

SEAT BELTS, ILLEGAL DRUGS AND APPLICABLE LAW

Ricardo Beas -- January 2012

When I was about 18 years old I took an Argumentation and Debate class in college. On one occasion, and prior to existing legislation, we debated whether the government of California had the right to force people to wear seat belts. I chose to participate on the side that was against it. My main belief and argument was that seat belts can protect you in an accident and it might be foolish not to use them, but no one should have the right to force you to use them because it is your life/body that is involved, no one else's and you own your life. I won the debate.

Now, you have to wear seat belts, you cannot talk on the cell phone, and I just heard on the news the other day that simply for being distracted (eating a sandwich, putting on make up, changing a radio station, looking to your side for too long), even if the vehicle is stopped at a stop light, you can get pulled over. How is this possible? These are direct attacks on our freedom, in particular our freedom of choice of activity and travel (how basic is that?), based on *the possibility* that we might hurt someone in the process, even if there are no victims.

Once while in Ventura, California I was driving from my hotel to an office to give a presentation. It was less than a mile away and I was not even going to get on the freeway and I had just nicely ironed my shirt so I decided not to wear my seat belt to avoid the wrinkles. Just my luck, on a stop light there was a street cop that pulled me over and in a very angry voice said "I am tired of seeing people being killed on the freeway." I paid \$400 for that ticket. What a nice guy, he wanted to save my life. What he did was helped me understand and confirm that I don't have freedom of choice while I drive inside my own vehicle, no matter what it is that I am doing, and if I don't have this freedom while driving, I could potentially not have it anywhere, as any regulation can be written by some bureaucracy to state that something is prohibited and punishable, until challenged in court (remember, only a Court of competent jurisdiction can declare what the law is. Add to that a corrupt court and ... well you now).

This is not law, this is an abuse of discretion, mere legislation converted to regulatory flatulence in order to keep us immobilized from going against the existing status quo and for the purpose of draining our property, while filling someone else's pockets, via bureaucratic thievery. Everything has been turned on its head.

The reality is that, as simplistic as this may sound, the government can only regulate those things that it creates. If it creates an agency, it can regulate it, if it creates a corporation, it can regulate it; if it gives you a license, it can regulate that business, too, but the government did not create you and me and thus, cannot regulate us if we don't hold such privileges. In other words, you are not a fictitious entity existing only in paper, you are a natural born human being (your birth certificate representing you as an object or created-entity/slave by registration not withstanding). As found in Blacks Law Dictionary, fifth edition, they do not define "human being" but they define "*person*" as follows:

"In general usage, a human being (i.e. natural person), though by statute term may include a firm, labor organization, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers."

And thus, this is where the farce begins. You may have heard of lawyer-speak, well that is precisely what it is, it's a way of making you believe that these regulations apply to you, something that is not true.

You may have heard recently in the news that the federal government is coming down very hard against California legally authorized pot dispensaries, and the justification for such harassment and raids is that it is against federal law to possess, sell or distribute marijuana. Let's use this as an example to make my point that these regulations, federal or state, don't apply to natural born human beings.

As noted and according to me and my studies, 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 with no contractual nexus with the government/regulating agency. 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 that it means us. But some codes/regulations, such as the DEA's (Title 21 Code of Federal Regulations [CFR], section 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 CFR (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**."*

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

You might say, well, it does say **individual**, that has to be a human being, right? But look at the definition of individual in Black's Law Dictionary:

"As a noun, this term denotes a single person as distinguished from a group or class, and also, very commonly, a private or natural person as distinguished from a partnership, corporation or association; but it is said that this restrictive significance is not necessarily inherent in the word, and that it may, in proper cases, include artificial persons."

Thus the distinction is between a legal entity referred to in these regulations as a "person" or an "individual" and a **natural born free human being**, you and me.

Nowhere in the drug codes and regulations (21 USC, 21 CFR) 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.”*

Now let’s look at it from the perspective of how they come against these pot dispensaries in a federal (sic, qui tam) enforcement action. They arrest and take them to a federal district court and charge them 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 this person? The DEA? Well, they are regulated and have rules to comply with, found in Title 21 Code of Federal Regulations, Sections 1300-1399.

Now here is something that is very important and overlooked. As an administrative agency, the DEA has to also comply with Title 5 of the United States Code (Government Organization and Employees), sections 554, 555, 558, 559. This being the case, before they can arrested this person (let’s personalize it, let’s say “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 do not want you to do something (smoke, plant or sell 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 (note: that’s what they do with most corporations, especially the bigger, more influential ones).

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

You see, human beings (that is, not being a legal entity as defined above) have no automatic nexus or “substantial relationship” 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 foundation and defense against government tyranny.

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 each other (excluding you and me and our descendants) to protect their property. The amendments were a reminder to them of what they cannot do to us, being that we have allowed them to exist.

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

The federal (and in that respect, any local or state) 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.), State of California (Inc.), etc.

If you want to verify if I am correct, if you believe that it is obvious that the term "person" and "individual" as used in the regulations above apply to human beings, contact the involved agencies, like the DEA.

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 CFR, the agency is "The Drug Enforcement Administration". Here is their address:

*Drug Enforcement Administration
Mailstop: AES
8701 Morrisette Drive
Springfield, VA 22152*

In case you don't contact them, I did, indirectly. In the late 80's I got involved in studying constitutional law and studied the above and other regulations and concluded that pretty much all persons imprisoned for violations of federal drug laws where there illegally, so I contacted California Senator Alan Cranston (and another senator from Hawaii, but I don't recall his name) 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 confront the DEA with my evidence.

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. I got exactly the same thing from the Hawaiian senator. I had the documentation to prove it, but it got destroyed unfortunately.

On face value that might appear to mean nothing, but consider this. 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 our

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.

I invite you to study the regulations and if you don't believe me, 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 ask them 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).

This logic applies to most regulations, but we continue to create nexus with the government by getting driver's licenses and other so called "permits" which we really should not be applying for. I know that this may seem horrible to someone thinking that someone might drive without a license. What's the big deal? Haven't you ever seen someone driving horribly that has a license anyway? Look at it this way: when moving from one location to another, something so vital for our survival, why would we need permission from, and more outrageously, why would we have to pay a fee to anyone to travel from one location to another, whether by foot, car, boat or plane? It's all an illusion that we have been convinced to believe.

There are those that say, *I pay my fair share of taxes*. What are they talking about? The government is now even taxing so much that they are now planning on taxing the air we breathe (the real story behind Global Warming). Most of these taxes should not be levied on human beings. The problem begins when we start thinking, well, if we pay this tax, everyone else should, even if it is illegal – how selfish!

This goes to our petty fears of what the world would be if we let people be and do what they want and like. Tough question, but it's time to jump that hurdle. So long as no one is injuring you, you should not be concerned. The law should be what it is intended to be, you should only suffer the consequences of your actions, not your **possible** actions.

So now the big question: What Can We Do? I believe that destroying all these intrusions on our personal life and property 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 administrative in nature, but you can invoke your common law rights and the court's common law/judicial power, in particular in 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 or 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. Well, it was done 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/need to go. See Crandall v. Nevada, 73 US 35 (1869).

I wrote such a document to use in these situations, and it can be downloaded and modified to fit the particular needs of your situation. What I am providing here, in this article and in the document I refer to, is not intended as legal advice, it is simply what I believe can help me and others in case of illegal government abuse over our lives, freedom and property, based on my understanding of the law. Anyone wanting to apply this in their defense does it at their own risk (I must add this disclaimer). Here is the link:

http://www.cafepeyote.com/files/Common_Law_Writ.doc

You never know when this information might come in handy, for you or a loved one.

By the way, let me add one last very important thing. I'm sure you have heard the saying "a man who is his own lawyer has a fool for a client." Well that may apply to most civil cases or criminal cases where someone did damage to property or another person, but when it comes to the issue of jurisdiction of the government over a natural born human being, it is actually the other way around. You would have to defend yourself in what a court recognizes as ***in propria persona*** in order to negate such jurisdiction over you. Again Black's Law:

"In Propria Persona. In one's own person. It was formerly (? bullshit) a rule in pleading that pleas to the jurisdiction of the court must be plead in propria persona, because if pleaded by (an) attorney they admit the jurisdiction, as an attorney is an officer of the court, and he is presumed to plead after having obtained leave, which admits the jurisdiction."

Yes amigos, it's complicated, important things in life are; but if you think about it, it's simple; we just tend to refuse to believe things that are contrary to all we have believed in for so many years. That's simply life. Once we lower that guard and tell ourselves "yes, this could be true, let me look at it objectively, with a critical mind," then everything will seem obvious, and you will see that the pieces of the puzzle were always there, we just didn't want/refused to put them together.

By the way, if you want to hear the summarized version of this explanation and with a great beat, just listen to my song ***The Common Law***. It can't get any clearer than that.

Thank you for listening and always remember that, at the end of the day, I do it for all of us.