

The Constitution Party of Ohio Citizen's Courier

SB 193-Ohio Voter Suppression Act of 2013



OHIO SENATE BILL 193

Otherwise known as either:

The Ohio Voter Suppression Act of 2013

Or

The Assured Re-election of John Kasich for Governor Act

Senate Bill 193 for 2013, proposed in mid-September by Cincinnati Republican State Senator Bill Seitz, is one piece of scary legislation making any other Halloween monster seem tame by comparison. This is a bill designed to permanently eliminate all political parties except Republican and Democrat from existence beginning in 2014. It is highly likely that the bill will be struck down in Federal Court, the same as the last two similar attempts by the Democrats in 2009 and then by the Republicans in 2011.

This bill is essentially the Governor John Kasich Assured Re-Election Bill. Over the past year or so, Kasich has ticked off so many people with his

blatant violation of our newest ability of the electorate to vote for addition to the State Constitution (an anyone but the Republican or amendment passed overwhelmingly by Democrat candidate for Governor. (I the Ohio voters in 2012 in opposition remember when we used to make fun to Obamacare). He further alienated of the Communist Block countries the electorate by circumventing the when they could vote for anyone they Ohio House to implement his pro- wanted as long it was the only person Obamacare Medicaid expansion plan, on the ballot. How is this much among his other distasteful acts. As different?)

Such, his election may be in doubt because a third Party candidate, such as Charlie Earl of the Libertarian Party, even if he did not win the election, could steal enough votes from Kasich that coupled with the number of independents that will very possibly vote for the Democratic candidate in this election (whoever that may be) that the Democrat would be elected. Something had to be done to stop that scenario. The most straightforward strategy was to eliminate third parties from the election ballot. This can also be labeled THE VOTER SUPPRESSION ACT OF 2013 as it also removes the

Secretary of State Husted had originally stated that IF the bill did not go into effect before November, it would be too late for the 2014 elections. If the bill can't affect the 2014 elections then it fails to achieve its primary objective because the courts will most likely declare it unconstitutional by 2016 – but by then Kasich will be re-elected. When Seitz proposed the bill in September, because he (and other Republicans) wanted this bill in place to negate all third parties for the 2014 gubernatorial race, he invoked what is termed the Emergency Clause deeming that this



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was emergency legislation, thereby circumventing any waiting periods required of normal legislation. Without the emergency clause being part of the bill, the normal waiting periods for legislation from the time of passage until the time such legislation would take effect would be too long in this case to become law before the filing deadlines for the 2014 primaries, thus negating this being in play for the 2014 elections – its primary objective.

As best as one can determine, the status of SB 193 at the time of this writing was up in the air. Wednesday, October 30, it unexpectedly was passed out of the House Legislative and Oversight Committee as a Halloween eve surprise and later that same evening the House surprisingly passed the Committee version of the Bill, which was somewhat different than the Senate Bill. The Senate Republicans subsequently unanimously rejected the House version. Not expecting it to be passed by the House until the following week, the Senators had plans to go home for the weekend so there was no one in the Senate to serve on a joint Committee in an attempt to resolve the differences between the two versions. This will take time, which without the emergency clause invoked in the Senate version but rejected by the House, will probably cause the legislation to be too late for the 2014

elections. If this legislation cannot affect the 2014 elections, and will otherwise likely be thrown out in the courts by 2016, it may never see the light of day because ultimately we, and the other minor Parties as well as the Democrats, are going to use this as campaign fodder against the Republicans.

My biggest disappointment with this legislation, personally, was learning that Jim Buchy was a co-sponsor of the House version. I supported Jim Buchy during his first campaign for the House many years ago, as well as in subsequent campaigns, and always considered him to be an honest and honorable person. It disheartens me to learn that he is as tainted as the rest. I would love to learn that my assessment of Jim is proven to be in error but one cannot be a co-sponsor or a supporter of this horrendous bill, whether the Senate or House version, and be deemed honorable. SB 193 and

its corresponding House version are horrible pieces of legislation that is akin to the “Chicago Style” politics of which the Republicans are constantly accusing President Obama and his minions of playing. I would say that the Republicans have learned from the President and his ilk but I believe it was in their hearts all along.

“This is the verdict: Light has come into the world, but people loved darkness instead of light because their deeds were evil. Everyone who does evil hates the light, and will not come into the light for fear that their deeds will be exposed. But whoever lives by the truth comes into the light, so that it may be seen plainly that what they have done has been done in the sight of God.” (John 3:19-21)

There is little doubt that these men do not want their deeds exposed to the light.

by **Don Shrader, Chairman
Constitution Party of Ohio**



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The Bill of Rights Amendment 6

Right to Speedy Trial, Confrontation of Witnesses.
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

The Drug Enforcement Agency (DEA) is using data in criminal investigations collected from the NSA, FBI, CIA, IRS, and the Department of Homeland Security, according to a report published by Reuters. The agency, however, has the ability to withhold the origin of that

information.

The investigative report cites documents obtained that teach officers how to conceal the origin of the information that led to arrests.

The department responsible for this is referred to as the "Special Operations Division," and operates from a classified location in Virginia. It is also used for organizations such as the IRS to obtain and cover up tips coming from the DEA.

Members of the DEA have spoken out about the importance of the practice, referring to it as "parallel construction:"

When law-enforcement agencies systemically adopt cover-ups, they are granting themselves the power to decide what can be discussed in a case, a brand of government authority that the Founding Fathers specifically attempted to avoid.

The Sixth Amendment states that the accused has the right "to be informed of the nature and cause of the accusation." Parallel construction obscures this right by selectively choosing what "cause" of the accusation a department is comfortable with relaying at the expense of the accused.

more at Source:

[http://ivn.us/2013/08/28/dea-investigation-tactics-may-infringe-on-the-sixth-amendment/?](http://ivn.us/2013/08/28/dea-investigation-tactics-may-infringe-on-the-sixth-amendment/)



2013 State Convention Report

We had a great showing at the 2013 Convention. The speech by Tom Zawistowski was excellent. He talked about the need for what we are doing and his willingness to assist us in our efforts and his commitment help us find good conservative freedom loving candidates.



This is not to diminish the speech by Max Eriwin, campaigning to unseat the liberal republican Robert Gibbs in the 7th District, or Dave Easton campaigning for the Ohio legislature from Sydney.

We were all truly captivated by the speeches and passion poured out by these great defenders of liberty. Expect to see great things happen coming out of Ohio.

We are looking for YOU to help us find and elect candidates across the state and across the nation.



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Portions of the 6th Amendment included something that was unheard of prior to the introduction of this amendment by James Madison. Prior to this right being included in the 6th Amendment, an accused person in many cases could not testify on their own behalf. They reasoned that in many crimes the testimony of the accused would be biased and as such would be unreliable.

The 6th Amendment also allows the accused to call forth witnesses on their behalf and it allows them to know the crime they are being charged with as well as the right to a trial by jury in the jurisdiction in which the crime was to have been committed. When the US Constitution was being deliberated on in the VA legislature, Patrick Henry, who was against the Constitution as written, complained that the Constitution neglected to include the right to a trial by jury, a right that all

British subjects had known for hundreds of years. The British subject also had another form of protection that by some accounts goes back to the 12th or 13th century and it was known as the Writ of Habeas Corpus. The Writ of Habeas Corpus states that a person that is placed under arrest be taken before a judge or into court, and the custodian of the prisoner must present evidence that there is lawful authority to detain the prisoner.

We now move forward 220 years, to a time where the Congress includes a provision under Section 1021 of the NDAA, where foreign nationals who are **alleged** to have committed or merely **"suspected"** of sympathizing with or providing any level of support to groups the U.S. designates as terrorist organization or an affiliate or associated force may be imprisoned without charge or trial "until the end of hostilities." As if that wasn't enough, we now move forward to 2013, where President Obama signs the newest installment in which among other things allows the indefinite detention of American citizens without giving them their due process of law.

Our early founders recognized how important these rights were, which is why they included it in what we now commonly refer to as our Bill of Rights. Our elected representatives over the last several decades have

eroded these rights to the point where these rights are almost non-existent. Is this the America that you love? Is this the type of justice system that you were taught in school as being the best in the world?

Our government; at all levels, are passing laws, ordinances and regulations that are decimating our unalienable rights and the protections that were placed in the Constitution and Bill of Rights to maintain our liberties from government tyranny. It's time we stopped allowing them to step on our rights. It's time we elect principled people to represent us in government. If we can't find these people then WE need to be the principled lover of liberty that campaigns to protect that liberty for our posterity.

The Constitution Party of Ohio has found a few principled people that are campaigning now to be that protector of liberty; but we need more. Will you be the one? Will you help us find them? Will you help us get them elected? It's time! If not now, when? If not you, Who?

by Gale Joy, Secretary
Constitution Party of Ohio





THE NDAA and the 6TH AMENDMENT

Robert Chesney is not only a Law Professor at the University of Texas but also a non-resident Senior Fellow at the Brookings Institute. In case you are not familiar with the Brookings Institute, the “Drive-by” news media almost always presents it as an American Think-tank – leaving the impression that it is politically neutral, which the Institute purports itself to be, when in fact it is a liberal/progressive leaning Think-tank. Of course, the same media proclaims the Heritage Foundation to be everything from a conservative based Think-tank to a radical right-wing organization. One thing they never describe it as is just another Washington-based Think-tank. They consistently label organizations such as the Heritage Foundation as a “conservative” entity while typically refusing to put any label on a liberal/progressive entity such as the Brookings Institute.

The following comments regarding the 2012 National Defense Authorization Act are interesting, coming from a politically moderate to

progressive law professor.

Does the NDAA Authorize Detention of US Citizens?

By Robert Chesney

The Senate bill was amended after my original post below, in a manner that explicitly states that the NDAA should not be read as affirming or prohibiting citizen detention. I've written this post to explain exactly what this would mean.

I gather that there has been some confusion as to whether S. 1867, the NDAA bill currently pending in the Senate, should be read as (i) requiring the use of military detention for US citizens in some circumstances, (ii) authorizing it but not requiring it, or (iii) precluding it. The best reading of the language currently in the bill is (ii): Section 1031 and 1032 when read in conjunction suggest that US citizens are included in the grant of detention authority contained in section 1031, while being expressly *excluded* from the language in section 1032 that appears on the surface to affirmatively requires resort to detention for a subset of the persons made detainable by section 1031.

Here is why this is confusing:

S.1867 originally contained language to the effect that citizens are *not* subject to detention *solely* to the extent forbidden by the Constitution. Put simply, that was a backwards way of saying that citizens are subject to detention, except of course where the constitution forbids it. That drew lots of heat, and the language was altered. Now, in the current bill, things work as follows:

First, section 1031 is the explicit grant of detention authority. It no

longer says anything about US citizenship, one way or the other. It is just like the AUMF in that respect. Of course, we need to recall that the Supreme Court in *Hamdi* had no trouble concluding that insofar as the AUMF provided detention authority for persons captured in combat in Afghanistan, that authority extended to US citizens (*Hamdi* left open the question whether the AUMF provided detention authority to other contexts, and if so whether citizenship would remain irrelevant in those other contexts). In any event, against this backdrop, section 1031 as currently written—and if examined in isolation—would not alter the somewhat uncertain status quo regarding the availability of detention for citizens. But 1031 does not stand in isolation. Consider section 1032.

Section 1032 is the supposedly-mandatory military detention provision—i.e., the idea that a subset of detainable persons (“covered persons” in the lingo of the statute) are not just detainable in theory, but affirmatively must be subject to military detention (though only until one of several disposition options, including civilian custody for criminal trial, is selected). Section 1032 then goes on, in subpart (b), to state expressly that US citizens are exempt from



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this “mandatory detention” requirement (though lawful permanent residents are not).

This obviously rules out the idea of a mandatory military detention for US citizens. But note that it tends to rule in the idea that the baseline grant of detention authority in 1031 does in fact extend to citizens. Otherwise there would be no need for an exclusion for citizens in section 1032, since the 1032 category is a subset of the larger 1031 category. “

Source:

www.lawfareblog.com/2011/12/does-the-ndaa-authorize-detention-of-us-citizens/

So, what does this mean with respect to the 6th Amendment of our primary law supposedly preventing the Federal Government from usurping our unalienable rights derived from the Creator of heaven and earth and of all mankind? This shreds the 6th Amendment just as it does the 4th and 5th Amendments. Of course, it seems almost anticlimactic in that so many of

our unalienable rights have been infringed over the years that by the time Republicans passed the Patriot Act, the greatest usurpation of our unalienable rights in history, with its subsequent creation of the damnable Department of Homeland Security and the reprehensible TSA, thereby totally shredding all vestiges of the Constitutional protection of our unalienable rights, the NDAA of 2012 is just icing on the Republican cooked cake.

by Don Shrader, Chairman
Constitution Party of Ohio

