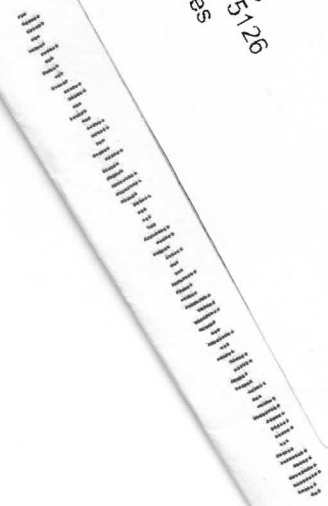


Inmate Name:
Register Number:
Federal Correctional Institution
33 1/2 Pembroke Road
Danbury, CT 06811-3099

Daniel John Riley
14528-052

751 268 2088 EC20

✉ 14528-052 ✉
Rudy Davis
PO BOX 2088
Fomey, TX 75126
United States



Terre Haute, Indiana September 17, 2015

American People,

Before I begin I need to correct a misstatement I made in my open letter dated July 25, 2015. I stated that the Confederate States' Constitution was the same as the United States Constitution except they removed Article I, Section 8, Clause 18. This was an error on my part and I stand corrected. For this I apologize to my readers. Under my current circumstances, fact checking is very difficult, but still, I offer no excuses; and humbly admit my mistake.

Moving on to this open letter's theme, I would like to talk about the United States Constitution. As my readers probably know I am not a big fan of the Constitution. Why? Because it fails to explicitly limit the government and specifically delineate our rights. It defines the structure of the government properly. Meaning it specifies how the Congress is made up, that the President is one person, that there is one Supreme Court, etc. It spells out how people are elected and how they are removed from office when they do dishonorable acts. When it comes to restricting the government, it fails.

James Madison expressed at the constitutional convention that the American People would elect mostly men of good will and character and that this was a strong source against corruption in and of the national government. We always hear how genius these men were that wrote the Constitution. Let me point out that these same men believed the Bill of Rights were not needed, premised on the assertion stated in the first sentence of this paragraph. In one of the Federalist Papers (I don't recall the number at this instant) Alexander Hamilton argued a Bill of Rights was unnecessary, superfluous and dangerous. We are being enslaved now, just imagine how long ago the government would have enslaved us without the Bill of Rights. Even Madison, as a member of the first House of Representatives, did an about face, when he witnessed

the Constitution being implemented in ways it was not designed. Madison became a driving force for the Bill of Rights.

What the framers did have a genius for was thoughtful imprecision and ambiguity when it came to limiting the government's power and defining our rights. The Constitution uses generalized terms. It thereby permits, even encourages, no necessitates, continuous reinterpretation and adaption to changing circumstances. The fundamental founding document or social contract between all the citizens needs to be based on time proven principles and the natural laws of nature; both, never should change with the passage of time. As one example of this reasoning I point out human nature. It never changes. Another time proven principle is that all governments that have ever existed on this planet wanted to or has enslaved the people it was suppose to serve. As the famous and influential French philosopher Jean Jacques Rousseau (1712-1778) correctly asked: "Can the will of the State help being for me a merely external will, imposing itself upon my own? How can the existence of the State be reconciled with human freedom? How can man, who is born free, rightly come to be everywhere in chains?"

Knowing that any government's inherent nature is to always try an enslave the people, shouldn't specific and explicit prohibitions be boldly expressed in the Constitution like iron rods in a wrought iron fence picketed around this very dangerous government to keep it within it prescribed limits? Without the Bill of Rights, all the framers gave us for protection was Article I, Section 9, which is more like a fence made of straw. You see, the theory went, when selling the Constitution to the duped public, that if the Constitution did not grant the government the power then

it was prohibited to the government. As we know from my last letter this theory was adopted by the toothless 10th Amendment. To further show my reader that the 10th Amendment and this theory are no limitation on the government I will cite a Supreme Court case opinion written by that scoundrel John Marshall. In McCulloch v Maryland, 4 Wheat 316, 421 (1819), Marshall stated how to determine if a law was constitutional: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist of the letter and spirit of the Constitution, are constitutional." (emphasis added). In this case the Supreme Court found the Constitution gave the government the authority to charter a corporation, i.e. a bank. It reasoned, though this power is not expressly given by the Constitution, it is not prohibited as a means to carry into effect other powers expressly granted. With this circular reasoning, as I have stated before, the central government is unlimited, not limited, as we are deceptively told by the enemy's courts. Basically, the Supreme Court flipped the script, by holding what is not prohibited is allowed instead of the original intent, which is not allowed is prohibited.

How is the government being allowed to control so much of our lives. The government is in just about every aspect of our daily lives, even assigning all of us an identification number like a rancher does with his cattle. Does a nation of supposedly freemen do this type of thing? The Constitution is the problem. Its vague wording obliges the Supreme Court to act as if it were a super-legislature. As Emperor, Napoleon

stated: "that constitutions should be short and obscure." He knew that a ambiguous and vague constitution allowed him to interpret it as he deemed necessary for his power. Such a document is a thing of oppression not liberty.

Why is the enemy's central government gaining total control over our lives? The reason is simple, as Thomas Jefferson once lamented in a letter to Spencer Roane dated September 6, 1819, that the Constitution is "a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please." A New York State judge, Robert Yates, writing under the pseudonym, Brutus, as a so-called "anti-federalist" warned and predicted that "the judicial power of the United States, will lean strongly in favor of the general government, and will give such an explanation to the Constitution, as will favor an extension of its jurisdiction and power." Supreme Court Judge Felix Frankfurter explained that the words of the Constitution are so unrestricted by their intrinsic meanings, or by history, or by tradition, or by prior decisions, "that they leave the individual justice free, if indeed they do not compel him, to gather meaning not from reading the Constitution but from reading life . . . The process of constitutional interpretation compels the translation of policy into judgment, and the controlling conceptions of the justices are their idealized political picture of the existing social order." Judge Learned Hand observed that when a judge must pass on a question of constitutional law, "the words he must construe are empty vessels into which he can pour near anything he will." And finally, Chief Justice Earl Warren upon

his retirement noted that the Court consisted of nine independent judges
"who have no one to be responsible to except their own consciences."

As a reasoning person can now discern why the national government continues to grow in size and power as individual rights and liberty recede — because the Constitution fails in its duty to stop this dangerous course of tyranny. I laugh when I here someone say that he is a strict constructionist of the Constitution. The imprecision of the constitutional text makes strict constructionism a ridiculous assertion. Inherently vague words cannot be strictly construed. From its absurdity it refutes itself. Strict construction is like the word love in the mouth of a whore, its a deception. An example is in order. We have the right to a "speedy trial." What is a speedy trial — one month, six months, or a year? Some federal judges have ruled that a three year delay is not a violation of the speedy trial right. You see what I mean by saying that our rights are not properly protected against government attacks. Having gone to trial in a federal court, I know from first hand experience that the court runs roughshod over the defendants rights. If, for example, the speedy trial right was defined by the terms: from the time of arrest till the start of trial, the government has no more than 120 days, unless for absolute sufficient cause, this time cannot be extended. Upon denial of this right, the accused must have the accusations against him dismissed. This is just an example, but can my reader see how a more precisely defined right

protects the individual from government abuse better than vague terms like speedy trial. Of course, 120 days was just a time I randomly used, but when we take our country back from the rouge government and rewrite or tweek the Constitution, this time limit will be well thought out and debated. Another example to drive this point home. The 6th Amendment states that trial by jury in "all" criminal prosecutions. The Supreme Court ruled that States that do not allow trials for crimes that the maximum punishment is six months in jail does not violate the 6th Amendment. So, even the words like "all" are flexible.

I can hear a reader now, decrying that what I am saying would give the criminal element an advantage over law enforcement, allowing guilty criminals to go free. One must understand that Constitutional rights are suppose to thwart the effectiveness of a system of law enforcement. Sadly, it goes without saying, the public has been conditioned to worry more about the impotence of the police than about preserving their god given natural rights. Those who favor broader police powers, ridicule our rights and undermine them, all for a false promise of safety and security. All too often the police officer sincerely believes he is doing his job by protecting society against criminals, and he will, if need be, and with the approval or advice of his superiors, including prosecutors, outright lie about his conduct when testifying in court to thwart the accused's rights. And the Courts aid and abet the lawbreaking police officer, by allowing the perjury. When is the last time you heard of a police officer being charged with

perjury. But I'm sure you heard of innocent victims of the police having their convictions overturned. Our guaranteed rights are suppose to impose somewhat of a straitjacket on the police in order to maintain freedom. There is no possible way to maintain freedom without hamstringing law enforcement with our rights. Constitutional rights should never be sacrificed for the sake of government efficiency. Constitutional rights are suppose to operate as limits on government power no matter how beneficial a regulation may seem. Every right exercised by an accused is in opposition to society, that is the nature of rights.

The problem or fault coming to light with the Constitution of over 200 years of the ever widening governmental invasion and oversight of our private lives, is that the terms and wording used to secure our rights leave too much room for abstraction, subjectivity and manipulation, leaving our rights of incalculable value to be functionally elastic to the point of practically meaningless; and at the mercy of some judge. For example, the term "unreasonable" searches and seizures, in the 4th Amendment, is not self-explanatory. The Courts have riddled the 4th Amendment with so many loopholes that today it fails to operate as an effective deterrence against law enforcement. The courts very rarely find that the government is overleaping constitutional barriers by encroaching on the private enclave. The Courts always rule that the interests of society outweighs the claims of personal liberty. The courts erode our rights by distinguishing or defining them narrowly to establish the legitimacy of law enforcement.

As I noted above, the framers were prone to believe that honest good people would be elected, so therefore they could trust the good faith of government authorities. Well, if men were angels we wouldn't need government. And if those who made and enforced the law could be trusted there would be no need for the Bill of Rights. Neither liberty nor justice can flourish under a government whose powers are trusted to be ethically exercised, its powers must be so constitutionally restrained that they cannot otherwise be exercised. Each one of our rights is like a picket in that wrought iron fence I spoke of earlier to limit the government's powers by putting a set bounds around it. The problem is the Constitution does not define a boundary in bright bold defined terms, allowing the government to get out of its cage.

The 2nd Amendment states the right to keep and bear arms "shall not be infringed." The enemy's courts have determined that waiting periods, background checks, limits on the type and number of arms, outright prohibitions to own a handgun, etc... do not infringe on the 2nd Amendment right. All these blatant infringements are premised on protecting society over the protection of individual rights. I remember when Bill Clinton was selling his Brady background check scheme, toting how it will be the death knell for criminals getting guns. As we know criminals still get guns and always will. Remember, government's true agenda is to get total control, or enslave, the people it governs; and you will then understand why these politicians

pitch us this phoney utopia that can only be reached if you would just give the government more power by surrendering your money and rights to it. Evil is in the world and you can never completely wipe it out. For example, here in prison, there are cops and cameras everywhere. What prisoners have access to is strictly controlled. How prisoners move about is strictly controlled too. Total Security is the objective to keep prisoners and employees safe, without any rules interfering with how the prison goes about keeping the prison secure. The prisoners are provided everything needed to sustain life; with some forms of entertainment. Yet, even in this totally controlled environment, weapons still come about, such as homemade knives. Violence still happens to a serious degree. The point is, even with the total loss of freedom, the government still cannot guarantee a safe and secure environment or society. Evil will always rear its ugly face. Every law limiting or interfering how Americans can obtain firearms does nothing to make society safer. Each gun restrictive law's real agenda is to reduce the American People to abject slavery.

Again, I believe the root cause of our decline is the Constitution itself. The meaning of the Constitution is as fluid as the personal whims of the Supreme Court's membership, really making it no Constitution at all. The Constitution is amended every year when the Supreme Court declares its decisions. I hear people say all the time that the Supreme Court is not suppose to make law, The Congress is suppose to make our laws. History lets us know courts make laws all the

time, its called common law. Like Chief Justice Burger said: "the Supreme Court operates as a continuing constitutional convention..." reinterpreting and updating the Constitution. The ultrasophisticated justices of the Supreme Court can skillfully split legal hairs and reach any conclusion it desires, because the vague ambiguous wording of the Constitution allows them to get away with it. The judicial process in our country has overwhelmingly become a means of rationalizing preferred ends. Ends of which do not favor individual freedom, but instead total government control. We are suppose to be a nation of laws, but at the very apex of our system of government, the men and women who interpret the laws, rather than the laws themselves, are the real decisive factors. Again, this has come to fruition because the Constitution allowed it to happen. We are a nation of men not laws.

Another flaw of the Constitution is that it fails to give the States a check on the central government. The Congress was originally set up that the House of Representatives was a representation of the people in their individual capacity and the Senate was a representation of the people in their combined representation, or State representation. This gave the States a say in the government, but the Constitution added the 17th Amendment, making the Senators elected by individual people instead of State legislatures. The States are powerless to check the power of the Central government.

Another flaw is the central government has a monopoly to arbitrarily interpret the very document that was intended to restrain it. Think about that. Thomas Jefferson warned us in his 1798 Kentucky

Resolution that the central government has become the sole and final judge of its powers. And has used this power and will continue to use it to enlarge those powers to enormous dimensions. Does history tell us that Jefferson was right? I believe so.

The simple fact is that the Constitution has failed in its proclaimed purpose. The States and the People have been rendered defenseless; and retain only such rights (the courts call them "privileges") and powers as the central government chooses to allow them. The only real check remaining, as history let us know, is the 2nd Amendment. On a final note I want to list a few of the Founding Fathers who believed the Constitution would end in the enslavement of the People: George Mason, Abraham Lansing, Elbridge Gerry, Robert Yates, Luther Martin (all refused to sign the Constitution), Samuel Adams, Patrick Henry, George Clinton, and Richard Henry Lee. Here are a few interesting facts regarding the adoption of the Constitution: originally New Hampshire voted not to ratify, but the vote was not recorded and the convention adjourned for a week or so. During this time it's alleged that votes were purchased and on the revote ratification passed. In Pennsylvania, the Sheriff with a mob dragged assemblymen to the house to vote to authorize a convention. At the convention many delegates couldn't make the long journey due to the weather. These were against the constitution. The majority of the convention only represented a small percentage of the state of Pennsylvania. This is all spelled out in a document published on December 18, 1787 entitled "The address and reasons of dissent of the minority of the Convention of the State of

Pennsylvania to their constituents." I recommend my readers to read this. One final fact I like to denote is that Rhode Island and North Carolina voted not to ratify the Constitution. The first Congress put measures in place equivalent to a trade embargo to force these two states to Ratify the Constitution, which they did within a year. The point is, the Constitution was brought into being with a bunch of Shenanigans, not this overwhelming voluntary majority, and I have only listed a few of them due to this forum. I forgot to mention that Patrick Henry also claimed votes were purchased because him being very familiar with the sentiments of the districts represented by certain convention delegates, was astounded when these delegates voted in favor of the Constitution when Mr. Henry knew the constituents were against it. And Virginia passed the ratification by a slim margin of 89 to 79.

Well, that's all I have for now. I hope this and my previous letters open the reasoning of my readers' minds. My goal is to stop our decline down this path to totalitarianism and to win back our lost freedoms. To my readers I say

Take Good Care