

1 Michael Pohlable with Stand-by counsel  
453 East Verdugo Avenue #103  
2 Burbank, California 91501  
[kalash@kalash.ws](mailto:kalash@kalash.ws)  
3 949-280-7333 888-476-8954

This space reserved for filing stamp.

4  
5 This document is published at <http://www.lawyerdude.netfirms.com/9007.pdf> ,  
6 <http://www.lawyerdude.netfirms.com/9007.html> and <http://www.lawyerdude.netfirms.com/9007.wpd>

7 **In the United States District Court for the Central District of California**

8 Southern Division: 411 West Fourth Street, Room 1053, Santa Ana, California, 92701-4516

Judge David O. Carter – Room 9D

9 Hours: 10-4 - M-F

<http://www.cacd.uscourts.gov/>

10 United States

Case Number: sacv 07 0033

v

11 Michael Pohlable,  
12 et. al.

1<sup>st</sup> Substantive Motion.  
Document #9007 Version 1.002

**Demurrer or pre-trial motion to dismiss.**

**Demand to know which statute makes ecstasy illegal.**

**Qualified Waiver of my speedy trial rights.**

**Notice of Concurrent and Upcoming Motions.**

**Declaration of Defendant/ Statement of Case.**

**Declaration of Douglas Palaschak re: Ecstasy.**

**Demand for prompt e-transcript of every hearing by  
email to my address shown above.**

**Demand to vacate trial date of 8 April**

**Argument/ Memorandum of Points and Authorities.**

Proof of Service.

Proposed Venue for hearing:

Date: **Monday 17 March 2008.**

Time: 1:30 pm

Place: This same room 9d.

23 **Notice of Demurrer. Waiver of my speedy trial rights.**

24 To the court: At the venue designated in the caption or at such other venue as the court shall  
25 designate I will appear and demand the relief set forth herein and such other relief as may be appropriate.

26 Rule 12: "A party may raise by pretrial motion any defense, objection, or request that the court can  
determine without a trial of the general issue." This motion can be dispositive.

27 Signed \_\_\_\_\_ Michael Pohlable. Tuesday, February 19, 2008

28  
Motion #9007. Demurrer. By Michael Pohlable.

1 **Contents of this Demand to Quash/ Dismiss:**

2 Notice of Demurrer. Waiver of my speedy trial rights.. . . . . -1-

3  
4 **Notice of Concurrent and Upcoming Motions and Demands.** . . . . . -4-

5 **Statement of the Case. Declaration of Michael Pohlable.**.. . . . . -4-

6  
7 Declaration of Expert Attorney Douglas Palaschak regarding ecstasy..... -4-

8 **Mike Pohlable needs more time; I have been down this road...** . . . . . -6-

9 **Table of Authorities and Fountains of Liberty cited herein:** . . . . . -6-

10 **U.S. Constitutional Clauses and Constitutional Concepts including the Magna**  
11 **Charta cited herein:** . . . . . -6-

12 **List of Federal statutes cited herein:** . . . . . -7-

13 **List of Clauses from the California Bill of Rights cited herein:** . . . . . -7-

14 **List of Clauses from the Washington Constitution cited herein:** . . . . . -7-

15 **List of Clauses from the Colorado Constitution cited herein:** . . . . . -7-

16 **List of Clauses from the Kansas Constitution cited herein:** . . . . . -8-

17 **List of Clauses from the Florida Constitution cited herein:** . . . . . -8-

18 **List of U.S. Supreme Court cases and lower federal court cases cited herein:** . . . . . -8-

19 **Treaties cited herein:** . . . . . -9-

20 **Clauses from the Illinois Constitution rightfully cited herein:** . . . . . -9-

21 **Table of California Statutes cited herein:** . . . . . -9-

22 **List of California state cases cited herein:** . . . . . -9-

23 **Treatises and “Fundamental Things” cited herein:** . . . . . -9-

24 **Argument. Memorandum of Points and Authorities.** . . . . . -9-

25 Congress may not delegate to the DEA its authority to define illegal drugs; they did; the law is  
26 therefore void ab initio.. . . . . -9-

27 **Nature and Cause clause. What is a controlled substance? 21 USC 841 mentions neither**  
28 **ecstasy, methylenedioxymethamphetamine, nor MDMA. I have searched in vain**  
**for a statutory definition of “controlled substance”**.. . . . . -10-

1 **Our Federal Constitution is one of limited powers; Telling us what we can eat is not one**  
2 **of them.. . . . .** -10-

3 **We needed to amend the constitution to make beer illegal; you would need to amend it**  
4 **to make ecstasy illegal... . . . .** -10-

5 **When it comes to fundamental rights such as driving, or pursuing happiness, a mere**  
6 **regulation may not impede those rights... . . . .** -10-

7 **Why don't we use the Assimilative Crimes Act? Why don't we have a national drive's**  
8 **license? . . . . .** -10-

9  
10 **Ecstasy is on the list because it gives us happiness; we have a right to pursue**  
11 **happiness by using this harmless plant derivative... . . . .** -11-

12 **Administrative Law must be limited to administration of the agency, not control of**  
13 **human civil rights to a police agency such as the DEA.. . . . .** -11-

14 **A short treatise on Administrative Law... . . . .** -11-

15 **Money from my fine would pay you. You are biased to keep the money flowing.**  
16 **. . . . .** -12-

17 **The main purpose of government is to protect my rights; the drug laws are**  
18 **categorically and inherently evil and unconstitutional.. . . . .** -13-

19 **Your drug laws are fundamentally flawed. This is a "structural flaw" in the**  
20 **nomenclature of the U.S. Supreme Court. Possession of contraband is**  
21 **guaranteed by the constitution.. . . . .** -13-

22 **The police state has arisen and granted itself the privilege to possess the drugs that the**  
23 **citizens may not possess.. . . . .** -14-

24 **My constitutional right to a remedy.. . . . .** -14-

25 **and a speedy remedy afforded for every injury to person, property or character; and right**  
26 **and justice should be administered without sale, denial or delay... . . . .** -14-

27 **Under U.S. Constitution IV, 2, I am entitled to Georgia, Illinois, and California**  
28 **rights... . . . .** -14-

I am entitled to utilize the constitutional concepts expressed in foreign constitutions... . . . . -15-

1           **Application: Kansas Constitution contains no Due Process Clause - and yet I have**  
2                           **a state constitutional right to due process.. . . . . -15-**

3           **Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights.**  
4                           **. . . . . -15-**

5           **I am a beneficiary of the rights declared by the California constitution.. . . . -16-**

6           **The federal constitution is one of limited grants of power; your drug laws are authorized**  
7                           **by neither the state constitution nor the federal constitution.. . . . -17-**

8           **Pleadings of Pro Se Litigants must be given some leeway. . . . . -17-**

9           **Proof of Service . . . . . -17-**

10           **Appendix: The accusatory statute in its entirety mentions neither ecstasy, MDMA, nor**  
11                           **methylenedioxymethamphetamine nor does it anywhere define “controlled**  
12                           **substance” . . . . . -19-**

13           **Appendix: Federal Rules of Criminal Procedure. Rules pertaining to pre-trial motions:**  
14                           **Rules 12 and 47.. . . . -23-**

15                           **Rule 12. Pleadings and Pretrial Motions. . . . . -23-**

16                           **Rule 47: Rule 47. Motions and Supporting Affidavits. . . . . -24-**

17           **Appendix: Brief Biography of Attorney Douglas Palaschak. . . . . -24-**

18           **Appendix: Washington state bill of rights. Only the good parts.. . . . -25-**

19           **Appendix: Michigan Bill of Rights. Deleted.. . . . -27-**

20           **Appendix: Sample state Bill of Rights. Excerpts from the Florida Bill of Rights. Deleted.**  
21                           **. . . . . -27-**

22           **Topical Index. . . . . -27-**

---

23                           **Notice of Concurrent and Upcoming Motions and Demands**

- 24
- 25           1.       I will be filing a motion to suppress all evidence in this case.
  - 26           2.       I will be seeking an Extraordinary Writ if you deny this motion.
  - 27           3.       I will be filing a motion to dismiss for failure to invoke jurisdiction of the court.

28                           **Statement of the Case. Declaration of Michael Pohlable.**

1 I, Michael Pohlable, am a 26 year old Air Force veteran. I hold a commercial pilot's license. This  
is my first brush with the law.

2 I was arrested for distributing a drug called ecstasy.

3 I believe that the constitution does not authorize the government to outlaw this harmless  
4 recreational drug. We needed a constitutional amendment to outlaw alcohol. We need one to outlaw  
ecstasy.

5 I believe that the constitution protects my right to distribute this drug.

6 I was exercising my rights of property and contract. The allegation is that I did so without  
7 permission from the government in the form of a DEA license. The licensure/ prohibition of the exercise of  
8 a constitutionally protected right is not a legitimate function of the government. It is an unconstitutional  
statute that proposes to do such a thing. Any enforcement of this statute is a violation of 18 United States  
9 Code, Section 242 which forbids the government from violating my rights.

10 I so declare under penalty or perjury.

11 Signed \_\_\_\_\_ Michael Pohlable. Tuesday, February 19, 2008

12 My legal arguments are set forth below in my Memorandum of Legal Authorities.

---

13 **Declaration of Expert Attorney Douglas Palaschak regarding ecstasy.**

14 I, Attorney Douglas Palaschak, declare the following under penalty of perjury:

15 My biography is appended hereto. I have been a lawyer for nearly a quarter century. I was  
16 admitted to this court around 1983 or 1984. An void unconstitutional attempt was made to suspend me  
from this court following my conviction for having eaten a dose of LSD in 1990 at my 41<sup>st</sup> birthday party.

17 Ecstasy is a relatively mild drug despite the lies promulgated by the drug police. They published  
18 false reports that it eats holes in your brain; this false report was subsequently debunked. See for  
example this report debunking the false reports of holes in the brain:

19 [http://www.erowid.org/chemicals/mdma/mdma\\_neurotoxicity3.shtml](http://www.erowid.org/chemicals/mdma/mdma_neurotoxicity3.shtml)

20 Around 1987 when I was 38 years old I began reading about recreational drugs. The best book  
21 on the subject is one in a series by Scientific American. It is entitled "Drugs and the Brain". It is one of two  
books with the same name by Dr. Solomon Snyder. It was published in paperback in 1996 and is available  
22 today on Amazon.com. The cover depicts a human nerve superimposed over a printed circuit.

23 You can read about Ecstasy on the net. Google for "ecstasy wiki." You will arrive at the Wikipedia  
article on ecstasy.

24 Ecstasy is an empathogen/ entactogen; it increases empathy; it makes people kinder; this is what  
25 I read before I ever tried the drug. I have found that ecstasy is safe and reliable. In particular:

- 26 1. It cannot make you lose consciousness like alcohol; overdose is impossible as far as I know.  
27 2. It fails to work the next day; thus it is non-addictive.  
28 3. Its effect is mild.  
4. Its effect is good; it makes people kinder.

1 My own brief experience with ecstasy demonstrated the following:

- 2 1. Ecstasy is an anorectic - a diet pill.
- 3 2. It is an aphrodisiac.
- 4 3. It is a stimulant.
- 5 4. It is a diuretic.

6 My experiments with ecstasy showed me that ecstasy temporarily loses its effectiveness after use. I found it futile to try to use ecstasy the next day after using it. It is therefore non-addictive .

7 Generally one waits until the next weekend for ecstasy to be effective again.

8 Around 1989 I when I was 40 years old I was a drug virgin. Then an 18 year old girlfriend gave me some ecstasy; she had learned about it at rich kid's school in Arizona. The experience was very pleasant. Like LSD, set and setting is important. Many recreational drugs are mood enhancers. Therefore we are advised not to use them when our mood is not pleasant.

9 I learned from experience that it is futile to try to do ecstasy two days in a row.

10 **Drug assisted upgrade to my personalty; Learning to be kinder.**

11 I learned to be nicer and more considerate of people. Some weeks after using the drug I still retained the upgrade to my personality. I remember one day going in to court in Santa Barbara to argue a motion for a client in Los Angeles. I had not used ecstasy in some months. I had recently learned to smile more. This time in court I took a friendlier approach rather than such an aggressive approach. I smiled. The judge ruled in my favor. As I was walking toward the exit to the courtroom some guy congratulated me and asked me how I could possibly have won that motion.

12 In retrospect this was a very happy productive time in my life. I exercised on the beach. I moved into a nice law office across the street from the courthouse. I became more gregarious and more kind. Granted I was influenced by the kindness of this young girlfriend, but the point remains: ecstasy is safe; it is indeed a drug that makes people kinder. There is no inherent harm in the distribution of the drug. It is less of a shock than alcohol. It is not addictive. It is one of those things included in "the right to pursuit of happiness."

13 People are searching for happiness. Sometimes they go down the wrong path in that search. However, our constitutions give us the right to search. Ecstasy is not a wrong path. The government may not make it so.

14 In my own pursuit of happiness I enjoy music. Around 1990 a man named Michael Cretu created music labeled "Enigma". He lives in Ibiza, a party island near Spain. This is called "trance" music. Music and recreational drugs go hand in hand.

15 I continue to search for happiness. The music from "Enigma" is pleasurable. Playing *Clair de Lune* is pleasurable. Farming and harvesting corn gives me pleasure. Writing for justice gives me pleasure. My videos or corn harvesting are on YouTube. I have not used any illegal drugs since my birthday party in 1990. In my life I have only used ecstasy, LSD, and marijuana. I don't particularly enjoy marijuana - although I did enjoy the giggles that it gave me on Christmas Eve in 1989 - again with that same young

1 girlfriend. I don't drink alcoholic beverages - except once or twice a year in recent years. I drink a single  
2 glass of beer with my brother while playing cards at the tavern in my home town. I do this to avoid the  
3 appearance of being "snooty" with my brother whom I have in the past criticized for drinking beer. My next  
4 drink is then Pepsi or bottled water. My brother now drinks Pepsi in place of beer much of the time now.  
All things in moderation.

**Mike Pohlable needs more time; I have been down this road.**

5 In 1992 I suffered a misdemeanor conviction for having eaten 1.5 doses of LSD at my May 8  
6 birthday party in 1991. Thereafter the conviction was overturned at the court of appeal. I wrote the  
7 winning brief after my lawyer wrote a weak brief while I was in jail for yearly a year on traffic tickets. The  
8 brief did not deal with all the issues. Thereafter the California Supreme Court took the case up on further  
9 appeal. The court appointed a new (to me) lawyer who promised to let me upgrade his brief. He broke his  
10 promise and filed a defective brief. The court did not even have the complete transcript. The state argued  
11 different issues. I lost at the California Supreme court. I could have won had the court read the entire  
12 transcript and if I had been given time to upgrade or even read the brief that the weak appointed lawyer  
13 submitted. Mike Pohlable needs time to deal with the issues presented in this case. Morally Mike is an  
innocent man who is the victim of bad laws - or perhaps there is no statute that says what the prosecutor  
says it says.

14 Signed by Michael Pohlable for and with Special Permission of Palaschak \_\_\_\_\_.  
15 Monday, February 11, 2008

---

**Table of Authorities and Fountains of Liberty cited herein:**

---

**U.S. Constitutional Clauses and Constitutional Concepts including the Magna Charta cited herein:**

*Miranda V Arizona (1966) <a href="http://www.lawyerdude.net/firms.com/miranda.html">http://www.lawyerdude.net/firms.com/miranda.html</a> . . . . .	<a href="#">-10-</a>
18 <sup>th</sup> amendment was needed to criminalize beer.. . . .	<a href="#">-10-</a>
21 <sup>st</sup> amendment in 1933 repealed the 18 <sup>th</sup> amendment of 1919. The 21 <sup>st</sup> amendment gave the states the right to criminalize beer.. . . .	<a href="#">-10-</a>
6 <sup>th</sup> amendment guarantees by right to a jury trial.. . . .	<a href="#">-14-</a>
6 <sup>th</sup> Amendment: "In all criminal prosecutions, the accused shall enjoy the right . . . to be informed of the nature and cause of the accusation." . . . .	<a href="#">-10-</a>
9 <sup>th</sup> amendment . . . . .	<a href="#">-14-</a>
Article IV, Section 2.: The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.. . . .	<a href="#">-15-</a>
Commerce Clause/ interstate commerce.. . . .	<a href="#">-15-</a>
Due Process Clause.. . . .	<a href="#">-16-</a>
Due Process clause.. . . .	<a href="#">-14-</a>

1 Equal Protection clause. . . . . -14-

2

3 Magna Charta: “45. We will not make men justices, constables, sheriffs, or bailiffs, unless they are such  
as know the law of the realm, and are minded to observe it rightly.” . . . . . -13-

4 No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the  
United States; nor shall any state deprive any person of life, liberty, or property, without due process of  
5 law; nor deny to any person within its jurisdiction the equal protection of the laws. - Privilege and  
Immunities Clause of the 14<sup>th</sup> amendment.. . . . -15-

6

---

7 **List of Federal statutes cited herein:**

8 12 USC Section 841.. . . . -19-

9 Omnibus Crime Control Act signed in 1971 by Nixon... . . . . -11-

---

10 **List of Clauses from the California Bill of Rights cited herein:**

11 California constitution: Section 1. All people are by nature free and independent and have inalienable  
rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting  
property, and pursuing and obtaining safety, happiness, and privacy.  
12 [http://www.leginfo.ca.gov/const/article\\_1](http://www.leginfo.ca.gov/const/article_1) <http://www.leginfo.ca.gov/const-toc.html> . . . . . -16-

13 Limited grants of power. The state constitution is a limited grant of power. Your ticket system is not  
14 authorized by the constitution. Therefore it is forbidden.. . . . -16-

---

15 **List of Clauses from the Washington Constitution cited herein:**

16 Washington bill of rights: § 1 Political Power. All political power is inherent in the people, and  
governments derive their just powers from the consent of the governed, and are established to **protect  
and maintain individual rights**.. . . . -13-

17 § 12 Special Privileges and Immunities Prohibited. “ No law shall be passed granting to any citizen, class  
18 of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall  
not equally belong to all citizens, or corporations.” The police speed routinely and with impunity in  
19 violation of this clause.. . . . -14-

20 § 32 Fundamental Principles. A frequent recurrence to fundamental principles is essential to the security  
of individual right and the perpetuity of free government.. . . . -9-

21

---

22 **List of Clauses from the Colorado Constitution cited herein:**

23 §6. Equality of justice. Courts of justice shall be open to every person, **and a speedy remedy  
afforded for every injury to person, property or character; and right and justice should be  
administered without sale, denial or delay.** - Colorado constitution... . . . . -14-

24

---

25 **List of Clauses from the Kansas Constitution cited herein:**

26 Kansas Constitution contains no Due Process Clause - and yet I have a right to due process - even if it is  
not written into the federal constitution. It is a constitutional concept. We remember the ancient common  
law. Forty-nine other state constitutions accrue to my benefit. Also, I rely on the common law since the  
27 Norman Conquest of 1066. [http://en.wikipedia.org/wiki/Norman\\_Conquest](http://en.wikipedia.org/wiki/Norman_Conquest) . . . . . -15-

28

1 **List of Clauses from the Florida Constitution cited herein:**

Florida Bill of Rights. Excerpts are reprinted in the Appendix.. . . . . -27-

3 **List of U.S. Supreme Court cases and lower federal court cases cited herein:**

4 Griffin v Illinois (1956)100 L Ed 891, 351 US 12, 79 S Ct 585, 55 ALR2d 1055 I have a right to a transcript  
even if I cannot afford one. <http://www.circuitlawyer.8m.com/griffin.html> . . . . . -14-

5 **Haines v Kerner** (1972) 404 U.S. 519 (1972) [Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) Pleadings of  
6 Pro Se litigants are entitled to some leeway. **Haines v Kerner** (1972) 404 U.S. 519 (1972)  
[Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) This ruling is consistent with statutes in nearly all  
7 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy... . . . . -17-

8 **Miranda v. Arizona** (1966) <http://www.lawyerdude.netfirms.com/miranda.html> 384 U.S. 436 . "Where rights  
secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate  
9 them." . . . . . -10-

10 **MLB v SLJ** (1996) 519 US 102; 117 S Ct 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html>  
Right to a free transcript even in some civil cases.. . . . . -14-

11 **Norton v Shelby County, Tennessee** (1886) 118 U.S. 425 <http://www.lawyerdude.netfirms.com/norton.html> "An  
12 unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it  
creates no office; it is, in legal contemplation, as inoperative as though it had never been passed." . . . -10-

13 **Shuttlesworth v Birmingham** (1969) at <http://www.lawyerdude.8m.com/5091.html> 22 L Ed 2d 162, 394  
14 U.S. 147, 89 S Ct 935. "And our decisions have made clear that a person faced with such an  
unconstitutional licensing law may ignore it and engage with impunity in the exercise of the right of free  
15 expression for which the law purports to require a license. . . . Given the absence of speedy procedures,  
the Reverend Shuttlesworth and his associates were faced with a serious dilemma when they received  
16 their notice from Mr. Connor. If they attempted to exhaust the administrative and judicial remedies  
provided by Alabama law, it was almost certain that no effective relief could be obtained by Good Friday.  
17 Since the right to engage in peaceful and orderly political demonstrations is, under appropriate conditions,  
a fundamental aspect of the "liberty" protected by the Fourteenth Amendment . . . the petitioner was not  
18 obliged to invoke procedures which could not give him effective relief. With fundamental rights at stake, he  
was entitled to adopt the more probable meaning of the ordinance and act on his belief that the city's  
19 permit regulations were unconstitutional." . . . . . -12-, -13-

20 **Tumey v Ohio** (1927) 273 U.S. 510. In this prohibition era case, the city received \$5 for each conviction.  
<http://www.lawyerdude.8k.com/Tumey.html> The clerk has usurped the prosecutorial function - for  
21 profit.. . . . . -13-

22 **U.S. v Gonzalez-Lopez** 2005-352. Decided 2006. <http://www.lawyerdude.netfirms.com/8345.html> . . . . . -14-

23 **Treaties cited herein:**

24 Treaty. 1948 Universal Declaration of Human Rights"Article 20(2) No one may be compelled to belong to  
an association." <http://www.lawyerdude.netfirms.com/8213.html> This treaty, the 1<sup>st</sup> amendment, the 6<sup>th</sup>,  
25 and the 14<sup>th</sup> amendments preclude the regulation of the practice of law by non-government lawyers.  
. . . . . -15-

26 **Clauses from the Illinois Constitution rightfully cited herein:**

27 Illinois constitution. Section 6. Searches, Seizures, Privacy, and Interceptions: The people shall have the  
right to be secure in their persons, houses, papers and other possessions against unreasonable searches,  
28 seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other

1 means. No warrant shall issue without probable cause, supported by affidavit particularly describing the  
2 place to be searched and the persons or things to be seized..... -16-

3 Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men are by nature free and  
4 independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit  
5 of happiness. To secure these rights and the protection of property, governments are instituted among  
6 men, deriving their just powers from the consent of the governed.. . . . . -15-

7 Illinois Constitution: Section 2.Due Process and Equal Protection. No person shall be deprived of life,  
8 liberty or property without due process of law nor be denied the equal protection of the laws.. . . . . -16-

---

9 **Table of California Statutes cited herein:**

10 California civil code section 3533: "3533: The law disregards trifles." . . . . . -12-

---

11 **List of California state cases cited herein:**

---

12 **Treatises and "Fundamental Things" cited herein:**

13 [http://en.wikipedia.org/wiki/Norman\\_Conquest](http://en.wikipedia.org/wiki/Norman_Conquest) Story of the Norman Conquest

14 False reports of holes in the brain: [http://www.erowid.org/chemicals/mdma/mdma\\_neurotoxicity3.shtml](http://www.erowid.org/chemicals/mdma/mdma_neurotoxicity3.shtml)  
15 . . . . . -4-

16 The fundamental things apply as time goes by." - Casablanca 1942.. . . . . -9-, -14-

17 This article seems to say that the DEA alone purported to make ecstasy illegal:  
18 [http://en.wikipedia.org/wiki/Ecstasy\\_%28drug%29#Legal\\_issues](http://en.wikipedia.org/wiki/Ecstasy_%28drug%29#Legal_issues) . . . . . -11-

19 *Constitutional Right to a Remedy* <http://www.lawyerdude.netfirms.com/8428.html> . . . . . -14-

---

20 **Argument. Memorandum of Points and Authorities.**

21 § 32 Fundamental Principles. A frequent recurrence to fundamental principles is essential to the security  
22 of individual right and the perpetuity of free government. - Washington state bill of rights.

23 "The fundamental things apply as time goes by." - Casablanca. 1942.

24 There are so many issues that I will likely need to upgrade this brief.

25 **Congress may not delegate to the DEA its authority to define illegal drugs; they did; the law is  
26 therefore void ab initio.**

27 "An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it  
28 creates no office; it is, in legal contemplation, as inoperative as though it had never been passed." - U.S.

Supreme Court. *Norton v Shelby County, Tennessee* (1886) 118 U.S. 425

<http://www.lawyerdude.netfirms.com/norton.html>

29 **Nature and Cause clause. What is a controlled substance? 21 USC 841 mentions neither ecstasy,  
30 methylenedioxymethamphetamine, nor MDMA. I have searched in vain for a statutory definition of  
31 "controlled substance".**

32 The statute that I am accused of violating is appended in its entirety. My lawyer has spent a

1 couple hours trying to find a definition for a controlled substance. I should not have to spend time trying to  
2 find the law that accuses me.

3 6<sup>th</sup> Amendment: "In all criminal prosecutions, the accused shall enjoy the right . . . to be informed  
4 of the nature and cause of the accusation." - 6<sup>th</sup> amendment.

5 **Our Federal Constitution is one of limited powers; Telling us what we can eat is not one of them.**

6 Ecstasy is a food as much as beer is a food. Beer is made through a chemical process from  
7 agricultural products. Ecstasy is made from Isosafrole, the main oil of the sassafras plant. Indeed the  
8 study of recreational drugs is the study of flavorings and the study of perfumes. It is the study of  
9 aromatics. Dill and artificial vanilla are both drug precursors.

10 The federal government has usurped our right to determine the extent to which we would like to  
11 investigate these pleasure giving plants.

12 Although licorice is a staple of the candy department, the actual plant is illegal.

13 **We needed to amend the constitution to make beer illegal; you would need to amend it to make  
14 ecstasy illegal.**

15 In 1919 we passed the 18<sup>th</sup> amendment which prohibited alcohol in this country.  
16 [http://en.wikipedia.org/wiki/Volstead\\_Act](http://en.wikipedia.org/wiki/Volstead_Act) Thereafter the constitution was again amended in 1933 by  
17 passing the 21<sup>st</sup> amendment to repeal the 18<sup>th</sup> amendment and to give the states the right to regulate  
18 alcohol.

19 If these amendments were necessary then you would need the same amendments to criminalize  
20 ecstasy. Such amendments have not been passed, or even proposed. Therefore ecstasy remains legal.

21 **When it comes to fundamental rights such as driving, or pursuing happiness, a mere  
22 regulation may not impede those rights.**

23 "Where rights secured by the Constitution are involved, there can be no rule making or legislation,  
24 which would abrogate them." - *Miranda v. Arizona* (1966) <http://www.lawyerdude.netfirms.com/miranda.html> 384  
25 U.S. 436 .

26 **Why don't we use the Assimilative Crimes Act? Why don't we have a national driver's license?  
27 Drug laws are an anomaly; they should not be used to infringe upon our liberties. Drugs laws are  
28 administrative law run amok. They are administrative law on steroids.**

**Ecstasy is on the list because it gives us happiness; we have a right to pursue happiness by using  
this harmless plant derivative.**

January 2, 1971 was the first business day of the year following the midterm Congressional  
elections. Nixon signed his Omnibus Crime Control Act. The act established categories of drugs. There  
was established a class of drugs whose only purpose was pleasure. The act thereby criminalized  
pleasure. That conclusion stems from a review of the California law which is similar. Some drugs are  
classified as illegal simply because their only use is for pleasure.

---

From Wikipedia: "In the United States, MDMA was legal and unregulated until May 31, 1985, at

1 which time it was added to DEA Schedule I, for drugs deemed to have no medical uses and a high  
2 potential for abuse. During DEA hearings to criminalize MDMA, most experts recommended DEA  
3 Schedule III prescription status for the drug, due to its beneficial usage in psychotherapy. The judge  
4 overseeing the hearings, Francis Young, also made this recommendation. Nonetheless, the DEA  
classified it as Schedule I.[26]" - [http://en.wikipedia.org/wiki/Ecstasy\\_%28drug%29#Legal\\_issues](http://en.wikipedia.org/wiki/Ecstasy_%28drug%29#Legal_issues)

---

5 Congress created a multitude of new agencies around the time World War II. The era of  
6 administrative law arose.

7 The "ruling class" knows that administrative laws may not infringe on the constitutional rights of  
8 humans. Therefore these administrative ruling class rulers bypass the populace and go right across the  
9 road to illegally lobby their fellow rule-makers in Congress. This is how the DEA and other agencies pass  
10 bad criminal laws with impunity. Such is the work of the laws criminalizing pleasure and the appropriately  
named drug called "ecstasy".

11 Administrative Law violates the constitutional mandate of separation of powers. It is justified by  
12 necessity. Congress does not have enough time to regulate all the agencies that it has created. The  
13 saving qualification is this: Administrative Regulations may not regulate those outside the agency. We see  
14 this at play in many instances. In California we have the "Code of Civil Procedure" which is passed by the  
legislature; these laws are true statutes. We also have "Rules of Court" which are written by the Judicial  
Council; these are not statutes.

15 **Administrative Law must be limited to administration of the agency, not control of**  
16 **human civil rights to a police agency such as the DEA.**

17 My search for a definition of the term "controlled substance" led me to a chart from the DEA -  
18 Drug Enforcement Agency. Maybe with more time I will find an actual statute. Regardless, my contention  
is that a statute in this area is beyond the scope of the limited powers granted by the constitution.

#### 19 **A short treatise on Administrative Law**

20 Administrative law is an evil of big government. Some say it is a necessary evil. From the  
21 viewpoint of Congress they simply don't have the time to regulate what they have created. The agencies  
22 are like children with no parental supervision. Like the internal revenue service, Administrative Law  
23 arose during periods of war. As our government expanded, those with the reins to power acquired the  
24 means to further their own agenda. They were far removed from the millions of hard working people who  
25 gave them the money that enable them to do good or evil. They chose the evil of imperialistic war. Ask  
26 anybody the cause of World War 1. They won't know. The error of Viet Nam is legend. Same with the  
27 Iraq war. Having committed the error of war our leaders now compounded the matter by subjecting us to  
28 the evil of repayment of the debt that these leaders incurred in fighting needless war. War financiers are  
evil but I won't digress further. My point is that during World War II the government created a multitude of  
government agencies. These agencies had executive branch functions. Congress would have no time to  
tend to other matters if they exerted direct control over these agencies. Thus arose the concept of self-

1 governing government servants. This is an oxymoron. The servant cannot be the master. Nonetheless  
2 we permitted the agencies to make their own rules. Agencies never die; they only grow fatter.  
3 Government employees and those of General Motors are the only people in America who receive  
4 pensions. Oh, one addition: the CEO's who steal the wealth of corporations, they also enjoy pensions.  
5 And golden parachutes if they get fired.

6 This is abuse of "administrative law". As citizens we write laws through our legislators. These  
7 statues are passed by the legislature and signed by the chief executive (except in the case of overriding a  
8 veto or initiative and referendum). By comparison, a regulation is NOT passed by the legislature.  
9 Regulations are administrative law. While the regulation may lawfully designate administrative matters  
10 they may not impose jail or other criminal penalties. By stealthy encroachment the federal government has  
11 impaired our right to use Yosemite by setting forth swarms of federal agents to forcibly carry us to the  
12 federal court house. They were ordered to "stand and deliver".

13 Congress could not have intended the oppression that has happened here. Congress may not  
14 delegate its legislative power to the DEA. My initial research shows that the DEA defines what is a  
15 controlled substance. I hope that I am wrong. If I am then I will upgrade this brief.

16 **Congress made an end run around the 4<sup>th</sup> amendment by criminalizing malum  
17 prohibitum act such as mere possession of non-stolen property . This is  
18 unconstitutional.**

19 When the court or other government agent unlawfully prohibits a constitutional right such as  
20 speech or travel, or pursuit of happiness, I may disobey the order with impunity. **“And our decisions  
21 have made clear that a person faced with such an unconstitutional licensing law may ignore it  
22 and engage with impunity in the exercise of the right of free expression for which the law  
23 purports to require a license.”** - U.S. Supreme Court. 1969. *Shuttlesworth v Birmingham* at  
24 <http://www.lawyerdude.8m.com/5091.html> 22 L Ed 2d 162, 394 U.S. 147, 89 S Ct 935.

25 **You yourself committed the crime!**

26 You yourself possessed ecstasy. You took it from me. What kind of system arrests a person for  
27 a crime and then commits the same crime? The law does not deal in trivialities. Authority: California civil  
28 code section 3533: “3533: The law disregards trifles.”

**Money from my fine would pay you. You are biased to keep the money flowing.**

See for example: *Tumey v Ohio* (1927) 273 U.S. 510. In this prohibition era case, the city  
received \$5 for each conviction. The Tumey case can be see at: <http://www.lawyerdude.8k.com/Tumey.html>

So now we have a dynamic tension: the struggle between the individual human and the corporate/  
government for hegemony. Today the various governments have sent hither swarms of Officers to  
harass our people and steal our wealth by the instrument of institutionalized highway robbery. The  
overlord always sets up toll gates and other methods of plundering the wealth of the land. This instrument  
of oppression was one of the offenses that triggered our early revolution: Declaration of Independence:  
“He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and

eat out their substance.” This will not stand.

**“And our decisions have made clear that a person faced with such an unconstitutional licensing law may ignore it and engage with impunity in the exercise of the right of free expression for which the law purports to require a license. . . . Given the absence of speedy procedures, the Reverend Shuttlesworth and his associates were faced with a serious dilemma when they received their notice from Mr. Connor. If they attempted to exhaust the administrative and judicial remedies provided by Alabama law, it was almost certain that no effective relief could be obtained by Good Friday. Since the right to engage in peaceful and orderly political demonstrations is, under appropriate conditions, a fundamental aspect of the "liberty" protected by the Fourteenth Amendment, the petitioner was not obliged to invoke procedures which could not give him effective relief. With fundamental rights at stake, he was entitled to adopt the more probable meaning of the ordinance and act on his belief that the city's permit regulations were unconstitutional.”** - U.S. Supreme Court. 1969. *Shuttlesworth v Birmingham* at <http://www.lawyerdude.8m.com/5091.html> 22 L Ed 2d 162, 394 U.S. 147, 89 S Ct 935.

**Magna Charta: “45. We will not make men justices, constables, sheriffs, or bailiffs, unless they are such as know the law of the realm, and are minded to observe it rightly.”**

---

**The main purpose of government is to protect my rights; the drug laws are categorically and inherently evil and unconstitutional.**

**Your drug laws are fundamentally flawed. This is a “structural flaw” in the nomenclature of the U.S. Supreme Court. Possession of contraband is guaranteed by the constitution.**

Drug laws are laws of possession. No actus reus is required. No mens re is required.

Our state governments were each established to protect and maintain individual rights. Your drug laws are mere barratry.

Authority: Washington bill of rights: § 1 Political Power. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established **to protect and maintain individual rights.**

“The fundamental things apply as time goes by.” - Casablanca 1942.

---

**The police state has arisen and granted itself the privilege to possess the drugs that the citizens may not possess.** This violates “our” California constitution: § 12 Special Privileges and Immunities Prohibited. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.

1 **My constitutional right to a remedy.**

2 I have a right to a remedy. Thirty-five states include a "right to a remedy" in their constitution. The  
3 list is at the following hyperlink: *Constitutional Right to a Remedy* <http://www.lawyerdude.netfirms.com/8428.html>  
4 Michigan is not on the list but that makes no difference. The right to a remedy is a constitutional concept.  
5 When other state constitutions declare a right then that right becomes a right throughout all the states. I  
6 set forth that argument below.

7 The 9<sup>th</sup> amendment says that the federal bill of rights is not exclusive. Therefore I contend that all  
8 state constitutions serve to define our national rights. Therefore I rely on some pertinent words from the  
9 Colorado constitution. § 6. Equality of justice. Courts of justice shall be open to every person, **and a  
10 speedy remedy afforded for every injury to person, property or character; and right and justice  
11 should be administered without sale, denial or delay.** - Colorado constitution.

12 Other state constitutions proclaims a right to a remedy:  
13 Art. 1, section 21. Access to courts- The courts shall be open to every person for redress of any injury,  
14 and justice shall be administered without sale, denial or delay. - Florida Bill of Rights.  
15 "An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it  
16 creates no office; it is, in legal contemplation, as inoperative as though it had never been passed." - The  
17 U.S. Supreme Court in *Norton v Shelby* (1886)

18 A void act does not become valid by the running of time.

19 My right to a transcript even if I cannot afford one is guaranteed by the **Due Process** and **Equal**  
20 **Protection** clauses of the U.S. Constitution. The Supreme court ruled so in *Griffin v Illinois* (1956) 100 L  
21 Ed 891, 351 US 12, 79 S Ct 585, 55 ALR2d 1055 <http://www.circuitlawyer.8m.com/griffin.html> . The  
22 Supreme Court reaffirmed that right even in some civil cases in 1996. *MLB v SLJ* (1996) 519 US 102;  
23 117 S Ct 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html>

24 The state constitution and the 6<sup>th</sup> amendment guarantee my right to a jury trial.

25 My right to counsel of choice is guaranteed also. The Supreme Court ruled on this in 2006 in the  
26 case of *U.S. v Gonzalez-Lopez* 2005-352. Decided 2006. <http://www.lawyerdude.netfirms.com/8345.html>

27 **Under U.S. Constitution IV, 2, I am entitled to Georgia, Illinois, and California rights.**

28 Under the constitutional concept of "dual federalism" we are all beneficiaries of at least two  
constitutions, to wit: state and federal.

The federal constitution and the common law invest us with additional rights as follows:

**I am entitled to utilize the constitutional concepts expressed in foreign constitutions.**

All people in all states, including Washington, are entitled to the rights of Californians, except the  
right to vote in California state and local elections, which, or course, is reserved to California citizens. That  
is why I cite California law herein.

U.S. Constitution: Article IV, Section 2.: The citizens of each state shall be entitled to all  
privileges and immunities of citizens in the several states.

The state officers here violated the Privileges and Immunities Clause of the 14<sup>th</sup> amendment

1 which states:

2 No state shall make or enforce any law which shall abridge the privileges or immunities of  
3 citizens of the United States; nor shall any state deprive any person of life, liberty, or  
4 property, without due process of law; nor deny to any person within its jurisdiction the  
5 equal protection of the laws. - Privilege and Immunities Clause of the 14<sup>th</sup> amendment.

6 **Application: Kansas Constitution contains no Due Process Clause - and yet I have a state  
7 constitutional right to due process.**

8 **Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights.**

9 We struggle to “find” the law. Example: A lawyer need not change his bar license upon entering a sister  
10 state. Once he has passed his test he has proven himself. Compulsion to join the compulsory bar  
11 violates the compulsory association clause of the 1948 Universal Declaration of Human rights  
12 “Article 20(2) No one may be compelled to belong to an association.” - Treaty. 1948  
13 Universal Declaration of Human Rights. <http://www.lawyerdude.netfirms.com/8213.html>

14 Likewise a driver need not register himself at every state border. Neither should a statute require  
15 that I re-register my car upon residing in a state more than 60 days or whatever that state requires. Such  
16 a requirement violates so very many clauses in the various fountains of liberty. Example: To do so  
17 imposes an undue burden on **interstate commerce**. Both lawyers and drivers are subjected to ever  
18 tightening reigns of state governments. Governments by stealthy encroachment over the course of  
19 generations seek to fatten the corporate bureaucracies and extract greater percentages of the wealth of  
20 the citizenry which they view as their subjects. In the beginning we sought government to provide law and  
21 order - not to enslave and rule us. Consider the portentous words of “our” Illinois constitution. By terms of  
22 the U.S. constitution, we free people of every state are beneficiaries of the liberating clause of the  
23 constitutions of Illinois and California as well as our own. We have 51 fountains of liberty from which to  
24 drink:

25 Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men are by nature free  
26 and independent and have certain inherent and inalienable rights among which are life,  
27 liberty and the pursuit of happiness. To secure these rights and the protection of property,  
28 governments are instituted among men, deriving their just powers from the consent of the  
governed. - Illinois Bill of Rights.

There are 50 state constitutions. It is interesting to compare them and investigate their derivation.  
Consider the flowery language of the first paragraph of the California Constitution which is constantly  
under attack by Republicans shaming Lincoln and attempting to curtail our rights by, for example, limiting  
our own search prohibition so that it is no stronger than the 4<sup>th</sup> amendment. Here is that first flowery  
meaningless clause:

1 California constitution - same as Ohio constitution: Section 1. All people are by nature  
2 free and independent and have inalienable rights. Among these are enjoying and  
3 defending life and liberty, acquiring, possessing, and protecting property, and pursuing  
4 and obtaining safety, happiness, and privacy. <http://www.leginfo.ca.gov/const-toc.html>

---

5 **I am a beneficiary of the rights declared by the California constitution.**

6 I was exercising my California defined Section 1 rights as a free and natural human when the  
7 police officer unconstitutionally violated my rights. I will be filing a motion to suppress evidence.

8 "Our" Illinois constitution forbids unwarranted searches.

9 Illinois constitution. Section 6. Searches, Seizures, Privacy, and  
10 Interceptions: The people shall have the right to be secure in their  
11 persons, houses, papers and other possessions against unreasonable  
12 searches, seizures, invasions of privacy or interceptions of  
13 communications by eavesdropping devices or other means. No warrant  
14 shall issue without probable cause, supported by affidavit particularly  
15 describing the place to be searched and the persons or things to be  
16 seized.

17 I will address the search issue in a concurrent motion listed at another section in this brief.

---

18 This argument is based on the **Due Process Clause** of the U.S. constitution.

19 This argument is based on independent state grounds. The **Illinois constitution** makes it sound  
20 as though we created the government to serve us, not to govern us:

21 Illinois Constitution: Section 2. Due Process and Equal Protection. No  
22 person shall be deprived of life, liberty or property without due process of  
23 law nor be denied the equal protection of the laws.

24 By stealthy encroachment over the course of generations, all governments and other corporations  
25 encroach upon the personal freedoms of humans. The human lives only 75 years. The father fails to  
26 warn the grandchild of the lies of the corporation. The lie remains unchallenged generations later due to  
27 human ignorance and mortality. The immortality of the corporation gives the government opportunity to  
28 encroach as such a speed as to be imperceptible by a single generation of humans.

---

29 **The federal constitution is one of limited grants of power; your drug laws are authorized  
30 by neither the state constitution nor the federal constitution.**

---

31 **Pleadings of Pro Se Litigants must be given some leeway**

32 Pleadings of Pro Se litigants are entitled to some leeway. *Haines v Kerner* (1972) 404 U.S. 519  
33 (1972) [Http://www.lawyerdude.net/firms.com/haines.html](http://www.lawyerdude.net/firms.com/haines.html) This ruling is consistent with statutes in nearly all

1 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy.

2 Signed \_\_\_\_\_ Michael Pohlable. Tuesday, February 19, 2008

**Proof of Service**

3 I served the prosecutor whose name is \_\_\_\_\_ via email per his request.

Thereafter I filed and served this motion via U.S. mail to Judge Carter in room 9d.

4 Signed \_\_\_\_\_ Michael Pohlable. Wed. 20 Feb 2008.

---

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1                   **Appendix: The accusatory statute in its entirety mentions neither ecstasy, MDMA, nor**  
2 **methylenedioxymethamphetamine nor does it anywhere define “controlled substance”**

9077 Version 1.000     2/19/08. Mike Pohlable. 12 USC Section 841.

3 This document is <http://www.lawyerdude.netfirms.com/9077.html>

4 Related pages:

5           DEA schedule: <http://www.usdoj.gov/dea/pubs/scheduling.html>

6           [http://en.wikipedia.org/wiki/Illicit\\_Drug\\_Anti-Proliferation\\_Act](http://en.wikipedia.org/wiki/Illicit_Drug_Anti-Proliferation_Act) The Illicit Drug Anti-Proliferation Act  
7 is a United States federal law enacted on April 30, 2003. A substantially similar Act was proposed  
8 during the previous Congress as the Reducing Americans' Vulnerability to Ecstasy Act (RAVE  
9 Act). The RAVE Act was originally sponsored by Senator Joseph Biden, who was also the writer  
10 of the Illicit Drug Anti-Proliferation Act. Biden attached the legislation as a rider to the bill creating  
11 the popular AMBER Alert system, **in order to get it passed without debate.**

12 12 USC Section 841. Prohibited acts A

13 (a) Unlawful acts Except as authorized by this subchapter, it shall be unlawful for any person knowingly  
14 or intentionally -

15           **(1) to manufacture, distribute, or dispense, or possess with intent to**  
16 **manufacture, distribute, or dispense, a controlled substance; or**

17           (2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a  
18 **counterfeit substance.**

19 (b) Penalties Except as otherwise provided in section 849, 859, 860, or 861 of this title, any person who  
20 violates subsection (a) of this section shall be sentenced as follows:

21 (1)(A) In the case of a violation of subsection (a) of this section involving -

22           (I) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;

23           (ii) 5 kilograms or more of a mixture or substance containing a detectable amount of -

24                   (I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine,  
25 ecgonine, and derivatives of ecgonine or their salts have been removed;

26                   (II) cocaine, its salts, optical and geometric isomers, and salts of isomers; (III)  
27 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

28                   (IV) any compound, mixture, or preparation which contains any quantity of any of the  
substances referred to in subclauses (I) through (III);

          (iii) 50 grams or more of a mixture or substance described in clause (ii) which contains cocaine  
base;

          (iv) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance  
containing a detectable amount of phencyclidine (PCP);

          (v) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid  
diethylamide (LSD);

          (vi) 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-- [   
1- ( 2-phenylethyl ) -4-piperidiny ] propanamide or 100 grams or more of a mixture or  
substance containing a detectable amount of any analogue of  
N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide;

          (vii) 1000 kilograms or more of a mixture or substance containing a detectable amount of  
marihuana, or 1,000 or more marihuana plants regardless of weight; or

          (viii) 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500  
grams or more of a mixture or substance containing a detectable amount of methamphetamine,

1 its salts, isomers, or salts of its isomers;

2 such person shall be sentenced to a term of imprisonment which may not be less than 10 years  
3 or more than life and if death or serious bodily injury results from the use of such substance shall  
4 be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in  
5 accordance with the provisions of title 18 or \$4,000,000 if the defendant is an individual or  
6 \$10,000,000 if the defendant is other than an individual, or both. If any person commits such a  
7 violation after a prior conviction for a felony drug offense has become final, such person shall be  
8 sentenced to a term of imprisonment which may not be less than 20 years and not more than life  
9 imprisonment and if death or serious bodily injury results from the use of such substance shall  
10 be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in  
11 accordance with the provisions of title 18 or \$8,000,000 if the defendant is an individual or  
12 \$20,000,000 if the defendant is other than an individual, or both. If any person commits a  
13 violation of this subparagraph or of section 849, 859, 860, or 861 of this title after two or more  
14 prior convictions for a felony drug offense have become final, such person shall be sentenced  
15 to a mandatory term of life imprisonment without release and fined in accordance with the  
16 preceding sentence. Notwithstanding section 3583 of title 18, any sentence under this  
17 subparagraph shall, in the absence of such a prior conviction, impose a term of supervised  
18 release of at least 5 years in addition to such term of imprisonment and shall, if there was such a  
19 prior conviction, impose a term of supervised release of at least 10 years in addition to such  
20 term of imprisonment. Notwithstanding any other provision of law, the court shall not place on  
21 probation or suspend the sentence of any person sentenced under this subparagraph. No  
22 person sentenced under this subparagraph shall be eligible for parole during the term of  
23 imprisonment imposed therein.

24 (B) In the case of a violation of subsection (a) of this section involving - (I) 100 grams or more  
25 of a mixture or substance containing a detectable amount of heroin; (ii) 500 grams or more of a  
26 mixture or substance containing a detectable amount of - (I) coca leaves, except coca leaves  
27 and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their  
28 salts have been removed; (II) cocaine, its salts, optical and geometric isomers, and salts of  
isomers; (III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or (IV) any  
compound, mixture, or preparation which contains any quantity of any of the substances referred  
to in subclauses (I) through (III); (iii) 5 grams or more of a mixture or substance described in  
clause (ii) which contains cocaine base; (iv) 10 grams or more of phencyclidine (PCP) or 100  
grams or more of a mixture or substance containing a detectable amount of phencyclidine  
(PCP); (v) 1 gram or more of a mixture or substance containing a detectable amount of lysergic  
acid diethylamide (LSD); (vi) 40 grams or more of a mixture or substance containing a  
detectable amount of N-phenyl-- [ 1- ( 2-phenylethyl ) -4-piperidinyl ] propanamide or 10 grams  
or more of a mixture or substance containing a detectable amount of any analogue of  
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;

(vii) 100 kilograms or more of a mixture or substance containing a detectable amount of  
marihuana, or 100 or more marihuana plants regardless of weight; or

(viii) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 50  
grams or more of a mixture or substance containing a detectable amount of methamphetamine,  
its salts, isomers, or salts of its isomers; such person shall be sentenced to a term of  
imprisonment which may not be less than 5 years and not more than 40 years and if death or  
serious bodily injury results from the use of such substance shall be not less than 20 years or  
more than life, a fine not to exceed the greater of that authorized in accordance with the  
provisions of title 18 or \$2,000,000 if the defendant is an individual or \$5,000,000 if the  
defendant is other than an individual, or both. If any person commits such a violation after a prior  
conviction for a felony drug offense has become final, such person shall be sentenced to a term  
of imprisonment which may not be less than 10 years and not more than life imprisonment and if  
death or serious bodily injury results from the use of such substance shall be sentenced to life  
imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the  
provisions of title 18 or \$4,000,000 if the defendant is an individual or \$10,000,000 if the

1 defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any  
2 sentence imposed under this subparagraph shall, in the absence of such a prior conviction,  
3 include a term of supervised release of at least 4 years in addition to such term of imprisonment  
4 and shall, if there was such a prior conviction, include a term of supervised release of at least 8  
5 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the  
6 court shall not place on probation or suspend the sentence of any person sentenced under this  
7 subparagraph. No person sentenced under this subparagraph shall be eligible for parole during  
8 the term of imprisonment imposed therein. (C) In the case of a controlled substance in  
9 schedule I or II, gamma hydroxybutyric acid (including when scheduled as an approved drug  
10 product for purposes of section 3(a)(1)(B) of the Hillary J. Farias and Samantha Reid Date-Rape  
11 Drug Prohibition Act of 2000), or 1 gram of flunitrazepam, except as provided in subparagraphs  
12 (A), (B), and (D), such person shall be sentenced to a term of imprisonment of not more than 20  
13 years and if death or serious bodily injury results from the use of such substance shall be  
14 sentenced to a term of imprisonment of not less than twenty years or more than life, a fine not to  
15 exceed the greater of that authorized in accordance with the provisions of title 18 or \$1,000,000  
16 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both.  
17 If any person commits such a violation after a prior conviction for a felony drug offense has  
18 become final, such person shall be sentenced to a term of imprisonment of not more than 30  
19 years and if death or serious bodily injury results from the use of such substance shall be  
20 sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in  
21 accordance with the provisions of title 18 or \$2,000,000 if the defendant is an individual or  
22 \$10,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583  
23 of title 18, any sentence imposing a term of imprisonment under this paragraph shall, in the  
24 absence of such a prior conviction, impose a term of supervised release of at least 3 years in  
25 addition to such term of imprisonment and shall, if there was such a prior conviction, impose a  
26 term of supervised release of at least 6 years in addition to such term of imprisonment.  
27 Notwithstanding any other provision of law, the court shall not place on probation or suspend the  
28 sentence of any person sentenced under the provisions of this subparagraph which provide for a  
mandatory term of imprisonment if death or serious bodily injury results, nor shall a person so  
sentenced be eligible for parole during the term of such a sentence. (D) In the case of less than  
50 kilograms of marihuana, except in the case of 50 or more marihuana plants regardless of  
weight, 10 kilograms of hashish, or one kilogram of hashish oil or in the case of any controlled  
substance in schedule III (other than gamma hydroxybutyric acid), or 30 milligrams of  
flunitrazepam, such person shall, except as provided in paragraphs (4) and (5) of this  
subsection, be sentenced to a term of imprisonment of not more than 5 years, a fine not to  
exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if  
the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both.  
If any person commits such a violation after a prior conviction for a felony drug offense has  
become final, such person shall be sentenced to a term of imprisonment of not more than 10  
years, a fine not to exceed the greater of twice that authorized in accordance with the provisions  
of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other  
than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposing a  
term of imprisonment under this paragraph shall, in the absence of such a prior conviction,  
impose a term of supervised release of at least 2 years in addition to such term of imprisonment  
and shall, if there was such a prior conviction, impose a term of supervised release of at least 4  
years in addition to such term of imprisonment. (2) In the case of a controlled substance in  
schedule IV, such person shall be sentenced to a term of imprisonment of not more than 3  
years, a fine not to exceed the greater of that authorized in accordance with the provisions of title  
18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an  
individual, or both. If any person commits such a violation after one or more prior convictions of  
him for an offense punishable under this paragraph, or for a felony under any other provision of  
this subchapter or subchapter II of this chapter or other law of a State, the United States, or a  
foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances,  
have become final, such person shall be sentenced to a term of imprisonment of not more than 6  
years, a fine not to exceed the greater of twice that authorized in accordance with the

1 provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant  
2 is other than an individual, or both. Any sentence imposing a term of imprisonment under this  
3 paragraph shall, in the absence of such a prior conviction, impose a term of supervised release  
4 of at least one year in addition to such term of imprisonment and shall, if there was such a prior  
5 conviction, impose a term of supervised release of at least 2 years in addition to such term of  
6 imprisonment. (3) In the case of a controlled substance in schedule V, such person shall be  
7 sentenced to a term of imprisonment of not more than one year, a fine not to exceed the greater  
8 of that authorized in accordance with the provisions of title 18 or \$100,000 if the defendant is an  
9 individual or \$250,000 if the defendant is other than an individual, or both. If any person commits  
10 such a violation after one or more convictions of him for an offense punishable under this  
11 paragraph, or for a crime under any other provision of this subchapter or subchapter II of this  
12 chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs,  
13 marihuana, or depressant or stimulant substances, have become final, such person shall be  
14 sentenced to a term of imprisonment of not more than 2 years, a fine not to exceed the greater  
15 of twice that authorized in accordance with the provisions of title 18 or \$200,000 if the defendant  
16 is an individual or \$500,000 if the defendant is other than an individual, or both. (4)  
17 Notwithstanding paragraph (1)(D) of this subsection, any person who violates subsection (a) of  
18 this section by distributing a small amount of marihuana for no remuneration shall be treated as  
19 provided in section 844 of this title and section 3607 of title 18. (5) Any person who violates  
20 subsection (a) of this section by cultivating a controlled substance on Federal property shall be  
21 imprisoned as provided in this subsection and shall be fined any amount not to exceed - (A)  
22 the amount authorized in accordance with this section; (B) the amount authorized in accordance  
23 with the provisions of title 18; (C) \$500,000 if the defendant is an individual; or (D) \$1,000,000  
24 if the defendant is other than an individual; or both. (6) Any person who violates subsection (a)  
25 of this section, or attempts to do so, and knowingly or intentionally uses a poison, chemical, or  
26 other hazardous substance on Federal land, and, by such use - (A) creates a serious hazard to  
27 humans, wildlife, or domestic animals, (B) degrades or harms the environment or natural  
28 resources, or (C) pollutes an aquifer, spring, stream, river, or body of water, shall be fined in  
accordance with title 18 or imprisoned not more than five years, or both. (7) Penalties for  
distribution. - (A) In general. - Whoever, with intent to commit a crime of violence, as defined in  
section 16 of title 18 (including rape), against an individual, violates subsection (a) of this section  
by distributing a controlled substance or controlled substance analogue to that individual without  
that individual's knowledge, shall be imprisoned not more than 20 years and fined in  
accordance with title 18. (B) Definition. - For purposes of this paragraph, the term "without that  
individual's knowledge" means that the individual is unaware that a substance with the ability to  
alter that individual's ability to appraise conduct or to decline participation in or communicate  
unwillingness to participate in conduct is administered to the individual. (c) Offenses involving  
listed chemicals Any person who knowingly or intentionally - (1) possesses a listed chemical  
with intent to manufacture a controlled substance except as authorized by this subchapter; (2)  
possesses or distributes a listed chemical knowing, or having reasonable cause to believe, that  
the listed chemical will be used to manufacture a controlled substance except as authorized by  
this subchapter; or (3) with the intent of causing the evasion of the record keeping or reporting  
requirements of section 830 of this title, or the regulations issued under that section, receives or  
distributes a reportable amount of any listed chemical in units small enough so that the making  
of records or filing of reports under that section is not required; shall be fined in accordance with  
title 18 or imprisoned not more than 20 years in the case of a violation of paragraph (1) or (2)  
involving a list I chemical or not more than 10 years in the case of a violation of this subsection  
other than a violation of paragraph (1) or (2) involving a list I chemical, or both. (d) Boobytraps  
on Federal property; penalties; "boobytrap" defined (1) Any person who assembles, maintains,  
places, or causes to be placed a boobytrap on Federal property where a controlled substance is  
being manufactured, distributed, or dispensed shall be sentenced to a term of imprisonment for  
not more than 10 years or fined under title 18, or both. (2) If any person commits such a  
violation after 1 or more prior convictions for an offense punishable under this subsection, such  
person shall be sentenced to a term of imprisonment of not more than 20 years or fined under  
title 18, or both. (3) For the purposes of this subsection, the term "boobytrap" means any

1 concealed or camouflaged device designed to cause bodily injury when triggered by any action  
2 of any unsuspecting person making contact with the device. Such term includes guns,  
3 ammunition, or explosive devices attached to trip wires or other triggering mechanisms,  
4 sharpened stakes, and lines or wires with hooks attached. (e) Ten-year injunction as additional  
5 penalty In addition to any other applicable penalty, any person convicted of a felony violation of  
6 this section relating to the receipt, distribution, manufacture, exportation, or importation of a  
7 listed chemical may be enjoined from engaging in any transaction involving a listed chemical for  
8 not more than ten years. (f) Wrongful distribution or possession of listed chemicals (1) Whoever  
9 knowingly distributes a listed chemical in violation of this subchapter (other than in violation of a  
10 record keeping or reporting requirement of section 830 of this title) shall be fined under title 18  
11 or imprisoned not more than 5 years, or both. (2) Whoever possesses any listed chemical, with  
12 knowledge that the record keeping or reporting requirements of section 830 of this title have not  
13 been adhered to, if, after such knowledge is acquired, such person does not take immediate  
14 steps to remedy the violation shall be fined under title 18 or imprisoned not more than one year,  
15 or both.

---

16 **Appendix: Federal Rules of Criminal Procedure. Rules pertaining to pre-trial motions:  
17 Rules 12 and 47.**

18 **Rule 12. Pleadings and Pretrial Motions**

19 (a) Pleadings.

20 The pleadings in a criminal proceeding are the indictment, the information, and the pleas of not guilty,  
21 guilty, and nolo contendere.

22 (b) Pretrial Motions.

23 (1) In General.

24 Rule 47 applies to a pretrial motion.

25 (2) Motions That May Be Made Before Trial.

26 **A party may raise by pretrial motion any defense, objection, or request that the court can  
27 determine without a trial of the general issue.**

28 (3) Motions That Must Be Made Before Trial.

The following must be raised before trial:

(A) a motion alleging a defect in instituting the prosecution;

(B) a motion alleging a defect in the indictment or information -- but at any time while the case is pending,  
the court may hear a claim that the indictment or information fails to invoke the court's jurisdiction **or to  
state an offense;**

**(C) a motion to suppress evidence;**

(D) a Rule 14 motion to sever charges or defendants; and

(E) a Rule 16 motion for discovery.

(4) Notice of the Government's Intent to Use Evidence.

(A) At the Government's Discretion.

At the arraignment or as soon afterward as practicable, the government may notify the defendant of its  
intent to use specified evidence at trial in order to afford the defendant an opportunity to object before trial  
under Rule 12(b)(3)(C).

(B) At the Defendant's Request.

At the arraignment or as soon afterward as practicable, the defendant may, in order to have an opportunity  
to move to suppress evidence under Rule 12(b)(3)(C), request notice of the government's intent to use (in  
its evidence-in-chief at trial) any evidence that the defendant may be entitled to discover under Rule 16.

(c) Motion Deadline. The court may, at the arraignment or as soon afterward as practicable, set a  
deadline for the parties to make pretrial motions and may also schedule a motion hearing.

(d) Ruling on a Motion. The court must decide every pretrial motion before trial unless it finds good cause  
to defer a ruling. The court must not defer ruling on a pretrial motion if the deferral will adversely affect a  
party's right to appeal. When factual issues are involved in deciding a motion, the court must state its

1 essential findings on the record.

(e) Waiver of a Defense, Objection, or Request.

2 A party waives any Rule 12(b)(3) defense, objection, or request not raised by the deadline the court sets  
3 under Rule 12(c) or by any extension the court provides. For good cause, the court may grant relief from  
the waiver.

(f) Recording the Proceedings.

4 All proceedings at a motion hearing, including any findings of fact and conclusions of law made orally by  
the court, must be recorded by a court reporter or a suitable recording device.

(g) Defendant's Continued Custody or Release Status.

5 If the court grants a motion to dismiss based on a defect in instituting the prosecution, in the indictment, or  
6 in the information, it may order the defendant to be released or detained under 18 U.S.C. § 3142 for a  
7 specified time until a new indictment or information is filed. This rule does not affect any federal statutory  
period of limitations.

(h) Producing Statements at a Suppression Hearing.

8 Rule 26.2 applies at a suppression hearing under Rule 12(b)(3)(C). At a suppression hearing, a law  
enforcement officer is considered a government witness.

9 (As amended Apr. 22, 1974, eff. Dec. 1, 1975; July 31, 1975, eff. Dec. 1, 1975; Apr. 28, 1983, eff. Aug. 1,  
10 1983; Mar. 9, 1987, eff. Aug. 1, 1987; Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 29, 2002, eff. Dec. 1, 2002.)

#### 11 **Rule 47: Rule 47. Motions and Supporting Affidavits**

(a) In General. A party applying to the court for an order must do so by motion.

12 (b) Form and Content of a Motion. A motion -- except when made during a trial or hearing -- must be in  
13 writing, unless the court permits the party to make the motion by other means. A motion must state the  
14 grounds on which it is based and the relief or order sought. A motion may be supported by affidavit.

15 (c) Timing of a Motion. A party must serve a written motion -- other than one that the court may hear ex  
16 parte -- and any hearing notice at least 5 days before the hearing date, unless a rule or court order sets a  
different period. For good cause, the court may set a different period upon ex parte application.

17 (d) Affidavit Supporting a Motion. The moving party must serve any supporting affidavit with the motion. A  
18 responding party must serve any opposing affidavit at least one day before the hearing, unless the court  
permits later service.

19 (As amended Apr. 29, 2002, eff. Dec. 1, 2002.)

---

#### 20 **Appendix: Brief Biography of Attorney Douglas Palaschak**

This subdocument is <http://www.lawyerdude.netfirms.com/bio33.html>

21 I, Douglas Palaschak, declare the following under penalty of perjury: I have enjoyed a charmed  
22 life. I grew up on the perfect farm. My brother farms it now. I am an Engineering Graduate of the University  
of Illinois, Urbana, the best engineering school in the world - home of the Hal9000 of 2001, A Space  
23 Odyssey. There I was an honors student. While I was there John Bardeen was on our faculty. He received  
his 2<sup>nd</sup> Nobel Prize while I was there. His first Nobel prize was for having invented the transistor.

24 I marched in "The Marching Illini", the world's undisputed Premiere Marching Band. John Philip  
Sousa said that we were the best. I began my career as a Registered Professional Engineer. I consulted  
25 for the U.S. Navy, Mobil, and Exxon. My expert testimony resolved a personal injury case where my  
calculations proved that a hydraulic accumulator could not contain sufficient oxygen for combustion to  
26 have overloaded the failed bolts. This proved that the cause of the explosion was a failed hydraulic safety  
valve. I conceived and designed subsea machinery for the U.S. Navy. I performed the buckling analysis  
for the riser tubes and contributed to the design of the giant seafloor template for a quarter mile tall oil rig  
presently in service in the North Sea.

27 I have been a licensed lawyer for nearly a quarter century. I have a dispute with the California Bar  
stemming from 1994 when they held a hearing regarding my practice in federal court without inviting me.  
28 I passed the California bar exam in 1983. I have my J.D. from Ventura College of Law. I have published

1 approximately 1200 legal articles on the internet. My areas of expertise are:  
2 Licensure, Licenses, Rights, and Privileges, and their use as Instruments of Oppression,  
3 Pre-trial Defense of Malum Prohibitum Crimes,  
4 Internet-driven Improvements in the Efficiency of Litigation,  
5 Empowerment of Pro Se Litigants,  
6 Bankruptcy.

7 I wrote only one appeal in my career and it won.  
8 My most recent book is on the subject of Pre-trial Criminal Litigation of Malum Prohibitum Crimes. It  
9 is available by mail order via the internet. My proudest accomplishment is having found a mistake in the  
10 sheet music for Debussy's Clair De Lune. Warner Brothers republished their Debussy book. Here is their  
11 letter in that matter: <http://lawyerdude.8m.com/Warnerletter.jpg> I have been featured on *The Love*  
12 *Connection, Hard Copy, and Inside Edition.*

13 My heroes are Williams Kunstler <http://www.lawyerdude.netfirms.com/kunstler.html> Stephen  
14 Yagman <http://www.circuitlawyer.8m.com/yagman.html> , and Melvin Belli. Kunstler was sentenced to 4  
15 years and 13 days in jail for his zealous advocacy. He won on appeal. Yagman was suspended for 2 years  
16 for having truthfully accused Judge Real of being a drunk. Yagman won on appeal. Belli was whacked by  
17 the California bar for having done a TV spot for his favorite wine.

---

### 10 **Appendix: Washington state bill of rights. Only the good parts.**

11 Washington was carved out of the western part of Washington Territory and admitted to the Union as the  
12 42nd state in 1889. More than most other states, Washington copied its constitution and law from other  
13 states. Due to the sparse population of this state, we has suffered regression to military rule by the  
14 governing class. See, for example, clauses 25 and 26 which eliminate our grand jury rights. This bill of  
15 right is sad proof of the weakening and corruption of our government.  
16 <http://www.courts.wa.gov/education/constitution/index.cfm>

17 § 22 Rights of the Accused. In criminal prosecutions the accused shall have the right  
18 to appear and defend in person, or by counsel,  
19 to demand the nature and cause of the accusation against him,  
20 to have a copy thereof, to testify in his own behalf,  
21 to meet the witnesses against him face to face,  
22 to have compulsory process to compel the attendance of witnesses in his own behalf,  
23 to have a speedy public trial by an impartial jury of the county in which the offense is charged to  
24 have been committed

25 and the right to appeal in all cases:

26 Provided, The route traversed by any railway coach, train or public conveyance, and the  
27 water traversed by any boat shall be criminal districts; and the jurisdiction of all public  
28 offenses committed on any such railway car, coach, train, boat or other public  
conveyance, or at any station or depot upon such route, shall be in any county through  
which the said car, coach, train, boat or other public conveyance may pass during the trip  
or voyage, or in which the trip or voyage may begin or terminate.

In no instance shall any accused person before final judgment be compelled to advance money or  
fees to secure the rights herein guaranteed. [AMENDMENT 10, 1921 p 79 Section 1. Approved  
November, 1922.]

§ Original text - Art. 1 Section 22 Rights of Accused Persons - In criminal prosecution, the accused shall  
have the right to appear and defend in person, and by counsel, to demand the nature and cause of the  
accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against  
him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to  
have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been  
committed, and the right to appeal in all cases; and, in no instance, shall any accused person before final  
judgment be compelled to advance money or fees to secure the rights herein guaranteed.

§ 1 Political Power. All political power is inherent in the people, and governments derive their just powers  
from the consent of the governed, and are established **to protect and maintain individual rights.**

1 § 2 Supreme Law of the Land. The Constitution of the United States is the supreme law of the land.

2 § 3 Personal Rights. No person shall be deprived of life, liberty, or property, without due process of law.

3 § 4 Right of Petition and Assemblage. The right of petition and of the people peaceably to assemble for  
4 the common good shall never be abridged.

5 § 5 Freedom of Speech. Every person may freely speak, write and publish on all subjects, being  
6 responsible for the abuse of that right.

7 § 6 Oaths - Mode of Administering. The mode of administering an oath, or affirmation, shall be such as  
8 may be most consistent with and binding upon the conscience of the person to whom such oath, or  
9 affirmation, may be administered.

10 § 7 Invasion of Private Affairs or Home Prohibited.  
11 No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

12 § 8 IRREVOCABLE PRIVILEGE, FRANCHISE OR IMMUNITY PROHIBITED.  
13 No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature.

14 § 9 RIGHTS OF ACCUSED PERSONS.  
15 No person shall be compelled in any criminal case to give evidence against himself, or be twice put in  
16 jeopardy for the same offense.

17 § 10 ADMINISTRATION OF JUSTICE.  
18 Justice in all cases shall be administered openly, and without unnecessary delay.

19 § 11 Religious Freedom. Not reprinted here. This section has been fatally diluted and corrupted by the  
20 forces of evil and government intermeddlers to advance religious causes.

21 § 12 Special Privileges and Immunities Prohibited.  
22 No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal,  
23 privileges or immunities which upon the same terms shall not equally belong to all citizens, or  
24 corporations.

25 § 13 HABEAS CORPUS.  
26 The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion  
27 the public safety requires it.

28 § 14 EXCESSIVE BAIL, FINES AND PUNISHMENTS.  
Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

§ 15 CONVICTIONS, EFFECT OF.  
No conviction shall work corruption of blood, nor forfeiture of estate.

§ 20 BAIL, WHEN AUTHORIZED.  
All persons charged with crime shall beailable by sufficient sureties, except for capital offenses when the  
proof is evident, or the presumption great.

§ 21 TRIAL BY JURY.  
The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less  
than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of  
record, and for waiving of the jury in civil cases where the consent of the parties interested is given  
thereto.

1 § 23 BILL OF ATTAINDER, EX POST FACTO LAW, ETC.  
No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

2 § 24 Right to Bear Arms. Not reprinted here.

3 § 25 Prosecution by Information. (This section violates the superior federal constitution.) Offenses  
4 heretofore required to be prosecuted by indictment may be prosecuted by information, or by indictment, as  
5 shall be prescribed by law.

6 § 26 Grand Jury. (This section violates the federal constitution.)  
No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

7 29 CONSTITUTION MANDATORY.

The provisions of this Constitution are mandatory, unless by express words they are declared to be  
8 otherwise.

9 30 RIGHTS RESERVED.

The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the  
10 people.

11 31 Standing Army.

No standing army shall be kept up by this state in time of peace, and no soldier shall in time of peace be  
12 quartered in any house without the consent of its owner, nor in time of war except in the manner  
prescribed by law.

13 § 32 Fundamental Principles. A frequent recurrence to fundamental principles is essential to the security  
14 of individual right and the perpetuity of free government.

15 § 35 Victims of Crimes - Rights. Deleted. This section was added by the police state.

---

16 **Appendix: Michigan Bill of Rights. Deleted.**

Deleted. You Google for it or go to:

17 [http://www.legislature.mi.gov/\(S\(ezqst455dc1e0nnoq1igokea\)\)/mileg.aspx?page=getObject&objectName=mcl-Constitution-l](http://www.legislature.mi.gov/(S(ezqst455dc1e0nnoq1igokea))/mileg.aspx?page=getObject&objectName=mcl-Constitution-l)

---

18 **Appendix: Sample state Bill of Rights. Excerpts from the Florida Bill of Rights.**  
19 **Deleted.**

You can find it at: [http://en.wikipedia.org/wiki/Florida\\_Constitution](http://en.wikipedia.org/wiki/Florida_Constitution)

---

21 **Topical Index**

14th amendment. . . . .	<del>-15-</del>	Alabama. . . . .	<del>-13-</del>	bail. . . . .	<del>-26-</del>
1983. . . . .	<del>-4-, -24-</del>	amendment. . . . .	<del>-4-, -10-, -12--16-</del>	bar. . . . .	<del>-15-, -24-, -25-</del>
20 years. . . . .	<del>-20--22-</del>	analysis. . . . .	<del>-24-</del>	bar license. . . . .	<del>-15-</del>
4th amendment. . . . .	<del>-12-, -16-</del>	appeal. . . . .	<del>-6-, -23-, -25-</del>	barratry. . . . .	<del>-13-</del>
6th amendment. . . . .	<del>-10-, -14-</del>	appear. . . . .	<del>-1-, -25-</del>	belief. . . . .	<del>-13-</del>
9th amendment. . . . .	<del>-14-</del>	appearance. . . . .	<del>-6-</del>	beneficiaries. . . . .	<del>-14-, -15-</del>
absence of speedy procedures		Arizona. . . . .	<del>-5-, -10-</del>	bill of. . . . .	<del>-7-, -9-, -13--15-, -25-,</del>
. . . . .	<del>-13-</del>	as though. . . . .	<del>-10-, -14-, -16-</del>		<del>-27-</del>
abuse. . . . .	<del>-11-, -12-, -26-</del>	as time goes by. . . . .	<del>-9-, -14-</del>	bill of attainder. . . . .	<del>-27-</del>
actus reus. . . . .	<del>-13-</del>	Assimilative. . . . .	<del>-10-</del>	bill of rights. . . . .	<del>-7-, -9-, -13--15-,</del>
administrative law . . . . .	<del>-10--12-</del>	Assimilative Crimes Act. . . . .	<del>-10-</del>		<del>-25-, -27-</del>
affidavit. . . . .	<del>-16-, -24-</del>	association. . . . .	<del>-15-</del>	Birmingham. . . . .	<del>-12-, -13-</del>
affords no protection. . . . .	<del>-9-, -14-</del>	attainder. . . . .	<del>-27-</del>	blood. . . . .	<del>-26-</del>
agents. . . . .	<del>-12-</del>	Attorney Douglas Palasch		California. . . . .	<del>-1-, -6-, -7-, -9-, -11-,</del>
		. . . . .	<del>-4-, -24-</del>		<del>-12-, -14--16-</del>



1	impunity. . . . .	<del>-12-</del> , <del>-13-</del>	proof of service. . . . .	<del>-1-</del> , <del>-17-</del>	suspended. . . . .	<del>-25-</del> , <del>-26-</del>
2	Memorandum. . . . .	<del>-1-</del> , <del>-4-</del> , <del>-9-</del>	prosecutor. . . . .	<del>-6-</del> , <del>-17-</del>	swarms. . . . .	<del>-12-</del> , <del>-13-</del>
3	mens re. . . . .	<del>-13-</del>	pursuing. . . . .	<del>-10-</del> , <del>-16-</del>	swarms of officers. . . . .	<del>-13-</del>
4	methamphetamine. . . . .	<del>-19-</del> , <del>-20-</del>	pursuit of happiness. . . . .	<del>-5-</del> , <del>-6-</del> , <del>-12-</del> , <del>-15-</del>	Tennessee. . . . .	<del>-10-</del>
5	methylenedioxymethamphetamin e. . . . .	<del>-10-</del> , <del>-19-</del>	quash. . . . .	<del>-2-</del>	tension. . . . .	<del>-13-</del>
6	Michael Pohlable. . . . .	<del>-1-</del> , <del>-4-</del> , <del>-6-</del> , <del>-17-</del>	regulations. . . . .	<del>-11-</del> <del>-13-</del> , <del>-22-</del>	term. . . . .	<del>-11-</del> , <del>-20-</del> <del>-23-</del>
7	Michigan. . . . .	<del>-14-</del> , <del>-27-</del>	regulations were unconstitutional		terms. . . . .	<del>-14-</del> , <del>-15-</del> , <del>-26-</del>
8	Michigan Bill of Rights. . . . .	<del>-27-</del>	release. . . . .	<del>-20-</del> <del>-22-</del> , <del>-24-</del>	the accused. . . . .	<del>-10-</del> , <del>-25-</del>
9	Miranda. . . . .	<del>-10-</del>	reliable. . . . .	<del>-5-</del>	the individual. . . . .	<del>-13-</del> , <del>-22-</del>
10	MLB. . . . .	<del>-14-</del>	remedies. . . . .	<del>-13-</del>	traffic. . . . .	<del>-6-</del>
11	MLB v SLJ. . . . .	<del>-14-</del>	remedy. . . . .	<del>-14-</del> , <del>-17-</del> , <del>-23-</del>	transcript. . . . .	<del>-1-</del> , <del>-6-</del> , <del>-14-</del>
12	motion to. . . . .	<del>-1-</del> , <del>-4-</del> , <del>-16-</del> , <del>-23-</del> , <del>-24-</del>	report. . . . .	<del>-4-</del>	trial by jury. . . . .	<del>-26-</del>
13	motion to dismiss. . . . .	<del>-1-</del> , <del>-24-</del>	reports. . . . .	<del>-4-</del> , <del>-22-</del>	Tumey. . . . .	<del>-13-</del>
14	Motion to suppress. . . . .	<del>-4-</del> , <del>-16-</del> , <del>-23-</del>	Reverend Shuttlesworth. . . . .	<del>-13-</del>	U.S. v Gonzalez. . . . .	<del>-14-</del>
15	narcotic. . . . .	<del>-21-</del> , <del>-22-</del>	right. . . . .	<del>-4-</del> , <del>-5-</del> , <del>-9-</del> <del>-16-</del> , <del>-23-</del> , <del>-25-</del> <del>-27-</del>	unconstitutional. . . . .	<del>-4-</del> , <del>-9-</del> , <del>-12-</del> <del>-14-</del>
16	nature. . . . .	<del>-10-</del> , <del>-15-</del> , <del>-16-</del> , <del>-25-</del>	right to a jury. . . . .	<del>-14-</del>	unconstitutional act. . . . .	<del>-9-</del> , <del>-14-</del>
17	nature and cause. . . . .	<del>-10-</del> , <del>-25-</del>	right to a remedy. . . . .	<del>-14-</del>	unconstitutional act is not a law	<del>-9-</del> , <del>-14-</del>
18	nature and cause clause. . . . .	<del>-10-</del>	right to counsel. . . . .	<del>-14-</del>	unconstitutional licensing law	<del>-12-</del> , <del>-13-</del>
19	never been passed. . . . .	<del>-10-</del> , <del>-14-</del>	right to counsel of choice. . . . .	<del>-14-</del>	venue. . . . .	<del>-1-</del>
20	no state shall. . . . .	<del>-15-</del>	right to pursue. . . . .	<del>-10-</del>	victim. . . . .	<del>-6-</del>
21	Norman Conquest. . . . .	<del>-9-</del>	right to pursue happiness. . . . .	<del>-10-</del>	void. . . . .	<del>-4-</del> , <del>-9-</del> , <del>-14-</del>
22	Norton. . . . .	<del>-10-</del> , <del>-14-</del>	right to pursuit. . . . .	<del>-5-</del>	waiver. . . . .	<del>-1-</del> , <del>-24-</del>
23	Norton v Shelby. . . . .	<del>-10-</del> , <del>-14-</del>	right to pursuit of happiness		warrant. . . . .	<del>-16-</del>
24	oath. . . . .	<del>-26-</del>	rights. . . . .	<del>-1-</del> , <del>-4-</del> , <del>-7-</del> , <del>-9-</del> <del>-11-</del> , <del>-13-</del> <del>-16-</del> , <del>-25-</del> <del>-27-</del>	Washington. . . . .	<del>-7-</del> , <del>-9-</del> , <del>-13-</del> , <del>-15-</del> , <del>-25-</del>
25	Ohio. . . . .	<del>-13-</del> , <del>-16-</del>	rights as. . . . .	<del>-15-</del> , <del>-16-</del>	Washington bill of rights. . . . .	<del>-13-</del>
26	Ohio constitution. . . . .	<del>-16-</del>	road. . . . .	<del>-6-</del> , <del>-11-</del>	Washington constitution. . . . .	<del>-7-</del>
27	oppression. . . . .	<del>-12-</del> , <del>-13-</del> , <del>-25-</del>	ruling. . . . .	<del>-11-</del> , <del>-17-</del> , <del>-23-</del>	Washington state bill of rights	<del>-9-</del> , <del>-25-</del>
28	order. . . . .	<del>-12-</del> , <del>-15-</del> , <del>-19-</del> , <del>-23-</del> <del>-25-</del> , <del>-27-</del>	sample. . . . .	<del>-27-</del>	Wikipedia. . . . .	<del>-5-</del> , <del>-9-</del> <del>-11-</del> , <del>-19-</del> , <del>-27-</del>
1	overlord. . . . .	<del>-13-</del>	search. . . . .	<del>-5-</del> , <del>-6-</del> , <del>-11-</del> , <del>-16-</del>	witness. . . . .	<del>-24-</del>
2	Palaschak. . . . .	<del>-1-</del> , <del>-4-</del> , <del>-6-</del> , <del>-24-</del>	security. . . . .	<del>-9-</del> , <del>-27-</del>	writ. . . . .	<del>-4-</del> , <del>-26-</del>
3	perjury. . . . .	<del>-4-</del> , <del>-24-</del>	security of individual right. . . . .	<del>-9-</del> , <del>-27-</del>	writ of habeas corpus. . . . .	<del>-26-</del>
4	permits. . . . .	<del>-24-</del>	sent hither swarms. . . . .	<del>-13-</del>	Yagman. . . . .	<del>-25-</del>
5	perpetuity. . . . .	<del>-9-</del> , <del>-27-</del>	sentence. . . . .	<del>-20-</del> <del>-22-</del>		
6	perpetuity of free government		separation of powers. . . . .	<del>-11-</del>		
7	plundering. . . . .	<del>-9-</del> , <del>-27-</del>	Shelby. . . . .	<del>-10-</del> , <del>-14-</del>		
8	Pohlable. . . . .	<del>-1-</del> , <del>-4-</del> , <del>-6-</del> , <del>-17-</del> , <del>-19-</del>	Shuttlesworth. . . . .	<del>-12-</del> , <del>-13-</del>		
9	police state. . . . .	<del>-14-</del> , <del>-27-</del>	speech. . . . .	<del>-12-</del> , <del>-26-</del>		
10	possession. . . . .	<del>-12-</del> , <del>-13-</del> , <del>-23-</del>	standing. . . . .	<del>-27-</del>		
11	practice. . . . .	<del>-24-</del>	stand-by. . . . .	<del>-1-</del>		
12	privacy. . . . .	<del>-16-</del>	stand-by counsel. . . . .	<del>-1-</del>		
13	privilege. . . . .	<del>-14-</del> , <del>-15-</del> , <del>-26-</del>	state constitution. . . . .	<del>-14-</del> , <del>-17-</del>		
14	privileges. . . . .	<del>-14-</del> , <del>-15-</del> , <del>-25-</del> , <del>-26-</del>	state grounds. . . . .	<del>-16-</del>		
15	privileges and immunities. . . . .	<del>-14-</del> , <del>-15-</del> , <del>-26-</del>	status. . . . .	<del>-11-</del> , <del>-24-</del>		
16	pro se. . . . .	<del>-17-</del> , <del>-25-</del>	statutes. . . . .	<del>-7-</del> , <del>-9-</del> , <del>-11-</del> , <del>-17-</del>		
17	Pro Se Litigants. . . . .	<del>-17-</del> , <del>-25-</del>	statutes. . . . .	<del>-7-</del> , <del>-9-</del> , <del>-11-</del> , <del>-17-</del>		
18	probable cause. . . . .	<del>-16-</del>	stealthy encroachment. . . . .	<del>-12-</del> , <del>-15-</del> , <del>-16-</del>		
19	probation. . . . .	<del>-20-</del> , <del>-21-</del>	suppress evidence. . . . .	<del>-16-</del> , <del>-23-</del>		
			suppression hearing. . . . .	<del>-24-</del>		
			suspend. . . . .	<del>-4-</del> , <del>-20-</del> , <del>-21-</del>		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28