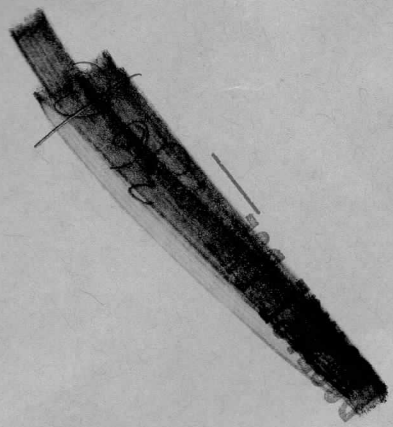
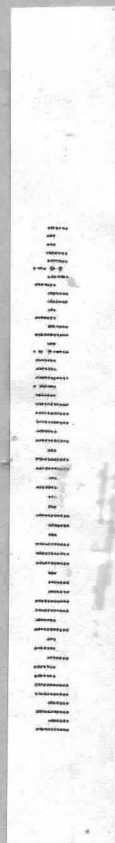


Michigan Correctional Institution
Box 1000
MI 48160



↔04564-059↔
Rudy Davis
PO BOX 2088
Forney, TX 75126
United States



Scott William Faul
Reg. No. 04564-059
F.C.I. Milan
P.O. Box 1000
Milan, MI 48160

March 24, 2025

Rudy Davis
P.O. Box 2088
Forney, TX 75126

Re: Documents

Dear Rudy,

Greetings. I am enclosing to you in this and another envelope on this same date the remaining copies of what I filed in 23-cv-1337. The contents of these two envelopes is 56 pages in one and 45 pages in the other (101 pages), added to the 68 pages I sent on March 20, for a total of 169 pages.

I have not included any copies of the Government's responses, because they twist everything so badly as to confuse my actual claims and facts. They remain some very bad and evil scum. Likewise, for the same reason, I have not included any of the court's diatribe regarding these cases. They are obviously in collusion with the scum of the DOJ. Also, there are a few of my own motions that are only of a procedural nature that I have not included; e.g., motions for extension of time and the likes.

I believe that my replies cover quite well what the DOJ and its complicit magistrate and judge attempt to to perpetrate. If anyone is interested in trying to figure out their dishonest word games, they can seek that garbage on PACER. If, on the other hand, you think that their drivel should also be posted in chronological order with my filings, please let me know what you think of that. I can easily furnish their responses as well, if you think it would be better.

Thank you all, and may this find you well, in good spirits, and blessed in all you do for the glory of our Father and our Savior.

Sincerely,


Scott William Faul

enc: copies, as stated

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Scott William Faul,

Petitioner,

Case No. 22-CV-2993 (MJD/JFD)

v.

Michel Lejeune, Warden,

Respondent.

Scott William Faul,

Petitioner,

Case No. 23-CV-1337 (PJS/DLM)

v.

Mark W. King, Warden,

Respondent.

Notice Of Potentially Related Cases

Petitioner Scott William Faul respectfully notifies this Court that his most recently filed habeas corpus petition, 23-CV-1337 (PJS/DLM) filed on May 12, 2023, is potentially related to his presently pending habeas corpus petition, 22-CV-2993 (MJD)(JFD), that was filed on November 30, 2022.

Faul believes that the facts and relief sought in the two petitions are closely enough related to warrant the Court's

consideration for assigning these two habeas corpus petitions to be heard and decided by the same Court.

Respectfully submitted,

Date: May 19, 2023

Scott William Faul
Scott William Faul

Affidavit And Certificate

I, the undersigned affiant, certify under the penalty of perjury that all the facts and circumstances in the foregoing instrument are true and correct. I further certify that I served one copy of this instrument on the Clerk of this Court, to be served through the ECF system, on this 19th day of May, 2023, by placing with the AM legal mail officer a copy for mailing with first class postage prepaid.

Affiant Scott William Faul
Scott William Faul
Reg. No. 04564-059
F.C.I. Sandstone
P.O. Box 1000
Sandstone, MN 55072

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Scott William Faul,

Petitioner,

Case No. 23-CV-1337 (MJD/JFD)

v.

Mark W. King, Warden,

Respondent.

Objection To Magistrate Judge's
June 23, 2023 Order

Petitioner, Scott Faul, respectfully objects to the Magistrate Judge's order granting the government's request to extend its time to respond to Faul's § 2241 Petition until August 10, 2023. Dkt. 12. Faul requests that the Court order the government to respond forthwith.

I. Legal Background.

28 U.S.C. § 2243 requires a response to a habeas petition to be made in 3 days. If the government shows good cause for an extension of time to respond, then a court may grant an extension. In no event may the time to respond exceed 20 days.

II. Factual Background.

1. Faul filed the instant § 2241 petition on May 12, 2023.
2. The Magistrate Judge ordered the government to respond within 30 days - on or before June 24, 2023. Dkt. 8.
3. Two days before the deadline, on June 22, 2023, the

government filed a request for extension of time to respond to Faul's petition. Dkt. 9.

4. The government requested a 45 day extension of time to respond to Faul's petition.

5. The next day, the Magistrate Judge summarily granted the government's request without hearing from Faul. Dkt. 12.

6. The government has thus been given 75 days (plus any further extensions) to respond to Faul's 2241 petition.

7. The government's justifications for their requested extension are as follows: (a) Faul's substantive challenge to the parole denial decision requires coordination between the United States Parole Commission (Commission) and the Bureau of Prisons (BOP); and (b) the Commission is currently undertaking a file scanning process, and Faul's file is one of thousands being scanned by outside vendors to convert paper files to digital files. Dkt. 9 at 2.

8. Faul has been imprisoned for 40 years. He entered the Bureau of Prisons when he was 30 years old. He is now 70 years old. Faul's petition seeks immediate release to parole. Every day of delay prejudices Faul's ability to spend his remaining years rebuilding his life on his farm.

III. Argument.

Faul appreciates that magistrate judge case management orders are reviewed with deference. Faul asks the Court to review the order with less deference, in light of the fact that the Magistrate Judge did not hear from Faul before acting on the

government's request. Faul requests that the Court order the government to file any response it intends to make forthwith.

The Court should sustain Faul's objection in light of the plain text of 28 U.S.C. § 2243, the weakness of the government's justifications, and the prejudice to Faul.

- A. The Court should sustain Faul's objection in light of the plain text of 28 U.S.C. § 2243.

28 U.S.C. § 2243 provides in relevant part:

The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.

28 U.S.C. § 2243.

Section 2243's plain text prohibits the government from having more than 20 days to respond to Faul's habeas petition. There is no ambiguity in § 2243's text. The Court should give effect to the statute's plain meaning. Griner v. King, 2023 U.S. Dist. LEXIS 29217 (N.D. Iowa 2023), citing Liu v. Sec. & Exch. Comm'n, 140 S. Ct. 1936, 1948 (2020) ("[C]ourts must give effect, if possible, to every clause and word of a statute.") (citation omitted).

The June 23, 2023 order violates § 2243's plain text. It provides the government with a 45-day extension of time to respond to Faul's § 2241 petition. Yet, the government already received 30 days to respond to Faul's § 2241 petition. No further extension is permitted by law.

Section 2243 serves important policy interests. Habeas petitions allege that a person is wrongfully imprisoned - among

the worst offense our government can inflict on the people. Expeditionary resolution of habeas claims addresses society's vital interest in minimizing unlawful imprisonment.

B. The weakness of the government's justifications for an extension supports relief from the June 23, 2023 order.

The government's justifications for an extension of time to respond to Faul's § 2241 petition do not establish good cause for an extension beyond the three days provided by § 2243. The justifications do not support an extension of time to 20 days. They certainly do not support the 75 day response deadline provided in the June 23, 2023 order.

The government's justifications are nothing more than garden variety litigation burden excuses and are not even supported by evidence, such as a declaration. The government argues it needs additional time to coordinate with the Commission and the BOP. But that will be true in any old law habeas case. The government further describes a file scanning process being undertaken by the Commission, but does not explain what that process has to do with the government's ability to timely respond to Faul's petition. Further, this is an excuse that would apply in any old law habeas case. In short, the government has offered no reason unique to Faul's case for why a departure from § 2243's default provision is warranted.

Any effort by the government to meet its burden would fail because the government already gathered the documents and coordinated with the Commission and the BOP in response to Faul's

November 28, 2022 § 2241 petition filed on November 30, 2022.
Faul v. Lejeune, 22-cv-2993 (MJD/JFD) (D. Minn.).

That § 2241 petition demonstrates that Faul has been paroled by operation of law. The government's February 10, 2023 response to that petition included their substantive discussion of Faul's January 25, 2023 mandatory parole hearing, and acknowledged having over 300 pages of documents from the BOP and the Commission on which they relied. Those documents were referenced and relied on throughout the government's response. Faul v. Lejeune, 22-cv-2993 (MJD/JFD) (D. Minn.), Dkt. 10. They include, inter alia, sentence computation data, notice of action orders for all hearings, pre- and post-hearing assessments, memos regarding hearings, hearing summaries, and requests between Faul and BOP staff or Commission personnel. It is not conceivable that any more material could be available at this juncture of proceedings. The weakness of the government's justifications - i.e., unsubstantiated garden variety claims of litigation burden belied by the record - supports Faul's objection.

C. The Court should sustain Faul's objection in light of the prejudice to Faul.

There is a substantial issue whether Faul is imprisoned in violation of the law. The government's 75-day time to respond to Faul's petition (which exceeds the maximum time permitted by 28 U.S.C. § 2243 by 55 days) harms Faul by materially delaying the time when Faul's substantial issues will be decided.

There is a substantial issue whether Faul is imprisoned in

violation of the law. Faul has two § 2241 petitions pending before the Court. In the first petition, Faul v. Lejeune, 22-cv-2993 (MJD/JFD) (D. Minn.), Faul presents a substantial issue whether he has been paroled by operation of law. The governing statute, 18 U.S.C. § 4206(d), provides that "old law" prisoners, such as Faul, are paroled by operation of law after serving a specified term of their sentence unless in relevant part the Commission timely determines that there is a "reasonable probability" that the prisoner will commit a crime in the future.

Faul's first claim in that petition is that he was entitled to parole after serving 30 years and that he served 30 years without the Commission making the "reasonable probability" determination. The government opposes Faul's interpretation, but the government's interpretation violates the rule of statutory interpretation against surplusage.

Faul's second claim is that even if, as the government contends, Faul is entitled to parole only after serving 40 years (versus the 30 years that Faul claims), Faul served 40 years, inclusive of good time credits, to have been paroled as of October 21, 2017. Critically, the government did not contest this claim and there is nothing to prevent the Court from issuing the writ.

Though the extension at issue in this objection does not formally extend deadlines in Faul v. Lejeune, to the extent that the Magistrate Judge intends to issue a recommendation in both § 2241 petitions at the same time, the extension will delay the

Magistrate Judge's recommendation in the Lejeune matter, thereby delaying resolution of Faul's substantial claims in that petition.

Faul's other § 2241 petition is the petition at bar. In this petition, Faul challenges the Commission's untimely determination that Faul has a "substantial likelihood" of committing a future crime.¹ Faul is a 70 year old farmer who has not committed a crime in 40 years, has maintained an excellent institutional record, and has been repeatedly assessed by his case manager, the Commission and the Attorney General as having no risk of committing a future crime. The Commission's justification for its determination is Faul's criticism of the government in court filings. This petition thus claims that the Commission's determination lacks a rational basis, in violation of Faul's Fifth Amendment due process rights; punishes Faul based on his political speech and petitioning activities, in violation of the First Amendment; and that § 4206(d)'s recidivism clause is vague, in violation of the Fifth Amendment, and violates the First Amendment as applied to Faul. This § 2241 petition presents substantial issues that will be unduly delayed to Faul's prejudice by the June 23, 2023 order.

As a closing point, Faul's criticisms of the government's

1 The Commission's "substantial likelihood" determination is not the quantum of proof required by law. 18 U.S.C. § 4206(d) requires a determination of "reasonable probability." Thus, to date, the Commission has not made the determination necessary to block Faul's parole.

actions in his conviction are shared by other government officials. Eighth Circuit judges Lay, Heaney, and McMillian took the unusual step of voting to rehear Faul's appeal en banc based on the constitutional infirmities in Faul's trial. United States v. Faul, No. 83-1912 (8th Cir.).

IV. Conclusion.

The Court should sustain Faul's objection and order the government to respond to or concede Faul's petition forthwith.

Respectfully submitted,

Dated: July 6, 2023

Scott William Faul

Scott William Faul

Affidavit And Certificate

I, the undersigned affiant, certify under the penalty of perjury that all the facts and circumstances in the foregoing instrument are true and correct. I further certify that I served one copy of this instrument on the Clerk of this Court, to be served through the ECF system, on this 6th day of July, 2023, by placing with the AM legal mail officer a copy for mailing with first class postage prepaid.

Affiant Scott William Faul
Scott William Faul
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Sandstone, MN 55072

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Scott William Faul,

Petitioner,

Case No. 23-CV-1337 (MJD/JFD)

v.

Mark W. King, Warden,

Respondent.

Reply To Government's Response To Petition For
Writ Of Habeas Corpus Pursuant To 28 U.S.C. § 2241

The Court should order Petitioner Scott Faul's release to parole.

I. Preliminary statement.

Before specifically addressing the substance of the government's response, Faul addresses three broader points.

First, the government criticizes Faul for not attending the January 25, 2023 mandatory parole hearing. But Faul did attend the hearing. In compliance with the Commission's regulations, Faul submitted his evidence in advance of the hearing in the form of a statement submitted under the penalty of perjury. A copy of that statement (which went ignored) is attached as Reply Exhibit A. Faul then physically appeared at the hearing and read a further statement into the record, which largely echoed his claims in the § 2241 petition filed in Faul v. Lejeune, 22-cv-2993 (MJD/JFD) (D. Minn.). After doing that, Faul informed the

Hearing Examiner that he would be leaving the hearing while the government presented its evidence. Faul did so in part to avoid an abusive confrontation. At Faul's co-defendant's mandatory parole hearing, the hearing examiner allowed Richard Muir (who was also present at Faul's hearing) to aggressively describe his desire to take violent revenge against Faul's co-defendant. Faul did not want to be exposed to that, so he left, as was his right to do.

Second, the government criticizes Faul for being difficult in advance of prior hearings. Dkt. 14 at 6-12. In fact, by deferring hearings and lodging objections on the Commission's forms, Faul was holding the Commission to its due process obligation to provide a complete copy of the file in advance of parole hearings. Faul's efforts resulted in the Commission making further disclosures, supplying summaries, or agreeing not to use documents it would not disclose. See, e.g., correspondence between the Commission and Faul, attached as Reply Ex. B. Faul was justified in defending his Due Process rights. The Commission has a history of significant abuses in cases like Faul's. See Bowers v. United States Parole Comm'n, Case No. 1:08-cv-02095, U.S. Dist. LEXIS 203620 (N.D. Ga., Aug. 2, 2012). Faul commends the Bowers case to the Court's careful attention. By reading it, the Court may gain a greater appreciation for Faul's (and others') criticisms of the Commission.

Third, the government's response cites a large number of cases. What stands out about those cases is that not one of them

involves facts like those in Faul's case. In every case cited by the government, there is a readily apparent reason why parole was denied. In Faul's case there is not. In Faul's case, the government asks the Court to take the unprecedented step of forcing a 70 year old man - who has lived 40 years in prison in a pro-social manner, who has no other criminal history beyond the instant conviction, whose conviction has been questioned by prominent jurists, law enforcement officials and journalists, and who just wants to live peacefully on his farm - to die in prison "because [he] was there."

II. Argument.

Under 18 U.S.C. § 4206(d), a prisoner is paroled by operation of law unless the Commission timely acts to block parole by finding that there is a "reasonable probability" that the prisoner will commit a future federal, state or local crime (the "recidivism clause"). The Commission's 18 U.S.C. § 4206(d) determination is bounded by Constitutional protections, including the Fifth Amendment's due process clause and the First Amendment's protection of speech and petitioning.

The Court should order Faul's release to parole because the Parole Commission's decision blocking Faul's mandatory parole violates Faul's First and Fifth Amendment rights or, in the alternative, 18 U.S.C. § 4206(d)'s recidivism clause violates the First and Fifth Amendments. The government's response does not show otherwise. Indeed, the government has defaulted on Faul's as-applied First Amendment challenge to 18 U.S.C. § 4206(d)'s

recidivism clause.

- A. The Commission's finding that Faul has a "reasonable likelihood" of committing a future crime violates the Fifth Amendment's due process clause because it lacks a rational basis, is arbitrary and capricious and is based on inaccurate facts.

The Fifth Amendment prohibits the Commission from acting without a rational basis, in an exceptionally arbitrary and capricious manner, or on inaccurate facts. Furnari v. Warden, 218 F. 3d 250, 254 (3d Cir. 2000). Under the law of the Eighth Circuit and every other circuit, the Court has jurisdiction to review the Commission's determinations (including its 18 U.S.C. § 4206(d) determinations) for Fifth Amendment violations. Jones v. Bureau of Prisons, 903 F. 2d 1178, 1184 (8th Cir. 1990) (agreeing that the courts have jurisdiction to review claims that the Commission "exceeded the scope of its discretion, violated the Constitution, or reached decisions so arbitrary and capricious as to amount to a violation of due process."); Langella v. Anderson, 612 F. 3d 938, 940 (8th Cir. 2010) (jurisdiction when Commission exceeds scope of discretion, violated the Constitution, or reached arbitrary and capricious decision amounting to violation of due process). To the extent the government argues that the Court lacks power to decide Faul's claims, the government is wrong.

On the merits, the government offers three facts which, according to the government, provide a rational basis for the Commission's determination that Faul has a "reasonable likelihood" of committing a future crime: (1) the seriousness of

Faul's offense conduct; (2) the "fact" that Faul's offense conduct "was motivated by violent anti-government sentiments and that these feelings had not abated over time;" and (3) the "fact" that "Faul had not completed any programming to future his rehabilitation or address his criminal thinking." Dkt. 14 at 16-18. The government's offerings fail.

1. Seriousness of offense conduct.

In violation of the Fifth Amendment, there is no rational link between the seriousness of Faul's offense conduct and the probability that Faul will commit a future crime. Recidivism prediction models consider age, criminal history, institutional conduct and other similar factors, but such models do not consider "offense seriousness." The Commission has long measured prisoners' risk of recidivism according to a metric known as the "salient factor score." As one court noted, "The salient factor score predicts the risk of recidivism and is, by definition, calculated without reference to the nature and circumstances of the current offense." Martinez v. Nash, Civ. No. 09-1333, 2009 U.S. Dist. LEXIS 119334 (D.N.J. Dec. 23, 2009) (emphasis added) (citing 28 C.F.R. § 2.20, listing factors the Parole Commission is authorized to consider in predicting a prisoner's risk of recidivism, but not listing offense seriousness as one of those permissible factors). The government cites to two cases for the proposition that "denying parole due to the seriousness of the offense is a permissible rationale." Dkt. 14 at 16. Yet, these cases addressed discretionary state parole determinations, not

whether there is a "reasonable probability" that a prisoner will commit a future crime for purposes of 18 U.S.C. § 4206(d). The government offers no evidence - expert testimony, examples of recidivism models that consider offense seriousness, or other evidence - that there is a rational link between "offense seriousness" and the probability of future criminal activity. This lack of a rational basis violates Faul's Fifth Amendment rights. Langella, 612 F. 3d at 941.

2. Violent, unabated anti-government sentiments.

There are at least two problems with the government's statement that Faul's offense conduct was "motivated by violent anti-government sentiments and that these feelings had not abated over time." Dkt. 14 at 16-17. First, this reason was not given by the Hearing Examiner, the Commissioner, or the National Appeals Board as a reason for blocking Faul's mandatory parole. The government is prohibited from offering new reasons for the Commission's determinations. Furnari v. Warden, 218 F. 3d 250, 257 (3d Cir. 2000). This alone is enough to reject this rationale.

Second, the government's facts are entirely invented. Faul has never had violent anti-government sentiments. He has never plotted to harm government officials, destroy government property or otherwise engage in violence against the government. Indeed, this very issue was addressed in Faul's direct appeal. Chief Eighth Circuit Judge Lay noted that the media unfairly implied that Gordon Kahl's reportedly violent anti-government views were

held by Faul as well. United States v. Faul, 748 F. 2d 1204, 1227 (8th Cir. 1984) ("Much of the publicity linked the defendants with Gordon Kahl's fanaticism and ruthlessness ... and left an impression that all the defendants were involved with the Posse Comitatus."). See Pet. Ex. B-005. Kahl's views were his own and, to the extent they were violent anti-government sentiments, were not shared by Faul. Indeed, as the Commission has previously recognized, Faul did not engage in violence against the government on February 13, 1983. As Parole Commission Hearing Examiner Sam Robertson observed in 2002, "There's nothing to indicate that you were specifically convicted of shooting anybody or killing anybody, that you were involved in some overt act that led to the death of somebody. As your attorney understood and expressed, and as I said initially, the fact of the matter is that you were there." Pet. Ex. F-004. Finally, law enforcement officers who were at the scene on February 13, 1983, have written letters in support of Faul's parole. Pet. Exs. C and D. These officers would not support Faul if he held violent anti-government views.

To the extent the Court would weigh this factor, then Faul respectfully requests an evidentiary hearing. Faul is submitting a declaration in which he denies having violent anti-government sentiments (then or now) and requests that the Court hold a hearing to determine this fact.

The government's statement that Faul has violent anti-government sentiments is false. To the extent the Commission

relied on this factor (and there is no evidence it did), then the Commission violated Faul's Fifth Amendment right to due process.

3. Failure to take any recidivism reduction programming.

The government's third offering is that Faul "has not completed any programming to further his rehabilitation or address his criminal thinking." Dkt. 14 at 17. The government's facts are wrong. Faul has completed substantial programming, including Personality & Goal Setting, Principles For Success, Personality and Stress Control, Food for Thought, RPP5 Unit Pre-Release, RPPl Power Walking, Nutritional Health II, Introduction to Communication Skills, Communication Part II, and FCI-Sandstone CBT Priority Practice Group Entitled: Anger Management. Dkt. 1 at 9. Indeed, Faul has completed every program his case managers have assigned to him. There is nothing more Faul could possibly do on this front. The Commission's reliance on a factor that is so clearly belied by Faul's institutional record is irrational in violation of the Fifth Amendment.

Further, though Faul would participate in any other programming assigned to him, there is no rational basis on which to conclude that more programming would reduce Faul's risk of recidivism. Faul already has the lowest possible risk of recidivism measured by the Bureau of Prisons. In over ten assessments, Faul has been assessed to have a minimum risk of recidivism. It is not possible to go any lower than this. Inmates in Faul's category are encouraged to engage in productive activities to maintain their minimum risk of recidivism. See

18 U.S.C. §§ 3621(6), 3632(d)(4)(A)(ii), 3635(5); and BOP Program Statement 5100.08. Faul has done that by maintaining employment. The Commission violated Faul's Fifth Amendment right to due process by concluding that Faul could lower his risk of recidivism - even though Faul's risk of recidivism is as low as it can possibly go.

4. Totality of the record.

The Fifth Amendment protects Faul from Parole Commission actions that are irrational, exceptionally arbitrary and capricious, or based on false facts. Faul's petition demonstrates that he has been assessed as having no risk of recidivism by the initial and every subsequent calculation of his salient factor score,¹ by the Attorney General, by Faul's case manager, and by the Commission itself in 2002. •Faul's petition demonstrates that Faul has conducted himself in a responsible and pro-social manner during his 40 years of imprisonment by maintaining employment with good work reviews, following institution rules,² and participating in programming. Only now

1. The Commission has long measured prisoners' risk of recidivism according to a metric known as the "salient factor score." Faul has maintained a minimum risk salient factor score throughout his term of imprisonment. At the 2002 parole hearing, the Hearing Examiner indicated that Faul's salient factor score was appropriate for a finding that Faul had no recidivism risk.

2. The government's response inaccurately states that Faul was denied parole in 2002 due to failing to follow institution rules. In fact, the 2002 hearing's Initial Hearing Summary states: "The misconduct reports are relatively minor and certainly would not be significant inasmuch as the prisoner has spent almost 20 years in confinement." See Gov. Ex. 2 at 4.

that Faul is eligible for mandatory parole does the Commission conclude that Faul is likely to reoffend. In defending the Commission's action, the government ignores all of the objective evidence in favor of naked (and false) assertions that Faul has violent anti-government sentiments and has not participated in any programming - even though Faul's criticism of certain government officials is purely peaceful political criticism, and Faul has participated in programming.

Faul is a 70-year-old farmer who has not committed a crime in 40 years. The Commission cannot let go of Faul even though he has served his time. It is using an irrational accusation of risk of future criminal activity as a pretext for further punishment.³ It has acted in an exceptionally arbitrary and capricious manner by predeciding the outcome and then inventing reasons to reach it. The Fifth Amendment protects Faul from this behavior. It is time for Faul to go home, so he can farm and meet his grandchildren.

- B. The Commission is violating Faul's First Amendment rights by using Faul's political speech as a material factor for denying Faul's parole.

The Commission's Notice of Action and the government's response state that Faul's political speech - including his

3. The Commission's own manual at § 2.53-01 accents the pretextual nature of its denial, stating, "A recommendation to parole normally should be made in order to provide a period under supervision for all except those who have the **greatest** probability that they will commit any federal, state or local crime following release." (emphasis added). Faul has the least probability of recidivism.

criticisms of government officials, his challenges to his conviction, and his dim view of the federal government - are the central reason why the Commission blocked Faul's parole. Dkt. 14 at 11, 16-18, 20-21. As set forth in Faul's § 2241 petition, this is a violation of Faul's First Amendment rights; we do not force people to die in prison for criticizing the government.

In an effort to salvage the Commission's violation, the government throws a wide-ranging series of arguments at the wall, hoping one of them will stick. None of them do.

First, the government cites the Commission's mandate to consider the 18 U.S.C. § 4207 factors. Dkt. 14 at 19. A prisoner's political views is not a consideration listed in § 4207, so this citation fails.

Second, the government quotes Chief Judge Schiltz's discussion of the events of February 13, 1983. Dkt. 14 at 19. This discussion has nothing to do with whether the government may force Faul to die in prison for calling the Commission "biased scum." This argument fails.

Third, the government suggests that Faul's criticisms fall outside First Amendment protection under the violence exception. Dkt. 14 at 19-20. That is a significant overreach. Faul's criticisms may be distasteful to some, but they are purely peaceful, and thus First Amendment protected.

Fourth, the government notes that correctional institutions have flexibility around First Amendment protections so as to provide for the safety, security, and orderly operation of

correctional institutions. Dkt. 14 at 20. The Commission does not operate correctional institutions, so this principle does not apply to its actions.

Fifth, and finally, the government goes to extremes, stating, "Faul's personal beliefs regarding the government and his anti-authority stances have progressed from protected speech into violent unprotected conduct," that Faul has a "proclivity for violent non-adherence to the government's authority" and "violent extremist associations." Dkt. 14 at 21. This is hollow rhetoric. None of those statements are supported with a citation to the record. All of those statements are false. See Declaration of Scott William Faul, attached as Reply Ex. C. Faul's political beliefs played no role in the events of February 13, 1983. Faul's role was accurately described by Attorney Ralph Vinje:

After the car in which he was riding was stopped by police, all of them in unmarked cars and none of them in uniform, Scott, who was not wanted for anything by the law, tried to run off into the woods. He was forced back into the circle by a U.S. Marshal and people began shooting at him. In reaction thereto, he fired above their heads.

Pet. Ex. A.⁴ Faul's actions on February 13, 1983 were not driven by his political views; they were driven by self defense. Faul did not harm anyone. For Faul and everyone else, that day was a

4. Vinje's description is supported by the findings of the 2002 Hearing Examiner. "It is clear to this examiner, from a review of the conduct, that this prisoner was less culpable than his codefendants, Yorie and Gordon Kahl. It would appear that in the shootout that the shots that killed or wounded the officers came from his codefendants." See Gov. Ex. 2 at 4.

nightmare.

As for its latter two comments, the government is laboring under the same confusion that Faul's jurors were. As described by Judge Lay, "Much of the publicity linked the defendants with Gordon Kahl's fanaticism and ruthlessness. Many news articles focused on Gordon Kahl's association with the radical Posse Comitatus, and left an impression that all the defendants were involved with the Posse Comitatus." United States v. Faul, 748 F. 2d 1204, 1227 (8th Cir. 1984). See Pet. Ex. B-005. If the government cannot separate Faul from Kahl in 2023, then perhaps the Court can appreciate Faul's criticism of the unfairness of his trial in the media storm of 1983.

Faul's criticisms of the government are purely peaceful. The Commission violated Faul's First Amendment rights by blocking Faul's mandatory parole because of them.

C. 18 U.S.C. § 4206(d)'s recidivism clause is void for vagueness under the Fifth Amendment both facially and as applied to Faul.

A statute is void for vagueness under the Fifth Amendment if it is (1) so vague that it fails to give ordinary people fair notice of the conduct it punishes, or (2) so standardless that it invites arbitrary enforcement. Johnson v. United States, 576 U.S. 591, 595 (2015). Faul's § 2241 petition demonstrates how 18 U.S.C. § 4206(d)'s recidivism clause is vague and standardless - both on its face and as applied to Faul.

Faul's Fifth Amendment challenge to the recidivism clause is directly comparable to the challenge that catalyzed the State of

New York to amend its then-similarly-worded parole statute. The New York parole statute read in relevant part that parole will issue if the board is of the "opinion that there is a reasonable probability that, if such prisoner is released, he will live and remain at liberty without violating the law." Cicero v. Olgiati, 410 F. Supp. 1080, 1093 (S.D.N.Y. 1976). A group of prisoners brought suit to challenge the statute on several grounds, including the ground that the statute was void for vagueness in violation of due process. The district court denied New York's motion to dismiss the void for vagueness challenge. Id.

The district court acknowledged that "at first blush, the phrases used in the statute, because of their very familiarity, may appear to provide a workable standard." Id. The district court nevertheless found multiple ambiguities in the statute, including in the phrase "without violating the law," that justified further proceedings. Id. at 1094 (noting that the phrase "without violating the law" incorporates offenses from serious felonies to "speeding on a highway," and that predicting such a wide range of future activity is inherently arbitrary).

In addition, the district court rejected the set of arguments the government makes in Faul's case. It rejected the argument that due process does not attach to mandatory parole determinations. Compare; Id. at 1089 with Dkt. 14 at 23. And it rejected the argument that such language was easily implemented and understood. Compare; Id. at 1093 with Dkt. 14 at 24.

The district court's reasoning was persuasive - so much so

that New York amended its parole statute to address its due process violations versus continuing to defend its unlawful statute. And the district court's reasoning has stood the test of time. Subsequent decisions have held that mandatory parole determinations are subject to due process protections. Greenholtz v. Inmates of Neb. Penal & Corr. Complex, 442 U.S. 1, 12 (1979). The government's rebuttals to Faul's void for vagueness challenge all fail. 18 U.S.C. § 4206(d)'s recidivism clause is void for vagueness both on its face and as applied to Faul. The recidivism clause is far more problematic from a due process perspective than the residual clause that was struck down in Johnson v. United States, 576 U.S. 591 (2015).

Two examples help cement this point. The government's response compares Faul's case to Artie Dufur's. Dkt. 14 at 25-27. Faul peaceably self surrendered to law enforcement and has lived for forty years in prison in a pro-social, positive manner. Dufur, on the other hand, was serving a life sentence in a California state prison for two murders, then escaped from that prison and killed a federal law enforcement officer, was convicted of that murder, led several other inmates in another attempted escape, and was sentenced by a federal district judge to life in prison in addition to the first life sentence he was already serving. Dufur v. United States Parole Comm'n, 34 F. 4th 1090 (D.C. Cir. 2022). If the recidivism clause is vague enough that Faul and Dufur can be put in the same category, then it is void for vagueness.

The government also compares Faul to Nathaniel Green. Green "kidnapped a seventeen-year-old woman and stabbed her seventeen times. One stab wound fatally severed her jugular vein. Green transported her across state lines. He fled, but was captured, tried, and convicted." Green v. Castillo, 807 F. 3d 905, 906-908 (8th Cir. 2016). Prior to his arrest, Green had engaged in similar uncharged conduct. Id. The Eighth Circuit held that the Commission's assessment of Green's risk of recidivism "necessarily involved examination of the particular factual nuances of Green's past and demeanor en route to assessing his likelihood to commit future crimes." Id. at 908. In other words, Green's extensive history of assaulting women with knives was rationally related to assessing whether he would recidivate. If the recidivism clause is vague enough that Faul and Green can be put in the same category, then it is void for vagueness.

18 U.S.C. § 4206(d)'s recidivism clause is void for vagueness on its face and as applied to Faul.

- D. The government has defaulted on Faul's as-applied First Amendment challenge to 18 U.S.C. § 4206(d)'s recidivism clause.

Faul's § 2241 petition raises a First Amendment challenge to 18 U.S.C. § 4206(d)'s recidivism clause. Dkt. 1 at 13. In it, Faul applies the standard articulated by the Supreme Court in New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 597 U.S. ___, 213 L. Ed. 2d 387 (2022). That standard places an initial burden on Faul to demonstrate that his activity is protected by the First Amendment's plain text. The burden then shifts to the government

to show that the recidivism clause's restriction on that activity is consistent with the Nation's historical tradition of regulating speech, petitioning, political criticism, and other First Amendment-protected activity.

Faul met his burden of demonstrating that his activity is protected by the First Amendment's plain text. Faul demonstrated that he criticized certain government officials in petitions filed with courts. Criticizing government officials and petitioning the courts are quintessential First Amendment-protected activities. See U.S. Const. amend. I.

The burden then shifted to the government to produce historical evidence that the recidivism clause's restrictions on Faul's political speech and petitioning activity is consistent with the Nation's history of regulating speech and other First Amendment-protected activity. The government did not attempt to meet this burden. It has therefore defaulted on Faul's claim. And what could the government say? We have never forced people to die in prison because they criticized a government official.

The Supreme Court's recent decision in 300 Creative LLC v. Elenis, 600 U.S. ____ (2023) prevents the government from meeting its burden. In it, the Court reaffirmed the principle that "the First Amendment protects an individual's right to speak his mind regardless of whether the government considers his speech sensible and well intentioned or deeply 'misguided.'" Id. at 600 U.S. ____, slip op. at 8. The Court made clear that the First Amendment's protections belong not only "to speakers whose

motives the government finds worthy; its protections belong to all, including to speakers whose motives others may find misinformed or offensive." Id., slip op. at 17. The Court noted that "the opportunity to think for ourselves and to express those thoughts freely is among our most cherished liberties and part of what keeps our Republic strong," even if it means "all of us will encounter ideas we consider 'unattractive,' [] 'misguided, or even hurtful.'" Id., slip op. at 25 (brackets supplied). Thus, the Court struck down a law which sought to compel speech the government deemed desirable.

The recidivism clause fails this test as applied to Faul. Faul's right to question his conviction and to criticize the officials responsible for depriving him of 40 years of his liberty "keeps our Republic strong." Faul's criticisms of the Parole Commission (which, it should be noted, are shared by prominent academics⁵) is a valuable check on the Commission's exercise of its power. Similarly, Faul's criticisms of his trial (which, it should be noted, are shared by prominent jurists⁶) provide a valuable check on the criminal justice system. Faul's

5. Berkeley Law professor Charles Weisselberg, on NPR, Morning Edition, March 18, 2022, 5:02 AM ET (critiquing the United States Parole Commission).

6. See Pet. Ex. B, United States v. Faul, 748 F. 2d 1204, 1223 (8th Cir. 1984) (dissenting Eighth Circuit Chief Judge Lay concluding that Faul "did not and could not receive a fair trial in the District of North Dakota"). In that case, No. 83-1912, Eighth Circuit judges Lay, Heaney, and McMillian took the unusual step of voting to rehear Faul's appeal en banc based on the constitutional infirmities in Faul's trial.

criticisms of the marshals' actions on February 13, 1983 (which, it should be noted, are shared by the former U.S. Marshal for the District of North Dakota⁷) provide a valuable check on law enforcement. If we sentence people to death in prison for criticizing government officials, then we will lose valuable liberty-preserving speech.

The government has defaulted on Faul's as-applied First Amendment challenge to 18 U.S.C. § 4206(d)'s recidivism clause.

E. An evidentiary hearing may be necessary to decide Faul's petition.

An evidentiary hearing is required to decide a § 2241 petition when the application for the writ and the return present more than only issues of law, such as when factual development is needed to resolve the legal challenge to the petition. See 28 U.S.C. § 2243; Walker v. Johnston, 312 U.S. 275 (1941).

An evidentiary hearing is not necessary to resolve this matter if the Court moots this petition by issuing the writ in Faul's earlier petition in Faul v. Lejeune, 22-cv-2993 (MJD/JFD) (D. Minn.). Also, an evidentiary hearing is not necessary for the Court to issue the writ because of the government's default on Faul's as-applied First Amendment challenge to the recidivism clause. An evidentiary hearing may not be required to resolve Faul's Fifth Amendment facial challenge to the recidivism clause.

7. See Faul v. Lejeune, No. 22-cv-2993 (MJD/JFD) (D. Minn.), Doc. 14, Filed 2-21-23, Reply Ex. B, Affidavit Of Criminal Justice Professionals, March 29, 1995.

An evidentiary hearing is necessary to the extent the Court reaches the government's assertions that Faul has (or has ever had) violent anti-government beliefs, that Faul's political beliefs had anything to do with the events of February 13, 1983, or that Faul's words have ever been anything other than purely peaceful political speech and petitioning activity. Faul's § 2241 petition, the exhibits thereto, and the attached Declaration Of Scott William Faul create issues of fact on these points, and an evidentiary hearing is required to resolve them.

III. Conclusion.

Faul was 30 years old when he entered prison. He is now 70 years old. It is time for Faul to go home. Faul was first assigned to the United States' most difficult prison. By keeping to himself and maintaining a peaceful, humble, and respectful existence, Faul is one of the small handful of "lifers" who are assigned to a low security institution. If released, Faul would continue to follow the rules, he would comply with the conditions of his parole, and he would focus on reconnecting with his family and farming.

Faul has filed two 2241 petitions with the Court relating to his release. In his first petition, Faul takes the position that he has been paroled by operation of law because the Parole Commission did not timely block Faul's parole by making the "reasonable probability" finding required by 18 U.S.C. § 4206(d). Beyond the point that the Commission has not yet made the required finding (it determined "reasonable likelihood" versus

"reasonable probability" - the wrong quantum of proof), Faul showed that he was paroled by operation of law in 2013 after serving 30 years on his sentence. Alternatively, Faul showed that the Parole Commission lost track of the fact that Faul could simply serve the "15" portion of his "life + 15" sentence and that Faul has done so. The government did not contest Faul's second claim and there is nothing preventing the Court from issuing the writ.

In his second petition, which is the instant petition, Faul raises First and Fifth Amendment challenges to the Commission's attempt to block Faul's parole, and to 18 U.S.C. § 4206(d)'s recidivism clause. Faul's positions are meritorious for the reasons stated in this reply. The government defaulted on Faul's as-applied First Amendment challenge to the recidivism clause. There is nothing preventing the Court from issuing the writ.

The Court should issue the writ.

Respectfully submitted,

Dated: August 31, 2023

Scott William Faul

Scott William Faul

Affidavit And Certificate

I, the undersigned affiant, certify under the penalty of perjury that all the facts and circumstances in the foregoing instrument are true and correct. I further certify that I served one copy of this instrument on the Clerk of this Court, to be served through the ECF system, on this 31st day of August, 2023, by placing with the AM legal mail officer a copy for mailing with first class postage prepaid.

Affiant Scott William Faul
Scott William Faul
Reg. No. 04564-059
F.C.I. Sandstone
P.O. Box 1000
Sandstone, MN 55072

January 13, 2022

Scott Faul
Reg. No. 04564-059
F.C.I. Sandstone
P.O. Box 1000
Sandstone, MN 55072

Patricia K. Cushwa, Chair
U.S. Parole Commission
90 K Street NE, 3rd Floor
Washington, DC 20530

Re: Scott Faul
Reg. No. 04564-059

Dear Chair Cushwa:

On October 19, 2021, the Parole Commission (Commission) began a statutory interim hearing in the case of Scott Faul. Being disgusted with the Commission's dishonesty, I, Scott Faul, told the hearing examiner that I am requiring an honest accounting of the "facts" for this case. As I stated to her, no culpability determination can be made without correct facts. That exchange came about because I had a farce of a parole hearing in 2002, and I had another farce of a hearing in 2018. I say that, unequivocally, because all involved had severe bias and have never confronted the actual facts. It was very obvious that they had their own set of "facts" made up beforehand to reach their prejudged decision to satisfy their Luciferian agenda. They were some really sick-minded and biased people. I am enclosing a six-page pamphlet, "The Parole," attached as ADDENDUM 001-006, which was authored by a son-in-law and daughter, Bill and Shantel Thomas. Even though the pamphlet was generated without any input from me, it nevertheless shows how blatantly biased the prior members of the Commission have been. Samuel Robertson, the examiner at the 2002 initial "hearing," made it clear that they of the "law" are going to get their revenge no matter the showing of culpability or lack thereof. That was the mind-set of the Commission circa 2002.

More recently, the October 19, 2021 hearing was not completed because that same revenge is apparently still the mind-set of the Commission. The hearing stalled because, contrary to the contingencies I stated in my July 15, 2021 letter to the Commission, there had been no correction of the "facts," and I had not yet received any family support. The hearing examiner was kind, and seemed to have somewhat understood the predicament of them not having correct facts. While seeming to understand the need for correct facts, the hearing examiner appeared to be bogged down by the presence of a false notion that information furnished in a presentence investigation report (PSI) is the end-all.

Apparently the entire Commission is likewise bogged down and either does not know or does not care that PSI reports are often inaccurate and are never

subjected to due process procedures for assuring reliability. PSI reports are often sleazed together by partisans of the judges and their handlers at the UNITED STATES Attorney's office who are already in collusion with each other. For the Commission to blindly accept PSI "facts" to be of great value is for them to become merely another tentacle of the same mob. In the Commission's own manual this point is clearly made:

§ 2.19-04. Reliance on Offense Descriptions in Presentence Reports.

(a) It is not uncommon for a prisoner to present a description of his or her offense behavior which is significantly different from the prosecution version of the offense in the presentence report. Commission regulations (in conformance with the Parole Commission and Reorganization Act of 1976) require the Commission to consider any reasonably available information concerning the prisoner, including information submitted by the prisoner, and require the Commission (not the sentencing court) to resolve conflicting versions of the facts by the preponderance of evidence standard. To say that the description of the offense in the presentence report will be deemed to be controlling unless first modified by the court is contrary to the Commission's duty to make its own independent factual findings. ... The Commission may not under its statute and regulations treat the presentence report as an unassailable source of factual information....

(b) Therefore, information submitted to the Commission which conflicts with the presentence report, or any other government report, must be weighed by the Commission along with the report. The Commission is then to resolve the conflicting versions of the facts by the preponderance of evidence standard; that is, decide which version of the facts best accords with reason and probability. Judging the credibility of the source of the information naturally is part of the fact finding process. The prisoner, of course, may have an interest in having the facts distorted to show him to be less culpable than he really is. On the other hand, the presentence report writer, who must depend on investigative reports, may have misinterpreted the investigative reports or confused the facts of a complicated case [or, to provide cover for rogue operations gone awry, may have purposefully skewed the facts (bracketed material supplied)]. These possibilities must be weighed in each individual case.

(c) ... if the prisoner obtains further significant information, such as a correction from the sentencing court or probation officer [or undisputed facts in subsequent litigation (bracketed material supplied)], he may send it to the Commission for consideration of a reopening of the case.

USPC Rules and Procedures manual, § 2.19, Notes and Procedures.

Based upon the admonition in the Commission's own manual, shown supra, I asked the hearing examiner for input about who at the Commission I should contact to implement that necessary aspect of them having the correct facts in order for them to make any type of culpability determination. She suggested that I address those concerns to the general counsel or to the chair. Therefore, I have directed this to your attention. The bottom line here is whether I should request that the case be reopened for the purpose of correcting the facts, or perhaps you have some other procedure which I am unaware of for correcting the spurious and unsupported "facts" contained in my file.

The courts have clearly held that there must be a "rational basis" in the record for the Commission's conclusions embodied in its statement of reasons, and that a "factually incorrect" or "nonspecific" reason cannot constitute that "rational basis" required for its decision. Common sense and a fair mind would of course compel that very concept. With that in mind, I am including herein a fair rendering of the facts which should be considered to enable an assessment of culpability or lack thereof. It is not necessarily comprehensive. Rather, it is meant to give you enough of an idea so that you can make a proper decision regarding how to correct the Commission's past total failure in this case. The Commission's "system" is badly broken for a case of this nature. It reeks of bias and disingenuousness. It can be fixed. Most everything can be fixed. Does the Commission want it to be fixed or does the Commission want to continue with their incredibly biased rant as they have so blatantly done in all of my prior hearing farces? That is the question.

I have been unabashedly blunt with you because I am unabashedly sincere about correcting the ongoing fraud being committed by sham judges and their cohorts at the UNITED STATES Attorneys' offices. Other than those who are complicit in or apologetic to the unlawful behavior of the UNITED STATES Corporation (Corporation), nobody should be offended by my treatment of the Corporation rogues who are thugs. Quite the contrary, they should feel compelled to seek correction of the thuggish behavior. If you, Chair Cushwa, feel offended by what I have said, and what I will say hereafter, then there is something wrong with you, not with me. If you have integrity, then you will investigate what I am presenting. If you are already compromised, then you very well may feel offended. Recognize that there have been many before you in the offices of government who were very bad people for self-justifying their traitorous fraud. There have also been a number of good people who refused to justify that fraud. President John Quincy Adams was one of those. In his book, written in 1847, he said:

It has been judicially decided in the States of New York and of Rhode Island that a person under Masonic obligations, must be set aside as disqualified to serve upon a jury in cases where one of the parties is a Mason, and the other is not. From the letter of his obligations he cannot be impartial, and although some Masons may understand them otherwise, neither the court, nor the party whose rights and interests are staked upon the trial, can have any assurance that the trial will be fair. The same uncertainty must rest upon the administration of executive officers.

LETTERS ON THE MASONIC INSTITUTION, pages 164-65.

The Commission makes much ado regarding culpability, responsibility, and rehabilitation. It too, and you too, can reassess past wrongs such as unadmitted bias, or the overlooking of bias in others, and can correct yourselves. There are over two hundred thousand federal prisoners. For you people to stubbornly maintain that none of those convictions are void is delusional. You are confronted with one of them right here, right now, in this case. Read for yourself the facts of this wrongfully imprisoned person, Scott Faul.

The facts put forth in litigation subsequent to the initial sham trial, and which remain undisputed by the UNITED STATES Corporation, are significant for an understanding of this case. Those documents are available for you to read and are the sources for many facts presented herein. To supply somewhat of a recap of all those pleadings, I am enclosing copies of some pleadings of the latest motion,

attached as ADDENDUM 007-035, which gives a fairly good overview of some of the most important parts of all the litigation as a whole. I also recommend that you carefully and fully read the July 16, 2018 parole APPEAL filed by Scott Faul in this case. The parole APPEAL is also available on www.YearOfJubile.com for viewing or downloading. Those documents, along with the following, should furnish you with enough solid information to trigger your senses that significant corrections of the Commission's "factual" record are needed in this case.

Parole Commission's Intentional Bias

The UNITED STATES Parole Commission by their own law is required to base its decisions on reliable facts. The Commission's refusal to give due credence to the undeniable facts in the case of Scott Faul evinces a very clear motive of the Commission's disregard for impartiality. It is nearly unbelievable, and certainly suggestive of bad motives, that the Commission would have such a strident aversion to the facts in this case. The most obvious reason for Commission dishonesty in this case is that they want to achieve a predetermined result, and must, therefore, tailor the "facts" to meet that result. That manipulation is the exact definition of bias, and it is illegal and unlawful. It is criminal behavior.

There is presently no programming available which addresses that criminal behavior and the criminal behavior that was perpetrated against Scott Faul by the UNITED STATES Corporation's agents in this case. Consequently, Scott Faul independently developed appropriate correctional apparatus which addresses the Corporation's criminality and coincides with the adequate programming he has used to maintain his zero risk of recidivism to wit. Scott Faul has studied the Word of Yahweh and is assured that his understanding is correct in that when the Corporation, through its agents, acknowledges the crimes they committed against him throughout that entire incident up to and continuing to this present time, and asks forgiveness for the same, then Scott Faul will hear them and forgive them for their wrongdoing. That is what is taught by our Father, Yahweh. That is the final word.

General Facts

Because of the Corporation's agents' bias in this matter, they have perpetrated a false scenario in this case, designed as cover for the crimes they have committed against Scott Faul. Their crimes consist of at least the following:

Unbeknownst to Scott Faul, on or about February 9, 1983, some person or persons of the Corporation set in motion a plot to involve Scott Faul's Oldsmobile station wagon in a false All Points Bulletin (APB) as their design for "justifying" their killing of a friend of his, Gordon Kahl, at some future time.

Unbeknownst to Scott Faul, that future time was to be February 13, 1983. However, due to chance, that Oldsmobile did not proceed to the planned Sunday meeting on the 13th, and Scott Faul instead got a ride to the meeting in the Kahl family's car. The Corporation's agents later that day perpetrated an assault against Scott Faul that was a felony, and subsequent deaths and injuries were all the result of that felony, making it felony murder at the hands of the Corporation's agents.

Further crimes perpetrated by Corporation agents are that flunky Paul Benson, the sham judge, colluded with his cohorts at the UNITED STATES Corporation's attorney's office to assure unlawful convictions against Scott Faul; and, additionally, numerous Corporation agents in the Bureau of Prisons (BOP) and in the Commission, knowingly biased, uphold and further all of the Corporation's previous criminality in this case. They are accessories after the fact.

Specific Facts Relative To February 13, 1983

Specifically, the facts of this case that have been established in litigation in the Corporation's own courts are as follows:

Prior to February 13, 1983, Scott Faul attended some community events at various locations. Sometimes Scott Faul went with others, sometimes others went with him, and sometimes he went alone. A number of those events were Sunday afternoon gatherings in Medina, North Dakota at the Medina Clinic. To most of those held at Medina, Scott Faul would go with his Oldsmobile station wagon, stopping along the way at the farm of family friends, the Gordon Kahl family. Most of the times a number of the Kahls would then ride along with Scott Faul to enjoy the event or to visit friends at Medina. There is nothing surreptitious in any of that, unless a biased mind needs it to be so. This was all in North Dakota. Guns were of course present, as was air. This was in farm and ranch territory, in North Dakota - guns were as common as that people were wearing clothes.

On February 9, 1983, unbeknownst to Scott Faul, a secret meeting was held by a criminal element of UNITED STATES Corporation agents to hatch a false flag domestic terrorism operation against the Corporation's perceived enemies.

On February 10, 1983, unbeknownst to Scott Faul, a number of bogus APB's were fabricated against "armed and dangerous" men, but describing Scott Faul's Oldsmobile station wagon with a license number 1906.

On that same day, February 10, 1983, Scott Faul was never at any moment of time in his Oldsmobile station wagon which was being used on that day by his wife and their five children. Scott Faul had gone to Minot, North Dakota in his blue pickup where he spent some time with his dad, Alvin Faul. When Scott Faul returned to Harvey, North Dakota on the evening of February 10, 1983, he had pizza with his wife and their five children, and family friends Mr. and Mrs. George Bergman. George Bergman jokingly told Scott Faul that his station wagon was described on TV involving an APB. Scott Faul, of course, knew that was impossible, never even having used the car that day, and discarded the odd coincidence without further thought.

Three days later, on February 13, 1983, Scott Faul left his farm in his Oldsmobile station wagon to attend a Sunday afternoon event at the Medina Clinic in Medina, North Dakota. As usual, Scott Faul stopped at the Kahl farm. Before leaving in the Oldsmobile station wagon, the question of gasoline quantity and whether any gas stations would be open arose. Gordon Kahl offered that he had just tuned up their Chrysler station wagon and that it was full of gas. That settled the matter, and Scott Faul became a guest in the Kahl station wagon. Yorie Kahl, Gordon's son and about ten years younger than Scott Faul, had come out of their house without any gun. It was only at Scott Faul's suggestion that they

might see a jackrabbit along the way - food for their dog - that Yorie Kahl backtracked to get his Mini-14 Ranch Rifle.

Upon breakup of the meeting, suspicious surveillance behavior was noticed. That information triggered Scott Faul to recall the false APB report of February 10, 1983 from his friend, George Bergman. At that point, Scott Faul wondered if he were the target of an assassination attempt by Corporation criminals as had been many others who were hated by renegades of the criminal Corporation. Scott Faul's concerns culminated in a friend, Dave Broer, calling a friend of his, Darrell Graf, who was Chief of Police in Medina, North Dakota. Darrell Graf reported the license 1906 which triggered consternation in Scott Faul, now knowing to a certainty that criminal agents were up to no good.

Unbeknownst to Scott Faul, others at the clinic had other suspicions of their own that were not shared with Scott Faul. Upon leaving the clinic with the Kahl family, Scott Faul asked the driver, Gordon Kahl, if he would quick circle around to the front of the clinic before Len Martin drove off. Scott Faul wanted to discuss a matter with Len Martin that he had forgotten to do while in the clinic. Gordon Kahl drove around to the front of the clinic, Len Martin had not yet left, and Scott Faul then had a discussion with Len Martin. Others may have had separate conversations during that same time which were none of Scott Faul's business or concern.

Scott Faul was once again a guest of the Kahl family in the same place in the same Chrysler station wagon as he arrived in. Yorie Kahl was behind the wheel and Vernon Wagner was riding along. Gordon Kahl was having a private conversation with Dave Broer in Broer's car heading also out of town. Just out of Medina, Yorie Kahl turned into a driveway where Dave Broer and Gordon Kahl had just turned into. Scott Faul assumed that their private matters were settled, and that Gordon Kahl would now get into his Chrysler station wagon, and Vernon Wagner would now get back in with Dave Broer and they would all once again be on their way home.

Before that could occur, a maniac in a Dodge Ram Charger came screeching up behind the Kahl's Chrysler station wagon. Scott Faul started getting out of the station wagon to check what this maniac's problem was. Another maniac jumped out of the passenger side of the Ram Charger and assaulted Scott Faul with a shotgun and with threats to kill Scott Faul. Scott Faul, still unarmed, then ducked down behind his open door for cover, and then with the thought of self-protection reached back into the Chrysler station wagon for his own Mini-14 Ranch Rifle.

The unprovoked physical attack and maniacal verbal threats against Scott Faul were completely unlawful. No warrant existed against Scott Faul and no crime had been committed by Scott Faul, making the attackers guilty of various actions amounting to felonies.

Some have debated whether the assailants tried to identify themselves, or tried to hide their identity. Whether Scott Faul could have or should have known that his assailants had law enforcement connections is wholly irrelevant. The maniacs' felonious assaults and threats to kill Scott Faul would not have become lawful even if Scott Faul had known they were Corporation thugs. Murderers are murderers even if they wear badges and work for a criminal Corporation with the false and fraudulently perpetuated corporate name, "UNITED STATES."

Unbeknownst to Scott Faul, Bradley Kapp, either with some of his handlers or

on behalf of his own twisted proclivities, attempted in the very early morning hours of February 13, 1983 to inveigle the Stutsman County Sheriff's Department to participate in an assault upon Gordon Kahl later in that day of February 13, 1983. Sheriff Orr of Stutsman County did not bite into participating in Kapp and company's planned unlawful assault, apparently knowing that no lawful warrant existed to sugarcoat such criminal behavior by "law enforcement" personnel.

Unbeknownst to Scott Faul, but perhaps known to Sheriff Orr, the misdemeanor probation violation warrant against Gordon Kahl had been ordered filed away by superiors in the Department of Justice, and orders were given to leave Gordon Kahl alone in relation thereto.

From a meeting with United States Marshal Harold (Bud) Warren about two years earlier, and from conversations and events subsequent thereto, Scott Faul knew that the once-existing probation violation warrant was no longer outstanding against Gordon Kahl.

Unbeknownst to Scott Faul, Gordon Kahl's court documents and litigation had been unlawfully obstructed by collusion between Deputy Marshal Robert Cheshire and a federal judge in an attempt to criminalize Gordon Kahl. Such obstruction of justice is a felony.

Unbeknownst to Scott Faul, his plain clothed assailants who came screeching up in the Ram Charger were two deputy marshals and a deputy sheriff: respectively, they were Robert Cheshire, James Hopson, and Bradley Kapp, all three of them not known by Scott Faul.

Unbeknownst to Scott Faul, Robert Cheshire was the deputy marshal who had earlier obstructed justice against Gordon Kahl, James Hopson was now Robert Cheshire's willing accomplice and also a deputy marshal, and Bradley Kapp was a deputy sheriff who was earlier ordered by his boss to not assail Gordon Kahl because they lacked a warrant or any other lawful reason to do so. They were not going to be part of any unlawful assault or murder plot.

Unbeknownst to Scott Faul, before their assault commenced against Scott Faul, James Hopson was ordered by Robert Cheshire to remove his badge and put it in his pocket to hide his identity.

Upon James Hopson's assault against Scott Faul, Hopson did not attempt to identify himself as any type of law officer. Instead, James Hopson barked death threats against Scott Faul. Robert Cheshire, also in plain clothes, immediately joined Hopson or was joined by Hopson in the verbal death threats and in the actual armed assault against Scott Faul.

Unbeknownst to Scott Faul, contemporaneous with the time during which Scott Faul was being assaulted by unidentified assailants, a motorist just over the knoll was being informed by the Medina Chief of Police, Darrell Graf, that there was going to be a shootout, and this time the police were in the wrong; and, another motorist was informed by Mr. Graf that "there is a tax evader up there and now they are going to shoot him."

Unbeknownst to Scott Faul, a car with one person in it had been waiting further up north on the highway. The person in that car was Steven Schnabel, unknown to Scott Faul.

Unbeknownst to Scott Faul, Steven Schnabel was a Medina, North Dakota policeman. Steven Schnabel was never seen by Scott Faul that day, and was not known by Scott Faul to have been an attacker.

When something within mere seconds of time caused Scott Faul's attackers to focus their attention elsewhere, Scott Faul attempted to retreat from the very dangerous position he had been unlawfully placed into by his attackers. That attempt was prevented by another person, unknown and unidentifiable from about 100 yards away, with some type of assault rifle.

Unbeknownst to Scott Faul, another car had also been waiting further up north on the highway, this one harboring two more persons who did become willful attackers. The two assailants in that car were Kenneth Muir and Carl Wigglesworth, both unknown to Scott Faul.

Unbeknownst to Scott Faul, Kenneth Muir was a UNITED STATES Corporation marshal; and Carl Wigglesworth was a deputy marshal, and was the person who assaulted Scott Faul from 100 yards away. Kenneth Muir was never seen by Scott Faul that day, and Scott Faul did not see where Wigglesworth, the 100-yard attacker, had come from.

Some verbal noises came from the direction of this new attacker 100 yards away, but no words could be understood by Scott Faul. At that point, with his retreat cut off by the assailant, Scott Faul was forced to the corner of a trailer house. Scott Faul then quickly realized a potential danger to anyone who might be in that trailer house in the event that his assaulters start shooting in his direction. Consequently, Scott Faul then immediately started to head elsewhere. Within a few steps, a shot erupted from somewhere other than from the new assaulter. Scott Faul recognized that first shot as not from a rifle or shotgun, and later described it as from a short-barreled gun.

Unbeknownst to Scott Faul, radio transmissions between the assailants informed them that their "subject" was wearing a blue coat, and when the car from up north originally harboring Kenneth Muir and Carl Wigglesworth wormed its way down south, dislodging Carl Wigglesworth along the way to assault Scott Faul, the remaining assailant was Kenneth Muir. When Kenneth Muir got close enough to shoot, but not identify, someone in a blue coat, he did so: blam! a 38-special round to the heart of the blue-coated "subject" - splat - the noise that Scott Faul had thought was strange, as if from a short-barreled gun. One problem remained - or maybe more. First, the slug from Kenneth Muir's revolver was stopped by the pistol grip magazine of the Colt .45 that was shoulder holstered on their "subject." Second, Kenneth Muir, not realizing that they had mistakenly designated Yorie Kahl as their blue-coated "subject," had just attempted to murder Yorie Kahl, the twenty year old son of Gordon Kahl - not a very bright thing to do. Gordon Kahl, now knowing for sure that his assailants were going to kill them all, went to work in totally justified actions of self-defense. There was no warrant at all, much less one for Yorie Kahl. Kenneth Muir died an instant later. Robert Cheshire died just moments after that. Bradley Kapp got his trigger-happy finger shot off, James Hopson got shrapnel in his head, and Steven Schnabel received leg injuries.

After a few more shots were fired from the now attacking assailants, and after hearing bullets strike metal nearby, Scott Faul returned fire only in the direction of the Ram Charger in defense of his own life. No person or persons were ever in the sights of Scott Faul's rifle while he fired at the Ram Charger.

It is claimed that six shell casings matching Scott Faul's rifle were located by the northeast corner of the trailer house where Scott Faul was assaulted and blocked in.

Without delay after firing, Scott Faul ran down toward Yorie Kahl to pull him out of the line of fire. Attackers had fired upon Yorie Kahl even after he had been cut down by the first shot fired that day. Before reaching Yorie Kahl, Scott Faul was interrupted by the actions of a person who had been running southward up the knoll. That person wheeled around and appeared to Scott Faul to be pointing a pistol in his direction. Scott Faul, in self-defense, quickly began raising his rifle toward that person's direction, but stopped raising his rifle just in the nick of time upon realizing that the person was merely pointing his finger in Scott Faul's direction.

Scott Faul then continued to Yorie Kahl, finding him severely wounded. Yorie Kahl handed the Colt .45 to Scott Faul, commenting that he would not be needing it anymore. After simultaneously noticing a slug embedded in the pistol grip magazine area and urging Yorie Kahl to hang on, Scott Faul promised Yorie that he was going to take him up to "Doc Martin" for help immediately. Scott Faul managed to get Yorie Kahl into the nearest unblocked car and took him to the clinic at a very high rate of speed. Doctor Martin quickly determined that "he's not going to make it." Scott Faul calmed Doctor Martin and urged him to give Yorie Kahl a shot to stop internal bleeding, which Doctor Martin did posthaste. The bleeding quickly subsided, an ambulance took Yorie Kahl to a Jamestown, North Dakota hospital, Yorie Kahl was operated on, and eventually he recovered.

Unbeknownst to Scott Faul, the person pointing his finger was the deputy sheriff, Bradley Kapp, who was either a willing cohort of the UNITED STATES Corporation's rogue agents who planned the false flag domestic terrorism operation on February 9, 1983, or was their dupe.

Gordon Kahl later stated in a letter that he shot the man by the Ram Charger, later identified in court as Robert Cheshire, when that individual raised up to shoot Scott Faul and Yorie Kahl. Scott Faul never did see the man who was later identified in court as Kenneth Muir, who Gordon Kahl also described to be another man who he shot.

With no malice, Gordon Kahl fired in self-defense after being attacked, injuring nobody to any greater degree than absolutely necessary to prevent any further injuries upon his family and friends. With no malice, and while yet having seen his own son shot down and possibly dead, Gordon Kahl politely disarmed the assailants. Gordon Kahl - with no malice - spared each of their lives. There was no malice, and there was no intent to kill anyone, except for on the part of the Corporation's assailants, attackers, and assaulters.

Bradley Kapp had malice aplenty. It came out of his mouth when he ran up the knoll and stupidly almost got shot by Scott Faul. It was when Bradley Kapp turned around and pointed that he said to Darrell Graf, "now go down there and kill those fuckers." Robert Cheshire and James Hopson had it too. "We are going to blow your goddamned heads off." "We are going to blow your fucking heads off." "You're going to die." Those were the words that came from them. "Bob" and "Jim" were good men, the prosecutor said. There was plenty of malice from all three of them - and intent to kill also.

Assailants, attackers, assaulters, and murderers is what they were, and that is easy to prove with the following facts: no warrant existed for Scott Faul; Scott Faul was the first person assaulted on February 13, 1983 by James Hopson and Robert Cheshire and Bradley Kapp, and then moments later by Carl Wigglesworth; that amounted to a felony having been committed by each of them; deaths occurred subsequent to and because of those felonies; and, that equates to felony murder. James Hopson, Robert Cheshire, Bradley Kapp, and Carl Wigglesworth all four committed felony murder. They were not "peace" officers on that day. They were thugs and assassins, either purposefully or by being duped by a UNITED STATES Corporation handler.

The totality of the circumstances arising on February 13, 1983 show that there are no aggravating factors attributable to Scott Faul for the events unfolding on that day, but there are many mitigating factors. Amidst extreme provocation by his attackers, Scott Faul showed extraordinary restraint while being attacked. With no duty to retreat, Scott Faul nevertheless attempted to do so, was prevented by another one of the assailants, and then still acted in self-defense only well after the attackers had fired their assault weapons in his direction numerous times. Even after all of that, Scott Faul still only fired at one of the assault vehicles six times in self-defense.

Specific Facts Subsequent To February 13, 1983

Prior to the sham trial, state and federal government thugs physically assaulted and harassed Scott Faul's legal counsel until he left the state of North Dakota in fear for his own life, preventing Scott Faul's full representation and defense from his counsel of choice.

Prior to February 13, 1983, Paul Benson promised his favoritism to Lynn Crooks and Rodney Webb, the prosecutor and UNITED STATES Attorney, respectively. Thereafter, Paul Benson unlawfully pretended to be an impartial judge while fulfilling his promises of favoritism to Lynn Crooks and Rodney Webb on one side of the case against Scott Faul on the other side. Paul Benson was a sham judge and a criminal.

During the sham trial, sham judge Paul Benson colluded with Lynn Crooks at the courthouse in a testimony rehearsal with a government witness on the eve of the day when that witness testified for the prosecutor Lynn Crooks. Paul Benson was a sham judge and a criminal, and Lynn Crooks was a criminal.

One of the jurors seated for the sham trial lied to get on the jury for his "friend," prosecutor Lynn Crooks, by saying on voir dire that he only knew "of him," but admitted after trial that they grew up together and played sports together. Lynn Crooks was a sham prosecutor and a criminal, and the juror was a criminal.

One of the jurors seated for the sham trial lied to get on the jury by saying she would base her verdict only on the evidence presented in court, and then after the sham trial she said that she knew there was not enough evidence presented at trial to convict Scott Faul, but she saw it on TV as soon as it happened. That juror was a criminal.

One of the jurors seated for the sham trial lied to get on the jury by saying

on voir dire that he would be fair and impartial while knowing full well that he had previously promised his favoritism, no matter whether they were right or wrong, to Lynn Crooks, Rodney Webb, and Paul Benson who were, respectively, the prosecutor, the UNITED STATES Attorney, and the sham judge who were all colluding against Scott Faul.

Besides having no impartial judge and no lawful jury seated for the sham trial, the jury instructions did not include the essential element for aiding and abetting second degree murder, the offense for which the void judgment purports to keep Scott Faul imprisoned. To be guilty of that charge, Scott Faul would have to have had knowledge of the actual killer's intent to kill another person. That determination was not made by a jury, making the judgment void; and that element was not even in the indictment, making the judgment void for that reason also.

Prior to the date when Kermit Bye was assigned to Scott Faul's § 2255 motion, Kermit Bye had promised his favoritism to Lynn Crooks, Rodney Webb, and Paul Benson, the prosecutor, the UNITED STATES Attorney, and the sham judge, respectively. Thereafter, Kermit Bye pretended to be fair and impartial while sitting on Scott Faul's post-conviction proceedings, knowing full well that he was required to recuse himself for at least two separate reasons. Kermit Bye was a sham judge and a criminal.

Summary Of Facts

The real malice in this case, and shame, is that those assailants, attackers, assaulters, and murderers would go out with assault rifles and be willing to kill a man over a discrepancy on a piece of paper issued by their corrupted Corporation. That would be the simplistic conclusion, but only partially correct. It is even worse than that. It was over a false flag domestic terrorism operation that was set in motion by criminally-minded rogue elements of the UNITED STATES Corporation on February 9, 1983. That operation, and its cover-up, were assisted by a deceitful Mason liar named Paul Benson. Paul Benson engaged in secret meetings with his cohorts employed in the UNITED STATES Corporation's attorney's office to plot "trial" strategy to assure convictions against the remaining members of the "Kahl" group. Paul Benson, a true prosecution partisan conspirator, thereafter sat on the "trial" rigged against Scott Faul and his codefendants, pretending to be an impartial judge. He was not. He was sham, and he committed fraud. Scott Faul had no trial. Scott Faul is unlawfully imprisoned. Paul Benson was a favoritism-promising lowlife Mason. Rodney Webb, the UNITED STATES Corporation's attorney, was a favoritism-receiving lowlife Mason. Lynn Crooks, the UNITED STATES Corporation's assistant attorney and "trial" prosecutor, was also a favoritism-receiving lowlife Mason. Their conspiratorial collusion to purposefully deprive these defendants of due process, for the benefit of criminal elements in their corrupted Corporation, is a very serious violation of numerous laws and constitutional rights, and all the grovelling Corporation toadies who knowingly continue to cover for those corrupt Mason miscreants are morally deficient miscreants too. President John Quincy Adams would agree with this self-evident fact that the Masons' unequivocal, lifelong promises to one another cannot be overlooked or allowed to taint judicial or administrative proceedings, because their pretense of impartiality is a sham and a fraud.

And just who are all those grovelling Corporation toadies who knowingly

continue to cover for those corrupt Mason miscreants? The list is long and certain, but rather than listing them all with great detail about their nefarious behavior, it will suffice to show that there has been only one individual in the "justice department" who has sounded an alarm against those corrupt Mason miscreants in this case. That one individual was the late Judge Donald Lay who was the Chief Judge of the Eighth Circuit Court of Appeals. In United States v. Scott Faul, Case 83-1912, 748 F. 2d 1204 (8th Cir. 1984), he wrote a dissenting opinion against the other two compromised appeal court judges who fulfilled their ugly biased promises to their fellow craft of lying Masons to uphold the sham judge Paul Benson's biased and criminal behavior at the district court level.

Since the appeal court's lawless decision, Scott Faul has sought relief via writ of habeas corpus and other motions in a number of district courts, four of which include: Faul v. United States, 99-cv-41 (D. N.D.); Faul v. Hobart, 05-cv-385 (W.D. Wis.); Faul v. Wilson, 15-cv-1541 (D. Minn.); and, a December 3, 2020 motion in United States v. Scott Faul, C3-83-16 (D. N.D.). All of the above-cited cases establish to a certainty the fact that sham judge Paul Benson promised favoritism to the prosecutors, Rodney Webb and Lynn Crooks, in the initial 1983 "trial" listed as case C3-83-16, and that sham judge Kermit Bye promised favoritism to Paul Benson, Rodney Webb, and Lynn Crooks in the sham § 2255 proceedings. Case 05-cv-385, because a responsive pleading was required by law, shows that Paul Benson's and Kermit Bye's promises of favoritism are established facts that are not disputed by the UNITED STATES Corporation, and the rest of the cases substantiate those facts. Nevertheless, the sham judges in every one of those actions have totally ignored the overwhelming and undisputed facts of the case to accommodate their compromised brothers of their Lucifer-worshipping organization. They have no problem doing so because they have no integrity, having become deluded by their own self-inflicted depravity.

Likewise, as evidenced by the record of their own proceedings, there are those in the haughty Parole Commission and in the Bureau of Prisons who, rather than raise a voice against the vile behavior of the sham "system," simply slither along with Lucifer's miscreants in the rest of the "justice" department.

Consequences Of Corporation's Criminality

As for you at this latest round of procedures, you will now either correct the "facts" of this case, or you will be merely the latest person or persons to join the prior spineless grovellers. They all knew, as you now do, that the admitted facts in cases 99-cv-41, 05-cv-385, 15-cv-1541, and C3-83-16 proved that Scott Faul was not found guilty of aiding and abetting second degree murder because the jury was not instructed that in order to be guilty, the accused would have to have had knowledge of the actual killer's intent to kill someone. They also all knew, as you now do, that Scott Faul did not have a trial because it is never acceptable for a judge to promise favoritism to one side in a case, as that necessarily produces a void judgment; and, relevant to that precept, knew that there was favoritism between sham judge Paul Benson and the prosecutors Rodney Webb and Lynn Crooks, and between sham judge Kermit Bye and Paul Benson, Rodney Webb, and Lynn Crooks. They also all knew, as you do, that favoritism to one side in these proceedings is not tolerable and results in a void judgment - making kidnappers of all who knowingly participate in Scott Faul's continuing unlawful imprisonment.

Because a corporation is responsible for its agents, if this terroristic cabal

within the UNITED STATES Corporation continues in its perniciously biased criminal behavior involving this felonious kidnapping against Scott Faul, posterity will judge very harshly the UNITED STATES Corporation along with all who have colluded with it in this case against Scott Faul. History will show, as it has now been officially recorded, that the UNITED STATES Corporation's operatives have not asked forgiveness for their assaultive attacks and murderous behavior. Agents of the Corporation do not accept any responsibility for their actions, they continue to deny any culpability in their offenses, and they try to insinuate wrongdoing against Scott Faul because he continues to challenge the legality of the void convictions and void judgment regarding himself. Additionally, they have not participated in any meaningful programming (officially sanctioned by Yahweh) which addresses the underlying causes of their criminal behavior and their own risk of re-offense. Considering all these factors, Scott Faul finds that discretionary absolution of the Corporation at this time would endanger the public safety, depreciate the seriousness of its offenses, and promote disrespect for Yahweh's Law.

As indicated in the above reasons, Scott Faul finds the Corporation's offense conduct to be highly aggravated in that the assaults and felony murders committed by the federal agents resulted in the fact that two of its own UNITED STATES Marshals were killed and three other law enforcement members (marshals and local law enforcement) were wounded, an innocent civilian, Yorie Kahl, was seriously wounded, and Gordon Kahl was later murdered by Corporation thugs. The Corporation accepts no responsibility and refuses to even acknowledge that the resulting fraudulently gained "convictions" are unlawful. Corporation agents have not participated in any meaningful (Yahweh sanctioned) programming, and pursuant to Yahweh's Word are not qualified to receive forgiveness. Considering all these factors, a decision to continue the present condemnation against the UNITED STATES Corporation appears warranted.

Recommendations For Correction Of Corporation's Criminality

For its own correction, the Corporation must deal with some obvious truths. First, it must deal with the fact that there have been many prisoners who are wrongfully imprisoned.

Specifically the Corporation must agree that: wrongful imprisonment is a crime; a void judgment absolutely results in a wrongfully imprisoned person; a proceeding with a biased judge is not a trial, making any resulting judgment void; an indictment lacking an essential element of a crime does not state an offense, making any resulting judgment void; and, in a proceeding where the jury is not instructed to find an essential element of the offense, there has been no finding of that element and thus there is no finding of guilt on that offense, likewise making any resulting judgment void.

Whenever the specter of unlawful imprisonment arises, the Commission falls back on their "judgment," even while knowing that it is void. They do know that a void judgment is no judgment at all. Thus, they fall back on nothing. Relying on a void judgment is relying on nothing. To stubbornly forge ahead as if they have authority to imprison a person on a void judgment is criminal folly. They commit the crime of kidnapping. It is not permitted to just pretend not to see the facts which make something criminal.

Regarding the proposed facts submitted by the Corporation, and those submitted by Scott Faul, none should be stated as accepted facts in this case unless they are established unequivocally by the record, or are not disputed by the other side.

Every fact that Scott Faul has stated herein is established in legal actions filed in the four cited courts. If any of those facts are disputed by the Corporation, Scott Faul will supply the precise source for the particular disputed fact, then the Corporation will have an opportunity to supply follow-up cites covering questions of context, reliability, conflicting evidence, and any other indicia of correctness or lack thereof. Reciprocally, any proposed facts submitted by the Corporation are subject to the same scrutiny. If any are disputed by Scott Faul, the Corporation must supply the precise source for the particular disputed fact, then Scott Faul will have an opportunity to supply follow-up cites covering questions of context, reliability, conflicting evidence, and any other indicia of correctness or lack thereof.

In light of the Commission's claimed strict adherence to the law, it is assuring to know that great attention will be given to the facts which Scott Faul has supplied herein, as that is what is mandated by the Corporation's own laws regarding parole:

§ 4207. Information considered.

...

There shall also be taken into consideration such additional relevant information concerning the prisoner (including information submitted by the prisoner) as may be reasonably available.

Title 18 U.S.C. § 4207. Certainly the Commission wants to maintain a better image than its predecessor Parole Board which was abolished in 1976 by the Parole Commission Reorganization Act (PCRA). During one of the Congressional hearings leading up to passage of the PCRA, Congressman Drinan from Massachusetts stated:

Mr. Speaker, the reorganization of the Federal parole procedures, embodied in the conference report on H.R. 5727, which is now before us, has followed a long and arduous path. When the Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice first began to look into the operations of the Parole Board, we found a morass of arbitrary and archaic practices. Fundamental notions of due process were regularly disregarded, subjecting the prisoner to the unbridled discretion of parole officials.

The hearings before the subcommittee, under the direction of my distinguished and able colleague from Wisconsin (Mr. KASTENMEIER), soon exposed the capricious and unfair manner in which the parole system operated....

Congressional Record - HOUSE, VOLUME 122 - PART 5, MARCH 3, 1976, Page 5164.

Not wanting this reconfigured agency to fall back into such ignominy and disdain as was attributed to the Parole Board, such as the practice of refusing the basic due process procedures of reliable fact determinations, and knowing that all of you at the Commission will surely agree to help assure that noble purpose,

Scott Faul will place this, along with the Commission's response, into the public media. Also, this must be published because fools of the FBI blamed those of us at Medina, North Dakota for people awakening to the perfidy of rogue elements in their government, as if such awakening should be considered offensive. Perhaps that griping came only from "scum at the FBI" as President Donald J. Trump rightly recognized them to be. As can be seen, people are able to recognize scum without the fact having to be pointed out by Scott Faul.

Scott Faul and the concerned members of the public are waiting for a fair and fact-filled solution, correction, and lawful disposition of this long overdue monstrosity which prior Commission officers have continued to perpetuate, and perhaps it is time for another reorganization, this time permanently eradicating the entire parole "system."

Quite likely, the public will want the Commission to act properly upon the actual verified facts in this case to end the long-standing fraud which was perpetrated by criminals Paul Benson, Rodney Webb, Lynn Crooks, and Kermit Bye; and which thereafter has been callously and arrogantly perpetuated by all of their criminally-minded accomplices scattered throughout the UNITED STATES Corporation. We await your reply.

I declare under penalty of perjury that all the facts and circumstances in the foregoing instrument are true and correct. 28 U.S.C. § 1746.

Dated this 13th day of January, 2022.

Respectfully submitted,



Scott Faul
Reg. No. 04564-059
F.C.I. Sandstone
P.O. Box 1000
Sandstone, MN 55072

enc: The Parole, 6-page pamphlet
§ 3582 pleadings in C3-83-16, 29 pages

cc: Media
Persons of interest



U.S. DEPARTMENT OF JUSTICE
United States Parole Commission

90 K Street, N.E., 3rd Floor
Washington, D.C. 20530
Telephone: (202)346-7000
Facsimile: (202)357-1083

January 12, 2023

Mr. Scott Faul
Reg. No. 04564-059
FCI Sandstone
P O Box 1000
Sandstone MN 55072

RE: USPC-2023-000044

Dear Mr. Faul:

This is in response to your follow up request dated December 28, 2022 and received on January 11, 2023 for copies of your parole documents. Specifically, the victim letters or paraphrase the documents.

Under the FOIA, a document or portion thereof, may be withheld if protected by any of the FOIA exemptions. These exemptions can be found at 5 U.S.C. Section 552(b)(1)-(9).

Portions of the following documents have been withheld based on the FOIA exemptions cited below:

1. Letters of Opposition to Parole

(b)(6)-Clearly unwarranted invasion of personal privacy of others

(b)(7)(C)-unwarranted invasion of personal privacy of others

SUMMARY: Victims object to parole. The victims do not feel there is any remorse for his actions.

You will have the ability to discuss with the Hearing Examiner at the upcoming hearing your questions regarding the record review and any evidence that may have been considered.

Because of safety and security reasons, Bureau of Prisons policy prohibits inmates from obtaining or possessing copies of presentence reports or any document that states reasons for a sentencing decision. Therefore, this disclosure does not include such documents. You may obtain access to these documents through your institutional unit staff.

Reply Ex. B-001

If you are not satisfied with U.S. Parole Commission's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,


Helen H. Krapels
General Counsel

Reply Ex. B-002

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Scott William Faul,
Petitioner,

Case No. 23-CV-1337 (MJD/JFD)

v.

Mark W. King, Warden,
Respondent.

Declaration Of Scott William Faul
In Support Of 28 U.S.C. § 2241 Petition

I, Scott William Faul, am the habeas corpus Petitioner in the above captioned case and do hereby declare and state as follows:

1. I submit this declaration in support of my § 2241 petition. Unless otherwise stated, the matters discussed herein are based on my personal knowledge.

2. I would like to assure the Court and the government that my political beliefs are peaceful. I never belonged to any violent group or to any violent anti-government group.

3. I am a stubborn, blunt-speaking farmer. If I see something that I think is wrong, then I will speak my mind about it. I think that if everyone would do so, that we would be a stronger country. I would not resort to violence because of my dim view of certain government officials.

4. I do not glorify the Medina incident. I wish it had never happened. It is a nightmare that haunts me 40 years later

and that resulted in me spending my life in prison.

5. Attorney Ralph Vinge's description of the incident (the description that leads off my 2241 petition) accurately reflects my memory of that day. 40 years later I still believe I acted in lawful self defense. By saying so, I do not seek to diminish the memories of those who were harmed that day or the tragedy that unfolded. A lot of people would be better off had that day never happened.

6. For the Court's reference, the documents containing the political criticisms that the Commission used to justify blocking my mandatory parole include my November 30, 2017 letter to the Commission, my July 16, 2018 parole appeal, and my December 3, 2020 petition for compassionate release pursuant to 18 U.S.C. § 3582 in Case No. C3-83-16 in the District of North Dakota.

7. I have done my best to follow prison rules for the past 40 years. I would do the same if paroled. I just want to focus my remaining years on my family and farming. The government has already taken 40 years from me. I do not want to give it an excuse to take any more.

8. I have taken every program that was available and assigned to me by all of my case managers throughout my incarceration.

9. I have no history of violence, or of any other type of undesirable behavior patterns that might be of concern in a societal setting.

10. To the extent that any facts alleged in the government's

Response (Dkt. 14) are relevant to a resolution of any matters that Faul raises in his Petition, then Faul respectfully requests an evidentiary hearing to establish them. Faul's experience has been that the facts have been skewed in this case at least going back to February 9, 1983.

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 31st day of August, 2023.

Scott William Faul

Scott William Faul
Reg. No. 04564-059
F.C.I. Sandstone
P.O. Box 1000
Sandstone, MN 55072

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

RECEIVED BY MAIL

SEP 07 2023

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINN

Scott William Faul,

Petitioner,

Case No. 23-CV-1337 (MJD/JFD)

v.

Mark W. King, Warden,

Respondent.

Petitioner's Motion
For Appointment Of Counsel

Petitioner, Scott Faul, respectfully moves the Court for appointment of the Federal Defender as counsel. In support of this motion, Faul states as follows:

1. This is a matter of gravity. At issue in this case is whether Faul will be able to get back to his farm and meet his grandchildren or die in a federal prison.

2. The issues in this case are complex. They include complex constitutional challenges to the Parole Commission's actions, and to 18 U.S.C. § 4206(d)'s recidivism clause.

3. Faul is unable to afford counsel. Faul was able to afford counsel for his 2002 parole hearing, but he is unable to afford counsel for this matter and even if he could, he would have difficulty finding counsel with background in "old law" matters.

4. Faul has been informed that he will be subject to a medical transfer in the immediate future, i.e., most likely the

week of September 4th. During transfer he will lose his ability to litigate this matter. He will be separated from his legal materials until he gets his boxes at his new institution. That process ordinarily takes months.

5. Counsel would play a critical role in completing the record. A central issue in this case is whether there is any rational basis to the government's contention that Faul's political criticisms of certain government officials will manifest themselves in violence or in Faul refusing to follow the rules. Correctional officers at Sandstone are aware of Faul's petition and have indicated that they would speak in support of Faul's petition. The Court would benefit greatly from hearing from the federal officers who have interacted with Faul on a daily basis for the past 15 years. These officers are prohibited by policy from writing a letter of support, but they are permitted to be interviewed by counsel for a prisoner, who can then relay the substance of the conversation to the Court.

6. Federal defenders such as Manny Atwal are familiar with this process, and the factual and legal issues raised are complex and numerous enough that the appointment of counsel would benefit both Faul and the Court.

For all of the foregoing reasons, Faul respectfully requests appointment of counsel.

Sincerely submitted,

Dated: September 5, 2023

Scott William Faul
Scott William Faul

RECEIVED BY MAIL

SEP 07 2023

Affidavit And Certificate

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

I, the undersigned affiant, certify under the penalty of perjury that all the facts and circumstances in the foregoing instrument are true and correct. I further certify that I served one copy of this instrument on the Clerk of this Court, to be served through the ECF system, on this 5th day of September, 2023, by placing with the AM legal mail officer a copy for mailing with first class postage prepaid.

Affiant Scott William Faul
Scott William Faul
Reg. No. 04564-059
F.C.I. Sandstone
P.O. Box 1000
Sandstone, MN 55072