

O H I O
PART ONE

By Sean Swain

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EVA TPAH

ABOUT SEAN SWAIN

Sean Swain is a former journalist and volunteer union organizer, held captive by an illegal rogue-state calling itself Ohio. He has been held since 1991 for a crime he can objectively prove he did not commit, still awaiting the fair trial ordered by the court of appeals that reversed Sean's conviction. In 2011, the Ohio Adult Parole Authority, after holding a full-board hearing in secret and contrary to law, continued Sean's captivity for 5 years on provably-false pretexts. Sean has co-wrote Last Act of the Circus Animals, which pre-figured the Occupy Movement.

His work, along with other features, will soon be online at seanswain.org.

still waiting for it to respect its own laws, to force my trial court to abide by the higher court's order and give me a fair trial as the law says. I'm still here without a valid conviction or sentence for a crime I can objectively prove I didn't commit. I'm still waiting for the Ohio Adult Parole Authority to hold its full board hearing according to their own statutes and allow my attorney to present witnesses and argue my case. I'm still waiting for this "State of Ohio" to recognize that subjecting human beings to conditions that the U.S. government calls "the simple torture situation" is a violation of basic human rights.

I'm waiting for this "State of Ohio" to respect law and live up to it. But so is Tecumseh. So are the "Wyandots, Delawares, Shawanoes, Ottawas, Chipewas, Putawatimes, Miami, Eel-River, Waas, Kickapoos, Piankashaws, and Kaskaskias."

In this "State of Ohio," justice is swift... and injustice lasts forever...

* * *

For Tecumseh.

participate in crimes against humanity. First, you convince the subject that his or her victims have it coming-- they volunteered, or they committed a crime, or they deserve it for what they did, etc. Second, convince the subject he or she isn't responsible-- the authorities gave the orders and are responsible for the outcome, whatever it is, so the subject is "absolved." And third, you convince the subject he or she has a duty to follow orders-- he or she volunteered, its his or her job, etc.

That's your recipe for really low-down atrocities, the ingredients for turning average people into war criminals. Notice that those ingredients fit in quite nicely with the lies we have for everything.

Do what you're told.

Follow orders.

Be responsible.

Defer to authorities.

The cop/priest/teacher/government is your friend.

...Calculating route...

* * *

THE POINT?

Okay, okay. They chopped up children to make dog food. They bashed babies brains out on the rocks. They named the capital of Ohio after their leader. Then they gave smallpox-infected blankets to innocent people and wiped them out. They inspired the Nazi Holocaust. Now millions of people live in denial and keep going along with the program, following orders, continuing a centuries-long atrocity, completely oblivious, not even blinking an eye.

So what's your point?

* * *

JUSTICE

This isn't about me, but I'm thinking that my experience reveals something of the true character of this thing calling itself "The State of Ohio." I'm

THE MILGRAM EXPERIMENTS

I previously wrote an article entitled, "No Such Thing as a Healthy Respect for Authority," about the Stanley Milgram experiments. I think Milgram's findings bear repeating here.

At the end of World War II when Nazi atrocities came to public attention, psychologist Stanley Milgram devised an experiment designed to prove that non-Germans would not simply "follow orders," that it is not human nature to become accomplices in crimes against humanity. Milgram wanted to vindicate us as humans.

Here's how the experiment went:

A doctor in a lab coat with a stethoscope and a clipboard represented authority. The doctor had the test subject sit at a control panel and ask questions to another person in another room. The subject believed the experiment was about learning. The subject believed that when the other person gave a wrong answer, the subject was giving the person an electrical shock.

Nobody was actually getting shocked, but the subject didn't know that.

By Milgram's thinking, most subjects would refuse to follow the orders of the doctor, the orders of authority. He thought most subjects would refuse to deliver electric shocks to other human beings.

Milgram was very, very wrong.

The vast majority of subjects delivered what they believed to be potentially-deadly jolts of electricity. Some kept shocking the person after he complained of heart problems, and after he stopped answering questions all together.

Zap, zap, zap.

Most people kept on hitting the button, right up to triple-X voltage. Most subjects did what they were told, just like the Germans working in the concentration camps.

It turns out, we Americans would make excellent Nazis.

Milgram found through his experiments that there were 3 necessary ingredients for getting subject to

PART I: INDIAN TERRITORY

"There are whole disciplines, institutions, rubrics in our culture which serve as categories of denial."

--Susan Griffin, A Chorus of Stones

"If rape is violence, as feminists correctly insist, then so too is the interculture analogue of rape: colonial domination."

--Ward Churchill, Acts of Rebellion

What I mean when I say, "You can't do that," is, "You can't do that and still claim you're operating on behalf of the common good, because you're not." What I mean is, "You can't do that and still claim to be a decent, upstanding human being with a conscience." What I mean is, "You can't do that and still say you have respect for law and order and rights and justice." What I mean is, "You can't do that without becoming the very kind of criminal you hate and desire to punish, without being a hypocrite undeserving of anyone's respect, without being a proverbial 'Good German,' the most cowardly and revolting abomination that a free-thinking human being can become."

That's what I mean.

You can't do that without demonstrating through your actions that all of your words are a Goddamn lie.

I think they usually miss the point. They're usually too busy trying to make me bleed.

* * *REAL, PART II

I wonder if I was real to Lieutenant Bowerman and the guards at Toledo Correctional who opened a steel door with my head and then left me unconscious in a puddle of my own urine for 3 days until a nurse saw me in a seizure and I ended up in the hospital, dehydrated. I wonder if I was real to Officer Burnett and Officer Nissan and Lieutenant Brown when they ground my face into the floor. I wonder if I was real to the administrators who subjected me to sleep deprivation and conditions the U.S. government, in its internal documents, refers to as "the simple torture situation."

I think of all those prison employees. I think of the federal judge who dismissed my claims as frivolous. I can easily picture them yanking a Taino baby from its mother's breast and dashing its brains on the rocks.

Perhaps they know exactly what I mean when I say, "You can't do that." Perhaps they just don't give a fuck.

* * *

(2) Decision, December 16, 2009.

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YOU CAN'T DO THAT

"You can't do that."

I've said those words a lot. When I was wrongly convicted of a crime I didn't commit, I said those words like a mantra, shocked and dazed and traumatized. When I returned to court to witness the judge refuse to follow the law and the higher courts, I numbly mouthed those words again. When Warden Khelleh Konteh sent guards to assault me while I was cuffed and prone, grinding my face into the concrete floor because I informed his boss of his misconduct, and when I was then shipped off to the prison system's nuthouse and hidden away until my face healed, I remember those words in my head, over and over and over.

Every time an official or administrator for this alleged "State of Ohio" falsifies facts or ignores evidence of misconduct and human rights abuses, those same words run through my head. I maybe even say them outloud.

But when I say, "You can't do that," it only seems to add more fuel to the fire, as if I don't know my place and they intend to prove it to me. They stick out their chests and say, "Oh, YEAH?" And then they go on to prove that not only can they "do that," but they can do even more. So take that. And that too. And some of that.

I think there's a misunderstanding between myself and this "State of Ohio." I think we're talking past each other. I think they misinterpret what I mean when I say, "You can't do that."

I don't mean that the forces of the universe will somehow prevent them from performing some really bewildering injustice, or in feeling a real joy, a deep sense of accomplishment for proving they can not only commit a bewildering injustice, but that they can add a little bonus pain on top of it.

THE PROBLEM WITH TELLING THE TRUTH

I had this bright idea when I started formulating the writing of this project. I was going to tell you the whole truth about this thing we call "The State of Ohio." I would present the historical facts, the whole context, and then I would present to you my brilliant and captivating arguments.

That seemed like a winning plan to me. But then I wrote up the next section, "The Facts," complete with a lot of research conducted by smarter people than me, including Ward Churchill, Derrick Jensen, and John Zerzan, among others. And that's when I realized I couldn't just spring this on readers without preparing you for it first.

I can't just tell you the truth. The truth hurts. And it hurts because we're not used to hearing it. We live in a culture where there's a lie for everything.

Think about it. Where do babies come from? Storks. Who delivers Christmas presents? Santa Claus. Who hides Easter Eggs? The Easter Bunny. Who exchanges standard currency for baby teeth left under pillows? The Tooth Faerie. These are just the small lies at the beginning that get us adapting to the larger, more important lies later. We accept the Tooth Faerie exchanging currency for teeth, and then later the schools convince us to accept the value of the currency. We get molded and become something useful to the larger program. The important lies help with that.

So if I just go blurting out the objective, undeniable truth, it will probably be too many watts for your speakers. It will conflict with the really important lies you've already digested, the ones that keep you (not) thinking a certain way, the ones that keep you under control.

You might read the next section and be inclined to think I just made it up. Even with all those references you'll think it can't be true, the same way that many victims of the Holocaust marched into the gas chamber not believing that mass genocide was taking place, dying with denial on their lips.

Really terrible atrocities always require a certain level of denial. Really terrible atrocities continue only if those taking part can convince themselves that nothing is really happening.

It's a good thing for really terrible atrocities that we live in a world where there's a lie for every-

thing.

To stop the atrocities, we have to first de-construct the convenient lies.

We're all entitled to our own opinions. We're not entitled to our own facts. The facts are the facts.

And these are the facts.

THE FACTS, LIKE THEM OR NOT

During the Crusades, Pope Innocent IV drafted a series of Papal Bulls to clarify the Catholic Church's position on the relationship between Christian crusaders and Islamic defenders in the Holy Land (1). These Bulls represent the first European recognition that non-Christians had rights, including the right to property ownership (2). In terms of an international standard, these Bulls established a general rule that people universally possess rights (3). This remained internationally-accepted doctrine at the time that Columbus arrived in the New World.

In the first encounters between Europeans and Native Americans, the question arose in European thought as to whether or not New World people possessed "souls," whether they were fully human and therefore accorded a claim to rights. In 1550, a debate involving Bartolome de las Casas led to Papal recognition of Native Americans as human beings with souls, thereby entitled to recognition of basic rights (4) (5).

From 1550 onward, international law applied to New World inhabitants who were accorded property rights. They owned the land of the New World.

With regard to completely and absolutely unoccupied lands, legal theorist Franciscus de Vitoria established the foundational legal theory of terra nullius; by this theory, European Christian sovereigns obtained automatic title to completely and absolutely unoccupied lands discovered by their subjects. This theory was quickly applied but almost immediately rendered moot because virtually none of the lands Europeans encountered were completely uninhabited (6).

This Vitorian logic became the basis for what evolved into the "Doctrine of Discovery." By the Doctrine of Discovery, New World inhabitants possessed aboriginal title to their lands. The native residents owned the land. But European discoverers, by virtue of first discovery, obtained exclusive rights to purchase discovered property from its owners if the owners ever

Supreme Court (1). A habeas corpus is what you file when you claim the court sending you to prison didn't have jurisdiction. In my petition, I made the same argument to the Ohio Supreme Court that I've made to you, that Ohio is unceded Indian Territory. As this is Indian Territory, and the "State of Ohio" is a legally nullity, the state's courts had no jurisdiction over me.

The Ohio Supreme Court issued its ruling. This is the entirety of their decision: "In Habeas Corpus. On petition for writ of habeas corpus of Sean Swain. Sua sponte, cause dismissed." (2)

That's all. Just 3 sentence fragments. No explanation, no discussion of the merits, no findings of fact or conclusions of law, no claim that anything I presented was historically wrong or that any of my conclusions were in error. In the only decision of its kind issued by the Ohio Supreme Court-- that I've ever seen, anyway --the court simply told me in no uncertain terms to fuck off.

I told them, "Legally speaking, Ohio is not a state."

They put their fingers in their ears and said, "We're not listening, na-na na-na na-na na-na..."

You've got the Northwest Territory Ordinance saying Ohio belongs to the Indians. You've got the Treaty of Greenville saying Ohio belongs to the Indians. You've got U.S. Supreme Court precedent that implicates that Ohio belongs to the Indians. And you've got the U.S. Attorney General admitting before Congress that Ohio belongs to the Indians.

That's pretty unanimous. Pretty conclusive.

You've got a whole population of 11 million people pretending to reside in a state. You've got a group of people pretending to pass real laws like a legislature, a guy pretending to be governor, and people with law degrees who really ought to know better pretending to be the state's high court. It's all as real as magical moon-beams and faerie dust, but there's no outrage, no bewilderment.

There's not even acknowledgment or discussion.

"In Habeas Corpus. On petition for writ of habeas corpus of Sean Swain. Sua sponte, cause dismissed."

That's what they say when you de-construct the lies they have for everything.

(1) Sean Swain v. Robert Welch, Warden, Case No. 09-

by the tribes who were party to the Treaty of Greenville.

This case came relatively late in the Indian Claims continuum. There was already a long, long history of U.S. courts continually shifting the legal standards for both law and facts, re-interpreting history again and again in order to justify decisions against Native Americans. The history of jurisprudence regarding Indian land rights is an absolute train wreck.

So, at the time that Strong came along, the tribes had to show that the land in question had belonged to them in order for them to get compensation. But to deny relief, the court used a new legal standard, claiming the tribes failed to show that any of the tribes had exclusive ownership over any specific area of land. Claims denied.

See, tribes were semi-nomadic. They had a kind of cooperative system. They would stay in one place and then move to another. Since this was a regular process, a routine, the tribes had likely coordinated a pretty complex system of movement in order to lessen inter-tribal conflict. So, because they lived like Native Americans in 1795 rather than living sedentary like Europeans, their descendants are not entitled to compensation for the land.

The court's decision is decidedly dishonest. What the court is ultimately saying is, "We have no proof you ever really owned this land." But if that's the case, why did the United States enter into a treaty with these tribes? It would make no sense for the U.S. to enter into a treaty with, say, the Shawnee, in order to resolve an issue over land owned by the Miami.

So, by the court's logic, wouldn't that make the Treaty of Greenville null and void because nobody can say for certain that the rightful owners of the land ceded anything? So that means not only does Ohio still belong to those tribes, but so does all the land they ostensibly gave up in the Treaty of Greenville.

Indian Territory just got a lot bigger.

Welcome to Indian Territory! The Heart of It All!

* * *

AUTHORITY, PART II

I filed a state habeas corpus petition with the Ohio

chose to relinquish the land of their own free will. In this way, the Doctrine of Discovery served as a gentlemen's agreement of sorts between European powers as to who had first choice to purchase land that might come up for sale by native owners. The Doctrine of Discovery did not in any way stand for the proposition that Europeans could simply invade and take lands from native residents, contrary to revisionist myth. Well-settled and universally-accepted even among the founding fathers, Thomas Jefferson recognized that no "white nation" had any right to make "an invasion," as simple discovery bestowed "no right of soil against the native possessors" (7).

The area now known as Ohio was the undisputed property of the native tribes who lived there, and it would remain their property until they chose to sell it or relinquish it of their own free will. This was a universally-recognized historical and legal fact, from 1550 through the settlement of the thirteen colonies.

For purchase of land, European states engaged in treaties with native people, fashioning legal instruments that mutually recognized each party's sovereignty and legal standing, just as treaties between two European states. The "Indians were treated as sovereigns possessing full ownership of the lands of America..." (8). Thomas Jefferson asserted that the Indians had "full, undivided and independent sovereignty as long as they choose to keep it..." (9). In 1750, England dispatched no less than an ambassador to negotiate relations with the Iroquois Six Nation Confederacy (10), demonstrating the general recognition of Native American sovereignty and land rights.

In 1763, King George III, the ruler of the American colonies, issued a proclamation (11) that prohibited English settlement west of the Allegheny Mountains. This 1763 proclamation established a dividing line between the territory which England actually owned (the 13 colonies) and the territory which remained in the possession of native peoples, including the area now known as Ohio. This proclamation is significant because it demonstrates that England, in ownership of the 13 colonies, recognized a distinction between the territory it actually owned and the territory for which England reserved the right to purchase under the Doctrine of Discovery if native owners chose to sell, including Ohio.

On September 3, 1783, England signed the Treaty of Paris, recognizing the United States as an independent and sovereign nation. By virtue of this treaty, the U.S. inherited the original 13 colonies. Contrary to any revisionist myth, this inheritance did not-- and could not --include lands beyond the Alleghenies, lands west of the 1763 demarcation line. Because England did not own those lands, England could have no legal authority to transfer title for those lands to the United States (12). What England did transfer to the U.S. was England's rights to first purchase of lands beyond the Alleghenies, under the Doctrine of Discovery (13). This was the interpretation accepted by both England and the United States, as recorded by Thomas Jefferson who was present at the signing of the Treaty of Paris (14).

As late as 1783, it was unanimously recognized by England, the U.S., and native tribes that the area now known as Ohio was the exclusive property of the native people who lived there.

In 1787, the federal Congress authored the Northwest Territory Ordinance, which set forth, in part:

The utmost good faith shall always be observed toward the Indian; their land shall never be taken from them without consent; and in their property, rights, and liberty, they shall never be invaded or disturbed-- but laws shall from time to time be made, for wrongs done to them, and for preserving peace and friendship with them. (15)

Yet, while the U.S. government made such promises, a deliberate and purposeful enterprise for stealing land from native peoples was already well under way. In 1763, Sir Jeffrey Amherst wrote to his subordinate that he was sending smallpox-infected blankets among the native tribes and Amherst's subordinate, in turn, replied that he too would send infected blankets to the Indians, noting cryptically in his journal that he hoped "it will have the desired effect." As a result, smallpox spread among the Ohio River Valley tribes including the Shawnee, Delaware, and Mingo, taking the lives of as many as 100,000 innocent victims through the first documented use of deliberate biological warfare in human history (16).

Fortunately for really low-down atrocities, we've been conditioned since birth.

We have a lie for everything.

Even for killing children by the thousands, whether it's in Ohio or Vietnam or Afghanistan or Iraq.

We're really good at this shit.

* * *

REAL

I wonder if I was real to the police who withheld the photographs of the break-in damage. Could they have set me up to go to prison for life for something they knew I didn't do if they knew me? If they knew my family? If they knew me as that awkward kid with the stutter? I wonder if I was real to the prosecutor who presented known liars as witnesses and prosecuted me even though I passed a polygraph? I wonder if I was real to the judge who sentenced me for a crime I didn't commit and then, when my conviction was reversed, violated the law and the higher court's mandate and sent me off to prison for the rest of my life. I wonder if I was real to the judge who replaced her, who simply refused to rule on motions before him because, if he did, he would have to let me have a fair trial. I wonder if I was real to Jose Torres and the other members of the Ohio Adult Parole Authority who held a secret full-board hearing without allowing my counsel to attend and then gave me five more years based on reasons that are patently and provably not true.

I think of the police, the prosecutor, and the judges in my case. I think of the parole board members. I can easily picture them hacking a Taino baby in half with a sword or handing smallpox-infected blankets to the Shawnee.

Welcome to Ohio! The Heart of It All!

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STRONG V. THE UNITED STATES

In 1975, the federal courts finally resolved the case of Strong v. The United States (1975), 207 Ct.Cl. 254, 518 F.2d 556. This was the federal claim brought

I would say, "Use this," and hand them an AK-47 rifle with 500 rounds of ammunition.

I would say, "Burn their boats into the sea and then warn your children: there may be more."

Christopher Columbus would never appear in history books. There would be no European discovery of the New World. There would be no capital of Ohio named after a genocidal maniac, nor an avenue in Sandusky where a courthouse dispenses deliberate injustice.

When a fellow prisoner pointed out that, by killing Columbus, I would alter the future in such a way that my European ancestry would never arrive here, I realize that if I armed the Taino to kill Columbus and his men, that I would never be born.

I'd still do it.

I swear to the gods I would.

* * *

REALLY LOW-DOWN ATROCITIES

I bet Tecumseh wasn't real to Thomas Worthington, and neither were the Shawnee people. I bet the Native Americans exterminated by small-pox weren't real to the troops who dropped off the blankets and handkerchiefs.

They were objects. Things. Obstacles to be removed from the way of progress. The babies that the soldiers heard crying weren't like real babies, not like the babies they themselves had at home.

Those sailors who landed with Columbus, I bet the Taino weren't real to them. Not real like their own mothers and fathers were real.

That's a necessary ingredient for anyone carrying out atrocities. They have to be able to divorce themselves from the reality of their victims. They have to be disconnected from "the reality on the ground." It makes the screams more tolerable, the stench of burning flesh and the cries of suffering endurable.

It takes a lot of preparation and de-sensitizing to successfully carry out really low-down atrocities. It takes a lot of well-rehearsed lies, repeated again and again through the minds of the people who will carry out those atrocities.

In 1783, General Philip Schuyler wrote to the same Congress that pledged "utmost good faith" toward the Indian:

As our settlements approach their country, they must, from the scarcity of game, which that approach will enduce, retire farther back, and dispose of their lands, unless they dwindle to nothing as all savages have done... when compelled to live in the vicinity of civilized people, and thus leave us the country without expense of purchase. (17)

George Washington summed up this encroachment strategy quite succinctly: "The gradual extension of our Settlements will certainly cause the Savage as the Wolf to retire" (18). A British observer in 1784 noted that the policy toward native inhabitants was one of "extirpating them totally from the face of the earth, men, women, and children." (19) Encroachment was a deliberate strategy employed to push native land-owners off of their land, a process that American Indian Movement's Russell Means and others have aptly equated with genocide (20).

By the authoring of the Northwest Territory Ordinance, promising the "utmost good faith" toward native people and guaranteeing that their "land shall never be taken from them without their consent," a full-scale and deliberate genocide was being committed in the area now known as Ohio.

While the Northwest Territory Ordinance recognized native rights to land in conformity with the Doctrine of Discovery and the international law standards of the time, it also contained a plan for carving states out of that same territory. By that plan, territory owned by native people would be divided into states that would "forever remain a part of this confederacy of the United States of America" (21). It would seem, then, that this ordinance presented two contradictory and irreconcilable ideas-- first that native people would never have their land taken; second that the land would be carved into states whether anybody wanted it or not.

Colonizers streamed into Indian territory at a rate of 10,000 per year, stealing native lands. They were

soon followed by General Josiah Harmar with more than 1500 troops, not to protect the native possessors of the land, but to protect the colonizers who were stealing it. When native peoples defended their land rights recognized by the Northwest Territory Ordinance and the Treaty of Paris, the U.S. sent General "Mad Anthony" Wayne who orchestrated a systematic, military extermination of the tribal people who "shall never be invaded or disturbed...", and whose lands "shall never be taken away without their consent." (22)

Once the native population was effectively decimated, Mad Anthony Wayne negotiated a treaty on behalf of the U.S. Signed August 3, 1795, it was entitled, "The Treaty of Greenville" (23). This treaty declared an end to the fighting, restored prisoners to both sides, and set a boundary line for territory that the tribes were relinquishing and were retaining (24). By this boundary, the vast majority of territory now known as Ohio was set aside as Indian Territory. Native peoples could remain within this territory "so long as they please, without any molestation from the United States," and "the United States will protect all the said Indian tribes... against all citizens of the United States, and against all other white persons who intrude upon the same" (25). It then went on:

If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; and the Indian tribe, on whose land the settlement shall be made, may drive off the settler, or punish him in such a manner as they think fit... (26)

In 1795, the Treaty of Greenville became the "supreme law of the land." This status is confirmed by the U.S. Constitution, which sets forth:

The Constitution and Laws of the United States which Shall be made in Pursuance thereof; and all

believed that if I bit my tongue and said nothing, maybe I would receive a parole.

Like I already pointed out, concentration camp victims often marched to their doom with denial on their lips.

So did I.

If I had things to do over, I'd ask Torres if any "reputable" organizations recognized him as a parole board member, letting him know he could shove his snotty, condescending attitude in his fascist, state-worshipping ass.

* * *

CHANGING HISTORY

Prison is a place filled with regret. A common prison game is to contemplate what you would do if you could go back in time and change just one thing. Sometimes in this game, you can go back and take something with you into the past. Sometimes you can't.

I've heard guys say they would go back in time to just before the commission of their crimes and take one less drink, or flush a baggy down the toilet, or disable a pistol. Some would take advantage of future knowledge and bet on sports events to get rich.

I once contemplated waiting along a snowy road for the right wagon to come along, and when the time was right I'd leap out of the underbrush and yank Thomas Worthington off his horse and kill him before he ever got to Washington, DC. But I know if I succeeded, the Worthington Gang would just send another guy with a copy of the Ohio Constitution, and another, and another.

So I came up with something else. I would go back in time and live among the Taino. I would learn their language and culture, become one of them. And when the time came, I would explain to them what was going to happen, that men would come who look like me, with hair on their faces, and that the Taino should welcome them and be generous, feed them and give them wine. Offer them warm, comfortable quarters.

And kill them in their sleep. Every last one of them. Do not let even one of them live.

the island that is now Haiti and the Dominican Republic. Just 5 years later, only 3 million were left. By 1514, there were just 22,000. A hundred years after Columbus landed, a population of 8 million Taino had been reduced to just 200. At some point shortly thereafter, the last living Taino took one last breath, and an entire people went extinct.

Columbus' men hanged the Taino en masse, roasted them on spits, burned them at the stake, and hacked their children to death to use them as dogfood. They would make bets as to who could cut a Taino in half or cut off her head with a single swing of the sword. Taino babies were torn from their mothers' breasts and their heads were dashed upon rocks. (1)

The capital of Ohio is Columbus. The courthouse where I was denied justice is located on Columbus Avenue in Sandusky.

In Ohio, Columbus is everywhere.
But there are no Taino.

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(1) For comprehensive research on the genocide of the Taino people, read, "Confronting Columbus Day," Acts of Rebellion, Ward Churchill.

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"REPUTABLE"

When I appeared before the Ohio Adult Parole Authority in September 2011, board member Jose Torres asked me if any "reputable" organizations recognized me as a political prisoner. In response, I wanted to ask him if any "reputable" organization had recognized him as a parole board member.

The implication is, the "State of Ohio" is not reputable.

But I didn't say it. Instead, I tried to make as good of an impression as I could. By my thinking, I was demonstrably innocent; I was unlawfully confined; I was possibly the most well-behaved prisoner in Ohio penal history; I had already served 20 years. I be-

treaties made, or which shall be made, under the Authority of the United States, shall be the supreme law of the Land and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding. (27)

In November 1802, seven years after the signing of the Treaty of Greenville became the supreme law of the land and set aside most of Ohio as unceded Indian Territory, 35 white men gathered together and drafted the Ohio Constitution. They did not consult the legal owners of the vast Indian Territory that the so-called "State of Ohio" would occupy. By the Ohio Constitution, voting in the state would be limited to only white men, thereby disenfranchising the entire population of people who owned the land according to U.S. treaty.

Thomas Worthington took the Ohio Constitution to Washington, D.C., and presented it to Congress on December 22, 1802. On February 19, 1803, the U.S. Congress declared Ohio a state of the United States.

Notes

(1) Robert A. Williams, Jr., The American Indian in Western Thought: The Discourses of Conquest, pp. 43-49, 59-60, 64-72.

(2) However, Christians could still dispossess others of their land and holdings. See, Robert A. Williams, Jr., "The Medieval and Renaissance Origins of the Status of the American Indians in Western Legal Thought," Southern California Law Review, Vol. 57, No. 1, 1983.

(3) Though not even a papal decree could stop good Christians from raping and looting Muslims in the Holy Land. Papal decrees just aren't what they used to be.

(4) Lewis Hawke, Aristotle and the American Indian: A Study of Race Prejudice in the Modern World.

(5) To my knowledge, Native Americans never held a debate to determine whether or not Europeans possess souls and are fully human. The jury, it seems, is still out on that question.

(6) Antonio Truyol y Serra, "The Discovery of the New World and International Law," University of Toledo Law Review, No. 43, 1971.

(7) Andrew A. Liscomb and Albert Ellery Burgh (eds.), The Writings of Thomas Jefferson, 20 vols.

(8) Renard Strickland and Charles F. Wilkinson (eds.), Felix Cohen's Handbook on Federal Indian Law.

(9) Quoted in Francis Paul Prucha, American Indian Policy in the Formative Years: The Trade and Intercourse Acts, 1790-1834.

(10) James Thomas Flexner, Lord of the Mohawks: A Biography of Sir William Johnson.

(11) RSC 1970, App. II, No. 1, @ 127.

(12) England could no more transfer title to land beyond the Alleghenies than I could sell you the Brooklyn Bridge. You can't give away what you don't own.

(13) The Treaty of Paris, in Hunter Miller (ed.), Treaties and Other International Acts of the United States of America; also in Ruhl J. Bartlett (ed.), The Record of American Diplomacy: Documents and Readings in the History of U.S. Foreign Relations.

(14) Merrill D. Peterson, Thomas Jefferson and the New Nation; and Gordon Wood, The Creation of the American Republic, 1776-1787.

(15) Northwest Territory Ordinance, 1 Stat. 50 (1787).

(17) from, Papers of the Continental Congress, 1774-1789.

(18) letter from Washington to James Duane, September 7, 1783, quoted in John C. Fitzgerald (ed.), The Writings of George Washington from Original Manuscript Sources, 1745-1799.

(19) John F.D. Smyth, A Tour of the United States of America.

WHAT IS A LAW?

Isn't it a law that police have to turn over all the evidence? Isn't it a law that courts have to allow you to present a defense? Isn't it a law that lower courts must follow the orders given by higher courts?

If this "State of Ohio" has no regard for its own laws, what respect do we owe its laws?

If this "State of Ohio" reserves the right to do this to me, then it can do it to anyone. Nobody is safe. Going back to the analogy of the little girl who kept killing puppies, we're like puppy dogs in the bed of a giant sociopath, and we're just hoping and praying that the sociopath doesn't happen to roll over on us.

Please, please, please, let it be somebody else...

If this "State of Ohio" can ignore its own laws but enforces its laws upon us, we're in constant danger.

And I'm back to the same question: What the fuck is a law?

* * *

TWO THINGS

There are two things that set apart this "State of Ohio" as a law-breaker from all of the mere human law-breakers it attempts to punish. First, the scale. No single human could destroy and devastate and exterminate on the scale that this "State of Ohio" has. Second, when mere humans break laws, they break laws imposed on them by someone else; whereas, when this "State of Ohio" breaks laws, it breaks laws that it has written for itself. That makes the "State of Ohio" far more lawless and far more hypocritical.

* * *

THE TAINO

If you've never heard of the Taino people, there's a good reason.

When Columbus first landed, the people he encountered were the Taino. There were 8 million of them on

committed by the German government was nothing that the U.S. hadn't committed against the Indians. The U.S. wasn't so much offended by an inaccurate comparison as it was shocked that anyone noticed. So, the U.S. set up the Indian Claims Commission. They figured they could hand out a few bucks and then put a history of conquest and invasion behind them. Smooth things over. Create a good public image.

As claims poured in, the U.S. Attorney General, armed with a veritable army of archivists and historians, combed over every single document in the history of American land acquisition. U.S. Attorney General Francis Biddle had to admit in a report before the U.S. Senate that he could not find a single shred of evidence to justify the U.S. seizure of more than one third of the continental United States, including this area called Ohio. In essence, he admitted that more than one third of the continental U.S. is still, legally speaking, Indian Territory. (1)

Do you know what this means?

(1) See, U.S. Senate, Terminating the Existence of the Indian Claims Commission (Washington, DC: 84th Congress, 2d Session, Report 1727, April 11, 1956).

* * *

TECUMSEH

Tecumseh was a Shawnee and lived at least part of his life in this area called Ohio. He saw the true threat that the colonizer represented to his way of life and he devoted himself to unifying the various tribes against their common enemy. Tecumseh was respected even by his enemies. He was the rare personality who could really unite people.

Betrayed by the British who had promised support, and devastated by the tragic loss of his brother at the Battle of Tippecanoe, the federation that Tecumseh brought together slowly unraveled. Fighting to the end, Tecumseh died at the Battle of Ontario in 1813.

I wonder what Tecumseh thought of the legitimacy of "The State of Ohio." I wonder if Thomas Worthington ever consulted Tecumseh when drafting the Ohio Constitution?

I bet he didn't.

* * *

(20) According to Raphael Lamkin in Axis Rule in Occupied Europe, p. 79:

Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killing of all the members of a nation. It is intended rather to signify a coordinated plan of different actions aimed at the destruction of the essential foundations of life of national groups, with the aim of annihilating the groups themselves. The objective of such a plan would be the disintegration of the political and social institutions, of culture, language, national feeling, religion, liberty, health, dignity, and the lives of individuals belonging to such groups. Genocide is the destruction of the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity but as members of the national group.

Genocide, according to the United Nations Secretariat, is defined two-fold as "destruction of a group" and also as "preventing its preservation and development," United Nations Document A/36, 1948. For further interpretation, see U.N. Doc. E/A.C. 25/S.R. 1-28.

(21) Northwest Territory Ordinance, Article IV.

(22) Richard Bettin, "'Mad Anthony' Wayne at Fallen Timbers: General Wayne's Decisive Victory in the Northwest Territory Ends the Young Nation's Crisis of Authority," Ft. Wayne, News Sentinel, 1996, The Early America Review, Fall 1996.

(23) The Treaty of Greenville, subtitled, "Treaty of Peace Between the United States of America and the Tribes of Indians Called the Wyandots, Delawares, Shawanoes, Ottawas, Chipewas, Putawatimes, Miamis, Eel-River, Weas, Kickapoos, Piankashaws, and Kaskaskias."

(24) According to Article III: "The general boundary line between the lands of the United States and the lands of the said Indian tribes, shall begin at the

mouth of the Cuyahoga River, and run thence up the same to the portage, between that and the Tuscarawas branch of the Muskingum, thence down that branch to the crossing place above Fort Lawrence, thus westerly to a fork of that branch of the Great Miami River, running into the Ohio, at or near which fork stood Laramie's store, and where commences the portage between the Miami of the Ohio, and St. Mary's River, which is a branch of the Miami which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; thence southwesterly in a direct line to the Ohio, so as to intersect that river opposite the mouth of the Kentucke or Cuttawa river..."

In Article IV, the treaty set forth, "(T)he United States relinquish their claims to all other Indian land northward of the river Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters, uniting them, according to the boundary line agreed on by the United States and the King of Britain, in the treaty of peace made between them in the year 1783..."

(25) Treaty of Greeneville, Article V.

(26) Treaty of Greeneville, Article VI.

(27) U.S. Constitution, Article VI, Clause 2.

(16) All of these details can be confirmed in E. Wagner Stern and Allen E. Stern, The Effects of Smallpox on the Destiny of the Amerindian.

* * *

WHAT THIS MEANS...

"Do you know what this means?"

That's the question I get from a lot of people who read the preceding facts. The other popular response is, "So what?"

Both responses are questions. Both address the value of the information presented. The first response ("Do you know what this means?) indicates that the reader sees a great many important implications, while the second ("So what?") indicates the reader sees no value at all.

I'll try to answer both questions.

MY CASE

I'm not the center of the universe. I'm not special. And this isn't about me. But, to use my own experience as an example, I have to give you some context here.

I killed Andrew Crouch in self-defense in my own home. He was drunk, kicked in my door, and threatened my life. I panicked. I stabbed him several times. I didn't want him to die; I wanted to survive, plain and simple.

I passed a polygraph test.

I was released on a bond payment of \$2,000 and I didn't run. I was the first "murder suspect" in Ohio released on \$2,000 since 1929.

I didn't run because I wasn't guilty. I acted in self defense.

Police withheld photographs of the break-in damage and then claimed there was no break-in. The prosecutor kept my expert witnesses from testifying because my attorney made a mistake. The jury wasn't allowed to know that I passed a polygraph. A manager for the company I was working to unionize was the jury foreman.

Did I mention that Andrew Crouch was the nephew of the Clerk of Courts?

I was found guilty of a crime I didn't commit. I appealed.

I won. My conviction was reversed and I returned to the same trial court that had falsely convicted me. But instead of following the mandate from the higher court, the trial court decided to conduct the trial its own way.

There is no law. There are no rules. There's only a predetermined outcome.

So, here I am. I've been held for more than twenty one years. I'm still waiting for the fair trial that my trial court was ordered to give me.

In the "State of Ohio," justice is swift... and injustice lasts forever.

Just ask the Indians.

* * *

INDIAN TERRITORY, PART II

The U.S. bristled at Nazi claims that the genocide

The difference between the bully and rapist, on one hand, and the "State of Ohio" on the other, is that the victims of the bully and rapist know they are victims. They know the bully and rapist have no right to impose upon them. But with this "State of Ohio," you've got 11 million people who don't realize that the predator imposing on them has no authority at all. The victims of this "State of Ohio" have deferred to the lies we have for everything. They can't see "the reality on the ground."

* * *

PEACE AND DIGNITY

My indictment reads, The State of Ohio vs. Sean Swain.

I killed Andrew Crouch, so you would think my indictment would read, Andrew Crouch vs. Sean Swain, or The Survivors of Andrew Crouch vs. Sean Swain. I mean, if I was in the wrong, then Crouch was the victim, and the matter was between Crouch and myself... not this "State of Ohio," whoever he is. This "State of Ohio" wasn't in my apartment when Crouch kicked open the door. I never saw this "State of Ohio." I can't pick him out of a police line-up.

Still, the indictment reads, The State of Ohio vs. Sean Swain. It alleges that by killing Crouch, I violated the "peace and dignity" of the "State of Ohio."

First, the event for which I'm held captive occurred in unceded Indian Territory. Second, my conduct--whatever it was --could never disturb the peace and dignity of an entity that doesn't really exist. And third, if this "State of Ohio" was real, I think the question would have to be addressed as to whether or not the "State of Ohio" is entitled to peace or dignity.

That the "State of Ohio" could demand "peace" or "dignity" demonstrates that this sociopath has an infantile sense of entitlement. It says, "I'll kill, rape, steal, destroy, and lie with reckless abandon, but I want my victims to be nice to me at all times."

Really?

* * *

There are more than 11 million people who currently reside within the territorial boundaries of this thing we call "The State of Ohio." I'm one of them. I write this from an Ohio prison, having been delivered here by order of an Ohio court, found guilty of violating an Ohio law. Ohio laws were passed by Ohio's legislature, called the Ohio Assembly. The courts, the legislature, and the governor all claim to derive their powers from the Ohio Constitution.

The Ohio Constitution serves as something of a charter for this incorporated "State of Ohio." So Ohio's courts and legislature and governor only exercise legal authority if the Ohio Constitution is a legal document. If the Ohio Constitution is not a legal document, but is only a bogus instrument drawn up by 35 trespassers who violated federal law to rob people of their land and get themselves rich, then Ohio courts and legislators and governor have no legal authority and they never did.

This isn't a question of whether or not the government of this "State of Ohio" is a good government. It isn't a question of whether or not the Ohio Constitution is a good document or not. It's not even whether or not incorporating the "State of Ohio" was a good idea.

What I'm saying is, this "State of Ohio" doesn't legally exist. I'm saying this thing calling itself "The State of Ohio" doesn't have any real legal authority and that it never did.

Thirty-five men including Thomas Worthington (if that was his real name) violated terms of a U.S. treaty, broke federal law, trespassed onto unceded Indian Territory and wrote up a purported legal instrument that completely abrogated "the highest law in the land."

Worthington and his friends had no legal standing to draft the Ohio Constitution. They could no more include unceded Indian Territory into their "State of Ohio" than you or I could go down to the local bowling alley, write up our own founding documents, and declare Bob's Lanes part of our new state.

Go ahead. Give it a shot. Take 34 of your closest friends to the bowling alley, draft up a constitution and plant your flag right next to the ball return. Let

the manager know his bowling alley is now under your legal jurisdiction. When the cops arrive, show them your new constitution and explain your newly-derived legal authority as the President of the Republic of Bob's Lanes. See where that gets you.

Drop me a line and let me know what they set your bond at.

If it's a crime to take over a lousy bowling alley, then what do you call it when a small group of thugs in 1802 took over thousands of square miles of real estate without consultation of the land's rightful owners? They had no more right to establish "The State of Ohio" than we have the right to establish The Republic of Bob's Lanes.

If that's the case, then the Ohio Constitution and any subsequent constitutions aren't worth the paper they're printed on. The courts, legislature, and governor have never exercised any legitimate authority. This "State of Ohio" as a government entity is as real as faerie dust and magical moon-beams.

It's as valid as our Republic of Bob's Lanes.

That is what this means.

* * *

A LIE FOR EVERYTHING

There are lessons to be learned from truth that hurts.

In 1550, Bartolome de las Casas won a debate. He argued that New World inhabitants were fully human and possessed souls, that they were entitled to recognition of basic rights. Because he won the debate, we might be inclined to conclude that our juridical method, however imperfect, leads us to the truth. Some might see the result of that debate as a vindication of our culture's methods for resolving questions.

Perhaps it is. But perhaps not. I see it like this: While Bartolome de las Casas was arguing that Native Americans are fully human and possess souls, somebody was arguing against him. I don't know who he was, but it doesn't really matter. Whoever he was, he had met New World people, had been the beneficiary of their hospitality. He had looked into their eyes. He had seen their smiles. He had heard their language even if

BEHIND BARS

More than a hundred thousand murdered through biological warfare. Thousands more exterminated during an unlawful military invasion. Still thousands more killed through starvation and deprivation as they fled the killing fields. This is the birth of this "State of Ohio."

Can the "State of Ohio," born in the blood of thousands, really outlaw murder? Being a murderer itself, a mass-murderer, an irremediable mass-murderer on a historical scale, can the "State of Ohio" really judge anyone? Can the "State of Ohio" really impose some moral standard?

That seems just a tad bit hypocritical. A little insincere.

The irony of my experience is that I am held captive by a lawless rogue state founded upon crimes against humanity, and I am held captive for a murder I didn't commit. While my kidnaper is not innocent, I am. The further irony is, this rogue state with its long history of ignoring all law had to break its own laws in order to convict me of a crime I didn't commit. So, my experience, as insignificant as it is, being the experience of just one person, shows that this "State of Ohio" has never changed its stripes.

This "State of Ohio" judges me to be a danger to public order? This "State of Ohio" with no regard for life or law or human rights? Are you fucking serious?

If anyone should be behind bars for the protection of the public, it's this "State of Ohio." This motherfucker is a maniac.

* * *

AUTHORITY

When you take away authority, you're left with naked, brute force. Power. Without authority, the "State of Ohio" and the schoolyard bully and the serial rapist are all on the same level. They all do what they do because they can. They have the power to impose themselves, whether that power is expressed by fists or a penis or attack helicopters.

existence. In fact, the U.S. Constitution, the Northwest Territory Ordinance as an act of Congress, the Treaty of Greenville, and U.S. Supreme Court precedent all unanimously militate against the legitimacy of Ohio's claim to statehood. That means Ohio is a rogue-state exercising power and not authority. It only continues to impose itself because it has attack helicopters and troops and tear gas and police.

Ask the students at Kent State University who were gunned down by the Ohio National Guard while peacefully protesting an illegal war.

Fuck, ask the Indians.

* * *

"THE STATE OF OHIO," ROLE-MODEL

Okay. I have to admit, not everybody says the "State of Ohio" is illegitimate. This "State of Ohio" can brag that it has inspired a pretty powerful world figure.

He ran his own country. He came up with a policy called lebensraum ("breathing room") toward his neighbors based theoretically and practically upon the Ohio model for expanding into the territory of Native Americans (1). His program for dealing with "racial inferiors" was inspired by the historical example of the colonization of Ohio. He said so in his book.

You may have heard of this guy. His name was Adolf Hitler.

When the U.S. engaged in war-crimes prosecutions against the Nazis, the accused "initially professed a certain bewilderment, their first line of defense being that they'd done nothing the United States itself hadn't done to American Indians." (2)

So, you see, while I'm bashing the "State of Ohio," it has been both an inspiration and a role model for a pretty famous guy. I felt in the interests of full disclosure that I have to admit there is another side to the story.

Welcome to Ohio! The Heart of It All!

Zeig Heil!

* * *

he didn't understand it; he knew it was language, the same way he would have heard Portuguese or Italian or French and understood it was language even if he couldn't understand what was being said. He had probably eaten their food. He might have lusted after their women. He had seen them playing with their children.

And he was arguing that they weren't fully human.

He was arguing they didn't have souls.

He was making an argument that he knew, if successful, could lead to the complete extermination of those people. It could lead to them being pushed off the land without purchase, slaughtered wholesale.

He knew that in making such an argument, he was doing holy work for the Church. He was conducting himself in obedience to God.

Even back in 1550, we had a lie for everything.

Bartolome de las Casas' debate opponent was so steeped in his culture's lies that he could ignore all of his direct experience with peaceful human beings, ignore all the evidence right in front of his nose, and calmly argue a position that, if accepted, would logically and inevitably lead to innocent people being obliterated. He could do that to people after he sat down at a fire and ate with them.

Sure, de las Casas won the debate. But my point is, there was a debate. Nobody could trust themselves to recognize an obvious truth, but instead had to ask the Pope, "Can we kill these people and take their land without purchase, or do we have a moral duty to treat them like humans?" The very fact that the question was ever posed is troubling. It says something about us, going all the way back to 1550.

Imagine if de las Casas hadn't won the debate. Today, your cosmetics would be tested first on chimpanzees and then on Indians. If de las Casas had lost the debate, European colonizers would have invaded the Americas and slaughtered the Indians wholesale without purchasing the land.

Oh. Wait. They did that anyway.

* * *

IT ALL GOES TOGETHER...

So, this is what I'm doing...

You might be wondering why, if this is about Ohio, my facts go back to Papal Bulls and then some debate in 1550. You might think that all of that has nothing to do with Ohio.

The thing is, the colonization of Ohio didn't happen in a vacuum. We have to see everything in its context. I'm trying to connect some dots and show you a pattern I see, and that pattern extends back before Ohio, and it extends forward from Ohio's colonization to the present, which is why I use some of my own experiences to prove my points.

That's what I'm doing.

Also, we seem to have this idea in our culture that this process of taking over the Americas was an inevitability, just progress, and even though it was messy, you have to crack some eggs to make an omelet, right? The conception is that the people doing the colonizing were like the folks in the 1960s television show, Daniel Boone. They were well-intending people who just accidentally stumbled into a genocide.

But there was already a universally-acknowledged framework of international law in place. Nobody was making things up, flying by the seat of their pants. There was a clear and settled understanding regarding property rights.

You can't look at the Treaty of Greenville without seeing the entire context. If you do that, you won't see it for what it really was.

It all goes together.

The truth hurts.

WHAT REAL HUMANS DO

The arrogance.

Imagine you and I meet for the first time. We exchange pleasantries. Then, before I engage you in discussion, I call in a team of theologians and experts who subject you to an inquisition in order to come to some official determination as to whether or

ter. Andrew Crouch broke into my second story apartment while I was home alone. He was drunk and volatile. He threatened to kill me and I panicked, stabbing him several times. I called for an ambulance.

Men with guns showed up. They claimed to have authority vested in them by an entity as real as Santa Claus, as valid as the Republic of Bob's Lanes.

No offense, Bob.

Men with guns kidnaped me and took me to a kangaroo court that was established under a government as real as the Easter Bunny. Someone claiming to be a judge, who may as well declared herself the Queen of Denmark, sentenced me to prison. Armed thugs then delivered me to a concentration camp set up illegally right in the midst of Indian Territory, and I have been held hostage by these terrorists for more than twenty years.

That's my experience. That's the reality of my situation. And there are 11 million others who have their own experiences as subjects to a lawless and invalid rogue state calling itself "The State of Ohio."

* * *

POWER

So let's talk about power for a minute. I say "power" because "power" and "authority" are two different things. By our culture's thinking, authority is derived from some kind of legal instrument. When someone is exercising authority, he or she is conducting business according to some sort of lawful dispensation.

When we talk about "power," though, we're really talking about brute force. When someone exercises power, he or she is not appealing to legality, but just doing what he or she can get away with doing.

When Arnold Schwarzenegger was the Terminator, he had the power to kill you. When he became Governor of California and signed death warrants, he had the authority to kill you.

This so-called "State of Ohio" exercises no legitimate authority. No law justifies its claimed

"Do you know what this means?"

I think I do.

This means Ohio has never been a state. It means the Ohio Constitution is a void document with no incorporating power under law at all. It means the Ohio governor, the legislature, and the courts hold no legitimate, legal power. It means Ohio's laws are not laws at all. No one in Ohio ever had the authority to pass laws. It means every action by every single court in Ohio has been an exercise in make-believe.

I mean, if you think that governments are valid, and if you believe that laws are laws, and if you accept the legitimacy of the rule of law, then this alleged "State of Ohio" doesn't legally exist yet.

Now, don't get confused. I want to be clear. All I'm saying is that Ohio is not a state. I'm saying officials who claim to act on behalf of this regue-state are not officials at all, any more than I can claim to be the King of Denmark. That's what I'm saying. I haven't yet advocated what has to be done about this. That's a whole other ball of wax. And I think I have to mention this because, when I've explained how Ohio is not a state to others, they immediately begin shaking their heads. They reject, it seems, the sound and irrefutable case I present because they're already thinking ahead to all of the implications. They say things like, "But they won't let all the prisoners go just because you say Ohio isn't a state," or, "The governor isn't going to resign," or, "School teachers are still going to show up for work and get paid."

But I'm not talking about any of that. I haven't mentioned the liberation of prisoners or the resignation of government officials or the laying off of teachers. I've only said that Ohio's not a state. What we do about it is a separate question. I guess what we do depends on whether or not we live in a nation of laws or whether we live in a nation where so-called "governments" impose themselves and do whatever they want.

From my own experience, I know what this means. From my experience, I was living in Indian Territory, minding my own business, just like Samuel A. Worces-

not you are fully human and possess a soul. If they say you do, I engage you. If not, all bets are off.

How would you feel about that?

The fucking arrogance. To do something like that, I'd have to really think of myself as all-that-and-a-bag-of-chips, wouldn't I? I would have to be convinced that my experts with big, big brains have special dispensation from the gods so they can tell humans from non-humans, those with souls from the soulless. I would have to think that my pronouncement about you somehow outweighed your own pronouncement about yourself.

If I say it, then it is so.

By saying it, I make it so.

Until I say it, it is not so.

I said so.

The fucking arrogance.

But Native Americans didn't gather their own Bartolome de las Casas and their theologians to hold a debate as to whether newly-arrived Europeans from across the water were fully human, whether they possessed souls. When these gaunt, sickly, pasty specimens stepped off their boat, stinking and covered in lice, desperately in need of food, the natives they encountered generously handed them something to eat. But imagine if, instead, the natives had called a council to determine whether or not Europeans were human.

Through an interpreter, the Native Americans' top theologian may have addressed the Europeans, "See, you seem human to us. You look human, except for all that unsightly hair on your faces. You dress human. Sort of. And you have language, even though it sounds like gibberish to our cultured ears. But see, the thing is, we can't trust our experiences. Just because I look into your eyes and shake your hand and eat food with you, I can't trust my own judgment. Instead, in our culture, we ignore what we see and hear and feel, and we employ a juridical process that allows a learned few to decide for all of us. We defer to that process. See, there are two realities: what we experience and can't trust, and what our juridical process determines from consulting principles and ideas completely divorced from anything experienced in the real world.

So, we're going to hold a debate that appeals to those ideas and principles and in the end, we'll either feed you or we'll decide you're not human and we'll exterminate you, take your supplies, and burn your boats into the sea. Please stand by."

Wouldn't that be disturbing? Just a little bit? All those lives in the balance, awaiting a kind of academic coin-flip? Lucky for the Europeans, the Native Americans didn't act like, well, Europeans. Fortunately for Columbus and everyone who came after, Native Americans weren't so arrogant. Instead of holding a debate, they handed food to hungry people. They handed blankets to the cold and shivering.

That's what real humans do.

* * *

THE IMPERATIVE TO CONSULT UNREALITY

In Vietnam, the troops who did the fighting and dying often complained that the generals and politicians making the decisions didn't understand "the reality on the ground." In many analyses after the war, this inability to perceive "the reality on the ground" is cited as a principle cause for the U.S. defeat.

Not trying to sound funny here, but apart from the "reality on the ground," what other "reality" is there? Does some other reality exist besides the one "on the ground"?

Apparently, there's something else. To generals and politicians, there was something other than the reality on the ground. In their reality divorced from the "reality on the ground," a false reality, they formulated successful strategies that would win the war and return our troops to ticker-tape parades and faithful girlfriends at the maltshop.

Their false reality was no "reality" at all. It was actually an "unreality." The generals and bureaucrats couldn't just take a chopper into the thick of things and observe the war. They couldn't talk to soldiers. They couldn't go on patrol with a squad to see what the troops were up against, to see firsthand the level of support or opposition shown by the population.

Supreme Court addressed an identical situation. The case before them was Samuel A. Worcester, Plaintiff in Error vs. The State of Georgia (1832), 31 U.S. 515, 6 Pet. 515, 8 L.Ed 483. Some background:

Samuel Worcester was a white man living in Cherokee Territory. The Cherokee Territory was established through U.S. treaty. But along came men from the State of Georgia who decided their state wasn't big enough, and thought it would be great to expand their state boundary into Cherokee Territory.

The State of Georgia incorporated Cherokee Territory into their state and thereafter, they arrested Samuel Worcester. They put him on trial under Georgia law. They convicted him and sent him to a Georgia prison.

Worcester argued that he was not in the jurisdiction of the State of Georgia, that Georgia had no authority over him nor over the Indian Territory in which he resided. He fought his case to the highest court in the land.

United States Supreme Court Chief Justice John Marshall wrote the court's opinion. The nation's highest court concluded that no state had the authority to abrogate a U.S. treaty. Since Indian Territory was established by U.S. treaty, no state could incorporate Indian Territory into their own state boundaries. The Supreme Court said that the State of Georgia's claim of jurisdiction over Indian Territory was "void," that Worcester was "apprehended, tried, and condemned, under colour of a law which has been shown to be repugnant to the constitution, laws, and treaties of the United States."

So, whenever a state incorporates Indian Territory into its borders and thereby violates U.S. treaty, the state's actions are "repugnant to the constitution, laws, and treaties of the United States." That means that Ohio's incorporating document, the Ohio Constitution, is void. Because the Ohio Constitution intended to create an state authority over Indian Territory established by U.S. treaty, the Ohio Constitution is "repugnant to the constitution, laws, and treaties of the United States."

Welcome to Indian Territory! The Heart of It All!

No. Really. No shit.

* * *

A PUPPY KILLER

Imagine a little girl whose parents bring home a new puppy. She plays with it all day and she's tired at night. She takes the puppy to bed. The next morning, she finds that she rolled over on the puppy in the night and killed it. She's devastated, crying day and night.

Her parents bury the puppy and don't know what to do to make her feel better. So, they buy her another puppy. They make a rule, though, that the new puppy must sleep in its own room. The little girl plays with the puppy all day and puts the puppy in its room before bed, but at night she hears the puppy whimpering and feels bad, so she goes and gets him and puts him in the bed with her.

Next morning, dead puppy.

Now, the first one might have been a complete accident. The second one, the little girl shouldn't have gotten the puppy out of the room. But my question is, how many puppies does it take, if you're a parent, before you stop bringing new puppies home? Two? Three? Four? Ten? How many dead puppies does it take before you have to wonder why the little girl has no more regard for the lives of puppies than that? Before you start wondering why she keeps making the same choices that lead to the predictable deaths of puppies? Three? Five? Ten?

How long before you suspect the little girl is a sociopath? I mean, a full-blown sociopath?

Okay. Now, instead of puppies, let's kill people. And instead of a little girl, let's use a colonizing population. How many times do they have to "accidentally" commit genocide before you suspect that you're dealing with a sociopath?

How many deaths does it take? A hundred thousand just from smallpox alone? Or tens of thousands more killed by muskets and cannons? Or tens of thousands more killed through starvation?

* * *

INDIAN TERRITORY

After the Worthington Gang stole Indian Territory and called it "The State of Ohio," the United States

That's no way to get informed.

The best way to get informed about the war in Vietnam is to never go there. Sit in an air-conditioned office thousands of miles away. Consult data print-outs and statistics. Read theories produced by others who have never been to Vietnam. Pick up the phone and call others in air-conditioned offices, who have also never been to Vietnam, and solicit their best thinking.

That is how you get informed about Vietnam.

We're all Vietnam generals in this sense. We're trained from birth, in every instance of our lives, to ignore "the reality on the ground" because that "reality on the ground" is not as real, not as important, as the "unreality" that flows from the pronouncements of authorities who are complete strangers. Their unreality informs our every move, influences how we see the world. We can't trust our own eyes and ears and hearts and minds. Our immediate experiences are wholly unreliable. Instead, we must consult the juridical and theological and academic unrealities, the theories and dogma and legal codes, in order to properly interpret the world. All of that is more real to us than the reality on the ground.

In Vietnam, generals and politicians couldn't see the reality on the ground. Their minds were captive to an unreality to which they had to defer. In the New World, colonizers couldn't see the reality on the ground either. They couldn't see that Native Americans were humans with souls. They needed a decree, a piece of paper to which they could defer.

It seems that none of us can ever accept the reality on the ground until we first consult the unreality constructed by strangers to inform and influence our decisions and actions. We can't do anything until we first defer to the lies we have for everything.

* * *

EVERYBODY KNEW

The truth hurts.

That's why we make a lot of excuses for early settlers' conduct. We say they didn't know any better.

We say the world was different then. It was a violent world. Lawless. Cruel. People had to do what they had to do. And so on.

But none of that is true. Not really. We're making excuses. We're engaging in denial.

The colonizers knew better. They knew that people were people. They knew Native Americans were human beings with babies and children and hopes and dreams. They knew. Thomas Jefferson knew that no "white nation" had any right to make "an invasion" and he said so. He wasn't alone. The British government recognized the land rights of Native Americans and negotiated land acquisition through an ambassador. Congress knew Native Americans were humans with land rights and said so when it passed the Northwest Territory Ordinance promising "utmost good faith" toward the Indian, and that "land shall never be taken from them without their consent."

The legal principles were very clear to everybody right from the start.

The law was also completely irrelevant. Settlers wanted free land. They cared more about land than they did about the people who lived on it. They knew, as General Philip Schuyler described it, that they could destroy Native Americans' way of life by encroaching upon them and causing a "scarcity of game" as Schuyler euphemistically put it in his letter to Congress. "Scarcity of game" is another way of saying, "extermination of their food source," which is another way of saying, "making their children go hungry."

We knew that if enough of their children starved to death, they would leave and we would get their land for free.

To employ a similar strategy against sedentary agriculturalists, you would burn their crops. Creating a "scarcity of game" for semi-nomadic hunter-gatherers is the same as torching the crops of farmers in our way of life. Colonizers knew that tribes would move due to a scarcity of game, just like burned-out farmers would reasonably migrate to lands they could harvest.

Starving children equals free land.

When you look across the geography of Ohio, there are miles and miles of "free land" gained without pur-

our protection" I mean, "for swindling us and making a profit off of our hard work as we struggle along," and by "to keep society in good order" I mean, "so we won't do anything about it."

Has there ever been a law passed by a government that the government didn't enforce against common people, while the government itself broke it?

The law is a tool.

We have a tool for everything.

* * *

IT'S ABOUT "THE STATE OF OHIO"

I know some of you reading this are thinking I need to stop crying about the Indians. The Indians are old news. We've got real problems in the modern world.

I get that. And I'm not crying about the Indians. I'm really not. This isn't about the Indians, and if I haven't made this clear yet, this is about "The State of Ohio."

This is about this incorporated entity that calls itself a government, says it's legitimately exercising power over more than eleven million people. It's about the character of this thing.

It was born in blood. From its very inception, lives and property rights didn't count. It had no regard for law or order or rights. This "State of Ohio" could chew up anybody that got in the way, including the Indians.

What it did to them, it has the power to do to us.

* * *

TOOLS... AGAIN

Lies are tools we use to get the outcome we want when telling the truth won't get it for us.

Laws are tools we use to force others to go along with our program when they can't be persuaded to go along of their own free will.

Lies and laws are both tools.

Lies and laws are a lot alike.

We often defer to both.

...Calculating route...

* * *
27

it Indian Territory. Their existence there for thousands of years didn't make it Indian Territory. The remains of their ancestors buried there since time began didn't make it Indian Territory. The fact that their lives and their perspectives and everything that made them who they were had been shaped by the land to which they all shared a sacred relationship didn't make it Indian Territory.

Thomas Worthington had a piece of paper.

Thomas Worthington's piece of paper negated "the reality on the ground."

...Calculating route...

* * *

TOOLS

What the fuck is a law?

I'm not trying to be funny. I really don't know what a law is. I know what people in authority say a law is, but nothing really seems to add up. Maybe I'm too stupid to follow the math.

Wasn't the Northwest Territory Ordinance a law? Wasn't the Treaty of Greenville "the highest law in the land"? Aren't property rights protected by law?

Either law is law, or law ain't law. Right? And laws, individual laws, all comprise this larger thing called "the law," or, more appropriately, "THE LAW."

I don't know. Maybe it's me. Maybe I'm an idiot. But by my thinking, if the law is the law, then you can't pick and choose. You can't enforce the statute against spitting on the sidewalk but let somebody else violate the law that forbids you from burning down an orphanage while the children are sleeping.

I'm thinking THE LAW isn't what we've been taught to worship. If the people who wrote them have no respect for them, and if states are created by the violation of them, and then those states create their own laws that the states themselves don't follow, what does this mean?

Governments pass laws for our protection and to keep society in good order. By "governments" I mean, "rich people who stole land and power," and by "pass laws," I mean, "make shit up as they go along," and by, "for

chase. There is an inevitable calculus that we never think about, a ratio of dead children for every mile of free real estate. Schuyler knew it when he spoke of "scarcity of game" that the encroachment strategy would produce. He knew he was creating a math problem, a ratio of dead children per mile of free real estate.

He knew.

Everybody knew.

Settlers streamed into Ohio at a rate of ten thousand per year, knowing they were breaking the law. They knew they were stealing. They knew they were disrupting the Indian way of life. They knew Indian children would die. The government knew what was happening. It made no real effort to stop the flood of colonizers. The government had no more respect for the law than the people did.

George Washington knew what was happening. He invested in a company that sought settlement in Ohio and became this country's first lobbyist, first insider-trader. Funny we learn in school how he was too honest to lie about chopping down a cherry tree, but learn nothing about his profiteering when he chopped down the Indians' way of life. He saw human beings as nothing more than "wolves" to be driven off the land and exterminated.

George Washington knew.

Everybody knew.

When Captain Ecuyer and his subordinate sent smallpox-infected blankets to Native Americans, they knew what they were doing. They knew they were engaged in purposeful mass-murder. They knew they were killing human beings. And they weren't the only ones; recall, more than a hundred thousand natives died. That didn't happen from just two blankets and a handkerchief.

Lots of people were handing infected blankets to Indians. Lots of people were willingly participating in mass-murder. They were murdering innocent children.

Everybody knew.

The truth hurts. It hurts because we're so unaccustomed to hearing it.

When ten thousand settlers streamed into Ohio each year, making the very invasion that the U.S. promised it would never make, everybody knew what was

happening. Everybody knew it was theft and murder. Everybody knew what the steady invasion of Ohio would inevitably provoke.

When General Josiah Harmar and 1500 troops were sent into Ohio to make the invasion that the Northwest Territory Ordinance forbid, everybody knew what was coming. Tribes with starving children would defend their land and their right to exist, and that would give the U.S. the excuse it needed. So when General "Mad Anthony" Wayne was sent to Ohio, everybody knew what he was sent to do. "Mad Anthony" wasn't sent to negotiate. "Mad Anthony" wasn't sent to talk.

When you want peace, you don't send people nicknamed "Mad Anthony" to handle the business.

So everybody knew whose blood would be used to sign the Treaty of Greenville once the smoke cleared.

General Josiah Harmar and General "Mad Anthony" Wayne were mass-murderers who exterminated innocent human beings for defending their own land rights, clearing the way for thieves and robbers to get free land fertilized by the blood of children. Fort Wayne, Indiana is named for a maniac in the same category as Adolf Hitler, Josef Stalin, and General George Armstrong Custer.

When you cross the state line into Ohio, there's a sign along the interstate that says, "Welcome to Ohio! The Heart of It All!"

No shit.

* * *

TWO REALITIES

Two realities, completely unrelated.

You've got the "reality on the ground," which is the real reality, and then you've got the "other reality," which is really an unreality, a false reality, a construct. That "other reality" flows from impersonal authorities, dead and living, whose decrees and pronouncements emanate from court rooms and offices and classrooms and pulpits to influence and control our perceptions of the world and our experience, our direct understanding of the "reality on the ground."

Ignore what you experience. Defer to some external

It rewarded criminal misconduct, validated a vast theft, and turned a blind eye to the genocide that would result (or should I say, continue).

I bet that night in Washington, Thomas Worthington and his gang drank champagne. I bet they smoked cigars. I bet they got together with powerful Washington insiders, senators, and representatives, and in a seedy hotel, they fucked each others' dogs and kicked each others' wives, right up until the crack of dawn.

You can't tell me crime doesn't pay. It certainly enriched the Worthington Gang.

* * *

GOOD FENCES (SOMETIMES) MAKE GOOD NEIGHBORS

Imagine you and I are neighbors. We have a fence between our properties. My kids keep jumping the fence and playing in your yard. I do nothing about it. You complain. Still, I do nothing. Finally, you take drastic action to evict my kids and it results in a tussle, so I get involved in defense of my kids and I kill a few members of your family. At the end of it, I approach you with an agreement to move the fence over further into your yard so the area where my kids play will now be on my side of the fence.

When we move the fence and the next day you find my kids rooting through your refrigerator and I refuse to do anything about it, do you think this is just an accidental event, an unavoidable inevitability of history?

It's no accident. I'm a liar. I'm a ruthless bastard pushing you out of existence. I'm engaging in denial. And when you're dead and gone and everyone you love is wiped out, I'll write the history books and tell the story any way I want, and there will be no one there to call me a liar.

Welcome to Ohio! The Heart of It All!

* * *

REALITY ON THE GROUND

The fact that the Indians possessed it didn't make

year entered Indian Territory, followed by General Josiah Harner, followed by skirmishing, followed by General "Mad Anthony" Wayne, followed by genocide, followed by the signing of the Treaty of Greenville.

So, in 1795 at the signing of the Treaty of Greenville, we all know what happens when you have an area set aside as Indian Territory and you let U.S. citizens jump the fence and run around willy-nilly in the Indians' yard. We've already been through that.

We've already learned that lesson. That's why, in Article V of the Treaty of Greenville the U.S. promised to "protect all said Indian tribes... against all citizens of the United States, and against all other white persons who intrude upon the same..."

This is saying, We're not going to jump the fence again. It's saying, We're going to keep our people out of your yard. It's saying, We're not going to jump the fence and steal this area called Ohio.

That was 1795. In 1802, just 7 years later, a guy named Thomas Worthington and 34 other white guys were smack-dab in the middle of this Indian Territory, acting like they owned it, drafting the Ohio Constitution. And what happens when Worthington, if that is his real name, heads to Washington with evidence that he and his friends violated U.S. treaty, that they committed a criminal act, that their conduct might actually be treasonous? Congress validates their crimes.

Imagine this. We take over the local bowling alley and draft our constitution. The owner of the bowling alley contacts the authorities— or, better yet, we march to the city council with our flag and constitution and make a show of presenting it. What do you think the authorities will do? Recognize our Republic of Bob's Lanes? Probably not. Charter our misadventures? Not likely. Best bet is, they'll lock our dumb asses in jail and run a psychological battery on us.

If you can't take over a bowling alley by drafting a constitution that says you can, then how can you take over thousands of square miles protected by U.S. treaty just by drafting a constitution?

The U.S. government ignored its own law, its own constitution, its own treaty, and abolished the very legal principle of land rights and private property.

authority, far removed from your experience.

Your direct experience is invalid. It is unreliable.

You must always defer to an outside authority.

Think about this: Is it really any wonder that drivers will sometimes ignore what they see with their own eyes and defer instead to the computer voice coming out of the dashboard that is instructing them to drive directly into a lake?

Always defer to an outside authority.

...Calculating route...

There's a lie for everything.

* * *

TRUTH, RE-PACKAGED

We make excuses for the colonizers who invaded Ohio. We talk about the territory they "discovered," as if people weren't already living here; we talk about "settlement" as if it wasn't an invasion. We use different words so those words will evoke a different idea, and we can then create for ourselves a false sense of history and reality. Our words shape our denial. We think of the trajectory of our history as some unfortunate inevitability, something destined to have happened, unpreventable.

A lie for everything.

Ward Churchill, a scholar and activist, wrote:

...(T)erms like "discovery" and "settlement" do not reflect the actualities of invasion and conquest they are used to disguise; colonialism is not a matter of "trust," it is colonialism, a crime under international law; genocide isn't an "inadvertent" outcome of "progress," it is genocide, an always avoidable crime against humanity; ecocide is not "development," it is ecocide, the most blatant and irremediable form of environmental destruction; mere possession constitutes "nine tenths of the law" only among thugs devoted to enjoying the fruits of an organized system of theft.(1)

Elsewhere, he wrote:

...(A) vast amount of intellectual energy has been expended by Euroamerican legal theorists over the years in an unending effort to make the armed expropriation of native land on a continental scale seem not only "natural" and therefore "inevitable," but "right and just," which is to say "lawful."(2)

So here is the reality on the ground, the reality that now confronts us: Ohio is a graveyard, a site of invasion and conquest by lawless sociopaths who committed an unforgiveable genocide against innocent land owners. But, as quick as you blink, that reality is re-packaged and sold to you as discovery and settlement and progress, an inevitable transition to modernization, from savage to civilized.

Welcome to Ohio. The Heart of It All.

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(1) Ward Churchill, "A Breach of Trust," Acts of Rebellion: The Ward Churchill Reader, pp. 139-140.

(2) Ward Churchill, "The Earth is Our Mother," Acts of Rebellion: The Ward Churchill Reader, p. 65.

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A TOOL FOR EVERYTHING

Lies are tools. Just like a screwdriver or a hammer is a tool, so is a lie. You use screwdrivers to loosen or tighten screws. You use a hammer to pound in nails. You use lies to get the outcome you want when telling the truth won't get it for you.

If you tell people you want to invade a nation of generally peace-loving people and cause a lot of needless bloodshed and death just so some rich corporations run by wealthy billionaire friends can control more oil, you won't have a lot of volunteers. But if you waggle your finger and proclaim that a tyrant promoted terrorism and subjects his people to a humiliating dictatorship, and that they look to us to liberate them so they can be free like us, and if we

don't invade there will be more terrorist attacks like September 11, you get volunteers by the droves.

A lie is a tool you use to get the outcome you want when telling the truth won't get it for you.

If you want people to work and shop and go along with the program and think well of the authorities, you probably don't want to tell them that people like themselves have gotten tricked for centuries into committing crimes against humanity for the benefit of the wealthy and the powerful. Instead, you have them learn from history books in public schools, describing how George Washington chopped down a cherry tree and other ridiculous shit.

A lie is a tool.

We have a tool for everything.

* * *

CRIME PAYS

You can't "accidentally" steal an area the size of Ohio. It can't be done. How would that even happen?

Okay, you're in Pennsylvania, right? You're right on the border between your state and Indian Territory. You're minding your own business, playing with your dog, and you accidentally throw the ball over the fence. Somehow, the dog gets through the fence and chases it and you have to retrieve your dog. You suddenly realize you're in Indian Territory. Then, whoops!, you accidentally build a McDonalds' and an interstate and you mistakenly put up a road-sign that says, "Welcome to Ohio! The Heart of It All!"

You see what I mean? How do you accidentally steal thousands of square miles of real estate?

Also, consider the pattern here. Long before the Treaty of Greenville, the U.S. recognized the dividing line between the 13 colonies and Indian Territory. The U.S. drafted the Northwest Territory Ordinance and promised that U.S. citizens wouldn't jump the fence and disrupt Indian life. But even before drafting such a promise, U.S. citizens had been jumping the fence by the thousands, and the U.S. had done nothing to stop them. Remember, ten thousand a