

Alex "Distance" Wilson
United States Citizen
Pro Se Litigant

Respond to: Distance
P.O. Box 1011
Fort Yates, North Dakota 58538

ATTN:

Morton County State's Attorney
ATTN: Allen Koppy, *et al*
210 2ND Ave NW
Mandan, North Dakota 58554¹

North Dakota Attorney General's Office
ATTN: Wayne Stenehjem, *et al*
600 E. Boulevard Ave Dept. 125
Bismarck ND 58505²

State of North Dakota
ATTN: Office of Governor, *et al*
600 East Boulevard Avenue
Bismarck ND, 58505-0001³

County of Morton
ATTN: Office of County Commissioners, *et al*
Morton County, North Dakota
210 2nd Ave. NW Mandan, North Dakota 58554 ⁴

City of Mandan
ATTN: Mandan City Commission, *et al*
205 Second Avenue NW
Mandan, ND 58554⁵

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- 1 **Morton County, North Dakota, *MORTON COUNTY STATE'S ATTORNEY:*** <http://www.co.morton.nd.us/index.asp?SEC={03B5F35A-CF4C-4F5B-A4C1-CA31D278CCF9}>
 - 2 **Wayne Stenehjem, North Dakota Attorney General:** <https://attorneygeneral.nd.gov/attorney-generals-office/email-attorney-general-0>
 - 3 **North Dakota Office of the Governor, "Contact Us":** <https://www.governor.nd.gov/contact-us>
 - 4 **Morton County, North Dakota *County Commissioners:*** <http://www.co.morton.nd.us/index.asp?SEC={FEDF6F77-F1CA-43CF-81EE-F2EAAEA3A206}>
 - 5 **City of Mandan, "Contact Us":** http://www.cityofmandan.com/index.asp?Type=B_DIR&SEC={D47CF383-37B5-4DE8-97CD-5D00F47C133C}

Water Protector Legal Collective
Suite 2
201 Slate Drive
Bismarck, ND 58503⁶

North Dakota Supreme Court
ATTN: *et al.*
Judicial Wing, First Floor - State Capitol
Bismarck, ND 58505-0530⁷

North Dakota Supreme Court
South Central Judicial District
ATTN: Gail Hagerty, Presiding Judge
514 E. Thayer Ave.
P.O. Box 1013
Bismarck, ND 58502-1013⁸

ATTN: U.S. Department of the Interior, *et al*
1849 C Street, N.W.
Washington DC 20240⁹

Bureau of Indian Affairs
Great Plains Regional Office, *et al*
115 4th Avenue Southeast, Suite 400
Aberdeen, South Dakota 57401¹⁰

U.S. Department of Justice
ATTN: Federal Bureau of Investigation
1501 Freeway Boulevard
Brooklyn Center, MN 55430¹¹

Central Intelligence Agency
Office of Public Affairs
Washington, D.C. 20505¹²

6 **Water Protector Legal Collective, “Contact Us”:** <https://waterprotectorlegal.org/contact-us/>

7 **North Dakota Supreme Court:** <http://www.ndcourts.gov/>

8 **North Dakota Supreme Court, Gail Haggerty, Presiding Judge:**
<http://www.ndcourts.gov/court/bios/hagerty.htm>

9 **U.S. Department of the Interior, “About”:** <https://www.doi.gov/contact-us-noform>

10 **U.S. Department of Indian Affairs, Bureau of Indian Affairs, Great Plains Regional Office:**
<https://www.bia.gov/WhoWeAre/RegionalOffices/GreatPlains/index.htm>

11 **U.S. Department of Justice, Federal Bureau of Investigations, Minneapolis Field Office:**
<https://www.fbi.gov/contact-us/field-offices/minneapolis>

12 **Central Intelligence Agency, “Contact CIA”:** <https://www.cia.gov/about-cia#>

U.S. Department of Justice
ATTN: Office of the Inspector General
950 Pennsylvania Avenue, N.W., Suite 4706
Washington, D.C. 20530-0001¹³

ATTN: Congressman Kevin Cramer, Representative ND
220 East Rosser Avenue
328 Federal Building
Bismarck, ND 58501¹⁴

U.S. Army Corps of Engineers
ATTN: HEADQUARTERS, *et al.*
441 G Street NW
Washington, DC 20314-1000¹⁵

Army Corps of Engineers – OMAHA DISTRICT
ATTN: Colonel John W. Henderson
Commander and District Engineer, Omaha District
ATTN: 1616 Capitol Ave., Ste. 9000
Omaha, NE 68102¹⁶

Standing Rock Sioux Tribe, *et al*
P.O. Box D
Fort Yates, North Dakota 58538¹⁷

Cheyenne River Sioux Tribe, *et al*
P.O. Box 590
Eagle Butte, South Dakota 57625¹⁸

The White House
ATTN: President Donald J. Trump & Admin, *et al*
1600 Pennsylvania Avenue NW
Washington, DC 20500¹⁹

13 U.S. Department of Justice, *Office of the Inspector General*: <https://oig.justice.gov/about/directory.htm>

14 Congressman Kevin Cramer, Representative: <http://cramer.house.gov/contact>

15 U.S. Army Corps of Engineers, HEADQUARTERS, “Contact Us”: <http://www.usace.army.mil/Contact/>

16 U.S. Army Corps of Engineers, Colonel John W. Henderson, Commander and District Engineer, Omaha District: <http://www.nwo.usace.army.mil/Media/Bio-Article-View/Article/602063/colonel-john-w-henderson/>

17 Standing Rock Sioux Tribe: <http://standingrock.org/>

18 Cheyenne River Sioux Tribe: <http://sioux.org/>

19 The White House, President Donald J. Trump, “Contact the White House”:
<https://www.whitehouse.gov/contact/write-or-call>

Notice:

Whereas this pleadings was written by a United States Citizen who is not a licensed lawyer, this pleadings should be interpreted with regard to the following United States Supreme Court Rulings:

Haines v. Kerner, 404 U. S. 519 (1972) (per curiam).²⁰ “Whatever may be the limits on the scope of inquiry of courts into the internal administration... allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence... under the allegations of the **pro se** complaint [are held] to 'less stringent standards' than formal pleadings drafted by lawyers”

Baldwin County Welcome Center v. Brown, 466 U. S. 147 (1984) (per curiam).²¹ “Pleadings shall be so construed as to do substantial justice. We frequently have stated that **pro se** pleadings are to be given a liberal construction.”

Thank you,
Alex Wilson

20 **Supreme Court of The United States, “Case Citation Finder”:**
<https://www.supremecourt.gov/opinions/casefinder.aspx>

21 **Supreme Court of The United States, “Case Citation Finder”:**
<https://www.supremecourt.gov/opinions/casefinder.aspx>

I. Definitions:

Page 2 of the “INFORMATION SHEET FOR PRO SE LITIGANTS”, located on the UNITED STATES DISTRICT COURT's District of North Dakota website, recommends Black's Law Dictionary²² within the “References” section. Therefore, the following terms are to be defined using one of the following resources, as indicated, *unless otherwise indicated*:

- Black's Law Dictionary *Deluxe Tenth Edition*²³
- The U.S. Department of Justice's OFFICES of THE UNITED STATES ATTORNEYS “Legal Terms Glossary” webpage²⁴

Definitions of legal terms found throughout this pleadings:

1. “Arbitrary” means **1.** Depending on individual discretion of, relating to, or involving a determination made without consideration of or regard for facts, circumstances, fixed rules, or procedures. **2.** (Of a judicial system) founded on prejudice or preference rather than on reason or fact.²⁵
2. “Artificial Person” means an entity, such as a corporation, created by law and given certain legal rights and duties of a human being; a being, real or imaginary, who for the purpose of legal reasoning is treated more or less as a human being. An entity is a person for purposes of the Due Process and equal Protection Clauses but not a Citizen for purposes of the Privileges and Immunities Clauses in Article IV § 2 and in the Fourteen Amendment. – Also termed *fictitious person; juristic person, juridical person, legal person, moral person.*²⁶
3. “Capricious” means **1.** (Of a person) characterized by or guided by unpredictable or impulsive behavior; likely to change one's mind suddenly or to behave in unexpected ways. **2.** (Of a decree) contrary to the evidence or established rules of law.²⁷
4. “Citizen's Arrest” is defined as an arrest of a private person by another private person on grounds that (1) a public offense was committed in the arrestor's presence, or (2) the arrestor has reasonable cause to believe that the arrestee has committed a felony.²⁸
5. “Coercion” refers to either **1.** Compulsion of a free agent by physical, moral, or economic force or threat of physical force. An act that must be voluntary, such as signing a will, is not legally valid if done under coercion. **2.** Conduct that constitutes the improper use of economic power to compel another to submit to, the wishes of one who wields it. ---Also termed economic coercion.

22 UNITED STATES DISTRICT COURT, District of North Dakota, “*INFORMATION SHEET FOR PRO SE LITIGANTS*”: http://www.ndd.uscourts.gov/lci/pro_se.pdf

23 Black's Law Dictionary *Deluxe Tenth Edition* by Henry Campbell Black. Editor-In-Chief Bryan A. Garner. ISBN: 978-0-314-61300-4.

24 U.S. Department of Justice, *OFFICE of THE UNITED STATES ATTORNEYS*, U.S. Attorneys>Justice101, “Legal Terms Glossary”: <https://www.justice.gov/usao/justice-101/glossary>

25 Black's Law Dictionary *Deluxe Tenth Edition*. “Arbitrary”, page 125.

26 Black's Law Dictionary *Deluxe Tenth Edition*. “Artificial Person”, page 1325.

27 Black's Law Dictionary *Deluxe Tenth Edition*. “Capricious”, page 254.

28 Black's Law Dictionary *Deluxe Tenth Edition*. “Citizen's Arrest”, page 131 under “Arrest”.

- “Criminal Coercion” refers to a type of coercion intended to restrict another’s freedom of action by either
 1. threatening to commit a criminal act against that person
 2. threatening to accuse that person of having committed a criminal act
 3. threatening to expose a secret that either would subject the victim to hatred, contempt, or ridicule or would impair the victim’s credit or goodwill, or
 4. taking or withholding official action or causing an official to take or withhold action.²⁹
- 6. “Colorable Claim” means a claim that appears to be valid but is in fact invalid.³⁰
- 7. “Conscious Parallelism” an act of two or more businesses in a concentrated market intentionally engaging in monopolistic conduct.³¹
- 8. “Counterclaim” is defined as a claim that a defendant makes against a plaintiff. Counterclaims can often be brought within the same proceedings as the plaintiff’s claims.³²
- 9. “Counter-complaint” is a complaint filed by a defendant against the plaintiff, alleging that the plaintiff has committed a breach and is liable to the defendant for damages.³³
- 10. “Duress” means
 1. the physical confinement of a person or the detention of a contracting party's property. In the field of torts, duress is considered a species of fraud in which compulsion takes the place of deceit in causing injury.
 2. A threat of harm made to compel a person to do something against his or her will or judgment especially, a wrongful threat made by one person to compel a manifestation of seeming assent by another person to a transaction without real volition. Duress practically destroys a person's free agency, causing nonvolitional conduct because of the wrongful external pressure.
 3. The use or threatened use or unlawful force – usually that a reasonable person cannot resist – to compel someone to commit an unlawful act. Duress is recognized defense to a crime, contractual breach, or tort.
 - “Duress of Property” means the act of seizing personal property by force, or withholding it from an entitled party, and then extorting something as a condition for its release.
 - 2. Demanding and taking personal property under color of legal authority that either is void or for some other reason does not justify the demand.³⁴
- 11. “Extortion” is defined as the offense committed by a public official who illegally obtains property under the color of office; especially an official's collection of an unlawful fee.³⁵ Extortion consists in any public officer unlawfully taking, by color of his office, from any person any money or thing of value that is not due to him, or more than his due..³⁶

29 Black's Law Dictionary *Deluxe Tenth Edition*. “Coercion” and “Criminal Coercion”, page 315.

30 Black's Law Dictionary *Second Edition Online*, “Colorable Claim”: <http://thelawdictionary.org/colorable-claim/>

31 Black's Law Dictionary *Deluxe Tenth Edition*. “Conscious Parallelism”, page 367-368.

32 U.S. Department of Justice, *OFFICE of THE UNITED STATES ATTORNEYS*, U.S. Attorneys>Justice101, “Legal Terms Glossary”: <https://www.justice.gov/usao/justice-101/glossary>

33 Black's Law Dictionary *Deluxe Tenth Edition*. “Counter-complaint”, page 344 under “Complaint”

34 Black's Law Dictionary *Deluxe Tenth Edition*. “Duress” and “Duress of Property”, page 614.

35 Black's Law Dictionary *Deluxe Tenth Edition*. “Extortion”, page 704.

36 Black's Law Dictionary *Second Edition Online*. “Extortion”: <http://thelawdictionary.org/extortion/>

12. "False Imprisonment" is defined as the restraint of a person in a bounded area without legal authority, justification, or consent. False imprisonment is a common-law misdemeanor and a tort. It applies to a private as well as governmental detention.³⁷
13. "Kidnapping" is the crime of seizing & taking away a person by force or fraud, usually to hold the person prisoner in order to demand something from his or her family, employer, or government.³⁸
14. "Personal Injury" means any invasion of a personal right³⁹, and also includes injury to a person's reputation.⁴⁰
15. "Protest" means a formal statement or action expressing dissent or disapproval, lodged to preserve a claim or right.⁴¹
16. "Ransom" means to hold and demand payment for the release of a captive.⁴²
17. "Undue Influence" means the improper use of power or trust in a way that deprives a person of free will and substitutes another's objective; the exercise of enough control over another person that a questioned act by this person would not have otherwise been performed, the person's free agency having been overmastered. Consent either to conduct or to contract, transaction, or relationship is voidable if the consent is obtained through undue influence.⁴³
18. "Unlawful Arrest" is defined as the taking of a person into custody either without a valid warrant or without probable cause to believe that the person has committed a crime.⁴⁴

37 Black's Law Dictionary *Deluxe Tenth Edition*. "False Imprisonment", page 719.

38 Black's Law Dictionary *Deluxe Tenth Edition*. "Kidnapping", page 1001.

39 Black's Law Dictionary *Deluxe Tenth Edition*. "Personal Injury", page 906.

40 North Dakota Legislative Branch, *North Dakota Century Code*, "CHAPTER 32-12.2 CLAIMS AGAINST THE STATE": <http://www.legis.nd.gov/cencode/t32c12-2.pdf>

41 Black's Law Dictionary *Deluxe Tenth Edition*. "Protest", page 1419.

42 Black's Law Dictionary *Deluxe Tenth Edition*. "Ransom", page 1450.

43 Black's Law Dictionary *Deluxe Tenth Edition*. "Undue Influence", page 1760.

44 Black's Law Dictionary *Deluxe Tenth Edition*. "Unlawful Arrest", page 131 under "Arrest".

II. Date, place, and other circumstances of the event giving rise to the claim.

Due to the fact that on September 3rd, 2016, I *witnessed* what appeared *to me* to be civil rights violations against *mostly Native American* civilians, I then began online dialogue with individuals who were *on the scene* that day. What appeared to be “civil rights violations” were several videos which were circulating on several News Feeds throughout Facebook which showed attack dogs being released on Native Americans who were protesting against the construction of the Dakota Access Pipeline Project (“DAPL” aka “the pipeline”) due to the fact that the location in which it was being constructed proposed an imminent danger to their water supply. In addition, there were several videos circulating which indicated that the ancestral burial grounds had been desecrated. Here are some URL links with descriptions of what is contained in the videos, which concerned me and which provided me probable cause that civil rights violations were occurring:

Video footage by Democracy Now!⁴⁵ from 9-3-2016: Civilians gather at the construction site of the DAPL while workers are destroying the land while protected by helicopters and security. Local unarmed civilians, appearing genuinely concerned for the safety of their water supply, while also enraged by their ancestral burial sites being desecrated, approach the construction workers in order to nonviolently resist and protest the further desecration and threat to their safety, at which time attack dogs are released upon them, as well as the use of mace and pepper spray to drive them back. Many civilians are bitten by dogs even after DAPL security were made aware that dogs were biting them:

<https://www.youtube.com/watch?v=kuZcx2zEo4>

“Full Report” published days later by Democracy Now! which presents the circumstances in their entirety much more clearly:

<https://www.youtube.com/watch?v=VADcWANqBp8&feature=youtu.be>

There are many more related videos from that same day located here along with video descriptions written by volunteer civilians; I began building this website shortly after these videos, articles, and photos were released this day:

http://www.standingrockclassaction.org/?page_id=146

The above evidence brought tears to my eyes and concerned and still concerns me deeply; is this how we “love our neighbor as ourselves”? I began building the above website soon after September 3rd in order to bring them into context with each other, and into context with the historical context of these circumstances. Though unfinished, here are some sections of history I compiled so that people everywhere, including myself, could begin to understand the hurt and level of betrayal these people must be feeling:

http://www.standingrockclassaction.org/?page_id=630

Lawrence O' Donnell introduced a video which wisely presents historical context here:

<https://www.youtube.com/watch?v=H2AxgeDb2BE>

⁴⁵ **Democracy Now!:** <https://www.democracynow.org/>

On September 3rd I was unaware the dangers to some degree the level of threat that pipelines impose upon our water sources because it had not been a general focus of study and I rarely watch the television, so I began researching and came across the following Wikipedia link entitled “List of pipeline accidents in the United States in the 21st century”:

https://en.wikipedia.org/wiki/List_of_pipeline_accidents_in_the_United_States_in_the_21st_century

Due to the fact that several of the source links within the above URL are broken, I began compiling the attached “booklet” entitled “Pipeline Bursts: Their *Causations*, and the Deaths, Bodily Injuries, & Economic *and* Ecological Damages they inflicted 2009-2016”, and within the booklet includes working credible links, many of them being sourced from the U.S. Department of Transportation's *Pipeline and Hazardous Materials Safety Administration's* “Pipeline Failure Reports”. I also included photographs, which volunteer Naomi Langley helped to compile into the booklet. Another purpose of compiling the booklet is due to the fact that within the court's ruling on Civil Action No. 16-1534 (JEB), the court concluded that “the Tribe has not shown it will suffer injury that would be prevented by any injunction the Court could issue”; this book evidences that the tribe's water supply could be assured to be safer without the liability the Dakota Access Pipeline imposes, with the aid of a favorable court ruling which permanently halts the pipeline's construction in a place which otherwise imposes an imminent threat of malfunction and/or natural disaster causing the pipeline structure to break open and emit oil: pages 13-17 provide visual evidence of oil leaking from a rupture which transferred more than 100 feet through the soil, and then contaminated what the Pipeline and Hazardous Materials Safety Administration refers to as a “high consequence area” (drinking water). Civil Action No. 16-1534 (JEB):

https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2016cv1534-39

In addition, according to North Dakota Geologist John Bluemle's May 27th, 2015 report entitled “EARTHQUAKES”, North Dakota has a history of earthquakes, including one on Monday, July 8th, 1968, wherein “the State Capitol Building shook” when **“a 4.4-magnitude earthquake... centered just southwest of Huff... was felt over a 3,000-square-mile area”**. **Huff is located approximately 25 miles from where DAPL crosses Lake Oahe!** *See page 21 for map*. Furthermore, **there have been three earthquakes with their epicenter in the Williston area in 1915, 1946, and 1982, which is where the north end of DAPL crosses the river!** DAPL is not earthquake proof. Whereas the pipeline is located approximately 92 feet below the surface of Lake Oahe, *and* we have already seen a pipeline rupture travel more than 100 feet through the soil and contaminate drinking water within the attached booklet on pages 13-17, what is evidenced is that DAPL imposes an imminent threat to damage the water supply, and if a rupture were to occur, digging 92 feet beneath the surface of the river to stop the rupture would prove arduous & costly, and further contamination *would occur* & further damage the water supply during that time, and therefore would cause the tribe to suffer a personal injury to their “reserved senior water rights” (*see next page*) *and* would endanger their very *survival* .

“Earthquakes” report: <http://johnbluemle.com/tag/earthquake-history/>

The Treaty of Fort Laramie of 1868 and the Prior Appropriations Doctrine, as well as *Supreme Court ruling Winters v. United States*, 207 U. S. 564 (1908), establishes the Standing Rock Sioux Tribe's “Reserved Senior Water Rights”:

- The Supreme Court has found that treaties are superior to State laws, including State constitutions, & are accorded *equal status* with Federal statutes; *Article II, Section 2, Clause 2* of The U.S. Constitution provides treaties are *equal to Federal laws* & are *binding on states as the supreme law of the land*.
- The *prior appropriations doctrine* is used to allocate water based on the notion of “first in time, first in right” a water user obtains a right *senior & superior to all later users* if he or she appropriates the water by (1) diverting water *out* of a watercourse, & (2) *putting it to beneficial use* for such purposes as irrigation, mining, industrial, municipal, or domestic use. Once these conditions are met, the water user has established an appropriation date.
- Although Indian reserved water rights are not (always) expressed in treaties, they are *inherent or implied* rights. The *reserved water right as applied to Indians* is derived from *Winters v. U.S.*, 1908. This landmark Supreme Court case held that “*sufficient water was implicitly reserved to fulfill the purposes for which the reservation was established*”. This *Doctrine of Federal Reserved Rights* established a vested right (a right so completely settled that it is not subject to be defeated or canceled) whether or not the resource is actually put to use, & enables the tribe to expand its water use over time in response to changing reservation needs. The *Winters Doctrine* provides that tribes have senior water rights, & *all later users* have junior rights.”⁴⁶
- Within Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), Congress found that “The continuation of the opportunity for subsistence uses by both Native *and* non-Native (*14th Amendment— “equal protection of the laws”*) rural residents of Alaska, on the public lands is *essential* to physical, economic, traditional, & cultural existence of a people.”⁴⁷
- The Standing Rock Sioux Tribe stands by its right to self-government as a sovereign nation, which includes taking a government-to-government stance with the states & federal governments. The tribe maintains jurisdiction on all reservation lands, including rights-of-way, waterways, & streams running through the reservation.⁴⁸

46 United States Department of Agriculture, U.S. Forest service *official website*, “Forest Service National Resource Guide to American Indian and Alaska Native Relations”, *State and Private Forestry FS-600, April 1997, (previous editions obsolete)*: “Section 2: Treaty Rights and Forest Service Responsibilities”, pages 44 & 47: <http://www.fs.fed.us/people/tribal/trib-2.pdf>

47 Alaska National Interest Lands Conservation Act (ANILCA), *Title VIII* transcript: <http://www.web-ak.com/nilca/title08.html>

48 Standing Rock Sioux Tribe's *official website*, “History”: <http://standingrock.org/history/>

I was & still am concerned for the tribe's wellbeing & peace of mind, to know they are loved by the people of our nation & cared for instead of ignored & abused. I am concerned for the water supply, & for the honor our nation is supposed to uphold within the promise of our country, as enshrined within **The Supremacy Clause & then The Oaths Clause within Article VI of The Constitution of The United States:**

“This Constitution, & the Laws of the United States which shall be made in Pursuance thereof; & all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; & the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators & Representatives before mentioned, & the Members of the several State Legislatures, & all executive and judicial Officers, both of the United States *and* of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.”⁴⁹

Relevant Quotes by Former U.S. Presidents:

On September 17th, during George Washington's Farewell Address of 1796⁵⁰, first drafted by James Madison, & later amended & expanded by Alexander Hamilton before *being printed in nearly every newspaper in America & widely read throughout Europe*,⁵¹ Washington stated the following:

"It doubtless is important that all treaties and compacts formed by the United States with other nations, whether civilized or not, should be made with caution and executed with fidelity."⁵²

Definition of Fidelity: “Faithfulness to a person, cause, or belief, demonstrated by continuing loyalty & support.”⁵³

“It is also vandalism wantonly to destroy or to permit the destruction of what is beautiful in nature, whether it be a cliff, a forest, or a species of mammal or bird. Here in the United States we turn our rivers and streams into sewers and dumping-grounds, we pollute the air, we destroy forests, and exterminate fishes, birds and mammals -- not to speak of vulgarizing charming landscapes with hideous advertisements. But at last it looks as if our people were awakening.”

– **President Theodore Roosevelt⁵⁴**

49 **The U.S. National Archives and Records Administration *website*, “The Constitution of the United States: A Transcription”:** http://www.archives.gov/exhibits/charters/constitution_transcript.html

50 **Yale Law School, *Lillian Goldman Law Library*, paragraph 30 of *transcript*:**
http://avalon.law.yale.edu/18th_century/washing.asp

51 ***National Review*, “Washington’s Farewell Address Foresaw the Danger of Factions”, by ARTHUR MILIKH September 19, 2016:** <http://www.nationalreview.com/article/440169/george-washington-farewell-address-warning-still-relevant-today>

52 **Volume One of the *Journal of the Executive Proceedings of the Senate of the United States of America* (1828, p. 26)**

53 **Google *Definitions*. *Standard search*.**

54 **National Park Service, “*Theodore Roosevelt Writings on Conservation*”:**
<https://www.nps.gov/thro/learn/historyculture/theodore-roosevelt-and-conservation.htm>

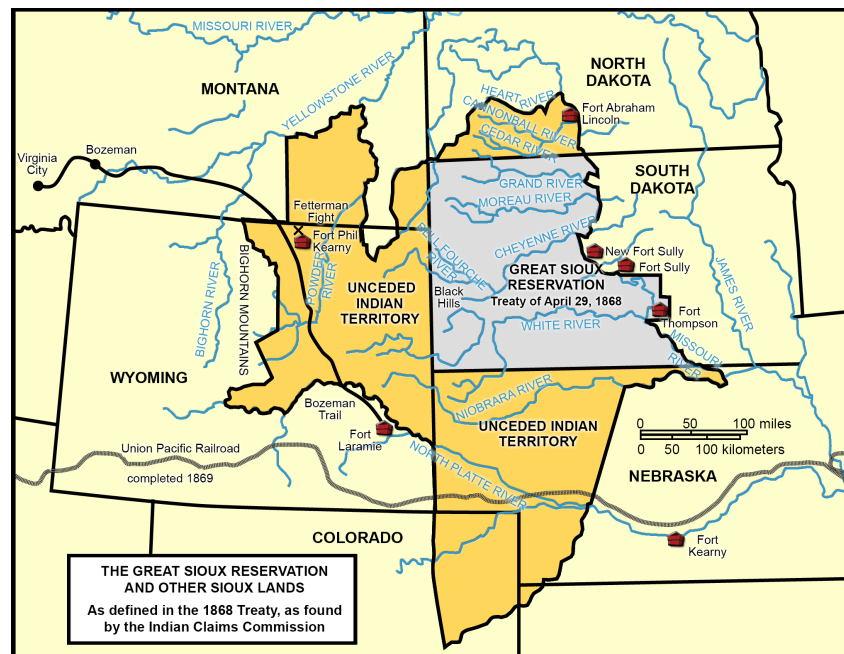
Article V, “Treaty of Fort Laramie With Sioux, Etc., 1851” establishes that The Missouri River is “The Territory of The Sioux & Dakota Nations”:

Upon further investigation it occurred to me that *an earlier version of the same treaty exists* that was signed & ratified in 1851. “The 1851 Treaty of Fort Laramie” aka “The Horse Creek Treaty”. ARTICLE 5 establishes that The Missouri River *actually belongs to* the “Sioux & Dakotah Nations”, *as follows*:

“The territory of the Sioux or Dahcotah Nation, commencing the mouth of the White Earth River, on the Missouri River: thence in a southwesterly direction to the forks of the Platte River: thence up the north fork of the Platte River to a point known as the Red Bute, or where the road leaves the river; thence along the range of mountains known as the Black Hills, to the head-waters of Heart River; thence down Heart River to its mouth; and thence down the Missouri River to the place of beginning.

It is, however, understood that, in making this recognition and acknowledgement, the aforesaid Indian nations do not hereby abandon or prejudice any rights or claims they may have to other lands; & further, that they do not surrender the privilege of hunting, fishing, or passing over any of the tracts of country heretofore described.”⁵⁵

Map of Established Ancestral Territory, 1851 and 1868 Treaties, compared:



Source: State of North Dakota official website.⁵⁶

55 INDIAN AFFAIRS: LAWS AND TREATIES, Vol. II, Treaties, “TREATY OF FORT LARAMIE WITH SIOUX, ETC., 1851” Sept. 17, 1851. | 11 Stats., p. 749: <http://digital.library.okstate.edu/kappler/Vol2/treaties/sio0594.htm>

56 “Lesson 4: Alliances And Conflicts, Topic 2: Sitting Bull’s People, SECTION 3: THE TREATIES OF FORT LARAMIE, 1851 & 1868”: <http://ndstudies.gov/gr8/content/unit-iii-waves-development-1861-1920/lesson-4-alliances-and-conflicts/topic-2-sitting-bulls-people/section-3-treaties-fort-laramie-1851-1868>

Why There Are Two “Fort Laramie Treaties”:

Diligent research leads any reasonable person to deduce that *contentious* historic events which led up to *The Civil War* – such as *Bleeding Kansas*⁵⁷ & *The Kansas-Nebraska Act*⁵⁸ – among others – which erupted shortly after the 1851 version of the treaty became signed & ratified, led the many tribes identified *within the treaty* to become “caught in the middle” of the violent & confusing situation known as *The Civil War*. The majority of the population at the time did not speak English, let alone did not know what a “Confederate” or a “Yankee” was back in 1855, nor were they able to reasonably deduce the historical context of these two factions while having such a limited scope regarding Euro-American history. Indeed, it was not until after the civil war when tribes were acculturated into boarding schools en masse.⁵⁹

1862 is the same year that Southern General *Albert Pike* commanded Sioux Indians to attack over 800 (mostly) Protestants centered in New Ulm,⁶⁰ an event which caused a *tense & constrained relationship* between tribes, U.S. Citizens, & the U.S. Government for many years to come, in many places still completely unhealed. Events such as this wherein tribes *sided with the Confederacy* for the purpose of *halting encroachment upon their lands*, to which the Confederacy used for the purpose of *tactical advantage*, led to atrocities among humanity's history such as “The Dakota 38” mass *public hanging* of Dakota men. Though 303 men were convicted & *sentenced to death*, upon further review of evidence, the number was reduced by President Abraham Lincoln, who wanted to distinguish between Dakota men who had fought in battles, & those accused of killing & assaulting civilians.⁶¹ Regardless, the decision to hang these individuals who were family members of people from within the tribe, was an event never forgotten, and never formally apologized for. The hurt has swelled now for more than a century.

The continual warfare between the *north, south, & tribes* eventually led the 1868 version of the *Treaty of Fort Laramie* becoming *drafted, signed, & ratified*, which greatly reduced the amount of land the tribes now had access to, thus coercing them to live upon *far reduced land space* compared to the ancestral territory they'd enjoyed for centuries; access to migration trails became no more, & it was only through coercion & duress that they relinquished vast acreages from the original treaty, after only 17 years since it was signed.

Had the Civil War never occurred, & men never had to come to fight a war to end the atrocity that is slavery in a land where it is proclaimed on high that “all men are created equal” & that they are “due certain inalienable rights”, then tribes would have never become caught between only to be robbed of what is rightfully theirs *following the wreckage*. But, after thousands of unjust deaths, what family member would *not* sign an additional contract (treaty) if it meant *the potential of peace*?

57 PBS, *People & Events, Bleeding Kansas, 1853 – 1861*: <http://www.pbs.org/wgbh/aia/part4/4p2952.html>

58 U.S. History, “*The Kansas-Nebraska Act*”: <http://www.ushistory.org/us/31a.asp>

59 *The U.S.-Dakota War of 1862, “Indian Boarding Schools”*: <http://www.usdakotawar.org/history/newcomers-us-government-military-federal-acts-policy/indian-boarding-schools>

60 *Mystery Babylon Watch, “The Hidden Hands Behind Albert Pike’s Ku Klux Klan and Scottish Rite Freemasonry”*: <http://mysterybabylon-watch.blogspot.com/2011/09/video-hidden-hands-behind-albert-pikes.html>

61 *Minnesota Historical Society, “U.S.-Dakota War of 1862”*: <http://www.historicfortsnelling.org/history/us-dakota-war>

The “Treaty of Fort Laramie With Sioux, Etc., 1851” is *Still In Effect*:

*Evidence strongly indicates that the 1868 Treaty was signed under duress and coercion following numerous instances wherein **U.S.C. Title 42 §1985 - Conspiracy to interfere with civil rights (3) Depriving persons of rights or privileges** occurred against the “Great Sioux and Dahcotah Nations” and/or in violation(s) against individual Citizens therein.*

U.S. Code Title 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 21 - CIVIL RIGHTS
SUBCHAPTER I – GENERALLY
§1985. Conspiracy to interfere with civil rights

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire... on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

(R.S. §1980.)⁶²

Statute of Limitations for Federal Conspiracy Cases:

Conspiracy is a *continuing offense*. For statutes such as 18 U.S.C. § 371⁶³, which require “an overt act in furtherance of the conspiracy“, **the statute of limitations begins to run on the date of the last overt act.**⁶⁴ Section 3282 of Title 18, United States Code⁶⁵ states that, “prosecution for a non-capital offense shall be instituted within five years after the offense was committed“.⁶⁶

62 U.S. Government Publishing Office, United States Code Title 42 – THE PUBLIC HEALTH AND WELFARE, CHAPTER 21 – CIVIL RIGHTS, SUBCHAPTER I – GENERALLY §1985. Conspiracy to interfere with civil rights: <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/html/USCODE-2010-title42-chap21-subchapI-sec1985.htm>

63 923. 18 U.S.C. § 371—Conspiracy to Defraud the United States: <https://www.justice.gov/usam/criminal-resource-manual-923-18-usc-371-conspiracy-defraud-us>

64 U.S. Department of Justice, *Offices of the United States Attorneys, Criminal Resource Manual, 652. Statute of Limitations for Conspiracy*: <https://www.justice.gov/usam/criminal-resource-manual-652-statute-limitations-conspiracy>

65 U.S. Code Title 18 Sec. 3282 - Offenses not capital: <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title18/html/USCODE-2010-title18-partII-chap213-sec3282.htm>

66 Criminal Resource Manual, 650. Length of Limitations Period: <https://www.justice.gov/usam/criminal-resource-manual-650-length-limitations-period>

I Utilized The First Amendment to Aid in Preventing The Commission of Wrongs Conspired to Be Done & Mentioned in U.S. Code Title 42 § 1985:

I was aware the civil rights violations were occurring on ancestral territory on the day I was arrested, & was aware of the Statute of Limitations regarding this issue as evidenced on the the previous page, on the day I was arrested. I thought how *confusing* it must be especially for Lakota and Dakota *youth* to make sense of their situation, & due to the daily escalation of the situation, I worked ardently for many hours & often late into the nights after arriving to Standing Rock and Sacred Stone Camp on 9-20-2016. It had taken my partner Kevin & me since 9-6-2016 to hitchhike from California to get to the Water Protector camps, & each day since the dog attacks I was researching & compiling all the data I could in order to map the logistics of the situation.

I was aware that **U.S. Code Title 42 Ch. 21 Subchapter I §1985. Conspiracy to interfere with civil rights** appeared to be occurring against civilian “Water Protectors” on a daily basis, *and* was *also* aware that **U.S. Code Title 42 Ch. 21 Subchapter I §1985. Conspiracy to interfere with civil rights** appeared to be occurring against the *reserved senior water rights under the 1868 treaty and against the rights to the “Territory” (as specified within the statute) of the Great Sioux & Dakota Nations were also being violated, in regards to Article V of the 1851 treaty.* I was *also* aware that *because I had knowledge of the law* in this regard, that I could be charged with violating **U.S. Code Title 42 Ch. 21 Subchapter I §1986 - Action for neglect to prevent** if I did *not* do my best to report the violation to authorities *as soon as possible.*

**U.S. Code Title 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 21 - CIVIL RIGHTS
SUBCHAPTER I - GENERALLY
§ 1986 - Action for neglect to prevent**

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title (*see page 14*), are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

(R.S. §1981.)⁶⁷

⁶⁷ U.S. Government Publishing Office, United States Code Title 42 - THE PUBLIC HEALTH AND WELFARE, CHAPTER 21 - CIVIL RIGHTS, SUBCHAPTER I – GENERALLY, §1986 - Action for neglect to prevent: <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/html/USCODE-2010-title42-chap21-subchapI-sec1986.htm>

On 10-15-2016, The Day I Was Arrested, I Knew Officers Had Commit Extortion Via “Signing Away Rights That Were Beyond Their Authority” to Sign Away:

On the day I was arrested, I was still in the process of investigating “the approval process” of the Dakota Access Pipeline Project. As mentioned earlier, I had *some* knowledge of the law, & it appeared to me that someone had apparently, whether knowingly or unknowingly, commit extortion when they approved the pipeline, because it seemed probable that whoever had authorized the pipeline was:

- a.) unaware that the 1851 treaty existed
- b.) unaware of the codes and statute of limitations shown on pages 14 and 15

at the time they *signed away* the tribe's rights. I was also aware on the day of my arrest, that whichever officer(s) had commit extortion, therefore violated the following United States Code:

U.S. Code Title 18 – CRIMES AND CRIMINAL PROCEDURE

PART I – CRIMES

CHAPTER 41 – EXTORTION AND THREATS

§872. Extortion by officers or employees of the United States

Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined under this title or imprisoned not more than three years, or both; but if the amount so extorted or demanded does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 740 ; Oct. 31, 1951, ch. 655, §24(b), 65 Stat. 720 ; title XXXIII, §330016(1)(G), (K), Sept. 13, 1994, 108 Stat. 2147 ; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)⁶⁸

In addition to researching to find “who authorized the actual drilling beneath the river” to find out who actually commit extortion, I was also researching to find out if the allegations that “the Army Corps of Engineers failed to properly consult with the Standing Rock Sioux Tribe in a manner that was consistent with law” held merit.

One of the primary documents I was investigating was a 1261 page set of documents entitled “ENVIRONMENTAL ASSESSMENT for Dakota Access Pipeline Project; ‘Crossings of Flowage Easements and Federal lands’”, which may be downloaded in their entirety via the “Army Corps of Engineers *Digital Library*” *here*:

<http://cdm16021.contentdm.oclc.org/cdm/ref/collection/p16021coll7/id/2427>

⁶⁸ U.S. House of Representatives, *Office of Law Revision Counsel*, United States Code Title 18 – CRIMES AND CRIMINAL PROCEDURE, PART I – CRIMES, CHAPTER 41 – EXTORTION AND THREATS §872. Extortion by officers or employees of the United States:

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title18-section872&num=0&edition=prelim>

In October, there were several articles and videos circulating which raised suspicion to the tribe's claim that they had “not been properly consulted”. Here are excerpts from one of many such articles:

Article: Inside Energy, “*Tribal Consultation At Heart Of Pipeline Fight*” By Leigh Paterson:

<http://insideenergy.org/2016/09/23/tribal-consultation-at-heart-of-pipeline-fight/>

Excerpts: “One of the biggest issues on the table is the issue of consultation... What constitutes real, meaningful consultation has become central to the fight, both on the ground and in court, over the Dakota Access pipeline.”

“... if there is concern that traditional cultural properties will be harmed or disrupted... tribes have a right to be consulted. Even if those properties aren’t on tribal land,” Sarah Krakoff explained. Krakoff is a professor at University of Colorado specializing in American Indian Law and Natural Resources Law. “Their hope and their sense is that they’re not being consulted just to have a box checked, Consultation, check.”

In court documents⁶⁹, the Standing Rock Sioux say the consultation process for the Dakota Access Pipeline was “fundamentally flawed.” They allege that the consulting agency, the Army Corps of Engineers, didn’t give them enough time to respond. That they sent a generic form letter to initiate consultation. And didn’t consider all of the areas that could have been affected by construction.

Another court document⁷⁰, which lays out the D.C. Circuit Court judge’s decision to deny the tribe’s motion, has a laundry list of dates that the Army Corps of Engineers did contact the tribe, or tried to and just never heard back.

“Sometimes what the agencies think of as adequate and with all good intentions do not feel adequate from the tribal side. Either because the process isn’t meaningful to them, it doesn’t accord with their timeframe or decision frame.” Krakoff said.

The Standing Rock Sioux is not the first tribe to bring a lawsuit over consultation on energy infrastructure projects.

<http://insideenergy.org/2016/09/23/tribal-consultation-at-heart-of-pipeline-fight/>

The Investigation: At time of my arrest I was still investigating the consultation process to find if the tribe's claim, or the Army Corps & State's claims had merit, *however* I was aware that the aforementioned laws were applicable. The following pages are the findings of the investigation as well as applicable Supreme Court Rulings & U.S. Code Statutes, followed by the circumstances of the false arrest against me on 10-15-2016 & the subsequent injustices which ensued as a result of aforementioned injustices. For simplification, definitions for legal terms are included throughout this section, rather than at the beginning of this document.

⁶⁹ Case 1:16-CV-01534 (48 page filing) Filed 7-27-2016. "COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF" STANDING ROCK SIOUX TRIBE v. U.S. ARMY CORPS OF ENGINEERS: <https://www.documentcloud.org/documents/3112181-Standing-Rock-Sioux-Complaint.html>

⁷⁰ Case 1:16-CV-01534-JEB Document 39 (58 pages) Filed 9-9-2016 Civil Action No. 16-1534 (JEB) STANDING ROCK SIOUX TRIBE, et al., v U.S. ARMY CORPS OF ENGINEERS, et al: <https://www.documentcloud.org/documents/3111278-Judge-s-Order-Denying-Motion.html>

10-15-2016: While Attempting to Inform Officers of Laws Violated & to Exert My Right to Perform a Citizen's Arrest, myself & fellow Civilians were Falsely Arrested for "Rioting" & "Disorderly Conduct" after being Negligently Ignored & Endangered by North Dakota State and Local Officials:

On 10-15-2016, while riding as a passenger northbound on Highway 6, several Officers were blocking the road at the intersection of County Road 135, as shown within the video entitled: "10-15-2016: Evidence of Public Officials Blocking the Right of Way upon Arrival by John Wathen", located here:

<https://www.youtube.com/watch?v=1I2EAc7w5UI>

TRANSCRIPT:

Video shows line of vehicles driving northbound on Highway 6. Several North Dakota officers & local government employees are blocking the right-of-way, which causes civilians to pull over to the side of the road.

John Wathen narrates while filming: "Alright. We're rolling up on the site, & it looks like the police have got the road barricaded. They're not going to let us in. I'm not exactly sure what's going to happen here, but here we go. They got the tank out in the road. I don't know if anybody can see this."



Some Officers' Reports Were Inaccurate:

Some names have been blacked out within the following case narratives that were received to me from State Attorney's office employee Shannon Eagon on 5-5-2017 as part of the Discovery. M(r)s. Eagon was very kind, efficient, honest, & helpful. She performed an excellent job.

Vehicle License Plate Number - Year - Color - Make - Model
Unknown - Unknown - Unknown - Unknown - Unknown

Case Narrative

249 - Jones, Jacob G, Created: 10/15/2016, Last Modified: 10/15/2016

This report concerns my assistance to Morton County Sheriff's Department on 10/15/2016 at approximately 09:15 hours. It also concerns the arrest of Alexandra Wilson (also known as Alexander Wilson) on the same date for disorderly conduct.

-I, Trooper Jones, was dispatched to protest activity south of Mandan, ND on Highway 6. When I arrived at Highway 6 and Morton CR 135 I observed a large group of protesters standing on the road and blocking Highway 6. I was assigned to an arrest team. I heard law enforcement commanders instruct the protesters that it was an unlawful protest and they were ordered to disperse immediately or they were subject to arrest. Several arrests were made by other law enforcement of protesters refusing to leave.

-Suspect- Alexandra Wilson was being loud and verbal and refused to leave. Lt. Stuglemeyer went out in front of the crown control line and identified Alexandra as needing to be arrested. She was escorted back through the line and I told her she was under arrest. I zip cuffed her behind her person and then escorted her over the transport van holding area. I did a quick search of her person and purse for weapons and any identification. I found no weapons but found a California driver's license that identified her as Alexandra Distance Marie Wilson. Upon running the drivers license this individual is also known as Alexander James Wilson.

-I filled out an affidavit and gave it to the transport people, turning custody over to them.

-This ended my involvement.

310 - Mehlhoff, Brian L, Created: 10/15/2016, Last Modified: 10/15/2016

I was contacted by a CODE RED at 7:48 on October 15, 2016 concerning a convoy of protesters leaving the protests camp south of Fort Rice. I responded to the intersection of County Road 135 and Hwy 6 just before a convoy of approximately 15 cars arrived traveling north. Myself and other units blocked the Highway to prevent them from getting to the Construction site on Highway 6 approximately 2 miles to the north of us. DAPL pipeline workers were actively working and we blocked the protesters from reaching them for their safety. Protesters stopped before our vehicles and exited their cars. We set up a perimeter and told them they had to stay behind the cones.

Lt. Stuglemeyer of the Bismarck PD. gave verbal commands to the crowd of about 50 to disperse or they would be arrested. The crowd was blocking the roadway and failed to disperse. 2 rounds of arrests were made by other officers. I placed a protester, later identified as [REDACTED] under arrest for Disorderly Conduct after 3 warnings to disperse. I witnessed [REDACTED] not following commands to disperse and standing on the roadway which in turn obstructed vehicular traffic. I placed him under arrest by placing him in zip cuffs behind the back. I searched his person and released custody to Parole and Probation who was in charge of the transport van. I returned to the unlawful protest.

Trooper Jacob G. Jones, badge 249, accused me of being “loud and verbal” and “refusing to leave” (we were in a public place). He also falsely accused us of “completely blocking the road”, although we were not on the road as evidenced in several videos; the only reason we got out of our vehicles was because officers were completely blocking the road, as evidenced in the videos. In addition, Lt. Jason Stuglemeyer is responsible for ordering my arrest. Brian L. Mehlhoff, badge 310, falsely accused us of “blocking the roadway”. In addition, Mr. Mehlhoff accused us of being in an “unlawful protest”. Protesting is lawful, & was being done to “preserve a right”. *See page 7 for definition of “protest”.*

Upon Our Arrival to The Arrest Site, Here Is What Happened:

I exited the vehicle alongside several fellow Citizens, who were also in vehicles, & we calmly approached the officers, who were blocking the roadway. Several civilians declared explicitly that we were exercising our “First Amendment right” and “the right to peaceably assemble” & that we were “praying” and “here for the water”. Several Citizens requested the officers stop blocking the road. Officers did not comply. Several Citizens voiced their concerns about the safety of the water. Several hollered “Mni Wiconi! Water is life!”, because “Mni Wiconi” translates “Water is Life” in Lakota, & water is considered the “first medicine”. Many non-natives had come to show support and to help advocate for the safety concerns of the tribe and also for the water. Several people were singing traditional prayer songs. One officer stated to a fellow Citizen to “go back south”.

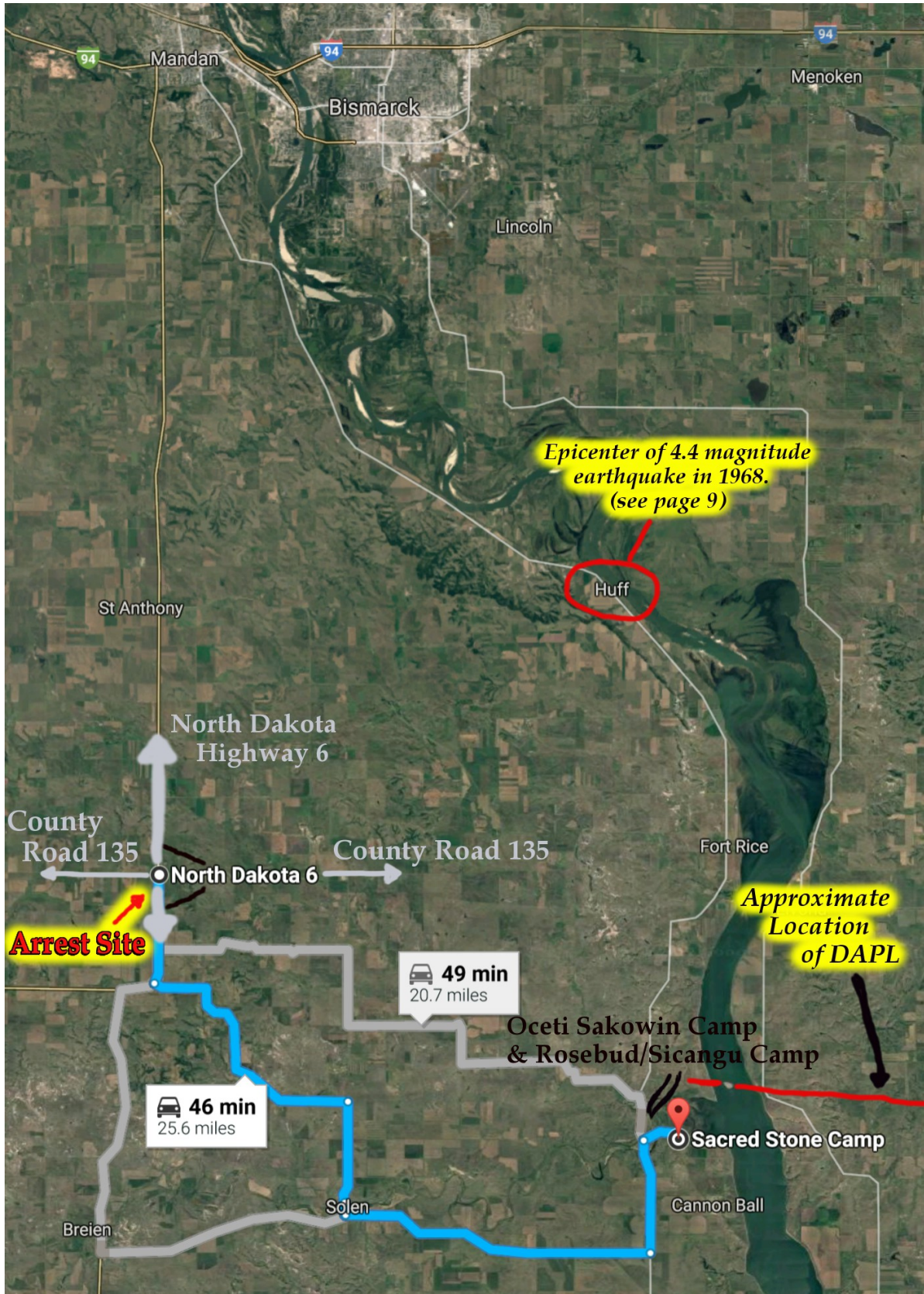
Prior to being commanded to get off the road, here is a photo from one person's angle:



Me & Kevin in front of officers; we were located here mostly throughout this event:



Map:



Video & Photographic Evidence:

The following pages contain a transcript & *still frames* from video footage recorded & uploaded onto Youtube by me entitled “10-15-16: Highway 6 Officer Blockade, Distance seeks Citizen's Arrest on Commanding Officer 1”:

<https://www.youtube.com/watch?v=xtie7zdxelg>

Note: “Civilian” just means *a* civilian. Various civilians can be heard throughout the video. “Distance” refers to me (preferred name).

BEGIN TRANSCRIPT:

I am standing to the east of the road in the grass. Several fellow civilians are lined parallel to the line of officers.

Civilian: “We have every right to assemble!”

Another Civilian: “Stay in prayer! Stay in prayer!”

Another Civilian: “First Amendment! We have First Amendment rights!”

Traditional prayer songs begins.

Civilian: “I know you guys are good people. That’s why you took an oath to protect...”

Commanding officer approaches him: “Go back. Go back! Back south.”

Civilian: “This ain’t no power struggle. We’re just trying to exercise our rights, so let us through. They’re public roads. Our taxes are what pay for these roads *and* your paychecks. Why can’t you guys be bigger men & put your gear down & do what’s right morally?”

At this time I requested several officers' names, badge numbers, & business cards. One officer gave me his badge number “2039”.

Distance: “Thanks for protecting our First Amendment Rights.... You guys would be first on the line if we had a war to protect us, & you’d be protecting & saving our lives – & thank you.”

Officer nods: “Yep.”

At this time I repeatedly requested various officers' names, badge numbers, & business cards. After several requests without reply, an officer responds:

Officer: “You can ask them for their badge number. They can give you their badge number.”

Distance: “Thank you.”

Turns to another officer.

“Can I have your badge number please, Sir? Sir?”

No response.

“Sir, can I have your badge number & card please?”

Still no response.

“I’d like your badge numbers & names please.”

No response. *Turns to another officer.*

“What’s your name & badge number, Sir, please?”

No response. *Asks ND State Trooper for his card, name, and badge number.*

ND State Trooper: “310.”

Asks another State Trooper.

Other ND State Trooper: “327.”

... ..

Distance: “... We can do better than this as a country. (*see page 11 of this document.*)

We’re all divided against each other... because it seems like we’ve got some Army Corps of Engineer officers who commit extortion, & it put you guys in harm’s way, & it put us in harm’s way, & we’re going to get the names & badge number of those Army Corps of Engineers officers who approved this for violation of United States Code Extortion Because it put *you guys* are being put in harm’s way, & you guys are due Restitution & so are we. (*see pages 6 & 16 of this document.*)

But this is a violation of Article VI of The Constitution... (*see page 11 of this document and attached Petition/booklet entitled “Redress of Grievances; A Petition by Water Protectors to institute a Reasonable List of Demands”*).

... and we’re on Lakota land, & you’ve been told that this isn’t Lakota land... (*see pages 12-17 of this document.*)

Under the Common Law of The Constitution– *The Prior Appropriations Doctrine* designates the water of The Missouri — to *all* people downstream who have have ‘Senior Rights’. So these Native Americans right here– they have a *Right* to that water. They have Senior Rights under The Prior Appropriations Doctrine & The Winters Doctrine... .. (*see page 10 of this document.*)

When Kelcy Warren down in Texas– the owner of Energy Transfers signed into the Uniform Commercial Code through the Secretary of State’s website, he agreed to the Terms & Conditions. He agreed that he would follow the laws of the United States. I hereby declare a Citizen’s Arrest on every worker on behalf of Dakota Access Pipeline for criminal trespass, & also for violation of United States Code Conspiracy to Interfere with Civil Rights– Title 42— for violating the Water Rights. (*see page 14 of this document.*)

If you go to the U.S. Forest Service website– on the *Treaty Rights & Responsibilities of the United States government*, it says right on there: ‘Even when water rights are not explicitly expressed in the treaty, its implied into the Treaty.’” (*see page 10 of this document.*)

“So under the Constitutional Oaths that each of you took– and *thank you*– you agreed to protect our rights & to protect these Native Americans *against* the pipeline. I hereby declare a Citizen’s Arrest on the workers on behalf of Dakota Access Pipeline for criminal trespass.” (*see pages 12-17 of this document.*)

.....

Civilian: “What are you going to do when you can’t drink out of the river? Water will be the new money.“

Distance: “The paperwork– fraudulent paperwork is giving you guys false orders. In the Nuremberg Trials after the Nazis were taken in & after World War II– their defense in court was ‘*We were just doing our jobs.*’” (See pages 30 and 41-46)

“You guys are restitution in a class action lawsuit because you guys & us have been turned against each other because some corporate CEOs *and* some political officials including within the local County Commissioners commit Extortion. The County of Morton is registered as a Corporation that signed into the Uniform Commercial Code through the Secretary of State’s website, & when the County of Morton agreed to the Terms & Conditions on the Uniform Commercial Code when they signed in– they agreed they would follow the laws of the United States, & currently Morton County is operating in violation to The Constitution.“ (see page 14 of this document.)

No response from officers.

Evidence Which Verifies My Previous Statements:

“The County of Morton is registered as a Corporation”: see County of Morton on *Dun & Bradstreet Credibility Corps's* website:

<https://www.dandb.com/businessdirectory/countyofmorton-mandan-nd-15354684.html>

Evidence the County of Morton signed into the Uniform Commercial Code: “If you are conducting business transactions outside of your state, such as borrowing money, leasing equipments, establishing contracts & selling goods, you need to comply with the Uniform Commercial Code (UCC)...

The Uniform Commercial Code (UCC) is a comprehensive set of laws governing commercial transactions between U.S. states and territories. These transactions include borrowing money, leases, contracts, & the sale of goods.

UCC is not a federal law, but a product of the National Conference of Commissioners on Uniform State Laws and the American Law Institute. Both of these organizations are private entities that recommend the adopting of UCC by state governments. State legislatures may either adopt UCC verbatim or may modify it to meet the state's needs. Once a state's legislature adopts & enacts UCC, it becomes a state law & is codified in the state's statutes. All 50 states & territories have enacted some version of UCC.”⁷¹

Evidence the County of Morton signed into the UCC through “the Secretary of State's website”: see Secretary of State, *Uniform Commercial Code Central Indexing*:

<http://sos.nd.gov/central-indexing-ucc>

⁷¹ U.S. Small Business Administration's website, “Uniform Commercial Code”:
Codehttps://www.sba.gov/taxonomy/term/1074/feed

TRANSCRIPT *continued*:

Civilian: “This is what we are standing up for. We are protecting this land & water for *you!*“

Distance: “... Who is in *charge* right here? I would like to speak with them. I’d like to declare a Citizen’s Arrest...” **No response.** “Who’s in charge of this troop?” **No response.** “May I speak to them? Who’s the highest ranking officer, Men?” **No response.** “Who’s the highest ranking officer here, Men?” **No response.**

Civilian: “As a civilian to a police officer– don’t you have to execute that? By law?”

Distance: “I need a Citizen’s Arrest. I am witnessing a crime, & I need to speak to the highest ranking official here so we can get the arrest on the criminals present, & its not you guys. Is the Chief officer here? Or the highest ranking officer?” **No response.** “Who’s here? Who’s present? Under the *American Freedom of Information Act* we have a right to know which one of you is the highest ranking officer.” **After standing directly in front of me & ignoring me this entire time, one officer pulls his billie club out of its holster in a show of aggression, then hides it behind his back & continues negligently ignoring my requests for aid:**



Distance continues: “Abraham Lincoln said: ‘*The People are the Rightful Masters of the Courts & Congress, not to overthrow the men who uphold The Constitution, but to overthrow the men who pervert it.*’⁷² I have a Citizen’s Arrest to make. I’d like you men to help us make those arrests.”

No response.

“Its your duty. I would like to show you the statutes which I’m referring to, & I need to speak to the highest ranking officer right now. I have a right to make a Citizen’s Arrest.”

No response.



⁷² “**Abraham Lincoln Papers at the Library of Congress**”:

<http://loc.gov/teachers/classroommaterials/connections/abraham-lincoln-papers/history3.html>

Distance: “Under the Uniform Commercial Code 1-308, I hereby reserve ALL of our Assumed Rights under The Fourteenth Amendment of The Constitution.”

Brief explanation of the above statement:

Perplexed by their lack of response, I referenced UCC 1-308 in case *they* needed to hear an explicit “reservation of rights” under *their* orders in order to respond; it didn't make sense that so many officers wouldn't respond.

Uniform Commercial Code

– ARTICLE 1 - GENERAL PROVISIONS

PART 3. TERRITORIAL APPLICABILITY AND GENERAL RULES

§ 1-308. Performance or Acceptance Under Reservation of Rights:

(a) A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient.⁷³

TRANSCRIPT *continued*:

Distance: “I have a right to make a Citizen’s Arrest. I’m witnessing United States Code Title 42 Conspiracy to Interfere with Civil Rights occurring. I could get tried with Action for Neglect to Prevent if I *don’t* report this crime, & *so could you*, & I don’t want *you guys* to get falsely charged. I don’t want *these guys* (*indicates to fellow civilians*) to get falsely charged.” (*See pages 14-15 of this document.*) **No response.** “I need to speak to the highest ranking officer among you *right now* so I can let them know which statutes I’m referring to so we can make the arrests.” **No response.** “This is being recorded.” **No response.** “*I need help! I need help! We are in distress!* Who can I speak to so we can get the arrests on these men?” **No response.** “I will take it to court myself going *pro se civil litigation*. I know where the paperwork is. I don’t want arrested. I’m not in violation of the law, but I’m *witnessing a crime*, & it would be *irresponsible* for me *as a witness* to *not* create this Citizen’s Arrest *right now*, & I have a right, & I reserve that right *right now*. Will *any of you* honor my right to do a Citizen’s Arrest?”

Re: “Pro Se Litigation... I know where the paperwork is”:

“INFORMATION SHEET FOR PRO SE LITIGANTS”, UNITED STATES DISTRICT COURT, DISTRICT OF NORTH DAKOTA:

http://www.ndd.uscourts.gov/lci/pro_se.pdf

⁷³ Legal Information Institute, UCC – ARTICLE 1 - GENERAL PROVISIONS (2001) › PART 3. TERRITORIAL APPLICABILITY AND GENERAL RULES › § 1-308. Performance or Acceptance Under Reservation of Rights: <https://www.law.cornell.edu/ucc/1/1-308>

TRANSCRIPT *continued*:

Civilian (*holds a bottle of water out to officers*): “Can I offer you guys some water? Thank you for acknowledging me, Sir. I love you brother.”

Another civilian: “No – *they like oil instead.*”

Distance: “I require to speak to the highest ranking officer here.” ***No response still.***

Civilian: “They must all be equals here.”

Distance: “Are you all equals here?” ***No response.*** “Is there a highest ranking officer?” Will one of you answer me?”

I then began walking westwardly. Indigenous people singing, drumming, & shaking rattles in prayer in background. I then stopped near the center of the officer blockade, but not on the road.

“I need to speak to the highest ranking officer here. I must declare a Citizen’s Arrest! I’m witnessing a crime. We need a Citizen’s Arrest on the Dakota Access...”

Officer on megaphone interrupts: “Alright. Everybody listen up! You need to disperse immediately! You are blocking a public road.”

Civilians begin responding: “Everybody off the road!”

Officer on megaphone: “You need to disperse IMMEDIATELY!”

Many civilians’ voices heard: “Get off the road. Move off the road.”

Distance: “What’s the name of the officer who said that!?! *Please! I need evidence!*” ***No response.*** “What’s the name of the officer that said that before I leave, & then I’ll disperse?” ***No response.*** “I need the name of the officer who is declaring those orders!! Immediately, men– somebody please say it!!” ***No response.*** “What’s the name & badge number of that man who declared that?!”

I then turned directly to the officer with the megaphone.

“I need your name & badge number, Sir! I need your business card!! And then I’ll go!!!”

No response.

“Who declared those order? I need your badge number!! I declare a Citizen’s Arrest on the officer who just announced that for *Deprivation of Rights Under Color of Law United States Code!*”

Officer on megaphone: “... or you are subject to arrest disperse *immediately* out of your vehicles and head southbound or you are subject to arrest.”

Distance: “I declare a Citizen’s Arrest on the man announcing– for violation of *Deprivation of Rights Under Color of Law United States Code – Title 18!!!* Any officer who makes the arrest on that superior officer will be *exonerated, thanked, & given a medal!!!*” ***No response from officers.*** “Thank you!! I have all the evidence I need! You men have *willingly participated* in *United States Code Title 42 Conspiracy to Interfere with Civil Rights, & Dereliction of Duty!*” (*See page 14 & 30 under “U.S. Code Title 10 –ARMED FORCES §892. Art. 92. Failure to obey order or regulation”.*)

– END TRANSCRIPT –

Whereas I had witnessed crimes take place, I therefore attempted to reasonably engage in conversation with an officer who was present so that I could bring to their attention evidence which would provide to them “Probable Cause” persons had committed a public offense. The necessitative right for a Citizen to be able to exert a Citizen's Arrest when in the observance of a crime, or to indicate to an officer that a crime has taken place, & to explain to the officer the substantial evidence & case law which backs the necessity to halt the crime, is reserved within the Common Law & furthermore *explicitly* reserved within the North Dakota Century Code, *Chapter 29*:

- **Chapter 29-06-20 (1)**, "A private person may arrest another for a public offense committed or attempted in the arresting person's presence."
- **Chapter 29-06-18**, "An officer may take before a magistrate a person who, while engaged in a breach of the peace, is arrested by a bystander and delivered to the officer."
- **Chapter 29-06-21**, "A private person making an arrest must inform the person to be arrested of the intention to arrest the person, and of the cause of the arrest (1) the person to be arrested then is engaged in the commission of an offense."
- **Chapter 29-06-23**, "A private person who has arrested another for the commission of a public offense, without unnecessary delay, shall take the person before a magistrate or deliver the person to a peace officer."⁷⁴

The crimes I witnessed take place included violations of more than one (aforementioned throughout this Claim) U.S. Code statute which *led to the confusion* that was dividing officers & civilians throughout North Dakota. I was aware of these statutes because my civil rights have been violated in the past & I'd performed research following the occurrences. **By falsely accusing myself & fellow civilians of “rioting” & “disorderly conduct” officers violated:**

U.S. Code Title 18 – CRIMES AND CRIMINAL PROCEDURE
PART I – CRIMES
CHAPTER 13 – CIVIL RIGHTS
§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, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both...”

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90-284, title I, §103(b), Apr. 11, 1968, 82 Stat. 75 ; Pub. L. 100-690, title VII, §7019, Nov. 18, 1988, ; title VI, §60006(b), title XXXII, §§320103(b), 320201(b), title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 1970 , 2109, 2113, 2147; Pub. L. 104-294, title VI, §§604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507 , 3511.)⁷⁵

⁷⁴ North Dakota Legislative Branch, *North Dakota Century Code*, “CHAPTER 29-06 ARREST”:
<http://www.legis.nd.gov/cencode/t29c06.pdf#nameddest=29-06-02>

⁷⁵ U.S. House of Representatives, Office of Law Revision Counsel, *itle 18-CRIMES AND CRIMINAL PROCEDUREPART I-CRIMESCHAPTER 13-CIVIL RIGHTS*
§242. Deprivation of rights under color of law: <http://uscode.house.gov/view.xhtml?req=deprivation+of+rights+under+color+of+law&f=treesort&fq=true&num=1&edition=prelim&granuleId=USC-prelim-title18-section242>

As aforementioned on page 68:

U.S. Code Title 10 –ARMED FORCES

Subtitle A – General Military Law

PART II – PERSONNEL

CHAPTER 47 – UNIFORM CODE OF MILITARY JUSTICE

SUBCHAPTER X – PUNITIVE ARTICLES

§892. Art. 92. Failure to obey order or regulation

Any person subject to this chapter who-

- (1) violates or fails to obey any lawful general order or regulation;
- (2) having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order; or
- (3) is derelict in the performance of his duties;

shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 68 .)⁷⁶

The following pages contain a transcript & *still frames* from video footage recorded approximately one minute *after* the previous video was recorded; this footage was then uploaded onto Youtube by me & entitled “10-24-2016: Distance Everheart seeks Citizen's Arrest @ Water Protector action pt 2”, located *here*:

<https://www.youtube.com/watch?v=GqbhSp7L8EM>

BEGIN TRANSCRIPT:

Footage clearly evidences all civilians are OFF the road, sounds of whooping.



⁷⁶ U.S. House of Representatives, *Office of Law Revision Counsel*, “U.S. Code Title 10 –ARMED FORCES Subtitle A – General Military Law, PART II – PERSONNEL, CHAPTER 47 – UNIFORM CODE OF MILITARY JUSTICE, SUBCHAPTER X – PUNITIVE ARTICLES, §892. Art. 92. Failure to obey order or regulation: [http://uscode.house.gov/view.xhtml?req=\(title:10%20section:892%20edition:prelim\)](http://uscode.house.gov/view.xhtml?req=(title:10%20section:892%20edition:prelim))”

Distance: “I need to declare a Citizen's Arrest. Its not on you guys. I need to declare a Citizen's Arrest on your superior officer for the crime of coercion (*see Definitions on page 5-6*) against you guys, and for violation of United States Code Title 42 Conspiracy to Interfere with Civil Rights (*see page 14*). I'm witnessing it happen, & also under Title 42 I could get tried with Action for Neglect to Prevent (*see page 15*), & so could you if you *don't* make the arrest on that superior officer who is declaring *false orders* under *United States law*.” **No response. Turns to another officer.** "Can I get your name & badge number?" **No response.** “Why are none of you giving us your names & badge number? On that end a few guys gave me their badge numbers – but I'm witnessing a crime over here, & I need to declare a Citizen's Arrest.” **No response.** “Who can I talk to that will listen to me, & have a conversation with me without arresting... ? What's the superior officer... ? Please direct them to me.” **No response.** “I am a Citizen of the United States of America & I have a right to make a Citizen's Arrest, & I am witnessing *Conspiracy to Interfere with Civil Rights* occurring. The Army Corps of Engineer officers who approved this pipeline violated Extortion Under Color of Title, United States Code. (*See page 6 for definition of “Extortion”, & page 16 for U.S. Code Extortion by Officers or Employees of the United States.*) “Extortion in Black's Law Dictionary translates that they 'signed off more than they have the lawful authority to sign off'. The Army Corps of Engineer officers who *approved* this pipeline have violated United States Code *Extortion Under Color of Title*. Its put *you guys* in danger. Its put *us* in danger. Its created *many* false arrests, & your *superior officer* – *right now* – I require his *name & badge number!* Who is the superior officer who is present here?”

Civilian: There is a *spirit* in each & every one of you men & women! You guys are not *listening* to your heart! That's why we stand here *hurt* – because those people are going to *kill us*. *Your children – my children! What is wrong?! Why can't you see what's going on here?!*

Distance: Who is the highest ranking official here? I hereby declare a Citizen's Arrest!!” **No response.** “I declare a Citizen's Arrest on the officers within the Army Corps of Engineers who approved this pipeline. The officers who approved this pipeline violated *Extortion Under Color of Title, United States Code*. I'm *witnessing* 'Conspiracy to Interfere with Civil Rights', *Title 42 United States Code* occurring, & I hereby declare a *Citizen's Arrest* on each of the workers working on behalf of Dakota Access pipeline, a subsidiary of Energy Transfer, owned by Kelcy Warren! When Kelcy Warren signed into the Uniform Commercial Code through the Secretary of State's website, he agreed to the Terms & Conditions⁷⁷ which includes *following the laws of the United States*. *He and yourselves* at this point at this time are in violation of *Article VI of The Constitution of the United States of America*.” (*See page 11.*) “Each of you chose to take a Constitutional Oath of Office, & we *entrust* you, & we *pay* you, & we *thank* you, & *you would be the first ones on the line if we had a war*. You'd be the first ones out there defending us & I wouldn't get to thank you – so *thank you*, but I have a *Citizen's Arrest* right now, & *none of you are responding & I'm witnessing a crime*, & I have a *right* to make a Citizen's Arrest *as a United States Citizen*. If any of you or your companies you're operating under are operating under the Uniform Commercial Code, then this applies to you. Under UCC 1-308, I hereby reserve *all of my rights* under the laws of the United States of America – any law violating any one of these peoples' rights notwithstanding. We have a *First Amendment right* to be here.”

⁷⁷ Texas Secretary of State *Rolando Pablos*, “UNIFORM COMMERCIAL CODE WEB SERVICES OVERVIEW, *OPENING A SOS DIRECT ACCOUNT, #8*”: https://direct.sos.state.tx.us/help/help-ucc.asp?pg=ucc_ws

Distance continues: “Are any of you facing *coercion*?” (see *Definitions on page 5 & 6.*)

“Please raise your hand so that later you can be brought to court as *victims* for this crime of *United States Code Title 42 Conspiracy to Interfere with Civil Rights* (see *page 14*). If you're being *coerced* & you're afraid that you can't feed your families if you don't do your job, please raise your hand.”

No response.

“Is that was this is about? Give me a little tiny nod so that later I'll know you're under coercion. We need *some indication*. *Why* are you doing this? We need to plant food everywhere so we're not dependent on this mess. We have a better plan on *WildWillpower.org*, & *write that down*. I *hope* its used against me in court, because it will be used *for me* when you read it. *Raise your hand* if you're facing coercion & you're being forced to violate our rights. *Raise your hand*. You will be *exonerated*. Coercion is a *crime*, & if its being used *against you*, come forth now – you are the victim in a *class action lawsuit*.”

No response.

Still frames show officers ~ 8-10 feet in front of me ignoring:



“... When the Nazis were brought before the Nuremberg Trials, their defense in court was 'We were just doing our jobs', & it got ruled *when our ancestors fought together against Nazi Germany*, that 'We were just doing our jobs' does *not* hold up in court. Its called 'the Superior Orders Defense' – also called 'The Nuremberg Defense'."

Commanding Officer on Megaphone: "This is an unlawful assembly."

Distance: "It looks like your'e doing this by choice. Do you prefer a Confederacy to a Constitution? Its against United States law to form a confederacy, & that's what this is looking like if you're *willingly & knowingly* choosing to do this."

– END TRANSCRIPT –

– WHAT TRANSPIRED FOLLOWING –

Shortly after I spoke the final words of the previous transcript, my camcorder ran out of battery. There are several more videos throughout this following link which evidence similar content as aforementioned, including evidence that “no civilians were on the road”, prior to my being falsely arrested *shortly after* by State Trooper Jacob G. Jones, badge 249:

http://www.standingrockclassaction.org/?page_id=3258

Following the unlawful arrest against me. I was passed between several officers, all of whom I claimed my innocence to, & whom I stated to that I had been illegally arrested. I saw no camcorders attached to any of the officers, & was concerned that everything I stated thenceforth would be taken as “hearsay” in court as a result. Though I complied with all orders officers made to me without resisting, I stated to each of them that I was wrongfully arrested & had been exercising activity that was protected by The First Amendment & that I did not consent to eh unlawful arrest against me or the deprivation of my rights. I stated to several officers that I was “charging the State \$1000 for minute they would continue to illegally keep me against my will”.

Soon after my arrest, 6 fellow civilians were arrested, & we were all loaded onto a van prior to being taken to a jail in Mandan. The driver had short red hair, & the woman who rode in the passenger seat was blonde with her hair in a ponytail. Neither responded when questioned regarding their identity, so I stated aloud so everyone in the vehicle could hear: “United States officials are required to identify themselves. Due to the fact that both of these individuals in the front seat are dressed in uniforms which *appear* to be officer uniforms, *however* neither of them will identify themselves, *and* due to the fact that the City of Mandan is a Corporation, we can deduce that *neither of them* are in fact U.S. officials, but *instead* are, in fact, *employees* of the City of Mandan. Being that they are not actually officers and instead ore only *dressed* like officers, having ordered their uniforms in much the same way that a soccer team orders its *jerseys*, we can also *deduce* that we *never were in fact arrested*, but that we have *actually been kidnapped*. *And* due to the fact that it was argued in court that 'slaves *tacitly accepted to be slaves due to their lack of objection to being slaves*', I hereby *object* to this *kidnapping!* *Stop the vehicle – stop the vehicle!!*” I indicated to fellow civilians in the vehicle, who then collectively joined in: “*Stop the vehicle! Stop the vehicle!*”

Officers Failed to Identify Themselves, Thus Preventing The Ability of Civilians of Being Able to File Charges in Cases of Misconduct &/or Malicious Conduct:

Evidence strongly indicates that the reason State of North Dakota officials, acting under color of law & with willful disregard, remained silent & failed to identify themselves, is that they were operating in conscious parallelism (*see page 6 under Definitions*) alongside employees of “Political Subdivisions”⁷⁸ including County of Morton⁷⁹ aka Morton County⁸⁰, the City of Mandan⁸¹, and potentially others, including but not limited to independent contractors & DAPL employees & Kelcy Warren, owner of Energy Transfer Partners, for the purpose of directly & indirectly violating the Senior Reserved Water Rights of tribes & Citizens, & also to violated the rights of Citizens who came to legally protest against the illegally approved pipeline.

Supreme Court ruling **Dodge v. Ford Motor Co. 270 Fed. Appx. 200** established “The purpose of a corporation is to make a profit for the shareholders, but a court will not interfere with decisions that come under the business judgment of directors”⁸², & therefore establishes probable cause as to why public officials working for the incorporated County of Morton *and* the incorporated City of Mandan (*see page 24*) appear to prioritize “profit for shareholders” ahead of The Law of The Land.

Furthermore, *the Indemnification Clause within the Sovereign Land Permits* former State Engineer of the North Dakota Water Commission authorized on 4-1-2016 (*see pages 20 – 21 within the associated booklet “The Illegal Approval Process of The Dakota Access Pipeline Project ('DAPL') Mapped.”*) appears to have direct correlation involved with the negligence & reckless endangerment caused by officers abandoning their duty to uphold Constitutional law which thereby injured our rights & resulted in the State of North Dakota taxpayers being severely financially injured. The aforementioned Indemnification Clause *reads as follows*:

“By granting this Authorization (to drill beneath Lake Oahe), no liability for damages fo any kind, including those caused by improper construction, operation and maintenance, desin or failure in design, materials, or workmanship, is assumed by or transferred to the State of North Dakota, the State Engineer, the State Water Commission or any of their respective employees, agents, or assigns. The Permittee will indemnify and hold harmless the State of North Dakota, its officials, employees, agents, boards, commissions, and assigns for any and all liability for work performed and action taken under this Authorization.”

78 North Dakota State Constituiton, **ARTICLE VII, “POLITICAL SUBDIVISIONS”**:
<http://www.legis.nd.gov/constit/a07.pdf>

79 Dun & Bradstreet's “Credibility Review” of *County of Morton*:
<https://www.dandb.com/businessdirectory/countyofmorton-mandan-nd-15354684.html>

80 Morton County, North Dakota *official website*: <http://www.co.morton.nd.us/>

81 City of Mandan *official website*: <http://www.cityofmandan.com/>

82 CaseBriefs, “*Dodge v. Ford Motor Co.*”: <http://www.casebriefs.com/blog/law/corporations/corporations-keyed-to-klein/the-nature-of-the-corporation/dodge-v-ford-motor-co/>

Contrary to the unjust & inaccurate assertions against myself & fellow civilians, followed by the unlawful arrests against us, followed by our false imprisonment wherein a ransom (*see definition on page 8*) which our captors referred to as a “bond”, was demanded as a condition for our release, we were *all* exercising our inalienable right to freedom of speech as guaranteed within Amendment I of The Bill of Rights of The Constitution of The United States⁸³ *while* operating in accordance with the legal parameters The Preamble charters:

Amendment I

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”⁸⁴

Preamble

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”⁸⁵

Furthermore, our right to speech *and* to remonstrance are affirmed within Article 1 of the North Dakota State Constitution:

Section 5. The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition, address or remonstrance.⁸⁶

Definition of Remonstrance: “1. a protest against a certain law being passed or a protest that urges the actions of a public body not be taken.⁸⁷ 2. to present and urge reasons in opposition. 3. to say or plead in protest, reproof, or opposition⁸⁸ 4. A Forcefully reproachful protest.⁸⁹”

“Sir, we have done everything that could be done, to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, & have implored its interposition to arrest the tyrannical hands of the ministry & Parliament. Our petitions have been slighted; our remonstrances have produced additional violence & insult; our supplications have been disregarded; & we have been spurned, with contempt, from the foot of the throne.”

– Patrick Henry's “Give Me Liberty, or Give Me Death!” Speech⁹⁰

83 **Transcript of The Constitution of The United States:** <https://www.archives.gov/founding-docs/constitution>

84 **National Archives, “Bill of Rights: A Transcription”:** <https://www.archives.gov/founding-docs/bill-of-rights-transcript>

85 **Heritage Guide to The Constitution, “PREAMBLE”:**
<http://www.heritage.org/constitution#!/articles/0/essays/1/preamble>

86 **State of North Dakota, North Dakota Legislative Branch, North Dakota State Constitution, ARTICLE I DECLARATION OF RIGHTS:** <http://www.legis.nd.gov/constit/a01.pdf>

87 **Black's Law Dictionary Second Edition Online, “Remonstrance”:** <http://thelawdictionary.org/remonstrance/>

88 **Merriam-Webster Online, “Remonstrate”:** <https://www.merriam-webster.com/dictionary/remonstrating>

89 **Oxford Dictionary Online, “Remonstrate”:** <https://en.oxforddictionaries.com/definition/remonstrate>

90 **History.org, Colonial Williamsburg; That The Future May Learn From The Past, “Source: Wirt, William. Sketches of the Life and Character of Patrick Henry. (Philadelphia) 1836:**
<http://www.history.org/almanack/life/politics/giveme.cfm>

We Were Deprived of Our Rights Under Color of Law, Then Falsely Imprisoned:

Myself & fellow civilians were falsely accused of violating the following North Dakota Century Codes in order to justify the illegal arrests which were *actually* the crime of kidnapping being *disguised* as arrests (*see page 8 for definition*), false imprisonments, & the thenceforth demanded *ransom* (*see page 8*) as a condition for our being released:

- **Chapter 12.1-25-04. Disobedience of public safety orders under riot conditions:** A person is guilty of a class B misdemeanor if, during a riot as defined in section 12.1-25-01, or when one is immediately impending, he disobeys a reasonable public safety order to move, disperse, or refrain from specified activities in the immediate vicinity of the riot. A public safety order is an order designed to prevent or control disorder, or promote the safety of persons or property, issued by the senior law enforcement official on the scene. "Riot" (as defined under CHAPTER 12.1-25 RIOT 12.1-25-01. Inciting riot.) means a public disturbance involving an assemblage of five or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs law enforcement or other government function.⁹¹
- **Chapter 12.1-31-01. Disorderly conduct.**
 1. An individual is guilty of a class B misdemeanor if, with intent to harass, annoy, or alarm another person or in reckless disregard of the fact that another person is harassed, annoyed, or alarmed by the individual's behavior, the individual:
 1. Engages in fighting, or in violent, tumultuous, or threatening behavior;
 2. Makes unreasonable noise;
 3. In a public place, uses abusive or obscene language, knowingly exposes that individual's penis, vulva, or anus, or makes an obscene gesture;
 4. Obstructs vehicular or pedestrian traffic or the use of a public facility;
 5. Persistently follows a person in or about a public place or places;
 6. While loitering in a public place for the purpose of soliciting sexual contact, the individual solicits the contact;
 7. Creates a hazardous, physically offensive, or seriously alarming condition by any act that serves no legitimate purpose;
 8. Engages in harassing conduct by means of intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person...
 2. **This section does not apply to constitutionally protected activity.** If an individual claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.⁹²

91 North Dakota Legislative Branch, North Dakota Century Code CHAPTER 12.1-25 RIOT, "12.1-25-04. Disobedience of public safety orders under riot conditions": <http://www.legis.nd.gov/cencode/t12-1c25.pdf>

92 North Dakota Legislative Branch, North Dakota Century Code CHAPTER 12.1-31 MISCELLANEOUS OFFENSES "12.1-31-01. Disorderly conduct": <http://www.legis.nd.gov/cencode/t12-1c31.pdf>

The PROMISE TO APPEAR I was made to sign as a condition for my release, in addition to evidence of the "\$500 ransom" referred to by kidnappers as a "bond":

See page 8 for supporting Definitions.

PROMISE TO APPEAR

I, Alexandra Distance Marie Wilson
(Name of Individual)

[Redacted] Fairfax CA 94930
(Mailing Address, City, State, Zip)

Telephone # (415) 70-7117

Work # _____

Date of Birth 1/26/1982

SSN# [Redacted]

HEREBY PROMISE TO APPEAR, in consideration of my release on \$ 500 ^{cash} bond,
in Morton County District Court Mandan Municipal Court, at 210 - 2nd Ave NW (second
floor), on the 24 day of October, 20 16 at 2:30 a.m./p.m.

ON THE CHARGE(S) OF: Disorderly Conduct/Disobedience of Public Safety Orders
Under Riot Conditions.
CASE NO.(S): _____

If 2nd or subsequent offense of Driving Under the Influence, the individual shall be placed
on the 24/7 Sobriety Program. Report to the Morton County Sheriff's Office the following
business day. Morton County Sheriff's Department is located at 205 - 1st Ave NW, Mandan, ND
58554, (701) 667-3330.

SIGNATURE: [Redacted] *without prejudice, under duress*

DATE: October 15, 2016

TIME: 1742

WITNESS: Bueman

Morton County District Court (701) 667-3358

Mandan Municipal Court (701) 667-3270

Officers, Employees, & Contractors, Working in Conscious Parallelism, Violated the Following U.S. Code Statutes:

United States Code Title 18 – CRIMES AND CRIMINAL PROCEDURE
PART I – CRIMES
CHAPTER 13 – CIVIL RIGHTS
§241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.⁹³

United States Code Title 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 21 - CIVIL RIGHTS
SUBCHAPTER I – GENERALLY
§1985. Conspiracy to interfere with civil rights

(1) Preventing officer from performing duties

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person... holding any office, trust, or place of confidence under the United States... from discharging any duties thereof...

(2) Obstructing justice; intimidating party, witness, or juror

... if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of

⁹³ U.S. Government Publishing Office, **United States Code Title 18 - CRIMES AND CRIMINAL PROCEDURE, PART I – CRIMES, CHAPTER 13 - CIVIL RIGHTS §241. Conspiracy against rights:**
<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/html/USCODE-2011-title18-partI-chap13-sec241.htm>

the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.⁹⁴

U.S. Code Title 18 - CRIMES AND CRIMINAL PROCEDURE

PART I – CRIMES

CHAPTER 55 – KIDNAPPING

§1201. Kidnapping

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when-

- (1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;
- (2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;
- (3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49;
- (4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title

shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

(b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce. Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.

⁹⁴ U.S. Government Publishing Office, United States Code Title 42 – THE PUBLIC HEALTH AND WELFARE, CHAPTER 21 – CIVIL RIGHTS, SUBCHAPTER I – GENERALLY §1985. Conspiracy to interfere with civil rights: <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/html/USCODE-2010-title42-chap21-subchapI-sec1985.htm>

- (c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.
- (d) Whoever attempts to violate subsection (a) shall be punished by imprisonment for not more than twenty years.
- (e) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if
 - (1) the victim is a representative, officer, employee, or agent of the United States,
 - (2) an offender is a national of the United States, or
 - (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49. For purposes of this subsection, the term "national of the United States" has the meaning prescribed in section 101(a) (22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).
- (f) In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.⁹⁵

Trezevant v. City of Tampa, 241 F2d. 336 (11th CIR 1984):

"Where an individual is detained, without a warrant and without having committed a crime, the detention is a false arrest and false imprisonment."

Damages Awarded: Motorist illegally held for 23 minutes in a traffic charge was awarded \$25,000 in damages, thereby setting precedent to be able to cite "\$75,000 dollars per hour, or \$1,800,000 dollars per day" for false imprisonment, when undue suffering is inflicted.

In order for an award to be reduced, 'the verdict must be so gross or inordinately large as to be contrary to right reason.' *Machado v. States Marine-Isthmian Agency, Inc.*, 411 F.2d 584, 586 (5th Cir. 1969). The Court 'will not disturb an award unless there is a clear showing that the verdict is excessive as a matter of law.' *Anderson v. Eagle Motor Lines, Inc.*, 423 F.2d 81, 85 (5th Cir. 1970). The award, in order to be overturned must be 'grossly excessive' or 'shocking to the conscience.' *La-Forest v. Autoridad de las Fuentes Fluviales*, 536 F.2d 443 (1st Cir.1976).

There was evidence of Mr. Trezevant's back pain & the jailer's refusal to provide medical treatment & Mr. Trezevant is certainly entitled to compensation for the incarceration itself *and* for the mental anguish that he has suffered from the entire episode. This award does not "shock the court's conscience" nor is it "grossly excessive" or "contrary to right reason." Finally, there is no indication that the jury considered this amount to be punitive as opposed to compensatory.⁹⁶

⁹⁵ U.S. House of Representatives, Office of Law Revision Counsel, U.S. Code Title 18, PART I, CHAPTER 55 §1201. Kidnapping: <http://uscode.house.gov/view.xhtml?req=18+%A7+1201+Kidnapping&f=treesort&fq=true&num=6&hl=true&edition=prelim&granuleId=USC-prelim-title18-section1201>

⁹⁶ **Leagle.com, *Trezevant v. City of Tampa, 241 F2d. 336 (11th CIR 1984):*** http://www.leagle.com/decision/19841077741F2d336_1990/TREZEVANT%20v.%20CITY%20OF%20TAMPA#

About “The Superior Orders Defense” aka “The Nuremberg Defense”: “I was just doing my job” does *not* hold up in court.

Note: Mentioned on page 25, & on multiple occasions throughout interactions with officers, as shown within additional footage here: http://www.standingrockclassaction.org/?page_id=3258

Following World War II, from 1945-1949, thirteen trials were held in Nuremberg, located in the German state of Bavaria. There were multiple defendants in the cases⁹⁷, wherein major war criminals were found guilty by the International Military Tribunal, & then executed. On September 10, 1947, the US Military Government for Germany created Military Tribunal II-A (later renamed *Tribunal II*) to try the Einsatzgruppen Case. The 24 defendants were all leaders of the mobile security & killing units of the SS, the *Einsatzgruppen*.⁹⁸

Hans Frank, for instance, early supporter of the Nazi party (photo shown as right), had studied law & eventually became the personal legal advisor to Adolf Hitler. After the outbreak of World War II, Frank was appointed Governor General of occupied Poland. In this capacity, Frank was responsible for the exploitation & murder of hundreds of thousands of Polish civilians, as well as the deportation & murder of Polish Jews. He was found guilty on counts three and four (*war crimes and crimes against humanity*) and sentenced to death. Frank was executed on October 16, 1946.⁹⁹



Defendant Hans Frank, former Governor General of occupied Poland, in his cell at the Nuremberg prison. November 24, 1945. — National Archives and Records Administration, College Park, Md.



Wilhelm Frick, *Reich Minister of the Interior* from 1933 to 1943 & *Reich Protector for Bohemia & Moravia* from 1943 to 1945, in the decisive first years of the Nazi dictatorship, directed legislation that removed Jews from public life, abolished political parties, & sent political dissidents to concentration camps. Frick was found guilty on counts two, three, & four (*crimes against peace, war crimes, & crimes against humanity*) & sentenced to death. He was executed on October 16, 1946.¹⁰⁰

Shown At Left: Wilhelm Frick.

Photo Source: <https://flowvella.com/s/3li2>

97 NPR: “The Last Nuremberg Prosecutor Has 3 Words Of Advice: 'Law Not War'”. Heard on Morning Edition: <http://www.npr.org/sections/parallels/2016/10/18/497938049/the-last-nuremberg-prosecutor-has-3-words-of-advice-law-not-war>

98 United States Holocaust Memorial Museum, Holocaust Encyclopedia, “SUBSEQUENT NUREMBERG PROCEEDINGS, CASE #9, THE EINSATZGRUPPEN CASE *United States v. Otto Ohlendorf, et al.*”: <http://www.ushmm.org/wlc/en/article.php?ModuleId=10007080>

99 “ “, “HANS FRANK”: <https://www.ushmm.org/wlc/en/article.php?ModuleId=10007108>



Photo Source:

<http://www.filozof.net/Turkce/filozof/2Iyuzyl-filozoflari/183-david-benjamin-kaplan-21yy-filozoflari.html>

Judge Benjamin Kaplan was an Army officer who helped craft the indictment (*formal charge or accusation*) of the Nazi war criminals who were tried at Nuremberg. He later became a Harvard law professor & served nine years on the Massachusetts Supreme Judicial Court.¹⁰¹ Kaplan charged:

“All the defendants, with divers other persons, during a period of years preceding 8 May 1945, participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy to commit, or which involved the commission of, Crimes against Peace, War Crimes, and Crimes against Humanity, as defined in the Charter of this Tribunal, and, in accordance with the provisions of the Charter, are individually responsible for their own acts and for all acts committed by any persons in the execution of such plan or conspiracy.”¹⁰²

During the Einsatzgruppen Case, twenty-four defendants were charged under four counts:

1. crime against peace
2. planning & waging wars of aggression
3. war crimes
4. crimes against humanity.

They did *not* include Adolf Hitler, who killed himself by gunshot on 30 April 1945, Heinrich Himmler (*head of the SS*), or Joseph Goebbels (*head of propaganda*), who *also* commit suicide. Martin Bormann, the Nazi party secretary, was tried in absentia – his remains were found many years later in Berlin. Robert Ley, head of the "Strength through Joy" worker movement, hanged himself before the trial started. Hermann Göring, Hitler's successor, killed himself with a phial of cyanide the night before he was to be executed. Rudolf Hess, Hitler's former deputy, who flew to Britain in 1941 with what he called a peace plan, was given a life sentence. He killed himself in Spandau prison, Berlin, in 1987. Albert Speer, Hitler's architect who was responsible for the mass exploitation of forced foreign labour, was jailed for 20 years. The man who supplied the slave labour, Fritz Sauckel, was sentenced to death, as were 12 others.

The Nuremberg tribunal became renown for the "I was only obeying orders" defense, & led to a series of subsequent *international conventions* on the laws of war, genocide, & human rights, & the setting up of a permanent *international criminal court* in The Hague (Netherlands).

100 “ “, “WILHELM FRICK”: <https://www.ushmm.org/wlc/en/article.php?ModuleId=10007109>

101 The New York Times, “*Benjamin Kaplan, Crucial Figure in Nazi Trials, Dies at 99*” by Bruce Weber, 8-24-2010: <http://www.nytimes.com/2010/08/25/us/25kaplan.html>

102 Yale Law School, *Lillian Goldman Law Library, The Avalon Project, Nuremberg Trial Proceedings Vol. 1 Indictment : Count One, HE COMMON PLAN OR CONSPIRACY*”: <http://avalon.law.yale.edu/imt/count1.asp>

During the trials, the subordinate officials under *Allied Control Council Law No. 10*¹⁰³ were the subject of considerable controversy in Germany & in the West.

The old Latin maxim of *nullum crimen sine lege, nulla poena sine lege* was much discussed as a bar to these prosecutions, the theory being that *the acts in question were not crimes when committed*.¹⁰⁴ The maxim *literally* translates "no crime or punishment without a law". **In the U.S., this maxim is found in the Ex Post Facto Clauses of Article 1 of The Constitution:**

§ 9: "No... ex post facto Law shall be passed."

§ 10: "No state shall... pass any... ex post facto law..."

This principle of legality requires, as a prerequisite to just punishment, fair notice to the defendant of the conduct classified as criminal, & the range of punishment attached to it. This principle also finds expression through the Due Process Clauses of the Fifth and Fourteenth Amendments by way of the "vagueness" doctrine, which is the requirement of reasonable precision in defining criminal conduct. The constitutional requirement of definiteness is violated by a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute.¹⁰⁵

The Superior Orders Defense, in summary, argues that "the acts charged to them were committed under orders from military or civilian superiors to whom a duty of obedience was owed". The nature of the defense evolves from the duty of obedience which soldiers of all nations owe to their superior officers.¹⁰⁶ In the U.S. military, this *duty of obedience* is found within the Oaths of Enlistment, yet *so is the principle* that if such orders violate The Constitution, the officer must "defend... against all enemies, foreign and domestic":

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God."¹⁰⁷

Deliberate actions such as murder, pillage, & others are *clearly* known to be in violation of criminal law (municipal or international), so can they *ever* be subjected to the *duty of obedience*? To paraphrase the question proposed at the International Military Tribunal at Nuremberg: "do individuals have international duties which transcend the national obligations of obedience imposed by the State?"

103 Yale Law School, *Lillian Goldman Law Library, The Avalon Project*, "Nuremberg Trials Final Report Appendix D : Control Council Law No. 10, PUNISHMENT OF PERSONS GUILTY OF WAR CRIMES, CRIMES AGAINST PEACE AND AGAINST HUMANITY": <http://avalon.law.yale.edu/imt/imt10.asp>

104 Alan M. Wilner, *Superior Orders as a Defense to Violations of International Criminal Law*, 26 Md. L. Rev. 127 (1966): <http://digitalcommons.law.umaryland.edu/mlr/vol26/iss2/5>

105 USLegal "*Nullum Crimen Sine Lege, Nulla Poena Sine Lege Law and Legal Definition*": <https://definitions.uslegal.com/n/nullum-crimen-sine-lege-nulla-poena-sine-lege/>

106 Alan M. Wilner, *Superior Orders as a Defense to Violations of International Criminal Law*, 26 Md. L. Rev. 127 (1966): <http://digitalcommons.law.umaryland.edu/mlr/vol26/iss2/5>

107 U.S. Army, *Army Values, "Oath of Enlistment"*: <https://www.army.mil/values/oath.html>



Photos from TIME Magazine, December 10, 1945. Volume XLVI (47) Number 24 Hermann Göring & Rudolf Hess, front row far left, & Hans Frank, in the sunglasses front row fourth from right, are among the Nazis in the dock in Nuremberg, September 1946. Photograph: Eddie Worth/AP:
http://www.anglonauts.eu/history/hist_germany_20_ww2/hist_20_ww2_ger_nuremberg/hist_uk_us_20_ww2_nuremberg.htm

1804-1956: The U.S. Has Consistently Ruled *Against* 'Superior Orders' As Being An Acceptable Defense, When A Crime Is Committed As A Result of The Obedience:

"Superior orders" received its first judicial consideration in a national context, with the earliest modern cases occurring in the United States, in which the defense was generally *rejected*. In 1804, the Supreme Court in *Little v. Barreme*¹⁰⁸ held that the captain of a U.S. frigate (*warship*) who wrongfully captured a neutral ship pursuant to an unauthorized order from the President (Jefferson) was liable for civil damages. After determining that the capture was, in fact, unlawful, Chief Justice Marshall (appointed by John Adams), reversing his earlier thoughts on the matter, concluded, **"the instructions cannot change the nature of the transaction, or legalize an act which without those instructions would have been a plain trespass."**¹⁰⁹

In 1813, again under Chief Justice Marshall, a federal circuit court again, after consideration, rejected this defense in *United States v. Jones*.¹¹⁰ There, the crew of an American privateer (a private person or ship engaged in maritime warfare under a *commission of war* known as a *letter of marque*) was charged with piracy for stopping a neutral vessel, & then assaulting her captain & crew & stealing merchandise. To the claim that the crew acted pursuant to orders of the captain, the court stated:

"This doctrine, equally alarming and unfounded... is repugnant to reason, and to the positive law of the land. No military or civil officer can command an inferior to violate the laws of his country; nor will such command excuse, much less justify the act... We do not mean to go further than to say, that the participation of the inferior officer, in an act which he knows, or ought to know to be illegal, will not be excused by the order of his superior."¹¹¹

Almost four decades later, the Supreme Court, under Roger B. Taney (appointed by Andrew Jackson), again had the question before it in the case of *Mitchell v. Harmony*.¹¹² There, the plaintiff left Missouri with considerable livestock & merchandise, intending to trade in Mexico at a time when such trade was legal. While en route, war with Mexico was declared; the Army was sent to overtake him, which it did. After trailing along behind the Army for some time, the plaintiff wished to go his own way, but the defendant, a colonel acting under orders, refused to let him leave, as a result of which his goods were eventually lost. In holding the defendant liable for damages, the court stated:

"Consequently, the order given was an order to do an illegal act; to commit a trespass upon the property of another; and can afford no justification to the person to whom it was executed... And upon principle, independent of the weight of judicial decision, it can never be maintained

108 Official Citation: *Little v. Barreme*, 2 Cranch 170 (1804):

<https://supreme.justia.com/cases/federal/us/6/170/case.html>

109 *Id.* at 178.

110 Official Citation: *United States v. Jones*, 36 Fed. Cas. 653 (No. 15494) (C.C.D. Pa. 1813).

111 *Id.* at 657.

112 Official Citation: *Mitchell v. Harmony*, 13 How. 115 (1852)

that a military officer can justify himself for doing an unlawful act, by producing the order of his superior.”¹¹³

The conclusion of *Mitchell v. Harmony* was reasserted, in *Dow v. Johnson*¹¹⁴, where the Supreme Court released the statement, under Chief Justice Morrison Waite (appointed by Ulysses S. Grant), **"We do not controvert the doctrine of Mitchell v. Harmony... ; on the contrary, we approve it."**¹¹⁵

In later cases, the courts tended to be somewhat more lenient in their rejection of the defense, but only on the basis that the acts in question were not clearly known to be illegal. In 1889, under Supreme Court Justice Melville Fuller (appointed by Grover Cleveland), in *Freeland v. Williams*¹¹⁶ the Supreme Court struck down a judgment entered against a former member of the Confederate Army for taking cattle from the plaintiff under orders from his superior officer.

Later¹¹⁷, in *State of New York v. Jude Tanella* (still under Melville Fuller), a federal circuit court acquitted a corporal of manslaughter, when, on orders from his sergeant, he killed a fugitive who had escaped from detention. The basis of the court's decision was:

"The illegality of the order, if illegal it was, was not so much so as to be apparent and palpable to the commonest understanding. If, then, the petitioners acted under such order in good faith, without any criminal intent, but with an honest purpose to perform a supposed duty, they are not liable to prosecution under the criminal laws of the state."¹¹⁸

There does not appear to have been any substantial change in the attitude of American courts as expressed in the above cases.¹¹⁹ Even in time of war, "superior orders" has historically *not* been a defense to a clearly illegal act in American law.

The law in Great Britain has been quite similar. In the early case of Ensign Maxwell, who, under orders, killed a French prisoner during the Napoleonic Wars by firing into a cell, the Scottish court rejected the plea of superior orders, declaring:

"If an officer were to command a soldier to go out to the street & to kill you or me, he would not be bound to obey. It must be a legal order given with reference to the circumstances in which he is placed; and thus every officer has a discretion to disobey orders against the known laws of the land."^{120 121}

113 *Id.* at 136

114 Official Citation: *Dow v. Johnson*, 100 U. S. 158 (1880)

115 *Id.* at 169.

116 Official Citation: *Freeland v. Williams*, 131 U. S. 405 (1889)

117 Official Citation: *State of New York v. Jude Tanella In re Fair*, 100 Fed. 149 (D. Neb. 1900):

<http://aele.org/tanella-2nd.html>

118 *Id.* at 155 (emphasis added).

119 See *United States v. Clark*, 31 Fed. 710 (E.D. Mich. 1887) ; *Neu v. McCarthy*, 309 Mass. 17, 33 N.E.2d 570 (1941) ; *Commonwealth v. Shortall*, 206 Pa. 165, 55 Ati. 952 (1903).

120 II BUCHANAN, REPORTS Or RiwARKABL TRIALS 3, 58 (1813).

121 Alan M. Wilner, *Superior Orders as a Defense to Violations of International Criminal Law*, 26 Md. L. Rev. 127 (1966): <http://digitalcommons.law.umaryland.edu/mlr/vol26/iss2/5>