

# TURMEL: Prohibition law "too muddled" or "too dead?"

*Source:* <http://sci.tech-archive.net/Archive/sci.econ/2004-12/0695.html>

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*From:* John Turmel (*bc726\_at\_FreeNet.Carleton.CA*)

*Date:* 12/15/04

Date: 15 Dec 2004 04:23:28 GMT

JCT: There's a fascinating thread going on at Cannabis Culture where people are starting to ask why no one told them about Krieger. But first, some Hitzig spin from the Cannabis Culture bites the dust:

>*DrGreenthumbwpg*

>*Re: BC Court Case wins on "Law too muddled" argument*

>*[Re: Marc Scott Emery]*

>*Date: Sun Dec 12 2004*

Marc Emery: "A day later, the Ontario Court of Appeal 'reinstated' section 4(1) of the CDSA regarding marijuana possession, and ended the 'legal possession' period established by Parker decision."

DR: Marc since when can the courts make laws? Courts can not enact laws. If the law is unconstitutional they can strike it down and they have admitted that the law was dead during your summer smokeout tour, which I attended in winnipeg.

JCT: So we await Marc's explanation of why POLCOA doesn't apply.

DR: There was no law against cannabis possession and parliament hasn't enacted one yet. The courts are trying to put off the inevitable but precedents have been set and the law has not been re-enacted by parliament which is the only body with jurisdiction and the authority to make laws.

JCT: Why don't they know this?

DR: I can't understand why you of all people would be supporting the government spin that the Hitzig judges made pot illegal again.

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JCT: His sheep-dipping is coming off and he's exposed for helping with the narc spin on things.

DR: You should be encouraging people to fight their charges and plug up the courts all they can.

JCT: He can't do that now that's he's led the way with the new Marc Emery defence strategy of confessing and pleading guilty.

DR: Think about how important this is, and remember that the new bill is the same re-crim bill you were talking about during the smokeout tour.

JCT: That's okay, I have some pretty powerful cards up my sleeve when they try to bring back the re-crim bill. Notice you haven't seen me saying anything on it yet. If it comes in, a whole new array of tactics becomes available.

DR: Read the judgment in the alberta court of appeal, r vs Krieger the judgment says that sec 7 is unconstitutional and the crown's appeal to the supreme court of canada was denied.

JCT: And Emery did his 60 days in jail under a dead law. Har har har har.

DR: The Hitzig judge was specifically asked to sign an order that claimed they had re-enacted the prohibition and he refused. He knows he doesn't have the power to enact a law.

JCT: Wasn't it handy to have fought for that all the way back to Doherty's desk? Can't see Alan Young trying to steal the credit for that move too.

DR: So right now cultivation and possession are legal until parliament passes a new law against them. We need to stop the recriminalization of our fine herb, remember?

JCT: Sure, it's best if we win before re-crim comes back. But even if it does, then I get to stuff it down their throats in ways they may be starting to imagine.

*>From: elagabalus*

*>Re: BC Court Case wins on "Law too muddled" argument*

*>Date: Sun Dec 12 2004*

E: Double amen, Doctor! I'm new to all this so I might have missed some past discussions.

But I wonder why John Turmel's efforts in the courts and his compelling arguments that there is still NO LAW against

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cannabis are met with such indifference.

JCT: There's only one answer from the indifferent left.

E:It reminds me of Bush's answers about 9/11. If Turmel is off base, could someone please explain why. So far all I've heard from the mainstream media is 9/11 type silence. And all I've heard from the cannabis media is that he's a "kook". I'd appreciate a reasonable critique of his position.

JCT: The purpose in calling someone a kook is not to have to answer the charges of a kook.

>*David Malmolevine Carpal Tunnel*

>*Re: BC Court Case wins on "Law too muddled" argument!!*

>*Date: Mon Dec 13 2004*

"Just wondering why you posted Steve Kubby's year old letter without comment, David. It caused a stir on CNews and other forums. They thought it was fresh news."

DML: 1) I reposted it from the CCC news service that was debating it again... if the CCC could bring it up again, why not CC as well?

JCT: CCC's debating a cover story for "we win because the law is dead. It's going to be "we win because the law is muddled." Another Hitzig-type weaker argument.

DML: 2) Perhaps the Kubby's sent it around because – as the lawyer said – it's not for-sure a dead issue.

JCT: If the "law is muddled" is the only alternative to "the law is dead" that they have left, we're on pretty solid ground. Should be no resistance from Alison Myrden's nest of the narc moles.

DML: It certainly makes you wonder if the door is totally closed forever to the "muddled" argument.

JCT: Forego arguments that the law is "dead" for "muddled?" I think CCC are going to have a tough sell though I can see it as some kind of cover story to credit the eventual win to. The law isn't declared repealed, it's declared "muddled" pursuant to our constitutional right against undue muddleness. The Canadian Cannabis Coalition solution.

>*Orchidman*

>*Re: BC Court Case wins on "Law too muddled" argument!!*

>*Date: Mon Dec 13 2004*

TURMEL: Prohibition law "too muddled" or "too dead?"

O: If anything the law is even more muddled than before. With cases before the court as we speak that say there is no law and the phoney cover up of the Hitzig case as well as the glaring Kreiger ruling, how can a citizen know what the law is?

JCT: Who's got cases going as we speak?

O: According the judge in Masse it has to be clear and understandable. If the Kreiger ruling repealed cultivation and possession and it was upheld by the Supreme Court of Canada after the Hitzig ruling then that case is supreme.

JCT: Bango right. Must be combat Krieger attacks in Cochrane, Elliot Lake, Brantford, Toronto, Comox Valley.

O: It's very clear cut and any judge that rules against it is either corrupt or senile.

JCT: How brutal. I'd be much gentler. Har har har har. No I wouldn't. Let the truth hurt. Amen.

O: There are several excellent arguments that the law is dead.

JCT: Krieger, Parker Aces and the Health Canada Gimme.

O: Add to that the fact of uneven enforcement and the law becomes even more confusing for the citizen. A toronto lawyer told me that no one even gets charged with simple possession here anymore unless they are charged with some other crime. That is actually discrimination and against the constitution.

Confusing? Getting more confusing? 7 people had charges dropped by claiming there is no law including 3 from the Toronto Compassion Club and one person after the law was supposed to have been fixed. We are guaranteed equality under the law and if they can get their charges dropped why can't he?

JCT: Five people, not 7 Parker–Krieger withdrawals.

O: One person is applying today to get out of jail until the New Supreme Court Case is heard.

JCT: Mike South's Parker–Krieger fight on S.5(2) awaiting Turmel at the top.

O: Confusing? Even when there was no law a couple of years ago the police took away legal marijuana from people going

to the Rolling Stones concert at Downsview.

JCT: How can "no law" "law is dead" be confusing?

>MarijuanaCa

>Re: BC Court Case wins on "Law too muddled" argument

>Date: Mon Dec 13 2004

Quote: Actually, the error was made by Steve. It was a fresh letter. He didn't notice the dates til it was pointed out.

I'm still confused. Did Steve think his year old letter was "fresh", or was it David who thought it was new news. Are you David's spokesperson, MarijuanaCa?

Hi elagabalus, No, i'm not David's spokesperson. However, i am aware of the details surrounding Steve's letter, and Steve's followup letter afterwards. Attempting to clear up confusion on public boards about technical issues helps keep things running more smoothly for all of us.

Steve sent his original letter to a number of places on the net within the last two weeks. He wrote: "A BC Provincial Court has just ruled against the pot laws — just as our current BC Supreme Court challenge argues!"

I looked at the details of the letter and saw all the cases were from 2003. I pointed this out to Steve and he posted again to another place explaining his error that it didn't "just" occur. I then asked him and others if these 2003 rulings would still be beneficial to our efforts to end Prohibition. Different people have responded with different opinions about my question. I hope that clears things up.

JCT: I must admit that it was just in time for me to include Chen J.'s statement in my Turmel v. Hitzig #30570 Reply at the Supreme Court of Canada that courts cannot resuscitate laws that have been nullified.

>elagabalus

>Date: Mon Dec 13 2004

Thanks David and MarijuanaCa for taking time to explain the circumstances to a stranger. I got excited when I first read it, thinking it had just happened.

Marc's comment seems peremptory:

"A day later, the Ontario Court of Appeal 'reinstated' section 4(1) of the CDSA regarding marijuana possession, and ended the 'legal possession' period established by Parker decision."

E: Where in the Hitzig ruling does it say the law was reinstated? As far as I can tell the main source for the belief that the "summer of relegalization" ended on October 7,2003, was Alan Young.

JCT: And John Conroy.

E: Thank you too, Orchidman. I'm less confused now than I was. Sounds like the Crown isn't sure what's going on either. Mike South's "get out of jail" case is being heard in Toronto today. That might clear things up a bit.

>DrGreenthumbwpg member

>Re: BC Court Case wins on "Law too muddled" argument!!

>Date: Mon Dec 13 2004

and what possible reason would Alan have for convincing the public that pot is illegal again even though the judge from hitzig refused to sign an order stating the law had been resurrected?

What could his motive be? Oh wait a second, isn't he starting a company that sells non smoked cannabis as a "safe alternative" for med users? I wonder how many customers that company would have if pot remains completely legal? hmm how much market will there be for sativex style oral sprays at exhorbitant costs when anyone can grow their own cannabis for free and make their own extracts? Not much i reckon.

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>DrGreenthumbwpg member

>Date: Mon Dec 13 2004

I too would like to hear a reasonable critique of John Turmel's argument that the laws are still dead. I don't want the usual crap about him being a nut job or a moron either. Lets see someone dispute his argument with intelligent argument. If Alan is so sure the law is back alive, lets hear his explanation of why. Let's hear when exactly courts got the authority and jurisdiction to enact laws that have been struck down.

JCT: Bet no one answers.

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>elagabalus

>Date: Mon Dec 13 2004

Alan Young made a pathetic attempt to critique Turmel's claims a few weeks ago:

<http://health.groups.yahoo.com/group/MedPot/message/1516>

Marc, David, Chris, - give me some reasons not to believe in Turmel.

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>davidmalmolevine [Re: elagabalus]

>Date: Mon Dec 13 2004

Cut and paste, please... I'm not "signed up" to Yahoo and it's better that we have a copy of what we are talking about.

JCT: This professional activist missed all four years of

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Turmel court combat even though my legal victories were five times reported on in his own Cannabis Culture magazine?

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rtav

Date: Mon Dec 13 2004

-----BEGIN PASTE!

From: turmel@n...

Date: Sun Nov 28, 2004 3:34 am

Subject: TURMEL: From Alan Young - True or False? False.

>JCT: Ron drew the slimy Prefessewer out of his hole:

>Date: Tue, 23 Nov 2004 15:23:03 -0500

>From: sdali@r... (Master Bates)

>Subject: [MedPot-discuss] From Alan Young True or False

JCT: It details how Alan Young said Parker's case didn't have the right materials and I pointed out we had already won with the cards he'd had. Why did Young help the Crown have Parker's pot set aside was the question he kept ducking.

[.... -----END PASTE

>davidmalmolevine

>Date: Mon Dec 13 2004 09:04PM

DML: I cannot tell from the cut and paste who is telling the truth.

JCT: I thought it was pretty clear.

DML: All I know is that Alan ignored the pleas of the two largest compassion clubs in the country... the clubs that wanted him to challenge the faulty MMAR program instead of endorse it....

JCT: So Alan's crime in their eyes is that he endorsed the faulty MMAR program instead of challenging it? That's the Compassion Club spin? Well, here's some news. Alan did exactly what they asked him to do. Alan got the faulty MMAR fixed so that it was now a constitutionally acceptable medical exemption they wanted which now could sustain any new legislated prohibition. Oops. Luckily, they've never re-legislated a new prohibition that the fixed MMAR would make constitutional. Luckier still is that Health Canada re-attached two unconstitutional conditions for exemptees as a "gimme" win too.

DML: people in both clubs basically predicted that he would lose Hitzig and that he should not have tried to get sick people to sign up to a fatally flawed MMAR program, and he ignored both clubs.

JCT: No, anyone who says that Alan Young did not challenge the faulty MMAR is so way off base that it sounds like an alibi for Club people who wanted him to do exactly what they asked him to do. There's no way that the responsibility for fixing the MMAR when the law was already dead cannot remain with the Club people who admit they urged Alan to do just exactly what he did do. Challenge the faulty MMAR and fix the MMAR. That's exactly what we reproach Young. David's taking credit for pushing him to do just that. Bringing the CDSA back to life was just an unfortunate consequence that David had not foreseen.

DML: Didn't even apologise afterwards.

JCT: Why should Alan Young apologize for not challenging the faulty MMAR when when he did "challenge the faulty MMAR" exactly as you all urged him to do. It's just that you may not have all realized that you were paying for the very opposite result of what you desired. Oops.

Of course, poor David can alibi that he had not read any of my posts explaining this. How else can he admit that he was

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with the people urging Young while the CDSA was dead to fix the MMAR and bring the CDSA back to life now. Oops.

DML: This doesn't make me feel confident in him when others criticize him.

JCT: What's causing the lack of confidence is you telling us that you urged him to challenge the faulty MMAR that brought the CDSA back to life and that he did not obey your instructions. He did and everyone here knows that that is exactly what we all reproach him. You're telling us that you wanted the faulty MMAR challenged to fix the CDSA.

DML: I would very much like it if others who know more about Hitzig would chime in and give their opinions... any takers?

JCT: And they keep using the Malmo-Levine loss at the Supreme Court of Canada as some kind of precedent against us but we can now show that the champion for our side had no idea what was going on in the Canadian jurisprudence so no one can expect someone as uninformed as him to win so and it can't be held as a precedent-setting decision against us, much like Alan Young's sabotaged cases.

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>DrGreenthumbwpg

>Date: Mon Dec 13 2004 10:48 PM

David check out this site that has links to all the paperwork and court judgment to back up Turmels claim that the law is still dead.

<http://www.cyberclass.net/turmel/mpforms.htm>

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DrGreenthumbwpg

Date: Mon Dec 13 2004 10:49 PM

GENERAL FACTS:

Timeline for Marijuana Prohibitions

<http://www.cyberclass.net/turmel/timeline.htm>

JCT: He posted the whole timeline.

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>davidmalmolevine

>Date: Mon Dec 13 2004 11:01 PM

DML: You seem to be somewhat familiar with this pile of spagehti... could you nutshell it in 50 words or less for those of us who's brain is hurting?

JCT: Real interested in the entire defence, isn't he? Not.

DML: (hurting from trying to explain "biocolonialism" to powerful over-sensitive members of the colonial caste and/or those convinced that "subtile racism" is non-existent)

JCT: He's so busy lecturing on the sophisticated esoteric subjects that his brain hurts over the easy stuff about marijuana. Why is it that the champions doing the talking for our side are always they guys with the sore brains.

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>Orchidman

>Date: Tue Dec 14 2004 03:36 AM

O: There are many points to this argument but here are the main ones.

The Parker ruling repealed the possession law. The Hitzig ruling re-instated the law. Basically this is beyond the jurisdiction of the court and Parker ruling specifically demanded legislation not regulations.

JCT: Don't lawyers know this?

O: The main thrust is the Kreiger ruling. It repealed the law against cultivation and possession and by implication trafficking. This ruling was made in the highest court in Alberta and should influence all judges at this level.

However the ruling was upheld by the Supreme Court of Canada

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which now binds all judges in Canada.

JCT: Bingo from the top.

O: The supreme court ruling in Kreiger was handed down after Hitzig and is the latest law to be judged and so takes precedence over Hitzig. So, possession and cultivation are repealed. They also said if you have a medical need you don't need a stinking license. The whole thing has been covered up by corrupt media.

The Hitzig ruling is also attacked here. The judges in Hitzig refused to put it in writing that the Hitzig ruling re-instated the law. They know they can't re-instate a dead law and they refused to put it in writing. In other words they only gave an opinion that it would re-instate the law but they did not re-instate it.

JCT: How handy to have pushed it to the top.

O: There are many other points in there that show the law is of no force and effect.

Lawyers are dirty and make dirty deals and laugh about them. The nice thing about these forms is that a person does not hire a lawyer. They go to court by themselves and present a motion to quash based on the forms. They don't have to make any argument, just say see the forms. If the forms are rejected, then they can see a lawyer. It's better to go in without a lawyer.

JCT: If the forms are rejected, they replace the first page with Notice of Motion to Quash with Notice of Motion to Prohibit and do it again, then appeal because that stays the court process. Like I'm doing now. When you get back down, then you make your personal medical constitutional objection. Then go to trial back where you started with a lawyer.

O: Yes I think Turmel is a mad British Bull dog gone crazy wild, attacking everything in sight but man what a weapon. Sure we might get some collateral damage, but he's chomping at the Crown. Sick em, Turmel.

JCT: I'm angry all right.

O: I think anyone charged with a marijuana offence should seriously read the motion to quash and the get out of jail motions. As I said before, any judge who does not agree is either corrupt or senile.

JCT: It is nice that the only two alternatives are so apparent.

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>davidmalmolevine

>Date: Tue Dec 14 2004 10:16 AM

"The main thrust is the Kreiger ruling. It repealed the law against cultivation and possession and by implication trafficking. This ruling was made in the highest court in Alberta and should influence all judges at this level. However the ruling was upheld by the Supreme Court of Canada which now binds all judges in Canada. The supreme court ruling in Kreiger was handed down after Hitzig and is the latest law to be judged and so takes precedence over Hitzig. So, possession and cultivation are repealed. They also said if you have a medical need you don't need a stinking license. The whole thing has been covered up by corrupt media."

DML: I must be blind... where does it say "possession and cultivation are repealed"? In Kreiger? In that pile of spaghetti up there? Is the Kreiger case on line? Do I just print out Kreiger next time I'm busted for personal or cultivation and slap that sucker down and say "no laws - let

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me out of here"?

JCT: It's finally sinking in. Does it say "possession and cultivation are repealed in Krieger?" Yes. Yes. Yes. Yes and yes again. And he's laughing at where he conclusions have taken him! He doesn't sound happy about just pulling out Krieger, does he?

And besides, no matter how hard he searches, he'll never find it if he keeps spelling it wrong. It's Krieger. "I" before "e" except after "c."

DML: Are you saying we just need one high-profile activist to try Kreiger out in front of the press to end cannabis prohibition? (not that I trust judges anymore, but you never know ....)

JCT: No, the highest-profile activist with 3.3Kg on Parliament Hill can't break through the press, but a high-profile narc establishment darling doing so, yes. The question isn't how to get it in front of the major press, it's how to get it in front of the cannabis press.

DML: So many silly questions. thanks for trying to answer them.

JCT: Someone's got to try to bring Canada's most celebrated marijuana champion up to date.

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>DrGreenthumbwpg

>Date: Tue Dec 14 2004 10:39 AM

KRIEGER JUDGE ACTON IN ALBERTA DECLARES CDSA S.7(1) PROHIBITION ON CULTIVATION OF MARIJUANA INVALID

Judge Acton ruled in R. v. Krieger:

"[44] I am satisfied that s. 7(1) of the CDSA deprives Mr. Krieger and those who are similarly situated of their rights under s. 7 of the Charter to the extent that it prohibits these individuals from producing raw cannabis marihuana for their own therapeutic purposes. I am also convinced that such deprivation is not in accordance with the principles of fundamental justice...

[55] I am prepared to agree with the Applicant that s. 7(1) of the CDSA should be struck down to the extent that it deals with production of cannabis marihuana. If s. 4 were before me I, like the Ontario Court of Appeal in R. v. Parker , supra , would strike down the prohibition against possession of marihuana because to do otherwise would be, to use Dr. Kalant's word, "inhumane" to Mr.Krieger under the circumstances."

DR: They were ruled unconstitutional and an unconstitutional law is automatically of no force and effect. Krieger cinches it for medical use for sure and grant didn't have an exemption either.

JCT: Good point I'd failed to make.

DR: The law was ruled unconstitutional anyway and that should have struck it down for everybody.

JCT: Except we know the media, the Crown and the Defence lied to cover up Section 7 being struck down.

DR: I think that the press will misreport anything to do with it anyway. I'm no lawyer but if you go through the materials it seems pretty obvious that they are illegally prosecuting people when they know the laws have been struck down.

JCT: Sumbitch David Frankel certainly knew the crimes he was letting his police commit against the population. And probably brother Harvey and the other shysters in the Attorney General's prosecution cabal.

DR: Read the crown memo to the supreme court of canada in

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its appeal. The supreme court denied the crowns appeal even though the crown said it was important the judge allow the appeal or they would effectively be repealing the prohibition and cultivation.

JCT: That's the best finding of all. Sorry, best mining.

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>davidmalmolevine

>Date: Tue Dec 14 2004 10:52 AM

When Conroy gets back from his holiday, he should have a look at this. E-mail him at jconroy@johnconroy.com... tell him what you know and ask him his opinion... I consider him the "least corruptable" of all the lawyers I know. I'll ask him about it too, the next time I see him.

JCT: John Conroy's the other lawyer on TV who helped Alan Young announce the end of the summer of legalisation by the Hitzig resurrection? What a great reference.

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>From: source

>Date: Tue Dec 14 2004 12:07 PM

It has to do with that That he is the big lawyer guy that everyone looks to for expertise and he did not tell you that the whole of the law does not even apply to you and he is supporting and subsisting off of a fictional scam!!

You'd think you would have got that David...

Why not comment on your amazement at what you just read.. It is kind of humbling isn't it? Kind of makes you feel you've wasted a lot of time fighting fictional law right?

If you like feeding bogus lawyers to support fiction than you may feel differently but how about all who are believing the lie? Don't you want to tell them? Don't you want to scream at the top of your lungs it is all a fiction and the law does not apply to us and heres proof?

Why not expose the fraud David? Why continue to act as if the law of the corporation applies to you and I??

Now that the proof is available for all to see that the law of the corporation known as Canada is not applicable to men and women don't you think it deserves expansion and discussion??

JCT: Sounds like it applies but may be orthogonal.

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Orchidman

Date: Tue Dec 14 2004 03:13 PM

Source, Your argument adds one more point to the "too muddled" theory.

JCT: Last point. If we win due a violation of our right to life, they can't fix it. If we win due to a violation of our right to non-muddleness, they can just change it. What's is Prohibition law "too muddled" or "too dead" best?

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Abolitionist Slave Leader John C. "The Banking Systems Engineer" Turmel for UNILETS interest-free time-based currency in U.N. resolution C6 to Governments in the <http://www.un.org/millennium/declaration.htm> <http://www.cyberclass.net/turmel> 519-753-0645 USENET: can.politics