another a request, demand, or notice that simulates any legal process issued by any court of this state.

Submitted,

Don Hamrick

WHITE COUNTY CIRCUIT COURT

Court Department at 301 West Arch Street, Searcy, AR

Laura Balentine, Police Officer	)
AND Kensett Water Dept. Clerk	)
Kensett Police	) **CASE NO. CR-18-230 WR-18-165**
101 NE 1st St	) **Obstructing Governmental Operations - Non Force**
Kensett, Arkansas 72082	) **DISMISSED**
	)
v.	) **CASE NO. CR-18-231 WR 18-165**
	) **Harassing Communications Repeatedly**
Don Hamrick	) **FALSE CONVICTION - APPEALED**
322 Rouse Street	) **FIRST AMENDMENT VIOLATION**
Kensett, AR 72082	)
______________________________	)

APPEAL OF KENSETT DISTRICT COURT'S

CASE NO. CR-18-231 WR 18-165

MY CLIFF NOTES FOR JUDGE ROBERT EDWARDS ON MY FALSE CONVICTION

For Harassing Communications Repeatedly

There are NO judicial barriers to my due process rights or to my right to a remedy for my two *FALSE CONVICTIONS*, one from last year and my current false conviction, both resulting from police misconduct, prosecutorial misconduct, malicious prosecution, abuse of process, and much of the same for judicial bias, judicial prejudice, all violating my State and Federal constitutional rights making the *KENSETT DISTRICT COURT A MODERN DAY KANGAROO COURT.* That is a statement of fact based on current information proving that *FALSE CONVICTIONS* are a global problem because corruption is everywhere.

Most of my Appeal is educational specifically for Judge Robert Edwards. I interpret the U.S. Constitution in the literal sense as a *static constitution*, NOT as a *farcical living constitution* as some believe. See *SECTION Q. THE ARTICLE V CONVENTION FOR ANOTHER EXAMPLE OF STIGMATIC HARM FROM UNCONSTITUTIONAL CONDITIONS BY CORRUPTION OF CONGRESS* prohibiting the States themselves from amending the U.S. Constitution.

My appeal adds psychology to law based on the facts I presented in the Appeal. From those facts I present my *CLIFF NOTES VERSION* on the cause and effect of my *TWO FALSE CONVICTIONS* proving more than a *REASONABLE DOUBT* but an *ABSOLUTE DOUBT* of my guilt because I am not only *FACTUALLY INNOCENT*, I am *ACTUALLY INNOCENT*. My *CLIFF NOTES* are taken from *SECTION S. MY EXCULPATORY REBUTTALS TO THE DAILY CITIZEN'S NEWS STORY* (pages 20–29) and *SECTION T. CONCLUSION* (pages 30–32).

ELECTRONIC FILING

ARKANSAS ADMINISTRATIVE RULES:

ORDER 21.—ELECTRONIC FILING

Section 1(a) Purpose: This order establishes statewide policies and procedures governing the electronic filing process in **all the courts in Arkansas**.[46]

Christina Alberson blocking my ***RIGHT TO ELECTRONIC FILING*** triggered the cause and effect, in other words, she started the dominos falling leading to Laura Ballentine's ***FALSE AFFIDAVIT FOR ARREST WARRANT***, Judge Mark Derrick's ***FALSE ARREST WARRANT***, Prosecutor Don Raney's ***MALICIOUS PROSECUTION***, and Judge Mark Derrick's ***FALSE CONVICTION***.

From these events the four of them committed the federal offenses of ***18 U.S.C. § 241 CONSPIRACY AGAINST RIGHTS*** and the ***18 U.S.C. § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW***.

It is clear from these boiled down facts that Kensett City Hall and the Kensett Kangaroo Court has criminalized the ***FIRST AMENDMENT*** right to ***PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES***. That created ***STIGMATIC HARM FROM UNCONSTITUTIONAL CONDITIONS*** that caused me to begin emailing Laura Ballantine. The burden of offense is on Christina Alberson for committing the criminal offense of violating ***ORDER 21—ELECTRONIC FILING*** (emailing the Kensett Kangaroo Court).

I can easily provide exculpatory evidence proving my innocence from my first *FALSE CONVICTION* last year. My *EXCULPATORY MOTIONS* from last year, especially my First Motion, all prove my innocence

SECTION T. CONCLUSION, is the basis for my Right to a Remedy (exoneration, and future federal case for civil damages).

I am Completely Innocent in Both Cases.

Submitted

Don Hamrick

[46] https://www.arcourts.gov/rules-and-administrative-orders/administrative-orders

- **<u>ARKANSAS CRIMINAL CODE § 5-51-201 TREASON</u>**
- ARKANSAS CRIMINAL CODE § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- ARKANSAS CRIMINAL CODE § 5-2-203 Culpable mental states — Interpretation of statutes.
- ARKANSAS CRIMINAL CODE § 5-2-209 Entrapment.
- ARKANSAS CRIMINAL CODE § 5-2-401 Criminal Liability Generally.
- ARKANSAS CRIMINAL CODE § 5-2-402 Liability for Conduct of Another Generally.
- ARKANSAS CRIMINAL CODE § 5-2-403 Accomplices.
- ARKANSAS CRIMINAL CODE § 5-3-201 Conduct Constituting Attempt.
- ARKANSAS CRIMINAL CODE § 5-3-202 Complicity.
- ARKANSAS CRIMINAL CODE § 5-3-401 Conduct Constituting Conspiracy.
- ARKANSAS CRIMINAL CODE § 5-3-402 Scope of Conspiratorial Relationship.
- ARKANSAS CRIMINAL CODE § 5-3-403 Multiple Criminal Objectives.
- ARKANSAS CRIMINAL CODE § 5-36-103(a) Theft of property (Unlawful Repossession of 2013 Toyota Sienna through false arrest)
- ARKANSAS CRIMINAL CODE § 5-71-208. Harassment

5. Federal Offenses:

- **<u>18 U.S. CODE § 2381. TREASON</u>**
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.
- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS

20. CHARGES AGAINST LAURA BALLENTINE

IN ACCORDANCE WITH THE Arkansas Constitution, Article 2 Declaration of Rights, Section 14 Treason and ARKANSAS CRIMINAL CODE § 5-51-201 TREASON,

I charge Laura Ballentine, Clerk for the Water & Sewer Department of the City of Kensett with the State and Federal criminal offenses listed below.

SEE ADMISSIBLE RELEVANT EVIDENCE p. 140

SEE ADMISSIBLE EVIDENCE OF RACKETEERING IN UNLAWFUL DEBT 18 U.S. CODE § 1962(a), NEXT TWO PAGES..

18 U.S. Code § 1962(a) RACKETEERING IN UNLAWFUL DEBT.

> *It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of* ***racketeering activity*** *or* ***through collection of an unlawful debt*** *in which such person has participated as a* ***principal*** *within the meaning of* ***section 2, title 18, United States Code****, to use or invest, directly or indirectly, any part of such income.*

Both Laura Ballentine, Clerk for the Kensett water and Sewer Department (*she was also a Kensett Police Officer while employed as a Clerk, for the Kensett water and Sewer Department, buy I don't know if that is still true today*) and John Pollard, Chief of Police present themselves as rude and insociable people. Both employed manipulation tactics such as Vilifying the Victim,[47] Playing the Victim,[48] Playing Innocent,[49] Evasion and Diversion,[50] Lying,[51] Playing the Blame Game,[52] Minimization: Trivializing [*their own*] Behavior,[53]

These are the manipulation tactics used in the Wheel Conspiracy referred to in pages 99, 112, 116, 117. The letter on page 148 is not signed in violation of accountability in the administration of municipal business to prevent fraud.

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[47] https://counsellingresource.com/features/2009/03/23/vilifying-the-victim/

[48] https://counsellingresource.com/features/2009/03/16/playing-the-victim/

[49] https://counsellingresource.com/features/2009/03/10/manipulation-by-acting-dumb/

[50] https://counsellingresource.com/features/2009/03/10/manipulation-by-acting-dumb/

[51] https://counsellingresource.com/features/2009/03/04/lying-ultimate-manipulation-tactic/

[52] https://counsellingresource.com/features/2009/02/27/blame-game/

[53] https://counsellingresource.com/features/2009/02/23/minimization-manipulation-tactic/

CITY OF KENSETT

Water and Sewer Department

P.O. Box 305
Kensett. Arkansas 72082
(501) 742-3191
FAX (501) 742-3297

BAD CHECK

The Arkansas Hot Check Law (Ark. C. 5-37-301, et seq.) makes it unlawful for any person to make, draw, utter, or deliver, a bad check knowing that the maker, drawer, or payor does not have sufficient funds in or on deposit with the bank or has good reason to believe that the check would not be paid upon presentation, (Ark. C. 5-37-302.) A person is presumed to have intent to defraud and knew that the check would be dishonored if he had no account with the drawee bank at the time the check was issued, or his check was refused by the drawee bank within thirty (30) days upon presentation, and he fails to pay the amount of the check plus $27.00 service charge within ten (10) days after receiving written notice of dishonor. (Ark. C. 5-37-304.)

December 30, 2019

Patsy Hays
322 Rouse Street
Kensett, AR 72082

You are hereby notified that the check(s) or instrument(s) listed below (has) (have) been dishonored. Pursuant to Arkansas law, you have ten (10) days from receipt of this notice to tender payment of the total amount of the check(s) or instrument(s), plus the applicable service charge(s) of **$ 27.00**, the total amount due being **$79.86** Unless this amount is paid in full within the time specified above, the dishonored check(s) or instrument(s) and all other available information relating to this incident may be turned over to the Prosecuting Attorney for criminal prosecution.

CHECK NO.	CHECK DATE	CHECK AMOUNT	NAME OF BANK
1099	12/05/2019	$52.86	First Security

Sincerely,

Laura Balentine, Clerk

In the event this department receives two returned checks from the same customer, the customer will not be allowed to pay future bills by check. If the amount is not paid in full within 10 days of the date of this notice services will be interrupted until payment is made.

City of Kensett

Water & Sewer Department
P.O. Box 305
Kensett, Arkansas 72082
(501) 742-3191 – FAX (501) 742-3297

January 7, 2020

To: Patsy Hays
Dear Mrs. Hays,

Your Payment by check will not be accepted as payment for the returned check you have previously received a letter for. Per our records the previous letter was dated December 30, 2019. Only cash payment will be accepted. The returned check notice dated December 30, 2019 states you have 10 days from receipt of the letter to pay the returned check amount of $52.86 PLUS the returned check fee of $27.00 for a total payment of $79.86 which MUST be paid in cash or your services will be disconnected, another check will NOT be accepted for that payment. Your prompt attention in this matter is appreciated.

- **<u>ARKANSAS CRIMINAL CODE § 5-51-201 TREASON</u>**
- ARKANSAS CRIMINAL CODE § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- ARKANSAS CRIMINAL CODE § 5-2-203 Culpable mental states — Interpretation of statutes.
- ARKANSAS CRIMINAL CODE § 5-2-209 Entrapment.
- ARKANSAS CRIMINAL CODE § 5-2-401 Criminal Liability Generally.
- ARKANSAS CRIMINAL CODE § 5-2-402 Liability for Conduct of Another Generally.
- ARKANSAS CRIMINAL CODE § 5-2-403 Accomplices.
- ARKANSAS CRIMINAL CODE § 5-3-201 Conduct Constituting Attempt.
- ARKANSAS CRIMINAL CODE § 5-3-202 Complicity.
- ARKANSAS CRIMINAL CODE § 5-3-401 Conduct Constituting Conspiracy.
- ARKANSAS CRIMINAL CODE § 5-3-402 Scope of Conspiratorial Relationship.
- ARKANSAS CRIMINAL CODE § 5-3-403 Multiple Criminal Objectives.
- ARKANSAS CRIMINAL CODE § 5-36-103(a) Theft of property (Unlawful Repossession of 2013 Toyota Sienna through false arrest)
- ARKANSAS CRIMINAL CODE § 5-71-208. Harassment

5. Federal Offenses:

- **<u>18 U.S. CODE § 2381. TREASON</u>**
- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.
- 18 U.S. CODE § 1513(b)(e)(f)(g) RETALIATING AGAINST A VICTIM (CHAPTER 73 OBSTRUCTION OF JUSTICE)
- 18 U.S. CODE § 1514. CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS

EMAIL NO. 9

Date: Saturday, March 10, 2018, 9:38:20 PM CST

From: Don Hamrick<ki5ss@yahoo.com>
To: Laura Balantine<lbalentine.kensett@gmail.com>

Subject: VARIOUS

YOU STATED: In your February 28 email: "... ***the city does not have what you continue to refer to as a PUBLIC WORKS DEPARTMENT but the street and sanitation department does not have an email address*** ..."

MY REBUTTAL: Online from the *ARKANSAS MUNICIPAL LEAGUE: KENSETT CITY OFFICIALS* lists ***"STEVE BROWN" AS THE DIRECTOR OF PUBLIC WORKS***. Can you clarify why you assert "Street and Sanitation Department." Which is the correct job title?

IN YOUR NEXT EMAIL YOU STATED: "... and what you are returning to me is considered **personally threatening and harassing and if you continue to do so I will have no other choice but to pursue an affidavit for said charges**.

HARRASS

MY REBUTTAL: My emails to you? NO WAY were they personally threatening or harassing. **I am running for Mayor of Kensett. My comments to you were strictly political under the First Amendment right to freedom of speech because you are a public employee accountable to the people of Kensett on the possibility that I might be elected Mayor of Kensett. My comments to you were, and are based on the language and tone of your emails. Your emails were, in fact, rude and defensive. Your use of the phrase "*personally threatening*" indicates that you tend to exagerate. That seems to be the S.O.P. for the City of Kensett because I was falsely arrested and falsely jailed by John Polard. I was maliciously prosecuted by Don Raney even though the first 9 seconds of the arrest video proved my innocence. I forced Judge Mark Derrick to recuse himself from his hostile display of bias resulting from my Motion for Recusal during the pre-trial stage. The replacement judge, (Special Judge?) Milas Hale falsely convicted me for assualt immediately after I proved my innocence to the charge of Domestic Battery in the 3rd Degree then immediately adjourned. That is an abuse of my due process rights**.[12]

I strongly suggest you reconsider your legal threat to pursue an affidavit for your alleged charges based on your exaggeration of your presumed facts not in evidence. I direct your attention to ***ARKANSAS CODE § 5-54-122. FILING FALSE REPORT WITH LAW ENFORCEMENT AGency***.[13]

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[12] My Emphasis: Examples of corruption.

[13] Laura Balentine was warned of the consequences for filing a false police report (including filing a false affidavit for the arrest warrant with Prosecutor Don Raney). Laura Balentine ignored my warnng. She filed her false affidavit for the arrest warrant March 12, 2018 without my knowing that fact. I was arrested Saturday, June 9, 2018, (*1 week shy of 3 months from the date of the Arrest Warrant*). Kenett Police drive up and down Doniphan Street passing Rouse Street and passing me as I work in my yard without stopping to make the arrest much sooner than 3 months. Does Police Chief Bollard NOT check the arrest warrants issued?

WHY? I know my rights and I know the law, federal and state. SEE THE ATTACHED PDF.

I filed a civil complaint against Judge Mark Derrick in the U.S. District Court in Little Rock. Dismissed by Judge Moody (I am claiming judicial bias because he dismissed my Second Amendment case in 2006 against President Bush). Appealed to the 8th Circuit—dismissed (rubber-stamping the lower federal court). I submitted my Motion for Rehearing. I filed seven Addendums to Motion for Rehearing. The last was my post-false-conviction making a fully developed case on appeal. In my appeal I am demanding certain remedies, the most important is my demand for an FBI Public Corruption investigation into the Kensett District Court that I have characterized as a kangaroo court.

Where I was falsely convicted as an innocent defendant that begs the question for the FBI. How many innocent defendants were convicted before me?

HNATACC

All this is part of my campaign platform:

Make Kensett a Corruption Free Zone.

21. CHARGES AGAINST MID-SOUTH HEALTH SYSTEMS

IN ACCORDANCE WITH THE,

I charge Mid-South Health Systems, Jonesboro, Arkansas with the State and Federal criminal offenses listed below.

- **ARKANSAS CRIMINAL CODE § 5-51-201 TREASON**
- ARKANSAS CRIMINAL CODE § 5-2-202 Culpable mental states: Purposely, Knowingly, Recklessly, and Negligently.
- ARKANSAS CRIMINAL CODE § 5-2-203 Culpable mental states — Interpretation of statutes.
- ARKANSAS CRIMINAL CODE § 5-2-209 Entrapment.
- ARKANSAS CRIMINAL CODE § 5-2-401 Criminal Liability Generally.
- ARKANSAS CRIMINAL CODE § 5-2-402 Liability for Conduct of Another Generally.
- ARKANSAS CRIMINAL CODE § 5-2-403 Accomplices.
- ARKANSAS CRIMINAL CODE § 5-3-201 Conduct Constituting Attempt.
- ARKANSAS CRIMINAL CODE § 5-3-202 Complicity.
- ARKANSAS CRIMINAL CODE § 5-3-401 Conduct Constituting Conspiracy.
- ARKANSAS CRIMINAL CODE § 5-3-402 Scope of Conspiratorial Relationship.
- ARKANSAS CRIMINAL CODE § 5-3-403 Multiple Criminal Objectives.
- ARKANSAS CRIMINAL CODE § 5-71-208. Harassment

5. Federal Offenses:

- 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS;
- 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.

22. RUNNING FOR MAYOR OF KENSETT, ARKANSAS IS A MISDEMEANOR CRIMINAL OFFENSE. (JUSTIFIED SARCASM)

I ran for Mayor of Kensett, Arkansas in the previous election. My agenda was to make Kensett a "CORRUPTION FREE ZONE." I did not win the election because I was not a home-grown citizen of Kensett. White County has had a long-running reputation as being the most corrupt county in Arkansas. I suffered multiple false arrests, multiple malicious prosecutions, and multiple misdemeanor false convictions just because I threatened to make Kensett a "CORRUPTION FREE ZONE."

I was recently arrested again on false charges on January 13, 2020. I spent 3-weeks in jail until my V. A. pension got Direct Deposited into my bank account. The arrest prevented me from making the car payment on my mother's 2013 Toyota Sienna. I had been making all the car payments because my mother (age 86, I am her live-caregiver) could not afford the payments. The car got repossessed and towed to Little Rock when I was in jail. The car will be transported to Tennessee for auction. This recent false arrest recked my life and my mother's life. I now clearly have enough evidence to prove the criminal charges against the named Defendants.

THE SIXTH 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.*

On the day of my most recent false arrest, I gave the car keys to John Pollard (Chief of Police for the City of Kensett) to drive the car to my mother's driveway. He took the keys, not saying a word. Under the law on contracts Pollard accepting the keys under my explicit condition to drive the car to her driveway without saying a word is an implied agreement. But Pollard called the towing company. The car got towed after I was taken to jail. That is a breach of an implied contract. It is an act of police misconduct and an abuse of process.

Given the history of my multiple misdemeanor false convictions, the repossession violated the Sixth Amendment protection against illegal seizure without due process. The car was towed to Little Rock and transported to Tennessee for auction. My mother has chronic back pain. The car was needed for appointments at the V.A. Medical Center for my her medical health and treatments. The repossession is tantamount to torture, a claim, among other claims I will allege. I have enough evidence to arrest John Pollard and Laura Ballentine, among several others on Federal Offenses: (1) 18 U.S. CODE § 241 CONSPIRACY AGAINST RIGHTS; and (2) 18 U.S. CODE § 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.

I have legal standing to sue for monumental damages. This affidavit and my Tenth Amendment Arrest Warrant is my test of the Tenth Amendment power reserved to the People themselves to the federal court for the arrest and prosecution of John Pollard, Laura Ballentine, among several others. I will fight back with a vengeance against the continual harassment and violations of my Constitutional rights and the repeated denials of my Constitutional Right to Remedies by the courts, especially this FEDERAL COURT.

See Email 2 of 8 on page 60 herein for my confirming evidence that **John Pollard, Chief of Police for the City of Kensett**, corruptively committed several criminal offenses of my Constitutional rights including **18 U.S. CODE § 1512(b) TAMPERING WITH A … VICTIM.**

23.THE ENTIRE HISTORY OF UNITED STATES IS BASED ON A SINGULAR ACT OF JUDICIAL TREASON AGAINST THE CONSTITUTION

Absolute Immunity and Qualified immunity for State and Federal judges and even the Justices of the U.S. Supreme Court cannot coexist with the "**NO ONE IS ABOVE THE LAW DOCTRINE**." The combination of immunities in conflict with the Doctrine is Treason against the Constitution because the result produced a System of Justice that caused the United States to achieve the Number 1 Position of being the country with the most people in prison and jail than any other country in the world. Combine that disgrace with the resurrection of Debtor's Prisons and kangaroo courts obsession with increasing revenue of the backs of the poor makes the current justice system a schizophrenic system of justice in violation of the Absurdity Doctrine. The United States has once again not only become a prison nation but also a slave nation to judicial debtor's prison. The land of the free is a delusion today.

SUGGESTIONS FOR NATIONAL REFORM:

(1). **Abandon Identity Politics.** Put greater emphasis on American identity and unity of society.

(2). **VIOLENT CRIME & MASS MURDER PREVENTION?** Accept the fact that gun control is a delusion. The SECOND AMENDMENT was originally intended to protect NATIONAL OPEN CARRY as a vital and necessary function of the COMMON DEFENCE and it is protected by the PRIVILEGES AND IMMUNITIES CLAUSE.

Gun Control laws have destroyed the COMMON DEFENCE. For several years, decades now, SINGLE SHOOTERS/MASS MURDERS are caused by gun control laws because State legislators and Congress refuse to believe Gun control is a delusion. What is the definition of "INSANITY?"

(3). **THE LONG-TERM SOLUTION FOR CRIME PREVENTION?** Teach children **CRITICAL THINKING & OCCAM'S RAZOR** in elementary schools. Children will learn to think for themselves and stay away from group think of anti-social groups.

(4). **ESTABLISH A NATIONAL CODE OF CONDUCT. THE GOLDEN RULE**, a.k.a. **THE RECIPROCITY OF ETHICS**, is part of nearly every religion in the world. So, there is no religious discrimination there because **THE GOLDEN RULE** is not specific to any particular religion because it is a universal truth.

The U.S. Supreme Court can rule Satanism and Atheism are not protected by the First Amendment. The Supreme Court can even rule that Satanism and Atheism are acts of Treason against the First Amendment.

24. THE CULTURE OF TREASON AGAINST THE CONSTITUTION.

According to the WORLD PRISON BRIEF by the INSTITUTE FOR CRIME $ JUSTICE POLICY RESEARCH (ICPR) and BIRBECK UNIVERSITY OF LONDON (UK), The United States has the most people in prison than any country in the world at 2,121,600 people in prison.[54]

According to the BBC NEWS WORLD PRISON POPULATIONS PRISON RATES the United States has the world's highest rate. "*Prison rates in the US are the world's highest, at 724 people per 100,000. In Russia the rate is 581*."[55]

According to the Prison Policy Initiative's States of Incareration: The Global Context 2018 by Peter Wagner and Wendy Sawyer, June 2018[56]

> Oklahoma now has the highest incarceration rate in the U.S., unseating Louisiana from its long-held position as "the world's prison capital." By comparison, states like New York and Massachusetts appear progressive, but even these states lock people up at higher rates than nearly every other country on earth. Compared to the rest of the world, every U.S. state relies too heavily on prisons and jails to respond to crime.

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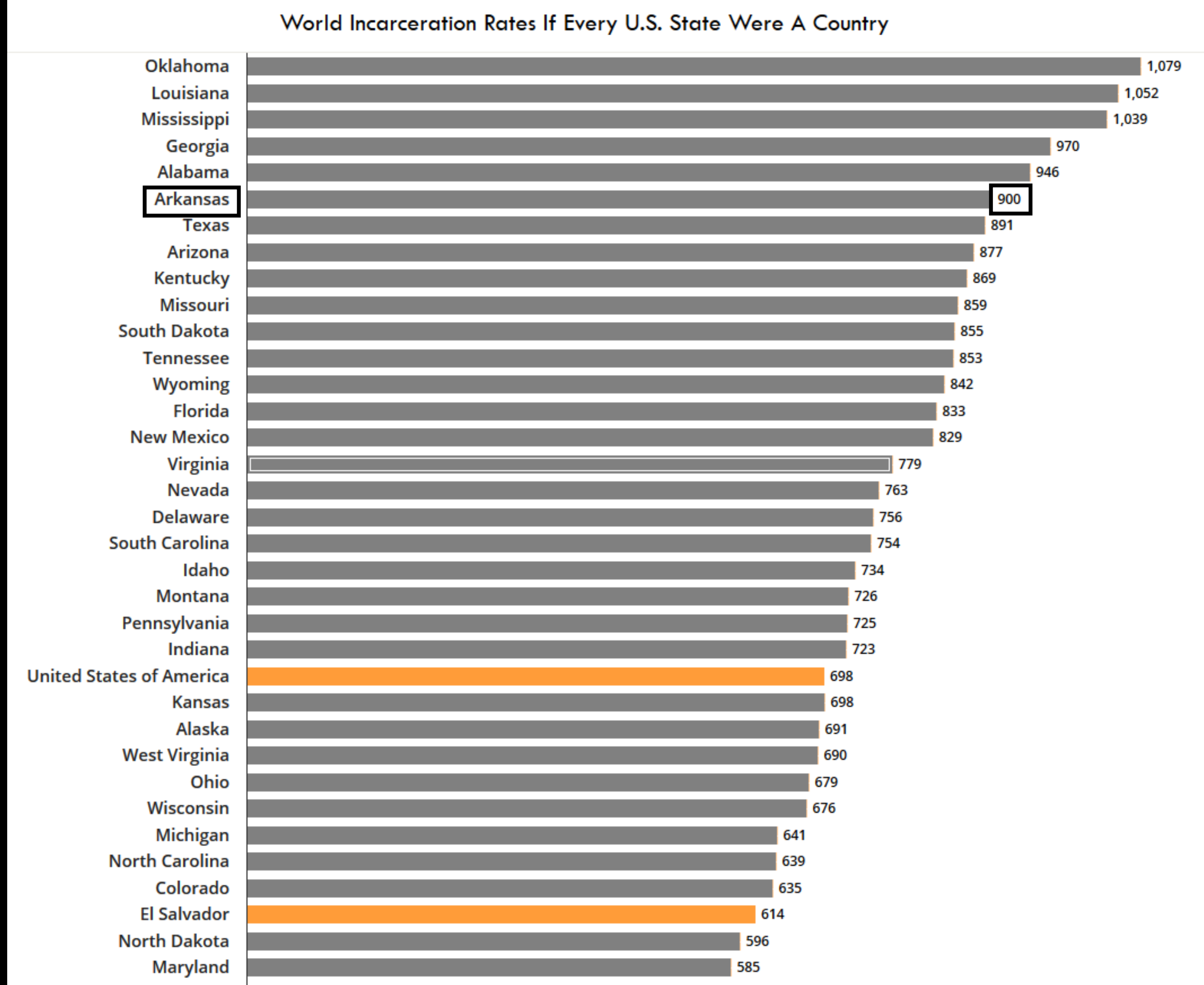
[54] www.prisonstudies.org/ highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All

[55] http://news.bbc.co.uk/2/shared/spl/hi/uk/06/prisons/html/nn2page1.stm

[56] https://www.prisonpolicy.org/global/2018.html

Figure 1. This graph shows the number of people in state prisons, local jails, federal prisons, and other systems of confinement from each U.S. state per 100,000 people in that state and the incarceration rate per 100,000 in all



countries with a total population of at least 500,000.

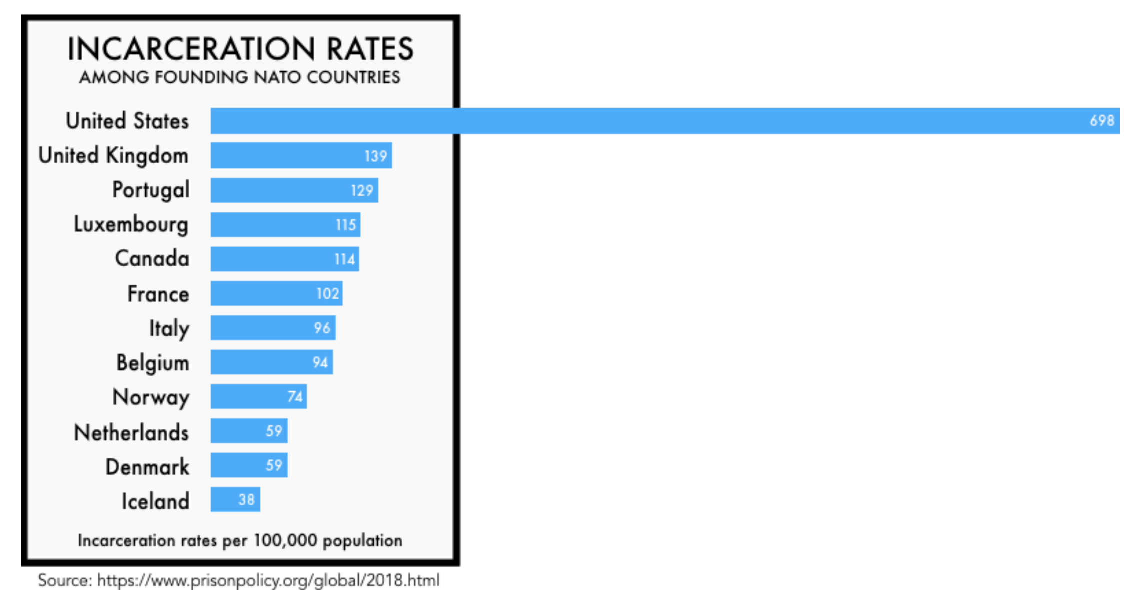
The graphic above charts the incarceration rates of every U.S. state alongside those of the other nations of the world. And looking at each state in the global context reveals that, in every region of the country, incarceration is out of step with the rest of the world.

If we imagine every state as an independent nation, as in the graph above, every state appears extreme. 23 states would have the highest incarceration rate in the world — higher even than the United States. Massachusetts, the state with the lowest incarceration rate in the nation, would rank 9th in the world, just below Brazil and followed closely by countries like Belarus, Turkey, Iran, and South Africa.

In fact, many of the countries that rank alongside the least punitive U.S. states, such as Turkmenistan, Thailand, Rwanda, and Russia, have

authoritarian governments or have recently experienced large-scale internal armed conflicts. Others struggle with violent crime on a scale far beyond that in the U.S.: El Salvador, Russia, Panama, Costa Rica, and Brazil all have murder rates more than double that of the U.S. Yet the U.S., "land of the free," tops them all.

But how does the U.S. compare to countries that have stable democratic governments and comparable crime rates? Next to our closest international peers, our use of incarceration is off the charts:



Source: https://www.prisonpolicy.org/global/2018.html

Conclusion

For four decades, the U.S. has been engaged in a globally unprecedented experiment to make every part of its criminal justice system more expansive and more punitive. As a result, incarceration has become the nation's default response to crime, with, for example, 70 percent of convictions resulting in confinement — far more than other developed nations with comparable crime rates.

Today, there is finally serious talk of change, but little action that would bring the United States to an incarceration rate on par with other stable democracies. The incremental changes made in recent years aren't enough to counteract the bad policy choices built up in every state over decades. For that, all states will have to aim higher, striving to be not just better than the worst U.S. states, but among the most fair and just in the world.

Methodology

Like our report, Mass Incarceration: The Whole Pie, this report takes a comprehensive view of confinement in the United States that goes beyond the commonly reported statistics by more than 100,000 people to offer a fuller picture of this country's different and overlapping systems of confinement.

This broader universe of confinement includes justice-involved youth held in juvenile residential facilities, people detained by the U.S. Marshals Service (many pre-trial), people detained for immigration offenses, sex offenders indefinitely detained or committed in "civil commitment centers" after completing a sentence, and those committed to psychiatric hospitals as a result of criminal charges or convictions. They are not typically included in the official statistics that aggregate data about prison and jails for the simple reason that these facilities are largely separate from the state and local systems of adult prisons and jails. That definitional distinction is relevant to the people who run prisons and jails, but is irrelevant to the advocates and policymakers who must confront the overuse of confinement by all of the various parts of the justice systems in the United States.

We included these confined populations in the total incarceration rate of the United States and, wherever state-level data made it possible, in state incarceration rates. In most states, these additions have a small impact on the total rate, and they don't impact the rankings by more than one or two positions for any state. In a few places, however, these other systems of confinement merit closer attention. For example, although Minnesota has one of the lowest overall incarceration rates, Minnesota is second only to the much larger state of California for civil commitment and detention of people convicted of sex offenses. Other states, including Oregon, Pennsylvania, and Indiana, confine large numbers of youth, to the point that the inclusion of these youth adds more than 20 people per 100,000 to their incarceration rates.

As a result of our choice to take a broader view of incarceration, this report creates a unique U.S. dataset that offers a complete look at all kinds of justice-related confinement in each state. We explain our specific data sources in more detail below and provided the raw data for the component parts of our calculations in an appendix to this report.

Our data on other countries comes from the indispensable Institute for Criminal Policy Research's World Prison Brief.

MY COMMENT: The History of the United States has repeated itself. The United States is now, once again not only a Prison Nation but also a Slave Nation with Debtor's Prisons and kangaroo Courts. The United States being the Land of the Free is a Delusion Today.

C. THE BOILED FROG THEORY OF TREASON AND DOMESTIC ENEMIES

1. Prosecutors and judges operating Debtor's Prison schemes in the State of Arkansas, as well in any State are operating **outside all jurisdictions** to unconstitutionally increase revenue by imposing questionable arrests, excessively high court fines, fees, costs, and bail against the poor in defiance of the poor's ability to pay trans form legal courts into kangaroo courts committing treason against the CONSTITUTION of the STATE OF ARKANSAS and against the CONSTITUTION of the UNITED STATES. Anyone who is associated with Debtor's Prisons and Kangaroo Courts are equally committing Treason against the stated Constitutions. **GOVERNOR ASA HUTCHINSON**, **DAVID SACHAR**, Director, Judicial Discipline Commission, and **STARK LIGON,** Director, Office of Professional Responsibility are directly associated with aiding and abetting in **levying and making war** against the above Constitutions supported by the evidence presented in my accompanying OMNIBUS AND PARTICULARIZED COMPLAINT that presents enoug evidence under the RES IPSA LOQUITER DOCTRINE to to satisfy the requisite Probable Cause element for this **TENTH AMENDMENT CITIZEN'S FEDERAL ARREST WARRANT**. All the name defendants lose all immunity protections, including Asa Huthcinson, Governor of Arkansas.
2. The Constitution of the State of Arkansas defines Treason in ARTICLE 2 DECLARATION OF RIGHTS, § 14. Treason:

> "Treason against the State shall only consist in **levying and making war against the same**, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

3. The United States Constitution defines Treason in Article III, Section 3, as: "*Treason against the United States, shall consist only in **levying War** against them, or **in adhering to their Enemies**, **giving them Aid and Comfort***."
4. In the Treason is defined in 18 U.S. Code § 2381 as: "*Whoever, owing allegiance to the United States, **levies war** against them or **adheres to their enemies, giving them aid and comfort within the United States** or elsewhere, is guilty of treason and **shall suffer death**, or shall be imprisoned not less than five years and fined under this title but*

*not less than $10,000; and **<u>shall be incapable of holding any office under the United States</u>**.*

5. For the purposes of this CITIZEN'S FEDERAL ARREST WARRANT under the TENTH AMENDMENT powers reserved to the People themselves and *Chisholm* v. *Georgia*, 2 U.S. 2 Dall. 419, at 479 (1793) declaring "*the people are the sovereign of this country*" **<u>levying and making war against the same</u>**,

6. PERSONAL AND FINANCIAL INJURIES, DAMAGES & RESTITUTION: I am claiming Personal Injuries and Financial injuries from STIGMATIC HARM FROM UNCONSTITUTIONAL CONDITIONS that includes ABUSE OF PROCESS, OBSTRUCTIONS OF JUSTICE, RACKETEERING IN UNLAWFUL DEBT through an UNCONSTITUTIONAL DEBTOR'S PRISON SCHEME combined with the resulting stress from multiple false arrests, multiple misdemeanor false misdemeanor convictions causing my congestive heart attack, a mini-stroke, and a full stroke 6 months ago, and the repossession of my mother's 2013 Toyota Sienna to which I a have been making all the car payments from my only income, my non-service related V.A. Pension's annual income (*Monthly Direct Deposits $1,146.00 X 12 months = $13,752 || 2020 Federal Poverty Guidelines*[57] *for a two family members household* {*I am, age 64, a live-in caregiver for my mother, age 86 receiving her own Social Security income*} *= $21,550 - $13.752 = $7.798 BELOW the 2020 Federal Poverty Guidelines*.)

7. The STATE OF ARKANSAS is directly liable for damages and restitution in light of the fact that the STATE OF ARKANSAS has lost all immunities from prosecution for Debtor's Prisons and kandaroo courts in Arkansas committing TREASON against the CONSTITUTION OF THE STATE OF ARKANSAS and the CONSTITUTION OF THE UNITED STATES.

8. This affidavit contains information necessary to support probable cause for this TENTH AMENDMENT CITIZEN'S FEDERAL ARREST WARRANT. It is not intended to include every fact or matter experienced by me or known by the Government. The information provided is based on my personal knowledge and observations during the course of my life from *Hamrick* v. *President Bush*, 540 U.S. 940 (2003) to the present day under the **CONTINUING VIOLATIONS DOCTRINE** *proving* I have no enforceable rights in the federal courts as a *pro se* complainant and a *pro se* appellant up to and including the U.S.

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[57] https://aspe.hhs.gov/poverty-guidelines

Supreme Court (*Hamrick* v. *President Bush*, 540 U.S. 940 (2003); SCt 03-145; (***Check PACER to Verify that Claim***); and also proving my innocence against the State for politically motivated repeated false arrests and misdemeanor false convictions committed by the Prosecutor Don Raney, Special Judge Milas Hale from Sherwood, Arkansas (*my second misdemeanor false conviction, post-recusal resulting from my Motion for Recusal of Judge Mark Derrick for bias displayed in open court*); in addition to the remaining named State defendants up to and including **ASA HUTCHINSON, GOVERNOR OF ARKANSAS** for aiding and abetting in criminal violations of **ARKANSAS CRIMINAL CODE 5-53-116 SIMULATING LEGAL PROCESS** (*Running or aiding and abetting unconstitutional Debtor's Prison schemes for the purpose of increased revenue against the poor by transforming legal courts into kangaroo courts operating outside all jurisdictions*), **meaning that prosecutors, judges, and anyone associated with kangaroo courts have absolutely no immunities from prosecution**. **The loss of all immunities extends to ASA HUTCHINSON as the GOVERNOR OF ARKANSAS responsible for Arkansas's Judicial System**. **Especially so when *ARKANSAS CRIMINAL CODE 5-53-131 FRIVOLOUS, GROUNDLESS, OR MALICIOUS PROSECUTIONS* when compared to *ARKANSAS RULES OF CIVIL PROCEDURE, RULE 72(d) SUITS IN FORMA PAUPERIS (No person shall be permitted to prosecute any action of slander, libel or malicious prosecution in forma pauperis)* is an implied consent by State Action to unconstitutionally discriminate against the poor. Rule 72(d) standing in violation of the *ARKANSAS CONSTITUTION, ARTICLE 2 DECLARATION OF RIGHTS, § 3. EQUALITY BEFORE THE LAW*. Rule 72(d) corrupts the entire *ARKANSAS JUDICIAL SYSTEM*.**

9. I traced the origin of the resurgence of unconstitutional Debtors' Prisons to former U.S. Attorney General Jeff Sessions' response to EXECUTIVE ORDER 13777 ENFORCING THE REGULATORY REFORM AGENDA. Then U.S. Attorney General Jeff Sessions' caused the resurgence of Debtors' Prisons all across the country transforming legal courts into kangaroo courts when he rescinded DOJ GUIDANCE DIRECTIVE No. 11, *DEAR COLLEAGUE LETTER ON ENFORCEMENT OF FINES And Fees* (March 2016). Rescinding that that Guidance Directive Jeff Session caused the resurgence of Debtors' Prisons all across America spurring ***False Convictions of the Innocent***.[58]

[58] See President Trump's *EXECUTIVE ORDER 13777 ENFORCING THE REGULATORY REFORM AGENDA*, dated February 24, 2017. Available online at: https://www.gpo.gov/fdsys/pkg/FR-2017-03-01/pdf/2017-

10. It is NOT in the State's interests to allow Debtors' Prisons to operate in Arkansas. Nor is it in the United States' interest to leave Debtor's Prisons and kangaroo courts in play. Through intended or unintended consequences, former Attorney General Jeff Sessions' response to Executive Order 13777 Enforcing the Regulatory Reform Agenda caused the resurgence of Debtors' Prisons all across the country transforming legal courts into kangaroo courts when he rescinded 25 Guidance Directives on December 21, 2017. Of those 25 directives, it is the DOJ Guidance Directive No. 11, *Dear Colleague Letter on Enforcement of Fines and Fees* (March 2016) that caused the resurgence of Debtors' Prisons all across America spurring ***False Convictions of the Innocent***.[59]

11. Arkansas has a law against debtors' prisons and kangaroo courts. That law is Arkansas Code § 5-53-116 Simulating Legal Process.

Arkansas Code § 5-53-116 Simulating Legal Process.

> (a) A person commits the offense of simulating legal process if, with the purpose of obtaining anything of value, he or she knowingly delivers or causes to be delivered to another a request, demand, or notice that simulates any legal process issued by any court of this state.

12. Judges in Arkansas adapted to former Attorney General Jeff Sessions' rescinding Guidance Directive No. 11, *Dear Colleague Letter on Enforcement of Fines and Fees* (March 2016). I do not know how many courts in Arkansas have become kangaroo courts. But I do know Judge Mark Derrick with Prosecutor Don Raney Raney are

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04107.pdf. See also, *ATTORNEY GENERAL JEFF SESSIONS RESCINDS 25 GUIDANCE DOCUMENTS*, dated December 21, 2017. Available online at: https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-rescinds-25-guidance-documents. See item 11 in that list of 25 Guidance Documents: 11. *DEAR COLLEAGUE LETTER ON ENFORCEMENT OF FINES AND FEES* (March 2016) Available online at https://www.justice.gov/opa/file/832541/download. **It is widely reported in the media that the Dear Colleague Letter is responsible for the resurgence of Debtors' Prisons across America**.

[59] See President Trump's *EXECUTIVE ORDER 13777 ENFORCING THE REGULATORY REFORM AGENDA*, dated February 24, 2017. Available online at: https://www.gpo.gov/fdsys/pkg/FR-2017-03-01/pdf/2017-04107.pdf. See also, *ATTORNEY GENERAL JEFF SESSIONS RESCINDS 25 GUIDANCE DOCUMENTS*, dated December 21, 2017. Available online at: https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-rescinds-25-guidance-documents. See item 11 in that list of 25 Guidance Documents: 11. *DEAR COLLEAGUE LETTER ON ENFORCEMENT OF FINES AND FEES* (March 2016) Available online at https://www.justice.gov/opa/file/832541/download. **It is widely reported in the media that the Dear Colleague Letter is responsible for the resurgence of Debtors' Prisons across America**.

running a debtor's prison scheme and turned Kenset District Court into a kangaroo court.

13. A kangaroo court is defined by Merriam-Webster Dictionary as a mock court in which the principles of law and justice are disregarded or perverted; and as a court characterized by irresponsible, unauthorized, or irregular status or procedures. Referring to something as a *kangaroo court* [60] usually carries with it a negative inference because of the manner in which they are conducted. *Applying Laws Retroactively*, *Lack of Impartial Judges, Absence of the Most Basic Constitutional Rights* are three features of a kangaroo court that set it apart from normally accepted principles of fairness and justice. Court proceedings that lack the due process protections people associate with courts of law have earned the name "kangaroo court." As a general rule, a kangaroo court is any proceeding that attempts to imitate a fair trial or hearing without the usual due process safeguards including the right to call witnesses, the right to confront your accuser and a hearing before a fair and impartial judge. Kangaroo court proceedings are usually a sham carried out without legal authority in which the outcome has been predetermined without regard to the evidence or to the guilt or innocence of the accused. For a treatise on the frequent use of the term "*kangaroo court*" see, Parker B. Potter, Jr., *Antipodal Invective: A Field Guide to Kangaroos in American Courtrooms*, 39 Akron Law Review 73 (2006).

14. I cannot stress enough the comparison of bad judges looking down on poor people and caregivers in Geoffrey P. Miller, *Bad Judges*, 83 Texas Law Review 431 (December 2004). I am a poor person, age 63, and my only income is a V.A. pension that puts me $3,368 below the *2019 Federal Poverty Guidelines* and a caregiver to my own mother, age 85:

> [Geoffrey P. Miller's] article explores the problem of **bad judges**—jurists who are incompetent, self-indulgent, abusive, or corrupt. These bad judges terrorize courtrooms, impair the functioning of the legal system, and undermine public confidence in the law. …
>
> In jurisdictions across the country, complaints are heard about judges and magistrates who are incompetent, self-indulgent, abusive, or corrupt. These

[60] https://thelawdictionary.org/article/three-features-kangaroo-court/ (*Featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed*.)

bad judges terrorize courtrooms, impair the functioning of the legal system, and undermine public confidence in the law. They should not be allowed in office, yet many retain prestigious positions even after their shortcomings are brought to light. The situation, moreover, does not appear to be under control. If recent scandals in New York and other states are a guide, incidents of judicial misconduct may be on the rise.

The problem of bad judges is embedded in broader considerations about the optimal design of the judiciary in American political culture. A basic tradeoff exists between independence, accountability, and quality. To preserve independence, it is necessary to insulate judges from external controls over their behavior. If judges are protected from external controls, however, **they have fewer incentives to provide quality services**. To ensure accountability, judges must be subject to democratic processes, but influence and patronage, enemies of good judging, are inevitable when judges are chosen by political means. **The challenge is to select, retain, supervise, and remove judges in such a way as to maintain independence and accountability, while not unduly sacrificing quality**.

[BAD JUDGES] look down on poor people, … and caregivers.

SUPPORTING DOCUMENTS

(1). SEVENTH CONGRESS, Session II, Chapter XXXI, *AN ACT FOR THE RELIEF OF INSOLVENT DEBTORS WITHIN THE DISTRICT OF COLUMBIA*, March 3, 1803.

(2). *Bearden* v. *Georgia*, 461 U.S. 660, May 24, 1983. Confirming Debtor's Prisons are unconstitutional.

(3). Joseph Shapiro, *SUPREME COURT RULING NOT ENOUGH TO PREVENT DEBTORS PRISONS*, NPR *SPECIAL SERIES: GUILTY AND CHARGED*, May 21, 2014.[61]

D. HAS THE UNITED STATES WAR ON THE COMMON DEFENCE GONE TOO FAR?

[61] www.npr.org/2014/05/21/313118629/supreme-court-ruling-not-enough-to-prevent-debtors-prisons

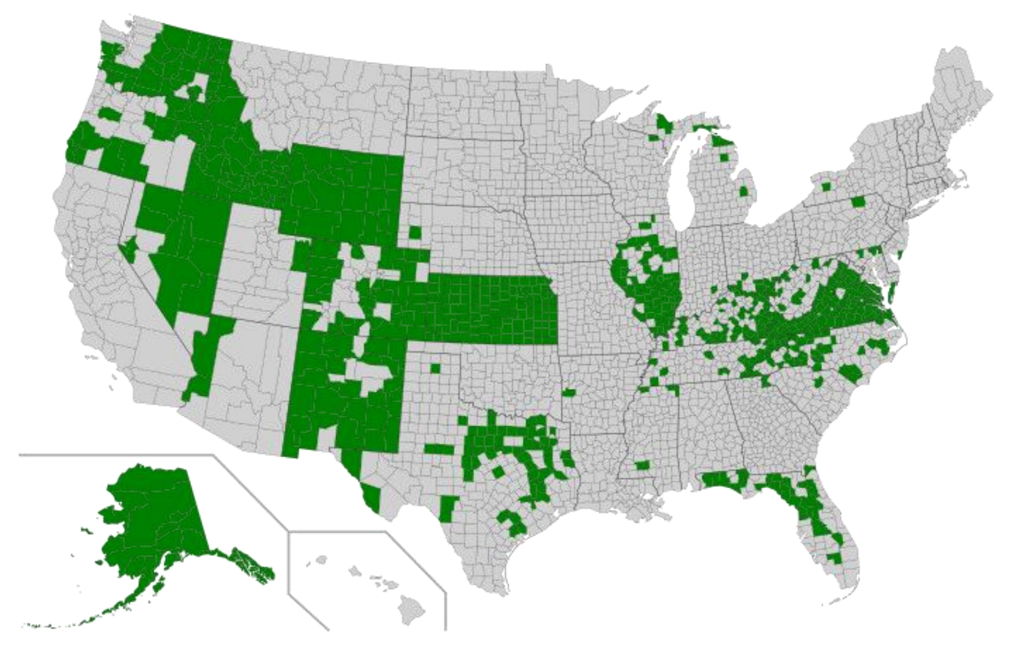
The **SECOND AMENDMENT** is linked to the **COMMON DEFENCE CLAUSE** in the PREAMBLE to the UNITED STATES CONSTITUTION and in Article I, Section 8, Clause 1, with the **PRIVILEGES AND IMMUNITIES CLAUSE** in Article IV, Section 2, Clause 1 and in the FOURTEENTH AMENDMENT, Clause 1; with the **TENTH AMENDMENT POWERS RESERVED TO THE PEOPLE THEMSELVES** with the **NINTH AMENDMENT'S "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people*."**

From 2003 to the present, I filed civil complaints in the U.S. District Courts in Washington, D.C. and in Little Rock, appeals to the U.S. Court of Appeals for the D.C. Circuit and the Eighth Circuit and the U.S. Supreme Court advocating NATIONAL OPEN CARRY as an embedded constitutional right without a license or permit in accordance to the original intent of the Constitution of the United States as conditions existed when the Constitution was ratified.

E. THE U.S. SUPREME COURT'S 2003 TREASON AGAINST THE COMMON DEFENCE.

The U.S. Supreme Court committed Treason against the United States Constitution whern they violated their own Rule 10(a) to deny my appeal in *Don Hamrick* v. *President Bush*, 540 U.S. 940 (2003).

F. 2020 SECOND AMENDMENT SANCTUARIES TODAY IS TENTH AMENDMENT LEGISLATIVE CIVIL WAR.



States and Counties That Have Passed
Second Amendment Sanctuary Laws or Resolutions as of February 3, 2020
https://en.wikipedia.org/wiki/Second_Amendment_sanctuary

I. THE PROPOSED INTERSTATE COMPACT ON SECOND AMENDMENT SANCTUARY STATES IS, IN ESSENCE, THE START OF LEGISLATIVE CIVIL WAR OVER THE COMMON DEFENCE.

The **SECOND AMENDMENT** is linked to the **COMMON DEFENCE CLAUSE** in the PREAMBLE to the UNITED STATES CONSTITUTION and in Article I, Section 8, Clause 1, with the **PRIVILEGES AND IMMUNITIES CLAUSE** in Article IV, Section 2, Clause 1 and in the FOURTEENTH AMENDMENT, Clause 1; with the **TENTH AMENDMENT POWERS RESERVED TO THE PEOPLE THEMSELVES** with the **NINTH AMENDMENT'S "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people*."**

MISSISSIPPI LEGISLATURE

2020 Regular Session

http://billstatus.ls.state.ms.us/2020/pdf/history/HB/HB0753.xml

February 10, 2020 Referred To: Interstate Cooperation; Judiciary B

By: Representatives Arnold, Byrd, Carpenter, Criswell, Hopkins, Mangold, Owen

HOUSE BILL 753

AN ACT TO AUTHORIZE THE STATE OF MISSISSIPPI TO ENTER INTO AN INTERSTATE COMPACT WITH SOUTHERN STATES FOR THE PURPOSE OF OPERATING AS SECOND AMENDMENT SANCTUARY STATES; TO ESTABLISH THE INTERSTATE COMMISSION ON SECOND AMENDMENT SANCTUARY AND PRESCRIBE ITS POWERS AND DUTIES; TO EXEMPT CERTAIN FIREARMS, FIREARM ACCESSORIES AND AMMUNITION IN THIS STATE FROM FEDERAL REGULATION; TO DECLARE CERTAIN FEDERAL STATUTES, REGULATIONS, RULES, AND ORDERS UNCONSTITUTIONAL UNDER THE CONSTITUTION OF THE UNITED STATES AND UNENFORCEABLE IN THIS COMPACT REGION; TO REQUIRE THE ATTORNEYS GENERAL OF COMPACT STATES TO FILE ANY LEGAL ACTION TO PREVENT IMPLEMENTATION OF A FEDERAL STATUTE, REGULATION, RULE OR ORDER THAT VIOLATES THE RIGHTS OF A RESIDENT OF A COMPACT STATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following compact of the southern states for the purpose of operating as Second Amendment Sanctuary States in the southern states be, and the same is, hereby ratified and approved:

WHEREAS, the Second Amendment of the United States Constitution reads “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”; and

WHEREAS, the United States Supreme Court in District of Columbia v. Heller, 554 U.S. 570 (2008), affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self defense within the home; and

WHEREAS, the United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, the United States Supreme Court in United States v. Miller, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and

WHEREAS, Article 3, Section 12, of the Constitution of the State of Mississippi provides “The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the Legislature may regulate or forbid carrying concealed weapons.”; and

WHEREAS, Article 3, Section 5, of the Constitution of the State of Mississippi reads “That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into the state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.”; and

WHEREAS, Article 3, Section 14 of the Constitution of the State of Mississippi reads "No person shall be deprived of life, liberty, or property except by due process of law."; and

WHEREAS, certain legislation which has or may be introduced in the United States Congress could have the effect of infringing on the rights of law-abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article 3, Section 12 of the Constitution of the State of Mississippi; and

WHEREAS, the Legislature is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of the State of Mississippi to keep and bear arms; and

WHEREAS, the Legislature wishes to express its deep commitment to the rights of all citizens of Mississippi to keep and bear arms; and

WHEREAS, the Legislature wishes to express opposition to any law that would unconstitutionally restrict the rights of the citizens of Mississippi to keep and bear arms; and

WHEREAS, the Legislature wishes to express its intent to stand as a Sanctuary State for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the Constitution of the State of Mississippi, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of Mississippi to keep and bear arms, including through legal action, the power to appropriate public funds, the right to petition for redress of grievances, and the power to direct the law enforcement and employees of the State of Mississippi to not enforce any unconstitutional law:

Now therefore, in consideration of the mutual agreements, covenants and obligations assumed by the respective states who are parties hereto (hereinafter referred to as "states"), the said several states do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting states which, for the purposes of this compact, shall constitute an area of Second Amendment state sanctuary, wherein the states which are parties hereto: prohibit state and municipal agencies from using assets to implement or aid in the implementation of the requirements of certain federal statutes, regulations, rules and orders that are applied to infringe on a person's right to bear arms or right to due process or that implement or aid in the implementation of the federal REAL ID Act of 2005; exempt certain firearms, firearm accessories and ammunition in party states from federal regulation; and declare certain federal statutes, regulations, rules, and orders unconstitutional under the Constitution of the United States and unenforceable in party states.

(a) The states do further hereby establish and create a joint commission which shall be known as the Interstate Commission on Second Amendment Sanctuary (hereinafter referred to as the "commission"), the members of which commission shall consist of the governor of each state, who shall serve in an ex officio capacity, and four (4) additional citizens of each state to be appointed by the governor thereof, at least one (1) of whom shall be a member of the legislature of that state. The governor shall continue as a member of the commission during his tenure of office as governor of the state, but the members of the commission appointed by the governor shall hold office for a period of four (4) years, except that in the original appointment one (1) commissioner so appointed by the governor shall be designated at the time of his appointment to serve an initial term of three (3) years, but thereafter his successor shall serve the full term of four (4) years. Vacancies on the commission caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the governor for the unexpired portion of the term. The officers of the commission shall be a chairman, a vice chairman, a secretary, a treasurer and such additional officers as may be created by the commission from time to time.

(b) It shall be the duty of the commission to submit plans and recommendations to the states from time to time for their approval and adoption by appropriate legislative action for Second Amendment sanctuary within the geographical limits of the regional area of the states -and for such other related purposes, as they may deem and determine to be proper, necessary or advisable.

(c) In addition to the power and authority heretofore granted, the commission shall have the power to enter into such agreements or arrangements with any of the states and with any institutions or agencies, as may be required in the judgment of the commission, to provide adequate services for the benefit of the citizens of the respective states residing within the region.

(d) The commission shall have such additional and general power and authority as may be vested in it by the states from time to time by legislative enactments of the said states.

(e) Any two (2) or more states which are parties of this compact shall have the right to enter into supplemental agreements for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such agreements to be governed exclusively by such states and to be controlled exclusively by the members of the commission representing such states, provided such agreement is submitted to and approved by the commission prior to the establishment of such agreements.

(f) This compact shall not take effect or be binding upon any state unless and until it shall be approved by proper legislative action of as many as six (6) or more of the states whose governors have subscribed hereto within a period of eighteen (18) months from the date hereof. When and if six (6) or more states shall have given legislative approval to this compact within said eighteen (18) months period, it shall be and become binding upon such six (6) or more states sixty (60) days after the date of legislative approval by the sixth state and the governors of such six (6) or more states shall name the members of the commission from their states as prescribed in paragraph (a) of the section, and the commission shall then meet on call of the governor of any state approving this compact, at which time the commission shall elect officers, adopt bylaws, appoint committees and otherwise fully organize. Other states whose names are subscribed hereto shall thereafter become parties hereto upon approval of this compact by legislative action within two (2) years from the date hereof, upon such conditions as may be agreed upon at the time.

(g) After becoming effective this compact shall thereafter continue without limitation of time. However, it may be terminated at any time by unanimous action of the states and provided, further, that any state may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two (2) years after written notice thereof to the commission accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing state from its obligations hereunder accruing up to the effective date of such withdrawal. Any state so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the commission or to any of the funds of the commission held under the terms of this compact.

If any state shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said state as authorized by and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting state, its members on the commission and its citizens shall ipso facto be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one (1) year immediately following the date of such default this compact may be terminated with respect to such defaulting state by an affirmative vote of three-fourths (3/4) of the members of the commission (exclusive of the

members representing the state in default), from and after which time such state shall cease to be a party to this compact and shall have no further claim to or ownership of any of the property held by or vested in the commission or to any of the funds of the commission held under the terms of this compact, but such termination shall in no manner release such defaulting state from any accrued obligation or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining states thereunder.

(h) In witness whereof this compact has been approved and signed by the governors of the several states, subject to the approval of their respective legislatures in the manner prescribed in this section, as of the ______ day of ______________, 2020.

State of Tennessee, By ___________________ Governor	State of West Virginia, By ___________________ Governor	State of Georgia, By ___________________ Governor
State of Arkansas, By ___________________ Governor	State of Louisiana, By ___________________ Governor	State of Alabama, By ___________________ Governor
State of Mississippi, By ___________________ Governor	Commonwealth of Kentucky, By ___________________ Governor	State of Oklahoma, By ___________________ Governor

SECTION 2. Findings and Purpose

(1) A statute, regulation, rule or order that has the purpose, intent, or effect of confiscating any firearm, banning any firearm, limiting the size of a magazine for any firearm, imposing any limit on the ammunition that may be purchased for any firearm, or requiring the registration of any firearm or its ammunition infringes on a citizen's right to bear arms in violation of the Second Amendment to the Constitution of the United States and, therefore, is not made in accordance with the Constitution of the United States, is not authorized by the Constitution of the United States, is not the supreme law of the land, and, consequently, is invalid in this region and shall be considered null and void and of no effect in this region; and

(2) Further authority for this compact is the following:

(a) The Tenth Amendment to the Constitution of the United States guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to each state and people of each state certain powers as they were intended at the time that each party state to this compact was admitted to statehood; the guaranty of those powers is a matter of contract between each state and people of each state and the United States as of the time that the compacts with the United States was agreed to and adopted by the party states to this compact and the United States;

(b) The Ninth Amendment to the Constitution of the United States guarantees to the people rights not granted in the constitution and reserves to the people of each state certain rights as they were intended at the time that each state was admitted to statehood; the guaranty of those powers is a matter of contract between each state and people of each state and the

United States as of the time that the compacts with the United States was agreed to and adopted by the party states to this compact and the United States;

(c) The Fifth Amendment to the Constitution of the United States guarantees to the people the right to due process.

SECTION 3. (1) A state, county or municipal agency may not use or authorize the use of an asset to implement or aid in the implementation of a requirement of:

(a) An order of the President of the United States, a federal regulation, or a law enacted by the United States Congress that is applied to:

(i) Infringe on a person's right, under the Second Amendment to the Constitution of the United States, to keep and bear arms;

(ii) Deny a person a right to due process, or a protection of due process, that would otherwise be available to the person under the constitutions of compact states or the Constitution of the United States; or

(b) The REAL ID Act of 2005.

(2) As used in this compact, the following terms have the meanings ascribed in this subsection, unless context indicates otherwise:

(a) "Asset" means funds, facilities, equipment, services, or other resources of a state or municipal agency.

(b) "State, county or municipal agency" means the sovereign governing authorities with each compact state, or a department, institution, board, commission, division, council, committee, authority, public corporation, school district, regional educational attendance area, other administrative unit of a county or municipality, or the executive, judicial, or legislative branch of state government, or other political subdivisions thereof, and includes employees of those entities.

(c) "Firearm accessory" means an item that is used in conjunction with or mounted on a firearm but is not essential to the basic function of a firearm, including a telescopic or laser sight, magazine, flash or sound suppressor, folding or aftermarket stock and grip, speedloader, ammunition carrier and light for target illumination;

(d) "Generic and insignificant parts" includes springs, screws, nuts and pins;

(e) "Manufactured" means a firearm, a firearm accessory, or ammunition that has been created from basic materials for functional usefulness, including forging, casting, machining or other processes for working materials.

SECTION 4. (1) A personal firearm, a firearm accessory or ammunition that is possessed in a state within this compact region or manufactured commercially or privately in a state within this compact region and that remains in the state is not subject to federal law or federal regulation, including registration, under the authority of the United States Congress to regulate interstate commerce as those items have not traveled in interstate commerce.

(2) This section applies to a firearm, a firearm accessory or ammunition that is possessed in a state within this compact region or manufactured in a state within this compact region from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state. Generic and insignificant parts that have other manufacturing or consumer product applications are not firearms, firearm accessories or ammunition, and their importation into a state within this compact region and incorporation into a firearm, a firearm accessory, or ammunition manufactured in a state within this compact region does not subject the firearm, firearm accessory, or ammunition to federal

regulation. Basic materials, such as unmachined steel and unshaped wood, are not firearms, firearm accessories or ammunition and are not subject to congressional authority to regulate firearms, firearm accessories, and ammunition under interstate commerce as if they were actually firearms, firearm accessories or ammunition. The authority of the United States Congress to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearm accessories, and ammunition possessed in a state within this compact region or made in a state within this compact region from those materials. Firearm accessories that are imported into a state within this compact region from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in a state within this compact region.

(3) A firearm manufactured or sold in a state within this compact region and not subject to federal regulation under this section must have the words “Made in [Name of Compact State]” clearly stamped on a central metallic part, such as the receiver or frame.

(4) The attorneys general of each compact state may defend a citizen of a state within this compact region who is prosecuted by the government of the United States under the congressional power to regulate interstate commerce for violation of a federal law concerning the manufacture, sale, transfer or possession of a firearm, a firearm accessory or ammunition possessed in a state within this compact region or manufactured and retained within a state within this compact region.

(5) A federal statute, regulation, rule or order adopted, enacted or otherwise effective on or after the effective date this compact is effectuated is unenforceable in a state within this compact region by an official, agent or employee of a state within this compact region, a municipality, or the federal government if the federal statute, regulation, rule or order violates the Second Amendment to the Constitution of the United States, by:

(a) Banning or restricting ownership of a semiautomatic firearm or a magazine of a firearm; or

(b) Requiring a firearm, magazine, or other firearm accessory to be registered.

(6) The attorneys general of each compact state shall, under the Second Amendment to the Constitution of the United States, file legal action necessary to prevent the implementation of a federal statute, regulation, rule or order that violates the rights of a resident of the compact state.

SECTION 5. This act shall take effect and be in force from and after July 1, 2020.

25. DEMAND FOR RESTITUTION, EXPUNGEMENT OF MY RECORD, AND MONEY DAMAGES

Based on this AFFIDAVIT and my accompanying OMNIBUS & PARTICULARIZED CIVIL COMPLAINT I have probable cause to believe that I presented enough evidence under the *RES IPSA LOQUITER DOCTRINE* to prove that the constitutional validity of this TENTH AMENDMENT CITIZEN'S FEDERAL ARREST WARRANT is consistent with the FEDERALISM POLICY derived from the UNITED STATES CONSTITUTION proving the Arkansas' entire Judicial System is corrupt beyond all recognition.[62]

The (1) Kensett District Court, (2) the White County Circuit Court, (3) the Arkansas Supreme Court, and (4) the federal courts up to and including the U.S. Supreme Court have committed Treason against the Constitution of the State of Arkansas and the Constitution of the United States respectively in violation of *Cohens* v. *Virginia*, 19 U.S. 264, at 404 (6 Wheaton 264) (1821) as kangaroo courts.

[62] https://americancommondefencereview.wordpress.com/2006/04/

26. MY POLITICAL POEMS

American Merchant Seamen in Harm's Way

By Don Hamrick
© 2004 Don Hamrick

Pirates by sea, terrorists by land.
Through hostile waters we sailors dare steam,
Defensive weapons denied our hand.
Not the law of land or sea it would seem.

Without rhyme or reason,
September 11, a day of slaughter.
Security now a perpetual season.
Arm ourselves now! Sailors oughta!

Pirates and terrorists armed to the teeth,
With every blade and firepower within reach,
Against sailors defenseless as sheep.
For to arm sailors liberals would screech,

Would cause the Bill of Rights
To become our steering **light**.

A Nihilistic Form of Government, This United States!

A Political Poem by Don Hamrick

Thursday, April 20, 2006

"The American Legal System is Corrupt Beyond Recognition!" Screams Judge Edith Jones

On February 28, 2003 The Judge Edith Jones of the Fifth Circuit Court of Appeals[1] ***(became the Chief Judge of the Fifth Circuit on January 16, 2006)*** told the Federalist Society of Harvard Law School that the American legal system is corrupt almost beyond recognition.[2]

She said that the question of what is morally right is routinely sacrificed to what is politically expedient. The change has come because legal philosophy has descended to ***nihilism***.

"The first 100 years of American lawyers were trained on Blackstone, who wrote that: 'The law of nature–dictated by God himself–is binding in all counties and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all force and all their authority from this original.' The Framers created a government of limited power with this understanding of the rule of law – that it was dependent on transcendent religious obligation," said Jones.

"This is not a prescription for intolerance or narrow sectarianism for unalienable rights were given by God to all our fellow citizens. Having lost sight of the moral and religious foundations of the rule of law, we are vulnerable to the destruction of our freedom, our equality before the law and our self-respect. It is my fervent hope that this new century will experience a revival of the original understanding of the rule of law and its roots."

Threats to the Rule of Law

The legal system itself.
The government.
The most comprehensive threat is contemporary legal philosopy.

[1] https://en.wikipedia.org/wiki/Edith_Jones

[2] www.massnews.com/2003_Editions/3_March/030703_mn_american_legal_system_corrupt.shtml

"Throughout my professional life, American legal education has been ruled by theories like positivism, the residue of legal realism, critical legal studies, post-modernism and other philosophical fashions," said Jones. *"Each of these theories has a lot to say about the 'is' of law, but none of them addresses the 'ought,' the moral foundation or direction of law."*

Jones quoted Roger C. Cramton, a law professor at Cornell University, who wrote in the 1970s that *"the ordinary religion of the law school classroom" is "a moral relativism tending toward* ***nihilism****, a pragmatism tending toward an amoral instrumentalism, a realism tending toward cynicism, an individualism tending toward atomism, and a faith in reason and democratic processes tending toward mere credulity and idolatry."*

Jones said that all of these threats to the rule of law have a common thread running through them, and she quoted Professor Harold Berman to identify it: *"The traditional Western beliefs in the structural integrity of law, its ongoingness, its religious roots, its transcendent qualities, are disappearing not only from the minds of law teachers and law students but also from the consciousness of the vast majority of citizens, the people as a whole; and more than that, they are disappearing from the law itself. The law itself is becoming more fragmented, more subjective, geared more to expediency and less to morality. The historical soil of the Western legal tradition is being washed away and the tradition itself is threatened with collapse."*

Judge Jones concluded with another thought from George Washington: *"Of all the dispositions and habits which lead to prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness – these firmest props of the duties of men and citizens."*

Upon taking questions from students, Judge Jones recommended Michael Novak's book, ***On Two Wings: Humble Faith and Common Sense.***

"Natural law is not a prescriptive way to solve problems," Jones said. *"It is a way to look at life starting with the* ***Ten Commandments****."*

—

Judge Edith Jones' remarks inspired me to write my nihilistic poem which I include here:

A Nihilistic Form of Government, This United States!

By Don Hamrick
© 2004 Don Hamrick

Give us this day our daily servilism,
So that actual freedom may never taunt,
The spirit in us, into a future pugilism.
Lest the government forever haunt.
………………………………………………How long?

Henry Hyde confessed that fateful day,
The Constitution, no longer relevant.
'Tis our fault we are slaves today,
We refused to be freedom's adjuvant.
………………………………………………How long?

Our Republican government, overthrown,
By the Department of Homeland Insecurity.
Terrorism, its propaganda, overblown,
Freedom guaranteed by enslavement to security.
………………………………………………How long?

A new mythos proclaimed from this nihilism,
Only deadens our sense of discernment.
From this ethos of paranoia comes this falabilism,
You can't be trusted. But trust the government.
………………………………………………How long?

Deceiving us in a blanket of security,
That we are safe from a world of dangers.
Forever oppressed our sense of responsibility,
To protect ourselves from such harbingers.
………………………………………………How long?

In vain we plead our Second Amendment right
To contest government edicts from on high
The courts rule our arguments as so much tripe
They say it does not apply on the thigh
………………………………………………How long?

Three doors of government slammed shut
Leaving us to agitate for want of freedom
The rule of law now is anything but
As we live in this wretched thraldom
……………………………………………How long?

How long will we sit and cower
Resenting those who act above the law
Before we stand up for balance of power
To stop the advancing rape of law
……………………………………………How long?

Lost to us now our Bill of Rights
This Nihilistic government frights.
……………………………………………Will it be much longer?

"Cataclysms"

(A poem in Diamante form)

Thursday, April 20, 2006

"Cataclysms"

(A poem in Diamante form)
by Don Hamrick

© 2005 Don Hamrick

Freedom
Independence, autonomy
Speaking, associating, traveling
Action, responsibility, permission, dependence
Obedience, submission, oppression
Laws, regulations
Slavery

Speech
Dialog, lecture
Learning, questioning, teaching
Research, email, government, investigate
Harassing, intimidating, threatening
Coercive, abusive
Silence

Association,
Mingle, join
Participating, discriminating, voting
Society, congress, estrangement, alienation
Disassembling, segregating, dividing
Suppression, stealth
Isolation

.

Judges
Constitutional, law
Deliberating, theorizing, concluding
Adjudicator, marshal, partisan, crony
Corrupting, lying, betraying
Biased, prejudiced
Criminals

.

Government
Guidance, balance
Regulating, administrating, delegating
Republic, commonwealth, nihilistic, despotic
Racketeering, marauding, transgressing
Indiscriminate, desultory
Anarchy

My Poem About Justice Ruth Bader Ginsburg!

Thursday, April 20, 2006

Conservative Judges v. Liberal Justices

In August 1, 2003 Justice Ruth Bader Ginsburg[3] gave a lecture at the American Constitution Society,[4] a liberal organization, on the Lone Ranger mentality of the United States standing apart from other nations who do not have such a high regard for individual rights and freedoms. I could not resist the opportunity to make a parody of her speech. Her unpatriotic remarks did not go unnoticed.

On April 1, 2005 Justice Ruth Bader Ginsburg gave a speech at *THE 99TH ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW ON VALUE OF A COMPARATIVE PERSPECTIVE IN CONSTITUTIONAL ADJUDICATION*.

Her first words cited Deuteronomy 16:20 that is not from the King James Bible.

THE OUTRAGE: *"Before taking up the diversity of opinions on this matter, I will state and endeavor to explain my view, which is simply this: If U. S. experience and decisions can be instructive to systems that have more recently instituted or invigorated judicial review for constitutionality, so we can learn from others now engaged in measuring ordinary laws and executive actions against charters securing basic rights."*

[3] http://eagleforum.org/column/2003/aug03/03-08-20.shtml
[4] https://www.acslaw.org/

The King James Bible is the basis for the Code of Judicial Conduct "The Canons of Ethics."

The King James Bible

Deuteronomy 16:18-20,

18: Judges and officers shalt thou make thee in all thy gates, which the Lord thy God giveth thee, throughout thy tribes; and they shall judge the people with just judgment.

19: Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift; for a gift doth blind the eyes of the wise, and pervert the words of the righteous.

20: That which is altogether just shalt thou follow, that thou mayest live, and inherit the land which the Lord thy God giveth thee.

In light of her political activism I wrote the poem you see below in defiance of her goals to bastardize our Constitution with foreign court opinions in matters having no jurisdiction to foreign courts:

Hailing From the Tower of Babel

by Don Hamrick
©2005 Don Hamrick

Ruth Bader Ginsburg chanting from an uncommon Writ
"Justice, justice shall you pursue, that you may thrive!"
Where, o' where may our justice be found? Infers the twit,
But in the security of foreign lands to contrive!

O' what Bible does this Supreme Court Justice follow?
Her read is certainly not from the King James!
She will have us pursue justice as some elusive swallow
Always beyond our reach, to spite her claims.

We can ignore our Constitution, she implies,
Because it no longer controls our authority.
Comparative analysis, will protect us, she belies
Against all threats in the global fratority.

O’ contraire! We, the People say,
Our Constitution is altogether just!
We shall follow the Constitution for our sake!
We say what it means, as we must!”

King James’ Deuteronomy is my comparative analysis
The Supreme Court today is our Tower of Babel
As we are held in this awkward state of paralysis,
Because there is no sense to Ginsburg’s rabble.

Defiant lines are drawn! Is civil war sensed?
Our highest court split by globalists’ sophistry.
Judicial review in league to conspire against,
Popular constitutionalism finding its place in history.

Oh! Dear God, I pray to thou!
For answers in these troubled days.
Why hast thine judges forsaken thee?
With no force of arms we are as slaves.

Amen.

Submitted

Don Hamrick