



Written by [Joe Wolverton, II, J.D.](#) on May 7, 2018

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## Victims of the Federal Leviathan

*From the print edition of The New American*

*“We The People of The United States of America, do hereby request the immediate assistance and intervention by President Donald J Trump, the U S Congress, and the U.S. AG, to join together in stopping the injustices befalling numerous Americans, who are now in prison as a result of out-of-control federal regulations. These good people have not committed any crimes and have harmed no other human beings.”*



The preceding is a request by a coalition of constitutionally minded Americans who have joined together to offer a petition calling upon President Trump and members of his administration, as well as the U.S. Congress, to use their constitutionally enumerated authority to eradicate the injustices being suffered by many citizens of our country.

The U.S. government has grown so large, so grasping, that like a sprawling Leviathan “there is nothing valuable to human nature, nothing dear to freemen, but what is within its power. It has the authority to make laws which will affect the lives, the liberty, and property of every man in the United States.” So wrote an unknown anti-Federalist author, regarding unchecked government power, in “Brutus 1” in 1787 during the debate over whether to ratify the U.S. Constitution. Though Federalists such as James Madison argued persuasively that the Constitution did limit the powers of the national government, there is no doubt that the “Brutus 1” description of unlimited governmental power rings familiar to what we are witnessing in our own times, owing to our failure to insist that those entrusted with power actually abide by the document they swear allegiance to.

Men and women throughout the country are having their lives, their liberty, and their property threatened by agents of the very government whose only legitimate purpose is the protection of those very things. Enter the petition effort launched under the umbrella of the Freedom Coalition, which describes itself as “a nationwide group of professionals and average Americans who have united to call for the release of many people who are currently in prison or who have been victimized by federal bureaucracies for violating unlawful regulations and rules that have not been passed by Congress.”

The coalition was formed by former Sheriff Richard Mack of the Constitutional Sheriffs and Peace Officers Association. Other coalition members include Larry Pratt of Gun Owners of America, Judge Andrew Napolitano, Ted Nugent, Tom Woods, Larry Klayman of Freedom Watch, and John Whitehead of the Rutherford Institute.

Through its petition effort, the Freedom Coalition hopes to draw attention to and stop the injustices befalling numerous Americans, who are now in prison as a result of out-of-control federal regulations. These victimized Americans have not committed any crimes, have harmed no other human being, and are good honest people. It appears that their only offense has been to offend federal bureaucrats, who have in turn done all in their power to make examples of otherwise law-abiding



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citizens.

Sadly, the tragic plights of these victimized citizens show that the Constitution's limits on power are looked upon with absolute disregard by, to quote the Declaration of Independence, "swarms of officers" who "harass our people and eat out their substance." The coalition's website ([www.thefreedomcoalition.com](http://www.thefreedomcoalition.com)) provides a number of examples of the tyrannical abuse of power that make the despotism of George III pale in comparison. We briefly summarize these examples below, drawing information from the coalition website as well as other sources. Readers are encouraged to further research each of these cases and learn how they are undeniable evidence of "a long train of abuses and usurpations, pursuing invariably the same Object evinc[ing] a design to reduce them under absolute Despotism."

## The Victims

Steve and Dwight Hammond from Burns, Oregon, were charged with "Domestic Terrorism" for burning debris and foliage on their family ranch. They were convicted, spent about a year in prison, paid a \$400,000 fine (raised by their neighbors, fellow ranchers, and friends), and were then released.

What was the outrageous crime for which they were subjected to such an extreme sentence?

Here's the description as written by *The New American* in February 2016:

They were prosecuted as "terrorists" under the federal Antiterrorism and Effective Death Penalty Act of 1996 for controlled burns on their own property in 2001 and 2006 that got out of control and spread to around 150 acres of federal Bureau of Land Management land (on which the Hammonds own/have grazing rights). The fires caused no real damage and no threat to lives, homes, or property of other citizens. In fact, the BLM acknowledged that the 2001 fire for which the Hammonds were prosecuted had actually "improved range conditions" on the public lands.

That's the "crime" that cost the Hammonds their freedom.

The charges against them were so egregious, so cruel, that the judge said they "shocked the conscience of this court."

With their lust for power left unsated, the federal government appealed the Hammonds' "light" sentences, and the Ninth Circuit Court of Appeals sent these good people back to prison, essentially giving Dwight Hammond, now 76 years old, a life sentence. These men have now been imprisoned twice for the same offense!

That is a direct, hostile, and open violation of the protection against double jeopardy provided by the Fifth Amendment. To the federal government, such "parchment barriers" are no match for their tyrannical talons.

Sam Girod, an Amish farmer in Kentucky, has been fending off the Food and Drug Administration (FDA) for five years. For nearly 20 years, Sam and his family have been making and selling his herbal salves. He was recently arrested and now sits in a federal prison.

What was his prison-worthy offense?

According to the FDA, Sam's labels were misleading. Specifically, the FDA classified his salves as "drugs," gave themselves jurisdiction over the products, and began criminal proceedings against Sam



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resulting in an injunction they accused him of violating. Accordingly, Sam was sentenced to six years in federal prison, where he sits today, some seven hours from his wife, 11 children, and 25 grandchildren.

It is worth noting that the FDA tested Sam's products in an independent lab and agreed that there were no drugs in his products and that they were indeed manufactured using "all-natural plant-based materials." No matter. The FDA classified the salves as drugs and prosecuted Sam for selling them as such, a claim they knew was untrue.

Unless the president pardons Girod, he will spend the next six years in federal prison for failing to get the federal government's permission to make an herbal cream.

Sheriff Mack was in the courtroom the day Girod was sentenced. In a letter published at the Freedom Coalition website, Mack describes the aftermath of the assault on the farmer's freedom:

On this day, Federal District Judge Danny Reeves, sentenced Amish farmer Samuel Girod to 72 months in prison for "not registering with the FDA" and for engaging in "interstate commerce" without a license. The most egregious reasons for this harsh and ruthless sentencing by this tyrant of a judge was that "the defendant has not given me any reason not to impose the recommended sentencing guidelines."

In other words, Girod did not bow and kiss the king's ring. Girod did not act remorseful and did not apologize. Thus, the judge determined to teach him a lesson and send a message to all Amish farmers; do what the bureaucrats command or go to jail!

I was in tears as I apologized after the hearing to the Girod family, Sam's father, his wife, and his children. On behalf of "We the People" I profoundly apologized for this horrible injustice! I also asked the crowd and reporters, "Where is Rand Paul?"

The judge basically admitted that he rendered the sentence because of Girod's lack of humility and poor attitude. The Judge is supposed to promote justice and be fair, the mental state of the defendant notwithstanding! Furthermore, it is the primary duty of all government officials to prevent all injustices. This judge and the prosecutors did just the opposite. They created injustice and manufactured a criminal.

Manufacturing criminals seems to be the business of the bureaucrats, and business is booming. Consider the nearly unbelievable case of Kenneth Wright.

Kenneth Wright had his home raided and ransacked in Stockton, California, by a SWAT team commanded by the Department of Education. Wright's home was invaded because his estranged wife failed to pay back her student loan. Wright was not imprisoned, but he was placed in a hot patrol cruiser for six hours while the SWAT team ransacked his home to "search for evidence."

*Photo: AP Images*

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For nearly a thousand years, a man's home has been his castle, and not even a monarch could enter without a warrant. No more. In the United States of America in the 21st century, the agents of the federal government act without restraint, without oversight, and, as Thomas Jefferson wrote in the Declaration of Independence, with "cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation."



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Wright hasn't been the only target of unwarranted and unconscionable SWAT raids. Many Amish farmers have suffered similar abuses from SWAT raids. Their crime: selling dairy products without putting them through the federally mandated pasteurization process.

For those of us familiar with history and with the liberty upon which this union was built, these acts of absolutism are unacceptable. The federal government was created as an agent of the states and its powers are, as James Madison wrote, "few and defined." Today, however, agents of the central government recognize no limits on their authority, and they punish people and their property with a force that is nearly unstoppable.

Government must not be empowered to destroy property. In fact, it is for the protection of property that it exists. It is contrary to any conception of freedom to endure a government that has usurped the power to prevent one man from consenting to conduct business with another man.

Such attacks on property and free trade are anathema to freedom. As the influential Algernon Sidney wrote in his *Discourses Concerning Government*, "Property is also an appendage to liberty; and it is impossible for a man to have a right to land or goods, if he has no liberty, and enjoys his life only at the pleasure of another, as it is to enjoy either, when he is deprived of them."

Who can argue that these victims of federal abuse are not being deprived of the enjoyment of their lives and the use of their property?

When it comes to property in the form of land, perhaps no one knows more about the weight of the federal boot than ranchers in Clark County, Nevada. To date, some 53 of these ranchers have been run out of business and their lands and cattle confiscated by the federal Bureau of Land Management (BLM) and the U.S. Forest Service. Agents of these federal departments were acting under the assumed authority of an executive order signed by former president Barack Obama.

Perhaps the most famous of the persecuted ranchers is Cliven Bundy. Bundy's case and the standoff that occurred on his property were publicized around the world.

A quick summary of the essential events of the Bundy case will suffice.

Cliven Bundy's family has lived on this land for nearly 140 years. The Bundys have settled and improved this property since Cliven's ancestor accompanied Edward Bunker and a company of Church of Jesus Christ of Latter-day Saints members who settled on the Virgin River, a few miles west of the Nevada-Arizona border, in 1877.

In nearly every way, the Bundys' life and liberty are connected inextricably to this property — property they have preemptive rights to and had worked for years before the federal government realized there was gold — black gold — in them thar hills.

Bundy and others were charged grazing fees by the federal BLM, and eventually they were prosecuted for failure to pay those fees.

After refusing to be bullied by the BLM into paying fees they did not owe to a federal agency that did not own the land it claimed to own, an armed standoff between Bundy and members of his family and supporters of their cause, against dozens of federal agents, led to Bundy and others being charged with conspiracy against the government.

Thankfully and miraculously, on January 8 of this year, U.S. District Court Judge Gloria Navarro



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dismissed with prejudice the case against the Bundys, noting: “The government’s conduct in this case was indeed outrageous.... There has been flagrant misconduct, substantial prejudice and no lesser remedy is sufficient.”

Of course, a dismissal of charges does not dismiss the suffering endured by the Bundy family during their family’s years of abuse by agents of the federal government.

Regarding the Bundys, there is the constitutional issue of whether the states, in forming the Constitution, gave the federal government power to own land.

In the decision handed down by the Supreme Court in the case of *Escanaba Co. v. City of Chicago*, 107 U.S. 678, 689 (1883), an important constitutionally based concept known as the “equal footing doctrine” was described: “Equality of constitutional right and power is the condition of all the States of the Union, old and new.”

Basically, this principle requires that any state added to the union be on equal footing with the 13 original states. As reported by the legal website Justia, “Since the admission of Tennessee in 1796, Congress has included in each State’s act of admission a clause providing that the State enters the Union ‘on an equal footing with the original States in all respects whatever.’”

An issue very similar to that in Cliven Bundy’s situation was at the heart of the Supreme Court case *Pollard’s Lessee v. Hagan*, decided in 1845. Cornell University Law School provides a short, helpful summary of the events:

Pollard’s Lessee involved conflicting claims by the United States and Alabama of ownership of certain partially inundated lands on the shore of the Gulf of Mexico in Alabama. The enabling act for Alabama had contained both a declaration of equal footing and a reservation to the United States of these lands.

Rather than an issue of mere land ownership, the Court saw the question as one concerning sovereignty and jurisdiction of the States. Inasmuch as the original States retained sovereignty and jurisdiction over the navigable waters and the soil beneath them within their boundaries, retention by the United States of either title to or jurisdiction over common lands in the new States would bring those States into the Union on less than an equal footing with the original States.

This, the Court would not permit.

So, regardless of the BLM’s — and by extension, the Obama administration’s — insistence that Nevada’s land was ceded to the federal government when Nevada became a state in 1864, the Constitution, common law, and relevant Supreme Court rulings have found otherwise.

In order for the federal government to acquire and exercise legislative control over land within a state, the land must be “purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings,” according to the U.S. Constitution.

Does the Bureau of Land Management or the Forest Service claim to have purchased the land claimed by these ranchers? Did they claim to have received the consent of the Nevada state legislature? If these two constitutional requirements have been met, is the land claimed by the ranchers currently being used for military buildings?





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The answer to each of these essential inquiries is NO!

Finally, there is the case of Shane Cox of Kansas.

Cox and Jeremy Kettler, a disabled veteran, were both charged and arrested. Cox was accused of manufacturing a firearm suppressor, and Kettler for buying one. Notably, both actions are not only permissible, but are expressly protected by Kansas state statutes.

The men were arrested by the federal Bureau of Alcohol, Tobacco, and Firearms, which pressured Kettler to testify against Cox. Kettler courageously refused and was subsequently charged along with Cox, and both now face prison sentences.

Remember: Both men were acting 100-percent in accordance with the laws of the state of Kansas. Neither man is guilty of anything other than failing to show due deference to the agents of the empire.

And what has become of these men now that they've been beaten down by the officers of the federal government? Mack reports, "Both of these federal victims are struggling, as you can well imagine after a lengthy court battle and the subsequent conviction. Cox and Kettler are emotionally and financially drained." Ironically, Cox's daughter is serving as a Marine, theoretically protecting the freedom of our country, freedom that her father has had stripped from him.

## **The Solution**

There is, literally, no liberty where such deprivations are permitted. Men and women whose only "crime" is the legal use of their property cannot be subject to the persecution and prosecution of agents of a government that should be guaranteeing the sanctity of property.

For now, the battle will be waged by the Freedom Coalition, whose membership counts lawyers, former and current law-enforcement officers, former and current state legislators, members of the media, and several grassroots organizations. The Freedom Coalition has posted a petition so that all may add their names to the list of those who stand opposed to the oppression. The petition to help the victims of the out-of-control federal bureaucracy, quoted in part at the beginning of this article, reads in full:

We The People of The United States of America, do hereby request the immediate assistance and intervention by President Donald J Trump, the U S Congress, and the U.S. AG, to join together in stopping the injustices befalling numerous Americans, who are now in prison as a result of out-of-control federal regulations. These good people have not committed any crimes and have harmed no other human beings.

Such arrests and abuses are the result of bureaucrats creating criminals. If America is to be great again, as President Trump has pledged, then this cannot continue.

We implore President Trump to grant pardons to the below listed American's and restore them to their families.

Truly, it is unthinkable that any man or woman learning of such egregious excesses would not run to enlist in this effort, this mission to restore our Republic to its place at the pinnacle of liberty. It is hoped that as more Americans are made aware of these unconstitutional and unconscionable acts of federal agents, the ranks of the forces defending freedom will swell. And that is the key: education. Such examples of government abuse listed above are very difficult to perpetrate on a well-informed, politically engaged populace. Organizations such as The John Birch Society (jbs.org), the parent



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organization of this magazine, have been at the forefront of such education efforts for decades.

Bill Hahn, vice president of operations for The John Birch Society, had this to say about the Society's educational efforts:

A solution is only as good as your understanding of the problem. If you're fighting a tentacle, rather than the heart, then you have no solution. The John Birch Society has led the way for nearly 60 years, striking at the heart, exposing the foreign and domestic enemies that seek to replace Americanism with globalism and eventually world government.

JBS Founder Robert Welch's brilliant strategy of organization creates many layers of strength from which concerned Americans can successfully participate in educating their local electorate. Thomas Jefferson once wrote that the true corrective of abuses of constitutional power was in educating the people, so they could exercise their control with a wholesome discretion. JBS members have followed this advice and moved the timetable of the globalists back an estimated 50 years.

With the publishing of these several sad accounts of the abuses suffered by our fellow citizens at the hands of our own government, it is hoped that those with power and influence will be persuaded to employ it in the defense of liberty and in the setting free of these men whose lives have been nearly destroyed by despots.

*Photo: AP Images*



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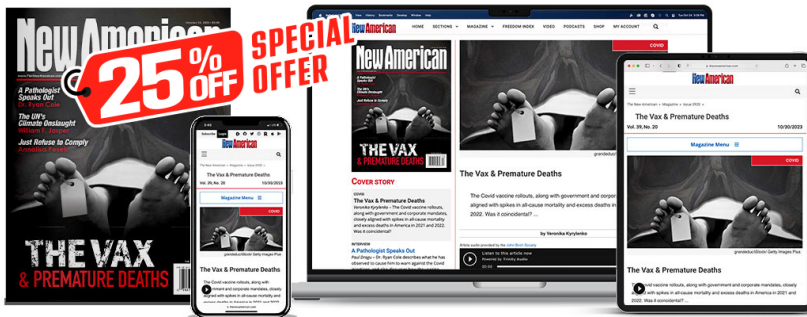
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