

California Drug Law

As our California¹ prisons and jails are overflowing with prisoners, our courts and Department of Justice systematically deprive We the People of our right to the Due Process of Law. The California Department of Corrections with Our Governor's support, wishes to add \$3.5 billion (at taxpayers' expense) in new prison construction. Who benefits from such a plan? Our schools or our children's education? No, the corporations that build and service our prisons are the main beneficiaries. This "Prison Industrial Complex" has one purpose: to build and grow itself (always at taxpayers' expense) in order to increase its profits.

Due Process of law: to have the right of controverting, by proof, every material fact... **If any question of fact or liability be conclusively presumed against him, this is not due process of law.** – Blacks Law Dictionary

Our state "drug laws" are listed in our California Uniform Controlled Substances Act (UCSA), which is found in our CA Health & Safety Code. Do you wonder why these "drug laws" are not in our California Penal Code along with the real crimes that involve victims, such as robbery, rape, murder, etc.?

A reading of the table of contents for the CA UCSA tells us: The Act creates Administrative Programs for the registration and control of persons who wish to hold permits or licenses and participate for benefit in agency programs. Registrants could include such "persons" as pharmaceutical manufacturers, custom brokers, warehouses, distributors, dealers, pharmacies and pharmacists, as well as medical institutes, physicians and veterinarians, researchers, and others involved in the manufacture and distribution of controlled substances. Did you register under the CSA? Are you a "person" receiving benefits of a government agency that pertains to controlled substances?

This is an example of Administrative Law, a form of Contract Law, at work. The California Health and Safety Code is an Administrative Code of Regulation for registrants. Violation of the Code of Regulation by a registrant can be prosecuted under the administrative agency in charge of enforcing the Act, and a victim is not required – just the breaking of an agency rule. Sanctions can call for criminal penalties.

What about persons that have not registered to receive agency benefit? Would they come under the jurisdiction of the agency or its Code of Regulations?

It is our experience that no judge or attorney will tell you the truth of the matter, namely: The Code of Regulation is NOT applicable to you and the Agency is without jurisdiction over you, unless you are a registrant.

Words having universal scope, such as... "every person who shall monopolize," etc. will be taken, as a matter of course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch. - *American Banana Co. v United Fruit Co.*, 213 U.S. 347, 357 Justice Oliver Wendell Holmes of Our U.S. Supreme Court.

Silence can only be equated with fraud when there is a legal and moral duty to speak or when an inquiry left unanswered would be intentionally misleading. U.S. v. Tweel, 550 F. 2d. 297, 299

If you don't believe us, send a copy of this article to your attorney, your district attorney and your judge, and see what they say. If you are behind bars, on parole, probation or bail for a drug charge, you are probably wondering, how does this work and how did it happen?

In the past, before We the People were intentionally dumbed down to become ignorant of and apathetic toward the workings of our legal system, prosecution of a crime required that there be a victim who had sustained injuries or damages. No victim meant no crime. It also required the victim (or survivor) to swear out or sign a complaint. If the victim chose not to press charges, there could be no prosecution. No longer does our government need a victim, a crime, or a sworn complaint. They simply have a government employee make up and sign a complaint, stating you violated a Code of Regulation. You are then prosecuted under a Code of Regulation of an agency, with which you are not registered. But if you do not know that this is a fraud and a crime, then everything is fine. You are convicted, serve your sentence, and no one complains. In fact except for you and your family, it's a wonderful thing for everyone involved (including your attorney), as they prosper from you being sacrificed into the system.

¹ We use California law in this example, but it should be similar in all the states.

You see our prison system is a vast business endeavor, constantly growing, that needs to have many new customers to maintain and increase the cash flow and profits of this industrial complex (always at taxpayers' expense). Corporate America and their legal experts devised our modern prison system. It was then implemented by lawmakers, politicians and judges, who are bought and paid for by Corporate America and are beholden to them.

The result is you are a victim, not a criminal, but a political prisoner of this corrupted and out of control system that relies on the **deprivation of your rights under the color of law**. This is a **crime** at Section 242 of the U.S. Criminal Code. As this **crime** has a victim, Section 242 calls for fines and/or prison or the death sentence.

Color of Law: The appearance, without the substance, of a legal right. An action done with the apparent authority of law but actually in contravention of law.
– Law Dictionary, 4th Ed.,
Stephen H. Gifis.

United States Code
Title 18--Crimes and Criminal Procedure
Chapter 13 - **Civil Rights**
Statute 242. Deprivation of rights under color of law

Whoever, under **color of any law**, statute, ordinance, regulation, or custom, willfully subjects any person in any State ... to the **deprivation of any rights**, ... secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and... if such acts include the use, ... or threatened use of a dangerous weapon, ... shall be fined ... or imprisoned not more than ten years, or both; and if death results from the acts committed ... or if such acts include kidnapping ..., shall be fined ... or imprisoned for any term of years or for life, or both, or may be sentenced to death.

The loss of liberty through **deprivation of rights** is now a routine occurrence in criminal courts across our country, ruining millions of lives of both prisoners and their families.

If you would like to see change, isn't it up to you to act? We suggest you pass on this paper or similar information to families, friends, groups and individuals who wish to advocate for prisoners and their **rights**.

Some people you try to educate will not hear of it, as they live in **fear** and denial of the truth. But if just a small percentage of the many unlawfully convicted prisoners and their families, friends or supporters were to challenge and expose this corrupt system, it would soon falter and be forced to change. **Here is a suggestion:** Have your friends and relatives **download CSL articles from the web site** at www.commonsenselaw.com/articles.htm **and mail copies to you and other prisoners.** Please pass this on and spread the truth so we can unite in our voice to stop this injustice and violation of our rights.

2 We must remember always that **accusation is not proof**, and that conviction depends upon evidence and **due process of law**.
We will not walk in **fear**, one of another. We will not be driven by **fear** into an age of unreason, if we dig deep in our history and our doctrine, and remember that we are not descended from **fearful** men, not from men who **feared** to write, to speak, to associate, and to defend causes that were for the moment unpopular.
– Edward R. Murrow

NOTE: To our knowledge the preceding information is correct and accurate at the time of this writing. If you find any errors or omission, or have comments, please contact us. For mailed response, please provide SASE.

Email: commonsenselaw@yahoo.com
Contact: Common Sense Law, P.O. Box 6528, Santa Rosa, CA 95406 (For mailed response, please provide SASE.)
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