

OUR NATURAL RIGHT TO POSSESS AND USE SO-CALLED ILLEGAL DRUGS

by Ricardo Beas © 2006, revision 2016

The article on Rolling Stone magazine (8/11/05), Bush's War on Pot, was very informative and I agree on how disproportionate the efforts by Bush's Administration is when it comes to personal use of pot. But I disagree with one thing: smoking marihuana is not illegal. Using marihuana is legal, for medical reasons, or for recreational reasons. You are simply being misled to believe it is illegal. With that said, open your mind, be objective and read ahead.

The federal regulations only apply to corporations, government or governmental subdivision or agency, business trust, partnership, association, or other legal entity, not to natural born human beings. Where they have fooled us, until now, is that they insert the word "person" and/or "individual" in the text of their regulations and we all believe it means us. But some codes, such as the DEA's (21 CFR 1300 et sec), finish the definitions of these words with descriptions like "**or other legal entity**," which is inclusive and thus, the terms "person" and "individual" as used therein, mean other types of permit holding entities (licensed, registered, or otherwise permitted).

See Title 21 Code of Federal Regulations (Drug Enforcement Administration), section 1300.01(34):

"The term person includes any individual, corporation, government or governmental subdivision or agency, business trust, partnership, association, **or other legal entity**."

RB Note Jan 2016: see 1989 edition of noted regulations. Some have been moved or deleted altogether since then. You will find them in your local library.

See Title 21 United States Code (Food and Drug), section 802, where they don't even define the word "person."

Thus the distinction is between a legal entity called "person" or "individual" and a **natural born free human being**, you and me.

Nowhere in the drug codes do they define what an "individual" means. But see "individual practitioner" as used in 21 CFR 1300.01(17):

"The term individual practitioner means a physician, dentist, veterinarian, **or other individual licensed, registered, or otherwise permitted**, by the United States or the jurisdiction in which he/she practices, to dispense a controlled substance in the course of professional practice."

See Black's Law Dictionary, "individual"; also "or" as used in "or other legal entity." See also below, pre-1990 definition of "individual purchaser."

Now let's look at it from the perspective of how they come against you in a federal (sic) court. They take you to a federal district court and charge you with possession, use or selling (and conspiracy thereof) a controlled substance, under some section of Title 21 of the United States Code, such as 841. So, supposedly which agency arrested you? The DEA? Well, they are regulated and have rules to comply with, found in Title 21 Code of Federal Regulations, Sections 1300-1399.

As an administrative agency, the DEA has to comply with Title 5 of the United States Code (Government Organization and Employees), sections 554, 555, 558, 559. As such, before they can arrested you they have to determine: (1) if they have the authority to regulate you, (2) if so, provided you a hearing at the administrative level, (3) if they did not want you to do something (smoke, plant pot, etc.), tell you to cease and desist, (4) request a court to issue an injunction or restraining order to make you cease and desist, (5) bring civil charges against you, (6) and only then if all else fails can they take you to federal court.

The thing is, they would have lost at point (1), as they have no jurisdiction over a natural born human being. They can only regulate permittees, that is, corporations, practitioners and others who received a permit from them to operate, as noted in the above regulations.

You see, users (that is, not being a legal entity as defined above) have no nexus with the government. We have no grant from or affiliation to the state. Where many get confused is when they consider the U.S. Constitution as being where they get their rights. They contemplate the ten original amendments as their defense.

But the U.S. Constitution is only a trust, a charter, between the states and their representatives (land owners and their estates), in which they contracted with one another (excluding us) to protect their property. The amendments were a reminder to them of what they cannot do to us, being that we allow them to exist.

So often people claim their constitutional rights for many defenses in legal matters, when they should be really claiming their common law rights, that's really where life, liberty and the pursuit of happiness come from, and were we can find them.

The federal (sic) government cannot regulate us as natural human beings, because we have no Nexus with the corporate entity known as The United States of America (Inc.).

If you want to know if the term "person" "or "individual" as used in the regulations apply to human beings, contact the agency.

In the Code of Federal Regulations, Title 21 (or any other Title), around page vi, it reads:

“For a legal interpretation or explanation of any regulation in this volume, contact the issuing agency. The issuing agency’s name appears at the top of odd-numbered pages.”

In Title 21, the agency is “The Drug Enforcement Administration”. Here is their address:

Drug Enforcement Administration
Mailstop: AXS
2401 Jefferson Davis Highway
Alexandria, VA 22301
(may have changed now)

In the late 80’s (1988, 1989) I contacted California Senator Alan Cranston by mail and presented him with my full study on the matter and asked him to inquire with the agency my claims. He replied (or his staff with his signature) and said he would immediately inquire with the DEA.

About a month later I received a letter from the Senator advising me that there was nothing he could do in my quest to find the truth, and wished me luck. The envelope contained his letter of inquiry to the agency and the DEA’s response. **The DEA stated that they were not going to answer the question.** And this was a prominent senator asking for clarification.

Prior to my inquiry through Senator Cranston, 21 CFR 1310.01(b) defined an “individual purchaser” as “a **HUMAN BEING *not acting as an agent or official of a business entity***...” I noted this in my letter to Cranston. That definition was removed by the 1990 edition, that is within about a year of my inquiry. But that does not change anything; it simply obscures the truth. See the above section in any 21 CFR code publication prior to 1989, modified in 1990. [See link here.](#)

I invite you to study the regulations and simply contact the DEA, by mail, asking the question, telling them you are a natural born free human being, not a legal entity, nor a “practitioner” as defined in their regulations and if the term “person” and/or “individual” as used in their regulations (21 CFR et sec, 21 USC et sec) apply to you.

Let me know what you get. It is time to open the floodgates and let truth sweep us from our ignorance (ignorance is slavery).

Although I agree with some that we must use constitutional methods of reform to bring freedom and change, I also believe that it can be done in the courts, using the right language, demanding we be tried, for example if ever arrested for a drug charge, in a common law court (most courts are not judicial but administrative in nature, if not under admiralty/vice-admiralty/inland admiralty rules, but you can

invoke your common law rights and the court's common law/judicial power, in particular a state superior court). **And your first argument should be, "I am a natural born free human being." The second one is, "This agency or court has no jurisdiction over me because I have not nexus/substantial relationship with the state or its agencies."**

And don't worry, they'll try to say you do, that for example, you created a nexus when you applied for your license, or that your parents did when they signed your birth certificate. Well, it was done in ignorance under deceit, under duress, coercion and fraud; or don't you get a driver's license to avoid being arrested for not having the "privilege" (not paying the fee) to drive, when deep inside you know you must have a natural right to transport yourself, by any means, to where you want to go. See Crandall v. Nevada, 73 US 35 (1869).