Hospitals & Asylums

Jury Duty

To supplement Chapter 6 Freedmen's Hospital 24USC§261-264. In 2014, with 2.2 million behind bars the US had more people incarcerated than any other nation, and with 692 detainees per 100,000 residents had the highest rate of incarceration. It is estimated that 50% of arrests are false. Federal sentences for drug offenses are to be reduced after it was held that federal prison had a 50% rate of false imprisonment. In 2016 there were a total of 10,662,252 arrests made for 9,167,220 crimes known to law enforcement agencies, 7,919,035 property crimes and 1,248,185 violent crimes. There are approximately 60,000 criminal jury trials in the United States every year and another 20,000 that are not carried to a verdict. In the rest of the world, there are about 10,000 jury trials a year, with England and Wales accounting for half. The US prison population quintupled from 503,586 detainees (220 per 100,000) in 1980 to a high of 2,307,504 (755 per 100,000) in 2008 before quietly going down to 2,217,947 (693 per 100,000) in 2014. The state prisoner mortality rate (256 per 100,000 state prisoners) was 14% higher than the federal prisoner mortality rate (225 per 100,000 federal prisoners) 2001-2014. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) provides three helpful legal principles for overruling false arrest Principle 2 Only Under the Law, Principle 21 Prohibition of Corrupt Investigation and Principle 27 Inadmissibility of Evidence Improperly Acquired. There were 515 justified homicides from legal intervention in 2016, the homicide rate of 1.5 million police officers is 38.6 per 100,000, seven times more than normal 5.3 per 100,000, or 8 per 100,000 for ex-convicts without gun rights, more than twice the 15 per 100,000 risk of a law enforcement officer being killed in the course of duty. Recidivism, re-incarceration within 3 years of release from prison, occurs in 66% of state prisoners, 50% with vocational certificate, 35% with Associate degree, 34% of federal parolees and 0% with Bachelor degree. Undereducated law enforcement and corrections officers must be relieved of command with a generous disability until they have achieved Bachelor degree and are gainfully employed. State payrolls must contribute to the 12.4% OASDI tax and sustain voluntary 6% contributions to State Retirement Programs to be eligible to receive better than $200 disability and $666 retirement. 4-20 week police and corrections academies should be included in the three year law school curriculum. When a person has by a final decision been convicted of a criminal offense and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law under Art. 14(6) of the International Covenant on Civil and Political Rights (1976). Congress must amend federal torture statute to comply with Arts. 2, 4 and 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987) by repealing the phrase "outside the United States" from 18USC§2340A(a) and amending Exclusive Remedies at §2340B so: The legal system shall ensure that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, their dependents shall be entitled to compensation.

Be it enacted in the House and Senate assembled

1st ed. 2004 & 2005, 2nd 31 Jan. 2006, 3rd 30 Jan. 2007, 4th 7 Aug. 2007, 5th 31 Jan. 2008, 6th 25 Jan. 2009, 7th 16 Aug. 2011, 8th 21 Jan. 2013, 9th 9 Feb. 2014, 10th 9 Feb. 2015, 11th 28 July 2016, 12th 17 Jan. 2018, 13th 2 Jan. 2019

Figures

Bibliography

Article 1 Freedom

§261 Freedmen's Hospital

A. Title 24USC(6)§261-264 related to Freedmen's Hospital in the District of Columbia, was also set out as sections 32-317 to 32-320 of the District of Columbia Code. Freedmen's Hospital was transferred to Howard University by Pub. L. 87-262, Sept. 21, 1961, 75 Stat. 542 (20 U.S.C. 124-129), section 7 of which repealed all laws specifically applicable to Freedmen's Hospital effective with the transfer. Sections 32-317 to 32-320 were omitted from the 1981 edition of the District of Columbia Code. Section 261, R.S. Sec. 2038; act June 23, 1874, ch. 455, 18 Stat. 223, related to direction of and expenditures for Freedmen's Hospital. Section 262, acts June 26, 1912, ch. 182, Sec. 1, 37 Stat. 172; May 29, 1928, ch. 901, Sec. 1(78), 45 Stat. 992, related to admission of patients to Freedmen's Hospital, charges, and disposition of money collected. Section 263, acts Mar. 3, 1905, ch. 1483, 33 Stat. 1190, Mar. 16, 1926, ch. 58, 44 Stat. 208, related to authority to contract for the care and treatment of persons from the District admitted to Freedmen's Hospital. Section 264, act July 1, 1916, ch. 209, 39 Stat. 311, related to disposition of unclaimed money left at Freedmen's Hospital by deceased patients.

1. In 1856, Augusta was accepted to the College of the University of Toronto. His Bachelors of Medicine degree was awarded by Trinity Medical College. After establishing a successful private practice in Canada, in 1862 Dr. Augusta returned to an America on the verge of Civil War. Pressed into service in 1863, Augusta became the first Black surgeon in the U.S. Army. He was commissioned a major in the Seventh U.S. Colored Troops as the (then) highest-ranking Black officer. Soon two white assistant surgeons complained to President Lincoln about having to report to a Black officer. Lincoln then forced Augusta to transfer to Freedmen's Hospital in Washington, D.C. Dr. Augusta petitioned Senator Henry Wilson for payroll assistance. He successfully argued that as a medical examiner he deserved more than the $7.00 per month normally given to a Black enlisted man. Senator Wilson agreed and pressured the Army paymaster in Baltimore to apply the appropriate pay rate for his rank. In March of 1865, Augusta received the rank of Lieutenant Colonel, the first Black ever to gain this stature. After discharge in 1866, Augusta continued private practice in Washington, D.C., and taught in the newly founded Howard University Medical Department. He retired from Howard University in 1877 and continued to practice medicine until his death. Lieutenant Colonel Augusta received full military honors with burial at Arlington National Cemetery in 1890.

2. Forerunner of the Howard University Hospital, Freedmen's Hospital served the black community in the District of Columbia for more than a century. First established in 1862 on the grounds of the Camp Barker, 13th and R Streets, NW, Freedmen's Hospital and Asylum cared for freed, disabled, and aged blacks. In 1863, the Hospital & Asylum was

placed under Dr. Alexander Augusta (1825-1890), the first African-American to head a hospital. After the Civil War, it became the teaching hospital of Howard University Medical School, established in 1868, while remaining under federal control. Early in the 20th century, Congress authorized the construction of a new hospital which was completed in 1909. When Abraham Flexner visited the District of Columbia that year, he was impressed by the new, 278-bed Freedmen's Hospital and thought Howard University Medical School had a promising future in the city. In 1967, Freedmen's Hospital was transferred to Howard University and used as a hospital until 1975. The University Hospital is now located in a modern facility at 2041 Georgia Avenue, NW. The original Freedmen's building (Bryant and 6th Streets) still stands and now houses Howard University's College of Nursing and College of Allied Health Sciences. Freedmen's Hall, a permanent museum located at the University Hospital, is devoted to the history of medical education and health care at Howard University.

B. The American colonies had been frequently disrupted by slave revolts, or the threat of revolt as the result of the estimated 10 million Africans who were brought to the Americas as slaves beginning in the 15th century. In the early nineteenth century North Caroline case *Gobu v. Gobu*, in which a white girl found an abandoned baby whom she claimed as her slave. When this enslaved boy grew to maturity he sued for his freedom. No one knew the identity of his biological parents. In appearance, according to the court, he was "of an olive colour, between black and yellow, had long hair and a prominent nose". Judge John Louis Taylor expressly states that if he had recognized the plaintiff as "black", the plaintiff would have borne the burden of proving that he was not a slave. The judge required the slaveholder to bear the burden of proving that the plaintiff was properly enslaved. In the beginning of the 19th Century many Parliaments abolished the slave trade civilly. Great Britain drafted an Abolition of the Slave Trade in 1807. The *Abolition Bill* passed British Parliament in August 1833. The French decree was signed by the Provisional Government in April 1848. Following the publication of his *Appeal to the Coloured Citizens of the World, but in Particular, and Very Expressly, to those of the United States of America* David Walker (1785-1830) was blacklisted by several southern state legislatures who enacted laws banning seditious literature and further punishing the education of slaves. In Georgia, a bounty was put on Walker: ten thousand dollars alive, one thousand dollars dead. Walker died in 1830 under mysterious circumstances. Many suspect he was poisoned. In the infamous case of *Dred Scott v. Sanford*, 60 U.S. 393 (1856), the Supreme Court held that regardless of status as slaves or free persons, blacks were ineligible for United States citizenship. The fugitive slave laws were laws passed by the United States Congress in 1793 and 1850 to provide for the return of slaves who escaped from one state into another state or territory. The idea of the fugitive slave law was derived from the Fugitive Slave Clause which is in the United States Constitution (Article IV, Section 2, Paragraph 3). No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

1. After the Compromise of 1850, the Supreme Court made slavery a protected institution and arranged a series of laws that allowed slavery in the new territories and forced officials in Free States to give a hearing to slaveholders without a jury. In 1854, the

Republican Party included the abolition of slavery in its manifesto and the southern states seceded from the union in rebellion against freedom when Abraham Lincoln, the Republican candidate was elected to the presidency in 1860. Lincoln initially hoped to keep the peace with Confederacy by permitting the practice of slavery. On 22 September 1862, exactly one hundred days before it went into effect Lincoln unveiled his preliminary Emancipation Proclamation to his entire Cabinet that on the first day of January, in the year of 1863, "all persons held as slaves within any of the rebel states shall be thenceforth and forever free." All told the Civil War took the lives of 364,511 Union and 133,821 Confederate troops (1861-1865) to free approximately 5 million African-American slaves held in unlawful servitude. The 13th Amendment to the Constitution of the United States of 6 December 1865 that states, Section 1. Neither slavery nor involuntary servitude except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States of America, or any place subject to their jurisdiction. Section 2. Congress shall have the power to enforce this article by appropriate legislation.

2. The Slavery Convention signed at Geneva on 25 September 1926, and the Protocol amending the Slavery Convention signed 23 October 1953, defines: 1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. 2. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves. Considering that freedom is the birthright of every human being, Being aware, however, that slavery, the slave trade and institutions and practices similar to slavery have not yet been eliminated in all parts of the world the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery were signed in Geneva on 7 September 1956. Art. 4 of the Universal Declaration of Human Rights of 10 December 1948 states, "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms".

C. Anti-Slavery International estimates that in the world today there are some 20 million adults subjected to slavery or slave like treatment or punishment as reported by UNESCO. Struggles Against Slavery: International Year to Commemorate the Struggle against Slavery and its Abolition. 2004. The International Centre for Prison Statistics estimates there were 11 million adult criminal detainees worldwide in 2015. It is extremely disconcerting that the United States. There are more than 2.2 million prisoners in the United States of America, more than 1.65 million in China (plus an unknown number in pre-trial detention or 'administrative detention'), 640,000 in the Russian Federation, 607,000 in Brazil, 418,000 in India, 311,000 in Thailand, 255,000 in Mexico and 225,000 in Iran. The world prison population rate, based on United Nations estimates of national population levels, is 144 per 100,000. The countries with the highest prison population rate – the number of prisoners per 100,000 of the national population – are Seychelles (799 per 100,000), followed by the United States (698), St. Kitts & Nevis (607), Turkmenistan (583), U.S. Virgin Islands (542), Cuba (510), El Salvador (492), Guam - U.S.A. (469), Thailand (461), Belize (449), Russian Federation

(445), Rwanda (434) and British Virgin Islands (425). However, more than half of all countries and territories (55%) have a prison population rate of below 150 per 100,000.

1. There are estimated to be a total of 4,575 penal institutions - 3,283 local jails, 1,190 state confinement facilities, and 102 federal confinement facilities in the United States. The official capacity of the penal system was 2,157,769 with a occupancy level of 102.7% in 2013. The United States prison population quintupled from 503,586 detainees (220 per 100,000) in 1980 to a high of 2,307,504 (755 per 100,000) in 2008, as the result of mandatory minimum sentencing, before quietly going down to 2,217,947 (696 per 100,000) in 2014. Mid-year 2014 there were 744,592 people detained in local jails, and 1,473,355 in state or federal prisons at year-end. The prison population rate was 693 detainees per 100,000 residents at year-end 2014 based on an estimated national population of 320.1 million at end of 2014. In 2013 20.4% of people behind bars were pre-trial detainees. 9.3% were female. 0.3% were juveniles. 5.5% were foreign prisoners. The only guidance has been to eliminate mandatory minimum sentencing from the Kennedy Commission as held in *Blakely v Washington* (2004). Criminal appeals increased from 5% to 28% in 2005 in response to the time-limited relief for non-violent drug offenders, including marijuana, comprising nearly 50% of federal prisoners, in the *Booker* (2005) decision. Congress has asked the President to sign a bill to reduce the mandatory minimum sentencing for drug offenses that has made the false imprisonment rate of federal judges the same as the false arrest rate of municipal police – 50%. Congress has therefore given to the President that the key to federal prison is to reduce, nullify, and otherwise normalize the mandatory minimum sentence for federal drug offenses, especially legalizing marijuana entirely, because marijuana has no known fatalities.

D. Congress called upon the President to reduce mandatory minimum sentencing for non-violent drug offenses year-end 2018. The number of federally sentenced prisoners in the Federal Bureau of Prisons (BOP) increased 84% between fiscal year (FY) 1998 and 2012, and the number of drug offenders in federal prison grew 63% during this time. At fiscal yearend 2012, offenders whose most serious offense (as defined by the BOP) was a drug offense accounted for about half (52%) of the federally sentenced prison population. Drug offenders comprise about half of federal prison population and sentence length for this subpopulation is the greatest source of federal prison population growth. A study based on 94,678 offenders in federal prison at fiscal yearend 2012 who were sentenced on a new U.S. district court commitment and whose most serious offense (as classified by the Federal Bureau of Prisons) was a drug offense. Almost all (99.5%) drug offenders in federal prison were serving sentences for drug trafficking. Cocaine (powder or crack) was the primary drug type for more than half (54%) of drug offenders in federal prison. Race of drug offenders varied greatly by drug type. Blacks were 88% of crack cocaine offenders, Hispanics or Latinos were 54% of powder cocaine offenders, and whites were 48% of methamphetamine offenders. More than a third (35%) of drug offenders in federal prison at sentencing, had either no or minimal criminal history. Nearly a quarter (24%) of drug offenders in federal prison used a weapon in their most recent offense. The average prison sentence for federal drug offenders was more than 11 years. Across all drug types, crack cocaine offenders were most likely to have extensive criminal histories (40%), used a weapon (32%), and received longer prison terms (170 months). More than

half (54%) of drug offenders in the federal prison system had a form of cocaine (powder or crack) as the primary drug type. Methamphetamine offenders (24%) accounted for the next largest share, followed by marijuana (12%) and heroin (6%) offenders. Offenders convicted of crimes involving other drugs (including LSD, some prescription drugs, and MDMA or ecstasy) made up 3% of offenders. Drug seizures constitutes the high crime of robbery (aka racketeering) prosecuted in *United States v. Lettiere*, 640 F.3d 1271, 1273 (9th Cir. 2011). Kidnapping the victim of drug seizures constitutes two grave breaches of the Geneva Convention. Congress may repeal the Authority for Employment of the Federal Bureau of Investigation (FBI) and Drug Enforcement Administration (DEA) Senior Executive Service 5USC§3151-3152 pursuant to *Fentanyl v. DEA Diversion Control* under 18USC§1951, §1512 and §1111.

1. It is held, the defendant has a civil and political duty to shut down a recreational drug business if the Court can't guarantee that the police won't continue to falsely represent, misbrand, detain and potentially adulterate the commercial drug supply protected by Sec. 301 of the Food, Drug & Cosmetic Act (FDCA) under 21USC§331. The 2018 reduction in prescription opiate industrial supply quota has so far been the only intervention successful at reducing opiate overdoses, ten times more common than in 2000. Due process of drug robbery victims who are counseled to stop dealing drugs, or subjected to legal punishment to that effect, is that they should be awarded Supplemental Security Income (SSI) because former drug dealers are unlikely to have paid any payroll taxes and are specifically not able to continue in their freely chosen career of recreational drug dealer. Their legal defense does not adequately protect the commercial supply of agricultural medical stuff from grave breeches of Arts. 55 and 147 of the 4th Geneva Convention Relative to the Protection of Civilians in Times of War (1949) for free pursuant to Alleged violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (*Islamic Republic of Iran v. United States of America*) No. 175 3 October 2018. The term "disability" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months in Sec. 223 of Title II of the Social Security Act under 42USC§423 and insures incomes non-contributors by the least restrictive means test of the Supplemental Security Income Program for the Aged, Blind and Disabled in Sec. 1611 of Title XVI of the Social Security Act under 42USC§1382.

E. The psychiatric rule is that the guilty stay and the innocent move on. Psychiatry in federal pre-trial seems to be helpful in reducing the federal prison population under 18USC§4243. However, the federal prison reports that the prosecutor of pre-trial has engaged in a new practice of involuntary antipsychotic drug consumption being accepted as competency to stand trial, rather than wait for a determination of mental competency to stand trial or undergo post-release proceedings under 18USC§4241. Antipsychotic drugs and sleep aids are lumped together, in reference to institutional psychiatry, as the second leading cause of fatal drug overdose after opiates. Certain combinations of traditional antipsychotic drugs could cause extra-pyramidal side-effect, potentially lethal facial tics. Second generation antipsychotics were designed to be administered in gradually increasing doses whereas an unaccustomed, person taking one regular dose of an antipsychotic pill, would suffer hospital admission for potentially lethal extra-

pyramidal side effects of antipsychotic drugs the FDA indicates is cured by one dose of Amantadine (Symmetrel) that is also effective against human influenza. Antipsychotic abuse in nursing homes has declined 30% since 2014. People who plead not guilty by reason of insanity must be informed that they will serve the maximum sentence for the crime they are accused of until they admit to understand the nature and consequences of the proceedings against them and assist the court properly in their defense. It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense under 18USC§17.

F. In 2014, there 3,927 inmate deaths in state and federal prisons across the United States. The number of federal prisoner deaths in federal prisons increased 11%, from 400 deaths in 2013 to 444 deaths in 2014. The vast majority of federal prisoner deaths (88%) could be attributed to natural causes. Unnatural deaths— including suicides (4%), homicides (3%), and accidents (1%)—made up less than a tenth of all federal prison deaths. From 2013 (3,479) to 2014 (3,483), the number of deaths in state prisons was relatively stable. Deaths in state prisons declined in both California (down 13%) and Texas (down 7%) from 2013 to 2014. Nearly 9 in 10 (87%) state prisoner deaths were due to illness in 2014, with more than half of those caused by either cancer (30%) or heart disease (26%). From 2013 to 2014, the number of AIDS-related deaths increased 23% and the number of deaths due to a respiratory disease increased 20%. Also up during this period was the number of suicides in state prison. Suicides increased 30% from 2013 to 2014 after a 6% decrease from 2012 to 2013. Suicides accounted for 7% of all state prison deaths in 2014 —the largest percentage observed since 2001. Accidental deaths and deaths due to drug or alcohol intoxication (withdrawal) were recorded as the cause of death in about 1% of state prison deaths in 2014. The state prisoner mortality rate (256 per 100,000 state prisoners) was 14% higher than the federal prisoner mortality rate (225 per 100,000 federal prisoners) 2001-2014. The federal prison is safer than outside, while the state prison is more dangerous. In 2015 the under 65 death rate was 239.8 per 100,000 and total death rate 781.4 per 100,000 while the over 65 death rate was 4,392.5 per 100,000.

1. In 2014, 1,053 inmates died in local jails, an 8% increase from 2013 (971) and the largest number of deaths in custody since 2008. Between 2000 and 2014, an average of 82% of jails reported zero deaths. In 2014, 80% of jails reported zero deaths and 14% reported one death. Suicides accounted for 31% of deaths during that period. From 2005 to 2014, the suicide rate increased 28% from 39 per 100,000 local jail inmates to 50 per 100,000 local jail inmates. Heart disease was the second leading cause of death in 2014. Between 2000 and 2014, heart disease made up a quarter (23%) of all deaths, and non-Hispanic white and non-Hispanic black jail inmates died from heart disease at nearly equal rates. Respiratory deaths increased 32% between 2013 (31) and 2014 (41). Deaths due to drug-alcohol intoxication and withdrawal increased from 72 in 2013 to 90 deaths in 2014. Accidental deaths and deaths due to homicide were the least common causes of death, accounting for about 2% of deaths in local jails in 2014.

2. State prison inmates, particularly blacks, are living longer on average than people on the outside. Inmates in state prisons are dying at an average yearly rate of 250 per 100,000, according to the latest figures reported to the Justice Department by state prison officials. By comparison, the overall population of people between age 15 and 64 is dying at a rate of 308 per 100,000, a year. The Justice Department's Bureau of Justice Statistics reported that 12,129 state prisoners died between 2001 through 2004. For black inmates, the rate of dying was 57 percent lower than among the overall black population - 206 versus 484. But white and Hispanic prisoners both had death rates slightly above their counterparts in the overall population. The death rate among men was 72 percent higher than among women. Nearly one-quarter of the women who died had breast, ovarian, cervical or uterine cancer. Eight percent were murdered or killed themselves, 2 percent died of alcohol, drugs or accidental injuries, and 1 percent of the deaths could not be explained. The rest of the deaths - 89 percent - were due to medical reasons. Of those, two-thirds of inmates had the medical problem they died of before they were admitted to prison. Medical problems that were most common among both men and women in state prisons were heart disease, lung and liver cancer, liver diseases and AIDS-related causes. Four percent of the men who died had prostate or testicular cancer. Eighty-nine percent of these inmates had gotten X-rays, MRI exams, blood tests and other diagnostic work, state prison officials told the bureau. State prison officials reported that 94% of their inmates who died from an illness had been evaluated by a medical professional for that illness, and 93% got medication for it. More than half the inmates 65 or older who died in state prisons were at least 55 when they were admitted to prison.

§261A False Arrest and Torture

A. Victims of false imprisonment and torture have a right to compensation under the Fourteenth Amendment to the US Constitution. When a person has by a final decision been convicted of a criminal offense and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him under Art. 14(6) of the International Covenant on Civil and Political Rights (1976). The State shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation under Art. 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987). By reason of attitude not in accordance with the Geneva Conventions the government is under obligation to make good to consequence of injury. Thus every wrong creates a right for the court to rectify pursuant to the *Case Concerning the Factory of Chorzow* Permanent Court of Justice A. No. 9 (1927). Damages incurred to claimants regards their property, rights and interest and person. It was held that the essential principle contained in the actual trial of an illegal act is non-repetition and that reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed *Interpretations of Paragraph 4 of the Annex following*

Article 179 of the Treaty of Neuilly of 29 November 1919 (Greek Republic v. Kingdom Bulgaria) by the Permanent Court of Justice in No. 3 (12/9/1924) cited by *Advisory Opinion regarding the Legal Consequences of Constructing a Wall in the Occupied Palestinian Territory* No. 131 on 9 July 2004.

1. It is estimated that 50% of all arrests are false. The Uniform Crime Reporting (UCR) Program was conceived in 1929 by the International Association of Chiefs of Police to meet the need for reliable uniform crime statistics for the nation. In 1930, the FBI was tasked with collecting, publishing, and archiving those statistics. Today, four annual publications, Crime in the United States, National Incident-Based Reporting System, Law Enforcement Officers Killed and Assaulted, and Hate Crime Statistics are produced from data received from over 18,000 city, university/college, county, state, tribal, and federal law enforcement agencies voluntarily participating in the program. The crime data are submitted either through a state UCR Program or directly to the FBI's UCR Program. The concept of offenses known was adopted in 1929 by the International Chiefs of Police as the data that would be collected in the UCR Program. The aim was to get a true sense of crime in the nation, not just how many arrests were made. The Hierarchy Rule, requires that only the most serious offense in a multiple-offense criminal incident be counted. The UCR estimated a total U.S. Population of 323,127,513 in 2016. In 2016 there were estimated to be a total of 10,662,252 arrests made for 9,167,220 crimes known to law enforcement agencies, 7,919,035 property crimes and 1,248,185 violent crimes. 10 million people are reported to be released and around 2.4 million remain incarcerated in jails and prisons in the United States, any given day. In 2016 is can be estimated that about 50% of arrests were false, assault or torture, 2 million arrests for drugs, drunkenness and 24,000 for vagrancy.

Estimated Number of Arrests, 2016

Total	10,662,252
Murder and non-negligent manslaughter	11,788
Rape	23,632
Robbery	95,754
Aggravated Assault	383,977
Burglary	207,325
Larceny-theft	1,050,058
Motor vehicle theft	86,088
Arson	9,812
Violent Crime, subtotal	515,151
Property Crime, subtotal	1,353,283
Other Assaults	1,078,808
Forgery and Counterfeiting	56,661

Fraud	128,531
Embezzlement	15,937
Stolen property, Buying, Receiving, Possessing	93,981
Vandalism	195,951
Weapons; Carrying, Possessing, Etc.	156,777
Prostitution and Commercialized Vice	38,306
Sex Offenses (Except Rape and Prostitution)	51,063
Drug Abuse Violations	1,572,579
Gambling	3,705
Offenses Against the Family and Children	88,748
Driving Under the Influence	1,017,808
Liquor Laws	234,899
Drunkenness	376,433
Disorderly Conduct	369,733
Vagrancy	24,851
All Other Offenses	3,254,871
Suspicion	576
Curfew and Loitering Law Violation	34,176

Source: FBI Uniform Crime Reporting Program Table 18

B. Police protect the populace from illegal acts under the Code of Conduct for Law Enforcement Officials (1979) and must themselves refrain from the excessive use of force under the Basic principles on the use of force and firearms (1990). The Standard Minimum Rules for the Treatment of Prisoners (1977) provide for the circumstances in which prison officials may use force in the course of their duties, but does absolutely nothing to provide any laws, whatsoever, that are necessary for police and corrections officers to themselves redress the 50% false arrest rate, and in fact remorselessly recognizes the detention of civil prisoners, prisoners without charge, etc. Art. 3 of the Law Enforcement Code of Conduct provides that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. Unfortunately, the performance of their duty does not extend to the unlawful detention of innocent persons and reference to the Standard Minimum Rules for the Treatment of Prisoners (1977) provides no defense against slave trade in healthy innocent persons who have been falsely arrested. Principle. 5 of the Law Enforcement Code of Conduct provides: No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state

of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment. Principle 24 Governments and law enforcement agencies shall ensure that superior officers are held responsible if law enforcement officials under their command have resorted to the unlawful use of force and firearms...Torture is defined: Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

1. Neither the Law Enforcement Code of Conduct (1979) or Basic principles on the use of force and firearms (1990) pays any attention to Art. 14(6) of the International Covenant on Civil and Political Rights (1976) when a person has by a final decision been convicted of a criminal offense and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him. No wonder the chief of Interpol is either dead or falsely arrested and imprisoned, probably in China but also maybe in Canada. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) does provide law enforcement and corrections officers with several legal principles to redress false arrests. Principle 27 Inadmissibility of Evidence Improperly Acquired. Non-compliance with these principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person. Principle 2 only under the law, holds prosecutors accountable for the accuracy of their legal citation. Basic Principles for the Treatment of Prisoners (1990) finally recognized the International Covenant on Civil and Political Rights (1976). The term "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty in Declaration on the Protection of All Persons from Enforced Disappearance (1992) that respects Commons Articles 1 and 3.

a. Common Article 1 of the International Covenant on Civil and Political Rights of 23 March 1976 and the International Covenant on Economic, Social and Cultural Rights of 3 January 1976 provide: (1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
b. Art. 3 of all four of the Geneva Conventions of 1949, state: Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms

and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, prohibiting; (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) Taking of hostages; (c) Outrages upon personal dignity, in particular humiliating and degrading treatment; (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

C. The Guidelines on the Role of Prosecutors (1990) provides. Guideline 14. Prosecutors shall not initiate or continue prosecution, or shall make every effort to stay proceedings, when an impartial investigation shows the charge to be unfounded. Guideline 15. Prosecutors shall give due attention to the prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognized by international law and, where authorized by law or consistent with local practice, the investigation of such offenses. Guideline 16. When prosecutors come into possession of evidence against suspects that they know or believe on reasonable grounds was obtained through recourse to unlawful methods, which constitute a grave violation of the suspect's human rights, especially involving torture or cruel, inhuman or degrading treatment or punishment, or other abuses of human rights, they shall refuse to use such evidence against anyone other than those who used such methods, or inform the Court accordingly, and shall take all necessary steps to ensure that those responsible for using such methods are brought to justice. *Miranda v. Arizona*, 384 U.S. 436 (1966) Held: The prosecution may not use statements, whether exculpatory or inculpatory, stemming from questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way, unless it demonstrates the use of procedural safeguards effective to secure the Fifth Amendment's privilege against self-incrimination. The right to non-self incrimination is grounds for legal assistance under the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases (1993). Law colleges have advised the public to retain a lawyer to have the prosecutor drop the charges instead of being invariably arrested responding to a request to come to the police station for questioning.

1. Types of misconduct include coerced false confession, intimidation, false arrest, false imprisonment, falsification of evidence, spoliation of evidence, police perjury, witness tampering, police brutality, police corruption, racial profiling, unwarranted surveillance, unwarranted searches, and unwarranted seizure of property. Others include: Bribing or lobbying legislators to pass or maintain laws that give police excessive power or status. Similarly, bribing or lobbying city council members to pass or maintain municipal laws that make victim-less acts ticket-table (e.g. bicycling on the sidewalk), so as to get more money. Selective enforcement ("throwing the book at" people who one dislikes; this is often related to racial discrimination). Sexual misconduct. Off-duty misconduct. Unlawful discharge of firearms. Killing of animals unjustly. Littering. Arson. Stalking. Noble cause corruption, where the officer believes the good outcomes justify bad behavior. Using badge or other ID to gain entry into concerts, to get discounts, etc. Influence of drugs or alcohol while on duty. Violations by officers of police procedural

policies. Police officers often share a code of silence, 'Omerta', which means that they do not turn each other in for misconduct. Defense attorneys representing a police officer for any of these claims will raise a defense of qualified immunity. This defense exists to prevent the fear of legal prosecution from inhibiting a police officer from enforcing the law. The defense will defeat a claim against the officer if the officer's conduct did not violate a clearly established constitutional or statutory right. In other words, the specific acts the officer prevented the individual from engaging in must be legally protected, otherwise there is no civil rights violation. In order to win a civil rights claim, an individual bringing a police misconduct claim must prove that the actions of the police exceeded reasonable bounds, infringed the victim's constitutional rights, and produced some injury or damages to the victim (such as wrongful death by police).

2. Arts. 3-12 of the Universal Declaration of Human Rights (1948) provide: Art. 3 Everyone has the right to life, liberty and security of person. Art. 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.Art. 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Art. 6 Everyone has the right to recognition everywhere as a person before the law. Art. 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Art. 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Art. 9 No one shall be subjected to arbitrary arrest, detention or exile. Art. 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Art. 11 (1) Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. (2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed. Art. 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

D. The United States must amend federal torture statute to comply with Arts. 2, 4 and 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 by repealing the phrase “outside the United States” from 18USC§2340A(a) and Exclusive Remedies at §2340B amended so: (1) The legal system shall ensure that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, their dependents shall be entitled to compensation. (2) Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law. The Bush Administration not only abrogated the treaty but publicly condoned torturous interrogation methods to such an extent that confidence in the civil tort judicial system of redress, the medical establishment and Congress reached all time lows. Since 2009

torture statute was hacked and has been ultra vires Arts. 2, 4 and 14 of the Convention against Torture and no Congress or Government Publishing Office (GPO) has corrected this error after President Obama quizzically commanded in 2009 “the United States does not torture”.

1. Under Art. 1(1) of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment A/39/51 (1984) and 18USC§2340 the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Some basic principles pertaining to the prohibition of torture are that.

2. States shall ensure that torture is prohibited as criminal law and establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture. An order from a superior officer or a public authority may not be invoked as a justification of torture. No State shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. The State shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation under Art. 14.

3. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 4 February 2003 to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. The Optional Protocol sets forth to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism). The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven

professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.

4. In order to enable the national preventive mechanisms to fulfill their mandate, the States Parties to the present Protocol undertake to grant them: (a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location; (b) Access to all information referring to the treatment of those persons as well as their conditions of detention; (c) Access to all places of detention and their installations and facilities; (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information; (e) The liberty to choose the places they want to visit and the persons they want to interview. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

5. United Nations Compensation Commission rates:

1. People forced to relocate as the result of military action $2,500 -$4,000 for an individual and $5,000-$8,000 for a family;
2. People who suffered serious bodily injury or families reporting a death as the result of military action are entitled to between $2,500 and $10,000;
3. After being swiftly compensated for relocation, injury or death an individual may make a claim for damages for personal injury; mental pain and anguish of a wrongful death; loss of personal property; loss of bank accounts, stocks and other securities; loss of income; loss of real property; and individual business losses valued up to $100,000.
4. After receiving compensation for relocation, injury or death an individual can file a claim valued at more than $100,000 for the loss of real property or personal business.
5. Claims of corporations, other private legal entities and public sector enterprises. They include claims for: construction or other contract losses; losses from the non-payment for goods or services; losses relating to the destruction or seizure of business assets; loss of profits; and oil sector or heavy industry losses.
6. Claims filed by Governments and international organizations for losses incurred in evacuating citizens; providing relief to citizens; damage to diplomatic premises and loss of, and damage to, other government property; and damage to the environment.

a. While Congress may neglect torture statute to omit compensation, the DEA may torture to death 10 times more opiate addicts than in 2000, and the Crime Victim Compensation Fund may neglect property crime other than loss of employment, social security does not neglect to fairly compensate torture victims who suffer permanent disability. It would certainly be a fatal mistake for international observers with a jury duty to sue a falsely arresting nation misguided by the Law Enforcement Code of Conduct (1979) omission of the Covenant on Civil and Political Rights (1976) infringing, non-self-incriminating, miscarriage of justice, by underinsured police chiefs of undereducated law enforcement officers authorized to make arrests and carry a firearm,

for torture "compensation". *Martinez et al v. Astrue* No. Cal. No 08-CV-48735-CW of August 11, 2009, led to the passage of No Social Security Benefits for Prisoners Act of 2009, Public Law 111-115 which clarifies the prohibition of retroactive payments to individuals during periods for which such individuals are prisoners, probation or parole violators, or fugitive felons written in SSI in Sec. 1611 of Title XVI of the Social Security Act 42USC§1382(E)(1)(A) and OASDI benefit in Sec. 202 of Title II of the Social Security Act 42USC§402(x)(1)(a). Eligibility for SSI Benefits may continue while a person is detained in public institution if such person needs to continue to maintain and provide for the expenses of the home or living arrangement to which he or she may return upon leaving the institution or facility, usually for a period not to exceed 3 months in Sec. 1611 of Title XVI of the Social Security Act 42USC§1382 (E)(1)(G). The Commissioner of Social Security has been ordered to develop a Pre-release procedure for institutionalized persons under which an individual can apply for supplemental security income benefits prior to the discharge or release of the individual from a public institution under Sec. 1631 of Title XVI of the Social Security Act 42USC§1383(m). If their conviction is ultimately overturned back payments to the date their social security benefits were terminated are due *Bloom v. Social Security Administration* (10th Cir.) No. 02-3362 (2003).

§261B Corruption

A. Corruption is an ineffective treaty law necessary to process prison conspiracy casualties when the false arrest and/or unjustified sentencing of a public official for bribery justifies federal reductions in force by the remorseless prosecutor (especially law enforcement without Bachelor degree) under 5 CFR Part 351. Unlawful public disclosure of personally identifying information by an arresting officer associated with patently false charges, such as adverse marijuana possession in *United States v. Lettiere*, 640 F.3d 1271, 1273 (9th Cir. 2011) or criminal mischief in *United States v. Curley,* 639 F.3d 50, 54 (2d Cir. 2011) equally, criminally corrupt the Convention on Civil and Political Rights (1976). (a) A person commits the alleged crime of bribing a witness, that might actually justify a civil trial or administrative proceeding, if the person offers, confers or agrees to confer any pecuniary benefit upon a witness in any official proceeding, with the intent that the testimony of the person as a witness will thereby be influenced under 18USC§201. (b) The person will avoid legal process summoning the person to testify and the person will be absent from any official proceeding to which the person has been legally summoned under 18USC§1512 and §1513. Civil or administrative trial of corruption must overrule the initial criminal request, to chiefly determine whether the bribe of person (a) or criminal conspiracy of person (b) cause(d), or is likely to cause, murder to occur, biased against the armed robbery, kidnapping, surveillance and arson of criminal justice first degree murder risk under 18USC§1111.

1. The United States' ranking fell from 43 to 45 out of 180 countries in Reporters Without Borders' (RSF) 2018 World Press Freedom Index, continuing its downward trend in the first year of Donald J. Trump's presidency. labeling the press an "enemy of the American people" in a series of verbal attacks toward journalists, attempts to block White House access to multiple media outlets, routine use of the term "fake news" in retaliation for critical reporting, and calling for media outlets' broadcasting licenses to be

revoked. President Trump has routinely singled out news outlets and individual journalists for their coverage of him. The violent anti-press rhetoric from the White House has been coupled with an increase in the number of press freedom violations at the local level as journalists run the risk of arrest for covering protestors simply attempting to ask public officials questions. Reporters have even been subject to physical assault while on the job. The US Press Freedom Tracker launched in August 2017 documented 34 arrests of journalists in 2017, the majority while covering protests (find out more on the racker). Whistleblowers face prosecution under the Espionage Act if they leak information of public interest to the press, while there is still no federal "shield law" guaranteeing reporters' right to protect their sources. "Fake news" is now a trademark excuse for media repression, in both democratic and authoritarian regimes. A federal press "shield law," the Journalistic Source Protection Act, was adopted unanimously in October 2017 by Canada's parliament, and two months later, a Commission of Inquiry tasked with investigating Quebec police surveillance of journalists recommended Quebec adopt legislation to better protect journalistic sources. These improvements are the cause of Canada's 4-point gain in 2017.

2. Public officials are hereby counseled against receiving innocent bribes because they are so likely to attract the unwarranted attention of a lethal prison Conspiracy described in Art. 81 of the Uniform Code of Military Justice under 10USC§881 and 18USC§242, redressed by Cause of Action under 34USC§12601 and Action for Deprivation of Rights under 42USC§1983. Law college has advised that people not respond to requests by police officers to come to the police station for questioning because they are invariably arrested. People who are subjected to investigation by a police officer must retain a lawyer to request the prosecutor drop the charges, or remain the object of fascination of an extremely dangerous and under-educated police officer, authorized to make arrests and carry a firearm, for some time. Furthermore, failures to appear must not be entered. Any self-respecting judge of law, or law enforcement officer, should read failure of the *prima facie* case without inconveniencing anyone. Appearing lawyers are highly encouraged to remind the judge of this lesson not to enter the failure to appear, repealed without explanation from the rule on judgment in the federal and state rules of civil procedure, on a failure to appear by failure to appear basis of voluntary representation by appearing lawyers. Law enforcement officers in error cannot be continued and their cases must be released from jail, dropped by the prosecutor and dismissed by the Court. Prosecutors, law enforcement and corrections officers with less than a Bachelor degree, are not expected to be able to understand the meaning of dismissal of the criminal case and are thought to secretly torture, by a court of competent jurisdiction, and if it turns out that the false arrest was their own idea, rather than the result of a warrant signed by a judge also in error on the topic of arrest an estimated 50% of the time, would result in the immediate and permanent termination of employment and disability benefit, until after the undereducated law enforcement officer, has achieved at least a Bachelor degree and is gainfully employed in his or her freely chosen career.

B. The principle of non-use of force in Art. 2 (4) of the UN Charter is often called the *jus cogens*, universal norm, of international law. It states, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes

of the United Nations". This principle may also be called the principle of non-aggression. Art. 51 of Chapter VII of the UN Charter recognizes that the authorization of the use of force is an "inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations". Under international law in force today, States do not have a right of "collective" armed response to acts which do not constitute an "armed attack". States are limited in the use of force to a direct and proportional response to the use of force by *Military and Paramilitary Activities in and Against Nicaragua* (Nicaragua v. United States of America) No. 70 (1986).

1. Omissions in the Minimum Standard Rules for the Treatment of Prisoners (1977) the Law Enforcement Code of Conduct (1979) are redressed by Declaration on the Protection of All Persons from Enforced Disappearance (1992) with respect to Commons Articles 1 and 3. a. Common Article 1 of the International Covenant on Civil and Political Rights of 23 March 1976 and the International Covenant on Economic, Social and Cultural Rights of 3 January 1976 provide: (1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence. b. Art. 3 of all four of the Geneva Conventions of 1949, state: Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, prohibiting; (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) Taking of hostages; (c) Outrages upon personal dignity, in particular humiliating and degrading treatment; (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

C. Crime Control and Law Enforcement was transferred to Title 34 of the United States Code 34USC§10101 *et seq*. from Title 42 by P.L. 115–76 on November 02, 2017. Police Officers are supervised by a geographic law enforcement agency that defines the jurisdiction of the police officers. There are an estimated 1.5 million law enforcement officers employed in the United States. The Bureau of Justices Statistics reported that in 2000 the federal department of justice employed 88,496 full-time law enforcement officers authorized to make arrests and carry fire arms. 17,784 state and local law enforcement agencies employed 708,022 full time officers. 12,666 local police agencies employed 440,920 full time officers. 3,070 county sheriffs employed 164,711 deputies. 49 primary state agencies employed 56,348 officers. 1,376 special jurisdictions employed 43,413 officers. 623 Texas constable offices employed 2,630 law enforcement officers. In 2016 the Department of Homeland Security employed 37,211 law enforcement officers authorized to make arrests and carry fire arms. US Customs and Border Protection 16,388. US Immigration and Customs Enforcement 7,942. US Coast Guard 10,673. US Secret Service 2,208. Although the Bureau of Labor Statistics only estimates

that there are 880,000 police officers and detectives, 1.5 million is a good estimate of the number of full-time civilian law enforcement officers employed in the United States, plus another 470,000 corrections officers, for a grand total of 2 million employees authorized to make arrests and carry a firearm in the United States.

1. Several state studies have shown that no one with a Bachelor degree was a recidivist under 34USC§60501. Recidivism, defined as re-incarceration within 3 years of release from prison, occurs in 66% of state offenders, 50% in those who earned vocational certificates, 35% in those with an Associates degree and 0% in those who earned a post-conviction Bachelor degree. Several state studies have shown that people who earn a post-conviction Bachelor degree are 100% free of recidivism. Crime is defined as an illegal act for which someone can be punished by the government; especially: a gross violation of law, a grave offense especially against morality**,** or criminal activity, such as efforts to fight crime. Authorization to make arrests and carry a firearm conferred by 4-20 week long police and corrections academies burden the Court. It seems best to believe that 50% of arrests are false, no matter what level of educational attainment the prosecutor. It is however theoretically possible to eliminate all tortious criminal misconduct even under the most awful of lawful commands, and always be able obey orders for non-repetition of any newly discovered genuinely criminally offensive act, in the first instance, by requiring a Bachelor degree. Due to the serious threat of recidivism, tortious police misconduct by undereducated law enforcement officers must result in their immediate termination of employment by the police chief. Undereducated police officers must be swiftly terminated for misconduct and given disability insurance until they have achieved a Bachelor degree and are gainfully employed, without rush. As state employees, state highway patrol, local police and sheriff departments must pay the 12.4% Old Age, Survivor and Disability Insurance (OASDI) payroll tax to get better than $200 a month disability, probably more than $1,000 a month disability, and be eternally safe from random $666 a month retirement decisions and insufficient funds. Due process of the obsolescence of the 6% state employee retirement programs is needed under Title I of the Social Security Act.

2. With 515 justified homicides from legal intervention in 2016, the homicide rate of 1.5 million police officers is 38.6 per 100,000, seven times more than normal 5.3 per 100,000, or 8 per 100,000 for ex-convicts without gun rights, and more than twice the 15 per 100,000 risk of a law enforcement officer being killed in the course of duty, law enforcement is too dangerous and fundamentally criminal to continue to fail to require that all law enforcement and corrections officers have attained at least the Bachelor degree it takes to competently receive instruction from the Court. To participate in the study, prisons would correlate the success of their Bachelor degree programs with the elimination of recidivism. To theoretically eliminate the possibility of recidivism and increase Good Time credit, online Bachelor degree programs funded by student loans must be offered to all defendants, especially those sentenced to a lengthy period of incarceration in prison. Student loan collections must not bother the protected people, who will pay as their tax lawyer directs them. Prisoners and student loan collections have a mutual proclivity for engaging in hostilities, reportedly Attorney General incited rampage shootings in the case of student loan collections (academy trained law

enforcement officers have so far not perpetrated) that must cease under the Federal Credit Reform Act of 1990.

3. As of 2016, there are 1,315,561 Licensed Lawyers in the United States of America. 35 years ago the population of attorneys in the United States had surpassed 450,000, and law schools were graduating 34,000 each year. By 2011, the annual production of law degrees was up to 44,000, and at 1.22 million, the number of lawyers in the country had nearly tripled. In 2011, the number of students entering law school dropped by 7%, an unprecedented fall. In 2012, the drop accelerated: Enrollment of first-year law students sank another 8.6%. It plunged still further in 2013. According to the American Bar Association, 39,675 new law students matriculated in fall of 2013 — an 11% decrease from 2012. To dispel rumors regarding 60% unemployment on graduation from law school, it is recommended that law schools include 4-20 week police and correctional programs, in their three year curriculum. Having saturated the courts with standing juries of public defenders, academy trained lawyers should be preferentially employed as police and corrections officers.

E. Issuance of special pardons for innocent “tigers” hunted by the Chinese anti-corruption campaign is done by the President under Art. 80 of the Constitution of the People's Republic of China. In 2018, after completion of his first five year term, the National Congress repealed the two term limit for legislators, President and Vice-President. Although legislators are not usually limited by term limits, President Xi Jinping is on trial by the XXII Amendment to the US Constitution, in regards to the reinstitution of the two term limit exclusively for President and Vice-President of the People's Republic of China. To lawfully sanction the Chinese Communist Party for its corrupt activity in the United States, isolationist policies of the President must be limited to overruling bribery charges, limiting tariffs to no-more than 6%, withdrawal from opium war treaties, signature of bilateral legal marijuana trade agreements and ordering the United States Attorney General to agree to support the repeal of the Authority for Employment of the Federal Bureau of Investigation (FBI) and Drug Enforcement Administration (DEA) Senior Executive Service 5USC§3151-3152 as Chinese spies to Congress under Art. 3 Sec. 3 and Art. 2 Sec. 3 rather than Sec. 4 of the US Constitution and Art. 54 of the 4th Geneva Convention Relative to the Protection of Civilians in Times of War (1949). Hoover's Bureau of Investigation had been regulated, early on, to prevent “politicized investigations”. One major undercover operation, code-named “Abscam,” led to the convictions of six sitting members of the U.S. Congress and several other elected officials in the early 1980s. “Operation Greylord” put 92 crooked judges, lawyers, policemen, court officers, and others behind bars in the mid-1980s. The “Brilab” (Bribery/Labor) investigation begun in Los Angeles in 1979 revealed how the Mafia was bribing government officials to award lucrative insurance contracts, and a major case called “Illwind,” culminating in 1988, unveiled corruption in defense procurement. The intimidation of public officials has continued unabated.

1. Pardon the false arrest and 14 year sentence of Rod Blagojevich Esq., for the local custom of detaining their governors on non-violent and easily civilly redressed corruption charges, the alleged crime of selling Barack Obama's Senate seat that he did not commit. The interference by armed forces with the “suffrage” of the 2016 elections regarding the

diversion of Presidential candidate Hillary Clinton's State Department emails to her private server constitutes interference with elections by armed force18USC§593, fraud and related activity in connection with electronic mail under 18USC§1037 and intimidation of voters regarding whether or not they should vote for a Presidential candidate protected against such attacks under 18USC§594 and 52USC§10101(b). However, former FBI Director Mueller, has acted as an accessory after the fact under 18USC§3, to relieve the FBI suffrage offender and prevent his trial and punishment, to allege Russian Internet Research as the principal under 18USC§2 aggravated identity theft defendant when criminal penalties are in fact due for false information in regards to citizenship under 18USC§1015 and 52USC§21144 to justify the cessation of all further finance for Russian interference with US elections, that is perceived to have been unarmed, nonviolent, but unlawfully making false claims to citizenship to such a degree, that despite propaganda regarding *Citizens United v. FEC* (2010) everyone should be aware that federal, state and local political campaign contributions and donations by foreign nationals are prohibited under 52USC§30121. Domestic 2016 election cases have no merit. In the FBI, the National Forensic Laboratory, Quantico Law Enforcement Academy and National Crime Incidence Reporting System are the only infrastructure that require the protection of Criminal Division of the Department of Justice.

2. The $2.2 billion (FY 2017) Drug Enforcement Administration (DEA) needs to be totally abolished. The DEA Office of Diversion Control (ODC) licenses health care practitioners to dispense drugs regulated under the Controlled Substances Act (CSA) It makes $350 million license fees at a $9 million cost to the budget. To reduce wrongful death, the United States has no recourse but to abolish the Drug Enforcement Agency (DEA). The DEA and CSA must be abolished under Art. 1 of the Slavery Convention of 1927 to prevent drug adulteration and false representation by the criminal justice system under Sec. 301 of the Food, Drug and Cosmetic Act under 21USC§331. The DEA drug stockpile and all drugs and food that have been seized by the police, must be destroyed. The odd Office of Diversion Control (ODC) needs to be abolished by, rather than transferred to, the Food and Drug Administration (FDA). It is necessary to hold the DEA responsible for an estimated 20,0000 intentional of 52,000 poisoning deaths due to opiates laced with fentanyl and co-fentanyl in 2016. Fatal respiratory depression is reversed by Narcan injection of naloxone or naltrexone tablet. Furthermore, to reduce 2016 rates of 156,000 accidental deaths, 42,826 suicides and 15,872 conventional homicides due to the three day panic attack and up to six months of severe mental illness caused by topical exposure to water soluble dimethoxymethylamphetamine (DOM). Since 2001 opiate overdoses have increased 1,000%, first in prescription drugs such as Oxycontin, then by 2005 in methadone treatment, driving 4% of controlled prescription drugs (CPDs) consumers to heroin, that became contaminated by 2013. Opiate overdoses in children have doubled since 2005. Where there were around 1,000 prescription opiate overdose deaths annually before 2000, and less than 10,000 heroin overdoses, there were an estimated 22,000 opiate overdose deaths in 2016. Fentanyl tampering of regulated and unregulated opiate addicted population property must cease under 18USC§1512. So far, after informing the public of the miraculous effectiveness of Narcan and naltrexone opiate antagonists at reversing fatal respiratory depression from opiate overdose without statistical improvement, the only effective effective method to reduce opiate overdose deaths has been for the President to reduce the production quota for opiate manufacturers

by 10% in 2018. To significantly reduce risk from 156,000 accidental deaths, 42,826 suicides and 15,872 conventional homicides in 2016, it is essential that the DEA is abolished.

F. The Public Safety Officers' Benefits (PSOB) provides death, disability, and education benefits to public safety officers and survivors of public safety officers who are killed or injured in the line of duty. Public Safety Officers' Benefits Improvement Act of 2017 Public Law No: 115-36 of June 2, 2016 amended the Omnibus Crime Control and Safe Streets Act of 1968. In determining a claimant's eligibility for death or disability benefits, substantial weight must be given to evidence and facts presented by a state, local, or federal agency. The bill establishes a presumption that a public safety officer acted properly at the time of injury or death and that no specified limitation (e.g., voluntary intoxication at the time of injury or death) bars the payment of death or disability benefits under 34USC§10282. Essentially, public safety officer benefits are available to any police officer who contributed to a benefit program and whose employment is terminated for any reason. Public Law 90–351; 82 Stat. 197 was transferred from Title 42 to a new title on Crime Control and Law Enforcement codified under 34USC§10101 *et seq* by P.L. 115–76 of November 02, 2017.

1. In the Federal Government, layoffs are called reduction in force (RIF) actions under 5 CFR Part 351. A "reduction in force" includes the elimination or modification of a position due to a reorganization, due to a lack of funds or curtailment of work, or due to any other factor under 5USC§3595(d). "Unacceptable performance" means performance of an employee which fails to meet established performance standards in one or more critical elements of such employee's position under 5USC§4301(3). The spirit and intent of these regulations is guided by the principle of non-use of force. It is estimated that the federal government could save $17 billion FY 19 and relieve 80,000 federal officers, 50,000 un-re-assignable FBI and DEA and 30,000 FS arsons, of a century of unacceptable performance. An estimated 46,055 of 114,408, 40.3% of the DOJ workforce might be laid-off if Department of Justice prohibition enforcement officers were fired under the Slavery Convention of 1926 leaving DOJ with an estimated 71,945 employees FY 2017.

2. The Federal Bureau of Investigation (FBI) employs 35,000 people, including special agents and support professionals such as intelligence analysts, language specialists, scientists, and information technology specialists. The Drug Enforcement Administration (DEA) employs 11,055 people, including special agents and support staff. The FBI has 56 field offices located in major cities throughout the U.S., more than 350 satellite offices called resident agencies in cities and towns across the nation, and more than 60 international offices called legal attachés in U.S. embassies worldwide. The DEA has 221 Domestic Offices in 21 Divisions throughout the U.S., and 90 Foreign Offices in 69 countries. For the most part, these assets should be forfeited to the Department of Treasury Asset Forfeiture Fund rather than the Department of Justice Asset Forfeiture Fund whereas the Treasury makes the United States revenues to ensure officers receive between 40% to 80% of their current wage from the Office of Personnel Management (OPM).

3. Customarily when a significant number of employees are selected for release in a force reduction employees must be given 60 written notice regarding their eligibility for re-employment under 5CFR351.803, however the FBI and DEA Senior Executive Service have hacked themselves so extensively into the code that they require special treatment. The Authority for Employment of the Federal Bureau of Investigation (FBI) and Drug Enforcement Administration (DEA) Senior Executive Service under 5USC§3151-3152 must be repealed by Congress. An employee who completes 5 years of civilian service and has become disabled shall be retired on the employee's own application or on application by the employee's agency. Any employee shall be considered to be disabled only if the employee is found by the Office of Personnel Management to be unable, because of disease or injury, to render useful and efficient service in the employee's position and is not qualified for reassignment Disability retirement under 5USC§8337(a). 5USC§8336(c)(1) An employee who is separated from the service after becoming 50 years of age and completing 20 years of service as a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer, or any combination of such service totaling at least 20 years, (h)(1) A member of the Senior Executive Service who is removed from the Senior Executive Service for less than fully successful executive performance under 5USC§4303 after completing 25 years of service or after becoming 50 years of age and completing 20 years of service, is entitled to an annuity. Like many veterans, they may be dually eligible for social security disability insurance if 40% to 80% of their current wages under 5USC§8339(f, g) qualify them.

§261C Indigent Defense

A. The federal court offers indigents a reduced $5 civil filing fee. The indigent identity is defended because besides false arrests and police brutality, indigents are often tortured by evictions from public lands, that constitute a jurisdiction-wide loss of free camping for all people, that is not often contested because the presence of a protected person cannot be used to render certain points or areas immune from military operations under Art. 28 of the Fourth Geneva Convention Relative to the Protection of Civilians in Times of War of 1949. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States of 1970, makes it clear that no territorial acquisition resulting from the threat or use of force shall be recognized as legal. How homeowners and renters survive the gentrification process of the Third Amendment, is a matter of bribery of witnesses regarding state and local property taxes, like the ideology of idiots who buy identification documents and vote. With all of these people the indigent are at peace, since the Indians began living two families to a trailer on Reservations without the option to live in a traditional dwelling, camp under a tarp or even cook over a campfire for free, for more than a hundred years barring accident or casualty of war. Although often forgotten out of deference for the magistrate's office in the Yellowstone jail under 16USC§30, the first national park to be created in the United States was initially termed a Reservation at Hot Spring, Arkansas, in 1832, for the purpose of providing free baths for indigents under 16USC§361 and also free camping, better protected from deteriorating conditions by the principle of reciprocity than jurisdiction under 16USC§372a.

1. Officially and diplomatically, evicting discrete campers from public land, who clean up the litter, constitutes removing labor from the land and is the product of occupation of

the land by forced labor that must itself be evicted under Art. 5 of the Slavery Convention of 1927. There are three primary types of offensive forced labor that internally displace the indigent in the United States. The most dangerous is the porto-potty soaked litter of penal servitude community service extension land and slave acquisition conspiracy with the extra-jurisdictional municipal death squad type. The prohibitive park autocracy that trespasses the indigent from the free camping; alienating the park service from its legislators, pedestrians, and volunteers type. The litter of threatening ribbons and pyromania of the forest service type, who must be cleaned up after. The responsibility of the State is to protect civilization by protecting the rights of all campers through the recognition of free campgrounds, where the camping is so nice, the right must be protected against inferior developments, specifically prohibiting evictions of campers from the public land. For their part, campers are charged with removing all the litter on the trail and near their camp. This litter may include prohibitive signs, trail ribbons and other works of slavery that require permission or a warrant to remove without retaliation. The quality most sought to be protected from destructive private and public development by pedestrians, willing to walk hundreds even thousands of miles for the high speed Internet privilege, is that the official camping area is not more than five miles on a trail to the city. Free car camping also requires indigent defence, but is not the true freedom of the trail that homo sapiens must protect from the long road home. Campers live by the 3 mile run in boots, of the Marine Corp physical fitness test and protest the full time job walking 7 miles each way for the Ranger test by walking the thousand mile north south trails that don't run coast to coast.

2. The Slavery Convention of 1927 recognize in Article 5 that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery. It is agreed that: (1) Subject to the transitional provisions laid down in paragraph (2) below, compulsory or forced labour may only be exacted for public purposes. (2) In territories in which compulsory or forced labour for other than public purposes still survives, the High Contracting Parties shall endeavor progressively and as soon as possible to put an end to the practice. So long as such forced or compulsory labour exists, this labour shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the laborers from their usual place of residence. (3) In all cases, the responsibility for any recourse to compulsory or forced labour shall rest with the competent central authorities of the territory concerned. Patterns or practices analogous to the slave trade tend to happen in the wilderness, when a private State corporation engages in outrageous forestry practices, that engage the equally criminally destructive county community service program, who acquires their slave labor, and land management contracts through the extra-territorial jurisdiction of a nascent municipal police death squad. It is imperative that the indigents, homeless people, are respected for their compulsory labor removing litter and ensuring the often lengthy commute to town is free of ambushes, so that no one is displaced from the land because of the how wrongfully forced the “forest labor” that is actually remunerated by the state, and how paradisiacal inhabited forests, when the indigent are not wrongfully trespassed from public land. It is the municipal police, forced labor programs and outrageous, wrongful state subsidized forest labor practice, who must be

clearly trespassed from public lands and public property. Trespassing indigents accidentally or desperately camping on someone's private lands, that are not immune from military invasion by a police force called to duty by the private land owner, must be filed as a civil case, if the eviction cannot be done anonymously, as is the right thing to do, to avoid inviting more military intervention than is warranted, eg. Warrants to the effect the person is trespassed from the entire State although the right thing to do is failure to appear and should result in the non-entry of the wrongful criminal trespassing charge under Art. 28 of the 4th Geneva Convention Relative to the Protection of Civilians in Times of War (1949). Due to reciprocity with state property taxes, a federal judge may be necessary to protect the free camping on public land and the commute on a trail, of indigent country folk, from the privations of the city. Perhaps the federal indigent filing fee of only $5 will be enough for a competent indigent scout, or tribal government, filing a civil rights case under Art. 5 of the Slavery Convention of 1927, to convince the federal Court to plaintiff the parklike qualities of the public land with the "campground" sign of a federally protected indigent reservation for free camping.

B. The order is to destroy all slash piles and extinguish other fire-hazardous practices, such as nails in trees or campfires in dry and windy forests or grasslands. Fire 36CFR§261.5 prohibits the following private activities: (a) Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire. (b) Firing any tracer bullet or incendiary ammunition. (c) Causing timber, trees, slash, brush or grass to burn except as authorized by permit. (d) Leaving a fire without completely extinguishing it. (e) Causing and failing to maintain control of a fire that is not a prescribed fire that damages the National Forest System. (f) Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape. (g) Negligently failing to maintain control of a prescribed fire on Non-National Forest System lands that damages the National Forest System, that is tried for up to $500 fine and 6 months in jail by a federal magistrate under 16USC§551. Burn permit holders and slash pilers are charged with Arson within special maritime and territorial jurisdiction that occurs when; Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously sets fire to or burns any building, structure or vessel, any machinery or building materials or supplies, military or naval stores, munitions of war, or any structural aids or appliances for navigation or shipping, or attempts or conspires to do such an act, shall be imprisoned for not more than 25 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both. If the building be a dwelling or if the life of any person be placed in jeopardy, he shall be fined under this title or imprisoned for any term of years or for life, or both" under 18USC§81 depending on the lethality of the conspiracy under Art. 81 of the Uniform Code of Military Justice. A moratorium on slashing trees and shrubs has been effective in China, however "mandatory minimum sentencing" of not less than $10 per tree or shrub cut and 15 days in jail needs to be abolished like the US Sentencing Commission, pursuant to *Blakely v. Washington* 2004, for National Park Service statute to be interpreted to estimate 15 days work dismanting a square mile megaton of slash piles under 18USC§1856. Whoever unlawfully cuts, or wantonly injures or destroys any tree growing, standing, or being upon any land of the United States shall be fined under this title or imprisoned not more than one year, or both under 18USC§1853. Whoever,

willfully and without authority, sets on fire any timber, underbrush, or grass or other inflammable material upon the public domain...shall be fined under this title or imprisoned not more than five years, or both under 18USC§1855.

1. Intensive study of historical fires has failed to document any cases wherein fire killed a forest by burning through treetops in the ponderosa pine forests of the American Southwest prior to 1900 there was not the fuel to set timber afire under 18USC§1855. In contrast, numerous fires since 1950 exceeding 5,000 acres (2,025 hectares) have burned forests more intensively than earlier fires. A 1910 article in Sunset Magazine recommended to the fledgling Forest Service that it use the indigenous method of setting "cool fires" in the spring and autumn to keep the forests open, consume accumulated fuel and in so doing protect the forest from catastrophic fire. Ironically, that recommendation came the same year that, in the space of two days fires raced across 3 million acres (1,210,000 hectares) in Idaho and Montana and killed eighty-five firefighters in what is called the "Big Blowup". It would be ten years after the Big Blowup before many fires in western forests and grasslands were effectively controlled. For decades thereafter, the U.S. Forest Service was dedicated to putting all fires out. By 1926, the objective was to control all fires before they grew to 10 acres in size. A decade later the policy was to stop all fires by 10 am on the second day. In 2000 the nation experienced its most severe fire season in decades when some 8.4 million acres burned in 122,000 fires. In 2001, however, only 3.6 million acres burned - far below the national average for the previous eighty years (about fourteen million acres). The size of the acreage burned in 2000, while unusually large relative to the average acreage burned during the previous decade (3.8 million acres), was less than the average annual acreages burned in the four decades from 1919-1959 (24.4 million acres). Similarly, while the 6.9 million acres that burned in 2002 was substantially above the annual average during the preceding ten years (4.2 million acres), it was not unusual: fire seasons in which acreages similar to the 2002 total also burned had occurred as recently as 1996 (6.7 million acres) and 1988 (7.4 million acres). The number of fires in 2002 was less than the average number of fires occurring in every decade from the 1920s through the 1990s. These averages ranged from a low average rate of 97,599 fires per year from 1899-1929, to a high average rate of 163,329 fires per year from 1980-1989. During the 1990s, fewer acres burned annually on average than during the 1920s-1960s, and again through the 1980s. Nonetheless, with only 248,000 acres of FS land logged in 2003 ten times more is arsoned than logged.

Un-contained Fires, United States Totals by Agency and State 2017

By Agency	Acres Burned
National Parks	19,556
National Scenic Area	47,320
State	484,137
National Forests	2,232,800
United States	2,783,813
By State	Acres Burned

Alaska	69,814
Arizona	214,334
California	333,386
Colorado	14,428
Idaho	376,185
Montana	753,850
Nevada	82,438
New Mexico	37,331
North Dakota	5,000
Oregon	628,148
South Dakota	7,438
Utah	11,067
Washington	242,599
Wyoming	7,795
United States	2,783,813

Source: National Wildfire Coordination Group 2017

2. In the 2017 fire season 195 forest fires that were not contained within 24 hours burned 2,783,813 acres in the United States. In Montana 753,850 acres burned, 287,295 acres in Lolo National Forest. Oregon burned 628,148 acres, 287,074 acres in Rogue River Siskiyou National Forest. California burned 333,386 acres, 171,798 acres in Klamath National Forest, near the Oregon border. All told 458,869 acres, 25% of 1.8 million acre Rogue-River Siskiyou National Forest burned in 2017. A total of 2,232,800 acres of National Forests were burned in the 2017 fire season. In 2017 the Forest Service burned more than 2.2 million acres, 1.2% of their 183 million acres of National Forests and Grasslands, 0.7% of 314 million acres of National Resource Lands, to cause 80% of total acres burned in the United States. The 334 units of the U.S. national park system, encompass 89 million acres of which 66,876 acres, 0.07% burned. The forty-eight national parks cover about 47 million acres of which 19,556 acres, 0.02% burned. The difference is explained by 47,320 acres burned in Columbia River Gorge National Scenic Area. 484,137 acres were burned on public land held by State forestry, agencies, and field offices. 4,161 acres burned in one un-contained forest fire under county jurisdiction. The hills of Los Angeles were in flames and the smoke was unbearable in Portland. To estimate damages caused by abusive agricultural practices uncut forests cost $200,000 an acre, parkland with trails and flat stumps for picnicking $175,000, commercially thinned forests $150,000, organic irrigated agricultural land $100,000, burned or organophosphate poisoned land $50,000. In July 2017 9,000 fires burned more than 2.6 million acres around the country. That ratio of more than 295 acres burned per fire was the fourth highest on record, the agency reported. In September, the Agriculture Department announced that due to fires in the West, Pacific Northwest and Northern

Rockies over the summer, wild-land fire suppression costs for the fiscal year had surpassed $2 billion, making 2017 the most expensive year on record. Including the fall fires near Los Angeles 1.3% of National Forests managed by the USDA Forest Service burned in 2017, 65 times more frequently than National Parks 0.02%.

C. Due to bears and teenagers, it is necessary to keep food, wallet, identification documents, valuables, and laptop in a daypack. If a black bear comes for dinner, talk to it, put away the food and stay for tea, they are physically smarter than humans and excel in clown college. Grizzly bears are much more dangerous and kill humans annually. The conventional wisdom regarding playing dead is probably applicable with grizzly, just separate from the food. Fight mountain lions (cougars, puma), pick up little children, sticks and stones, don't crouch down because that often triggers cougar to spring. Do not accuse humans of what is obviously the work of a bear or mountain lion. Expensive bear barrels are unfairly required of hikers in some areas. Bear boxes are campground luxuries to use. Rat urine causes hip pain, rat poop causes meningitis and the chronic scabby condition resembles the untreatable idiopathic disorder sarcoidosis. Rats can be kept away from the food with a cooler that bears can open. Pack out trash daily. Leave organic waste in a compost pile if pets are wanted, or pack it out. The rats will ultimately come, for dinner, no matter how clean the camp, so be kind and do teach them to make war, although some to all need no instructions to cripple a human by peeing in their hair at night, when they are sleeping, or poop in exposed culinary equipment, cured by swift washing with water. Diarrhoea is usually the biggest health problem for campers. Do not cook one-pot mush, cook a proper stir fry and serve on left over rice, to avoid one source of morning mush – diarrhoea every morning. The primary cause of diarrhoea in campers is of course drinking water. The best thing to do if contracting diarrhoea is to buy bottled water for drinking and cooking. The cause of discomfort can be infectious, too many particles in the water, or both. Brackish water has more than 1,000 particles per million, causes diarrhoea and hypersensitivity. Coastal water is notoriously brackish for more than four miles inland, but surface water can be unreliably filtered with a hand water filter to achieve a higher quality of drinking water than untreated coastal tap-water. 500 particles per million is the official limit for drinking and cooking water.

1. There is not really enough common knowledge regarding water purification, for any method of wilderness water purification system on the market, to be effective used as directed. Chlorine and other chemicals cause diarrhoea in their own right, boiling does not remove particles, filtering does remove both particles and infectious organisms. Filters remove 90% of particles from the water. It is therefore always necessary to filter water twice, to eliminate 99% of particles. While there are almost always visible particles after filtering once, no matter what system is used, there should be no visible particles after filtering twice. Reverse osmosis home water purifiers often have six different types of filters, in one system, and require another screwed onto the tap, to reliably remove all visible particles. Life-straws are said to be effective. Due to resistant particles and bacteria colonizing durable water filtration systems, it is highly advised to use a disposable coffee filter and cone for the second, final filter, after it is pumped through a conventional wilderness water purifier, before it goes into the drinking water bottle. Using the coffee filter and cone as a secondary drinking water filter, or primary and secondary filter, has so far been the only reliable method of producing potable water

from mountain springs. The coffee filter and cone can also be used to purify tap-water if a person has diarrhoea, irritable bowel syndrome or is otherwise probably sensitive to minute impurities other people don't notice, all the time. Metronidazole is the only antibiotic that treats antibiotic associated colitis caused by antibiotic resistant *Clostridium difficile* and stomach ulcers caused by *Helicobacter pylori*, and is essentially the only antibiotic to treat any abdominal infection, despite the existence of other prescriptions and non-existence of recommendations in every medical book, and is also indicated for joints. Worms are not that common in humans in the United States, deworming medicine requires study if worms or their eggs are visibly present in the faeces.

D. The success of the United States' venture in parks has encouraged the establishment of more than 1,200 national parks in over one hundred countries. The 334 units of the U.S. national park system, encompass 89 million acres. The forty-eight national parks cover about 47 million acres. Park visitation has risen tenfold since 1950 and by the 1990s the national parks were subjected to as many as 400 million total visits every year. Title 54, National Park Service and Related Programs was made law by Pub. L. 113–287, §6(e) on Dec. 19, 2014, 128 Stat. 3272. Congress must restore 2013 Chapter 1 National Park Service rules to Title 16 Conservation to create a body of common law with Title 54. The Right to bear arms 16USC§1a-7b, Jurisdiction by the United States, fugitives from justice 16USC§124, Injuries to property 16USC§373, and Taking or use of or bathing in water in violation of rules and regulations 16USC§374 need to be repealed. 1.3% of National Forest acres burned, 65 times greater forest fire risk than the 0.02% of National Park acres burned in 2017. Because the Department of Interior does not possess enough undistributed offsetting to afford to purchase the Forest Service outright, the Agriculture Secretary is advised ceremonially transfer the Forest Service budget to the Interior Department, to prohibit slashing and piling and other hazardous practices such as lightning strike intensification with metal dust, objects and nails in trees, to reduce forest fire risk under 36CFR§261.5 and 16USC§551. The 15 day mandatory minimum sentence under 18USC§1856 is commuted to estimate park service labor needed to chuck, chip and burn in winter campfires a square mile megaton of slash piles pursuant to *Blakely v. Washington* (2004) and *Washington v. Harper* (1990). Ask not what your country can do for you, ask how much wood, could a wood chuck, chuck and chip, if a wood chuck, could chuck and chip wood?

1. Between 1804 and 1870 there were 110 scientific explorations west of the Mississippi River. The national park system began in 1832 when Congress withdrew the region of Hot Springs, Arkansas, from appropriation by the various land laws and declared it the first natural federal preserve for the medicinal value of its hydrotherapy under 16USC§361 *et seq*. The establishment of the first national park in 1832, Hot Spring National Park, was dedicated the superintendent to provide and maintain a sufficient number of free baths for the use of the indigent under 16USC§361 (Dec. 16, 1878, ch. 5, 20 Stat. 258), leased to the Army and Naval hospitals under 16USC§362 (Mar. 3, 1891, ch. 533, § 1, 26 Stat. 842), 24USC§18 (June 30, 1882, ch. 254, §1, 22 Stat. 121) and 24USC§20 (Mar. 3, 1909, ch. 252, 35 Stat. 748.) Acceptance of jurisdiction over part of park; application of laws, is limited by reason to the conditional cession and grant to the United States of exclusive jurisdiction over that part of the Hot Springs National Park known as the public camp ground under 16USC§372a. The "campground" is reluctantly

thought to be thought to an acceptable use of the oft park service legislation abused word - jurisdiction, ie. 16USC§124. Although able to legislate the felony jurisdiction philosophically, mandatory minimum *Blakely v. Washington* (2004) misdemeanor fines for bathing under 16USC§371, injures free public property rights under 16USC§372, and interferes with the patient-physician relationship under §374 all to extort state taxes under 16USC§365 (Mar. 3, 1891, ch. 533, § 5, 26 Stat. 844). 16USC§371, §372 and §374 unlawfully monopolize the waters of Hot Springs National Park, are not conducive to good odor or even drumming under §374 and should be repealed, to convey the spirit of the law - free baths for the indigent under §361 (Dec. 16, 1878, ch. 5, 20 Stat. 258); luxury treatment for paying patients of bath attendants, masseurs and physicians registered with the Secretary of the Interior under §369 (June 5, 1920, ch. 235, § 1, 41 Stat. 918). The name of Hot Springs Reservation was changed to Hot Springs National Park in 1921 and may be changed back to 'Reservation' to provide better indigent defense. Redwood National and State Park is also highly encouraged to change their name to Redwood Reservation for the sake of poetry and the Yurok Experimental Redwood Forest under 16USC§79e. Parks are encouraged to defend the indigent right of all people to camp for free on healthy park quality public land, as a universal human right to be free from excessively long or dangerous walks to electricity, encrypted high speed Internet wifi, market, tyranny, autocracy, torture, industrial mismanagement, children's services and litter. Parks are to direct some of their higher education spending to the college of law to redress long-term legislative disability through indigent defence. Tribal governments should be respected for their indigent defence in courts of law who must find for the campground. All Americans, especially native families living doubled up in trailers, with school age children, have a right to live in dignity in traditional dwellings, tipis or tents under tarps, and cook over a campfire, for free on public land in the Western states, before it is too late. Public land and trails to the city must be protected from litter, deforestation, highway robbery and forest fires by pedestrians legally camping for free on public land. Camping areas must be permanently protected with due process of reciprocity; as much for their recreation opportunities and proximity and ease of commuting to and from the city, by foot, bike and automobile, as to prevent forest fires and protect freedom and the wilderness from encroachment by the city.

§261D Asylum-seekers

A. In the pamphlet *Common Sense* (1776), Thomas Paine wrote: O ye that love mankind! Ye that dare oppose, not only the tyranny, but the tyrant, stand forth! Every spot of the old world is overrun with oppression. Freedom hath been hunted round the globe. Asia, and Africa, have long expelled her. Europe regards her like a stranger, and England hath given her warning to depart. O! Receive the fugitive, and prepare in time an asylum for mankind. Asylum is a protection granted to foreign nationals already in the country or at the border who meet the international law definition of a refugee. Every year people come to the United States and other countries seeking protection because they have suffered persecution or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group or political opinion. People who are eligible for asylum, their spouse and children, may be permitted to remain in the United States. Asylum requests have increased nearly 70% over the past year. Customs and Border Protection officers typically review 40 to 100 asylum requests a day, which

significantly slows down the legal process of non-immigrant visas. To apply for Asylum, file a Form I-589, Application for Asylum and for Withholding of Removal, within one year of your arrival to the United States. There is no fee to apply for asylum.

1. The Asylum policy of the United States is that refugees with a legitimate claim for relief from political persecution shall be; (i) granted sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible; (ii) provided with the opportunity to acquire sufficient English language training to enable them to become effectively resettled as quickly as possible; (iii) insured that cash assistance is made available to refugees in such a manner as not to discourage their economic self-sufficiency under 8USC§1158 and 8USC§1522. The Immigration and Nationality Act (INA) bars an alien from obtaining refugee status in this country if he "assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion" under 8USC§1101(a)(42). This so-called "persecutor bar" applies to those seeking asylum or withholding of removal, but does not disqualify an alien from receiving a temporary deferral of removal under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) pursuant to *Immigration and Naturalization Service v. Aguirre-Aguirre*, 526 U.S. 415 (1999) and *Negusie v. Holder*, 555 U.S. 511 (2009).

2. The number of credible fear cases has skyrocketed since the procedure was implemented—in FY 2009, USCIS completed 5,523 cases. In Fiscal Year 2017, USCIS found 60,566 individuals to have a credible fear, out of 79,977 case completions. In FY 2016, the most recent year with available data, 20,455 individuals were granted asylum: 11,729 affirmatively and 8,726 defensively. Total annual asylum grants averaged 23,669 between FY 2007 and FY 2016. These individuals, many of whom were detained during this screening process, will be afforded an opportunity to apply for asylum defensively and establish that they meet the refugee definition. In previous administrations Homeland Security allowed more than 90% of asylum-seekers who had proven they have a "credible fear" of returning to their home country to be released in the U.S. to await their final hearing before an immigration judge. Since President Donald Trump took office, those rates plummeted to 8% in Los Angeles, 2% in Detroit, and 0% in El Paso, Philadelphia and Newark. where the plaintiffs are being held. District Judge James Boasberg in the District of Columbia ordered the department to stop making blanket determinations against most asylum-seekers and resume the long-standing practice of deciding each applicant's detention status on a case by case basis. Case completions reached an all-time high in FY 2016 at 92,071 and decreased to 79,977 in FY 2017. As of March 2018, there were more than 318,000 affirmative asylum applications pending with USCIS.

B. Customs, the Department of Homeland Security, is responsible for asylum cases, however the Department of State and Administration for Children and Families (ACF) have programs of migrant and refugee assistance. Because undocumented migrants cannot enter the international aviation system, and people whose immigration claims are unobstructed often exercise the right to remain silent, Customs and Border Protection (CBP) is the agency that first processes the majority of asylum claims. Asylum claims are decided by the United States Citizenship and Immigration Service (USCIS). Because

USCIS is a service that does not produce much, if any, revenues from fees, and should be rewarded for ridding themselves of both the stigma of mental illness and enforcement functions of the Immigration and Naturalization Service (INS), USCIS should get 3% annual growth in outlays, like the Federal Emergency Management Administration (FEMA) while other DHS enforcement agencies receive only 2.5% annual growth. Being nothing more than an unlawful collective measure for expelling immigrants, Immigration and Customs Enforcement (ICE) has a credible fear of being abolished under Art. 22 of the International Convention on the Protection of All Migrant Workers and Their Families. ICE is accused of collectively removing all immigrants convicted of crimes in domestic courts, the moment they are released from a correctional institution, without being specifically requested to perform such a major punishment by the judge. ICE is accused of immigration raids against immigrant communities and cities. ICE is accused of deporting parents and children enrolled in school. ICE is accused of falsely representing and releasing dangerous offenders, who kill Americans and commit other serious crimes. ICE deportations constitute political persecution. Customs would be more professional without $6.6 billion for ICE, 27.5% of $24 billion Customs spending for enforcement, not including the Coast Guard, Secret Service or Law Enforcement Training Academy. ICE costs $2 billion more than USCIS and $1 billion more than programs of assistance for migrants and refugees.

1. Both State Department and Administration for Children and Families provide nearly $6 billion for programs of assistance for migrants and refugees FY 19. The State Department spends $3.5 billion on Migration and Refugee Assistance and Emergency Migration and Refugee Assistance. The ACF provides $2.3 billion for Refugee and Entrant Assistance. Refugee assistance ensures full respect and protection for the human rights and fundamental freedoms, and obligations under international law to the special needs of all people in vulnerable situations who are traveling within large movements of refugees and migrants, including women at risk, children, especially those who are unaccompanied or separated from their families, members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking, and victims of exploitation and abuse in the context of the smuggling of migrants. Respect for the institution of asylum and the right to seek asylum and principle of non-refoulement are reaffirmed. 60% of refugees world-wide are in urban settings rather than camps. Humanitarian assistance is provided to refugees so as to ensure essential support in key life-saving sectors, such as health care, shelter, food, water and sanitation. Community-based development programs that benefit both refugees and host communities should be supported. Quality primary and secondary education in safe learning environments for all refugee children, within a few months of the initial displacement, will be provided.

C. The Secretary is authorized to provide temporary assistance to citizens of the United States and to dependents of citizens of the United States, if they are identified by the Department of State as having returned, or been brought, from a foreign country to the United States because of the destitution of the citizen of the United States or the illness of such citizen or any of his dependents or because of war, threat of war, invasion, or similar crisis renders them eligible for asylum or refugee status under Sec. 1113 of the Social

Security Act under 42USC§1313. Alien nationals are not generally eligible for social security benefits. Generally, a non-citizen may be eligible for SSI if lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) and have a total of 40 credits of work in the United States, a spouse's or parent's work may also count. Not more than 4 credits may be granted any given year. For purposes of determining eligibility for and the amount of benefits of an individual who is an alien, the income and resources of any person who executed an affidavit of support or similar agreement with respect to such individual, and the income and resources of the sponsor's spouse, shall be deemed to be the income and resources of such individual for a period of 3 years after the individual's entry into the United States. Any such income deemed to be income of such individual shall be treated as unearned income of such individual under Sec. 1621 of the Social Security Act under 42USC§1382j.

1. Lawful permanent resident (LPR) immigration are persons who enter the Social Security area and are granted LPR status, or who are already in the Social Security area and adjust their status to become LPRs. Legal emigration: LPRs and citizens who leave the Social Security area population. Other-than-LPR immigration: Persons who enter the Social Security area and stay to the end of the year without being granted LPR status, such as undocumented immigrants, foreign workers and students entering with temporary or tourist visas. Other-than-LPR emigration are other-than-LPR immigrants who leave the Social Security area population. Net LPR immigration is the difference between LPR immigration and legal emigration. Net other-than-LPR immigration is the difference between other- than-LPR immigration and other-than-LPR emigration. Total net immigration refers to the sum of net LPR immigration and net other-than-LPR immigration. Whereas the Constitution is the supreme law, the primary finding is that the bipartisan dispute on immigration is settled by a tax on migration that does not exceed $10 under Art. 1 Sec. 9 Clause 1. The work visa is obsolete due to vulnerability to discrimination by the Department of Homeland Security under 8USC§1202. To help restore normal 8% average annual individual income growth, Customs must cease withholding of income tax on the wages of non-resident aliens under 26USC§1441. All immigrants to the United States, should be issued social security numbers, referenced to country of origin, to legally work and pay taxes, with an immigrant visa under 8USC§1153. Non-immigrant visas under 8USC§1184 are issued without delay at the border, immigrant visas on the other hand are processed within 30 days of filing, and should be completed within 180 days, by US Citizenship and Immigration Service.

2. Immigrant Visas may be issued in accordance with current quotas for foreign immigrants who have applied and meet the basic criteria of; 1. having completed at least a high school education; 2. having completed at least two years of work in a field that requires experience; 3. not attempting to flee a felony conviction in a foreign country. Expedited immigration visas are given to those people who are; 1. spouses or children of a person who has received an immigrant visa; 2. aliens with exceptional abilities in the arts, education, sciences or business that plan to continue to use their ability in the United States; a. with a tenured position with a university or equivalent research position; b. by continuing to serve an international corporation or legal entity in the USA: c. professionals willing to work in a location where there is determined to be a need for such professionals in the USA; a college diploma is not sufficient evidence; d. a person

investing at least $1 million in a region in the USA with levels of unemployment over 150% of the national average of 5% under 8USC§1153.

3. English language learner (ELL) is an individual who, has sufficient difficulty speaking, reading, writing, or understanding the English language to be denied the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in the larger U.S. society. Such an individual (1) was not born in the United States or has a native language other than English; (2) comes from environments where a language other than English is dominant. Hispanic high school drop-outs rates are 164% higher than average. In statistical studies by race and ethnicity, the term Hispanic and ELL are somewhat interchangeable because of the large majority of Spanish speakers studying ELL. As a race or ethnicity, Hispanic ELL students have the lowest education attainment levels in the United States. On average 11.2% of the US population drops out of high school. Of those dropouts, 10.5% are white, 11.3% are black and 29.5% are Hispanic. The rates vary according to age. Students who are in grades 9-10 (ages 14-16) drop out at the following rates: 5.9% of whites, 7.4% of blacks, and 15.8% of Hispanics. The Hispanic drop-out rate increased from 12.5% in 1980 to a high of 19% in 1990. Approximately 10% of Hispanic dropouts obtained a GED credential, which is a far lower rate than the nearly 20% of African American dropouts and 30% of White dropouts. About 40% of dropouts (who typically left school at 16 or 17 years old) had obtained a GED by age 29 years whereas only 2.79% of GED holders had earned an associate's degree by age 29. Only 23% of GED holders were enrolled in a postsecondary institution for as little as a single semester.

D. Reaffirming the New York Declaration for Refugees and Migrants of 2016, the 23 Objectives of the Global Compact for Safe, Orderly and Regular Migration of 2018 are: (1) Collect and utilize accurate and disaggregated data as a basis for evidence-based policies. (2) Minimize the adverse drivers and structural factors that compel people to leave their country of origin. (3) Provide accurate and timely information at all stages of migration. (4) Ensure that all migrants have proof of legal identity and adequate documentation. (5) Enhance availability and flexibility of pathways for regular migration. (6) Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work. (7) Address and reduce vulnerabilities in migration. (8) Save lives and establish coordinated international efforts on missing migrants. (9) Strengthen the transnational response to smuggling of migrants. (10) Prevent, combat and eradicate trafficking in persons in the context of international migration. (11) Manage borders in an integrated, secure and coordinated manner. (12) Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral. (13) Use migration detention only as a measure of last resort and work towards alternatives. (14) Enhance consular protection, assistance and cooperation throughout the migration cycle. (15) Provide access to basic services for migrants. (16) Empower migrants and societies to realize full inclusion and social cohesion. (17) Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration. (18) Invest in skills development and facilitate mutual recognition of skills, qualifications and competences. (19) Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries. (20) Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants. (21) Cooperate in facilitating

safe and dignified return and readmission, as well as sustainable reintegration. (22) Establish mechanisms for the portability of social security entitlements and earned benefits. (23) Strengthen international cooperation and global partnerships for safe, orderly and regular migration.

1. The Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration was held in Marrakech, Morocco, 10 and 11 December 2018 reaffirmed the New York Declaration for Refugees and Migrants A/Res/71/1 3 October 2016. Today, there are over 258 million migrants around the world living outside their country of birth, more than 3.6% of the total world population. There are roughly 65 million forcibly displaced persons, including over 21 million refugees, 3 million asylum seekers and over 40 million internally displaced persons. The number of refugees and migrants who have left Venezuela worldwide has now reached three million, since the death of Hugo Chavez. Most of the 3 million are currently hosted by countries in Latin America and the Caribbean, accounting for about 2.4 million refugees and migrants from Venezuela. United States sanctions did not do 200,000% inflation justice, nor did Venezuela's impromptu response to the United Nations, but the food program is reported to be financed and a civilian government is to be encouraged. The Caravans of pedestrians entering the United States from Honduras, El Salvador and Guatemala seem to be protesting high homicide rates in Central America. For a time, Honduras had the highest homicide rate in the world. Central Americans are willing to walk thousands of miles to reduce their average homicide victimization risk from more than 24 to 5.3 per 100,000 or 2 in Canada. The Central American refugees are not blaming Venezuelan refugees for the gang violence and political persecution by the military, that is displacing them, they are blaming post-Hugo Chavez military dictatorships and the U.S. foreign military finance and military education that finance them. Few Venezuelan refugees risk migration to Central America or want to go as far as the United States. The Central American refugees do not feel safe from the serial killings of migrants that occurred during the Mexican drug war and are responding directly to Operation Fast and Furious with a Global Compact for Safe, Orderly and Regular Migration dated 2016 and 2018. Representation of English language proficiency and GED greatly increases likelihood an immigrant visa under 8USC§1153 or application for asylum under 8USC§1158 and 8USC§1522 will be granted. Asylum requests have increased nearly 70% over the past year. Customs and Border Protection officers typically review 40 to 100 asylum requests a day, which significantly slows down the legal process of non-immigrant visas. There is no fee to apply for asylum. To apply for Asylum, file a Form I-589, Application for Asylum and for Withholding of Removal, within one year of arrival to the United States under Art. 1 Sec. 9 Cl. 1 of the US Constitution, Sec. 2 of the Fourth Geneva Convention Relative to the Protection of Civilians in Times of War (1949) and Convention for the Protection of the Rights of All Migrant Workers and Their Families (1990).

E. The granting of Asylum is a peaceful and humanitarian act and that, as such, it cannot be regarded as unfriendly by any other State under the Declaration on Territorial Asylum 2312 (XXII) of 14 December 1967. The Declaration like the Convention on the Status of Refugees of 1951 is mindful of the Universal Declaration of Human Rights, which declares in Art. 14 (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions

genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations. Under Art. 1 of the Declaration on Territorial Asylum, (1) Asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of Human Rights, including persons struggling against colonialism, shall be respected by all other States. (2)The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes. (3) It shall rest with the State granting asylum to evaluate the grounds for the grant of asylum. Under Art. 2(2) Where a State finds difficulty in granting or continuing to grant asylum, States individually or jointly or through the United Nations shall consider, in a spirit of international solidarity, appropriate measures to lighten the burden on that State.

1. The Asylum Case (Colombia / Peru) Judgment of 20 November 1950 provided: Asylum may be granted on humanitarian grounds in order to protect political offenders against the violent and disorderly action of irresponsible sections of the population. It is not permissible for States to grant asylum to persons accused or condemned for common crimes. In principle, asylum cannot be opposed to the operation of justice. An exception to this rule can occur only if, in the guise of justice, arbitrary action is substituted for the rule of law. Such would be the case if the administration of justice were corrupted by measures clearly prompted by political aims. Asylum protects the political offender against any measures of a manifestly extra-legal character which a government might take or attempt to take against its political opponents. The word “safety" determines the specific effect of asylum granted to political offenders, means that the refugee is protected against arbitrary action by the government, and that he enjoys the benefits of the law. On the other hand, the safety which arises out of asylum cannot be construed as a protection against the regular application of the laws and against the jurisdiction of legally constituted tribunals. Asylum as practiced in Latin America is an institution which, to a very great extent, owes its development to extra-legal factors. The good-neighbor relations between the republics, the different political interests of the governments, have favored the mutual recognition of asylum apart from any clearly defined juridical system. The practice of asylum may arise from agreements between interested governments inspired by mutual feelings of toleration and goodwill. In the case of extradition, the refugee is within the territory of the State of refuge. A decision with regard to extradition implies only the normal exercise of the territorial sovereignty. The refugee is outside the territory of the State where the offense was committed, and a decision to grant asylum in no way derogates from the sovereignty of that State. In the case of diplomatic asylum, the refugee is within the territory of the State where the offense was committed. A decision to grant diplomatic asylum withdraws the offender from the jurisdiction of the territorial State and constitutes an intervention in matters which are exclusively within the competence of that State.

Article 2 Penal Statistics

§262 World Detention

A. More than 10.35 million people are held in penal institutions throughout the world according to the latest edition of the World Prison Population List (WPPL) published on Wednesday 3 February, 2016 by the Institute for Criminal Policy Research, at Birkbeck, University of London. Including the numbers reported to be held in detention centers in China and in prison camps in North Korea, the total may well be in excess of 11 million. The WPPL provides up-to-date information on the global prison population and the rate per 100,000 of the national population in 223 countries and territories. Figures are unavailable for only three countries – Eritrea, North Korea and Somalia. There are more than 2.2 million prisoners in the United States of America, more than 1.65 million in China (plus an unknown number in pre-trial detention or 'administrative detention'), 640,000 in the Russian Federation, 607,000 in Brazil, 418,000 in India, 311,000 in Thailand, 255,000 in Mexico and 225,000 in Iran.

1. Since about the year 2000 the world prison population total has grown by almost 20%, which is slightly above the estimated 18% increase in the world's general population over the same period. There are considerable differences in prison population trends between the continents, and variation within continents. The total prison population in Oceania has increased by almost 60% and that in the Americas by over 40%; in Europe, by contrast, the total prison population has decreased by 21%. The European figure reflects large falls in prison populations in Russia and in central and eastern Europe. In the Americas, the prison population has increased by 14% in the USA, by over 80% in central American countries and by 145% in south American countries. The female prison population total has increased by 50% since about 2000, while the equivalent figure for the male prison population is 18%. The female total has increased proportionately more than the male total in every continent. Consequently the proportion of women and girls in the total world prison population has risen from 5.4% in about 2000 to 6.8% in the latest figures available.

World Prison Population, Rate and Date of Death Penalty Abolition 2005 & 2016

Nation	2005 Prison Population	2005 per 100,000	2016 Prison Population	2016 per 100,000	Abolition of the Death Penalty
United States of America	2,135,901	724	2,217,947	693	State by State
China	1,548,498	118	1,649,804	118	
Russian Federation	808,500	566	653,218	451	1999 de
Brazil	330,642	183	622,202	307	1979 ord.
India	322,357	32	418,536	33	
Thailand	168,264	264	318,910	474	
Mexico	201,931	191	255,138	212	2005
Iran	135,132	191	225,624	287	
Turkey	67,772	95	187,609	220	2002
Indonesia	84,357	38	180,347	64	
South Africa	156,175	344	159,563	292	1995
Philippines	67,968	86	142,168	121	

Vietnam	55,000	71	136,245	154	
Colombia	68,545	152	121,945	244	1910
Ethiopia	65,000	92	111,050	128	
United Kingdom: England & Wales	77,749	146	85,540	148	1973
Jersey (United Kingdom)	183	202	154	152	
United Kingdom: Northern Ireland	1,371	80	1,607	87	1973
United Kingdom: Scotland	6,883	135	7,692	143	1973
Pakistan	86,000	55	80,169	43	
Peru	32,129	114	77,298	242	1979 ord.
Morocco	54,200	174	76,000	222	1993 de
Poland	82,733	217	71,786	191	1997
Bangladesh	74,170	50	69,719	43	
Argentina	56,313	148	69,060	160	1984 ord.
France	52,908	88	66,678	95	1981
Nigeria	39,153	31	63,142	31	
Ukraine	187,075	398	62,749	195	
Egypt	61,845	87	62,000	76	
Germany	80,413	97	61,737	78	1987
Spain	61,220	141	61,541	136	1978
Taiwan	59,342	259	61,514	272	
Algeria	50,000	152	60,220	162	1993 de
Myanmar (formerly Burma)	60,000	120	60,000	113	1993 de
Japan	76,413	60	59,620	48	
Cuba	55,00	487	57,337	510	
Kenya	55,000	169	57,000	118	de
Rwanda	87,000	129	54,279	434	
Republic of (South) Korea	57,902	121	53,990	107	
Italy	56,530	97	53,725	89	1947
Malaysia	42,282	170	52,784	171	
Venezuela	19,850	74	49,664	178	1863
Saudi Arabia	28,612	132	47,000	161	
Uganda	26,126	95	45,092	115	
Uzbekistan	48,000	184	43,900	150	
Chile	38,135	241	43,302	247	2001 ord.
Iraq	15,000	60	42,880	123	
Canada	36,389	116	40,663	106	1976
Kazakhstan	52,608	342	39,179	234	
Australia	24,171	120	36,134	151	1984
Tanzania	43,244	116	34,404	69	
El Salvador	12,117	184	33,547	519	1983 ord.

Turkmenistan	22,000	489	30,568	583	1999
Belarus	52.500	532	29,000	306	
Romania	38,416	178	28,393	143	1989
Cameroon	20,000	125	26,702	115	
Afghanistan	N/a		26,519	74	
Ecuador	13,045	100	25,902	162	1906
Dominican Republic	13,836	157	25,006	233	1966
Angola	6,008	44	24,165	106	1992
Tunisia	23,165	253	23,000	212	1990 de
Azerbaijan	16,345	198	22,526	236	1998
Czech Republic	19,089	187	21,667	195	1990
Israel	13,603	209	21,072	256	1954 ord.
Democratic Republic of Congo (formerly Zaire)	30,000	57	20,550	32	
Madagascar	19,000	109	20,000	83	1958 de.
Guatemala	7,800	61	19,972	121	
Sudan	12,000	36	19,101	c. 65	
Sri Lanka	20,975	110	19,067	92	1976 de
Zimbabwe	20,000	155	18,857	145	
Zambia	14,207	129	18,560	125	
Cambodia	6,778	47	18,308	105	1989
Hungary	16,419	163	17,976	187	1990
Nepal	7,132	29	17,905	59	1990
Costa Rica	7,619	177	17,440	352	1877
Panama	11,584	351	17,197	392	1903
Mozambique	8,812	50	15,976	61	1990
Honduras	11,236	158	15,914	196	1956
Ghana	12,400	56	14,368	53	
Portugal	13,147	124	14,281	138	1867
Yemen	14,000	83	14,000	53	
Bolivia	6,768	76	13,468	122	1997 ord.
Singapore	16,835	392	12,394	227	
Puerto Rico (USA)	14,380	369	12,327	350	
Paraguay	4,088	75	12,313	158	1992
Cote d'Ivoire	10,355	62	12,147	52	2000
Malawi	8,566	70	12,129	73	
Netherlands	20,747	127	11,603	69	1870
Jordan	5,589	104	11,489	150	
United Arab Emirates	6,000	250	11,193	229	
Belgium	9,245	88	11,071	105	1996
Haiti	3,519	42	11,046	97	1987
Syria	14,000	93	10,599	60	
Nicaragua	5,610	98	10,569	171	1979
Slovakia	8,891	165	10,116	184	1990
Serbia	7,724	93	10,067	148	

Kyrgyzstan	16,734	316	10,030	166	
Uruguay	7,100	209	9,996	291	1907
Georgia	8,644	202	9,734	274	1997
Greece	8,760	82	9,698	109	1993
New Zealand	7,444	181	9,405	194	1961
Tajikistan	10,000	161	9,317	121	
Bulgaria	11,060	143	9,028	125	1998
Burundi	7,568	107	8,689	93	
Senegal	5,360	54	8,630	62	2004
Niger	6,000	52	8,525	39	1976 de
Hong Kong (China)	12,266	170	8,438	114	
Austria	8,767	107	8,381	95	1950
Laos	4,020	69	8,201	71	
Moldova (Republic of)	10,729	297	7,881	215	1995
Mongolia	6,400	246	7,773	266	
Lithuania	8,063	234	7,355	268	1998
Benin	4,961	81	7,247	77	1987 de
Switzerland	6,021	81	6,923	84	1942
Burkina Faso	2,800	23	6,827	34	1988 de
South Sudan	12,000	36	6,504	65	
Lebanon	5,375	145	6,502	120	
Libya	11,790	207	6,187	99	
Albania	3,778	105	5,547	189	2000 ord.
Sweden	7,332	81	5,245	55	1921
Mali	4,040	34	5,209	33	1980 de
Papua New Guinea	4,056	69	4,864	61	1950 de
Chad	3,883	46	4,831	39	
Togo	3,200	65	4,422	64	de
Latvia	7,796	337	4,409	239	1999 ord.
Jamaica	4,744	176	4,050	145	
Bahrain	911	155	4,028	301	
Kuwait	3,700	148	4,000	92	
Botswana	6,105	339	3,960	188	
Armenia	2,866	92	3,880	130	2003
Ireland, Republic of	3,417	85	3,786	80	1990
Trinidad and Tobago	3,991	307	3,700	258	
Norway	2,975	65	3,679	71	1905
Swaziland	3,245	324	3,610	289	
Namibia	4,814	267	3,560	144	1990
Sierra Leone	1,400	27	3,488	55	
Denmark	4,198	77	3,481	61	1933
Macedonia (former Yugoslav Republic of)	1,598	78	3,427	147	1991
Croatia	3,010	68	3,424	89	1990
Gabon			3,373	210	

Republic of Guinea	3,070	37	3,110	26	
Finland	3,446	66	3,002	57	1949
Estonia	4,442	331	2,898	216	1998
Mauritius	2,464	205	2,285	155	1995
Liberia			2,203	39	
Lesotho	2,924	156	2,073	92	
Guyana	1,295	169	1,944	259	
Kosovo	1,199	63	1,816	100	
Mauritania	1,185	41	1,768	44	1987 de
Bosnia and Herzegovina: Federation	1,052	75	1,722	73	
Fiji	1,186	139	1,555	174	1979 ord.
Maldives	1,098	414	1,513	341	1952 de
Slovenia	1,171	59	1,511	73	1989
Belize	1,160	444	1,443	449	
Cape Verde (Cabo Verde)	755	178	1,434	286	
Bahamas	1,335	425	1,396	363	
Oman	2,020	81	1,300	36	
Macau (China)	875	197	1,292	195	
Congo (Brazzaville)	918	38	1,240	27	1982 de
Qatar	570	95	1,150	53	
Montenegro	734	108	1,131	174	2002
Gambia	450	32	1,121	58	1981 de
Bhutan			1,119	145	
Reunion (France)	1,040	133	1,111	114	
Suriname	1,933	437	1,000	183	1982
Martinique (France)	631	159	997	240	
Guadeloupe (France)	743	167	970	195	
Barbados	997	367	924	322	
Bosnia and Herzegovina: Republika Srpska	1,509	58	877	71	1997
French Guiana/Guyane (France)	600	306	850	277	
Guam (USA)	393	237	797	469	
Central African Republic	4,168	110	764	16	1981 de
Seychelles	149	186	735	799	1993
Luxembourg	653	143	691	112	1979
Cyprus (Republic of)	355	50	681	94	1983
St. Lucia	485	293	607	349	
Djibouti	384	61	600	68	1995
Timor-Leste (formerly East Timor)	320	41	581	50	1999

Virgin Islands (USA)	576	521	577	542	
Malta	278	72	569	135	1971
Brunei Darussalam	463	127	565	132	1957 de
Samoa (formerly Western Samoa)	223	123	501	250	2004
Equatorial Guinea			500	129	
French Polynesia (France)	314	124	456	159	
Grenada	237	265	450	398	1978 de
New Caledonia (France)	251	105	445	175	
St. Vincent and the Grenadines	397	339	412	378	
Antigua and Barbuda	184	269	387	373	
Curaçao (Netherlands)			348	225	
St. Kitts and Nevis	218	559	334	607	
Solomon Islands	295	59	271	56	1966
Vanuatu	112	51	230	87	1980
Bermuda (United Kingdom)	343	532	230	354	1999
Cayman Islands (United Kingdom)	187	429	224	375	
Dominica	290	418	219	300	
American Samoa (USA)	258	446	214	382	
Mayotte (France)	107	55	203	74	
Sao Tome e Principe	130	79	178	101	1990
Tonga	128	114	176	166	1982 de
Northern Mariana Islands (USA)	150	191	175	267	
Aruba (Netherlands)	231	324	170	165	
Sint Maarten (Netherlands)			161	347	
Iceland	115	39	147	45	1928
Kiribati	69	67	146	136	1979
Comoros	200	30	145		
Micronesia, Federated States of	39	34	132	127	1986
Virgin Islands (United Kingdom)	576	521	119	31	
Greenland (Denmark)	107	190	116	208	
Guinea Bissau			92	-	
Guernsey (United Kingdom)	107	164	83	127	
Isle of Man (United Kingdom)	62	83	80	92	

Palau	97	478	72	343	
Gibraltar (United Kingdom)	19	68	52	147	
Anguilla (United Kingdom)			46	307	
Andorra	61	90	41	72	1990
Marshall Islands	43	73	35	66	1986
Monaco	13	39	28	74	1962
Cook Islands (New Zealand)	27	126	25	109	Ord.
Nauru	3	23	14	140	1968 de
Faeroe Islands (Denmark)	14	30	11		
Tuvalu	7	60	11	110	1978
Liechtenstein	18	53	10	21	1987
San Marino	0	0	2	-	1848

Source: Walmsley, Roy. World Prison Brief. World Prison Population List. 11th ed. Institute for Criminal Policy Research. London. 2016; International Centre for Prison Studies 30.6.05, Amnesty International Death Penalty notation de = de facto ban; ord = outlawed for ordinary crimes

2. The world prison population rate, based on United Nations estimates of national population levels, is 144 per 100,000. The countries with the highest prison population rate – the number of prisoners per 100,000 of the national population – are Seychelles (799 per 100,000), followed by the United States (698), St. Kitts & Nevis (607), Turkmenistan (583), U.S. Virgin Islands (542), Cuba (510), El Salvador (492), Guam - U.S.A. (469), Thailand (461), Belize (449), Russian Federation (445), Rwanda (434) and British Virgin Islands (425). However, more than half of all countries and territories (55%) have a prison population rate of below 150 per 100,000. To determine the total number of detainees in any jurisdiction for which the total population and the total number of detainees in jail and state and federal prison, excluding people civilly committed to a state mental institution or other reeducation center in China, are known - Multiply the total number of detainees by 100,000 and divide by the total population of the jurisdiction to determine how many prisoners there are per 100,000 residents. Prison population rates vary considerably between different regions of the world, and between different parts of the same continent. For example: in Africa the median rate for western African countries is 52 whereas for southern African countries it is 188. In the Americas the median rate for south American countries is 242 whereas for Caribbean countries it is 347. In Asia the median rate for south central Asian countries (mainly the Indian sub-continent) is 74 whereas for central Asian countries it is 166. In Europe the median rate for western European countries is 84 whereas for the countries spanning Europe and Asia (e.g. Russia and Turkey) it is 236. In Oceania the median rate is 155.

B. The growth in the African prison population is considerably less than the increase in the population of the continent. However the size of this difference is heavily influenced by the figures for Rwanda. Rwanda's prison population is still inflated by the many thousands detained in connection with the genocide in 1994, but the numbers have more

than halved since 2000. Without the figures for Rwanda the prison population in Africa has increased by 25% since 2000. The change in the prison population in the Americas since 2000 is greatly influenced by the prison population in the United States, which is by far the largest but which has grown much less than that of many other countries in the continent. Without the figures for the United States, the prison population in the Americas has increased by 108% since 2000, the increase being over 80% in central America and 145% in south America. Prison population change since 2000 in Asia has varied greatly between the different parts of the continent: the totals in south eastern Asia and in western Asia (Middle East) both rose by 75% while the total in central Asia fell by 31%. China and India with their high national populations strongly influence the overall Asian prison population level, but in opposite directions – the Chinese prison population rose by 16% while the Indian prison population rose by 54%. Without the figures for these two countries the Asian prison population has risen by 38%.

1. Europe is the only continent that has seen a fall in prisoner numbers since 2000. The size of the decrease is heavily influenced by the figures for the Russian Federation: Russia's prison population is by far the largest in Europe and has fallen by almost 40%. Without the figures for the Russian Federation, the prison population in Europe has fallen by 1% since 2000. Russia is not the only part of Europe that has seen a large fall in the prison population: the prison population in central and eastern Europe without Russia has fallen by almost 42% since 2000. By contrast there has been growth in the other regions of Europe: 6% in western Europe, 12% in northern Europe and 27% in southern Europe. The growth in the prison population of Oceania is higher than in any other continent. It is of course dominated by the figures for Australia, whose prison population rose by 66% between 2000 and 2015, and New Zealand whose total rose by 56%.

C. There is a worldwide trend toward ending the death penalty; during 2004, five countries – Bhutan, Greece, Samoa, Senegal and Turkey abolished it for all crimes. Several countries while retaining the death penalty in law, observed moratoria on executions, including Tajikstan, Kyrgystan, Malawi and South Korea. Ryan Matthews, who in 2004 became the 115th prisoner in the US released from death row on the grounds of innocence since 1973. His death sentence was overturned in April 2004 after an appeals judge found that the prosecution had suppressed evidence at the trial and also on the basis of DNA evidence that pointed to another person as the murderer. The Associated Press in London reported on 14 April that China accounted for the majority of executions reported worldwide last year. The true frequency of the death penalty is however impossible to track because many of the sentences are carried out secretly. During 2004, more than 3,797 people were executed in 25 countries, including at least 3,400 in China. Additionally, more than 7,000 people were sentenced to death in 64 countries. Iran has the second highest number of executions, at least 159, followed by Vietnam with 64. The United States ranked fourth on the list with 59. *Sanchez-Lammas v. Oregon* (2006) reported the executions of prisoners who the International Court of Justice had protected by name in *Avena and other Mexican National v. USA* Judgment No. 128 on March 31, 2004 after the execution of *Lagrand Brothers v. USA* Judgment No. 104 on June 27, 2001. Amnesty "Facts and Figures on the Death Penalty" reports only seven countries since 1990 are known to have executed prisoners who were under 18 years old at the time of the crime - Congo (Democratic Republic), Iran, Nigeria,

Pakistan, Saudi Arabia, USA and Yemen. The country which carried out the greatest number of known executions of child offenders was the USA (15 since 1990). In adoption of Art. 6(5) of the International Covenant on Civil and Political Rights of 16 December 1966 the executions of juvenile offenders were abolished in *Roper v. Simmons* No. 03-633 Argued October 13, 2004--Decided March 1, 2005.

D. The United States prison population quintupled from 503,586 detainees (220 per 100,000) in 1980 to a high of 2,307,504 (755 per 100,000) in 2008 before quietly going down to 2,217,947 (696 per 100,000). A considerable amount of the increase is the result of the sentencing for drug crimes. From 1995 to 2003, inmates in federal prison for drug offenses have accounted for 49% of total prison population growth. Mid-year 2014 there were 744,592 people detained in local jails, and 1,473,355 in state or federal prisons at year-end. The prison population rate was 693 detainees per 100,000 residents at year-end 2014 based on an estimated national population of 320.1 million at end of 2014. In 2013 20.4% of people behind bars were pre-trial detainees. 9.3% were female. 0.3% were juveniles. 5.5% were foreign prisoners. There are estimated to be a total of 4,575 penal institutions - 3,283 local jails at 2006, 1,190 state confinement facilities at 2005, 102 federal confinement facilities at 2005. The official capacity of the penal system was 2,157,769 with a occupancy level of 102.7% (2013).

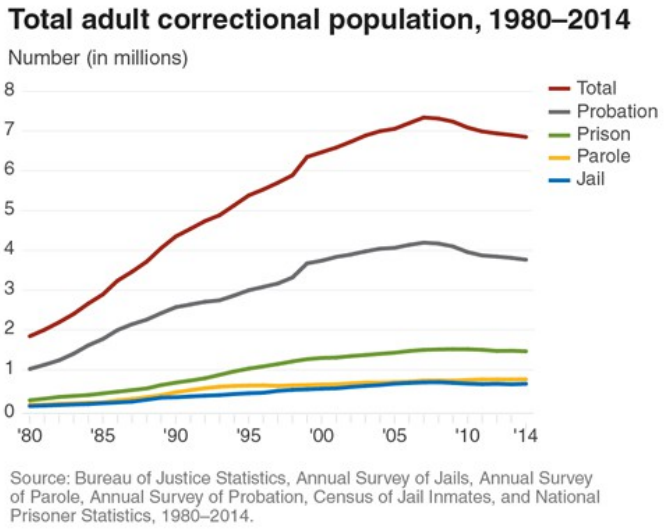
US Detainee Population and Rate 1980-2016

Year	Detainees total	Detainee Population Rate
1980	503,586	220
1985	744,208	311
1990	1,148,702	457
1995	1,585,586	592
2000	1,937,482	683
2002	2,033,022	703
2004	2,135,335	725
2006	2,258,792	752
2008	2,307,504	755
2010	2,270,142	731
2012	2,228,424	707
2014	2,217 947	693
2016	2,217,947	693

Source: World Prison List 2016

1. At yearend 2014, an estimated 4,708,100 adults were under community supervisionµdown by about 45,300 offenders from yearend 2013. Approximately 1 in 52 adults in the United States was under community supervision at yearend 2014. Between yearend 2013 and 2014, the adult probation population declined by about 46,500 offenders (down 1.2%), falling to an estimated 3,864,100 offenders at year end 2014. Entries onto probation decreased about 1.3% during 2014, and exits declined about 1.0% to an estimated 2,130,700. The adult parole population increased by about 1,600

offenders (up 0.2%) between yearend 2013 and 2014, to an estimated 856,900 offenders at yearend 2014. Both entries to and exits from parole decreased about 1.5% in 2014.



Source: Bureau of Justice Statistics, Annual Survey of Jails, Annual Survey of Parole, Annual Survey of Probation, Census of Jail Inmates, and National Prisoner Statistics, 1980–2014.

2. The Second Chance Act of 2005 HR1704 reported nearly 650,000 people are released from incarceration to communities each year. There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release in excess of 10,000,000, 3.3% of the population, back into the community. In 2005, the total correctional population was 7,055,600 of which 304,500 were federal offenders. The total community supervision population was 4,946,600 of which 117,900 were offenders under federal community supervision. Eighty percent of the approximately 43,000 offenders who were placed on federal community supervision in 2005 were male. More than a third (41%) were white and nearly a third (31%) were black, 20% were Hispanic. Approximately 30% were age 29 or younger and about 40% were age 40 or older, the peak age of incarceration was 16.7% for ages 30-34. 79.7% were male and 20.3% were female. The average criminal history of these offenders included approximately five prior arrests. More than a third (38%) of the federal offenders were sentenced to community supervision for a drug offense.

3. Nearly two thirds of released State prisoners are rearrested for a felony or serious misdemeanor within three years after release. The re-incarceration rate among federal parolees at risk of violating their conditions of supervision remained stable at about 9% in 2013 and 2014. Nonfederal (i.e., state and local) law enforcement agencies were responsible for approximately three-quarters (76%) of prior arrests of offenders placed on federal community supervision in 2005. Nonfederal charges accounted for more than two-thirds (68%) of all arrests that occurred during the 5 years following placement on federal community supervision. Within 1 year following placement in 2005 on community supervision, 18% of the federal offenders had been arrested at least once. Among those conditionally released from federal prison, nearly half (47%) were arrested within 5 years, compared to more than three-quarters (77%) of state prisoners released on community supervision. About 3 in 10 federal prisoners released to a term of community supervision returned to prison within 5 years, while nearly 6 in 10 state prisoners conditionally released returned in 5 years. On average, offenders released from federal

prison had fewer prior arrests (5) than those released from state prison (10). Across demographic characteristics or extent of prior criminal offending, state prisoners consistently had higher rates of recidivism than federal prisoners within 5 years after release.

4. The Justice Department's Inspector General found that more than 4,300 federal inmates were kept in prison beyond their scheduled release dates from 2009 to 2014 some of them for an extra year or more. The United States Bureau of Justice Statistics key figure graph is in denial regarding the national adult correctional supervision rate, 1980-2014 accurately exhibited for the total population and adult population in the underlying data and there are no new national justice employment and expenditure statistics since 2012. For the most part the Bureau of Federal Statistics reports a regular decline in prison population and density since 2009.

E. The Obama administration assailed what it says are unfair and unduly harsh sentences for many inmates, particularly minorities and nonviolent offenders. Black Americans were incarcerated in state prisons at an average rate of 5.1 times that of white Americans, and in some states that rate was 10 times or more. The US is 63.7% non-Hispanic white, 12.2% black, 8.7% Hispanic white and 0.4% Hispanic black, according to the most recent census. In five states, the disparity rate was more than double the average. New Jersey had the highest, with a ratio of 12.2 black people to one white person in its prison system, followed by Wisconsin, Iowa, Minnesota and Vermont. Overall, Oklahoma had the highest rate of black people incarcerated with 2,625 black inmates people per 100,000 residents. Oklahoma is 7.7% black. Among black men in 11 states, at least 1 in 20 were in a state prison. Hawaii, which is 2.5% black, had the lowest incarceration rate among black people (585 per 100,000), and the lowest ratio – 2.4 black Americans to 1 white – in its prisons. The Obama administration has helped to reduce the high rates of incarceration however racial disparities among prisoners persist. In the 25-29 age group, 8.1% of black men - about one in 13 – were behind bars, compared with 2.6% of Hispanic men and 1.1% of white men. It's not much different among women. In 2005 the female population in state or federal prison increased 2.6% while the number of male inmates rose 1.9%. By year's end, 7% of all inmates were women. That percentage has increased to 9.3% of all inmates in 2013. The number of females incarcerated has increased from 55.6 detainees per 100,000 residents in 2000 to a high of 66 per 100,000 in 2006 before declining to 63.5 per 100,000 in 2010 and then increasing to 64.6 per 100,000 in 2013.

Number, Percent and Rate of US Prisoners on Pre-trial and Female 2000-2013

Year	No. pre-trial/remand imprisonment	% of total prison population	Pre-trial/remand rate (per 100,000)	No. Female Prisoners	% of total prison pop. Female	No. Female per 100,000
2000	347,800	18.0%	123	158,629	8.2%	55.6
2005	463,500	21.2%	156	195,140	8.9%	66.0

2010	487,100	21.5%	157	197,100	8.7%	63.5
2013	453,200	20.4%	143	205,400	9.3%	64.6

Source: World Prison Brief 2016

1. For Hispanics, there was also a disparity compared to white prison populations. The average ratio for all states was 1.4 to 1. 3. Apprehensions for immigration violations peaked at 1.8 million in 2000 but dropped to 516,992 in 2010—the lowest level since 1972. The most common immigration offense charged in U.S. district court in 2010 was illegal reentry (81%), followed by alien smuggling (12%), misuse of visas (6%) and illegal entry (1%). Eighty-one percent of immigration defendants who were convicted in U. S. district court received a prison sentence in 2010. The median prison term imposed was 15 months. In 2012, five federal judicial districts along the U.S.-Mexico border accounted for 60% of federal arrests, 53% of suspects investigated, and 41% of offenders sentenced to prison.

F. At yearend 2012, 414,065 persons were under some form of federal correctional control, 256,720 were in confinement 62% and 157,345 were under supervision in the community, 38%. Fifteen percent of federal prisoners released in 2010 were returned to federal prison within 3 years. Over half (54%) were returned for supervision violations. In 2012, five federal judicial districts along the U.S.-Mexico border accounted for 60% of federal arrests, 53% of suspects investigated, and 41% of offenders sentenced to prison. In 2012, 3,171 suspects were arrested for a sex offense. Defendants convicted of a felony sex offense were the most likely (97%) to receive a prison sentence following conviction. During 2012, 172,248 suspects were booked by the U.S. Marshals Service, a 2% decline from 179,034 booked in 2010. According to the 2001 national data from the Bureau of Justice Statistics, 3,500,0000 parents were supervised by the correctional system. Prior to incarceration, 64 percent of females prisons and 44 percent of male prisoners in State facilities lived with their children. Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. The loss of child welfare benefits was and is presumed to continue to severely burden the justice system.

Comparison of State and Federal Convictions and Sentencing 2006

Most serious conviction offense	Felony convictions			Federal felony convictions as percent of total	Percent of felons sentenced to prison or jail—		Mean maximum sentence length (in months) for felons sentenced to prison or jail—	
	Total	State	Federal		State	Federal	State	Federal
All offenses	1,205,273	1,132,290	72,983	6.1 %	69 %	86 %	38 mo.	65 mo.
Violent offenses	208,591	206,140	2,451	1.2 %	77 %	94 %	71 mo.	108 mo.
Murder/Nonnegligent manslaughter	8,816	8,670	146	1.7	95	96	244	124
Sexual assault	33,566	33,200	366	1.1	81	93	106	176
Rape	14,820	14,720	100	0.7	86	85	138	182
Other sexual assault[b]	18,746	18,480	266	1.4	77	96	78	174
Robbery	43,063	41,740	1,323	3.1	85	98	87	105
Aggravated assault	101,074	100,560	514	0.5	72	87	41	53
Other violent[c]	22,082	21,980	102	0.5	70	91	38	150
Property offenses	332,492	321,570	10,922	3.3 %	67 %	59 %	30 mo.	29 mo.
Burglary	99,959	99,910	49	0.0	73	82	41	31
Larceny	126,357	125,390	967	0.8	69	48	22	20
Motor vehicle theft	18,692	18,660	32	0.2	83	84	19	43
Other theft	107,675	106,740	935	0.9	66	46	23	18
Fraud/Forgery	106,166	96,260	9,906	9.3	59	60	28	29
Fraud[d]	58,074	49,250	8,824	15.2	56	60	25	30
Forgery	48,092	47,010	1,082	2.2	63	63	31	24
Drug offenses	405,221	377,860	27,361	6.8 %	65 %	93 %	31 mo.	87 mo.
Possession	165,534	165,360	174	0.1	63	60	23	48
Trafficking	239,677	212,490	27,187	11.3	67	93	38	87
Weapon offenses	46,841	38,010	8,831	18.9 %	73 %	93 %	32 mo.	88 mo.
Other specified offenses[e]	212,148	188,730	23,418	11.0 %	70 %	86 %	24 mo.	34 mo.

Source: Rosenmerkel, Sean; Durose, Matthew; Farole, Donald Jr. Felony Sentences in State Courts 2006. Bureau of Justice Statistics. December 2009

1. The average felony sentence to incarceration (prison or jail) in state courts was about 3 years in 2006, compared to almost 5 years and 6 months in federal courts. Federal felony drug offenders received incarceration terms (7 years and 3 months) that were more than twice the length of incarceration terms of state felony drug offenders (2 years and 7 months). State courts accounted for the vast majority of all felony sentences in the United States during 2006. According to the BJS Federal Justice Statistics Program, federal courts sentenced about 73,000 persons for a felony in 2006, which rep- resented about 6% of the combined state and federal total. State courts sentenced an estimated 1,132,290 persons for a felony in 2006, including 206,140 (or 18% of all felony convictions) for a violent felony. A drug crime was the most serious conviction offense for about a third of felons sentenced in state courts that year.

2. The number of federally sentenced prisoners in the Federal Bureau of Prisons (BOP) increased 84% between fiscal year (FY) 1998 and 2012, and the number of drug offenders in federal prison grew 63% during this time. At fiscal yearend 2012, offenders whose most serious offense (as defined by the BOP) was a drug offense accounted for about half (52%) of the federally sentenced prison population. Previous analyses focusing on the growth of the prison population from FY 1998 to FY 2010 have shown that 42% of the growth in the federally sentenced population was due to an increase in the number of drug offenders, and the largest contributor to that growth was length of time served for drug offenses.

3. Drug offenders comprise about half of federal prison population and sentence length for this subpopulation is the greatest source of federal prison population growth. A study based on 94,678 offenders in federal prison at fiscal yearend 2012 who were sentenced on a new U.S. district court commitment and whose most serious offense (as classified by the Federal Bureau of Prisons) was a drug offense. Almost all (99.5%) drug offenders in federal prison were serving sentences for drug trafficking. Cocaine (powder or crack) was the primary drug type for more than half (54%) of drug offenders in federal prison. Race of drug offenders varied greatly by drug type. Blacks were 88% of crack cocaine offenders, Hispanics or Latinos were 54% of powder cocaine offenders, and whites were 48% of methamphetamine offenders. More than a third (35%) of drug offenders in federal prison at sentencing, had either no or minimal criminal history. Nearly a quarter (24%) of drug offenders in federal prison used a weapon in their most recent offense. The average prison sentence for federal drug offenders was more than 11 years. Across all drug types, crack cocaine offenders were most likely to have extensive criminal histories (40%), used a weapon (32%), and received longer prison terms (170 months). More than half (54%) of drug offenders in the federal prison system had a form of cocaine (powder or crack) as the primary drug type. Methamphetamine offenders (24%) accounted for the next largest share, followed by marijuana (12%) and heroin (6%) offenders. Offenders convicted of crimes involving other drugs (including LSD, some prescription drugs, and MDMA or ecstasy) made up 3% of offenders.

G. In 2006 an estimated 69% of all persons convicted of a felony in state courts were sentenced to a period of confinement–41% to state prison and 28% to local jails. State prison sentences averaged 4 years and 11 months in 2006. Men (83%) accounted for a larger percentage of persons convicted of a felony, compared to their percentage (49%) of the adult population (not shown in table). Most (94%) felony offenders sentenced in 2006 pleaded guilty. Persons convicted of a violent felony received the longest prison sentences in 2006, compared to property, drug, weapon, and other felonies. Felony sentences to jail averaged 6 months. Among felons who were sentenced in state courts to probation and no incarceration, the average probation sentence was 3 years and 2 months. Life sentences accounted for less than 1% (0.3%) of the 1.1 million felony sentences in state courts during 2006. However, among the estimated 8,670 persons sentenced for murder or non-negligent manslaughter that year, 23% received life in prison. Among the estimated 460,000 persons sentenced to prison via state courts, 0.8% received life sentences. In 2006 an estimated 38% of persons sentenced for a felony in state courts were ordered to pay a fine as part of their sentence (table 1.5). Approximately 1 in 4 property offenders was ordered to make restitution and 23% of offenders convicted of drug possession were sentenced to treatment. Approximately 1 in 5 rape offenders was sentenced to treatment.

1. State by State detention statistics were compiled by the International Centre for Prison Studies in 1999 and again in 2005. 2013 state by state statistics are from wikipedia. In 1999 Washington DC, with 8,226 detainees and a population of about 600,000, had the highest rate of incarceration in the world of 1,594 detainees per 100,000 residents. By 2005 that rate is reported to have been reduced to 3,553 detainees (645 per 100,000 residents) and in 2014 to have gone down to 2,040 detainees (369 per 100,000 residents) The District of Columbia and Texas seem to be making an effort to reduce their penal populations to within the legal limit of 250 detainees per 100,000 or national norm of less than 500 detainees per 100,000. The penal population in the state of Louisiana, with the arbitrary detention of Hurricane Katrina Mayor of New Orleans Ray Nagin in 2014 as an example, is reported to have increased from 1995 to 2005 and to have decreased from 2005 to 2013. In 1999 Louisiana held 44,934 detainees (1,025 per 100,000), in 2005 51,458 detainees (1,138 per 100,000), and in 2014 50,100 detainees (1,082 per 100,000 residents of all ages) the last remaining state or territory with a penal population over 1,000 detainees per 100,000 residents of all ages.

State by State Detention 1999, 2005, 2013

Jurisdiction	1999 In prison or jail	1999 rate per 100,000 of all ages	2005 In prison or jail	2005 rate per 100,000 of all ages	2013 In prison or jail	2013 rate per 100,000 adults	2013 rate per 100,000 of all ages
State	1,714,931	666	2,007,434	679	2,012,400	830	636
Federal	173,059	58	179,220	58	215,100	90	68
U.S. total	1,887,990	724	2,193,798	737	2,227,500	910	704
Alabama	33,157	757	40,561	890	46,000	1,230	951

Alaska	2,837	459	4,678	705	5,100	940	691
Arizona	36,412	761	47,974	808	55,200	1,090	831
Arkansas	15,022	588	18,693	673	22,800	1,010	770
California	239,206	721	246,317	682	218,800	750	569
Colorado	21,043	520	33,955	728	32,100	790	608
Connecticut	16,776	511	19,087	544	17,600	620	488
Delaware	5,958	792	6,916	820	7,000	960	756
District of Columbia	8,226	1,594	3,552	645	2,400	450	369
Florida	119,679	790	148,521	835	154,500	990	788
Georgia	74,500	956	92,647	1,021	91,600	1,220	916
Hawaii	3,479	291	5,705	447	5,600	510	397
Idaho	6,634	531	11,206	784	10,200	860	632
Illinois	61,235	506	64,735	507	69,300	700	537
Indiana	30,025	506	39,959	637	45,400	910	690
Iowa	10,229	356	12,215	412	12,700	530	410
Kansas	12,864	484	15,972	582	16,600	760	573
Kentucky	21,651	546	30,034	720	32,100	950	729
Louisiana	44,934	1,025	51,458	1,138	50,100	1,420	1,082
Maine	2,745	220	3,608	273	3,800	350	285
Maryland	33,650	650	35,601	636	32,700	710	550
Massachusetts	21,796	353	22,778	356	21,400	400	318
Michigan	61,882	628	67,132	663	60,200	790	608
Minnesota	10,765	226	15,422	300	15,700	380	289
Mississippi	18,416	664	27,902	955	28,800	1,270	962
Missouri	32,300	591	41,461	715	44,500	950	736
Montana	3,998	453	4,923	526	6,000	760	591
Nebraska	5,740	344	7,406	421	8,500	600	454
Nevada	14,057	774	18,265	756	19,900	930	712
New Hampshire	3,830	320	4,184	319	4,800	460	362
New Jersey	43,777	536	46,411	532	37,600	540	421
New Mexico	10,330	590	15,081	782	15,500	980	742

New York	104,341	574	92,769	482	81,400	530	413
North Carolina	43,243	564	53,854	620	55,300	730	561
North Dakota	1,520	239	2,288	359	2,700	470	373
Ohio	63,444	565	65,123	559	69,800	780	603
Oklahoma	27,926	825	32,593	919	37,900	1,300	983
Oregon	15,425	464	19,318	531	22,900	740	582
Pennsylvania	63,490	529	75,507	607	85,500	850	668
Rhode Island	3,176	321	3,364	313	3,400	400	322
South Carolina	30,000	772	35,298	830	32,600	880	683
South Dakota	3,581	485	4,827	622	5,300	820	626
Tennessee	35,884	655	43,678	732	48,100	960	740
Texas	204,110	1,014	223,195	976	221,800	1,130	836
Utah	9,239	433	11,514	466	12,500	620	430
Vermont	1,205	203	1,975	317	2,100	410	335
Virginia	48,828	713	57,444	759	58,800	910	710
Washington	24,849	431	29,225	465	29,700	550	425
West Virginia	5,496	304	8,043	443	9,700	660	523
Wisconsin	27,218	519	36,154	653	34,800	780	605
Wyoming	2,338	485	3,515	690	3,800	840	651

Source: World Prison Brief 2000 & 2005 Wikipedia 2013

2. Since 2010 most states have seen a reduction in their penal population or at least in their rate of incarceration per 100,000 residents. Vermont and few other state known to have made deals with Democrats slightly increased 2005-2013 including Illinois. It is hoped that these reductions will be continued and accelerated for non-violent offenders serving time in state and federal prison, particularly the non-violent drug and immigration offenders. However, figures pertaining to the rate per 100,000 may be low as the result of not fully taking into account the reductions to the general population that were made by the unprecedented deportation proceedings to remove foreign prisoners and deter unlawful entry that may have resulted in most or all of the statistical reduction in incarceration 2009-2016. Care must be taken in the new administration to safely sustain reductions in federal and state penal population and accelerate release for populations of arbitrary non-violent offenders.

H The Prison Brief for the United States reports that a further 102,338 juveniles were in custodial institutions on October 2002 a further 2,006 in 'jails in Indian country' on 30.6.2002 and 10,323 in immigration facilities and 2,165 in military facilities on New Year's Eve 2003. The number of juvenile detainees increased 63% between 1989 and 1998 and the number may be significantly higher than reported by the International Centre for Prison Studies. On 29 October 1997 the Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Guide reported 106,000 Juveniles in Residential Placement of the 125,805 young persons assigned beds in 1,121 public and 2,310 private facilities nationwide. Of these, 105,790 (84%) met the inclusion criteria for the census. The remaining 20,000 are presumed to be detained in juvenile psychiatric facilities. Subsequently the rate of 102,338 is corroborated for 2002 signifying a 3% decrease in population from 1997-2002.

1. SAMHSA reports there were an average of 200,000 inpatient psychiatric patients in 1999 and an estimated 100,000 involuntary substance abuse treatment beds at any given time are not counted by the criminal division. The state mental institutions and private psychiatric hospitals have successfully developed community mental health programs to reduce their population from an all-time high of 550,000 in 1950. 2. In 1994, the council, composed of representatives from each branch of military service, adopted a standardized report (DD Form 2720) with a common set of items and definitions. This report obtains data on persons held in U.S. military confinement facilities inside and outside of the continental United States, by branch of service, gender, race, Hispanic origin, conviction status, sentence length, and offense. It also provides data on the number of facilities and their design and rated capacities. The Bureau of Justice Statistics reports that between 2006 and 2007 the number of prisoners under military jurisdiction went down from 1,944 to 1,794 a decline of -7.7%. With a total force declining from 1,384,968 in 2006 to 1,379,551 in 2007 before panicking and going back up until 2010 when it began declining steadily the US military detention rate per 100,000 personnel was 140 in 2006 and 130 in 2007. There is also a population of US military foreign prisoner population that rose as high as an estimated 10,000 entitled to repatriation under Art. 118 of the Third Geneva Convention after 2001.

2. In 2004 DHS apprehended an estimated 1,241,089 foreign nationals. Ninety-two percent were natives of Mexico. There were 58,727 investigations initiated and 46,656 closed for immigration related activities including crime, compliance enforcement, work site enforcement, identity and benefit fraud, alien smuggling, and counter terrorism. ICE detained approximately 235,247 foreign nationals for a minimum of 24 hours. There were 202,842 foreign nationals formally removed from the United States. The leading countries of origin of formal removals were Mexico (73%), Guatemala (4.1%) and Honduras (4.0%). More than 1,035,000 other foreign nationals accepted an offer of voluntary departure. Expedited removals accounted for 41,752 or 21% of all formal removals. DHS removed 88,897 criminal aliens from the United States. The majority of criminal aliens (68,771 or 77%) were from Mexico. President Millard Fillmore's anti-immigrant platform led to the dissolution of both Whig and Know Nothing Parties circa 1850. The President's anti-immigrant policy in Sec. 2, education budget cuts Art. 50, economic sanctions Art. 54, deaths, deportations, detentions, and appropriations of property are grave breaches of the Geneva Convention under Art. 147 of the Fourth

Geneva Convention Relative to the Protection of Civilians in Times of War of 1949. By reason of attitude not in accordance with the Geneva Conventions the government is under obligation to make good to consequence of injury. Thus every wrong creates a right for the court to rectify, *Case Concerning the Factory of Chorzow* A. No. 9 (1927) Permanent Court of Justice. Migrants workers and members of their families should not be subjected to measures of collective expulsion wherefore Immigration and Customs Enforcement (ICE) or the Republican Party should be abolished under Art. 22 of the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990).

Article 3 Legal Issues

§263 Volunteer Jury

A. Domestic law enforcement is divided into two subcategories: voluntary service (there is no draft for police officers) and mandatory service (e.g. jury duty and penal servitude). At the time of the American Revolution, the colonies restricted jury duty to white male property holders. No African-American served on any trial jury in the United States, North or South, until 1860 during a criminal trial in Worcester, Massachusetts. Women were ineligible for jury service in every state until 1898, when Utah allowed them to be jurors. Up until 1968, federal jury selection in the United States openly worked to limit jury service to supposedly elite individuals recommended by community leaders. That year, Congress officially abandoned the "blue-ribbon" jury in favor of the "cross section of the population" jury for the federal system. In 1978 employment protection was legislated. An All-Volunteer Jury system would eliminate or dramatically reduce the need for people to be excused from work to perform jury duty. It is a matter of concern to everyone that the compulsory jury summons of the Jury Selection and Service Act of 1968 28USC§ 1861 *et seq*. is a form of involuntary servitude under the 13th Amendment to the US Constitution, that must be abolished as military service before 1974, There are approximately 60,000 criminal jury trials in the United States every year and another 20,000 that are not carried to a verdict. In the rest of the world, there are about 10,000 jury trials a year with England and Wales accounting for half of that number.

1. The voter list is the most commonly used mechanism for assembling citizens for jury duty, though this has been declared illegal in California. Studies estimate that voter lists automatically exclude about one-third of the adult population, tipping the prospective juror pool toward the elderly, the relatively affluent, self-employed and government workers and away from minorities, including women, blacks and Hispanics. About 60% of all people whose names have been pulled from the master wheel and who have received a questionnaire seeking to determine their qualifications for jury service return the document requesting to be excused. It is much easier administratively to summon someone else from the list than to bother keeping track of those who have been excused for illness. In state courts, where non-response is not followed up on, another 23% of respondents did not return the questionnaire. It is painfully obvious that the majority of people who are "randomly" included in the jury master wheel object to compulsory jury duty. Occasionally, a foreman is proud of their service. If domestic law enforcement was conducted on our current military model, there would be what might be called the

"All-Volunteer Jury" in which the Court would buy the number of jurors necessary for the law enforcement system to function, from a pool of volunteers, preferably licensed to practice law by the Supreme Court, to eliminate the complication of asking lay-persons to decide state cases.

2. Law school graduates are so popular, there are standing juries of public defenders. To justify sustaining high law college enrollment rates, it is necessary that law colleges include 4-20 week police and correctional academy into their three year curriculum. As of 2016, there are 1,315,561 Licensed Lawyers in the United States of America. 35 years ago the population of attorneys in the United States had surpassed 450,000, and law schools were graduating 34,000 each year. By 2011, the annual production of law degrees was up to 44,000, and at 1.22 million, the number of lawyers in the country had nearly tripled. In 2011, the number of students entering law school dropped by 7%, an unprecedented fall. In 2012, the drop accelerated: Enrollment of first-year law students sank another 8.6%. It plunged still further in 2013. According to the American Bar Association, 39,675 new law students matriculated in fall of 2013 — an 11% decrease from 2012. To dispel rumors regarding 60% unemployment on graduation from law school, it is recommended that law schools include 4-20 week police and correctional programs, in their three year curriculum. Having saturated the courts with standing juries of public defenders, academy certified lawyers should be preferentially employed as police and corrections officers.

3. Crime Control and Law Enforcement was transferred to Title 34 of the United States Code 34USC§10101 *et seq*. from Title 42 by P.L. 115–76 on November 02, 2017. Police Officers are supervised by a geographic law enforcement agency that defines the jurisdiction of the police officers. There are an estimated 1.5 million law enforcement officers employed in the United States. The Bureau of Justices Statistics reported that in 2000 the federal department of justice employed 88,496 full-time law enforcement officers authorized to make arrests and carry fire arms. 17,784 state and local law enforcement agencies employed 708,022 full time officers. 12,666 local police agencies employed 440,920 full time officers. 3,070 county sheriffs employed 164,711 deputies. 49 primary state agencies employed 56,348 officers. 1,376 special jurisdictions employed 43,413 officers. 623 Texas constable offices employed 2,630 law enforcement officers. In 2016 the Department of Homeland Security employed 37,211 law enforcement officers authorized to make arrests and carry fire arms. US Customs and Border Protection 16,388. US Immigration and Customs Enforcement 7,942. US Coast Guard 10,673. US Secret Service 2,208. Although the Bureau of Labor Statistics only estimates that there are 880,000 police officers and detectives, 1.5 million is a good estimate of the number of full-time civilian law enforcement officers employed in the United States, plus another 470,000 corrections officers, for a grand total of 2 million employees authorized to make arrests and carry a firearm in the United States.

4. Several state studies have shown that no one with a Bachelor degree was a recidivist under 34USC§60501. Recidivism, defined as re-incarceration within 3 years of release from prison, occurs in 66% of state offenders, 50% in those who earned vocational certificates, 35% in those with an Associates degree and 0% in those who earned a post-conviction Bachelor degree. Crime is defined as an illegal act for which someone can be

punished by the government; especially: a gross violation of law, a grave offense especially against morality**,** or criminal activity, such as efforts to fight crime. Authorization to make arrests and carry a firearm conferred by 4-20 week long police and corrections academies burden the Court. It seems best to believe that 50% of arrests are false, no matter what level of educational attainment the prosecutor. It is however theoretically possible to eliminate all tortious criminal misconduct even under the most awful of lawful commands, and always be able obey orders for non-repetition of any newly discovered genuinely criminally offensive act, in the first instance, by requiring a Bachelor degree. Due to the serious threat of recidivism, tortious police misconduct by undereducated law enforcement officers must result in their immediate termination of employment by the police chief. Undereducated police officers must be swiftly terminated for misconduct and given disability insurance until they have achieved a Bachelor degree and are gainfully employed, without rush. As state employees, state highway patrol, local police and sheriff departments must pay the 12.4% Old Age, Survivor and Disability Insurance (OASDI) payroll tax to get better than $200 a month disability, probably more than $1,000 a month disability, and be eternally safe from random $666 a month retirement decisions and insufficient funds. Due process of the obsolescence of the 6% state employee retirement programs is needed under Title I of the Social Security Act. With 515 justified homicides from legal intervention in 2016, the homicide rate of 1.5 million police officers is 38.6 per 100,000, seven times more than normal 5.3 per 100,000, or 8 per 100,000 for ex-convicts without gun rights, and more than twice the 15 per 100,000 risk of a law enforcement officer being killed in the course of duty, law enforcement is too dangerous and fundamentally criminal to continue to fail to require that all law enforcement and corrections officers have attained at least the Bachelor degree it takes to competently receive instruction from the Court. To participate in the study, prisons would correlate the success of their Bachelor degree programs with the elimination of recidivism. To theoretically eliminate the possibility of recidivism and increase Good Time credit, online Bachelor degree programs funded by student loans must be offered to all defendants, especially those sentenced to a lengthy period of incarceration in prison.

B. Since the signing of the Magna Carta in 1215, there has been no clearer principle of English or American constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law, and what was the moral intent of the accused; but that it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of such laws. Commissioners of jurors are appointed by a judge and shall be officers of the courts of record in such county and shall attend upon each term of such courts for which a jury is drawn. Compensation is made at regular or special term of the court. Issues of facts and law are triable by jury. Jurists are sworn under the *voir dire*, "to tell the truth". Claims for actual damages may be assessed by the jury in each case, as instructed by the court. When the jury cannot agree or the parties to the proceeding do, the jury may be discharged. *R. v. Spencer*, SCC 11 2007.

1. Jury trials are discouraged in the United States where lay-persons are used much more frequently for decision-making, than in any other country. There are two kinds of juries,

grand to issue indictments, and petit or trial juries. There are approximately 60,000 criminal jury trials in the United States every year and another 20,000 that are not carried to a verdict. In the rest of the world, there are about 10,000 jury trials a year with England and Wales accounting for half of that number. Also, in the United States there is a great diversity between states. Connecticut has three criminal jury trials a year per 100,000 persons of population and Georgia has 144, while the national average is 35. In 1945, of all criminal felony charges, 75% of those charged pleaded guilty, 10% were tried to the bench and 15% were tried to a jury. One seventh of all felony prosecutions end in a jury trial. Trial by jury is an expensive and cumbersome method of trying a case. Judges work faster than juries and jury trials are 60% longer than court trials. Juries cause delays in civil litigation and constitute an unfair tax on the time of underpaid jurors. A juror shall be paid an attendance fee of $40 per day for actual attendance at the place of trial or hearing. A juror shall also be paid the attendance fee for the time necessarily occupied in going to and returning from such place at the beginning and end of such service or at any time during such service under 28USC§1871(b)(1).

2. It has been written that there are two compelling reasons why our jury system is not run on a volunteer basis. First, citizens who self-select for jury duty would be unlikely to be representative of the population as a whole. Individuals who incur high opportunity costs (those who are gainfully employed, or live far away for example) would choose not to serve. The same consideration that militate against forced exclusion of racial and ethnic groups from jury pools would weigh equally against voluntary self-exclusion based upon income or employment status. Service on juries is itself simultaneously a right, in the sense that there is a strong presumption against exclusion, and a duty, in the sense that there is a strong presumption against evasion). Principle 1 of the Nuremberg Code is that the voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision. An All-Volunteer Jury would make jury duty an easily enforceable right instead of an onerous burden imposed upon a random cross-section of society at an inopportune moment, when they are ill prepared to deal the stresses of judicial service. There are an infinite number of reasons for an All-Volunteer Jury. The most eloquent arguments for an All-Volunteer Jury protest the extreme hardships imposed by the prosecution of those who refused to be conscripted into military service against their will. In his court-martial in 1918 when he was sentenced to several months in prison Roger Nash Baldwin, a founder of the American Civil Liberties Union (ACLU) wrote, “I am opposed to any service under conscription”. Jacob Wortsman who was sentenced to 20 years in prison wrote “I cannot accept military service in any capacity or perform work of any sort under compulsion”.

3. At the time of the American Revolution, the colonies restricted jury duty to white male property holders. No African-American served on any trial jury in the United States, North or South, until 1860 during a criminal trial in Worcester, Massachusetts. Women were ineligible for jury service in every state until 1898, when Utah allowed them to be

jurors. Up until 1968, federal jury selection in the United States openly worked to limit jury service to supposedly elite individuals recommended by community leaders. That year, Congress officially abandoned the "blue-ribbon" jury in favor of the "cross section of the population" jury for the federal system with the Jury Selection and Service Act of 1968, or "Jury Act" provides; it is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes. The Jury System Improvement Act of 1978(a) provided; No employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States under 28USC§1875. An All-Volunteer Jury system would eliminate or dramatically reduce the need for people to be excused from work to perform jury duty and the concept of employment protection might be better construed to make the less than minimum wage job, at best, tolerable and rewarding. A study hall in the court law library might help.

4. Volunteer jurists should be called to *voir dire* in a single procedure under 28USC§1878 to nullify the random selection method prescribed in the Jury Selection and Service Act of 1968 at 28USC1863 and nullify the penalties incurred by the illegal imposition of the summons in 28USC§1864. Sufficient numbers of prospective volunteer jurists for the Jury Master Wheel might be provided from a single source – the Federal Work-Study (FWS) program that provides part-time employment to students attending institutions of higher education who need the earnings to help meet their costs of postsecondary education and participate in community service activities under 34CFR§675.1 and the Higher Education Act of 1965, as amended, Title IV, Part C; 42USC§2751-2756b and be open to the public for people to walk in at a certain time, take some notes at the court law library, charge up the computer, stay off the Internet, and either be summoned to trial or go home unpaid depending solely upon the optional one-step process of peremptory challenges for cause or favor, determined by the court under 28USC§1870 and 28USC§1878.

C. Jurists are insured against work related injury under title 5 of the United States Code, subchapter 1 of chapter 81, title 5, United States Code that applies to a Federal grand or petit juror, except that entitlement to disability compensation payments does not commence until the day after the date of termination of service as a juror. (b) In administering this section with respect to a juror covered by this section - (1) a juror is deemed to receive monthly pay at the minimum rate for grade GS-2 of the General Schedule unless his actual pay as a Government employee while serving on court leave is higher, in which case monthly pay is determined in accordance with section 8114 of title 5, United States Code, and (2) performance of duty as a juror includes that time when a juror is (A) in attendance at court, (B) in deliberation, (C) sequestered by order of a judge, or (D) at a site, by order of the court, for the taking of a view under 28USC§1877. A juror shall be paid an attendance fee of $40 per day for actual attendance at the place of trial or hearing. A juror shall also be paid the attendance fee for the time necessarily occupied in going to and returning from such place at the beginning and end of such service or at any time during such service under 28USC§1871(b)(1). A Juror bill of rights could include the right to volunteer, right not to be purposely excluded from

service on grounds related to race, sex, religion, or country of origin; the right to be free from harassment by employers or other parties, including the press; the right to reasonable privacy; the right to discuss the trial with the press, the attorneys, jury researchers, and the parties in the case after the verdict has been delivered; and the right to be free of reprisals after the verdict.

1. Juries protect society from dangerous individuals and also protect individuals from dangerous government. Juries must take into account the facts of the case, mitigating circumstances, the merits of the law, and the fairness of its application in each case. The power of the jury to judge the justice of the law and to hold laws invalid by a finding of "not guilty" for any law a juror felt was unjust or oppressive, dates back to the Magna Carta, in 1215. Since the signing of the Magna Carta in 1215, there has been no clearer principle of English or American constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law, and what was the moral intent of the accused; but that it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of such laws. There are two kinds of juries, grand to issue indictments, and petit or trial juries. There are approximately 60,000 criminal jury trials in the United States every year and another 20,000 that are not carried to a verdict. In the rest of the world, there are about 10,000 jury trials a year with England and Wales accounting for half of that number. Also, in the United States there is a great diversity between states. Connecticut has three criminal jury trials a year per 100,000 persons of population and Georgia has 144, while the national average is 35. In 1945, of all criminal felony charges, 75 percent of those charged pleaded guilty, 10 percent were tried to the bench and 15 percent were tried to a jury. One seventh of all felony prosecutions end in a jury trial. Trial by jury is an expensive and cumbersome method of trying a case. Judges work faster than juries and jury trials are 60 percent longer than court trials. Juries cause delays in civil litigation and constitute an unfair tax on the time of underpaid jurors. As the world's biggest abuser of jury trials it makes sense that the all-volunteer jury movement would begin in the United States, otherwise a jury trial is a decadent symbol of involuntary servitude to laws in need of correction. An all-volunteer jury might be the freedom from reprisal and recidivism the justice system needs to release the harmless drug and other arbitrary offenders to cut their prison population under the arbitrary legal limit of 250 detainees per 100,000 residents. Jurors take an oath before a trial to consider only the presented evidence and the judge's instructions. Enforcing democratically enacted laws is one of the basic purposes of government. In cases involving violent *malum in se* (inherently bad crimes, such as murder, rape and assault, jurors should consider the case strictly on the evidence presented, and if they believe the accused person is guilty, they should so vote. In cases involving non-violent, *malum prohibitum* (legally proscribed) offenses, including "victimless" crimes such as narcotics possession, there should be presumption in favor of nullification. Finally, for nonviolent, *malum in se* crimes, such as theft or perjury, there need be no presumption in favor of nullification, but it ought to be an option the juror considers *R. v. Spencer*, SCC 11 2007.

D. Commissioners of jurors are appointed by a judge and shall be officers of the courts of record in such county and shall attend upon each term of such courts for which a jury is

drawn. Compensation is made at regular or special term of the court. Issues of facts and law are triable by jury. Jurists are sworn under the *voir dire*, "to tell the truth". *Voir dire* literally means "to speak the truth". The *voir dire* process is a fundamental guarantee of a defendant's Sixth Amendment right to trial by a fair and impartial jury. *Voir dire* examination is designed to elicit information about each prospective juror that will indicate her or his ability to serve in an impartial and unbiased manner. Though lawyers do not actually choose the jurors who will hear their cases, they can eliminate prospective jurors by using "for cause" and "peremptory" challenges. During *voir dire*, lawyers on both sides are permitted to remove from the panel of prospective jurors, known as a venire ("you are called to come"), any they think may be biased. The challenges issued are of two kinds: peremptory for which a lawyer doesn't have to give a reason, and cause, for which a basis must be stated and approved by a judge. A ground for a cause challenge, for example, would be an admission by a venireman that he or she has personal knowledge of one of the parties in the case or displays prejudice of some sort. Claims for actual damages may be assessed by the jury in each case, as instructed by the court. When the jury cannot agree or the parties to the proceeding do, the jury may be discharged.

1. The *voir dire* can be conducted several ways. All the veniremen may be questioned at once, or only the number that will ultimately be required (six, eight, ten, twelve) enter the jury box at one time, with new ones added as eliminations take place. An alternative is the so-called "struck" jury. In it, after challenges for cause are completed, the panel consists of the number of jurors that will eventually be chosen plus as many more as there are peremptory challenges permitted. Thus, if there are to be 12 jurors and each side is permitted seven challenges, the size of the panel will be 26, so that the jury consists of those left over when the 14 peremptory challenges have been exhausted. In *Batson v. Kentucky* (1986) the Supreme Court ruled that prosecutors could no longer use race-based peremptory challenges to keep members of the defendant's race off the jury. *Georgia v. McCollum* (1992) similarly barred defense lawyers from using peremptory challenge to exclude members of the plaintiff's race from the jury. *J.E.B. v Alabama* declared that lawyers could not exercise gender-based peremptory challenges. Typically, state law establishes the right to peremptory challenges and prescribes the numbers – ranging from as low as two or three per side in civil cases to as many as 25 in capital cases.

2. The twelve-person unanimous jury was extended to the American colonies during the period of British rule, continued after independence as a feature of the American legal system, and was further copied by new states as the Union grew. From the fourteenth century until recently the twelve-person unanimous jury in England and America was never successfully challenged. In 1966 England reduced its jury's decision rule to 10- of-12. The United States Supreme Court ruled in *Williams v. Florida* (1970) that juries as small as six were constitutionally acceptable and in *Johnson v. Louisiana* (1972) and *Apodaca et al. v. Oregon* (1972) that unanimity was not required, that decision rules as thin as 9-of-12 and perhaps thinner, were sufficient. The very first juries – the ancient Greek assemblages of 500 or more persons called dicasteries – decided disputes by majority vote. English courts, however, adopted a rule by the 14th century requiring jury verdicts to be unanimous. The unanimity requirement moved to America and became a central element of the U.S. jury system. James Madison wrote the Sixth Amendment to

include a requirement for unanimous verdicts, but Congress deleted that provision before sending the Bill of Right to the states of ratification. The reason: four of 13 states did not require unanimity and Congress was disinclined to force them to do otherwise. The Supreme Court in 1972, however, upheld laws in two states, Oregon and Louisiana, permitting criminal verdicts by 10-2 or 9-3 votes, respectively. Today, about half the states allow juries to decide civil cases by a less-than-unanimous vote. Oregon's super-majority jury system has worked well for half a century. At least 10 jurors must agree to a felony verdict. There are fewer hung juris and fewer retrials, and nobody has seriously claimed that guilty defendants are culled from the innocent less accurately in Oregon than elsewhere. Similarly, England and most of Australia allow super-majority verdicts and Scotland has traditionally required only 8 out of 15 jurors to reach a verdict. A study by the University of Chicago Law School showed that the ratio of convictions and acquittals was about the same under either system, but that the number of hung juries was reduced by more than 40% where 10 or 11 jurors could decide. Even the Supreme Court, deciding matters of life and death, is seldom unanimous.

3. Chief Justice Vaughan issued a historically-important ruling: that jurors could not be punished for their verdicts in *Bushell's Case* (1670) one of the most important developments in the common-law history of the jury. Colonist William Penn had been freed of charges that he had preached an illegal religion (Quakerism) in London in 1670, by jurors who had stood their ground for acquittal despite being detained without food, water, or toilet facilities for days. All were then fined for delivering a not guilty verdict, and four were imprisoned for refusing to pay the fine. Their release by the high court of England established not only that jurors have the power to find the verdict as they see fit, with impunity but also established our freedoms of speech, peaceable assembly and religion. The witch trials in Salem ceased following fifty-two jury acquittals.
The question of whether or not a jury should be balanced in terms of ethnicity, class, or gender is not new. 66% of blacks believe the U.S. criminal justice system is racist. In England, the jury's birthplace, the privilege of trial by a representative or "mixed" jury was allowed until the year 1290. At that time, a representative jury usually meant that half of the jurors were Christian and half of the jurors were Jewish. Eventually, however, the British adopted the custom of choosing a jury from the neighborhood in which the crime was committed. Thus, a "jury of peers" was originally a group chosen from the vicinity of the defendant's residence or from the area where the alleged crime occurred. Initially, there was no effort to include women or members of ethnic minorities on American juries. Ultimately, though, a jury of one's peers came to be defined as a group that reflected the country's racial, class and gender composition. The contemporary practice of using voter-registration lists to create a jury pool is intended to ensure that minorities and women are included on juries. No citizen shall be excluded from service as a grand or petit juror in the district courts of the United States or in the Court of International Trade on account of race, color, religion, sex, national origin, or economic status under 28USC§1862.

4. John Hancock, the wealthy Massachusetts patriot and smuggler who as President of the Continental Congress affixed his familiar bold signature to the Declaration of Independence was prosecuted via this admiralty jurisdiction in 1768 and fined £9,000 – triple the value of the goods aboard his sloop "Liberty" which had been previously

forfeited. John Adams eloquently argued the case, chastising Parliament for depriving Americans of their right to trial by jury. Adams later said of the juror, "it is not only his right, but his duty – to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court. Jury nullification of law is a traditional right that was rigorously defended by America's Founding Fathers. Each enactment of law must pass all these hurdles before it gains the authority to punish those who may choose to violate it. US Supreme Court Chief Justice John Jay, writing in *Georgia v. Brailsford* (1794), concluded: "The jury has the right to judge both the law as well as the fact in controversy." Thomas Jefferson said, "I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution." Until the middle of the 1800s, federal and state judges often instructed the juries they had the right to disregard the court's view of the law. Northern jurors began to refuse to convict abolitionists who had violated the 1850 Fugitive Slave Law. Modern treatments of abolitionism praise these jury-nullification verdicts for the role they played in helping the anti-slavery cause.

4. In *Sparf and Hansen v. U.S* 1895, the Supreme Court, under pressure from large corporations, rendered in a bitter split decision that courts no longer had to inform juries they had the power to veto an unjust law. Courts began concealing jurors' rights from American citizens and falsely instructing them that they may consider only the facts as admitted by the court. Researchers in 1966 found that jury nullification occurred only 8.8 percent of the time between 1954 and 1958, and suggested that "one reason why the jury exercises its very real power [to nullify] so sparingly is because it is officially told it has none." In 1955 the University of Chicago Jury Project undertook the most massive filed study of actual jury trials ever attempted in the United States. With the consent of the trial judge and counsel but without the knowledge of the jurors, audio recordings were made in five civil cases in federal district court in Wichita, Kansas. In the summer of 1955 the U.S. attorney general publicly censured electronic “eavesdropping” on jury deliberations. Congress and more than thirty states responded by enacting statutes prohibiting jury tapings. Ever since, jury deliberations have been secret.

5. In *Duncan v. Louisiana* (1968) the U.S. Supreme Court held that the purpose of trial by jury is to prevent oppression by the Government by providing a “safeguard against the corrupt overzealous prosecutor and against the compliant, biased or eccentric judge”. The essential feature of a jury obviously lies in the interposition between the accused and his accuser of the common-sense judgment of a group of laymen. Three general guidelines and principles have emerged from the selection and the makeup of the jury. First, the jury must be drawn from a representative cross section of the community. Second, the trial should be held in the district in which the crime has been committed. Third, the jurors must be impartial; that is, potential jurors unable to judge the facts with an impartial mind may be rejected from the jury. The U.S. Supreme Court has recognized consistently that the “purpose of the jury trial…is to prevent oppression by the government”. Essential to the operation of the laws of the United States is the existence of a small group of lay-people with un-reviewable power to find a criminal defendant innocent of a crime. Congress can pass a criminal statute, and the courts can find it constitutional. The executive can spend millions of dollars on its enforcement, but only a jury comprised of lay-people can convict. The jury has the constitutional and non-reviewable right to acquit

a defendant in a criminal trial. Not only were juries given the final power to convict or acquit a criminal defendant, but they were also vested with the power to ignore the law and acquit a defendant despite the fact that the defendant broke the law. The famous legal thinker and former dean of the Harvard University School of Law, Roscoe Pound, spoke of this power: Jury lawlessness is the greatest corrective of law in its actual administration. The will of the state at large imposed on a reluctant community, the will of a majority imposed on vigorous and determined minority, find the same obstacle in the local jury.

6. The judge's right to refuse to inform the jury of its nullification powers in war resistance trials was upheld by the U.S. Court of Appeals for the District of Columbia Circuit in *U.S. v. Dougherty*. In that decision the court recognized the power of the jury to ignore the law, but the court upheld the trial judge's refusal of a defense request that the jury be informed of these constitutional powers. The majority opinion states that allowing such an instruction might lead to anarchy and burden jurors with overwhelming moral responsibility that would create an extreme burden for the jurors psyche. Justice David Bazelon strongly dissented. He felt that juries had a right to be informed of their constitutional powers. The very essence of the jury's function is its role as spokesman for the community conscience in determining whether or not blame can be imposed.

7. Enforcing democratically enacted laws is one of the basic purposes of government. In cases involving violent *malum in se* (inherently bad crimes, such as murder, rape, assault, kidnapping, robbery and deprivation of relief benefits jurors should consider the case strictly on the evidence presented, and if they believe the accused person is guilty, they should so vote. In cases involving non-violent, *malum prohibitum* (legally proscribed) offenses, "because I said so", including "victimless" crimes such as narcotics possession and free online entertainment industry, there should be presumption in favor of nullification. Finally, for nonviolent, *malum in se* crimes, such as theft or perjury, there need be no presumption in favor of nullification, but it ought to be an option the juror considers *R. v. Spencer*, SCC 11 2007.

§263A Unwarranted Search, Seizure and Arrest

A. The right of the people to be secure in their persons, houses, papers, and effect, against unreasonable searches and seizures, shall not violated, an no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized under the Fourth Amendment to the U.S. Constitution. Rule 4 (b)(1)(D) Fed Crim. P. provides that an arrest warrant must be signed by a judge. A summons must be in the same form as a warrant except that it must require the defendant to appear before a magistrate judge at a stated time and place. (a) Issuance. If the complaint or one or more affidavits filed with the complaint establish probable cause to believe that an offense has been committed and that the defendant committed it, the judge must issue an arrest warrant to an officer authorized to execute it. At the request of an attorney for the government, the judge must issue a summons, instead of a warrant, to a person authorized to serve it. A judge may issue

more than one warrant or summons on the same complaint. If an individual defendant fails to appear in response to a summons, a judge may, and upon request of an attorney for the government must, issue a warrant. If an organizational defendant fails to appear in response to a summons, a judge may take any action authorized by United States law.

1. Comprehensive pre-trial coverage is found in Arts. 3-14 of the Universal Declaration of Human Rights. Art. 3 Everyone has the right to life, liberty and security of person. Art. 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.Art. 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Art. 6 Everyone has the right to recognition everywhere as a person before the law. Art. 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Art. 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Art. 9 No one shall be subjected to arbitrary arrest, detention or exile. Art. 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Art. 11 (1) Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. (2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed. Art. 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks. Art. 13 (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country. Art. 14 (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

B. First Amendment Privacy Protection at 42USC§2000a(b)(2) protects people from unreasonable search and seizure unless, there is reason to believe that the immediate seizure of such materials is necessary to prevent the death of, or serious bodily injury to, a human being. The mere possession of, even large quantities of, controlled substances does not qualify as a reasonable justification for search and seizure. The IV Amendment protects the rights of the people to property and privacy from unwarranted police “search and seizure”. The “exclusionary” rule is the most effective defense by preventing evidence gathered without a warrant issued with probable cause from being used in court. Thus a police officer must have a warrant issued with probable cause before he enters a person’s home or gathers information by intruding upon a person’s domain that will be used in court. Recent rulings have expanded the scope of “probable cause”. When on a warranted search of a home the police may confiscate anything in sight that is suspicious

whether it is mentioned in the warrant or not due to the "plain view doctrine". Smells and sounds can also give rise to probable cause.

1. *Jones v. United States* (1960) 362 U.S. 257 does not prohibit the plain view confiscation of contraband as long as it abides by Rule 41 (e) of the Federal Rules of Criminal Procedure (Fed. Crim. P.) that disqualifies evidence when, (1) the property was illegally seized without warrant, (2) the warrant is insufficient on its face, (3) the property seized is not that described in the warrant, (4) there was not probable cause for believing the existence of the grounds on which the warrant was issued, (5) the warrant was illegally executed. *Rakas v. Illinois* (1978) 439U.S.128 determined that to accurately gauge probable cause required by the Fourth Amendment against an individuals right to privacy officers must not "violate a persons legitimate interest to privacy". The warrant requirement is no mere formality, it is a crucial safeguard against abuses by executive officers explained in *McDonald v. United States*, 335 U.S. 451 (1948). The warrant requirement was found to be a constitutionally mandated safeguard even for wiretaps intended to protect domestic national security in *United States v. U.S. Dist. Ct.*, 407 U.S. 297 (1972). Emergency does not create power. Emergency does not increase granted power or remove or diminish the restrictions imposed upon power granted or reserved. The Constitution was adopted in a period of grave emergency. Its grants of power to the federal government and its limitations of the power of the States were determined in the light of emergency, and they are not altered by emergency. Even the war power does not remove constitutional limitations safeguarding essential liberties.

§263B Legalization of Marijuana

A. Thirty-three states and the District of Columbia currently have passed laws broadly legalizing marijuana in some form. The District of Columbia and 10 states -- Alaska, California, Colorado, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont and Washington -- have adopted the most expansive laws legalizing marijuana for recreational use. Most recently, Michigan voters approved a ballot measure permitting adults age 21 and over to purchase and possess recreational-use marijuana. Vermont became the first state earlier this year to legalize marijuana for recreational use through the legislative process, rather than via a ballot measure. Vermont's law allows for adults age 21 and over to grow and possess small amounts of cannabis. However, it does not permit the sale of non-medical cannabis. Some other state laws similarly decriminalized marijuana, but did not initially legalize retail sales. Most other states allow for limited use of medical marijuana under certain circumstances. Some medical marijuana laws are broader than others, with types of medical conditions that allow for treatment varying from state to state. Louisiana, West Virginia and a few other states allow only for cannabis-infused products, such as oils or pills. Other states have passed narrow laws allowing residents to possess cannabis only if they suffer from select medical illnesses.

Legalization of Marijuana, State by State 2019

State	Statutory Language (year)	Patient Registry or ID cards	Allows Dispensaries	Specifies Conditions	Recognizes Patients from other states	State Allows for Retail Sales/Adult Use
Alaska	Measure 8(1998) SB 94 (1999) Statute Title 17, Chapter 37	Yes	Yes	Yes	No, but adults over 21 may purchase at retail adult dispensaries.	Ballot Measure 2(2014) Marijuana Regulations
Arizona	Proposition 203 (2010)	Yes	Yes	Yes	Yes, for AZ-approved conditions, but not for dispensary purchases.	
Arkansas	Issue 6 (2016) Details pending	Pending	Pending	Pending	Pending	
California	Proposition 215 (1996)SB 420 (2003)	Yes	Yes (cooperatives and collectives)	No	No	Proposition 64 (2016)
Colorado Medical program info Adult-use info	Amendment 20 (2000)	Yes	Yes	Yes	No	Amendment 64(2012) Task Force Implementation Recommendations(2013) Analysis of CO Amendment 64 (2013) Colorado Marijuana Sales and Tax Reports 2014 "Edibles" regulation

State	Statutory Language (year)	Patient Registry or ID cards	Allows Dispensaries	Specifies Conditions	Recognizes Patients from other states	State Allows for Retail Sales/Adult Use
						measure FAQ about CO cannabis laws by the Denver Post.
Connecticut	HB 5389 (2012)	Yes	Yes	Yes		
Delaware	SB 17 (2011)	Yes	Yes	Yes	Yes, for DE-approved conditions.	
District of Columbia	Initiative 59(1998) L18-0210 (2010)	Yes	Yes	Yes		Initiative 71 (2014)
Florida	Amendment 2(2016) Details pending	Pending	Pending	Pending	Pending	
Guam	Proposal 14A Approved in Nov. 2014, not yet operational. Draft rules released in July 2015	Yes	Yes	Yes	No	
Hawaii	SB 862 (2000)	Yes	Yes	Yes	No	
Illinois	HB 1(2013) Eff. 1/1/2014 Rules	Yes	Yes	Yes	No	
Louisiana	SB	Pending	Yes	Yes	No	

State	Statutory Language (year)	Patient Registry or ID cards	Allows Dispensaries	Specifies Conditions	Recognizes Patients from other states	State Allows for Retail Sales/Adult Use
	271 (2017) (not yet in effect)					
Maine	Question 2(1999) LD 611(2002) Question 5(2009) LD 1811 (2010) LD 1296(2011)	Yes	Yes	Yes	Yes, but not for dispensary purchases.	Question 1 (2016) page 4
Maryland	HB 702 (2003) SB 308 (2011) HB 180/SB 580 (2013) HB 1101-Chapter 403 (2013) SB 923 (signed 4/14/14) HB 881-similar to SB 923	Yes	Yes	Yes	No	
Massachusetts	Question 3(2012) Regulations (2013)	Yes	Yes	Yes	No	Question 4 (2016)
Michigan	Proposal 1 (2008)	Yes	Not in state law, but localities may create ordinances to allow them and regulate	Yes	Yes, for legal protection of posession, but not for dispensary purchases.	Proposal 18-1 (2018)

State	Statutory Language (year)	Patient Registry or ID cards	Allows Dispensaries	Specifies Conditions	Recognizes Patients from other states	State Allows for Retail Sales/Adult Use
			them.			
Minnesota	SF 2471, Chapter 311 (2014)	Yes	Yes, limited, liquid extract products only	Yes	No	
Missouri	Amendment 2 (2018)	Yes	Yes, details pending	Yes	Yet to be determined	
Montana	Initiative 148(2004) SB 423 (2011) Initiative 182(2016)	Yes New details pending	No** New details pending	Yes New details pending	No New details pending	
Nevada	Question 9(2000) NRS 453A NAC 453A	Yes	Yes	Yes	Yes, if the other state's program are "substantially similar." Patients must fill out Nevada paperwork. Adults over 21 may also purchase at adult retail dispensaries.	Question 2 (2016) page 25
New Hampshire	HB 573 (2013)	Yes	Yes	Yes	Yes, with a note from their home state, but they cannot purchase through dispensaries.	
New Jersey	SB	Yes	Yes	Yes	No	

State	Statutory Language (year)	Patient Registry or ID cards	Allows Dispensaries	Specifies Conditions	Recognizes Patients from other states	State Allows for Retail Sales/Adult Use
	119(2009) Program information					
New Mexico	SB 523 (2007) Medical Cannabis Program	Yes	Yes	Yes	No	
New York	A6357 (2014) Signed by governor 7/5/14	Yes	Ingested doses may not contain more than 10 mg of THC, product may not be combusted (smoked).	Yes	No	
North Dakota	Measure 5(2016) Final details pending	Yes	Yes	Yes	No	
Northern Mariana Islands	Does not have a medical program.					Yes, HB 20-178 HD 4- Public Law 20-66 (2018)
Ohio	HB 523 (2016) Approved by legislature, signed by governor 6/8/16, not yet operational	Yes	Yes	Yes	Details pending, but will require reciprocity.	
Oklahoma	SQ 788Approv	Details pending	Details pending	Not as voted on	Details pending	

State	Statutory Language (year)	Patient Registry or ID cards	Allows Dispensaries	Specifies Conditions	Recognizes Patients from other states	State Allows for Retail Sales/Adult Use
	ed by voters on 6/26/18, not yet operational					
Oregon	Oregon Medical Marijuana Act(1998) SB 161(2007)	Yes	Yes	Yes	No, but adults over 21 may purchase at adult retail dispensaries.	Measure 91 (2014)
Pennysylvania	SB 3 (2016) Signed by governor 4/17/16 Not yet operational	Yes	Yes	Yes		
Puerto Rico	Public Health Department Regulation 155 (2016) Not yet operational		Cannot be smoked			
Rhode Island	SB 791(2007) SB 185 (2009)	Yes	Yes	Yes	Yes	
Utah	Prop 2 (2018)	Yes	Yes	Yes	Yet to be determined	
Vermont	SB 76(2004) SB 7(2007) SB 17(2011) H.511 (2018)	Yes	Yes	Yes	No	H.511 approved by legislature, signed by governor 1/22/18. Effective July 1, 2018. Does NOT

State	Statutory Language (year)	Patient Registry or ID cards	Allows Dispensaries	Specifies Conditions	Recognizes Patients from other states	State Allows for Retail Sales/Adult Use
						provide for legal production or sales. Allows adults 21 years or older to possess up to one ounce of marijuana. Selling marijuana in Vermont remains illegal. Allows adults to grow two mature plants. Public consumption of marijuana is also not allowed.
Washington	Initiative 692(1998) SB 5798 (2010) SB 5073(2011)	No	Yes, approved as of Nov. 2012, stores opened in July, 2014.	Yes	No, but adults over 21 may purchase at an adult retail dispensary.	Initiative 502 (2012) WAC Marijuana rules: Chapter 314-55 WAC FAQ about WA cannabis laws by the

State	Statutory Language (year)	Patient Registry or ID cards	Allows Dispensaries	Specifies Conditions	Recognizes Patients from other states	State Allows for Retail Sales/Adult Use
						Seattle Times.
West Virginia	SB 386 (2017)	Yes	Yes. No whole flower/cannot be smoked but can be vaporized.	Yes	No, but may allow terminally ill to buy in other states.	

Source: National Conference of State Legislatures. November 2018

1. A number of states have also decriminalized the possession of small amounts of marijuana. Ten states and the District of Columbia now have legalized small amounts of marijuana for adult recreational use. Colorado and Washington approved adult-use recreational marijuana measures in 2012. Alaska, Oregon and District of Columbia followed suit in fall of 2014. In 2015, Ohio voters defeated a ballot measure that addressed commercial production and sale of recreational marijuana. On Nov. 8, 2016, voters in four states, California, Maine, Massachusetts and Nevada, approved adult-use recreational marijuana, while voters in Arizona disapproved. In 2018, Michigan voters approved "Proposal 1" by a margin of 56 percent to 44 percent to legalize, regulate, and tax marijuana in the state. In 2018, Vermont became the first state to legalize marijuana for adult use through the legislative process (rather than a ballot initiative.) Vermont's law went into effect July 1, 2018. Although voters in Maine approved adult use marijuana in 2016, the legislature approved a moratorium on implementing the retail sales and taxation portion of the law until at least February 2018. In 2017, the legislature passed a measure to facilitate a regulated marketplace in the state for adult use marijuana, but the measure was vetoed by Governor Paul LePage. The legislature introduced the package once again in 2018. The governor once again vetoed but the legislature overrode the veto and House Bill 1199 became law on May 2, 2018. Twenty-two states and the District of Columbia have decriminalized small amounts of marijuana. This generally means certain small, personal-consumption amounts are a civil or local infraction, not a state crime (or are a lowest misdemeanor with no possibility of jail time). Since 2013, five state legislatures have enacted marijuana decriminalization – Delaware (2015), Illinois (2016), Maryland (2014), Missouri (2014), and Vermont (2013). Also, in 2014 and preceding the successful legalization ballot measure, the District of Columbia enacted legislation, which passed congressional review, and made possession or transfer without remuneration of one ounce or less of marijuana a civil violation.

B. When the legalization of cannabis for personal consumption was introduced to the international community in 1972 Nixon, at the behest of his Schaffer Commission on Drug Policy, recommended that marijuana be legalized for personal use as the "cure" of prison is far worse than the "ill" of marijuana consumption. Congress however did not ratify the bill. Carter likewise attempted to legalize for personal use up to 1 ounce of marijuana, and failed. The Dutch Commission, addressing the same issue in the 1970's was successful and began permitting the sale of small quantities of marijuana for personal use at coffee shops. California was the first state, in 1996, to pass a medical marijuana initiative with 55.6% to 44.4% of the vote. In Washington DC Medical Marijuana was legalized as Initiative 59 and passed with 69% in favor and 31% opposed in November 1998. Alaska Measure 8 passed 57.75% to 43.25% in 1998 legalizing marijuana for use and up to 6 plants of cultivation with a recommendation from a doctor and a receipt proving that the recommendation had been sent with ID to the Alaska Department of Health and Social Services for a license. Washington State Initiative 698 passed 58.76% to 41.34% in 1998. Oregon Measure 67 passed 54% to 46% in 1998 by 1999 over 200 people had paid $150 to get a permit. Arizona Proposition 300 failed 43% to 57% successfully ruling that Arizona doctors did not need to adhere to federal standards to prescribe Schedule I narcotics and hallucinogens. 61% to 39% of the voters in Maine said yes to Question 2 legalizing Medical Marijuana in November 1999 making Maine 8th state to do so. On Nov. 2, 2005 Denver, Colorado a measure passed with 54% of the vote, with 46% of voters opposing the legalized possession of up to an ounce of marijuana. Led by the Nevadans for Responsible Law Enforcement, Nevada, where the medical marijuana initiatives passed with 59% of the vote in 1998 and 65% of the vote in 2000, proposed to the public this 2002 in ballot initiative 9 to totally eliminate all fines for the possession of less than 3 ounces of marijuana the initiative lost 39% to 60.7% although subsequent petitions to decriminalize marijuana have met with discrimination, the number of medical marijuana states grew to 17 states and Washington D.C. by 2010. In 2012 Washington and Colorado legalized marijuana for commercial cultivation.

1. Many European nations are following the Dutch legalization model at the beginning of the 21st century. The United Kingdom consented to reduce Marijuana from a Class B drug to a Class C drugs that would be permissible to be smoked on the streets; the proposal to downgrade cocaine, heroin and ecstasy to a Class B drug, eliminating prison time, was however rejected. January 23, 2001 the Belgian Parliament followed the example of their neighbor the Netherlands and legalized the possession and personal use of cannabis by amending a 1921 law prohibiting its use, although the law permits personal use and cultivation it does not permit the sale of cannabis in coffee shops like the Netherlands. On July 1, 2001 Portugal voted to legalize all drugs by removing them from criminal penal proceedings to administrative confiscation and fines. Although many European nations continue to prohibit cannabis and other psychotropic substances the European Commission on Consumer Policy has been advocating for the legalization of all drugs to reduce crime and the burden of prison since 1996.

C. Whereas there are no recorded fatalities directly as the result of the consumption or abuse of Marijuana the estimated 50 to 100 million global consumers of the drug require that any discussion of marijuana should begin with the fact that there have been numerous official reports and studies, every one of which has concluded that marijuana

poses no great risk to society and should not be criminalized. Most experts agree that occasional or moderate use of marijuana is innocuous, they also agree that excessive use can be harmful. Research shows that the two major risks of excessive marijuana use are: (1) respiratory disease due to smoking and (2) accidental injuries due to impairment. There have been numerous official reports and studies, every one of which has concluded that marijuana poses no great risk to society and should not be criminalized. Most experts agree that occasional or moderate use of marijuana is innocuous, they also agree that excessive use can be harmful. Research shows that the two major risks of excessive marijuana use are: respiratory disease due to smoking and accidental injuries due to impairment. Marijuana has no known fatalities and is reported as successful in relieving symptoms of addiction, anxiety, tension, stress and depression, attention deficit hyperactivity disorder (ADHD), HIV/AIDS, post-traumatic stress syndrome (PTSD), insomnia, migraine, movement disorders, multiple sclerosis, digestive problems, inflammation, nausea and vomiting, cancer treatment side-effects, non-severe pain, spasms and convulsions, psoriasis and arthritis.

1. Marijuana produces a moderate, dose-related decrement in road tracking ability, but is "not profoundly impairing" and "in no way unusual compared to many medicinal drugs." Marijuana's effects at the higher doses preferred by smokers never exceed those of alcohol at blood concentrations of .08%, the minimum level for legal intoxication in stricter states such as California. The study found that unlike alcohol, which encourages risky driving, marijuana appears to produce greater caution. Two major new studies by the National Highway Transportation Safety Administration have confirmed marijuana's relative safety compared to alcohol. The first, the most comprehensive drug accident study to date, surveyed blood samples from 1882 drivers killed in car, truck and motorcycle accidents in seven states during 1990-91. Alcohol was found in 51.5% of specimens, as against 17.8% for all other drugs combined. Marijuana, the second most common drug, appeared in just 6.7%. Two-thirds of the marijuana-using drivers also had alcohol. The report concluded that alcohol was by far the dominant drug-related problem in accidents. In 2000, marijuana was the primary drug of abuse in about 15% (236,638) of all admissions to treatment facilities in the United States. Marijuana admissions were primarily male (76%), White (57%), and young (46% under 20 years old). Those in treatment for primary marijuana use had begun use at an early age; 56 percent had used it by age 14 and 92% had used it by 18. It is not clear if the admission was voluntary or ordered by the court. Psychological addiction can cause insomnia and other people become completely psychotic from one hit from a puff of smoke. There has however not been a single reported fatality as the result of marijuana overdose.

D. National Organization for the Reform of Marijuana Laws NORML Principles of Responsible Cannabis Use state, when marijuana is enjoyed responsibly, subjecting users to harsh criminal and civil penalties provides no public benefit and causes terrible injustices. For reasons of public safety, public health, economics and justice, the prohibition laws should be repealed to the extent that they criminalize responsible marijuana use. Five principles follow as summarized. First, adults only, cannabis consumption is for adults only. It is irresponsible to provide cannabis to children. Second, no driving, the responsible cannabis consumer does not operate a motor vehicle or other dangerous machinery while impaired by cannabis, nor (like other responsible citizens)

while impaired by any other substance or condition, including some medicines and fatigue. Third, set and setting, the responsible cannabis user will carefully consider his/her set and setting, regulating use accordingly. Fourth, resist abuse, use of cannabis, to the extent that it impairs health, personal development or achievement, is abuse, to be resisted by responsible cannabis users. Fifth, respect rights of others, the responsible cannabis user does not violate the rights of others, observes accepted standards of courtesy and public propriety, and respects the preferences of those who wish to avoid cannabis entirely.

1. The Attorney General and/or Secretary General of the United Nations may by rule to remove marijuana from the schedules if he finds that the drug or other substance does not meet the requirements for inclusion in any schedule under 21USC§811(A)(2). The substantive legal issue is that marijuana is a Schedule I narcotic although it is a popular recreational drug with no fatalities and mild psychological dependence and although it is harmless since mandatory minimum sentencing began in the 1980s more than half of the inmates in federal penitentiaries are detained on federal drug charges and 60% of those for marijuana. If marijuana were compared to alcohol and tobacco marijuana would be listed as a Schedule III drug due to its acceptable medical uses and psychological addictive quality compared to Schedule II for alcohol and tobacco due to the serious risks of intoxication and addiction. Whereas alcohol and tobacco should not be subjected to abuse, it is necessary for the Attorney General and Secretary General of the United Nations to remove marijuana from the psychotropic drug Schedule entirely.

§263C Elimination of Mandatory Minimum Sentencing

A. The $17 million US Sentencing Commission must be abolished pursuant to *Blakely v. Washington* (2004) because statute sets the maximums sentence a person can serve for being convicted of such a crime and it continues to be abused in mistrials. In the early 1980's, with crime rates at near record highs, Members of Congress from both political parties, working together, reformed Federal sentencing policy to replace a broken and weak system of indeterminate sentencing with a strong and honest determinate sentencing system that would more effectively fight crime and address inequities in sentences. The Sentencing Reform Act of 1984 brought about comprehensive reform. It created the United States Sentencing Commission, and in turn, the Federal Sentencing Guidelines. The fundamental principles underlying the act and the guidelines were: consistency, fairness and accountability in sentencing. Defendants who commit similar crimes and have similar criminal records are to receive similar sentences. The 1984 Act was a bi-partisan measure designed "to provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted disparities among defendants with similar records who have been found guilty of similar criminal conduct." The result of mandatory minimum sentencing was exactly the opposite. As the result of overturning centuries of jurisprudence regarding the legislative maximum sentence, disparities between the United States and the people of other countries grew immensely.

B. The ABA Justice Kennedy Commission reports the United States incarcerates more people than any other nation. Incarceration rates in state and federal prisons rose from 216,000 in 1974 to 1,355,748 in 2002. Between 1980 and 2002 the correction population

has skyrocketed. In 1980 1,118,097 were on probation, 183,988 were in jail, 319,598 were in prison, 220,438 were on parole for a total correctional population of 1,842,100. In 2002 2,995,165 were on probation, 665,475 were in jail, 1,367,856 were in prison, 753,141 were on parole for a total correctional population of 6,732,400. The growth in total correctional population between 1980 and 2002 is 365%. BJS attributes 50% of the increase in prison population to a 340% increase in violent offence from 173,300 in 1980 to 589,100 in 2000. The incarceration of drug offenders increased 1,322% from 19,000 in 1980 to 251,100 in 2000 and is attributed with more than half of the federal inmates and 27% of state inmates.

1. The Bureau of Justice Statistics US Correctional Trend Tables indicates that the US prison population has steadily risen over 443% since 1980 when the prison population was 503,586 (220 per 100,000); 1985 744,208 (314 per 100,000); 1990 1,148,702 (441 per 100,000); 1992 1,295,150 (505 per 100,000)**;** 1995 1,585,586 (600 per 100,000)**;** 1998 1,816,931 (669 per 100,000)**;** 2001 1,961,247 (685 per 100,000)**;** to 2004 with a prisoner population around 2,085,620 (707 per 100,000). The US now has the both densest detainee ratio of any country in the world and has the largest prison population in the world, larger even than China. Only the Soviet gulag and Hitler's concentration camps have detained more people. It can be assumed, in almost any case, that the US has the highest rates of false arrest and excessive sentencing. It is strange that in less than 25 years the US could go from model judiciary to most corrupt in the world. Mandatory minimum sentencing is to blame for the increase in incarceration. In legal systems the statute provides the maximum sentence.

C. Chief Justice William Rehnquist (1974-2005) left a free will in *Blakely v. Washington* No. 02-1632 of June 24, 2004 that states, "legislative and litigate practice Criminal sentences must be adjusted downward rather upward, mandatory minimum schemes eliminated and acquittals the norm for most crimes where there are significant mitigating factors". The *Blakely* decision was supported by *USA v. Booker J. & Fanfan* No. 04-104-105 (2005) for the 350,000 substance abuse offenders detained in US detention centers under mandatory minimum sentencing regimes of judges and the overruled Sentencing Commission. *Cunningham v. California*, No. 05-6551 of January 22, 2007 held that the sentence-elevating fact finding within the judge's province, violates a defendant's right to trial by jury safeguarded by the Sixth and Fourteenth Amendments. Under the Sixth Amendment, any fact (other than a prior conviction) that exposes a defendant to a sentence in excess of the relevant statutory maximum must be found by a jury, not a judge, and established beyond a reasonable doubt, not merely by a preponderance of the evidence.

1. The Judiciary Committee recognized the significance of these cases and on March 16, 2006 the Subcommittee on Crime, Terrorism and Homeland Security of the House Judiciary Committee released, United States v. Booker: One Year Later – Chaos or Status Quo No. 109-121. Given the fact that the *Booker* decision eliminated mandatory application of guidelines and required the courts to consider a broader array of factors, including the guidelines, it's amazing that there is not a more pronounced difference in sentencing when compared to pre-*Booker* sentencing. With over 69,000 cases in 94 districts during a time implementing the new sentencing regimen, judges sentenced

within the guidelines 85 percent of the time. Some have suggested that there has been little change in Federal sentencing practices because the average length of Federal sentences has remained nearly constant at 56 to 58 months. After passage of the PROTECT Act in 2003, there was an increase in the percentage of sentences imposed within the ranges set forth by the Federal Sentencing Guidelines from 65% in fiscal year 2002 to 72.2% in fiscal year 2004. However, in the year since *Booker* was decided, we have seen a 10% decline in the number of sentences within the guideline range. This is a significant increase in downward departures. Indeed, nearly 8,200 defendants benefited from downward departures not endorsed by the Government in the period since *Booker* was decided. The Sentencing Commission's report on post-*Booker* sentences indicates that a third of the defendants, approximately 2,700, who have received a downward departure not endorsed by the Government had their sentences reduced by 40% or more below the low end of the applicable guideline range. This is the bottom line average total of sentences that have been imposed over the last several years, and the bottom line is that last year judges imposed average sentences of 58 months as compared to 57 months in the year before *Booker*. This same pattern occurs across the most significant categories of Federal offense, drug trafficking, firearms, theft and fraud, all saw increases in average sentence length in 2006. Congress presented the President with a reduction in sentencing for drug offenses at year-end 2018 to begin to redress the 50% false imprisonment rate of federal judges due to discriminatory sentencing of non-violent drug offenders believed to be innocent, non-taxpayers due SSI if it is determined by the Court to be necessary to shut down their drug business because of the threat of adulteration and misbranding under Sec. 301 of the Food, Drug and Cosmetic Act 21USC331 and Sec. 1611 of Title XVI of the Social Security Act 42USC§1382.

D. The guiding principles of sentencing, that the planned hearing treats upon are intended to show the spirit in which penal institutions and sentences should be administered and the purposes at which they should aim to assure the meeting of the judicial purposes of sentencing as set forth in 18USC§3553(a) 1. Reduce legislative sentencing through appellate case study, 2. Provide certainty and fairness in meeting the purposes of sentencing, 3. Avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct
4. Maintaining sufficient flexibility to permit individualized sentences when warranted by a rehabilitative treatment not taken into account in the establishment of general sentencing practices; 5. Reflect, to the full extent practicable, the advancement of knowledge of human behavior as it relates to the criminal justice process; and
6. Develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing. 7. Further study will need to be done on the length of time offenders should live in community correctional facilities, or be released to the community on probation or parole under 18USC§3563.

§263D Abolition of the Death Penalty

A. The death penalty was abolished by the Supreme Court of the United States in *Furman v. Georgia* 408 U.S. 238 (1972) when it was ruled that the then existing laws governing the use of capital punishment in the USA were unconstitutional. This decision

however failed to sway the legislature and the deviant practice was begun again in 1976 and must again be abolished. The number of prisoners on death row has dramatically increased since the death penalty was reinstated in 1978 from 134 to 3,593 in 2001 when 71 people were executed. In 2003 65 inmates were executed, 6 fewer than in 2002. At yearend 2003, 37 States and the Federal prison system held 3,374 prisoners under sentence of death, 188 fewer than at yearend 2002. Of those under sentence of death, 56% were white 42% were black, and 2% were of other races. Forty-seven women were under sentence of death in 2003, up from 38 in 1993. The federal government has executed three prisoners between 1976 and 2016.

Executions in the United States by State 1976-2016

State	Total Executions	Executions in 2016	Executions in 2015
United States	1437	15	28
Texas	537	6	13
Oklahoma	112		1
Virginia	111		1
Florida	92	1	2
Missouri	87	1	6
Georgia	66	6	5
Alabama	57	1	
Ohio	53		
North Carolina	43		
South Carolina	43		
Arizona	37		
Louisiana	28		
Arkansas	27		
Mississippi	21		
Indiana	20		
Delaware	16		
California	13		
Illinois	12		
Nevada	12		
Utah	7		
Tennessee	6		
Maryland	5		
Washington	5		
Nebraska	3		
Montana	3		
Pennsylvania	3		
U. S. Federal Gov't	3		
Kentucky	3		
Idaho	3		
South Dakota	3		
Oregon	2		
Connecticut	1		

New Mexico	1		
Colorado	1		
Wyoming	1		

Source: Death Penalty Information Center July 31, 2016

B. There is a worldwide trend toward ending the death penalty; during 2004, five countries – Bhutan, Greece, Samoa, Senegal and Turkey abolished it for all crimes. Several countries while retaining the death penalty in law, observed moratoria on executions, including Tajikstan, Kyrgystan, Malawi and South Korea. Ryan Matthews, who in 2004 became the 115th prisoner in the US released from death row on the grounds of innocence since 1973. His death sentence was overturned in April 2004 after an appeals judge found that the prosecution had suppressed evidence at the trial and also on the basis of DNA evidence that pointed to another person as the murderer. The Associated Press in London reported on 14 April that China accounted for the majority of executions reported worldwide last year. The true frequency of the death penalty is however impossible to track because many of the sentences are carried out secretly. During 2004, more than 3,797 people were executed in 25 countries, including at least 3,400 in China. Additionally, more than 7,000 people were sentenced to death in 64 countries. Iran has the second highest number of executions, at least 159, followed by Vietnam with 64. The United States ranked fourth on the list with 59.

C. Amnesty "Facts and Figures on the Death Penalty" reports only seven countries since 1990 are known to have executed prisoners who were under 18 years old at the time of the crime - Congo (Democratic Republic), Iran, Nigeria, Pakistan, Saudi Arabia, USA and Yemen. The country which carried out the greatest number of known executions of child offenders was the USA (15 since 1990). In adoption of Art. 6(5) of the International Covenant on Civil and Political Rights of 16 December 1966 the executions of juvenile offenders were abolished in *Roper v. Simmons* No. 03-633 Argued October 13, 2004--Decided March 1, 2005. *Sanchez-Lammas v. Oregon* (2006) reported the executions of prisoners who the International Court of Justice had protected by name in *Avena and other Mexican National v. USA* Judgment No. 128 on March 31, 2004 after the execution of *Lagrand Brothers v. USA* Judgment No. 104 on June 27, 2001.

a. Art. 6 of the International Covenant on Civil and Political Rights 16 December 1966 states. 1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. 2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide 260 A (III) of 9 December 1948. This penalty can only be carried out pursuant to a final judgment rendered by a competent court. 3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. 4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases. 5.

Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women. 6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

D. The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty of 15 December 1989 *That States Parties to the present Protocol,* Believing that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights, Recalling article 3 of the Universal Declaration of Human Rights, adopted on 10 December 1948, and article 6 of the International Covenant on Civil and Political Rights, adopted on 16 December 1966. Noting that article 6 of the International Covenant on Civil and Political Rights refers to abolition of the death penalty in terms that strongly suggest that abolition is desirable, Convinced that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life, Desirous to undertake hereby an international commitment to abolish the death penalty, Have agreed as follows: *Article 1* 1. No one within the jurisdiction of a State Party to the present Protocol shall be executed. 2. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

§263E Right to Vote

A. The Human Rights Watch Sentencing Project Summary of Losing the Rights to Vote: *The Impact of Felony Disenfranchisement in the United States* reports, the expansion of suffrage to all sectors of the population is one of the United States' most important political triumphs. Once the privilege of wealthy white men, the vote is now a basic right held as well by the poor and working classes, racial minorities, women and young adults. Four states (Maine, Massachusetts, Utah, Vermont) do not disenfranchise convicted felons. In 2007 forty-six states and the District of Columbia, criminal disenfranchisement laws deny the vote to all convicted adults in prison. Thirty-two states also disenfranchise felons on parole; twenty-nine disenfranchise those on probation. And, due to laws that may be unique in the world, in fourteen states even ex-offenders who have fully served their sentences remain barred for life from voting.

1. Disenfranchisement in the U.S. is a heritage from ancient Greek and Roman traditions carried into Europe. In medieval Europe, "infamous" offenders suffered "civil death" which entailed "the deprivation of all rights, confiscation of property, exposure to injury and even to death, since the outlaw could be killed with impunity by anyone." In England, civil disabilities intended to debase offenders and cut them off from the community were accomplished via bills of attainder: a person attained after conviction for a felony was subject to forfeiture of property, stripped of the ability to inherit or bequeath property and considered civilly dead—unable to bring suit or perform any other legal function. English colonists brought these concepts with them to North America. With independence, the newly formed states rejected some of the civil disabilities inherited from Europe; criminal disenfranchisement was among those retained. In the mid-nineteenth century, nineteen of the thirty-four existing states excluded serious offenders from the franchise. Convicted felons were not the only people excluded from

the vote. Suffrage was extremely limited in the new country: women, African Americans, illiterates, and people without property were also among those unable to vote.

2. The exclusion of convicted felons from the vote took on new significance after the Civil War and passage of the Fifteenth Amendment to the U.S. Constitution, which gave blacks the right to vote. Southern opposition to black suffrage led to the decision to use numerous ostensibly race-neutral voting barriers—e.g., literacy and property tests, poll taxes, grandfather clauses and criminal disenfranchisement provisions—with the explicit intent of keeping as many blacks as possible from being able to vote. Although laws excluding criminals from the vote had existed in the South previously, "between 1890 and 1910, many Southern states tailored their criminal disenfranchisement laws, along with other voting qualifications, to increase the effect of these laws on black citizens." Crimes that triggered disenfranchisement were written to include crimes blacks supposedly committed more frequently than whites and to exclude crimes whites were believed to commit more frequently. For example, in South Carolina, "among the disqualifying crimes were those to which [the Negro] was especially prone: thievery, adultery, arson, wife-beating, housebreaking, and attempted rape. Such crimes as murder and fighting, to which the white man was as disposed as the Negro, were significantly omitted from the list." In 1901 Alabama lawmakers—who openly stated that their goal was to establish white supremacy—included a provision in the state constitution that made conviction of crimes of "moral turpitude" the basis for disenfranchisement.

B. An estimated 3.9 million Americans, or one in fifty adults, have currently or permanently lost the ability to vote because of a felony conviction. 1.4 million persons disenfranchised for a felony conviction are ex-offenders who have completed their criminal sentence. Another 1.4 million of the disenfranchised are on probation or parole. 1.4 million African American men, or 13 percent of the black adult male population, are disenfranchised, reflecting a rate of disenfranchisement that is seven times the national average. More than one-third (36 percent) of the total disenfranchised population are black men. Ten states disenfranchise more than one in five adult black men; in seven of these states, one in four black men is *permanently* disenfranchised. Given current rates of incarceration, three in ten of the next generation of black men will be disenfranchised at some point in their lifetime. In states with the most restrictive voting laws, 40 percent of African American men are likely to be *permanently* disenfranchised.

Categories of Felons Disenfranchised under State Voting Law 2007

State	Prison	Probation	Parole	Ex-felons
Alabama	X	X	X	X
Alaska	X	X	X	
Arizona	X	X	X	X (2nd felony)
Arkansas	X	X	X	
California	X		X	
Colorado	X		X	
Connecticut	X	X	X	

Delaware	X	X	X	X
District of Columbia	X			
Florida	X	X	X	X
Georgia	X	X	X	
Hawaii	X			
Idaho	X			
Illinois	X			
Indiana	X			
Iowa	X	X	X	X
Kansas	X			
Kentucky	X	X	X	X
Louisiana	X			
Maine				
Maryland	X	X	X	X (2nd felony)
Massachusetts				
Michigan	X			
Minnesota	X	X	X	
Mississippi	X	X	X	X
Missouri	X	X	X	
Montana	X			
Nebraska	X	X	X	
Nevada	X	X	X	X
New Hampshire	X			
New Jersey	X	X	X	
New Mexico	X	X	X	X
New York	X		X	
North Carolina	X	X	X	
North Dakota	X			
Ohio	X			
Oklahoma	X	X	X	
Oregon	X			
Pennsylvania	X			
Rhode Island	X	X	X	
South Carolina	X	X	X	
South Dakota	X			
Tennessee	X	X	X	X (pre-1986)
Texas	X	X	X	X (2years)
Utah				
Vermont				

Virginia	X	X	X	X
Washington	X	X	X	X (pre- 1984)
West Virginia	X	X	X	
Wisconsin	X	X	X	
Wyoming	X	X	X	X
U.S. Total	**47**	**29**	**32**	**15**

Source: Human Rights Watch 2007

1. Most remarkably, in fourteen states, ex-offenders who have fully served their sentences nonetheless remain disenfranchised. Ten of these states disenfranchise ex-felons for life: Alabama, Delaware, Florida, Iowa, Kentucky, Mississippi, Nevada, New Mexico, Virginia, and Wyoming. Arizona and Maryland disenfranchise permanently those convicted of a second felony; and Tennessee and Washington disenfranchise permanently those convicted prior to 1986 and 1984, respectively. In addition, in Texas, a convicted felon's right to vote is not restored until two years after discharge from prison, probation or parole.

C. Disenfranchisement of ex-felons is imposed even if the offender was convicted of a relatively minor crime or even if the felon was never incarcerated. For example, Abran Ramirez was denied the ability to vote for life in California because of a twenty-year old robbery conviction, even though he had served only three months in jail and had successfully completed ten years of parole. Sanford McLaughlin was disenfranchised for life in Mississippi because he pled guilty to the misdemeanor of passing a bad $150 check. *Richardson v. Ramirez*, 418 U.S. 24 (1974). Federal Judge Henry Wingate aptly described the political fate of the disenfranchised: The disenfranchised is severed from the body politic and condemned to the lowest form of citizenship, where voiceless at the ballot box...the disinherited must sit idly by while others elect his civil leaders and while others choose the fiscal and governmental policies which will govern him and his family.

1. In theory, ex-offenders can regain the right to vote. In practice, this possibility is usually illusory. In eight states, a pardon or order from the governor is required; in two states, the ex-felons must obtain action by the parole or pardons board. Released ex-felons are not routinely informed about the steps necessary to regain the vote and often believe—incorrectly—that they can never vote again. Moreover, even if they seek to have the vote restored, few have the financial and political resources needed to succeed. In Virginia, for example, there are 200,000 ex-convicts, and only 404 had their vote restored in 1996 and 1997. In Mississippi, an ex-convict who wants to vote must either secure an executive order from the governor or get a state legislator to introduce a bill on his behalf, convince two-thirds of the legislators in each house to vote for it, and have it signed by the governor.

2. Most state disenfranchisement laws provide that conviction of any felony or crime that is punishable with imprisonment is a basis for losing the right to vote. The crime need not have any connection to electoral processes, nor need it be classified as notably serious. Shoplifting or possession of a modest amount of marijuana could suffice.

Criminal disenfranchisement can follow conviction of either a state or federal felony. According to the Department of Justice, however, "not all states have paid consistent attention to the place of federal offenders in the state's scheme for loss and restoration of civil rights. While some state statutes expressly address federal offenses..., many do not. The disabilities imposed upon felons under state law generally are assumed to apply with the same force whether the conviction is a state or federal one." In at least sixteen states, federal offenders cannot use the state procedure for restoring their civil rights. The only method provided by federal law for restoring voting rights to ex-offenders is a presidential pardon.

3. Within the federal structure of the U.S. it may be appropriate that each state determine voting qualifications for local and state offices. But state voting laws also govern eligibility to vote in federal elections. Exercise of the right to vote for national representatives is thus subject to the arbitrary accidents of geography. In Massachusetts, a convicted burglar may vote in national elections while he is in prison, while in Indiana he cannot. A person convicted of theft in New Jersey automatically regains the right to vote after release from prison, while in New Mexico such an offender is denied the vote for the rest of her life unless she can secure a pardon from the governor. In some states an offender who commits a felony and receives probation can vote, while in other states an offender guilty of the same crime who receives probation cannot.

4. The XV Amendment to the US Constitution is very clear, Section 1: the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on Account of race, color or previous condition of servitude. It is high time that Congress exercised their power to enforce this article by passing appropriate legislation. It is not fair that the people who are victimized by incarceration under the statutes are then deprived of their right to vote. This is a serious breech of the first amendment freedom to sue the government for a redress of grievances. Depriving convicted felons of their right to vote is that voting is an activity protected by up to a year in prison under 18USC§245. Felons represent such a small segment of the voting public that it is unlikely that they would sway voting in any area that is not slaving. On the other hand politicians commit a laundry list of felonies every day, especially if involved in law enforcement and no one knows this better than the people who have been labeled felons. The issue that the United States does not seem to understand that the ballot is drafted legally to permit the public to choose between two or more innocent options. It is the politicians and issues that must be censored not the people. Under the XV Amendment the federal legislature must pass legislation to restore people their right to vote irregardless of their condition of servitude.

§263F Extraditions and Deportations

A. Customs agents welcome a total of 500 million people, 330 million of whom are foreigners, into the US every year. More people enter the United States as tourists, scientists, scholars, immigrants and businessmen every year, than the 310 million total population of the United States. It is estimated that US households and firms have roughly $6 trillion invested abroad. 730 million people travel on commercial aircraft each year and that there are now more than 700 million pieces of baggage being screened for

explosives each year. USCIS processes 6 million immigration benefit applications annually, only 51% are approved. The number of legal immigrants in 2004 is estimated to be 946,000 persons. For 2004, net legal immigration (after considering emigration) is estimated to be about 710,000 persons. The number of illegal entrants into the United States through the Southwest border is estimated to exceed one million people a year. There an estimated 12 million illegal aliens residing in the USA. Hundreds of people die crossing the international border with Mexico every year. Illegal narcotic smuggling along the Southwest border of the United States is both dangerous and prolific. Globally there are estimated to be between 100 and 200 million people without proper documents, many were not given papers at birth and others fail to document their international migration. As the result of better economic opportunities abroad caused by the economic recession and enhanced enforcement for the first time in history there has been a net decline of around 10,000 illegal immigrants annually since 2009.

Migration Estimates 2001-2017
(thousands)

Year	LPR in	LPR out	Adjustment of status	Net legal	Other-in	Other out	Adjustments of status	Net other	Total net immigration
2001	517	265	542	794	1,322	122	542	658	1,453
2002	483	243	487	728	1,259	112	487	660	1,388
2003	414	192	354	575	1,139	123	354	662	1,237
2004	466	250	533	749	1,304	108	533	662	1,411
2005	561	290	597	869	1,791	52	597	1,141	2,010
2006	639	303	573	910	1,450	76	573	801	1,710
2007	584	267	482	800	883	328	482	72	872
2008	635	278	478	835	672	948	478	-754	81
2009	633	277	475	832	752	170	475	106	938
2010	622	262	426	786	678	199	426	53	838
2011	647	264	408	791	606	263	408	-66	725
2012	621	255	401	766	776	131	401	244	1,011
2013	589	249	409	748	939	184	409	346	1,094
2014	627	256	398	769	1,073	364	398	311	1,080
2015	689	271	395	813	1,082	324	395	364	1,177
2016	776	296	408	888	1,450	192	408	849	1,737
2017	700	288	450	863	1,450	231	450	769	1,632

Source: 2018 Annual Report of the Board of Trustees of the Federal Old Age Survivor Insurance Trust Fund and Federal Disability Insurance Trust Fund. 2018. LPR – legal permanent resident.

1. Demographers express a wide range of views about the future course of immigration for the United States. Some believe that net immigration will increase substantially in the future. Others believe that potential immigrants may be increasingly attracted to other countries, that the number of potential immigrants may be lower due to lower birth rates in many countries, or that changes in the law or enforcement of the law will reduce immigration. Legal immigration is estimated by adding lawful permanent residents (LPR) in and adjustment of status. Adjustment of status adds to LPR in and subtracts from the Other than LPR in. Lawful permanent resident (LPR) immigration are persons who enter the Social Security area and are granted LPR status, or who are already in the Social Security area and adjust their status to become LPRs. Legal emigration: LPRs and citizens who leave the Social Security area population. Other-than-LPR immigration: Persons who enter the Social Security area and stay to the end of the year without being granted LPR status, such as undocumented immigrants, foreign workers and students entering with temporary or tourist visas. Other-than-LPR emigration are other-than-LPR immigrants who leave the Social Security area population. Net LPR immigration is the difference between LPR immigration and legal emigration. Net other-than-LPR immigration is the difference between other- than-LPR immigration and other-than-LPR emigration. Total net immigration refers to the sum of net LPR immigration and net other-than-LPR immigration.

B. Everyone born in the United States of foreign parents is entitled to be naturalized a US citizenship at birth under the Convention on the Reduction of Statelessness (1961) and section one of the Fourteenth Amendment to the United States Constitution. Common Articles 26-29 to the Convention Relating to the Status of Refugees of 1951 and the Convention Relating to the Status of Stateless Persons of 1954 protect refugees and stateless people against discrimination, provide for the freedom of movement and require States to provide them with identity papers and travel documents at the same price as nationals. A refugee is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. A stateless person is someone who is not considered as a national by any state under the operation of its law. Under Art. 27 every Contracting Party shall issue identity papers to any refugee or stateless person in their territory who does not possess a valid travel document. Under Art. 29 no refugee duties, charges, or taxes, of any description, other or higher than are or may be levied on their nationals in similar situations shall be imposed, in particular in the issuance of identity documents. The Convention Relating to the Status of Stateless Persons of 1954 that entered into force in 1960 Annex Paragraph 1 provides 1. The travel document referred to in article 28 of this Convention shall indicate that the holder is a stateless person under the terms of the Convention of 28 September 1954. The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports. Not more than $10 under Art. 1 Sec. 9 Cl. 1 of the US Constitution.

1. The Constitution gave to Congress the power in Article I Section 8 Clause 4 'To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States'. Article I Section 9 Clause 1 appraises, 'The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person'. The Equal Protection section of the 14th Amendment to the U.S. Constitution that states, 'All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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 law; nor deny to any person within its jurisdiction the equal protection of the laws'. Whereas the Constitution is the supreme law, the primary finding is that the bipartisan dispute on immigration is settled by a tax on migration that does not exceed $10 under Art. 1 Sec. 9 Clause 1. The work visa is obsolete due to vulnerability to discrimination by the Department of Homeland Security under 8USC§1202. To help restore normal 8% average annual individual income growth, Customs must cease withholding of income tax on the wages of non-resident aliens under 26USC§1441. All immigrants to the United States, should be issued social security numbers, referenced to country of origin, to legally work and pay taxes, with an immigrant visa under 8USC§1153.

2. Non-immigrant visas under 8USC§1184 are issued without delay at the border, immigrant visas on the other hand are processed within 30 days of filing, and should be completed within 180 days, by US Citizenship and Immigration Service. Immigrant Visas may be issued in accordance with current quotas for foreign immigrants who have applied and meet the basic criteria of; 1. having completed at least a high school education; 2. having completed at least two years of work in a field that requires experience; 3. not attempting to flee a felony conviction in a foreign country. Expedited immigration visas are given to those people who are; 1. spouses or children of a person who has received an immigrant visa; 2. aliens with exceptional abilities in the arts, education, sciences or business that plan to continue to use their ability in the United States; a. with a tenured position with a university or equivalent research position; b. by continuing to serve an international corporation or legal entity in the USA: c. professionals willing to work in a location where there is determined to be a need for such professionals in the USA; a college diploma is not sufficient evidence; d. a person investing at least $1 million in a region in the USA with levels of unemployment over 150% of the national average of 5% under 8USC§1153. All immigrants should be given a unique social security number indicating their country of origin and enabling them to the legally work and pay taxes in the United States. The 30 to 180 day spell of unemployability caused by the delay in processing immigrant visas, can be avoided by filing for an immigrant visa in advance. Not more than $10 under Art. 1 Sec. 9 Cl. 1 of the US Constitution.

C. The United States has extradition treaties with more than 100 countries. Of the treaties most are dual criminality treaties with the remaining being list treaties. A list of countries with which the United States has an extradition treaty relationship can be found in the

Federal Criminal Code and Rules, following 18USC§3181, but this list may not be completely accurate. Generally under United States law, extradition may be granted only pursuant to a treaty under 18USC§3184. Some countries grant extradition without a treaty, but every such country requires an offer of reciprocity when extradition is accorded in the absence of a treaty. Further, the 1996 amendments to 18USC§3181 and §3184 permit the United States to extradite, without regard to the existence of a treaty, persons (other than citizens, nationals or permanent residents of the United States), who have committed crimes of violence against nationals of the United States in foreign countries. All extradition treaties in force require foreign requests for extradition to be submitted through diplomatic channels, usually from the country's embassy in Washington to the Department of State. Many treaties also require that requests for provisional arrest be submitted through diplomatic channels, although some permit provisional arrest requests to be sent directly to the Department of Justice.

1. The Department of State reviews foreign extradition demands to identify any potential foreign policy problems and to ensure that there is a treaty in force between the United States and the country making the request, that the crime or crimes are extraditable offenses, and that the supporting documents are properly certified in accordance with 18USC§3190. If the request is in proper order, an attorney in the State Department's Office of the Legal Adviser prepares a certificate attesting to the existence of the treaty, etc., and forwards it with the original request to the Justice Department's Office of International Affairs ("OIA").

2. Once the OIA receives a foreign extradition request, it reviews the request for sufficiency and forwards appropriate ones to the United States Attorney's Office for the judicial district in which the fugitive is located. The U.S. Attorney's office then obtains a warrant, and the fugitive is arrested and brought before the magistrate judge or the US district judge. The government opposes bond in extradition cases. Unless the fugitive waives his or her right to a hearing, the court will hold a hearing pursuant to 18USC§3184 to determine whether the fugitive is extraditable. If the court finds the fugitive to be extraditable, it enters an order of extraditability and certifies the record to the Secretary of State, who decides whether to surrender the fugitive to the requesting government. OIA notifies the foreign government and arranges for the transfer of the fugitive to the agents appointed by the requesting country to receive him or her. Although the order following the extradition hearing is not appealable (by either the fugitive or the government), the fugitive may petition for a writ of habeas corpus as soon as the order is issued. The district court's decision on the writ is subject to appeal, and the extradition may be stayed if the court so orders.

3. The Extradition of Fugitives Clause in the Constitution requires States, upon demand of another State, to deliver a fugitive from justice who has committed a "treason, felony or other crime" to the State from which the fugitive has fled. 18USC§3182 sets the process by which an executive of a state, district or territory of the United States must arrest and turn over a fugitive from another state, district, or territory. In order for a person to be extradited interstate, 18USC§3182 requires: An executive authority demand of the jurisdiction to which a person that is a fugitive from justice has fled. The requesting executive must produce a copy of an indictment found or an affidavit made

before a magistrate of any State or Territory, and such document must charge the fugitive demanded with having committed treason, felony, or other crime. Such document must be certified as authentic by the governor or chief magistrate of the state or territory whence the person so charged has fled. The executive receiving the request must then cause the fugitive to be arrested and secured, and notify the requesting executive authority or agent to receive the fugitive. An agent of the executive of the State demanding extradition must appear to receive the prisoner, which must occur within thirty days from time of arrest or the prisoner may be released. (Some states allow longer waiting periods of up to 90 days before release). Cases of kidnapping by a parent to another state would see automatic involvement by the US Marshals department.

4. In *Kentucky v. Dennison* (1860), the Supreme Court held that, although the governor of the asylum state had a constitutional duty to return a fugitive to the demanding state, the federal courts had no authority to enforce this duty. As a result, for more than 100 years, the governor of one state was deemed to have discretion on whether or not he/she would comply with another state's request for extradition. In *Puerto Rico v. Branstad* (1987) the Court overruled Dennison, and held that the governor of the asylum state has no discretion in performing his or her duty to extradite, whether that duty arises under the Extradition Clause of the Constitution or the Extradition Act under 18USC§3182, and that a federal court may enforce the governor's duty to return the fugitive to the demanding state. There are only four grounds upon which the Governor of the asylum state may deny another state's request for extradition: (1) the extradition documents facially are not in order; (2) the person has not been charged with a crime in the demanding state; (3) the person is not the person named in the extradition documents; or (4) the person is not a fugitive. There appears to be at least one additional exception: if the fugitive is under sentence in the asylum state, he need not be extradited until his punishment in the asylum state is completed.

E. Foreign prisoners have the right to the review of the appropriate consulates under Art. 36 of Vienna Convention on Consular Relations of 24 April 1963 No. 8638-8640 to facilitate the implementation of the system of consular protection beginning with the basic principle governing consular protection: a. the right of communication and access (Art. 36, para. 1 *(a)*). b. consular notification (Art. 36, para. 1 *(b)*). c. Finally Article 36, paragraph 1 *(c)*, sets out the measures consular officers may take in rendering consular assistance to their nationals in the custody of the receiving State. d. At the request of the detained person, the receiving State must inform the consular post of the sending State of the individual's detention "without delay". In the case of *Soering v. United Kingdom*, the European Court of Human Rights ruled that the United Kingdom was not permitted under its treaty obligations to extradite an individual to the United States, because the United States' federal government was constitutionally unable to offer binding assurances that the death penalty would not be sought in Virginia courts. Ultimately, the Commonwealth of Virginia itself had to offer assurances to the federal government, which passed those assurances on to the United Kingdom, which extradited the individual to the United States. Federal torture statute must be amended to comply with Arts. 2, 4 and 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 by repealing the phrase "outside the United States" from 18USC§2340A(a) and Exclusive Remedies at 18USC§2340B amended so: (1) The legal

system shall ensure that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, their dependents shall be entitled to compensation. (2) Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

1. On June 28, 2004, in *Hamdi v. Rumsfield* No. 03-6696 (2004) decision, the US Supreme Court issued a provisional release and repatriation order for prisoners of war detained by the United States after the official cessation of hostilities in citation of Art. 118 of the Third Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 that States, "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." a.The Guantanamo Bay Naval Base began serving as a military prison for foreign detainees taken into custody during military operations shortly after the military operations began in Afghanistan began with the signature of Executive Order 13224 on September 23, 2001. Detainees are held if considered of further intelligence value to the United States, if believed to pose a threat to the United States or if the individual is alleged to have committed offenses that could be tried by the military commission. 2. The Department of Defense guarantees that detainees have the right to a tribunal comprised of a judge advocate, the senior ranking officer and a neutral officer to permit prisoners in US custody to contest their combatant status. These tribunals should finish their cases and forward them to the nation of origin of the detainee for further trial, imprisonment and/or release. The first Act of the Obama administration was to order the tribunal closed in one year and to transfer cases to the civil system of justice. 3. In *Rasul v. Bush* No. 03-334 (2004) the Supreme Court held that detainees held at Guantanamo Naval base have a right to sue in the District Court to challenge the legality of their detention as enemy combatants and the law has served to permit civilian lawyers access to records and the opportunity to represent the detainees resulting in the release of nearly 200. There are specific requirements for release, two are of great importance: 1. The person released must renounce violence and; 2. The person released must have a judicial guarantor, or a prominent person in the community or a religious or tribal leader who will accept responsibility for the good conduct of the individual being set free or transferred to native custody.

F. In 2010 the Criminal Alien Program placed 239,523 detainers, made 219,477 arrests of which 123,457 were criminal aliens, and screened over 400,000 individuals. ICE also successfully removed 392,862 individuals, of which 195,772 were convicted criminal aliens. The number of convicted criminal alien removals increased by nearly 44 percent over FY 2009. A study of the National Immigration Forum, a Washington group, found (the U.S. government deported 197,000 immigrants with no criminal records in 2009 at a cost of $23,000 each, or $4.5 billion a year. An alien may also voluntarily leave at their own expense. The removal of criminal and other illegal aliens from the United States reached record levels. As a rule any alien who is convicted and subject to detention for an aggravated felony is deportable under 8USC§1226(c). Under §1231(a), when an alien is ordered removed, the alien shall be removed from the United States within a period of 90 days. All inadmissible or deportable aliens subject to proceedings under §1228 or §1225(b)(2)(A). Collective methods of deportations are unlawful under Art. 22 of the

International Convention on the Protection of All Migrant Workers and Their Families and unwarranted under the 4th Amendment to the US Constitution.

1. Asylum is a protection granted to foreign nationals already in the United States or at the border who meet the international law definition of a refugee. Every year people come to the United States seeking protection because they have suffered persecution or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group or political opinion. People who are eligible for asylum, their spouse and children, may be permitted to remain in the United States. Asylum requests have increased nearly 70% over the past year. Customs and Border Protection officers typically review 40 to 100 asylum requests a day, which significantly slows down the legal process of non-immigrant visas. To apply for Asylum, file a Form I-589, Application for Asylum and for Withholding of Removal, within one year of your arrival to the United States. There is no fee to apply for asylum. United States Citizenship and Immigration Service (USCIS) is a service due 3% annual outlay growth for ridding themselves of both the stigma of mental illness and enforcement functions of the Immigration and Naturalization Service (INS), like the Federal Emergency Management Administration (FEMA), while other DHS agencies receive only 2.5% annual growth. Being nothing more than an unlawful collective measure for expelling immigrants, Immigration and Customs Enforcement (ICE) has a credible fear of being abolished by judges angry about the unwarranted deportation of their defendants under Art. 22 of the International Convention on the Protection of All Migrant Workers and Their Families.

1. The Asylum policy of the United States is that refugees with a legitimate claim for relief from political persecution shall be; (i) granted sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible; (ii) provided with the opportunity to acquire sufficient English language training to enable them to become effectively resettled as quickly as possible; (iii) insured that cash assistance is made available to refugees in such a manner as not to discourage their economic self-sufficiency under 8USC§1158 and 8USC§1522. The Immigration and Nationality Act (INA) bars an alien from obtaining refugee status in this country if he "assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion" under 8USC§1101(a)(42). This so-called "persecutor bar" applies to those seeking asylum or withholding of removal, but does not disqualify an alien from receiving a temporary deferral of removal under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) pursuant to *Immigration and Naturalization Service v. Aguirre-Aguirre*, 526 U.S. 415 (1999) and *Negusie v. Holder*, 555 U.S. 511 (2009). The number of credible fear cases has skyrocketed since the procedure was implemented—in FY 2009, USCIS completed 5,523 cases. In Fiscal Year 2017, USCIS found 60,566 individuals to have a credible fear, out of 79,977 case completions. In FY 2016, the most recent year with available data, 20,455 individuals were granted asylum: 11,729 affirmatively and 8,726 defensively. Total annual asylum grants averaged 23,669 between FY 2007 and FY 2016.

Article 4 Departments of Correction

§264 Corrections

A. Wardens and guards uphold the Standard Minimum Rules for the Treatment of Prisoners (1977) for the public safety, and rule unlawfully obtained evidence inadmissible pursuant to Principle 27 of the Body of Principles for the Protection of All People under Detention (1988) for the Court. Correctional officers are responsible for overseeing individuals who have been arrested and are awaiting trial or who have been convicted of a crime and sentenced to serve time in a jail, reformatory, or penitentiary. They maintain security and inmate accountability to prevent disturbances, assaults, or escapes. Correctional officers maintain order within the institution, and enforce rules and regulations. To help ensure that inmates are orderly and obey rules, correctional officers monitor the activities and supervise the work assignments of inmates. Sometimes, it is necessary for officers to search inmates and their living quarters for contraband like weapons or drugs, settle disputes between inmates, and enforce discipline. Correctional officers periodically inspect the facilities, checking cells and other areas of the institution for unsanitary conditions, contraband, fire hazards, and evidence of infractions of rules. Most institutions require correctional officers to be at least 18 to 21 years of age and a U.S. citizen; have a high school education or its equivalent; demonstrate job stability, usually by accumulating two years of work experience; have no felony convictions and complete a 4-20 week corrections training academy. Promotion prospects and job retention may be enhanced through obtaining a postsecondary education. To improve performance it is necessary to raise the bar, so that a Bachelor degree would be required for corrections officers and convicts, alike, to prevent recidivism. Furthermore, to reduce law school graduate unemployment, it is advised that all law students be required to complete 4-20 week law enforcement and corrections academies as part of the three year law school curriculum, of which only first year constitutional law is useful.

1. The International Centre for Prison Studies was established in the School of Law, King's College, University of London, United Kingdom in April 1997. It was launched formally by the Right Hon Jack Straw, Home Secretary, in October 1997. In November 2014, the Centre merged with the Institute for Criminal Policy Research at Birkbeck, University of London. The Institute for Criminal Policy Research assists governments and other relevant agencies to develop appropriate policies on prisons and the use of imprisonment. It carries out its work on a project or consultancy basis for international agencies, governmental and non-governmental organizations. The aims: To develop a body of knowledge, based on international covenants and instruments, about the principles on which the use of imprisonment should be based, which can be used as a sound basis for policies on prison issues. To build up a resource network for the spread of best practice in prison management worldwide to which prison administrators can turn for practical advice on how to manage prison systems which are just, decent, humane and cost effective.

2. The Bureau of Justice Statistics (BJS) collects, analyzes, publishes, and disseminates statistical information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. BJS provides technical and financial support to state governments in developing capabilities in criminal justice statistics and improving their criminal history records and information systems. The Bureau of Justice

Statistics US Correctional Trend Tables indicates that the US prison population has steadily risen over 443% since 1980 when the prison population was a conservative 503,586 (220 per 100,000); 1985 744,208 (314 per 100,000); 1990 1,148,702 (441 per 100,000); 1992 1,295,150 (505 per 100,000)**;** 1995 1,585,586 (600 per 100,000)**;** 1998 1,816,931 (669 per 100,000); 2001 1,961,247 (685 per 100,000); to 2004 with a prisoner population around 2,085,620 (707 per 100,000).

B. Correctional officers held about 476,000 jobs in 2002. ¾ of the approximately 3,300 jails in the United States are operated by elected county sheriffs. About 3 of every 5 jobs were in State correctional institutions such as prisons, prison camps, and youth correctional facilities. About 16,000 jobs for correctional officers were in Federal correctional institutions, and about 16,000 jobs were in privately owned prisons. Training for correctional officers is based on guidelines established by the American Correctional Association and the American Jail Association. A post-conviction Bachelor degree is needed to prevent recidivism 100% of the time. The Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook, 2004-05 Edition*, Correctional Officers reports the median annual earnings of correctional officers and jailers were $32,670 in 2002. The middle 50% earned between $25,950 and $42,620. The lowest 10% earned less than $22,010, and the highest 10% earned more than $52,370. Median annual earnings in the public sector were $40,900 in the Federal Government, $33,260 in State government, and $31,380 in local government. Wages should be 25% higher in 2018, maybe $40,000 to $50,000.

1. The first and most important duty of guards, at all times, is to maintain a safe custody of the convicts. The federal government regulates the custody, care, subsistence, education, treatment, management and training of State prisoners by certifying facilities and personnel programs under 18USC§5003 that, 1. Guarantees suitable quarters for, and safekeeping, care, and subsistence of, all persons charged with or convicted of offenses against the United States or held as witnesses or otherwise. 2. Provides for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States. 3. Classifies commitment, control, and treatment of persons committed to the custody of the Attorney General. 4. Enforces inmate disciplinary and good time regulations under 18USC§3624.

C. The court of any county or district that has a population of two hundred thousand or more may formulate a community-based correctional proposal that, upon implementation, would provide a community-based correctional facility and program for the use of that court upon the approval of the director of rehabilitation and correction. In determining whether to grant approval to a court to formulate more than one proposal, the director shall consider the rate at which the county served by the court commits felony offenders to the state correctional system. If a court formulates more than one proposal, each proposal shall be for a separate community-based correctional facility and program. For each community-based correctional proposal formulated under this division, the fact that the proposal has been formulated and the fact of any subsequent establishment of a community-based correctional facility and program pursuant to the proposal shall be entered upon the journal of the court. A county's community-based correctional facilities and programs shall be administered by a judicial corrections board. The presiding judge

of the court or, the administrative judge shall designate the members of the board, who shall be judges of the court. The total number of members of the board shall not exceed eleven. The judge who is authorized to designate the members of the board shall serve as chairperson of the board.

1. In making application for state financial assistance a judicial corrections board that proposes or establishes one or more community-based correctional facilities and programs or district community-based correctional facilities and programs may apply to the division of parole and community services for state financial assistance for the cost of renovation, maintenance, and operation of any of the facilities and programs. If the judicial corrections board has proposed or established more than one facility and program and if it desires state financial assistance for more than one of the facilities and programs, the board shall submit a separate application for each facility and program for which it desires the financial assistance. In Agreements regarding the Application for state financial assistance to community-based corrections **t**he division of parole and community services shall accept applications for state financial assistance for the renovation, maintenance, and operation of proposed and approved community-based correctional facilities and programs and district community-based correctional facilities and programs.

2. The division, upon receipt of an application for a particular facility and program, shall determine whether the application is in proper form, whether the applicant satisfies the standards of operation and training and qualifications of personnel that are prescribed by the department of rehabilitation and correction whether the applicant has established the facility and program, and, if the applicant has not at that time established the facility and program, whether the proposal of the applicant sufficiently indicates that the standards will be satisfied upon the establishment of the facility and program. If the division determines that the application is in proper form and that the applicant has satisfied or will satisfy the standards of the department, the division shall notify the applicant that it is qualified to receive state financial assistance for the facility and program under this section from moneys made available to the division for purposes of providing assistance to community-based correctional facilities and programs and district community-based correctional facilities and programs. The division shall adopt a formula to determine the allocation of state financial assistance to qualified applicants. The formula shall provide for funding that is based upon a set fee to be paid to an applicant per person committed or referred in the year of application. In no case shall the set fee be greater than the average yearly cost of incarceration per inmate in all state correctional institutions.

3. To form a community based corrections program the first thing a publicly owned home must do is Adopt Rules in order to, a. Prescribe the minimum educational and experience requirements that must be satisfied by persons who staff and operate the facilities and programs; b. Govern the procedures for the submission of proposals for the establishment of community-based correctional facilities and programs and district community-based correctional facilities and programs to the division of parole and community services. c. Prescribe forms that are to be used by judicial corrections boards of community-based correctional facilities and programs and district community-based correctional facilities and programs. d. Prescribe the standards of operation and the training and qualifications

of persons who staff and operate the facilities and programs and that must be satisfied for the facilities and programs to be eligible for state financial assistance. The standards prescribed shall include, but shall not be limited to, the minimum requirements that each proposal submitted for approval to the division of parole and community services.

§264A Probation and Parole

A. Probation officers and correctional treatment specialists who counsel criminal offenders as they reenter society held about 84,000 jobs in 2002. They are supervised nationally by the American Probation and Parole Association. Many people who are convicted of crimes are placed on probation, instead of being sent to prison. During probation, offenders must stay out of trouble and meet various other requirements. *Probation officers*, who are called community supervision officers in some States, supervise people who have been placed on probation. *Correctional treatment specialists*, who may also be known as case managers, counsel prison inmates and help them plan for their release from incarceration. Probation officers supervise offenders on probation or parole through personal contact with the offenders and their families. Instead of requiring offenders to meet officers in their offices, many officers meet offenders in their homes and at their places of employment or therapy. Probation and parole agencies also seek the assistance of community organizations, such as religious institutions, neighborhood groups, and local residents, to monitor the behavior of many offenders. Some offenders are required to wear an electronic device so that probation officers can monitor their location and movements. Officers may arrange for offenders to get substance abuse rehabilitation or job training. In General sentencing is commuted to probation under 18USC§3563 - A defendant who has been found guilty of an offense is sentenced to a term of probation as an alternative to imprisonment. Probation is immediately effective unless the offense is a Class A or Class B felony with a penalty greater than 50 years in prison. Probation shall ensure-

1. Support for dependents and meet other family responsibilities; 2. Work conscientiously at suitable employment or pursue conscientiously a course of study or vocational training that will equip him for suitable employment; 3. Refrain, in the case of an individual, from engaging in a specified occupation, business, or profession bearing a reasonably direct relationship to the conduct constituting the offense, or engage in such a specified occupation, business, or profession only to a stated degree or under stated circumstances; 4. Refrain from frequenting specified kinds of places or from associating unnecessarily with specified persons; 5. Refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance; 6. Refrain from possessing a firearm, destructive device, or other dangerous weapon; 7. Undergo available medical, psychiatric, or psychological treatment, including treatment for drug or alcohol dependency, as specified by the court, and remain, for a specified period not more than 30 days in a specified institution for that purpose; 8. Remain in the custody of the Prison or Psychiatric Hospital during nights, weekends, or other intervals of time, 9. Reside at, or participate in the program of, a community corrections facility for all or part of the term of probation; 10. Work in community service; 11. Reside in a specified place or area, or refrain from residing in a specified place or area; 12. Remain within the jurisdiction of the court, unless granted permission to leave by the court or a probation

officer; 13. Report to a probation officer or mental health professional; 14. Permit a probation officer or mental health professional to visit him at his home or elsewhere; 15. Answer inquiries by a probation officer and notify the probation officer or mental health professional promptly of any change in address or employment; 16. Notify the probation officer or mental health professional promptly if arrested or questioned by a law enforcement officer; 17. Remain at his place of residence during nonworking hours. Compliance with this condition can be monitored by telephonic or electronic signaling as an alternative to incarceration.

18. Mandatory Restitution shall be issued by probation officers and trial attorneys under 18USC§1593 to obtain and include in its report, or in a separate report, information sufficient for a restitution order. 1. The report shall include, to the extent practicable, a. A complete accounting of the losses to each victim, b. Any restitution owed pursuant to a plea agreement, c. Information relating to the economic circumstances of each defendant. 2. Each defendant, shall prepare and file with the probation officer an affidavit fully describing the financial resources of the defendant, including a complete listing of all assets owned or controlled by the defendant as of the date on which the defendant was arrested, the financial needs and earning ability of the defendant and the defendant's dependents, and such other information pursuant to the minimum wage and maximum working hours of the Fair Labor Standards Act of 1938 29USC Chapter 8.

B. No person shall be sentenced to or placed in a community-based correctional facility and program but by a court, probation officer or by the parole board pursuant to a Period of post-release control for certain offenders; until after the proposal for the establishment of the facility and program has been approved by the division of parole and community services as upholding Minimum standards for jails, powers and duties of the division of parole and community services. Commitments to approved community correctional facilities may be for any number weeks, months or years. These judgments may be modified should the circumstances of the offender change, either due to, employment, independent living or recidivism. The commitment to community corrections is for the protection of the community and admits: 1. Pre trial detainees, who do not pose a serious risk of flight or violence. 2. People convicted of lesser felony or misdemeanor offenses who are on probation but do not have a stable enough home and/or employment environment for house arrest, or work release, to be in their immediate best interest. 3. Felony offenders who are released from prison on parole.

1. If a person who has been convicted of or pleaded guilty to an offense is confined in a community-based correctional facility or district community-based correctional facility, or any penal facility, at the time of reception and at other times the person in charge of the operation of the facility determines to be appropriate, the person in charge of the operation of the facility may cause the alleged offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. Social workers and/or probation and parole officers shall make weekly rounds to every facility and schedule appointments for counseling sessions with the residents of the community correction program.

C. "Halfway house organization" means a private, nonprofit organization or a governmental agency that provides programs or activities in areas directly concerned with housing and monitoring offenders who are under the community supervision of the department of rehabilitation and correction or whom a court places in a halfway house. Halfway houses are; a. "Private, nonprofit organization" means a private association, organization, corporation, or other entity that is exempt from federal income taxation under section 501(a) and is described in section 501(c) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26USC§501, as amended. b. "Governmental agency" means a state agency; a municipal corporation, county, township, other political subdivision or special district in this state established by or pursuant to law, or a combination of those political subdivisions or special districts; the United States or a department, division, or agency of the United States; or an agency, commission, or authority established pursuant to an interstate compact or agreement. c. "State agency" means the state or one of its branches, offices, boards, commissions, authorities, departments, divisions, or other units or agencies of the state.

1. "Halfway house facility" means a capital facility in this state to which all of the following apply: a. The Halfway house facility is managed directly by, or by contract with, the department of rehabilitation and correction and is used for housing offenders who are under the community supervision of the department of rehabilitation and correction or whom a court places in a halfway house. b. "Manage," "operate," or "management" means the provision of, or the exercise of control over the provision of, activities that relate to the housing of offenders in correctional facilities, including, but not limited to, providing for release services for offenders who are under the community supervision of the department of rehabilitation and correction who reside in halfway house facilities.

Article 5 Federal Prison

§265 Bureau of Prisons

A. The Federal Bureau of Prisons protects society by confining offenders in the controlled environments of prisons and community based facilities that are safe, humane, cost efficient and appropriately secure, and that provide work and other self improvement opportunities to assist offender to become law abiding citizens. A. Pursuant to Pub. L. No. 71-218, 46 Stat. 325 (1930), the Bureau of Prisons was established within the Department of Justice and charged with the "management and regulation of all Federal penal and correctional institutions." This responsibility covered the administration of the 11 Federal prisons in operation at the time. As time has passed and laws have changed, the Bureau's responsibilities have grown, as has the prison population. At the end of 1930, the agency operated 14 facilities for just over 13,000 inmates. By 1940, the Bureau had grown to 24 facilities with 24,360 inmates. Except for a few fluctuations, the number of inmates did not change significantly between 1940 and 1980, when the population was 24,252. Today, the BOP consists of more than 119 institutions, six Regional Offices, a Central Office (headquarters) located in Washington, D.C., a Designation and Sentence Computation Center (DSCC) located in Grand Prairie, Texas, two staff training centers, and 22 Residential Reentry Management (RRM) Offices. Federal Prison Industries (trade

name “UNICOR”) established by Congress in 1934 and the National Institute of Corrections created in 1974 are components of the BOP. The BOP has broad authority to provide for the “custody, care, subsistence, education, treatment and training” of D.C. Code felony offenders in its custody “consistent with the sentence[s] imposed.” D.C. Code § 24-1201(a), (b). In 2017 the Bureau of Prison employed a total of 37,270 people – 8,021 African-Americans (21.5%), 4,513 Hispanic (2.2%), 481 Native Americans (1.3%), 23,427 White (Non-Hispanic) (1.3%) and 7 other.

1. Whereas the Standard Minimum Rules for the Treatment of Prisoners provide for the circumstances in which prison officials may use force in the course of their duties,under the Law Enforcement Code of Conduct and Art. 3 of the Code of Conduct for Law Enforcement Officials provides that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. As a result of Federal law enforcement efforts and new legislation that dramatically altered sentencing in the Federal criminal justice system, the 1980s brought a significant increase in the number of Federal inmates. The Sentencing Reform Act of 1984 established determinate sentencing, abolished parole, and reduced good time; additionally, several mandatory minimum sentencing provisions were enacted in 1986, 1988, and 1990. From 1980 to 1989, the inmate population more than doubled, from just over 24,000 to almost 58,000. During the 1990s, the population more than doubled again, reaching approximately 136,000 at the end of 1999 as efforts to combat illegal drugs and illegal immigration contributed to significantly increased conviction rates. From 2000 to the present, the population increased to a high of 219,298 in 2013 before decreasing to 183,191 in 2017. 154,934 inmates, 84%, are confined in BOP-operated facilities, 18,056 inmates, 10%, are confined in privately managed facilities, primarily responsible for the special needs of criminal aliens, and 10,201 inmates, 6%, are confined in other facilities.

Federal Prison Population 1980-2016

Year	Population	Change	Year	Population	Change
1980	24,640	0	1999	133,689	+11,373
1981	26,313	+1,673	2000	145,125	+11,436
1982	30,531	+4,218	2001	156,572	+11,447
1983	33,216	+2,685	2002	163,436	+6,864
1984	35,795	+2,579	2003	172,499	+9,063
1985	40,330	+4,535	2004	179,895	+7,396
1986	46,055	+5,725	2005	187,394	+7,499
1987	49,378	+3,323	2006	192,584	+5,190
1988	50,513	+1,135	2007	200,020	+7,436
1989	57,762	+7,249	2008	201,668	+1,648
1990	64,936	+7,174	2009	208,759	+7,091
1991	71,508	+6,572	2010	210,227	+1,468

1992	79,678	+8,170	2011	217,768	+7,541
1993	88,565	+8,887	2012	218,687	+919
1994	95,162	+6,597	2013	219,298	+611
1995	100,958	+5,796	2014	214,149	-5,149
1996	105,443	+4,485	2015	205,723	-8,426
1997	112,289	+6,846	2016	192,170	-13,553
1998	122,316	+10,027			

Source: BOP

2. At yearend 2012, 414,065 persons were under some form of federal correctional control, 256,720 were in confinement 62% and 157,345 were under supervision in the community, 38%. Fifteen percent of federal prisoners released in 2010 were returned to federal prison within 3 years. Over half (54%) were returned for supervision violations. In 2012, five federal judicial districts along the U.S.-Mexico border accounted for 60% of federal arrests, 53% of suspects investigated, and 41% of offenders sentenced to prison. In 2012, 3,171 suspects were arrested for a sex offense. Defendants convicted of a felony sex offense were the most likely (97%) to receive a prison sentence following conviction. During 2012, 172,248 suspects were booked by the U.S. Marshals Service, a 2% decline from 179,034 booked in 2010. According to the 2001 national data from the Bureau of Justice Statistics, 3,500,0000 parents were supervised by the correctional system. Prior to incarceration, 64 percent of females prisons and 44 percent of male prisoners in State facilities lived with their children. Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. The loss of child welfare benefits was and is presumed to continue to severely burden the justice system.

3. The average felony sentence to incarceration (prison or jail) in state courts was about 3 years in 2006, compared to almost 5 years and 6 months in federal courts. Federal felony drug offenders received incarceration terms (7 years and 3 months) that were more than twice the length of incarceration terms of state felony drug offenders (2 years and 7 months). State courts accounted for the vast majority of all felony sentences in the United States during 2006. According to the BJS Federal Justice Statistics Program, federal courts sentenced about 73,000 persons for a felony in 2006, which represented about 6% of the combined state and federal total. State courts sentenced an estimated 1,132,290 persons for a felony in 2006, including 206,140 (or 18% of all felony convictions) for a violent felony. A drug crime was the most serious conviction offense for about a third of felons sentenced in state courts that year.

4. The number of federally sentenced prisoners in the Federal Bureau of Prisons (BOP) increased 84% between fiscal year (FY) 1998 and 2012, and the number of drug offenders in federal prison grew 63% during this time. At fiscal yearend 2012, offenders whose most serious offense (as defined by the BOP) was a drug offense accounted for about half (52%) of the federally sentenced prison population. Previous analyses focusing on the growth of the prison population from FY 1998 to FY 2010 have shown that 42%

of the growth in the federally sentenced population was due to an increase in the number of drug offenders, and the largest contributor to that growth was length of time served for drug offenses. Drug offenders comprise about half of federal prison population and sentence length for this subpopulation is the greatest source of federal prison population growth. A study based on 94,678 offenders in federal prison at fiscal yearend 2012 who were sentenced on a new U.S. district court commitment and whose most serious offense (as classified by the Federal Bureau of Prisons) was a drug offense. Almost all (99.5%) drug offenders in federal prison were serving sentences for drug trafficking. Cocaine (powder or crack) was the primary drug type for more than half (54%) of drug offenders in federal prison. Race of drug offenders varied greatly by drug type. Blacks were 88% of crack cocaine offenders, Hispanics or Latinos were 54% of powder cocaine offenders, and whites were 48% of methamphetamine offenders. More than a third (35%) of drug offenders in federal prison at sentencing, had either no or minimal criminal history. Nearly a quarter (24%) of drug offenders in federal prison used a weapon in their most recent offense. The average prison sentence for federal drug offenders was more than 11 years. Across all drug types, crack cocaine offenders were most likely to have extensive criminal histories (40%), used a weapon (32%), and received longer prison terms (170 months). More than half (54%) of drug offenders in the federal prison system had a form of cocaine (powder or crack) as the primary drug type. Methamphetamine offenders (24%) accounted for the next largest share, followed by marijuana (12%) and heroin (6%) offenders. Offenders convicted of crimes involving other drugs (including LSD, some prescription drugs, and MDMA or ecstasy) made up 3% of offenders.

B. The Director of the Bureau of Prisons (BOP) shall direct all activities of the Bureau of Prisons under 28CFR§0.95 including: (a) Management and regulation of all Federal penal and correctional institutions and prison commissaries (including military prisons).(b) Provision of suitable quarters for, and safekeeping, care, and subsistence of, all persons charged with or convicted of offenses against the United States or held as witnesses or otherwise. (c) Provision for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States. (d) Classification, commitment, control, or treatment of persons committed to the custody of the Attorney General. (e) Payment of rewards with respect to escaped Federal prisoners under 18USC§3059 and general arrest authority for violation of release under 18USC§3062. (f) Certification with respect to the insanity or mental incompetence of a prisoner whose sentence is about to expire under 18USC§4247. (g) Entering into contracts with State officials for the custody, care, subsistence, education, treatment, and training of State prisoners, upon certification with respect to the availability of proper and adequate treatment facilities and personnel, pursuant to section 18USC§5003. (h) Conduct and prepare, or cause to be conducted and prepared, studies and submit reports to the court and the attorneys with respect to disposition of cases in which juveniles have been committed, pursuant to 18USC§5037, and to contract with public or private agencies or individuals or community-based facilities for the observation and study and the custody and care of juveniles, pursuant to 18USC§5040. (i) Conduct of examinations to determine whether an offender is an addict, mentally ill or a sexual offender who is likely to be rehabilitated through treatment, as well as the preparation and submission of reports to committing courts. (j) Transfer of prisoner to appropriate hospital pursuant to

18USC§4245. (k) Providing technical assistance to State and local governments in the improvement of their correctional systems under 18USC§4042.

(2) Under 28CFR§0.96 the Director of the Bureau of Prisons is authorized to exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by any law relating to the commitment, control, or treatment of persons (including insane prisoners and juvenile delinquents) charged with or convicted of offenses against the United States, including the taking of final action in the following-described matters: (a) Requesting the detail of Public Health Service officers for the purpose of furnishing services to Federal penal and correctional institutions under 18USC§4005. (b) Payment of claims less than $1,000 by officers losing property under 31USC§3722. (c) Designating places of imprisonment or rehabilitation where the sentences of prisoners shall be served and ordering transfers from one institution to another, whether maintained by the Federal Government or otherwise, under 18USC§4082b. (d) Designation of agents for the transportation of prisoners under 18USC§4008. (e) Performing the functions of the Attorney General under the provisions of Offenders with Mental Disease or Defect under 18USC§4241-4247. (f) Settlement of claims arising under the Federal Tort Claims Act as provided in 28CFR§0.172. (g) Entering into reciprocal agreements with fire organizations for mutual aid and rendering emergency assistance in connection with extinguishing fires within the vicinity of a Federal correctional facility, as authorized by sections 2 and 3 of the Act of May 27, 1955 under 42USC§1856a, §1856b. (h) Prescribing rules and regulations applicable to the carrying of firearms by Bureau of Prisons officers and employees under 18USC§3050. (i) Promulgating rules governing the control and management of Federal penal and correctional institutions and providing for the classification, government, discipline, treatment, care, rehabilitation, and reformation of inmates confined therein under 18USC§4001, §4041, and §4042. (j) Granting permits to states or public agencies for rights-of-way upon lands administered by the Director in accordance with the provisions of 43USC§931c, §961; 18USC§4001, §4041, §4042. (k) Authority under the provisions of 18USC§4082(b) to provide law enforcement representatives with information on Federal prisoners who have been convicted of felony offenses and who are confined at a residential community treatment center located in the geographical area in which the requesting agency has jurisdiction. (l) Approving inmate disciplinary and good time regulations under 18USC§3624. (m) Contracting, for a period not exceeding three years, with the proper authorities of any State, Territory, or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of persons convicted of offenses against the United States under 18USC§4002.

C. A pre-trial defendant may be committed for a reasonable period (not to exceed 30 days) for examination; the court may approve a 15-day extension, if incompetent, the defendant shall be hospitalized for a reasonable period of time (not to exceed 4 months) for treatment to regain competency under 18USC§4241 and not longer than the maximum sentence for the crime charged with. There is concern that involuntary antipsychotic as competence to stand trial, constitutes the crime of torture. A federal sentence does not begin to run when a federal defendant is produced for prosecution by a federal writ of habeas corpus ad prosequendum from state custody. The state authorities retain primary jurisdiction over the prisoner; federal custody does not commence until

state authorities relinquish the prisoner on satisfaction of the state obligation. A defendant cannot receive double credit for his detention time 18USC§3585(b). Although federal law does provide for the prosecution and housing of juveniles, under 18USC§5031-5042, the federally-sentenced juvenile population is too small to make it cost-effective to operate a separate BOP facility for just these offenders. Accordingly, the BOP contracts for placement of these offenders in state and local facilities, some of which are operated by private firms.

1. Parole was abolished. The BOP's Designation and Sentence Computation Center (DSCC), in Grand Prairie, Texas, oversees both initial designations and redesignations of inmates, and all sentence computations. The BOP is solely responsible for calculating federal terms of imprisonment. See *United States v. Wilson*, 503 U.S. 329 (1992). BOP policies and instructions to staff for the calculation of terms of imprisonment includes Program Statements 5880.28, Sentence Computation Manual (CCCA of 1984); 5880.30, Sentence Computation Manual ("Old Law"-Pre-CCCA-1984); 5880.33, District of Columbia Sentence Computation Manual; and 5110.16, Administration of Sentence for Military Inmates. A prisoner challenging the calculation of a particular sentence does so by filing a Petition for Writ of Habeas Corpus, pursuant to 28USC§2241, in the U.S. District Court possessing personal jurisdiction over his or her immediate custodian (Warden). However, inmates are required to exhaust the administrative remedy process within the BOP prior to seeking judicial relief. See Program Statement 1330.17, Administrative Remedy Program.

2. The U.S. Parole Commission (USPC) was composed of nine Commissioners of whom one is designated Chairman under 28CFR§0.124. The Commission: (a) Has authority, to grant, modify, or revoke paroles of eligible U.S. prisoners serving sentences of more than 1 year, and is responsible for the supervision of parolees and prisoners mandatorily released prior to the expiration of their sentences, and for the determination of supervisory conditions and terms; (b) Has responsibility in cases in which the committing court specifies that the Parole Commission shall determine the date of parole eligibility of the prisoner; (c) Has responsibility for determining, in accordance with the Labor-Management Reporting and Disclosure Act of 1959 under 29USC§504, whether the service as officials in the field of organized labor or in labor oriented management positions of persons convicted of certain crimes is contrary to the purposes of that act; and (d) Has responsibility under the Employee Retirement Income Security Act of 1974 under 29USC§1111, for determining whether persons convicted of certain crimes may provide services to, or be employed by, employment benefit plans. The U.S. Parole Commission was authorized to exercise the authority to make a finding that a parolee is unable to pay a fine in whole or in part and to direct release of such parolee based on such finding under 28CFR§0.127.

D. Good Conduct Time (GCT) credit for U.S. Code felony offenders whose offense was committed on or after November 1, 1987, and D.C. Code felony offenders whose offense was committed on or after August 5, 2000 is provided under 18USC§3624(b) . Under that provision, inmates serving sentences greater than one year, but less than life, may receive up to 54 days sentence credit per year served. Inmates sanctioned for violating prison disciplinary rules may lose all or part of these credits. See Program Statement 5270.09,

Inmate Discipline Program. For prisoners for whom the court did not assess a fine to cover the costs of incarceration, and for whom the court did not waive the fine due to indigence, the BOP is authorized to collect a fee equal to the cost of one year of imprisonment, or a prorated amount, if the defendant is sentenced to a shorter term under 18USC§4001 and Program Statement 5380.06, Cost of Incarceration Fee (COIF). The yearly average cost of incarceration for a federal inmate in a BOP facility for Fiscal Year 2013 was $29,291.25; in an RRC, that cost was $26,612.15. The BOP is authorized to require inmates transferred to RRCs to pay a portion or all of the costs of their confinement, and with few exceptions, all employed offenders confined in RRCs must make payments toward their housing costs under 18USC§3622(c)(2). All sentenced inmates are required to work in an institutional job assignment or UNICOR work assignment with the exception of those who are unable to work for security, educational, or medical reasons. 13,000 UNICOR job for prisoner wages currently range from $0.23 cents to $1.15 per hour.

1. Inmates are encouraged, throughout their incarceration, to maintain ties with their family and friends in the community. Inmates are ordinarily permitted face-to-face visitation with approved family and friends in the institutions' general visiting room area. Attorney visits are afforded as much privacy as possible to ensure confidentiality. Conjugal visits are not permitted. An inmate's telephone time is ordinarily limited to 300 minutes per calendar month. A notice is posted at each inmate telephone advising that calls are monitored. Inmate correspondence is classified as either "general" or "special" mail. "General mail" is opened and inspected by staff for both contraband and content which might threaten the security or good order of the institution. Incoming "special mail" is opened only in the presence of the inmate, and inspected for physical contraband and the qualification of any enclosures as special mail. All BOP facilities provide eligible inmates with the capability to send and receive electronic messages using dedicated BOP computers Trust Fund Limited Inmate Computer System (TRULINCS)-Electronic Messaging. TRULINCS is funded entirely by the Inmate Trust Fund, which is maintained by profits from inmate purchases of commissary products and telephone services, and the fees inmates are pay for using TRULINCS. Inmates have no access to the Internet. As with traditional mail communication, all such messages are subject to staff monitoring, including an inmate's electronic communication with his or her attorney. Message content is subject to the same restrictions as regular mail. Inmates (other than pre-trial detainees), may not direct a business while incarcerated. This does not, however, prohibit correspondence necessary to enable an inmate to protect property and funds that were legitimately the inmate's at the time of commitment. Inmates are permitted to subscribe to, or receive by mail, publications without prior approval.

2. The BOP administers an inmate disciplinary process to promote a safe and orderly environment for inmates and staff 18USC§4042(a)(3). After arriving at a BOP facility, all inmates receive written notice of their rights and responsibilities, prohibited acts within the institution, the possible range of sanctions for each offense, and disciplinary procedure. Violation of a prohibited act carries sanctions corresponding to the severity of the offense. Sanctions may include time in disciplinary segregation, loss of good time credits, and loss of privileges. Only institution staff may take disciplinary action against inmates. Corporal punishment, as well as retaliatory and capricious disciplinary action, is not permitted under any circumstance. Consistent with the minimum procedural

protections required by *Wolff v. McDonnell*, 418 U.S. 539 (1974), the BOP disciplinary process requires that staff provide the inmate with a written copy of the charges, and that the inmate is entitled to be present during the initial hearing. An inmate is not permitted a staff representative nor to call witnesses at a Unit Discipline Committee (UDC) hearing, but may present documentary evidence. However, at a Discipline Hearing Officer (DHO) hearing, the inmate may request a staff representative and may have witnesses appear at the proceeding. An attorney may not represent the inmate at either hearing. Inmates may appeal the decision of the UDC or the DHO through the Administrative Remedy program.

3. The BOP affords an inmate reasonable access to legal materials and to his or her attorney, and reasonable opportunity to prepare legal documents. All federal prisons maintain electronic inmate law libraries. Legal materials maintained in the inmate law libraries include federal court decisions, federal statutes, and a number of other publications. Inmates not physically able to utilize the main law library (inmates in segregation status, or those with a medical disability), are assisted by staff to access law library resources. In many cases, legal resource materials may be available to inmates during evening and weekend hours. Inmates with pending court deadlines may be given additional time to use the law library. Inmates are permitted a reasonable amount of time, ordinarily when not participating in a scheduled program or work assignment, to conduct their own legal research and to prepare legal documents. Inmates ordinarily have access to photocopying machines, typewriters, and office supplies. At every institution inmates are permitted to contact and retain attorneys. Attorneys and, in some cases, their representatives, may generally visit inmate clients in private conference rooms if available, or in other accommodations designed to ensure a reasonable degree of privacy. Inmates may place unmonitored telephone calls to their attorneys under 28CFR§540.102. Inmates may possess only that property which is authorized by policy to be retained upon admission to the institution, is issued while the inmate is in custody, is purchased in the institution commissary, or is approved by staff to be mailed to, or otherwise received by an inmate. Inmates may purchase a variety of clothing, snacks, and grooming items in the inmate Commissary at scheduled times. As of April 15, 2006, no tobacco products are sold in the Commissary, and inmates are prohibited from smoking or using tobacco in any form except for religious purposes as authorized by staff in accordance with Program Statement 5360.09.

4. Parenting classes help inmates develop appropriate skills during incarceration. Recreation and wellness activities encourage healthy life styles and habits. Institution libraries carry a variety of fiction and nonfiction books, magazines, newspapers, and reference materials. Inmates also have access to legal materials to conduct legal research and prepare legal documents.All institutions offer literacy classes, English as a Second Language, parenting classes, wellness education, adult continuing education, library services, and instruction in leisure-time activities. In most cases, inmates who do not have a high school diploma or a General Educational Development (GED) certificate must participate in the literacy program for a minimum of 240 hours or until they obtain the GED. Non-English-speaking inmates must take English as a Second Language. Vocational and occupational training programs are based on the needs of the inmates, general labor market conditions, and institution labor force needs. An important

component is on-the-job training, which inmates receive through institution job assignments and work in Federal Prison Industries. The Bureau also facilitates post-secondary education in vocational and occupationally oriented areas. Some traditional college courses are available, but inmates are responsible for funding this coursework. Education program are mandated for those federal prisoners who are not functionally literate under 18USC§3624(f). Non-English speaking inmates are required to participate in an English-as-a-Second Language program until able to function in the English language at the eighth grade level, pursuant to 18USC§3624(f)(4). With few exceptions, inmates lacking either a high school diploma, or a General Educational Development credential (GED), are required to enroll in an adult literacy program for a minimum of 240 hours and pursue a GED if they do not want to lose Good Conduct Time See 28 CFR pt. 544, subpt. H.

E. Good behavior must re-defined as the achievement of a Bachelor degree for all law enforcement, voluntary or mandatory, inc. prisoners, whereas several state studies have shown that people who achieved a post-conviction Bachelor degrees were 100% free of recidivism for the purposes of college education under 34USC§12577. Otherwise 66% state offenders are re-arrested within 3 years of being released under 34USC§60501. Vocational, technical, substance abuse education of the sort offered for free by prisons reduce recidivism to 50%. Associated degrees reduce recidivism to 25%. Review of several state studies indicated that nobody who had earned a post-conviction Bachelor degree were re-arrested within three years of being released from prison. This is a great inspiration to law enforcement and correctional officers who are often only required have a high school education and 6 weeks to 6 months police academy training. Student loans for all, $100,000 law school for some part-time law enforcement corrections officers. In 2016, the U.S. Sentencing Commission found that only 34% of the inmates released from the Bureau of Prisons in 2005 were rearrested or had their supervision revoked over a three year period. This figure reflects a 16% decline over the past couple of decades, and is half the rate of many large state Departments of Corrections.

1. The only middle-income people who can afford an undergraduate degree anymore are undereducated law enforcement officers who particularly want to be required a minimum of a Bachelor degree and funded part-time through law school. Several state studies have shown no recidivism, re-incarceration within three years of release, from people who earned a post-conviction Bachelor degrees, whereas recidivism otherwise ran around 25% for associates degrees, 50% for vocational certificates (such as police academy) and 66% for those otherwise released from state prison. Bachelor curriculum should be provided to prisoners in exchange for student loans. There are 1,315,561 Licensed Lawyers, saturating employment in the legal system, in the United States of America. To reduce 60% unemployment on graduation from law school, it is recommended that law schools include 4-20 week police and correctional correctional programs, in their three year curriculum, and having saturated the courts with impressive standing juries of public defenders, academy lawyers be preferentially employed as police and corrections officers.

§265A Pardon Attorney

A. Pardon me. Excuse me. These words are nearly as important as please and thank you, to ensure the liberty and freedom of civil and political rights does not offend the modern government sponsored slave trade of undereducated and underinsured state crime fighters undone by the 13th Amendment of the US Constitution. False arrest by a torturer is a high stakes game, the slave trade. The written psychiatric rule of refugees and reality is the guilty stay, the innocent must move on. On their own cognizance, the innocent cannot live in the same jurisdiction as their corrupt police investigator. False arrest is a civil rights crime of kidnapping, hostage taking, corruption, terrorism, first degree murder, deprivation of rights under color of law and conspiracy against rights only a Head of State, Judge or Justice can redress, if the prosecutor(s) do not drop the charges. Kidnappers and torturers, must be fired in the first instance, if they have not achieved a Bachelor degree, and cannot be 100% trusted to receive a warrant or dismissal from the Court, without slavery and torture, as in the *Amistad* 40 US 518 (1841). The chief of police must be held responsible for police misconduct under the Law Enforcement Code of Conduct (1979) to reduce or eliminate grave breaches of common Articles 3 the Geneva Convention and Art. 147 of the 4th Geneva Convention Relative to the Protection of Civilians in Times of War (1949) by the undereducated law enforcement and/or corrections officer(s). The Supreme Court must be held responsible for convincing obstructed judges, prosecutors and lawyers regarding the inadmissibility of unlawfully obtained evidence under Principle 27 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988). The right to non-self incrimination is grounds for legal assistance under the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases (1993).

1. The Power to grant Reprieves and Pardons for Offenses against the United States is granted to the President under Article 2 Section 2 Clause 1 of the US Constitution. Under 28 CFR I 0.36 the US Department of Justice Office of the Pardon Attorney submits all recommendations in clemency cases through the Associate Attorney General for the handling and transmittal of such recommendations to the President. The Governor has the power of executive clemency, which includes the power to issue pardons, commutations and reprieves. In order to apply for clemency the prisoner or a legal representative must request an application from the State Parole Board. Once the application is completed it must be returned to the Parole Board for review and recommendation that is forwarded to the Governor who renders a decision. This process takes approximately six to eight months. Enforcing democratically enacted laws is one of the basic purposes of government. In cases involving violent *malum in se* (inherently bad crimes, such as murder, rape and assault, jurors should consider the case strictly on the evidence presented, and if they believe the accused person is guilty, they should so vote. In cases involving non-violent, *malum prohibitum* (legally proscribed) offenses, including "victimless" crimes such as narcotics possession, there should be presumption in favor of nullification. Finally, for nonviolent, *malum in se* crimes, such as theft or perjury, there need be no presumption in favor of nullification, but it ought to be an option the juror considers *R. v. Spencer*, SCC 11 2007.

B. Arts. 3-12 of the Universal Declaration of Human Rights provide: Art. 3 Everyone has the right to life, liberty and security of person. Art. 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.Art. 5 No one

shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Art. 6 Everyone has the right to recognition everywhere as a person before the law. Art. 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Art. 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Art. 9 No one shall be subjected to arbitrary arrest, detention or exile. Art. 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Art. 11 (1) Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. (2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed. Art. 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

1. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) provides law enforcement and corrections officers with three legal principles to overrule false arrest Principle 2 Only Under the Law, upon which citation their job is staked, Principle 21 Prohibition of Corrupt Investigation and Principle 27 Inadmissibility of Evidence Improperly Acquired of civil detainees and those detained without charge under the Standard Minimum Rules for the Treatment of Prisoners (1977) and Law Enforcement Code of Conduct (1979). Miscarriages of justice must be corrected before conviction entitles the victim to compensation under Art. 14(6) of the International Covenant on Civil and Political Rights (1976) provides: When a person has by a final decision been convicted of a criminal offense and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law.

2. Declaration on the Protection of All Persons from Enforced Disappearance (1992) respects Commons Articles 1 and 3 in reference to both common crimes and the common law of the supreme court. Common Article 1 of the International Covenant on Civil and Political Rights of 23 March 1976 and the International Covenant on Economic, Social and Cultural Rights of 3 January 1976 provides: (1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence. Art. 3 of all four of the Geneva Conventions of 1949, state: Persons taking no active part in the hostilities, including members of armed forces who have laid

down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, prohibiting; (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) Taking of hostages; (c) Outrages upon personal dignity, in particular humiliating and degrading treatment; (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

C. The Guidelines on the Role of Prosecutors (1990) provides. Guideline 14. Prosecutors shall not initiate or continue prosecution, or shall make every effort to stay proceedings, when an impartial investigation shows the charge to be unfounded. Guideline 15. Prosecutors shall give due attention to the prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognized by international law and, where authorized by law or consistent with local practice, the investigation of such offenses. Guideline 16. When prosecutors come into possession of evidence against suspects that they know or believe on reasonable grounds was obtained through recourse to unlawful methods, which constitute a grave violation of the suspect's human rights, especially involving torture or cruel, inhuman or degrading treatment or punishment, or other abuses of human rights, they shall refuse to use such evidence against anyone other than those who used such methods, or inform the Court accordingly, and shall take all necessary steps to ensure that those responsible for using such methods are brought to justice.

1. Legal Information Institute, at the Cornell University College of Law, has advised the public to retain a lawyer to have the prosecutor drop the charges, the instant they become the object of corrupt police investigation, instead of being invariably arrested responding to a request to come to the police station for questioning. *Miranda v. Arizona*, 384 U.S. 436 (1966) held: The prosecution may not use statements, whether exculpatory or inculpatory, stemming from questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way, unless it demonstrates the use of procedural safeguards effective to secure the Fifth Amendment's privilege against self-incrimination. Principle 16 of the Guidelines on the Role of Prosecutors (1990) upholds Principle 21 Prohibition of Corrupt Investigation and Principle 27 Inadmissibility of Evidence Improperly Acquired of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988). The right to non-self incrimination is grounds for legal assistance under the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases (1993).

D. A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, for reason of, newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would

be sufficient to establish by clear and convincing evidence that no reasonable fact-finder would have found the movant guilty of the offense; or a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable. A judge, justice or court may issue a writ of habeas corpus if a Prisoner, their legal guardian, spouse, or adult next of kin, applies for release under habeas corpus or makes such a query the state must report; the true cause of detention, the estimated date of release, who to appeal to for a pardon or post conviction sentence relief. In no event shall a prisoner be detained more than forty-eight hours (excluding any period of time falling on a Sunday or legal holiday) after; (1) the completion of their sentence, (2) the receipt of a pardon, release, acquittal or writ of habeas corpus from a Judge or Justice of the Supreme Court under 28USC§2243.

Article 6 Basic Principles for the Treatment of Prisoners

§266 Basic Principles

A. Basic Principles for the Treatment of Prisoners U.N. Doc. A/45/49 (1990) provides;

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.

2. There shall be no discrimination on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.

4. The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.

5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol(s) thereto, as well as such other rights as are set out in other United Nations covenants.

6. All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.

7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.

8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labor market and permit them to contribute to their own financial support and to that of their families.

9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

10. With the participation and help of the community and social institutions, and with due regard to the interests of victims, favorable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.

11. The above Principles shall be applied impartially.

Article 7 Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment

§267 Scope of the Body of Principles

A. These principles apply for the protection of all persons under any form of detention or imprisonment. For the purposes of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, U.N. Doc. A/43/49 (1988):

(a) "Arrest" means the act of apprehending a person for the alleged commission of an offence or by the action of an authority;

(b) "Detained person" means any person deprived of personal liberty except as a result of conviction for an offence;

(c) "Imprisoned person" means any person deprived of personal liberty as a result of conviction for an offence;

(d) "Detention" means the condition of detained persons as defined above;

(e) "Imprisonment" means the condition of imprisoned persons as defined above;

(f) The words "a judicial or other authority" means a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence.

B. For the purpose of citing from this Body the number corresponds with Principles 1-39.

§267-1 Humane Treatment

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

§267-2 Only Under the Law

Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

§267-3 No Derogation of Human Rights

There shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognized or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent.

§267-4 Subject to Control of Judicial Authority

Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.

§267-5 Applicable to all Persons

1. These principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, color, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.

2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.

§267-6 No Torture or Cruel, Inhuman or Degrading Treatment

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

§267-7 States shall Enforce

1. States should prohibit by law any act contrary to the rights and duties contained in these principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints.

2. Officials who have reason to believe that a violation of this Body of Principles has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial powers.

3. Any other person who has ground to believe that a violation of this Body of Principles has occurred or is about to occur shall have the right to report the matter to the superiors of the officials involved as well as to other appropriate authorities or organs vested with reviewing or remedial powers

§267-8 Segregation of the Un-convicted

Persons in detention shall be subject to treatment appropriate to their un-convicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.

§267-9 Arresting Authorities Limited by Law

The authorities, which arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.

§267-10 Informed of Reasons for Arrest

Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.

§267-11 Speedy Trial

1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.

2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefore.

3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention.

§267-12 Record Keeping of Arrest

1. There shall be duly recorded:

(a) The reasons for the arrest;

(b) The time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before a judicial or other authority;

(c) The identity of the law enforcement officials concerned;

(d) Precise information concerning the place of custody.

2. Such records shall be communicated to the detained person, or his counsel, if any, in the form prescribed by law.

§267-13 Informed of Rights

Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively with information on and an explanation of his rights and how to avail himself of such rights.

§267-14 Explanation in a Language they Understand

A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle 13 and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest.

§267-15 Freedom of Communication

Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.

§267-16 Notification of Family of Arrest

1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.

2. If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.

3. If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in the present principle. Special attention shall be given to notifying parents or guardians.

4. Any notification referred to in the present principle shall be made or permitted to be made without delay. The competent authority may however delay a notification for a reasonable period where exceptional needs of the investigation so require.

§267-17 Entitlement to Legal Counsel

1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.

2. If a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interests of justice so require and without payment by him if he does not have sufficient means to pay.

§267-18 Consultation with Legal Counsel

1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.

2. A detained or imprisoned person shall be allowed adequate time and facilities for consultation with his legal counsel.

3. The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.

4. Interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official.

5. Communications between a detained or imprisoned person and his legal counsel mentioned in the present principle shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.

§267-19 Right to Correspondence

A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

§267-20 Detention Near Usual Place of Residence

If a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence.

§267-21 Prohibition of Corrupt Interrogation

1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.

2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgment.

§267-22 No Medical or Scientific Experimentation

No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.

§267-23 Reasonable and Recorded Interrogation

1. The duration of any interrogation of a detained or imprisoned person and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may be prescribed by law.

2. A detained or imprisoned person, or his counsel when provided by law, shall have access to the information described in paragraph 1 of the present principle.

§267-24 Medical Examination on Admission

A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

§267-25 Right to Second Medical Examination or Opinion

A detained or imprisoned person or his counsel shall, subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment, have the right to request or petition a judicial or other authority for a second medical examination or opinion.

§267-26 Records of Medical Examination

The fact that a detained or imprisoned person underwent a medical examination, the name of the physician and the results of such an examination shall be duly recorded. Access to such records shall be ensured. Modalities therefore shall be in accordance with relevant rules of domestic law.

§267-27 Inadmissibility of Evidence Improperly Acquired

Non-compliance with these principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person.

§267-28 Right Obtain Informational Materials

A detained or imprisoned person shall have the right to obtain within the limits of available resources, if from public sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

§267-29 Regular Visitation

1. In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.

2. A detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment in accordance with paragraph 1 of the present principle, subject to reasonable conditions to ensure security and good order in such places.

§267-30 Disciplinary Offenses and Punishment

1. The types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published.

2. A detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.

§267-31 Assistance to Children of Detainees

The appropriate authorities shall endeavour to ensure, according to domestic law, assistance when needed to dependent and, in particular, minor members of the families of detained or imprisoned persons and shall devote a particular measure of care to the appropriate custody of children left without supervision.

§267-32 Right of Detainees to Bring Domestic Law Proceedings

1. A detained person or his counsel shall be entitled at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful.

2. The proceedings referred to in paragraph 1 of the present principle shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority.

§267-33 Right to Make Complaint Regarding Treatment

1. A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers.

2. In those cases where neither the detained or imprisoned person nor his counsel has the possibility to exercise his rights under paragraph 1 of the present principle, a member of the family of the detained or imprisoned person or any other person who has knowledge of the case may exercise such rights.

3. Confidentiality concerning the request or complaint shall be maintained if so requested by the complainant.

4. Every request or complaint shall be promptly dealt with and replied to without undue delay. If the request or complaint is rejected or, in case of inordinate delay, the complainant shall be entitled to bring it before a judicial or other authority. Neither the detained or imprisoned person nor any complainant under paragraph 1 of the present principle shall suffer prejudice for making a request or complaint.

§267-34 Inquiry Into Death or Disappearance

Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available.

§267-35 Compensation for Damages Caused by Public Officials

1. Damage incurred because of acts or omissions by a public official contrary to the rights contained in these principles shall be compensated according to the applicable rules or liability provided by domestic law.

2. Information required to be recorded under these principles shall be available in accordance with procedures provided by domestic law for use in claiming compensation under the present principle.

§267-36 Presumption of Innocence

1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

2. The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.

§267-37 No Detention But Upon Written Order

A person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. A detained person shall, when brought before such an authority, have the right to make a statement on the treatment received by him while in custody.

§267-38 Detainee Entitled to Speedy Trial

A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial.

§267-39 Detainee Entitled to Release Pending Trial

Except in special cases provided for by law, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law. Such authority shall keep the necessity of detention under review.

Article 8 Standard Minimum Rules for the Treatment of Prisoners

§268 Standard Minimum Rules for the Treatment of Prisoners

Basic Principles of the Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders U.N. Doc. E/5988 (1977)

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what

is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

§268-1 Registry

1. In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages and on the Internet, in which shall be entered in respect of each prisoner received:

a. Information concerning the prisoners identity;
b. The reasons for his commitment and the authority therefore;
c. The day and hour of his admission and release.

2. No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

3. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

a. Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;

b. Untried prisoners shall be kept separate from convicted prisoners;

c. Young prisoners shall be kept separate from adults.

§268-2 Accommodation

1. Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

2. Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

3. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

4. In all places where prisoners are required to live or work,

a. The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

b. Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

5. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

6. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

7. All pans of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

§268-3 Personal hygiene

1. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

2. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

§268-4 Clothing and bedding and Food

1. Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

2. All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

3. In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

4. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.
5. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

6. Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

7. Drinking water shall be available to every prisoner whenever he needs it.

§268-5 Drug Policy

A. Inmates are required to participate in a drug abuse education course where inmates receive information about alcohol and drugs and the physical, social, and psychological impact of abusing these substances. Inmates who are identified as having a further need for treatment are encouraged to participate in non-residential or residential drug abuse treatment, if

1. There is evidence in their pre-sentence investigation report that alcohol or drugs contributed to the commission of their instant offense;

2. They violated supervised release, parole, conditions of a halfway house placement, or conditions of home confinement based on alcohol or drug use; or

3. The sentencing judge recommended that they participate in a drug treatment program during incarceration.

4. Completion of the substance abuse program can result in a one year reduction in sentencing it is however a drug addiction in and of itself is insufficient to sustain a penal conviction.

§268-6 Exercise and sport

1. Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

2. Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

§268-7 Medical services

1. At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the

community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

2. Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.

3. The services of a qualified dental officer shall be available to every prisoner.

4. In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be torn in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

5. Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

6. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

7. The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

8. The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

9. The medical officer shall regularly inspect and advise the director upon:

a. The quantity, quality, preparation and service of food;

b. The hygiene and cleanliness of the institution and the prisoners;

c. The sanitation, heating, lighting and ventilation of the institution;

d. The suitability and cleanliness of the prisoners' clothing and bedding;

e. The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

§268-8 Discipline and punishment

1. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

2. No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

3. This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

4. The following shall always be determined by the law or by the regulation of the competent administrative authority:

a. Conduct constituting a disciplinary offence;

b. The types and duration of punishment which may be inflicted;

c. The authority competent to impose such punishment.

5. No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

6. No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defense. The competent authority shall conduct a thorough examination of the case.

7. Where necessary and practicable the prisoner shall be allowed to make his defense through an interpreter.

8. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

9. Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

10. The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner.

11. The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

§268-9 Instruments of restraint

1. Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

a. As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

b. On medical grounds by direction of the medical officer;

c. By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

2. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

§268-10 Information to and complaints by prisoners

1. Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

2. If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

3. Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.

4. It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

5. Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

6. Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

§268-11 Contact with the outside world

1. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

2. Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

3. Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

4. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

§268-12 Books and Computers

1. Every institution shall have a library and an Internet computer lab for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

§268-13 Religion

1. If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

2. A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

3. Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

4. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

§268-14 Retention of prisoners' property

1. All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the

institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

2. On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

3. Any money or effects received for a prisoner from outside shall be treated in the same way.

4. If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

§268-15 Notification of death, illness, transfer, etc.

1. Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

2. A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

3. Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

§268-16 Transportation of prisoners

1. When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

2. The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

3. The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

§268-17 Institutional personnel

1. The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

2. The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

3. To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favorable in view of the exacting nature of the work.

4. The personnel shall possess an adequate standard of education and intelligence.

5. Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

6. After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

7. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

8. So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

9. The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

10. The director of an institution should be adequately qualified for the task by character, administrative ability, suitable training and experience.

11. The director shall devote his/her entire time to his official duties and shall not be appointed on a part-time basis.

12. The director shall reside on the premises of the institution or in its immediate vicinity.

13. When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

14. The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

15. Whenever necessary, the services of an interpreter shall be used.

16. In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

17. In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

18. In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

19. No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

20. Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

21. Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

22. Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

23. Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

§268-18 Inspection

1. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional

§268-19 Treatment

1. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

2. To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counseling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

3. For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

4. The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

§268-20 Guiding Principles

1. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim.

2. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

3. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

4. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

5. The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

6. Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

7. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

8. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

9. The fulfillment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

10. These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favorable to rehabilitation for carefully selected prisoners.

11. It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

12. On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

13. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

§268-21 Privileges

1. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

§268-22 Work

1. Prison labor must not be of an afflictive nature.

2. All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

3. Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

4. So far as possible the work provided shall be such as will maintain or increase the prisoners, ability to earn an honest living after release.

5. Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

6. Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

7. The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

8. The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

9. Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

10. Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labor is supplied, account being taken of the output of the prisoners.

11. The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

12. Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favorable than those extended by law to free workmen.

13. The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

14. The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

15. There shall be a system of equitable remuneration of the work of prisoners.

16. Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

17. The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

§268-23 Education and recreation

1. Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

2. So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

3. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.
4. Prisoners should study the laws that they are imprisoned under.

§268-24 Social relations and after-care

1. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

2. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

3. Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

4. The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

5. It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

§268-25 Classification

1. The purposes of classification shall be:

a. To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

b. To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

c. To join prisoners with similar convictions in classes to study the law and reform.

2. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.
3. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

§268-26 Mental Illness

1. Prisoners who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions certified for the criminally insane as soon as possible.

2. Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

3. During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

4. The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

5. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

§268-27 Pre-Trial

1. Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners,' hereinafter in these rules.

2. Un-convicted prisoners are presumed to be innocent and shall be treated as such.

3. Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

4. Untried prisoners shall be kept separate from convicted prisoners.

5. Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

6. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.
7. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

8. An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

9. If he wears prison dress, it shall be different from that supplied to convicted prisoners.

10. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

11. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.
12. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

13. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.
15. For the purposes of his defense, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defense and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

§268-28 Civil Prisoners

1. In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favorable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

§268-29 Persons Detained Without Charge

1. Persons arrested or imprisoned without charge shall be accorded the same protection as when conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offense.

§268-30 Post-Conviction

1. After a prisoner has been convicted of a crime and sentenced they have the right to appeal their criminal conviction in pursuit of a reasonable sentence.

Article 9 Civil Rights

§269 Civil and Political Rights

A. A civil right is an enforceable right or privilege for an individual, which if interfered with by another gives rise to an action for injury. Examples of civil rights are freedom of speech, press, assembly, the right to vote, freedom from slavery and involuntary servitude, and the right to equality in public places. Discrimination occurs when the civil rights of an individual are denied or interfered with because of their membership in a particular group or class. Statutes have been enacted to prevent discrimination based on a persons race, sex, religion, age, previous condition of servitude, physical limitation, national origin and in some instances sexual preference. In the infamous case of *Dred Scott v. Sanford*, 60 U.S. 393 (1856), the Supreme Court held that regardless of status as slaves or free persons, blacks were ineligible for United States citizenship. Citizenship through birthright was conclusively settled only in 1868 by the ratification of the Fourteenth Amendment to the United States Constitution. In 1866, the Congress that framed the Fourteenth Amendment subsequently enacted a statute appropriating money for the "relief of colored women and children". The next year, the Congress enacted a statute providing relief for destitute "colored" people in the District of Columbia. Year after year in the Civil War period, before, during, and after ratification of the Fourteenth Amendment – Congress made special appropriations for awarding bounty a prize money to the 'colored' soldiers and sailors in the Union Army. American statutory and constitutional law allows for expatriation – revoking citizenship – but makes such revocation difficult to effectuate.

1. After the US Civil War blacks had to fight discrimination against their civil rights to vote and enjoy public services including schools on an equal basis with whites as reflected in the passage of the XIV and XV Amendments to the US Constitution. The most important expansion of civil rights in the United States was the enactment of the

Thirteenth and Fourteenth Amendments. The Thirteenth Amendment abolished slavery throughout the United States. Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offenses. Congress, by the civil rights bill of 1866, passed in view of the thirteenth amendment, before the fourteenth was adopted, undertook to wipe out these burdens and disabilities, the necessary incidents of slavery, constituting its substance and visible from; and to secure to all citizens of every race and color, and without regard to previous servitude, those fundamental rights which are the essence of civil freedom, namely, the same right to make and enforce contracts, to sue, be parties, give evidence, and to inherit, purchase, lease, sell, and convey property, as is enjoyed by white citizens.

2. In 1868 the 14th Amendment was passed to counter the "black codes" and ensure that no state "shall make or enforce any law which shall abridge the privileges or immunities of people born or naturalized in the United States or deprive any person of life, liberty, or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws." Sections 2 through 5 of the 14th amendment however abridge the equal protection of the Convention on the Privileges and Immunities of the United Nations. Section 2-5 of the 14th Amendment need to be repealed. The Civil Rights Act of 1875 passed March 1, 1875, entitled 'An act to protect all citizens in their civil and legal rights'. The Civil Rights Act of 1875 Provided: That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude. It was overruled and voided in the Civil Rights Cases 109 U.S. 3 (1883) that found that the equal protection of the law does not extend to the individual or private society, heralding the Jim Crow era, although Justice Harlan wrote an eloquent dissent that confers responsibility upon all public services whether or not they are provided by private or public corporations.

3. For a brief period after the Civil War ended in 1865, newly freed slaves enjoyed the right to vote, hold office and have equal access to education, jobs and services for the first time in the South. But their former masters were not willing to give up their superior position in society. Within a decade, white Southerners, intent on reestablishing segregation and depriving African-Americans of political power, began campaigns of terror, led by the Ku Klux Klan, to force blacks into abandoning their newfound rights. By the late 1870s, white segregationists had regained political control over most state governments in the South and had passed “Jim Crow” laws, which legalized inequality between African Americans and whites in all areas of public life. By 1880, less than 10% of African Americans eligible to vote were registered to vote in the Southern states, deterred by expensive poll taxes and bizarre literacy tests, which required that they recite the Constitution from memory. *Strauder v. West Virginia*, 100 U.S. 303 (1880), marked the first time the Supreme Court applied the Fourteenth Amendment in a racial context, containing “a necessary implication of a positive immunity or right most valuable to the coloured race –the right of exemption from unfriendly legislation against them distinctively as colored – exemption from legal discriminations, implying inferiority in civil society, lessening the security of their enjoyment of the rights which others enjoy,

and discriminations which are steps towards reducing them to the condition of a subject race.

4. African Americans were restricted to separate – and vastly inferior schools. Restaurants, movie theatres, public transportation and sports arenas had separate seating, water fountains and bathrooms for blacks and whites. Some businesses banned blacks altogether. Many jobs were restricted to white applicants and African Americans received lower pay for doing the same work as whites. All neighborhoods were officially segregated. Always hovering in the background was the threat of violence. Blacks had no legal protection; Juries were all white, and prosecutors or police routinely intimidated witnesses and defendants. Lynch mobs often took the law into their own hands. By the 1950s, the South was still a segregated society, and African Americans had almost no political power to change these laws and customs. In the national political party structure, race as an issue cut across party lines: The Democratic Party had both liberal members in the North and segregationist members in the South. Northern Republicans were liberal on racial issues, but other Republicans form the Midwest and West were not. Attempts to change federal laws often failed because of these political party alliances. In addition, a significant number of Southern senators used their powerful committee chairmanships to block legislation to override the Jim Crow laws. And then there was the filibuster rule in the Senate, which allowed unlimited debate unless two-thirds of the Senate approved moving a bill to a majority vote. Even in extreme cases where bills did manage to get to the Senate floor, the threat of unlimited debate prevent most civil rights legislation from ever being voted on.

C. The women's suffrage movement was successful in securing their voting rights in the 19th Amendment of 18 August 1920. Literacy tests and other poll taxes were abolished in the 24th Amendment of 23 January 1964. The Voting Rights Act, adopted initially in 1965 and extended in 1970, 1975, and 1982, is generally considered the most successful piece of civil rights legislation ever adopted by the United States Congress. The Act codifies and effectuates the 15th Amendment of 3 February 1870 permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color and assigns federal observers to oversee the conduct of elections, that took nearly a century to implement. The Civil Rights Act of 1957 was the first civil rights legislation since Reconstruction. The new act established a Civil Rights Section of the Justice Department and empowered federal prosecutors to obtain court injunctions against interference with the right to vote. It also established a federal Civil Rights Commission with authority to investigate discriminatory conditions and recommend corrective measures.

1. The Civil Rights Act of 2 July 1964 PL 88-352, is codified, as amended, at 42USC Chapter 21, §1981 - §2000h. The Civil Rights Acts were drafted to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes. The Civil Rights Act of 21 November

1991 (Pub. L. 102-166) amended the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

2. The general principles of civil rights enumerated in the Civil Rights Act of 1964, as amended in Subchapter I, follow: In regards to Equal Rights 42USC§1981 states, "all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws". "All citizens shall have the same right, to inherit, purchase, lease, sell, hold, and convey real and personal property", under 42USC§1982 relating to the Property Right of Citizens. The V Amendment to the US Constitution states, "Private property shall not be taken for public use, without just compensation". In regards to Civil Actions for Deprivation of Rights under 42USC§1983 Every person who, under color of any statute, ordinance, regulation, custom, or usage, subjects, or causes to be subjected, any citizen or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

D. There is established the United States Commission on Civil Rights under 42USC§1975 *et seq*. 1. The Commission shall investigate allegations in writing under oath or affirmation relating to deprivations because of color, race, religion, sex, age, disability, or national origin; or as a result of any pattern or practice of fraud; of the right of citizens of the United States to vote and have votes counted or discrimination or the denials of equal protection of the laws under the Constitution of the United States because in the administration of justice under 42USC§1975a. It is the intent of Congress that deplorable conditions in institutions amounting to deprivations of rights protected by the Constitution or laws of the United States be corrected, not only by litigation as contemplated but also by the voluntary good faith efforts of agencies of Federal, State, and local governments. It is the further intention of Congress that where Federal funds are available for use in improving such institutions, priority should be given to the correction or elimination of such unconstitutional or illegal conditions which may exist.

1. A prisoner may bring suit for a civil action for deprivation of rights. Whenever the Attorney General has reasonable cause to believe that any State or political subdivision of a State, official, employee, or agent thereof, or other person acting on behalf of a State or political subdivision of a State is subjecting persons residing in or confined to an institution, to egregious or flagrant conditions which deprive such persons of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States causing such persons to suffer grievous harm, and that such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities, the Attorney General, for or in the name of the United States, may institute a civil action in any appropriate United States district court against such party for such equitable relief as may be appropriate to insure the minimum corrective measures necessary to insure the full enjoyment of such rights, privileges, or immunities, under 42USC§1997a regarding the Initiation of Civil Action.

2. Suits brought about by prisoners themselves are required to exhaust all administrative remedies. The action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury. The court may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits. The term "prisoner" means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program under 42USC§1997(e) relating to Suits by Prisoners.

3. The term "institution" means any facility or institution which is owned, operated, or managed by, or provides services on behalf of any State or political subdivision of a State; and which is for persons who are mentally ill, disabled, or retarded, or chronically ill or handicapped, a jail, prison, or other correctional facility; a pretrial detention facility; for juveniles— held awaiting trial; residing in such facility or institution for purposes of receiving care or treatment; or residing for any State purpose in such facility or institution (other than a residential facility providing only elementary or secondary education that is not an institution in which reside juveniles who are adjudicated delinquent, in need of supervision, neglected, placed in State custody, mentally ill or disabled, mentally retarded, or chronically ill or handicapped); or providing skilled nursing, intermediate or long-term care, or custodial or residential care under 42USC§1997.

E. Human rights are indispensable and fundamental to civil rights, democracy and the rule of law. It is imperative that USA ratify, uphold and enforce the complete International Bill of Rights comprised of three treaties and optional protocols: 1. Universal Declaration of Human Rights of December 10, 1948, 2. International Covenant on Economic, Social and Cultural Rights of 3 January 1976, ratified 5 October 1977, 3. International Covenant on Civil and Political Rights of 23 March 1976, ratified 8 September 1992, a. Optional Protocol of 23 March 1976 relating to the Human Rights Council, b. Second Optional Protocol aiming at the abolition of the death penalty of 15 December 1989

1 To fully uphold the Human Rights Committees for their citizens by paying their dues, the US must ratify the Optional Protocols. 1. Optional Protocol to the International Covenant on Civil an Political Rights of 23 March 1976 relating to the Human Rights Committee. 2. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty of 15 December 1989. 3. Optional Protocol to the Convention on the Elimination of all Discrimination against Women of 22 December 2000. 4. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 4 February 2003.

2. The Human Rights Council (HRC), is led by a High Commissioner of Human Rights who heads the Office of the High Commissioner for Human Rights (OHCHR). There are

7 Committees to the Human Rights Commission that accept reports filed by Member nations and with the ratification of the Optional Protocol, from citizens. 1. Human Rights Committee was established in Part IV of the International Covenant on Civil and Political Rights of 23 March 1976. 2. Committee on Migrant Workers was established in Part VII of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 18 December 1990. 3. Committee on Economic, Social and Cultural Rights (CESCR), unlike the other committees, was not established by its corresponding instrument - the International Covenant on Economic, Social and Cultural Rights of 3 January 1976. 4. Committee on the Elimination of Discrimination against Women (CEDAW), was established in Part V of the Convention on the Elimination of All Forms of Discrimination against Women 3 September 1981. 5. Committee on the Right of the Child (CRC) was established in Part II of the Convention on the Rights of the Child of 2 September 1990. 6. Committee on the Elimination of Racial Discrimination (CERD) was established in Part II of the International Convention on the Elimination of all Forms of Racial Discrimination of 4 January 1969. 7. Committee against Torture (CaT) was established pursuant to article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 26 June 1987. 8. A Committee on the Rights of Persons with Disabilities was established pursuant to the Convention of 2006.

F. The Preamble to the Universal Declaration of Human Right of 10 December 1948 states, Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Wherefore, I make this pledge of Martin Luther King Jr.: I pledge to do everything that I can to make America and the world a place where equality and justice, freedom and peace will grow and flourish. I pledge to make nonviolence a way of life in my dealings with all people. I will reject all forms of hatred, bigotry, prejudice and slavery. I will embrace the values of unconditional, universal love, truthfulness, courage, compassion, and dedication to a community where all people can live together as sisters and brothers.

1. Arts. 3-12 of the Universal Declaration of Human Rights provide: Art. 3 Everyone has the right to life, liberty and security of person. Art. 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.Art. 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Art. 6 Everyone has the right to recognition everywhere as a person before the law. Art. 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Art. 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Art. 9 No one shall be subjected to arbitrary arrest, detention or exile. Art. 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Art. 11 (1) Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. (2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed. Art. 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

G. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) provides law enforcement and corrections officers with three legal principles to overrule false arrest Principle 2 Only Under the Law, upon which citation their job is staked, Principle 21 Prohibition of Corrupt Investigation and Principle 27 Inadmissibility of Evidence Improperly Acquired of civil detainees and those detained without charge under the Standard Minimum Rules for the Treatment of Prisoners (1977) and Law Enforcement Code of Conduct (1979). Miscarriages of justice must be corrected before conviction entitles the victim to compensation under Art. 14(6) of the International Covenant on Civil and Political Rights (1976) provides: When a person has by a final decision been convicted of a criminal offense and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law. The State shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation under Art. 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987).

1. Declaration on the Protection of All Persons from Enforced Disappearance (1992) respects Commons Articles 1 and 3 in reference to both common crimes and the common law of the supreme court. Common Article 1 of the International Covenant on Civil and Political Rights of 23 March 1976 and the International Covenant on Economic, Social and Cultural Rights of 3 January 1976 provides: (1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence. Art. 3 of all four of the Geneva Conventions of 1949, state: Persons taking no active part in the hostilities, including members of armed forces who have laid

down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, prohibiting; (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) Taking of hostages; (c) Outrages upon personal dignity, in particular humiliating and degrading treatment; (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. Common Articles 26-29 to the Convention Relating to the Status of Refugees of 1951 and the Convention Relating to the Status of Stateless Persons of 1954 protect refugees and stateless people against discrimination, provide for the freedom of movement and require States to provide them with identity papers and travel documents at the same price as nationals. A refugee is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. A stateless person is someone who is not considered as a national by any state under the operation of its law. Under Art. 27 every Contracting Party shall issue identity papers to any refugee or stateless person in their territory who does not possess a valid travel document. Under Art. 29 no refugee duties, charges, or taxes, of any description, other or higher than are or may be levied on their nationals in similar situations shall be imposed, in particular in the issuance of identity documents. The Convention Relating to the Status of Stateless Persons of 1954 that entered into force in 1960 Annex Paragraph 1 provides 1. The travel document referred to in article 28 of this Convention shall indicate that the holder is a stateless person under the terms of the Convention of 28 September 1954. The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports. Not more than $10 under Art. 1 Sec. 9 Cl. 1 of the US Constitution.

H. The Guidelines on the Role of Prosecutors (1990) provides. Guideline 14. Prosecutors shall not initiate or continue prosecution, or shall make every effort to stay proceedings, when an impartial investigation shows the charge to be unfounded. Guideline 15. Prosecutors shall give due attention to the prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognized by international law and, where authorized by law or consistent with local practice, the investigation of such offenses. Guideline 16. When prosecutors come into possession of evidence against suspects that they know or believe on reasonable grounds was obtained through recourse to unlawful methods, which constitute a grave violation of the suspect's human rights, especially involving torture or cruel, inhuman or degrading treatment or punishment, or other abuses of human rights, they shall refuse to use such evidence against anyone other than those who used such methods, or inform the Court accordingly, and shall take all necessary steps to ensure that those responsible for using such methods are brought to justice.

1. Legal Information Institute has advised the public to retain a lawyer to have the prosecutor drop the charges, the instant they become the object of corrupt police

investigation, instead of being invariably arrested responding to a request to come to the police station for questioning. *Miranda v. Arizona*, 384 U.S. 436 (1966) held: The prosecution may not use statements, whether exculpatory or inculpatory, stemming from questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way, unless it demonstrates the use of procedural safeguards effective to secure the Fifth Amendment's privilege against self-incrimination. Principle 16 of the Guidelines on the Role of Prosecutors (1990) upholds Principle 21 Prohibition of Corrupt Investigation and Principle 27 Inadmissibility of Evidence Improperly Acquired of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988). The right to non-self incrimination is grounds for legal assistance under the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases (1993). Enforcing democratically enacted laws is one of the basic purposes of government. In cases involving violent *malum in se* (inherently bad crimes, such as murder, rape and assault, jurors should consider the case strictly on the evidence presented, and if they believe the accused person is guilty, they should so vote. In cases involving non-violent, *malum prohibitum* (legally proscribed) offenses, including "victimless" crimes such as narcotics possession, there should be presumption in favor of nullification. Finally, for nonviolent, *malum in se* crimes, such as theft or perjury, there need be no presumption in favor of nullification, but it ought to be an option the juror considers *R. v. Spencer*, SCC 11 2007.

2. A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, for reason of, newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable fact-finder would have found the movant guilty of the offense; or a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable. A judge, justice or court may issue a writ of habeas corpus if a Prisoner, their legal guardian, spouse, or adult next of kin, applies for release under habeas corpus or makes such a query the state must report; the true cause of detention, the estimated date of release, who to appeal to for a pardon or post conviction sentence relief. In no event shall a prisoner be detained more than forty-eight hours (excluding any period of time falling on a Sunday or legal holiday) after; (1) the completion of their sentence, (2) the receipt of a pardon, release, acquittal or writ of habeas corpus from a Judge or Justice of the Supreme Court under 28USC§2243.

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