

Peter J. Mancus  
Attorney at Law  
Victorian Square  
876 Gravenstein Ave. So., Suite 3  
Sebastopol, CA 95472  
Tel.: (707) 824-1884  
Email: [pmancus@comcast.net](mailto:pmancus@comcast.net)  
[www.cloud9photography.us](http://www.cloud9photography.us)

September 27, 2010

Secretary Janet Napolitano  
Department of Homeland Security  
U.S. Department of Homeland Security  
Washington, D.C. 20528

**RE: OBJECTIONS TO A NEW TSA POSTER THAT INSINUATES THAT  
PHOTOGRAPHERS ARE TERRORISTS**

Dear Secretary Napolitano:

**I.  
Purpose**

I write to you to achieve these purposes: 1) to object—strenuously—to a new anti-photographer Transportation Security Administration [TSA] poster that is another in a long line of irrational, psychotic, paranoia, nonsense put out by TSA or the Department of Homeland Security [DHS] in the name of *security*; 2) to explain to you why this poster is a new low for TSA and DHS; 3) to communicate important concepts that need to be communicated; 4) to demand that TSA and DHS immediately withdraw these new anti-photographer posters, destroy them, and never again stoop to such a low level; 5) to assert rights against government's usurpations under color of law; 6) to sensitize you, government officials, and citizens on the compelling need to function with absolute fidelity to our Constitution's commands—which is the best way to achieve, and maintain, a meaningful level of security; 7) to demand that TSA and DHS stop violating those commands; and 8) if you refuse to withdraw and destroy these posters to rebuke you in your official capacity as DHS' department head and demand that you resign.

**II.  
Material Facts**

**Material Fact No. 1:**

TSA, recently, has been distributing a new TSA poster with a picture above text. This picture shows a standing photographer, from the left three-quarter rear, holding a medium size

telephoto lens, wearing a hooded sweat shirt, with the hood up, covering his or her face, outside and close to, a chain link fence, with a general aviation business jet on the other side of the fence, with the photographer pointing the lens toward something on the other side of this fence.

Text on this poster, below this picture, states:

Don't let our planes get into the wrong hands.  
If you question it, report it.  
Call local law enforcement.  
Report to your airport manager.

This poster is a key part of TSA's new campaign that urges airport employees and members of the public to call police or the federal government if they see anyone they deem to be "suspicious" photographing airplanes.

I shall refer to this poster as "TSA's anti-photographer poster."

**Material Fact No. 2:**

TSA is part of DHS.

**Material Fact No. 3:**

Before TSA issued and distributed this TSA anti-photographer poster DHS issued a report which it distributed to federal, state, and local law enforcement agencies that told these agencies that the following types of Americans are deemed by DHS to be potential domestic terrorists: 1) members of the U.S. Armed Services who returned to the continental U.S., especially if assigned to Iraq or Afghanistan; 2) Americans citizens who quote this nation's Founding Fathers, especially if they offer these quotes as verbal resistance to a law enforcement officer or a government agent; 3) Christians; 4) anyone who champions the Second Amendment to the U.S. Constitution as a codification of an individual constitutional right to firearms; 5) anyone who home schools children; 6) anyone who has spoken out against "big government"; and 7) anyone who demands that federal, state, and/or local government and their agents obey our Constitution's commands.

I shall refer to this DHS report that branded these types of Americans as potential domestic terrorists as "DHS's egregious report that unjustifiedly smeared Americans."<sup>1</sup>

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<sup>1</sup> As I read this report, I experienced its content and its reasoning to be repulsive in the extreme. Everyone responsible for that report's content should be ashamed and embarrassed. Since that report is not the main focus of my letter to you, I decline to elaborate upon that report's flaws. I do note, however, that I fit into five of DHS's absurd criteria for who is a potential domestic terrorist.

### III.

#### Summary of My Bottom Line Opinions Regarding Material Facts 1-3, Inclusive

##### Bottom Line Opinion No. 1:

DHS's egregious report that unjustifiably smeared millions of Americans was, and is, a shocking, amazing, virulently repulsive, incredibly stupid, indefensible, report.

##### Bottom Line Opinion No. 2:

TSA's anti-photographer poster is so ill-conceived, so ineptly done, so counter-productive that it, too, is a manifestation of a material mental dysfunction on the part of key persons responsible for that poster.

##### Bottom Line Opinion No. 3:

I comprehend that it is normally best to avoid name calling, and it is also normally best to avoid assuming the worst of people. However, I also believe that an effective way to determine if a government official is good or bad is to tell the official, respectfully and clearly, what he/she is doing is wrong and why, tell the official to stop doing what is wrong, give the official a reasonable opportunity to reform, and, if the official fails to reform, as a reasonably constituted intelligent person, I am forced to conclude that the official is bad.

Sadly, I see scant evidence, if any, that the major office holders in the U.S. government, as a whole, are serious about functioning with fidelity to our Constitution's commands.<sup>2</sup>

I would like to believe that the intent of the authors of this TSA anti-photographer poster was not to subvert the civil rights of photographers or other Americans, but I believe that these officials have, at best, a reckless, callous disregard for the rights of photographers and Americans, and they do not value constitutional rights.

Perhaps I am too harsh in my judgment; however, even if I am wrong, a stark, stubborn fact remains: this TSA anti-photographer poster subverts the civil rights and constitutional rights of Americans.

Since others have communicated meritorious objections to this TSA anti-photographer poster, and TSA still uses this poster, that fact strongly suggests that the people currently in charge of DHS and TSA are not good, misguided, over zealous, public servants trying to do a good job and achieve security who made an error in judgment in how they execute their duties.

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<sup>2</sup> If I were to include in this letter a specification of a list of how this government functions unconstitutionally or a different list of major grievances with this government or both lists, and back up each with facts, this letter would be extremely long.

Since these officials persist with using this poster, after issuing a non-meritorious report that described several types of Americans as potential domestic terrorists,<sup>3</sup> I find it hard to entertain that the officials in charge of DHS or TSA are sincerely trying to thwart terrorism [a good thing] and simply fail to see the harm they are doing in the process to Americans and to our Constitution.

Name calling is often immature and inappropriate; however, when name calling is the result of refined critical thinking based on facts, it is appropriate. This is because, in that context, name calling is the end result of refined critical thought and sound judgment.

Regardless of what motivates TSA and DHS officials, and regardless of what is in their minds and in their hearts, I am forced to conclude that many of these officials have earned these pejorative names: Liberty Thieves, Freedom Haters, Domestic Enemies of the U.S. Constitution, Traitors From Within, Public Serpents, Tyrant Wannabees, and Useful Idiots for Tyrant Wannabees.

#### **Bottom Line Opinion No. 4:**

This TSA anti-photographer poster is further evidence of an egregious trend in this nation: the expansion of police state tactics at every level of government, and these tactics constrict liberty.

#### **Bottom Line Opinion No. 5:**

You, as the “Secretary” for DHS, are the department head for DHS, which includes TSA. As such, you are responsible for the DHS report that smeared millions of Americans and for this TSA anti-photographer poster.

#### **Bottom Line Opinion No. 6:**

You should be embarrassed by this DHS report and by this TSA poster, you should be ashamed of both, and you should condemn both and distance yourself from both.

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<sup>3</sup> This DHS report characterized the following types of Americans to be potential domestic terrorists: 1) members of the U.S. Armed Services who returned to the continental U.S., especially if assigned to Iraq or Afghanistan; 2) Americans citizens who quoted the Founding Fathers, especially if they offered these quotes as verbal resistance to the directives or commands of a law enforcement officer or any government agent who usurped power; 3) Christians; 4) anyone who has manifested a strong interest in firearms and/or who champions the Second Amendment to the U.S. Constitution as a codification of an individual constitutional right to firearms; 5) anyone who home schools his or her children; 6) anyone who has spoken out against “big government”; and 7) anyone who demands that federal, state, and/or local government and their agents obey our Constitution’s commands.

### **Bottom Line Opinion No. 7:**

You, as the “Secretary” for DHS, are in a key position to stop the expansion of police state tactics, which you should have done already, and your failure to do anything meaningful to prevent or to roll back police state tactics exasperates every constitutionally sensitive American citizen.

### **Bottom Line Opinion No. 8:**

If you fail to condemn this DHS report and this TSA poster, you should resign, forthwith.

### **Bottom Line Opinion No. 9:**

Even though this letter is addressed to you, and even though its content and logic are excellent, my real audience for this letter is the American people. This is because I doubt if you will read this letter or implement any of my meritorious recommendations.

## **IV.**

### **Objections to This TSA Anti-Photographer Poster**

#### **Objection No. 1:     The Real Goal of This TSA Poster is to Discourage and to Prevent People From Photographing Unconstitutional Official Conduct.**

I believe this: A) far too many government elites and political sacred cows, e.g., policy makers, law makers, elected and appointed officials, and sworn peace officers, want to advance an unconstitutional agenda, with impunity and no accountability for their wrongdoing; B) these traitors from within are not really concerned about photographers photographing airplanes at or near airports or military bases; C) instead, these government officials are concerned about the widespread prevalence of cameras, from cell phone cameras to professional, and/or audio recording devices, which empower ordinary citizens to document domestic terrorism committed by governments’ agents; D) since governments’ agents know that ordinary citizens can use cameras to record, collect, and to preserve evidence against them when they function unlawfully many government agents have grown to hate cameras and photographers; E) many government agents do not tell the truth; F) many sworn peace officers *testilie*<sup>4</sup> when they, in their warped view, believe it is expedient for them to do so or believe they are justified in committing perjury or feel a need to perjure themselves to try to avoid being held accountable; G) many government officials are corrupt; H) bad government officials do not want to be confronted with any audio-visual evidence that makes it difficult for them to lie, to escape accountability; I) consequently, these types of government agents have an ulterior agenda: they seek to demonize in the public’s mind photographers and cameras, as a prelude to discouraging ordinary people from carrying

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<sup>4</sup> There is an excellent law review article that uses the term “testilie” which asserts that the phenomena of cops who commit perjury has become, and is, prevalent.

cameras and/or recording devices, everywhere, which makes it much more difficult for governments' agents to function unlawfully without being held accountable; and J) these officials, therefore, have a self-serving, ulterior motive when they promote their agenda to discourage aviation related photography. As such, many government agents seek to exploit lingering hysteria and fear arising from 9/11 to try to equate "photographer" + "airplane" = "terrorist."

**Objection No. 2: This TSA Anti-Photographer Poster is Government Propaganda and Indoctrination.**

This poster smacks of *indoctrination*, namely, it is a form of government anti-photographer, anti-liberty, indoctrination and propaganda, calculated to scare people into fearing photographers and cameras, to manipulate citizens into surrendering more of their liberty, and to induce citizens to increasingly function as snitches, to turn citizen against citizen, and to make all citizens increasingly dependent on government and its agents for protection and security.

This anti-photographer indoctrination is the first step to making photography a crime.

**Objection No. 3: Photography Has Already Been Made a Crime in Churchill County, Nevada.**

See Addendum "A" attached hereto at the end of this letter, which is an exact copy of a Churchill County, Nevada ordinance that purports to make it a crime to photograph any military airplanes in the public air space or any part of any military installation in that county, especially NAS Fallon, from civilian property, without the local military installation commander's written permission. As such, this ordinance goes beyond making photography suspicious; it makes photography *a crime*. That fact makes this ordinance a manifestation of a *police state*. This is because photography is not and cannot be made a crime, and this is because photography is classic, constitutionally protected, First Amendment, conduct.

NAS Fallon in northern Nevada and Nellis AFB in southern Nevada are major U.S. military air bases with vital missions. Both are true national assets of approximately equal importance. Significantly, even though civilians can easily see a lot more flight operations at Nellis AFB from civilian property off base than they can of flight operations at NAS Fallon off base, senior Nellis AFB commanders, to their credit, have not telegraphed any desire to have local authorities pass a law making unauthorized photography of Nellis' flight operations from off base a crime.

These Nellis AFB senior commanders are not indifferent to security. Instead, they remain faithful to our Constitution's commands. For that, my admiration and respect for them is unlimited.

*If* [which I stress is a crucial qualifier], NAS Fallon's senior commanders conspired with local civilian authorities to make photographing military airplanes near NAS Fallon, or any part of NAS Fallon from civilian property, off base, a crime, without NAS Fallon's commanding officer's written permission, one can legitimately seriously entertain serious doubts about the

professionalism of US Navy personnel who *might have conspired with* local civilian authorities to make such photography a *crime*.

I am not aware of anything that makes it a legitimate part of a U.S. Navy officer's role or official duties to encourage or to support in any way, broadly construed, making any part of constitutionally protected activity, such as but not limited to, photography, *a crime*.

It is absolutely imperative that all US Navy personnel conduct themselves with utmost, uncompromising, sustained, assured, professionalism, with full fidelity to our Constitution's commands. Civilian authority must reign supreme over the U.S. Armed Forces.

President Eisenhower, a former five star U.S. Army General, warned us about the Military Industrial Complex. When any part of that Complex does anything that breaks faith with what the Founding Fathers envisioned, the civilian community has a legitimate serious concern about the military community.

Since when have civilians needed the written permission of a U.S. military base commander to photograph unclassified flight operations from civilian property outside a military base's outermost perimeter fence?

Civilians responsible for this ordinance usurped power. Shame on them. These civilians need to be officially rebuked and held accountable.

**Objection No. 4: This TSA Anti-Photographer Poster is Part of a Serious, Deeper Issue.**

This TSA poster is a symptom of a much bigger, serious, complex, deeper issue: 1) Governments' agents continued brainwashing and indoctrinating of Americans to condition them to surrender their rights to government and its agents, to make citizens increasingly unduly docile and totally dependent on government and its agents for "security" and to surrender "Liberty" for "Security"; 2) to instill in citizens misplaced confidence in government and its agents; 3) a government that is out of control and is so powerful it can now publicly demonize photographers and discourage classic First Amendment protected conduct; 4) the United States is increasingly becoming more like what we use to despise; and 5) government agents who are Freedom Haters and the Liberty Thieves have become so emboldened, so stupid, and so crass, that they now publicly dare to demonize and discourage what use to be, and, legally still is, constitutionally protected, activity, namely, photographing airplanes at an airport or a military base.

**Objection No. 5: TSA's Attempt to Portray Photographers as Being Suspicious and Nefarious Is a Disservice to General Aviation and to the United States.**

General Aviation [GA] affects all of us because it is a large part of our daily lives.<sup>5</sup>

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<sup>5</sup> Examples: The med-evac pilots who whisk our loved ones to trauma centers for life-saving treatment; the humanitarians who deliver supplies after a disaster; the businessmen who chose our community's airport to base their operations, creating countless job opportunities; the aerial firefighters who release the fire retardant to prevent wildfires from engulfing our homes; the mechanics who keep more than 230,000 aircraft flying; and the flight instructors who train our military and commercial airline pilots. This is General Aviation.

Photographing what happens as part of our daily lives is not a crime and should never be considered a crime. Demonizing these daily activities and effectively discouraging the media, photographers, or anyone else who wants to document these day-to-day happenings is not in the best interest of America or GA.

**Objection No. 6: TSA’s Attempt to Portray Photographers as Being Suspicious and Nefarious Is a Disservice to the U.S. Armed Forces, to the American Aviation Industry, and to the United States.**

Americans—civilians and members of the U. S. Armed Forces—want to see excellent pictures of U.S. military airplanes. Such pictures breed esprit, promote pride, inspire, motivate, generate support for our Armed Forces, and build a crucial bond between the civilian and military communities. Anything that threatens that bond that holds those two communities together, inseparable, united, pulling in the same direction, functioning with fidelity to our Constitution’s commands, is destructive of that bond.

This nation has never lost a war when those two great communities were united, and we fought a war “in hot blood” after Congress officially declared war.

The American aviation industry involves multiple hundreds of billions of dollars annually and touches many lives. As such, Americans have a legitimate right to enjoy extensive photographic coverage of all aspects of unclassified U.S. military aviation related operations.

Aviation photographers are critical to keeping the public informed about what the U.S. Armed Forces are doing, and the American public has a vital right to know what their Armed Forces are doing.<sup>6</sup>

If “X” is not truly “secret” the public has a right to know and to photograph “X”.

**Objection No. 7: If This TSA Anti-Photographer Poster is Not Evidence of Government Officials Attempting to Demonize Photographers and Cameras as Prelude to Preventing People From Photographing Unconstitutional Official Acts, This Poster is At Least Evidence of Extreme TSA/DHS Stupidity Run Amuck.**

This TSA anti-photographer poster insinuates that photographers are terrorists. As such, at a minimum, this poster is a horrific manifestation of DHS’s/TSA’s ultra simplistic, stupid, dangerous, tunnel vision.

DHS and TSA are now, apparently, intent on treating cameras as the “new gun,” to be officially discouraged and demonized.

This TSA anti-photographer poster is another manifestation of the Federal Government’s penchant for drama and for stupid, contemptible, insecurity, theater in lieu of competent, effective, constitutionally correct, security measures.

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<sup>6</sup> Nothing can explain what a modern military jet fighter looks like or can do as well as a good picture of one.



I experience this TSA anti-photographer poster to be alarming, disgusting, absurd, dangerous, patently pathetic, and lame.

**Objection No. 8: This TSA Anti-Photographer Poster is Evidence of Government's Poorly Executed Concept of a Good Idea.**

It is proper for DHS/TSA to encourage Americans to be vigilant and to report unusual activity. Situational awareness, vigilance, and prompt reporting of something out of the ordinary that is probably a meaningful threat, to promote real *security*, are desirable traits. This TSA anti-photographer poster, however, simplistically equates photographers as being terrorists or persons who should automatically be suspected as being terrorists and, therefore, investigated [which is code for *harassed*.]

This TSA poster fails to distinguish between a legitimate photographer and real suspicious surveillance conduct.

Per this TSA poster, the federal government is now treating photographers as scary people. To exacerbate matters, the federal government is now also encouraging citizens to sic cops onto allegedly scary photographers. Per this dynamic, the federal government is also encouraging cops to fear, for lack of a better term, "the photographer threat," and to treat photographers, indiscriminately, as potential and/or as actual terrorists.

**Objection No. 9: DHS and TSA are Promoting Extreme Irrational Fears and an Anti-Photographer/Anti-Photography Mind Set.**

No terrorists needs a camera to conduct surveillance for a planned act of terrorism.

There is no credible evidence that any terrorist used a camera to survey a location targeted for a terror act.

These facts, logically, destroy the harebrained "logic," if any, behind this TSA anti-photographer poster. Per these facts, it should be clear to you that DHS and TSA, via this poster, are promoting unjustified, irrational fears.

**Objection No. 10: This TSA Anti-Photographer Poster Fails to Communicate Accurately TSA's Presumed Intended Message.**

This TSA anti-photographer poster is a clumsy execution of government's encouragement of people to be vigilant and to report unusual activity.

My reasons for this statement are:

- 1) Photography is not a crime;
- 2) Photography cannot be made a crime. This is because photography is constitutionally protected activity protected by the First Amendment to the U.S. Constitution. This is because a camera is a modern equivalent of an old fashion quill pen that was used to draw pictures, and a camera is a modern means to make pictures to communicate a story and ideas, which is classic First Amendment protected activity;
- 3) Even photography of airplanes at or near an airport [or a military base] is not a crime;

4) Photography of an airplane is not unusual behavior, is not suspicious behavior, and is not a terror act;

5) There is a perfectly innocent explanation for why a person wearing a hood to hide his face would be at an airport photographing airplanes: A) it is cold and the photographer wore a hooded sweat shirt to keep warm; B) the photographer wore the hood up to block sun rays to guard against sun burn and to avoid skin cancer; and C) the photographer loves airplanes and enjoys photographing them [which is a common activity practiced by millions of Americans weekly, if not daily];

6) DHS and TSA are not, and should not be, in the “fashion police” business. By that statement, I mean this: How the photographer in the TSA poster is dressed is not outcome determinative. The key points are: A) the photographer has a right to be where he or she is; B) the photographer has a right to take his or her pictures; C) the photographer has a right to enjoy such rights regardless of how he or she is dressed; D) it is illegitimate for TSA to depict a photographer who is dressed normally as a terrorist and to turn innocent conduct and appropriate dress into suspicious conduct; and E) it is illegitimate and dangerous for TSA and DHS to imply that it is okay to reduce the *probable cause* standard for detention, investigation, and seizure to a much lower *suspicion* standard.

7) The constitutional standard is the much higher *probable cause* standard, not mere *suspicion*;

8) To the extent the legal bar for cops to detain people, to interfere with their lives, is reduced from objectively reasonable *probable cause* that the cops can articulate that they think a person is connected to criminal conduct to only a *suspicion* standard, TSA and DHS gives cops a green light to harass people. Such harassment will give the people harassed fits and severely alienate them against TSA, DHS, the government, and cops;

9) This TSA anti-photographer poster focuses on a photographer *outside* the fence at an airport and suggests that a photographer *outside* the fence could, somehow, be instrumental on letting “our planes get into the wrong hands.” The implied causation, however, is unclear. Question: Exactly how can a photographer *outside* the fence get his hands on a plane on the other side of the fence? Cause a plane to get into the wrong hands?;

10) It is common and legal for photographers to be outside the fence, photographing airplanes. So what? Even if Osama Bin Laden was outside the fence at a major US airport [or military base], photographing airplanes, what harm would arise from even him doing *that*? Answer: Without something more, *none.*; and

11) This TSA anti-photographer poster fails to focus attention on people on the tarmac or flight line, on the *inside* of the fence, and/or on people wearing official looking uniforms who might not have valid credentials but who are terrorists who used a commonly available uniform to gain access to an airplane, such as a terrorist wearing a pilot’s uniform or a mechanic’s uniform.

**Objection No. 11: The Average Cop Lacks the Skills Necessary to Implement Well What is Intended by this Poorly Executed, Clumsy, TSA Anti-Photographer Poster.**

There is a material difference between a *sworn peace officer* and a *law enforcement officer*. The former manifests restraint, is not badge heavy, is constitutionally sensitive, is well trained, is well lead, is well supervised, does not have an “Us versus Them” mind set, will not enforce an unconstitutional law just to draw a paycheck, writes an honest and factually accurate official report, and confines himself to the truth when he testifies. A *law enforcement officer*, on the other hand, lacks those traits that characterize a *sworn peace officer* and manifests other undesirable traits, such as, but not limited to,: a willingness to enforce any law, regardless of its constitutionality, including in a mean spirited, physically brutal, lethal manner; a willingness to frame a person; and the traits of a psychotic killer willing to commit murder under color of law and enjoy it.

A *sworn peace officer*, as defined above, is a true national and local asset, worth many times his or her weight in gold, a person worthy of respect and admiration. A *law enforcement officer*, on the other hand, as defined above, is a bane on the nation and the community.

I love airplanes so much I love to photograph them, and I have spent a huge chunk of my life photographing them.<sup>7</sup>

Even though I am a former Deputy District Attorney criminal prosecutor, over the last 40 plus years, I have had so many negative experiences with law enforcement officers from various jurisdictions at or near military bases and/or civilian airports, that I now have a negative orientation toward sworn law enforcement officers.

I have had cops do and/or say the following to me at airports or military bases:

1) One cop told me he was “my boss” merely because he was a cop!<sup>8</sup> This same cop also said that merely because I shifted the stance of my feet from wide spread to “scissors” [one more in front than the other] it was his opinion that I had formed the intent to assault him.<sup>9</sup> This same cop told me that when I am in his country I had to do what he ordered me to do because that is one of his rules.<sup>10</sup> This same cop also told me that my refusal to yield to his demand for a consent search gave him probable cause to search.<sup>11</sup> This same cop also said that I asked him if he was

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<sup>7</sup> To verify this, go to my Internet site: [www.cloud9photography.us](http://www.cloud9photography.us) .

<sup>8</sup> That was probably the worse thing that cop could tell me. I emphatically do not believe that any cop is “my boss” merely because he/she is a cop.

<sup>9</sup> This cop was so full of himself he dared to believe he could read my mind, and he made me suffer from his paranoia and his inability to read my mind correctly. No cop should ever be allowed to manufacture probable cause for an arrest based merely on a person doing something common and lawful, such as shifting how they stand to relieve pressure on their feet or to prepare to take a step to turn.

<sup>10</sup> Again, this cop was so full of himself he tried to subject me to his own personal rules that do not exist in any duly authorized public law book.

<sup>11</sup> This cop, by that remark, proved he is poorly trained. His mind set turned Fourth Amendment jurisprudence on its head, and converted my peaceful assertion of a vital right into a

the U.S. Constitution, and he also said that after I asked him that question he said he was the U.S. Constitution!<sup>12</sup> This same cop also said that because I wore a hat that substantially covered much of my face that fact gave him probable cause to suspect that I was somehow connected to criminal conduct because I was trying to hide my face and I refused a consent search request, as if I had a consciousness of guilt.<sup>13</sup>

2) I had two civilian cops accuse me of jumping over the fence at a USAF base when I did not. Even when I showed them that there was no foot prints in the soft soil on the other side, they insisted that I had jumped over the fence onto the USAF's side. When I refused a consent search request of my vehicle they demanded that I go with them to the USAF base, and they patted their guns in a threatening manner, demanding that I more speedily pack up my camera gear. When they reported over their car radio that they had me in custody, they broadcasted that my attitude was "Uncooperative" even after they knew I was a former prosecutor in their same county. When they took me to USAF officials on that base, the USAF officials told them they had no reports that I had done anything wrong, they should have left me alone, and they should apologize to me and take me back to where they denied me my freedom because the USAF had no objections to me photographing their airplanes off base. When these civilian cops took me back, they were rude and never apologized to me;

3) Numerous cops and other government agents have told me I could not be where I was photographing airplanes because my lens was "too big";

4) I have had cops threatened to take me into custody and impound my car because I refused their request for a consent search of my person and my car. Apparently, their concept of *freedom* is this: A person's peaceful assertion of one's Fourth Amendment right to not submit to a consent search request automatically creates probable cause for them to think the person who asserts his or her rights has something to hide and, therefore, is somehow connected to criminal conduct and, therefore, they have, allegedly, probable cause to search.

Question: what kind of freedom is *that*—one that automatically disappears and morphs into being a liability? That kind of freedom is worthless.

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liability, which made Fourth Amendment rights illusory. This cop was a home grown pseudo "American" official in uniform who hated my freedoms, who hated the real *Constitutional* Rule of Law, who functioned as a domestic terrorist who terrorized me with his power to terminate my liberty per his immature, unprofessional, arbitrary, caprice.

<sup>12</sup> Ponder that. I, a licensed lawyer, know that the U.S. Constitution is a document, not a human being, and, therefore, it is a logical impossibility for this cop to be the U.S. Constitution. I never asked this cop if he was the U.S. Constitution, but, this smug, stupid, arrogant, pompous, full of himself, immature, cop, made that wrongful attribution to me and even said that he could be the U.S. Constitution if I wanted him to be.

<sup>13</sup> I wore the hat in May, in California, under a hot summer sun, in over 100 degree temperatures, to protect my skin from sun burn and to avoid skin cancer. Since when is a legitimate function for cops to be "fashion police"? To convert the peaceful assertion of a right into a liability? To be part of their probable cause calculus to make an arrest?

Cops with that mind set are dangerous. They terrorize constitutionally sensitive, well informed, citizens who know their rights;

5) Deputy sheriffs in Churchill County, Nevada told me that it is *a crime* to photograph military airplanes from a civilian road without an authorizing letter from the nearby military base commander, and that I had to erase my pictures and leave the area and not return; otherwise, they would arrest me. Sadly, there is a Churchill County, Nevada ordinance that makes it a *crime* to photograph anything related to the local military base without the base commander's written permission, even if photographed from off base on civilian public property.<sup>14</sup>

This ordinance is an unconstitutional usurpation of power, but the local U.S. Armed Forces military personnel and the local civilian policy elites apparently *love* that unconstitutional ordinance and are intent on enforcing it until it is declared to be unconstitutional.

*That* is how powerful policy elites shuffle the laws. *That* is how unprincipled power elites play the game of power: What good is power if you can't abuse it?

To them, *justice* means "Just us."; and

6) When I was about 300 hundred yards outside the outermost perimeter fence at McCarran Airport in Las Vegas, Nevada, civilian cops did all of the following to me: A) treat me as a terrorist; B) accuse me of staking out the airport; C) demand that I step away from my tripod mounted camera and put my hands on the hood of their patrol vehicle;<sup>15</sup> D) tell me that I was hostile, and they feared I would pick up an expensive, heavy, odd shaped, lens-camera combination on a heavy tripod, with the tripod attached, and throw it at them,<sup>16</sup> even though I knew they were both armed with semi-automatic pistols, and, E) when I tried to photograph a common as dirt airliner taking off, one of these cops put his hand immediately in front of my lens, spread his fingers wide, and moved his hand with wide spread fingers, in front of my lens, as I panned my lens to photograph the airliner, to frustrate my ability to photograph the airliner.<sup>17</sup> These Las Vegas cops did these things, against me and to me, allegedly, to promote airline security. What they did did not promote airline security one iota.

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<sup>14</sup> See Addendum "A" at the end of this letter.

<sup>15</sup> When I told them I did not want to step away from my tripod because it had about \$14,000 worth of camera and lens attached to it and one weak leg extension and I was afraid it would fall over, causing me a huge financial loss, they made it clear that they did not give a damn.

<sup>16</sup> Their fear, in that context, was absurd and a manifestation of their mental illness and lack of suitability to be cops. They were armed. I was not, yet they feared I would throw my expensive camera gear at them, knowing they were armed and could put plenty of bullets into me if I tried to pick up my tripod and throw it, with the heavy camera and lens attached, at them.

<sup>17</sup> When this cop did that I yelled at him to get out of the way, which he refused to do, and, when I dared him to tell me how what he did promoted airline safety he failed to tell me how what he did promoted airline safety.

The above are six real life true examples of how cops, even before this TSA poster, proved to me that they, as a group, are incapable of dealing well, let alone constitutionally, with photographers at or near a civilian airport or a military base. These six examples are only a partial list of my negative experiences with cops.

Home grown “American” cops did these things to me, under color of law. Al Qaida did not do these things. The Taliban did not do these things.

Sadly, far too many cops have strange ideas about the extent of their actual authority, and they commonly assert authority far in excess of their actual authority. I share with you, below, four examples of some cops’ bizarre beliefs.

Example No. 1: I once took the deposition of a retired Los Angeles Sheriff’s Office Swat Team sniper. This man, in his retirement, functions as an expert on police excessive use of force issues. He testifies only for governmental agencies. This man, under oath, told me that the courts have given all cops in this nation a legal right to presume that everyone is armed and dangerous, and, therefore, all cops have a lawful prerogative to force everyone they come across to the ground, and to handcuff them, for the cops’ safety, so the cops can search them for weapons and personally satisfy themselves that the persons they are near, including children [!], are not armed.

I wonder how much healing from many expensive surgeries these cops, in their misguided zeal, have ruined, devastating how many human lives . . . causing needless pain and serious complications for innocent citizens.

This so called “expert” has trained hundreds, if not thousands, of California cops to have, and to implement, this mind set. This retired LASO Swat Team member is despicable. I know of court decisions that are 180 degrees contrary to what he alleges.

In my judgment, this retired LASO Swat Team member functioned as a domestic terrorist under color of law.

Example No. 2: A local cop once told me that if his police chief ordered him to go door to door to disarm law-abiding citizens, he would obey that order to the letter, and, if he had to use lethal force to enforce that order, he would do so, household after household, because he is a cop, he was close to retirement, he and his wife were counting on him maintaining his income as a cop, and he did not want to give his department any excuse to fire him before he qualified for his retirement.

In my judgment, this local cop was a latent, uniformed, official domestic terrorist who should never have been turned loose with a gun, a badge, and the powers of arrest.

Example No. 3: When I was a prosecutor in the early 1970's, one of my cop friends told me that some of his cop friends who then worked for LAPD or LASO told him that it was standard practice in Los Angeles for cops and deputy sheriffs, when they approached a car with black males or Mexican males, to deliberately key the car, especially if it had a nice paint job, in order to show dominance and to provoke a passenger into doing something rash, so the cops would have an excuse to gun down one or more of the occupants.

This was an admission by cops to another cop; hence, I believe it to be true, sadly.

Assuming this is true, is there any wonder as to why a predominantly black jury acquitted O. J. Simpson?

Example No. 4: During the Bush II Administration, when I was at an airshow on Edwards AFB, I saw and heard an uniformed Kern County Sheriff’s Office captain tell Air Force police

that his office, and law enforcement offices through out this nation, during the Bush II Administration, were constantly getting messages from the U.S. Department of Justice [paraphrased] “to search, search, search, and the hell with the Constitution and the need for warrants and probable cause. If a person complains, search any way and tell them to take it up with the judge.”

I asked that captain if the Kern County SO followed what the U.S. Department of Justice told his department to do and he said, “Yes.”

When he told me, “Yes.”, I told him that he, his department, and the U.S. Department of Justice were a disgrace and the Bill of Rights did not go down with the Twin Towers.

That captain then got testy with me and insisted that the Bill of Rights did go down with the Twin Towers, and citizens should be thankful that law enforcement officers are doing all of this searching because they are doing it “for your own good.”<sup>18</sup>

There can be no domestic tranquility, no meaningful security, when cops function as domestic terrorists terrorizing citizens in the name of achieving an elusive *security*.

I decline to tell you what my photographer friends have told me as to how cops have abused them. Such a discussion would make this letter too long.

To summarize this objection, I assure you that this TSA poster will be misused by cops to further seriously abuse legitimate photographers—millions of them, weekly, week after week, month after month.

To the extent you allow this to happen, you are unfit to be the head of the Department of Homeland Security.

**Objection No. 12: This TSA Anti-Photographer Poster Will Not Make Cops and Airport Employees More Security Effective.**

This TSA poster will not make cops or airport employees more security effective because: A) it targets the wrong people, namely, photographers outside the fence and B) by encouraging airport employees and cops to waste their time harassing photographers outside the fence, TSA, in effect, pulls such employees and cops away from securing vital areas, which makes it easier for terrorist to penetrate an important area.

**Objection No. 13: This TSA Anti-Photographer Poster Is Not Reconcilable With the July 4<sup>th</sup> Declaration of Independence.**

Question: What is government’s legitimate justification for existing?

The correct answer to that question can be found in these lines from the second paragraph of the July 4<sup>th</sup>, 1776 Declaration of Independence:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain

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<sup>18</sup> It never ceases to amaze me how easy it is for authoritarian personalities to justify their usurpations.

unalienable rights, that among these are life, liberty and the pursuit of happiness. That **to secure these rights**, governments are instituted among men, deriving their just powers from the consent of the governed, . . . . [Emphasis added.]

July 4<sup>th</sup> is a national holiday. Every July 4<sup>th</sup> Americans, allegedly, celebrate these words, which are, arguably, to this day, the most significant words uttered in any language on any continent in any century.

The July 4<sup>th</sup> Declaration of Independence is the first of this nation's Organic Laws, namely, the July 4<sup>th</sup> Declaration of Independence, the U.S. Constitution, and the Bill of Rights, which are the first ten amendments to that Constitution. These Organic Laws are legal bedrock. They constitute the First Precedents. They function, together, as a form of a Secular Holy Trinity.

This Organic Law is binding on you, DHS, and TSA.

The Constitution and the Bill of Rights carried through the ideas expressed in this July 4<sup>th</sup> Declaration.

Per these Organic Laws, the primary purpose and over all arching justification for government is for government "to secure these rights," rights which came from a "Creator", not from Government, and "among these" "rights" are three great ones: First, the Right to Life; second, the Right to Liberty; and third, the Right to Pursue Happiness.

American citizens, therefore, have a Right to Liberty and a Right to Pursue Happiness, which includes taking pictures of airplanes at or near a civilian airport and/or a military base.

These rights are also "unalienable rights," which mean they came from a Creator, and they are a gift from the Creator to human beings, by virtue of their being human beings.

These unalienable rights pre-existed the formation of government and society and they survive the formation of government and society. No government, no government agency, and no government agent can take away these rights, because they are "unalienable". DHS and TSA, however, have gone a long way down the wrong road when they slapped a picture of a photographer on a poster outside the fence of an airport and insinuated that photographers are terrorists.

**Objection No. 14:   *Security Is Not a Legitimate Excuse That Excuses Away Government's Unconstitutional Behavior.***

If you, DHS, TSA, and/or the Obama Administration [or any administration] really tried to provide *security* with fidelity to our Constitution's commands, you could do so; however, increasingly, there is stark, sobering evidence that there is no desire to do that, which strongly suggests that the Federal Government, and many of its agents, are out of control, and they function as if they are above and against the U.S. Constitution and above and against the American people.



**Objection No. 15: This TSA Anti-Photographer Poster Strongly Suggest that TSA and DHS Are a Giant, Stupid, Clueless, Ineffective, Bureaucracy Full of Freedom Haters, Liberty Thieves, Usurpers, Domestic Enemies of the U.S. Constitution, Traitors From Within, and Public Serpents Who Have Telegraphed, Via This Poster, That, They Are, When It Comes To Promoting Effective *Security*, Dangerous Amateurs, Tyrant Wannabees, and/or Useful Idiots for Tyrant Wannabees.**

President Bush II, for years, during his administration, told Americans, two relevant things: first, Al Qaida and the Taliban hate us because we are free and they hate our freedoms and second, Americans should not be afraid; instead, they should go about their business, circulate in public, and do what they normally do.

Unfortunately, far too many *American* officials function as if *they* hate our freedoms. When Americans circulate in public and try to do what they did before 9/11, e.g., photograph airplanes, far too many *American* officials treat them as if they are the enemy, suspects, or terrorists.

Increasingly, I have serious doubts if Al Qaida or the Taliban or both hate us because of our freedoms.

Increasingly, I have no doubt that many *American* officials hate our freedoms and think of American citizens as peons.<sup>19</sup>

Increasingly, I embrace the following mind set: I know for a fact that the only people who have constricted my liberty since 9/11 have been home grown “American” officials, under color of law, and their reasons for doing so have been lame or self-serving or both.

Sadly, I see scant evidence, if any, that the major office holders in the U.S. government, as a whole, are serious about functioning with fidelity to our Constitution’s commands.<sup>20</sup>

I would like to believe that the intent of the authors of this TSA anti-photographer poster was not to subvert the civil rights of photographers or other Americans, but I believe that these officials have, at best, a reckless and a callous disregard for the rights of photographers and Americans.

This new TSA anti-photographer poster will promote, at best, only a facade of security, and, at worse, looney-tune law enforcement, extremely close to Nazi Gestapo Law in lieu of real American “Due Process of Law,” which is supposed to be America’s claim to fame and to moral leadership of the Free World.

This TSA poster makes a mockery of “Due Process *of Law*.” I stress: “. . . of Law.” The DHS and TSA, under your leadership, like a lot of government, has morphed “Due Process *of Law*” into only that measure of process that government elites deem that ordinary citizens are

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<sup>19</sup> If I were to elaborate upon this statement to support it this letter would become very long.

<sup>20</sup> If I were to include in this letter a specification of a list of how this government functions unconstitutionally or a different list of major grievances with this government or both lists, and back up each with facts, this letter would be extremely long.

arbitrarily “due.”

Arbitrary governance is inconsistent with “Due Process of Law.” It is, at best, ad hoc and, at worse, oppressive.

As such, your approach to governance is horrible and approaches being insufferable, if not insufferable, literally.

Upon mature, logical, reflection, it is ridiculous for TSA/DHA to insinuate that photographers are terrorists.

**Objection No. 16: TSA’s Anti-Photographer Poster is a Threat to Individual Liberty and Wise Men Have Warned Against Any One Who Threatens Liberty.**

Guard with jealous attention the public liberty. Suspect every man who approaches that jewel.

– Patrick Henry, American Founding Father

The people never give up their liberties but under some delusion.

– Edmund Burke, English Statesman

Those who give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.

– Benjamin Franklin

Experience should teach us to be most on our guard to protect liberty when the Government’s purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

– Louis D. Brandeis, Judge, U.S. Supreme Court

The condition upon which God hath given liberty to man is eternal vigilance; which condition if he breaks, servitude is at once the consequence of his crime and the punishment of his guilt.

– John P. Carrant

Liberty lies in the hearts and minds of men and women; when it dies there, no constitution, no law, no court can save it.<sup>21</sup>

– Learned Hand, an American judge

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<sup>21</sup> Sadly, far too many Americans have lost their love of liberty and are unduly docile and compliant, ready to step into cattle cars and be hauled off for harsh treatment, while still blindly trusting government to be benign.

To renounce liberty is to renounce being a man.  
– Rousseau, French political philosopher

God grants liberty only to those who love it, and are always ready to guard and defend it.  
– Daniel Webster, an American lawyer

The history of liberty is a history of resistance. The history of liberty is a history of the limitation of governmental power, not the increase of it.  
– Woodrow Wilson, U.S. President

The secret of Happiness is Freedom and the secret of Freedom is Courage.  
–An Ancient Greek

We cannot spread liberty abroad by abandoning it at home.<sup>22</sup>  
– Thomas Jefferson, U.S. President and author of the Declaration of Independence

Do you think George Washington, James Madison, Thomas Jefferson, Ben Franklin, Patrick Henry, or anyone who signed the July 4, 1776 Declaration of Independence would have consented to a search of their bags just to ride in a commercially scheduled stage coach? I doubt it.

I have serious issues with endless wars without boundaries, e.g., the War Against Crime, the War Against Drugs, the War Against Terrorism, the War Against Poverty, the War Against Hunger, wars that provide government a fig leaf rationale to gut our Constitution's limits on government's powers, giving mis-leaders pretense to do an end run around our Constitution's commands, allowing mis-leaders to shuffle laws the way a card shark shuffles a deck, to constrict individual liberty while expanding government's powers.

**Objection No. 17: TSA Has to Do Something to Justify Its Budget and Its Existence So It Decided to Pick on Photographers Because TSA Can Do *That*.**

Devising new, *effective* means to cope with and to defeat terrorists, is difficult. DHS and TSA, apparently, are proving ineffective to do *that*; therefore, they stooped to doing what they can do, namely, demonize legitimate photographers.

Since it is so easy for DHS/TSA to pick on photographers as bogey men, DHS/TSA elected to do so.

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<sup>22</sup> That is, however, an apt description of a lot of current U.S. foreign and domestic policy.

**Objection No. 18: Instead of Demonizing Photographers, TSA Should Develop Plans to Utilize Them as an Effective Auxiliary to Promote Meaningful Security.**

Photographers who A) *love* airplanes and B) who hang around airports and military bases to photograph them because they can't get enough good pictures of them, can sniff out well, and accurately, with a high degree of probability, who is and who is not a legitimate photographer. Thus, TSA should work with photographers, not against them.

Who are among the people who most want airplanes to be secure from terrorists? Here is a meritorious list of such people: A) people who own airplanes; B) people who fly airplanes; C) people who fly in airplanes; D) people whose incomes are derived from airplanes; and E) aviation photographers who love airplanes.

A credible photographer friend told me that it is his understanding that the Canadian government has an official plan in force that utilizes photographers at airports as auxiliary eyes and ears for Canadian law enforcement officials. If this is true, and even if it is not true, TSA and DHS should implement such a plan, work with photographers, stop going out of their way to demonize photographers, and stop encouraging people to sic the police against photographers.

What DHS and TSA have done is brilliant--brilliantly stupid.

**Objection No. 19: To be Effective, DHS Should Urge Congress to Re-Vitalize “the Militia” and Use “the Militia” to Promote Real, Effective, Constitutional, Homeland Security.**

Read attorney Edwin Vieira, Jr.'s Constitutional “Homeland Security” Volume 1: The Nation in Arms, ISBN 0-9671759-2-5.

The Federal Government will never achieve real, effective, homeland security as long as it tries to achieve security using only government agents and excludes a meaningful role for the Militia.

Article I, Section 8 of the U.S. Constitution declares what are the legitimate powers granted to the U.S. Congress by the U.S. Constitution.

Article I, Section 8, Clause 15 grants Congress the power, “To provide for calling forth the militia, to execute the laws of the union, suppress insurrections and repel invasions; . . .” [Emphasis added.]

Article I, Section 8, Clause 16 grants Congress the power, “To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, . . .” [Emphasis added.]

Article II, Section 1, Clause 1, grants a U.S. President the following power, “The President shall be the commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States . . .” [Emphasis added.]

*Militia* is not a bad word or a bad concept. The term *Militia* is used in the U.S. Constitution which expressly declared that the Militia has a vital constitutional role in our form of government. As such, the Militia deserves constitutional respect equal to the major branches

of government and the “army” and the “navy.”

The Constitution tasks the Militia as being responsible for three important jobs: First, “to execute the laws of the nation”; second, to “suppress insurrections”; and third, to “repel invasions”. The “terrorist threat” is a form of “invasion” that needs to be repelled.

These three jobs, individually or collectively, involve a lot of what “Homeland Security” is supposed to be about, yet, the Federal Government, in its “wisdom” [or lack thereof] has steadfastly refused to grant the Militia any role for achieving any of these three important tasks assigned to it by the U.S. Constitution. Instead of calling forth, funding, organizing, arming, and disciplining the Militia so it can perform any of its three important constitutional duties, the Federal Government has, just as Patrick Henry feared it would, allowed the Militia to atrophy for lack of funding and lack of use.

Why?

With all of the armies of lawyers in and out of government and Congress, in Washington, D.C., [the Devil’s Cauldron], why would the Federal Government allow the Militia to atrophy?

Answer: 1) Far too many of governments’ policy elites are desperately afraid of organizing common citizens so they can regain authority and control over their own lives; 2) they fear an armed, organized, citizenry trained in military tactics with small arms, for fear that an armed citizenry would be better equipped to resist governmental oppression; 3) they fear that political parties and political cliques could not corrupt and could not control enough Militia units and, therefore, corrupt politicians and corrupt political party hacks and bosses would lose their control over the leverages of government, and the benefits, power, and prestige that flow therefrom; 4) far too many are ideological die hards who refuse to admit that the Second Amendment to the U.S. Constitution does indeed guarantee an individual right to arms and they strongly prefer to keep the populace unarmed, vulnerable, and dependent on them; 5) instead of bringing all Americans together within the Constitution’s entire structure, which includes using the Militia fully, they prefer to use “wedge issue politics” to pit one group of Americans against another, to win elections and to retain and to increase their power at the expense of the common good and a strong defense; and 6) they want to build a bigger bureaucracy for themselves because a bigger bureaucracy brings with it more power and more prestige.

Nevertheless, per Article 1, Section 8, Clauses 15 and 16, an indisputable fact remains: our Constitution, the Supreme Law of the Land, clearly sets forth a major role for the Militia to play in achieving “homeland security”, yet, the Federal Government has ignored that fact and has given the Militia no role to play, none whatsoever.

DHS will never be successful in achieving a meaningful, enduring “homeland security” as long as the Federal Government continues to try to achieve same without calling forth the Militia and having a re-vitalized Militia have major responsibility in securing “homeland security.”

Independently of what our Constitution says about the Militia’s role, there are compelling, excellent, pragmatic reasons why we need a re-vitalized Militia. Some of these reasons are: 1) Some problems are simply too big for the Federal Government or the State governments or both to handle with only government employees; 2) the recent Katrina hurricane disaster, and the Federal Government’s and Louisiana’s inept response to that natural disaster, illustrates well the need for a re-vitalized, strong, Militia system; and 3) given persistent inept

federal budgetary and monetary policies, the odds are high that this nation will experience a horrific economic collapse, major social dislocations, hyperinflation, and horrendous social disorder, followed by a brutal police state, calculated to cope with those problems, which will only make those problems worse. This police state that is looming in our future will force men born to liberty to the wall. Many will resort to force to enforce their rights and to protect their property. These problems can be avoided or mitigated if government re-vitalizes the Militia system, forthwith.

**Objection No. 20: This TSA Anti-Photographer Poster is A Manifestation That Ronald Reagan Was Correct When He Opined That Government Tends Not to Solve Problems But, Instead, Rearranges Them and Makes Them Worse.**

There is, sadly, overwhelming credible evidence that Ronald Reagan was correct when he opined that, as a sweeping generalization, government tends not to solve problems and, instead, rearranges them and makes them worse.

One example of this dynamic suffices. A compelling argument can be made that the Federal Aviation Administration [FAA], for example, shares a large part of the culpability for 9/11. Briefly, my reasoning follows. A major reason why the 9/11 hijackers were successful is that they exploited the FAA's ban on airline passengers bringing loaded firearms into the passenger compartments of scheduled commercial airliners. I do not construe [interpret and apply] the Second Amendment to the U.S. Constitution to mean that scheduled commercial airliners are, or should be, a "gun free" zone. The FAA [along with huge chunks of the Federal Government] have, for decades, continuing to date, been exceedingly hostile to the Second Amendment as a constitutional codification of an individual right to arms "which shall not be infringed.". In that sense, a large part of the Federal Government broke faith with what the Founding Fathers envisioned for this nation, namely, a wide spread, armed, American citizenry that routinely exercised their right to circulate in public, armed.

The FAA's anti-gun ban policies set up Americans for mayhem, for kidnaping, for terror, and for murder by whomever hijacked airliners on 9/11.

If the FAA ever embraced the Second Amendment's guarantee of ". . . the right of the people to keep and bear arms, which shall not be infringed.", the odds are high that no airliner operating from within the United States with a large number of armed ordinary American citizens on board would ever be successfully hijacked, flown into any building, or successfully used to commit any terrorist act.

The unarmed passengers on the airliner that went down in Pennsylvania voluntarily mustered as an unarmed, unorganized, civilian militia. That unorganized, unarmed, Militia that called itself out and mustered on the spot kept that plane from being used as an airborne bomb, frustrating what the terrorists intended. The FAA set those heroic passengers up for slaughter. The FAA, and the entire Federal Government, did nothing meaningful to save those passengers. The FAA did not stop those terrorist. The U.S. Armed Forces did not stop those terrorists. Unarmed ordinary American citizens did.

Think of what those passengers could have done if they had been armed.

I presume that you, like me, have concerns about a shoot out in the passenger compartment of an airborne airliner; however, if hijacked, would you prefer to be shot down by a U.S. fighter pilot?

My definitive point here is this: Your TSA anti-photographer poster is as effective at promoting meaningful security as re-arranging deck chairs on the Titanic would have been to keep that ship afloat after it hit the iceberg.

**Objection No. 21: This TSA Anti-Photographer Poster is A Manifestation That Albert Einstein Was Insightful When He Opined That Human Stupidity is Probably More Vast Than the Universe.**

This TSA anti-photographer poster excels at being stupid.

American taxpayers are saps and suckers for paying taxes to pay for this level of amateurish security.

As judged by this TSA poster, if this poster is an example of the best you TSA/DHS folks can do, you are all grossly overpaid.

**Objection No. 22: Apparently, There Is No Limit To DHS's and TSA's Hysterical, Illogical, Paranoid, and Ineffective Police Anti-Terrorism Nonsense.**

The following factual real life examples illustrate well how this TSA anti-photographer poster is, at best, ill-conceived. First, I personally have been to the Miami International Airport in Florida, and, guess what?, officials at that airport cut circular holes in their chain link fence to make it easy for photographers to photograph airliners. Second, photographer friends have told me that in most of the major western European airports and in Japan's airports, it is common for hundreds of photographers to be present, photographing airliners, for hours, and photographers do not cause problems for airport security or airliner safety. Third, as far as I know, there is not a single recorded instance any where where a photographer played a role in anything that harmed, threatened, or reduced security for or at an airport.

**Objection No. 23: What Quality of "Security" Does TSA and DHS Seek to Obtain?**

The general welfare is not promoted when photographers are demonized, when people are stripped of their rights, when no one has rights.

A few years ago I saw a political cartoon that held my attention and made me think about the newly formed Department of Homeland Security.

This carton showed two undernourished men, sitting upright on their butts, with their legs stretched out in front of them, with their arms raised above their heads, in a windowless, thick wall, jail cell or dungeon, with their wrists and ankles shackled to the wall and to the floor, respectively, and one asked the other, "Well, now do you feel secure?"

In that environment, those two cartoon men were not secure. Instead, they were totally dependent on their captors and exceedingly insecure because of that fact.

This nation is increasingly again becoming a “house divided against itself” with so much suspicion, and animosity, and so many in government harboring a psychotic “US versus THEM” mind set, with the “THEM” including not just real terrorists but also millions of ordinary law-abiding citizens.

#### **Objection No. 24: Beware the Doctrine of Unintended Consequences.**

You, and all government agents, are well advised to burn the following points into your individual and collective psyche and heed them:

1. Delegated power is not surrendered power.
2. Americans have delegated power to government agents who must function as public servants, not as public serpents, who must remain tied down by the Constitution’s commands and chains on their powers.
3. American citizens are still the Public Masters of all Public Servants, which includes you.
4. Public Serpents will not be tolerated or suffered indefinitely.
5. The July 4<sup>th</sup> Declaration of Independence expresses a legitimate right to rebel, when certain conditions exist: “. . . whenever any form of government becomes destructive of these ends [e.g., fails to secure the Rights to Life/Liberty/Pursuit of Happiness], **it is the right of the people to alter or abolish it**, and to institute new government, laying its foundation on such principles and organizing its powers in such forms, as to them shall seem most likely to effect their safety and happiness . . . But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, **it is their right, it is their duty**, to throw off such government and to provide new guards for their future security. . . .” [Emphasis added.]
6. Americans have not surrendered power to their public servants.
7. An oppressive government that ratchets down so hard that it pushes men born to liberty to the wall risks unintended consequences.

#### **V. Conclusions**

1. For the reasons stated, this TSA anti-photographer poster is ineptly done and it is egregious. This poster is such a new low, even for government, that it should be obvious to you that this poster is seriously flawed, is seriously ill-conceived, and sets off alarm bells. This poster is counter-productive, stupid, ill-advised, disturbing, anti-Liberty, government propaganda.
2. Apparently, this TSA poster is among the best that the best minds at TSA and DHS can come up with to promote *security*, which does not inspire confidence in TSA or DHS or both, and forces a person to wonder what is the real agenda because this poster is so inept at promoting security.



3. DHS/TSA, by this anti-photographer poster, encourages people to function as snitches against photographers. That is not effective *security*. Instead, it is alarming. It is also mildly analogous to what the Nazis in Hitler's Germany did, e.g., first, they demonized Jews and second, they then encouraged German citizens to report Jews to the Nazis.
4. Osama Bin Laden, if still alive, has got to be enjoying how he has exceeded--splendidly, in getting American law makers, cops, and the military industrial complex to gut the real American *Constitutional* Rule of Law.
5. Far too many government agents are now emboldened and so brazen that they now dare to proclaim, with a straight face, precisely when *they* are violating the law the most that they are upholding it . . . and protecting us, while they terrorize us.
6. DHS/TSA are in the process of abandoning liberty at home in a vain attempt to achieve security, which is a horrible trade-off.

## VI. Recommendations

1. Forthwith, stop using these TSA anti-photographer posters.
2. Stop coming up with policies that are unconstitutional and/or alienate and rile up citizens.
3. Stop abandoning liberty at home in pursuit of an elusive security.
4. With due haste, do all of the following:
  - A. Read attorney Edwin Vieira, Jr.'s Constitutional "Homeland Security" Volume 1: The Nation in Arms, and implement polices consistent with his ideas as stated in that book;
  - B. Re-vitalize the State's Militias and give them a major role to play within the Department of Homeland Security;
  - C. Tell President Obama and the leaders of Congress that, upon mature reflection, you have decided that the Militia needs to have a major role within the Department of Homeland Security, as Article I, Section 8, Clauses 15 and 16 of the U.S. Constitution indicate;
  - D. Contact Edwin Vieira, Jr. and ask him to put together a team of experts and form a commission on how best to re-vitalize the State's Militias and how best to give them meaningful tasks within the Department of Homeland Security; and
  - E. Review carefully and implement, forthwith, what the Vieira Commission recommends.
  - F. Study Addendum "A" attached hereto at the end of this letter, and tell Churchill County, Nevada officials that DHS officially believes that this ordinance is unconstitutional, and Churchill County officials should voluntarily strike it from their books. If those officials refuse to strike this ordinance, urge the U.S. Department of Justice to take legal action to have this ordinance declared unconstitutional.
  - G. Make a sustained Herculean effort to train sworn peace officers that they must show restraint and they must conduct themselves constitutionally when they investigate, detain, question, search, and make arrests; otherwise, the nation

increasingly becomes more like what we profess to despise and sworn peace officers function as domestic terrorists who, under color of law, terrorize law-abiding, peaceful citizens, which risks unintended consequences.

- H. Answer these questions: 1) What will it take to get cops to function constitutionally?; 2) What will it take to get cops to stop engaging in domestic terrorism under color of law against peaceful, law-abiding U.S. citizens who are photographers?

You are the head of Homeland Security. You are also a lawyer. You swore an oath to uphold and to support the same Constitution that I swore to support. Inquiring minds want to know your answers to these questions. It is your responsibility to answer these questions.

5. To the extent you are unwilling to do Nos. 1-4, inclusive, above, *resign*.

Sincerely,

/S/ Peter J. Mancus

Peter J. Mancus

#### **Addendum "A"**

**[An Exact Copy of a Churchill County, NV Ordinance That Makes Photography a Crime]**

#### Chapter 8.16

#### SECURITY AND PROTECTION OF MILITARY INSTALLATIONS

##### 1. 8.16.010: PROHIBITED ACTS:

A. Except as otherwise authorized by federal or state law, or by this code, or in writing by the commanding officer of any military installation located within Churchill County, Nevada, it is unlawful to:

1. Assemble, congregate, or remain without a bona fide purpose;
2. Create drawings, maps, or plans of military buildings, facilities, structures, or other property;
3. Photograph or produce other electronic images of military buildings, facilities, structures, or other property;
4. Refuse or fail to obey any reasonable command given by a law enforcement officer;
5. Be present with the intent to annoy, harass, or vex military personnel or operations;
6. Use abusive language, obstruct or render dangerous any drive, path, or public place;
7. Engage in or conduct business, concession or commercial activity or to solicit business;
8. Participate in, attempt to participate in, or interfere with, military operations;

9. Assist, solicit or aid any other person to engage in any conduct described in this section

on land immediately adjacent to any military installation in Churchill County, Nevada, including state and county roadways and public rights of way.

B. A person convicted under this chapter is guilty of a misdemeanor. (Bill 2009-L, 2009)

#### 8.16.020: MILITARY INSTALLATION DEFINED:

As used in this chapter, "military installation" is defined as all of that real property, whether owned, leased, rented, or permissively used by the United States, permanent or temporary, enclosed or not, used for military exercises or other operations, including, without limitation, storage, preservation, or use of equipment for training, by any branch of the armed services of the department of defense of the United States. (Bill 2009-L, 2009)

#### 8.16.030: PRESUMPTIONS:

For purposes of this chapter, it is presumed that an agricultural activity conducted on land adjacent to a military installation, consistent with good agricultural practice is a bona fide purpose; that an agricultural activity that does not violate a federal or state law, or the provisions of this code, constitutes good agricultural practice. (Bill 2009-L, 2009)

\* \* \*

#### Note:

1. There are approximately one dozen serious problems with this ordinance, any one of which makes it unconstitutional. One problem is this: Local governments are subservient to this nation's Constitution, which is the Supreme Law of the Land, and that Constitution imposes severe limits on a local government's actual authority to exercise its police powers to make a constitutionally protected activity a *crime*, and general photography of non-secret subject matter cannot be made a crime.
2. If someone were to opine that Osama Bin Laden has won because American officials have destroyed this nation, I would be hard pressed to disagree.
3. I do not recognize the nation I was born into.
4. The nation I was born into now functions like a Third World Banana Republic on steroids.

\* \* \*