

Unlawful Law

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Our country is of thee, dissolute land of Tyranny on thee I see... The United States of America and the U.S. Constitution with its Bill of Rights once stood as a Government with checks and balances in a Governmental triecta of a Monarchy (the Executive branch with the President and Vice President who is the President of the Senate), Aristocracy (The Senate and Big Money that controls Government Funds), and Democracy (the House of Representatives). This triecta made up the trio that made the Judicial branch that enforces Law. The Aristocracy and Democracy together were Congress making up the Legislative branch and The People were the mass majority the Government represented which had the power to stop or over rule and change anything under this Republic.

The Republic the U.S. founding fathers created was best at representation of the Common Wealth (the People), establishing Government offices, giving and protecting Citizen Rights, and protecting Civil and Personal Liberties by the Constitution that established and superceeds the U.S. Government. Today, the Republic is lost and was only kept for 25 years as it was lost after the ratification of the 12th Amendment. The Aristocracy was removed in the 16th Amendment which became a separate Oligarchy (with LARGE MONEY and Influence), that are known as "Special Interest" or Lobbyists and the biggest of this outside influence is The Federal Reserve. The Senate has become a Democracy just like the House and so Congress is entirely a Democracy in competition with the Monarchy and both sides enact Laws they don't have to follow which is Anarchy. The branches of Government all hide behind the Judicial branch for protection. Today the U.S. Government is considering overthrowing the Constitution on ground that it's OBSOLETE.

The State Governments and the Federal Government now work together to protect each other from the People whilst they can do anything to the People that they (the Government) want to and there's NOTHING a Person can do to protect themselves. After a Criminal "Trial" (if it can really be called that these days) the Government has seriously restricted Incarcerated Peoples' access to the courts by the Prison Litigation Reform Act (PLRA) of 1996 (screw you Bill Clinton) and in combination with the "Hands-OFF" approach the courts have towards the prisons, the people find it nearly impossible to execute a Writ of Habeas Corpus or even a 1983 Suit. This access to the courts is supposed to be protected by the Constitution and Amendments to protect a person's Right to Due Process, Unbiased Trial, A Speedy Trial, all Constitutional Rights or Protections, and protection from the Governments malicious courts or wrongful convictions and mistreatment / cruel and unusual punishments. The Government put in place arbitrary "Statutes of Limitations" under the PLRA and can just arbitrarily DROP YOUR CASE LAWSUIT JUST BECAUSE, even if you have a legitimate, valid, and very strong evidence for a case against the prison and Government system. The United States Government and the State Governments can just create bogus laws to protect themselves from lawsuits against them from the people and make it nearly impossible for the U.S. People to protect or defend themselves from the Government especially if the Person isn't mega rich. The Honest and Dirty Truth, "THERE IS NO SUCH THING AS A FAIR AND UNBIASED TRIAL IN THE UNITED STATES!" This is especially true in the State Courts where the Judges are elected and must "FEAR APPEARING WEAK OR SOFT ON ALLEGED CRIMINALS" thus violate judicial canons and rules of

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conduct by hosting a BIASED Trial with a State Agenda. The Jury, chosen to be in favor of prosecution in support of the State agenda and Public Defenders who are State lawyers in support of their employer's (the State), agenda and all are AWARE of the charges and points of the case which causes a Natural Bias. The Federal Government will do its best to protect this unconstitutional trial to put the Person in Prison, because the U.S. Prison System and "Criminal Justice" system is a mega billions per year industry.

The U.S. Constitution establishes rights for all Peoples in the jurisdiction of the United States especially those who are "citizens." The issue is the fact that different Judges in different courts "Interpret" these "Rights" just like "Laws" differently based upon their own opinions, biases, and interpretations of the "RIGHTS." This means no Rights nor Laws are set in stone and may be executed and upheld in very different ways based on Prosecution and Judicial Interpretations, Opinions, and Biases! This implicates that LAW IS WHATEVER A JUDGE SAYS IT IS and thus is an arbitrary abstract BECAUSE it (LAW) is NEVER executed fairly nor the exact same way across the board to all Peoples and circumstances but rather is "INTERPETED" and EXECUTED in different ways to "Support Agenda" or to be used as a weapon to cause unnecessary harm or damage to a person or persons for arbitrary reasons (punishment or revenge) at the hands of Corruptable Judges and Corruptable Attorneys. It's hard enough to protect yourself from Government as a "free citizen" and is EXTREMELY HARD as a prisoner because of arbitrary laws written to protect the Predatory Government and their Human Exploitation MONEY Factories called "Prisons."

In Criminal Court cases, especially in the State of Arkansas, the Prosecuting Attorneys, Public Defenders, and Judges all have the same Employer with the same AGENDA (to put as many people in prison as possible to maintain HIGH / Overcrowded population and SLAVES) or they face losing their JOBS. The Lawyer that works as a Public Defender is actually a "Public Pretender" because this false "Defense" Attorney is making decisions and taking actions (in their clients case) for their own benefit and for the "State Agenda" by supporting the prosecution to ensure 95% to 98% of all cases result in a positive prosecution to support the States' EXPLOITATION of the People for MONEY. Most people cannot afford a corrupt Private Criminal Defense Lawyer because the non-State Lawyer is Exploiting the rich and people by charging TENS of THOUSANDS of DOLLARS most do not have for defense from Government predation. Most Criminal Defense Lawyers will tell a client that they can make charges disappear for \$2,500 per "charge" plus their fees. Public Defenders will do next to NOTHING in a client's case to Defend the Person but in the State Agenda will try to FORCE their client into DEALS, PLEAS, and/or DECISIONS without the client's knowledge. NEVER LET ANY LAWYER MAKE ANY DECISION ON YOUR BEHALF BECAUSE IT WILL BE FOR THEIR AGENDA AND INTEREST, NOT YOURS! This is all absolute violation of "Due Process" and of a Fair and Unbiased Trial!

In Prison, especially Arkansas, you WILL be mistreated, abused, harmed, and possibly even murdered. You WILL be seriously MENTALLY Damaged and WILL need to raise a legal suit against the prison all persons involved, and/or the State. Most prisons

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are State run and owned thus all employees are State Government Officials and a few prisons are "privately" owned and operated which lawsuits against them are different because you cannot sue under a 1983 suit against private prison because the employees of the facility are NOT State Employees. A Prisoner may raise State suits on "Torts" and/or Federal suits against the Prison and/or persons involved. BEWARE, in most cases you WILL suffer retaliation for filing any suit by means of threats, physical abuse/beatings, isolation, Unit transfer, mail tampering (to block communications), and denial of access to Law Library/resources OR HARASSMENT.

If a Prisoner so chooses to start a lawsuit, so much stands against them. MOST Lawyers REFUSE to represent Prisoners because Prisoners aren't viewed as People and the Lawyer is afraid to WIN because of the "IMAGE" it gives them and fear of the fact that the State will turn against them. The Prisoner PLAINTIFF/PETITIONER is going to be FORCED to do everything pro se ("for oneself") which the Government Judges always advise AGAINST self-representation (pro se) and sadly majority of pro se cases will be thrown out before ever going to trial. Many cases are dismissed as frivolous or malicious that are against Government bodies or Officials. If it's not dismissed the opposition / DEFENDANTS may put in a Motion for Summary Judgement to attempt to get all claims dismissed and stop the case from going to trial. This happens because MAJORITY of the PEOPLE of the U.S. including Incarcerated People KNOW little if not Nothing of the LAW and MOST Judges will take a Lawyer seriously but NOT a Person trying to proceed pro se. If the case is thrown out / Dismissed "With Prejudice", the Person cannot refile nor amend and

refile the case. It's DONE! In most cases a Judge will give the PETITIONER (Prisoner Filing Suit) at least ONE second chance to amend and refile the case if the Judge dismisses the original "without prejudice" or "with leave to amend". If the lawsuit is seen as being frivolous, malicious, no "claim" where "relief" may be granted, or seeks money damages from an entity with "qualified immunity", the case WILL be DISMISSED "sua sponte" ("on its own"). If the suit goes into a "Summary Judgement", this puts the case in a position to settle the case WITHOUT a TRIAL and the Judge CAN throw out pieces if not ALL of the case. This also means that the Prison, under Rule 56(c)(2) is trying to prove that there is NO ACTUAL ISSUE and the Judge feels the DEFENDANT(S) should win. It's crucial to respond in rebuttal to the Opponents Motion for Summary Judgement with concrete facts and strong supporting evidence.

Prisoners may put in a Motion for appointed counsel and a Judge may refuse and deny the motion because there is NO RIGHT to legal representation by an attorney in a Civil Suit. Usually the Judge will watch the case and see if the Prisoner, "pro se", can successfully get their case moving forward with strong evidence in a strong case before appointing or denying legal counsel of a Lawyer. In most cases of appointing counsel, the Lawyer works with you on a "contingency fee" meaning if you WIN, the Lawyer gets $\frac{1}{3}$ of your settlement and if you lose, the lawyer is owed NOTHING.

It is most unfortunate the Judges support a "Hands-off" Doctrine that the courts and Judges keep their "HANDS-OFF" the Prisons and Prison Administration and let the Prison Officials make the "RULES" no matter what the Prison Officials do. This "DOCTRINE"

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literally means that the legal system DOES NOT CARE what Prisons or Prison Officials DO to the Incarcerated People (Love Ones of families and friends, persons of society) and the Prisons and Prison Officials CAN DO ANYTHING THEY WANT (even illegal or unconstitutional) without question. Prisons have this POWER due to the ridiculous amount of money they make by exploiting the peoples of society, enslaving and imprisoning the people, and exploiting the Prisoner's family and friends all with support of the State and Federal Governments and having the "Judicial" System in their pocket to support and supply bodies to the prisons while protecting them in their Illegal and Unconstitutional Activities against all the people of Society. Judges, out of FEAR and BIAS, turn a BLIND EYE to the People in dire need in Prison, all to support "Government Agenda" and NOT protect the People nor uphold LAW!

Proof of Dissolution and Overbearing Power of the Prisons came in 1996 when Congress and President Bill "Slick Willy" Clinton (Sex offender/Murderer in-chief) had their palms greased to pass the Prison Litigation Reform Act (PLRA) which is an ANTI-PRISONER excessively restrictive act that violates the Constitution's Rights to "Access of the Courts" through limiting prisoner's access to the courts while incarcerated. Congress passed this because they were bribed and fed LIES that States were tired of spending money to defend themselves against Prisoner Lawsuits because Prisoners have a lot of time on their hands and are only "HARASSING" the Government. The reality that was ignored is the FACT that PRISONERS FILE A LOT OF LAWSUITS BECAUSE OF THE ILLEGAL AND UNCONSTITUTIONAL CONDITIONS AND ABUSE PRISONERS SUFFER AT THE HANDS OF PRISON OFFICIALS!

In Arkansas, Prison Conditions are so grim that ADC has been in the NEWS many times for deaths, murders, and in court many times for conditions and treatment. Former ADC Director Wendy Kelly has admitted that Medical and Drugs are ADC's two biggest problems and yet ADC "OFFICIALS" continue to do NOTHING about either problem to STOP them. 7-16-2019 in the known dangerous and deadly 3 and 4 barracks where fights, beatings, and stabbings are a regular occurrence, Gang members got into it and several men were sent to the hospital, Tucker Max and other places to conceal what really went on to keep it out of the NEWS though one man had died and medical was able to get him back, (his fortunate). ADC Tucker Unit Staff know these barracks are like this and are dangerous yet ADC DOES NOTHING but rather THREATEN to place Prisoners into these DANGEROUS OPEN BARRACKS INTENTIONALLY which IS Deliberate Indifference in maliciously putting other Prisoner's lives in severe danger. ADC gets away with this because the courts "Hands-Off" doctrine and the LAW DOES NOTHING to STOP IT!

The Arkansas Disability Rights advocates are SO SWAMPED because of Medical Malpractice in ADC that the advocates don't have the resources to help everyone with legitimate cases because the Courts and Judges DO NOTHING but support the Prisons and the Prison Official's Illegal and Unconstitutional Activity. Hillary Clinton herself commented, "Arkansas prisons are so bad that if you want money from an easy Law suit, come to prison in Arkansas!" Not too surprising a few years later as President, Bill Clinton signs the PLRA to help stop those Lawsuits against his precious ADC that he was Governor of once and benefitted from.

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ADC's Corruption runs deep and the conditions and treatment a known issue that's still in violation of Holt v. Sarver and Finney v. Arkansas Bd. of Corrections as well as MANY CASES JUST LIKE THEM.

Per the "Jailhouse Lawyers' Handbook" 2010 5th Edition published by the Center for Constitutional Rights and The National Lawyers Guild, "Historically, federal judges were more sympathetic to Prisoners than State judges. However, the PLRA has made federal court a much less friendly place for Prisoners. Sadly, that does not mean you will necessarily get fair treatment in the State court. Many State court judges are elected, rather than appointed, so they may avoid ruling for Prisoners because it might hurt their chances of getting re-elected. (Again, Proven BIAS / AGENDA)."

Prisons have the responsibility of providing a safe environment and protection for Prisoners, Prisoner's property, and to ensure adequate medical care for the prisoners while also ensuring Prisoner's Rights are NOT being violated. Problem is Prison Officials OFTEN commit acts of assault, battery, false arrest, abuse of process, sexual abuse, medical malpractice, and intentional affliction of mental/emotional distress. This is all negligence and deliberate indifference, (Government Employee, displays negligence when he/she fails to use reasonable care). Problem is that in interpretation, judges cannot agree about what is reasonable. This is a major problem of law, it seem everything is "LOST IN TRANSLATION or INTERPRETATION!" The worst thing Federal judges have decided is that Prison Officials DO NOT HAVE TO PROVIDE A "RISK-FREE" ENVIRONMENT and it is accepted that people are going to be murdered by Prison Officials and Prisoners

which is "NORMAL and OK." It's highly evident in 18 U.S.C. § 3626 which limits "Injunctive Relief" (Prospective Relief) that directly limits the ability of Prisoners to ask the courts to make the Prison change how it does something or to completely STOP doing this harmful action entirely.

Per U.S. Law, Prisoners DO NOT Lose their Rights just because they go through the gates into prison... but ADC will tell you that you have NO RIGHTS and You ARE ADC Property! The Supreme court has given the prisons power and right to restrict Prisoner's Rights. Wardens of Prisons can restrict First Amendment Rights by denying books, magazines, and other publications so long as it passes an arbitrary test called "the Turner Test" in *Thornburgh v. Abbott*, 490 U.S. 401, 404 (1989). The Warden can apply this over a broad spectrum and the courts will believe Prison Officials LIES that the material creates a "threat to Prison Security." Prisoner's incoming mail is also subject to this arbitrary "Turner Test" as is any materials the prisoner writes. Many times the Prison's "CLAIM" is simply an excuse. In *U.S. v. Balon*, 384 F.3d. 38 (2nd Cir. 2004) it was determined Prisoners don't have reasonable expectation of privacy of the First Amendment "freedom of speech" and the Fourth Amendment to "privacy". If for ANY REASON (real or arbitrary) a prisoner is placed in "Special Housing" or otherwise called restriction, the Prison CAN violate all Prisoner Amendment Rights and deny the prisoner Visitation, Phone Calls, MAIL, Contact with Others, and YARD TIME OUTSIDE Keeping the prisoner locked down 24/7 in extreme temperatures and conditions for extended periods of time which IS TORTURE and

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cruel or unusual punishment yet the courts and judges allow this illegal and unconstitutional activity because the Prison's Power gives Officials the ability to LIE about Generalized Security thus it is very difficult to challenge imposed restrictions. Even the most basic Human Right and Need to copulation with a spouse or significant other is taken away destroying (intentionally) the relationship of the prisoner and their spouse / significant other and forcing a prisoner into a single sex environment forcing and encouraging homo sexuality thus creating a Homosexual Environment while causing serious mental damages as well as confusion and hatred of Protected Sexual Orientation, States, and Gender Identities of the Prisoners.

The "Criminal Justice" system that prisons are a huge part of is so destructive, if a person commits a "petty" crime they face high possibility of losing their children and having their parental rights terminated because of an arbitrary "Adoption and Safe Families Act" that destroys families and damages the children further harming society doing things NOT in the best interest of the people.

Discrimination by Prison Officials is a very prominent issue in Prisons. It comes in the form of Racial (mostly color of skin), Gender, Sexual Orientation, Ethnicity, Medical Disabilities, Mental Disabilities, and Criminal Charges (especially sex offenses). Proving discrimination is nearly impossible and most courts have held that discrimination in the form of occasional verbal abuse doesn't violate the Constitution thus is "ok."

Sexual Assault / Harassment is a continual issue in juvenal, and male or female prisons. Sexual misconduct is far more common in

female and juvenial units. The courts do not recognize nor acknowledge the harm of verbal sexual abuse and "less invasive sexual touching". Even in RAPE cases of prisoners the courts have found in favor of the Defendants (the Prison) by denying "deliberate indifference" even with strong supporting evidence and reports from many other prisoners. This is the courts and judges stating that Sexual Assault and Harassment is ILLEGAL for the general public but is OK and is ACCEPTABLE if it is against a Prisoner! This is all in spite of the Prison Rape Elimination Act (PREA) and is the most bizzar attitude towards Sexual Abuse of People. In *Burney v. Pulsipher*, 143 F.3d 1299 (10th Cir. 1998) the court ruled after a female prisoner sued on grounds of Sexual Abuse that because she could NOT show "deliberate indifference" entirely on the grounds that it was a municipality and that county didn't provide "training programs" for addressing "Sexual Harassment and Inmate - Offender Relations". This made the Sexual Abuse "OK" from the officials. In *Berryhill v. Schirra*, 137 F.3d 1073 (8th Cir. 1998) maintenance workers were groping a male prisoner's buttocks and the court ruled that the victim claimed to be humiliated and paranoid after the incident yet did NOT seek Medical Care for any psychological or emotional trouble and thus made the Sexual Abuse "OK!" Why is it illegal for the People of the Public Society but ok for Prison Officials to commit Sexual Assault, RAPE, and Abuse?

The Prison Conditions of Arkansas's Tucker Unit of ADC and other ADC units are atrocious and such is the case for many States. Prisoners have a Right to humane conditions in prison, issue is

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The "STANDARD" for Unconstitutional conditions is Very High because courts allow inhumane harsh and restrictive conditions in Prisons, *Rhodes v. Chapman*, 452 U.S. 337, 346 (1981). In Tucker Unit, Prisoners are lucky to get outside recreation once or twice a month, the air quality is trash because of the mold (black and green) in all the barracks, extreme heat and cold in restrictive housing, the rats, the roaches, spiders, and mosquitos are awful, the unit is designed for 800 prisoners and currently houses 1,100, and they are mostly 24/7 lockdown under 24 hour lighting.

As per former Director of ALL of ADC stated, Medical is one of the worst problems of Arkansas and many prisoners have been under attack by the dissolute Well Path (formerly Correct Care Solutions) and the cruel and vile Doctor Chris Horan and Satanic H.S.A. Carol Ann Chism as well as A.P.N. Oniya-Murphy. They are set on taking all necessary medical devices /supplies from the Prisoners since coming to this facility (Tucker Unit) around January and February of 2019. Well Path's monsters have been rendering men with collates, walkers, canes, and wheel chairs without means to get around forcing Nicholas Hollis #114535 to CRAWL down the hall in dire pain and humiliation because he cannot walk and is disabled. Johnny Person must be helped by other prisoners or carried to get around because HE cannot walk. Charles Brownell #169076 is denied required self-cath catheters to urinate. Robert Inman #611056 has been killed and brought back twice because nurses have given him William Ingram's #79373 medication and it still keeps happening. Prisons MUST provide Medical Care if needed but the Eighth Amendment DOES NOT PROTECT Prisoners from medical malpractice nor the same level

of medical care you'd choose outside of Prison.

The worst injustice is the violation and restriction of the First, Fifth, and Fourteenth Amendments of the Constitution in the fact that legally "Prisoners have a fundamental RIGHT to access and use the court system," but the courts and prisons do all they can to block it.

Per the "Jailhouse Lawyer's Handbook," "Unfortunately, doing legal work in prison can be DANGEROUS, as well as DIFFICULT, so it is important to KNOW YOUR RIGHTS!" The prisons will harass, threaten, and do all they can to block preparation, the sending of, filing of, or receipt of legal Mail to and from the courts. Prison Officials may also seek to PUNISH Prisoners who have gained the necessary legal skills to file suits on their own and to help others with legal matters. Jailhouse Lawyers become a perceived threat to prison management who may take away the prisoner's possessions, place them in solitary on false charges, deny them parole, or transfer them to another facility. In Lewis v. Casey, 518 U.S. 343 (1996) the court ruled that a Prisoner cannot claim he was denied his right of access to the courts unless he shows "actual injury." This means even if the prison isn't allowing use of the Law Library and isn't giving legal assistance, the prisoner may not win a case about this issue. Some courts only recognize "actual injury" if you LOST your suit or missed a filing deadline because of inadequate access.

In the End, the legal system is very BIASED and the fearful State Judges are destructively harsh to People and society out of FEAR of losing their JOB and not being re-elected which creates a serious Conflict of Interest and BIAS that violates Judicial canons and codes of professional conduct. This problem also plagues prosecuting attorneys as well as Defense Attorneys of the state (Public

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Defenders) though all three have the SAME EMPLOYER and the SAME AGENDA of the State to put People in prison. Worse, once a person's in prison it is very difficult to legally defend or protect yourself (physical defense is illegal and can lead to LIFE IN PRISON) and Judges hold that, "If you don't have liberty interest, the Prison doesn't have to provide any interest!" So the courts support the Prisons and Prison Officials rendering all the illegal infractions and unconstitutional conduct, conditions, and treatments with the court's and Judges' Hands-Off doctrines so the courts usually just leave everything up to the Prison Officials even if it is Illegal and/or Unconstitutional. Remember this prison environment makes legal, mental, and physical defense of one's life illegal and can cause the prisoners defending themselves and their lives to get LIFE sentences. With the courts supporting CRIME and UNCONSTITUTIONAL conduct, how can anyone be expected to be safe and protected from the socially, mentally, physically, and morally destructive Monster that is the Criminal Justice System and their "Unlawful Law?!"

Sources: "Prisoners' Self-Help Litigation Manual" Fourth Edition
by John Boston & Daniel E. Manville
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"Jailhouse Lawyer's Manual" 5th Edition, 2010 Published By
The Center for Constitutional Rights & The National Lawyers
Guild, National Office

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Dear A.P.W.A. Editors Team:

Hopefully this essay "Unlawful Law" is impactful as it is packed full of legal facts to paint the Grim picture of the truth that anyone can do the same research I did in current legal ~~sources~~ sources to see the corruption of Law and exploitation of the people enmass.

I have completed and sent in a questionnaire quite some time prior and wrote "Life In Hell" & "K2: Chasing Death" as well as MANY others that have been submitted previously to this one.

Thank you all for your words on all of my essays. Thank you for your time and consideration on all my works.

Sincerely,

Charles Brownell

Charles Brownell, ADC Prisoner 169076