

I am NOT
a Terrorist

A Malicious Prosecution:
Ruminations of a Senior Citizen Armed with the Constitution

by Bradford Metcalf

DISCLAIMER

This story is for informational purposes only. How you use it will be your own sole responsibility. The author and publisher will assume no liability, guarantee or responsibility for any use/misuse of the enclosed information. YOYO -- you're on your own.

COPYRIGHT

Copyright 2018 by Bradford Metcalf

This work may not be reproduced, transmitted or stored, in whole or in part, by any means, without the written consent of the author or his agents, except in brief quotations in reviews.

DEDICATION

To Jesus Christ my Lord and Savior and the Lord, God of creation and to my family, who have supported me through all of this insanity (this includes you Loris).

TABLE OF CONTENTS

DISCLAIMER	<u>2</u>
COPYRIGHT	<u>2</u>
DEDICATION	<u>2</u>
PREFACE	<u>4</u>
PROLOGUE	<u>6</u>
JOINING THE MILITIA	<u>12</u>
THE RAID	<u>21</u>
THE KIDNAPPING	<u>25</u>
THE INDICTMENT	<u>33</u>
FINAL PRE—TRIAL CONFERENCE	<u>36</u>
TRIAL	<u>38</u>
THE VERDICT	<u>46</u>
THE SENTENCING	<u>48</u>
AFTERWARD	<u>52</u>
APPENDICES	<u>57</u>

PREFACE

I should start out by stating that I never have been, am not now and never will be a terrorist. By the same token, I have never been, am not now and never will be, "antigovernment." The system our founding fathers gave us was about as optimal as it could be. If you want to see what we should have had, look at the Swiss.

Additionally, I do NOT have a problem with federal employees, per se. My problem arises when those employees ignore the Constitution -- specifically, the Bill of Rights. ALL federal employees are required to take an oath to uphold and defend the Constitution. The Bill of Rights has been recognized as God-given, not something granted to the people by the government. A right granted by the government may be taken away by that government. Not so (theoretically) with a God-given right. Since most people have never read the Constitution, how can they claim to abide by it?

In my lifetime (born in 1951), I have watched America go from what I truly believed to be the Land of the Free, to an oligarchic dictatorship. Do you believe you are free? Try building on YOUR property without a permit. Try not paying your property taxes. Or income taxes. Try traveling without a driver's license. Getting married? Better get a permit for that. In fact, what can you do anymore without getting a permit? Yes, but they will eventually require a permit for you to breathe too. If you don't tow the line, you WILL be targeted. Our founding fathers demanded a Bill of Rights (the first 10 amendments to the Constitution). These rights, if not adulterated by the courts, and if heeded by federal government officials, would indeed guarantee American freedom.

I have often stated that federal judges could turn our system around, back to a free state, if only they would adjudicate with a mind to the Constitution. Any abuses at the state level can eventually be brought to the federal level. For an example of judicial abuse, look at our Second Amendment, the right to keep and bear arms -- the amendment, which as violated by the courts, has had me imprisoned for over 20 years. In 1876, the Supreme Court ruled in Cruikshank that the Second Amendment was only a restriction on the national government, i.e. there is NO jurisdiction for ANY federal firearms statutes. The 1939 Miller case stated that militia members (of which I was one) were to be able to acquire the necessary accoutrements to perform militia service. It should be noted though that none of my hardware went outside current statutory requirements.

Another example? My house was searched with a week-old search warrant. The only items to be seized? One .50 caliber and one .30 caliber machinegun. My "machineguns" were demilitarized parts sets which met Department of Defense (DOD) and BATF specifications to remove them from special restrictions. There have been probably 5 million Browning machineguns demilitarized and sold on the open market, without ANY restrictions. After rummaging around my house for 8 hours, the feds took a PILE of stuff, not on the original warrant. They had acquired another warrant by FAX for the additional items to be seized. Formerly, in the late 1700s, the British would use a "rummage warrant to look for items to be seized on a whim. That is one reason our 4th

Amendment requires SPECIFICITY on the warrant. At one time, in the not so distant past, the excess would have been called “fruit of the poisonous tree”, and been suppressed as evidence.

Federal prosecutors have learned that they can nearly get away with murder in the courtroom because they are a part of “The Team”. So far in my case, dealing with a federal judge has become like dealing with the Godfather. “What? You want me, Judge Luigi, to overrule my cousin Prosecutor Guido? Are you crazy? We will order a psychological evaluation for you. See you in 90(incarcerated) days.” You are not likely to actually hear something of this sort in a federal courtroom. But are very likely to SEE it if you are paying attention. Once you catch a fed misbehaving, good luck in getting anyone to do anything about it.

I used to sometimes think that maybe my mind HAD slipped a cog. There were times when I actually questioned my lack of guilt (there are none of us who are truly innocent, except for One). I also wondered if we had as completely lost our freedom as I supposed. Then, while in transit to FCI Williamsburg, I read a book titled, The Naked Constitution, by Adam Freedman. It clarified for me that Judicial misconduct (reinterpretation of our Constitution), has eviscerated the Bill of Rights.

A primary tactic of federal prosecutors is to take a number of known, provable facts -- then weave a fictional story around those facts, to make the defendant appear to be the most horrible person imaginable. My prosecutor turned me into Osama bin Metcalf.

The following pages will have many of my assertions of misconduct. If I state, “This is what happened,” I have the proof. If I state, “This [probably/could have/maybe] happened”, I have pretty good evidence albeit, maybe circumstantial. I will let you be the judge.

Where I use “(nrn),” it means, “not real name” because I wish to protect someone’s anonymity.

You will find an “Evidence Appendix” at the end of this story. None of this evidence was allowed to be presented at trial, contrary to Supreme Court case law. The evidence supplied by the government itself, will be marked as such. Again, judge for yourself and decide if this was a malicious prosecution.

PROLOGUE

As I start to write this, I have been imprisoned in Federal Bureau of Prisons (BOP) facilities for over 20 years -- for crimes which are not crimes.

I have been in 'the hole' (the Special Housing Unit, a.k.a. the SHU) for 68 days, first under investigation for a disturbance which they KNEW I had nothing to do with. Then when they had nothing to pin on me, they said I was going to be transferred.

This SHU is a real gem. The sleeping pads (not mattresses) are about one inch thick (one of Bob Borker's designs to add torture to Guantanamo detainees, and now inflicted upon BOP SHU inmates). We only get commissary once every two weeks. And we can only buy (some) over-the-counter (OTC) meds, a radio & batteries, and stamps. This is the only SHU where I could not buy a pen. I am currently writing with a rubber pencil -- very difficult. I will write over 100 handwritten pages with one of these abominations. But that is what this entire joint is about. This is part of being in a punishment joint.

When the institution is locked down, so are we in the SHU. There is no particular reason for this. It is probably just more punishment. On lockdown, we get no recreation (rec.), no telephone (which is only one call a month anyway), no law library. I have an imminent deadline on a legal brief and can't meet it because of the lockdown.

At the moment, we are waiting for the cellblock to be ventilated out because they had an inmate who would not "cuff up." The result was a pepper spraying which has affected the entire cellblock.

We spent 40-60 minutes listening to the pepper spray recipient howl every time they gave him a shot of pepper. At about 10 minute intervals, they would give him another dose. I would suggest that after the first dose of pepper, he had lost most of his fight. It seems to me that a shock device would be much more kind and effective, than pepper. But what do I know? This is the 4th time this week that we had the pepper spray threat, but only the second time it was used. Nonetheless, we ALL pay for one man who chooses to buck the system. This cellblock has 32 two-man cells. And we have all just been gassed.

I have long heard that BOP actually means Backwards On Purpose. This is generally true, but here at PCI Hazelton, especially so.

I am currently uncertain as to whom I have pissed off. It could be the emails I have repeatedly sent to the warden, implying that he does not have a clue as to how to run an institution. It could be the fact that I wrote up Health Services for not giving me any dental care for the last 3 years. Or ignoring my 8 year old sinus infection or the atrial fibrillation I have recently developed. The BOP used to at least treat some of my symptoms. Hazelton doesn't even bother with that. The doc will order tests and they all get cancelled by a higher authority. It could be because I was considering reporting incessant non-delivery of my mail (a felony) to the postal inspector and the U.S. Inspector General. I am pretty sure it is one (or all) of the above.

Aside from presuming to request mandated services, I am a model prisoner. I don't drink. I don't drug. I don't gamble. I don't smoke. I am not gang-related. I don't

handle contraband. I don't engage in homosexual activities (yes kids, it is definitely a security problem in prison). I mostly sit in my room (cell, a.k.a. house) and read. I like to get an hour of rec every day but that is about the only time I leave my cell, except to eat, shower, or occasionally visit with the few prisoners I know who are not on "stupid time." My only real "prison sin" is that I often exercise my constitutional right to petition the government for a redress of grievances. I am 66 years old and don't abide with monkeyshines. And this place (Hazelton) is full of them. I thank God that I will soon be divested of this insane asylum (the transfer to Williamsburg will be a blessing).

So what has made this place so difficult? Most recently, especially with this warden, it is the incessant lockdowns. Why? Some K-2 smoking moron passes out? Lock 'em down. A bag of hootch (homemade wine) is found in a common area? Lock 'em down. An inmate uses harsh language? Lock 'em down. Most recently, and the reason I am in the SHU, 6 men were caught out-of-bounds in our unit. Kick them out and lock the unit down. Yeah, that makes sense.

I expect a short lockdown after a fight occurs, but this place is ridiculous. At USP Big Sandy, we had a Captain that would "arrest" all fight participants. If they were in gangs, the participants were transferred. The Captain then "briefed" the relevant "shot callers" and warned them that any more violence would result in the transfer of many more. Total lockdown time? One and a half hours. Here? It usually will last for a week. I explained this to the warden in one of my emails. I don't suppose he cared much for the exercise of my right to petition the government. The problem is, there needs to be some brain function on the receiving end for the email to do any good. Other problems? Half the time, the rec yard is closed. This is where one goes to get fresh air, exercise and sunlight. Rec moves are done whenever they feel like it -- if at all. Other joints have (e.g.) hourly moves. And they try to keep on schedule. Not here.

There isn't much to do here. If rec is closed, that leaves the library as the only alternative to sitting in the housing unit. This library is about $\frac{3}{4}$ the size of others I have seen. There are 9 tables; one dominated by the homosexuals, two by sex offenders. That leaves 6 tables for 1000 other inmates.

They cell us up for the night at 8:45PM. If one comes back on an 8:30 rec move, that leaves no time to take care of any personal business. 8:45 for adults?

It seems to be a favorite pastime for some BOP employees (and especially at Hazelton) to push and push and push, until a reaction is reached. When normally one would brush off a slight or insult, some of these people push until the reaction is inevitable. That way they can catch you (often on camera) when you are looking like a wild animal. Then they say, "See, we told you what he was like." If you place any animal into a corner, even a docile little bunny rabbit, and poke it with a sharp stick long enough, it will eventually come out of that corner and lunge at you with gnashing teeth.

This warden, and the last two before him, likes to lock down on the slightest provocation. He has to know that caging 1200 men for a week is going to raise energy and angst levels sky-high. It has to be a part of his plan to turn this into a lockdown joint, where nobody comes out of his cell except for a special reason. NOBODY benefits from this type of "correction," least of all society, who will eventually have a herd of animals unleashed upon them at the end of the prisoners' sentences.

I don't advocate letting misbehavior go unpunished but there is no legitimate penological interest served by this kind of institution management. As it is now, all prisoners get punished for the misdeeds of a few.

By any standard, this is a punishment joint. There is much more wrong with this place. When they tell me, "Good riddance," I will be vigorously returning the sentiment.

My current SHU cellie has been dogging me to include him in this story. I call him E-Lo (short for Eric Lopez) and no, he is not related to J-Lo, except they are both Puerto Rican. He wants me to call him Big E. Naw, I don't think so. He'll be my cellie for over 2 months.

Eric's two favorite subjects are fornicating and food. He tells me often about what a connoisseur of each he is.

He tells me he is God's gift to womankind. He says he can tell if a woman is being serviced properly by her husband, or not, by the look in her eye and the sound of her voice. And then he expounds on how he could cure the problem. After becoming a Christian, I lost interest in adultery. Or at least began to fear it. E-Lo has no such restrictions. He has a predilection for the anus. I have lost all interest in that too.

When E-Lo talks about food, I wonder why he doesn't weigh 400 lbs. He is 5'8" tall. Since coming to the SHU, neither one of us has felt well. Nausea is an everyday thing. The water out of the tap tastes horrid most of the time. But E-Lo still smiles as he reminisces about REAL (non-prison) food. He talks often about the "8—pack" he will be sporting and 4% body fat he will have at his next joint.

E-Lo came to the SHU for fighting. He told me he was attacked by several guys. When he went to his DHO (Disciplinary Housing Officer) hearing, he told the DHO that he was attacked and did not believe that retreat was feasible. His only option was to defend himself. While the DHO admitted that he would also have defended himself, he gave E-Lo the full treatment. He lost 27 days of good time, 4 months of email restriction and 10 days of disciplinary segregation (which differs in no way whatsoever with administrative segregation).

Eric has what he calls photophobia (probably photophobia), a severe aversion to bright light, either natural or manmade. He has complained about it so many times that it makes me wonder what is wrong with the BOP staff. Eric covers our retina-scorching fluorescent lights with white writing paper, which only marginally cuts the brightness. Almost everyday he is told to take the papers down. He has repeatedly explained to BOP staff that his eyes hurt and his vision is becoming impaired. He tells me it is hard to read, write or focus. One would think that in the 2 months he has been in the SHU, that he would have been scheduled to see the eye doctor. Triage and prioritizing is something totally foreign to Hazelton's medical staff.

Eric pointed out something I had not considered. Without me going to the hole, I probably never would have started this book. Nobody has ever really heard this story. Maybe I can get my side of it told for a change. If it hadn't been for Eric's prodding and encouragement, I may have put off writing this story for another 10 years. Or more.

Eric was a breath of fresh air compared to one of the cellies I had on the compound, The Kid.

The Kid is probably responsible for the Afib I have started to experience. He has stressed me to the breaking point. The way Hazelton does it here, if drugs (or any other contraband) are found in your room, you both go to the SHU. I have repeatedly told the Kid to keep his dope (K2) out of the room. He stays high, from the time he arises until he stumbles into the house at lock-in time. He isn't Werner von Braun when he is straight but is at least tolerable. When he "floats" into the house, he is like the old fingernails across the chalkboard. He gives new meaning to Forest Gump's, "Stupid is as stupid does."

One of the biggest problems I had with him was when an older black man kept coming into the house, first thing in the morning. He would shake the Kid's toe and tell him to get up. After the fourth or fifth time, the Kid got out of bed and rummaged around in an envelope under his mattress. Then he took off. I am no Werner von Braun myself but I could see this was all about K2. BTW, the Kid is white, in his early 20s. There is only one thing in common between him and the older black guy. Dope!

I got up, looked under his mattress and found a large envelope with a bunch of numbered pieces of paper stuck to a mail label. It was not a very original hiding place. I took one of the pieces out and set it on his ID card. Then I left. When I came back, he and the old black guy were frantic. I asked, 'Are you looking for this?'

He said, 'Yeah, thanks.' I was livid. Of the previous 5 or 6 cellies, they all agreed to have NO dope in the room. It was a respect thing. Doing something that can get your cellie hammered for your stupid actions, IS disrespectful.

I had someone tell me that going into my cellie's property wasn't right. I told him that I wouldn't have done it if it was something that only my cellie would get in trouble for. But this included me and I have a spotless record on the drug issue. I didn't need it screwed up by the actions of a knucklehead.

I have been trying to get to Milan so that I can visit with my 95 year old mother, whom I have not seen in 5 years. And the Kid didn't give a rat's ass. I don't recall a day when I didn't want to pitch him headfirst, over the guardrail on the top tier.

Another aggravation with the Kid was, he had 10 or 12 blankets on his bed. He liked to climb up into his "nest." The problem is, we only exchange 2 blankets every month. The other 10 blankets never got exchanged. Which means they got loaded up with dust mites. I got a case of the "itchies." Bad. Having once had scabies, I knew what I was facing. I warned the Kid to clean up his act or I would go to medical and complain about the itching. They would then come over and fumigate the room. The Kid would loose all of his blankets, which he had probably picked up from the discard pile anyway. The next thing I know, I am off to the SHU. Do you suppose there might be a connection?

The Kid would hang out with the young D.C. kids. They were constantly telling the Kid that they like his butt. Most of the older guys knew that the D.C. kids in question were just a bunch of animals. They really didn't care what hole they placed themselves into. We incessantly told the Kid that they weren't kidding around.

The Kid spent probably \$600 a month on his dope. We have a spending limit at commissary of about \$320. Every shopping day, he would come back with 2 full laundry bags of food. By the time he got back to the room, he had 2 empty bags. This Kid had

2-3 times as much coming in as I did. I can't say that I eat like a king but I am certainly not underfed.

The last I heard, the Kid was asking the unit white homosexual how much he got paid for giving a blow job. Even in prison there is a problem with prostitution for drugs.

After being in the SHU for a while, I saw the Kid down the range. We believe he was locked up for possession of hootch (wine). He had mentioned that he had been approached to hold the hootch while it cooked. I told him, "Not in this house, Bub."

The Kid had me so stressed that I probably would have had a stroke or heart attack if I hadn't been run off to the SHU. I keep hearing that everything happens for a reason.

I ended up spending 3 months in the SHU before being shipped (to Williamsburg). No disciplinary action was instituted against me. I would find out that I was placed in the SHU because I complained about not receiving dental or medical treatment. It used to be a felony to retaliate against someone for exercising a constitutional right. But good luck trying to get a warden indicted for violation of a prisoner's rights.

As I was traveling to my new abode, I was held over in USP Atlanta. Because of my terrorism enhancement, I was placed in the SHU. I was singled out from the rest of the travelers, along with another guy who had a middle-eastern look. I said, "Let me guess -- terrorism?" He looked at me, looked around and whispered, "How did you know?" I said, "Me too." Yassir Akim(nrn) told me that (being a Sunni) he laughed at Shiites who had been beheaded. He also said he had declared that he supported the Islamic State. He told me that support of the Caliphate and the Islamic state was a tenet of Islam. He told me that he was indicted for, "attempt to provide material support for terrorism." I asked him what material support he had given (e.g. money, sending weapons, etc.). He said, "Nothing, just the declaration." Now, I am terrified of the prospect of living under Islamic law, but even I can see that this guy was only exercising his right to free speech, which, unfortunately, we no longer have.

Perhaps I should now digress to where this all started for me. I suppose this story actually begins with me joining the Boy Scouts. My parents probably figured that being with that group would steer me away from the road I was on to becoming a juvenile delinquent.

After my second scout meeting, my dad drove into the wrong entrance and caught me smoking a cigarette. That was 'all she wrote' for the scouts and me. In that two weeks though, I learned a very important two-word lesson – "Be Prepared"! All through my teens and twenties, I kicked myself whenever I found myself in a situation that could have been avoided if only I had been better prepared.

Somewhere around our Bicentennial (1976), my brother postulated to me that the only real difference between a \$1 bill and a \$100 dollar bill was the peoples' willingness to accept that the bills had a certain value. In fact, in a fiat money system, into which ours' had evolved, the "money" is basically worthless. Our Silver Certificates were now extinct, replaced with Federal Reserve Notes. You might say, "But they still spend!" Yes, today. But what about tomorrow? Maybe yes, maybe no. It all depends on whether or

not the government continues to provide services and Americans' willingness to work for the dollars. It was an unconscious decision but I had now become a "survivalist".

I didn't rush out and buy a bunch of guns or go dig a bunker. I did start thinking of, "What would happen if...?" This would shape my thinking from then on. I started to imagine different scenarios -- economic collapse; an asteroid strike; nuclear war; natural disasters; or any other catastrophe du jour -- and how I would deal with them. I toyed around with "prepping" for two more decades, always leaning toward more serious equipment. And whose equipment is more serious than the military's? My firearm selections leaned toward the battle proven type of weapons that would hold up in a "the end of the world as we know it" situation. Many military type weapons have the ruggedness that I wanted but were also superbly accurate. It was the best of both worlds. And that weaponry was not dependent upon electricity, unlike almost everything else in our society. A catastrophic Electro Magnetic Pulse (EMP) from a terrorist attack or coronal mass ejection event on the Sun would have no effect upon these firearms.

For a decade before I was kidnapped by the feds, I seriously prepared. When the militia came into my life in 1994, I saw it as an opportunity to engage with others of a possible like mind. That was where my troubles started. I am Bradford Metcalf and this is the story of a Malicious Prosecution.

JOINING THE MILITIA

I got hired into The Big Red K in 1988. This started a separation from my wife that, 6 months later, would initiate my divorce. After spending that 6 months trying to talk her into moving to Battle Creek, I gave up and filed the papers with the court. In hindsight, I only traded one set of problems for another.

With the divorce, I also got a lot more autonomy with how my earnings were spent. This would work out to be very good for me, and also very bad.

Shortly after starting work, I met a guy who, I was told, would hold his ground when challenged. I had been burned by people who would turn and run at the first provocation. It is not that I looked for trouble. I avoided it as much as possible. But some people just won't be reasonable.

I ended up becoming fast friends with Dale Chavez (nrn), who also thought it a good idea to prep. We spent nearly a decade going to gun shows, shooting events and just hanging out.

One of the big events that we would attend was the Knob Creek Machinegun Shoot, held twice a year, in Kentucky. This was where I fell in love (lust) with the .50 caliber Browning Machine Gun (BMG) round. It was also where I overheard some of the participants talking about a company that was modifying BMG parts sets to fire semiautomatic. Gee, that would open up ownership of formerly forbidden hardware to us commoners, slightly modified of course.

Sometime in 1996, I located an Israeli .50 parts set for \$1000 and a couple .308 parts sets, 2 for \$400. I may not be a genius but I believed I could figure out how to make them semi-auto.

The parts sets were sold through the mail by numerous suppliers. None of these parts sets had a right-hand sideplate, which is the registered part--i.e. the completed sideplate IS the machinegun. Fifty and eighty percent sideplate blanks were available, also without any government regulation. Only completion of a sideplate would make the combination illegal¹ if not modified for semiauto operation. I thought I was legal. And technically, I was. I would go over to Dale's house just about every Saturday and his wife Penny(nrnr) would make me a cup of coffee and talk to me for a few minutes, often speaking about Jesus. I attribute my accepting Christ as my savior, to her. Thank you Penny.

After the debacle with the Branch Davidians in Waco, Texas, a lot of people started taking note of the, sometimes, heavy-handed tactics used by certain government agencies, e.g. BATF and FBI. The murder of the wife of a man trying to live isolated, by an FBI sniper, a year earlier, didn't help matters either.

My biggest complaint with the government was that they seem to have forgotten who is the servant (them) and who is the master (We the People).

When I worked in the oilfield, it was an all-weather thing--rain, snow, sleet. You name it, we worked in it. Why? Because IT WAS THE JOB! Not because it was fun.

When I worked at the Big Red K, I also had to work in uncomfortable environments---high heat, noise and humidity Climbing a 100 foot runged ladder up the outside of a building in midwinter? It wasn't fun. But, IT WAS THE JOB!

I never expected government employees to go "above and beyond the call." But they are paid, just like everyone else, to JUST DO THE JOB!

I don't hate the government. The one we got from the founders was great. But somewhere along the line, that train ran off the rails and we ended up with (as the Bible puts it in Judges) "every man doing what was right in his own eyes." It is a form of anarchy.

All I ever expected of government employees is that they JUST DO THEIR JOB! I have no complaint with those that do.

In 1994, Dale (and family) and I were out at Fort Custer to observe the "Get to Know Your National Guard" day. Boy, the military gets all the really fun toys! As I was walking through what was said to be a concrete "shoot house," I found a business card for the Calhoun County company of the Michigan Militia. They had weekly meetings at a local coffee shop, so I decided to check it out. Dale was working but Penny tagged along out of curiosity. Something didn't sit right with her and she said they would not be getting involved. If only I had had enough sense to see what she did. Hindsight is 20/20.

I saw nothing wrong with exercising the citizens' prerogative of joining the militia. After all, it was mandated in the Constitution. I researched how the militia was supposed to be operated. There is scant guidance from our Congress. I think this is by design.

The Militia Act of 1792 required that every able bodied, free white male, when he reached the age of 18, was to report to the [militia] captain (today, that would probably be the county sheriff, or someone closely associated). At that time, he was expected to possess the required accoutrements, i.e. a musket or rifle, knap sack, enough powder and shot for a short engagement, and probably a tomahawk(today, that would be an M-4 carbine or M-16, 10 magazines, 360 rounds of ammo, a backpack, magazine pouches and a knife). If the young man did not have the equipment, he was to be "put out to service" until he earned enough to pay for it. With subsequent Supreme Court decisions, basically all citizens, regardless of age, gender, race, etc., can perform in the militia. If you can see your target and pull a trigger, you are good to go.

In the Constitution, we are told the purpose of the militia -- to repel invasion, suppress insurrection, and enforce the law. Logic and the few cases I have read about the militia, dictates that the militia is for "local use only" -- until called into federal service. This means that the militia does not leave the boundaries of its state, unless in hot pursuit. Do you hear that National Guard?

The General Defense Act of 1916 seems to have marginalized the citizen's militia (the "Unorganized Militia") and put the National Guard in as the "first string," now the Organized Militia. It appears that the Congress basically amended the Constitution with a legislative act. The whole idea of the militia was that it be made up of local people, in order to avoid the tyranny that could result from non--locals. For an example, look at the standing army emplaced by King George in the pre-revolution period.

I don't think too many of our militia guys took themselves too seriously. The media sure had a feeding frenzy though. It was actually pretty entertaining.

Our first commander Scott was a good guy with a good sense of humor. He most likely thought that we were a threat to nobody. The gathering of folks to talk politics and “play army” was a galvanizing factor and allowed people to blow off steam. It was actually a safety valve. I would often hear people say things that today, would get them locked up as terrorists. It was easy for anyone with half a brain, to see that they were just venting. Nonetheless, I would always warn people not to express in public, what they did not want repeated in a courtroom. I should have listened to myself but at the time, I thought Americans still had the right to an opinion.

As time passed, we lost the places where we would “bivouac” and “train” in small unit movement, etc. Since I lived on a 37 acre tract of land, I said, “Yeah sure, let the boys come out and play.”

Norm Olson, the head of the Michigan Militia, organized a media event in early winter of 1994, in the northern lower peninsula. CBS was the biggest name there.

A dozen or so of us were organized into two squads and were marched in a ‘Ranger shuffle’(it looks like a jog but is only at a walking pace) out in front of the cameras. I glanced over at my adjacent squad member and thought he was going to “vapor-lock.’ It was fortunate for vapor—lock that we only had about a quarter mile to go.

Later, we had a shooting exhibition. We had human sized targets set up at 100 yards, with a pink fist—sized balloon on each target. We would be firing for one minute. Normally, rapid fire for me is 10 rounds per minute. I wait for the natural pause on my exhalation to squeeze the trigger. But this was to be a “mad minute,” where we were supposed to put more lead downrange. I would also fire on the natural pause on my inhalation. That would allow me to fire the full 20 rounds from my FAL magazine. We commenced fire and I broke my balloon on the 3rd or 4th round. All 20 of my rounds were solidly on target. My FAL had an experimental muzzle-brake on it. When I later saw CBS’s video, I quit using the brake. The flash was horrendous, as well as the noise.

Ole vapor-lock was about 3 or 4 stations down from me. He was shooting an SKS (a Soviet semi-automatic carbine chambered for the 7.62×39mm). He fired (3) thirty-round mags and he had fewer hits on his target than I did -- about 17. I always postulated to the members of the militia that we didn’t have the benefit of the Army’s re-supply helicopters, so it would behoove us to make every shot count. Our re-supply would be whatever we carried in our backpacks.

I ran into an older fellow at the bivouac area who showed me a photo of his “babies”. They were (2) Sten guns — WWII British sub machineguns that only cost the Brits a few bucks apiece to manufacture. The parts sets were cheap and it was supposedly relatively easy to find a tube to reconstitute the receiver (machining and welding required). I told him he needed to be careful who he showed them to. He replied that he had a constitutional right to them. I agreed but our government is not convinced. He would later use the constitutional argument -- unsuccessfully -- in a court filing.

The media event was where I met Teri. I couldn’t see much of her because it was chilly out and she was all bundled up. But she had a real sweet personality. We ended up exchanging phone numbers.

Later, there was some incident that the militia was getting blamed for in the media. Norm Olson had a recording of some woman who stated that this incident was retaliation by the Japanese for the subway gassing that killed and injured a number of their people. I had heard this tape and the woman was very convincing, but also apparently a pathological liar. In the only faux pas that I ever saw from Norm's group, they tried to deflect blame from the militia to a group of Japanese. It was not necessary because the accusations on the militia were very flimsy.

A vote of confidence meeting on Norm was set in Jackson, Michigan and I made arrangements to meet Teri there. Wowser! Did she clean up nicely. We soon started dating.

Scott was also at the meeting to represent Calhoun County. He had to leave early, so he gave me control of the vote. I voted against removing Olson for a number of reasons, not the least was because at least a third of the counties were not represented at the meeting.

This happened to be the meeting where Timothy McVeigh allegedly got up to speak to say that, "We have to strike back against the government, NOW!" Funny thing. I was there for the whole thing and I don't remember seeing or hearing McVeigh at all.

I started to visit Teri on the weekends, which turned into every night. I lived in Battle Creek and she lived in Howell. It was a trek of over 100 miles each way, but I was smitten.

After several months of this, we decided to move in together. Teri worked at the Secretary of State office in Howell but was able to effect a transfer to the Lansing office. She had a previous melanoma, which had claimed two of her toes, making it difficult for her to stand all day.

It worked out for the best when we found a little farmhouse to rent out in the country, about half way between her job and mine. The first week we were together, Teri stopped taking her meds; Prozac, synthroid, and a few others. We had discussed that we would have to find alternatives when society unraveled. But she dropped them all at once. Before I knew it, I came home to find her (figuratively) flying around the house on her broom, tossing fireballs. What happened to the sweet, demure angel I had fallen in love with?

We had purchased a 37 acre property that appeared to be ideal for building upon. Eight or ten acres were in pines. Another 10 or 15 were in wheat. There was a permanently flowing drainage ditch/creek running along the back and side of the property. Best of all, it had a sand pit that would double as my shooting range. I could only get about 35 yards out of it but that was good enough for my purposes.

The military was zeroing their AR platforms at 25 yards, to get a battle sight zero at 250 yards. As the bullet moves up through the line-of-sight, at 25 yards, it travels on until it comes back down through the line-of-sight (due to gravitational pull) at about 250 yards. Twenty five yards would suit me fine. Besides, ALL of my pistol instruction would occur within 25 yards. Magnifique!

We casually made plans to build a house on the property, but as the spring and summer wore on, frictions grew between us due to her lack of medication. She became ornery and obstinate. Then I did too.

Things pretty much came to a head at the end of summer when we vacationed in Tennessee at the house of one of her friends. After we got back, we had it out and I determined to leave. As I was walking out, she asked me to stay. I figured things would change for the better,

Nope. We were at an impasse as to who-would-buy-who out of the property. At about the same time, she visited her oncologist and found out that she had cancer again. It started in a lymph node in her groin, then spread out.

I was still of a mind to leave until then. A coworker had told me how he had bid his girlfriend "adios" when she got cancer and I determined I would not do that to her. Lest you think I was sticking around to get the property all for myself after Teri's demise, we placed the house in a trust, to protect both of our interests. It didn't pan out that way though.

Teri very badly wanted to live in our house, so she paid to have a 50'x 50' pole barn erected. She also paid for the well and septic. I paid for the concrete work and the inside materials. I also provided all the labor.

Since I had friends at work who were of all the skilled trades, I could ask any of them if I had questions about electrical, plumbing, HVAC, you name it. It worked out well.

We ended up splitting the building down the middle -- half house, half garage. But it was 16' high, so Teri would get the great room she had always wanted. I built a 25 x 24' loft for us, then put a catwalk over to an 8' x 24 smaller loft. It was a fun place to live.

Teri bought a travel trailer for us to live in while I built the house, I ended up doing almost all of the construction myself, which really surprised me. It is a wonder what one can do with a block and tackle set-up. For example, I raised a 25' x 16' wall all by myself. Then I anchored my lines and secured the wall in place. Building a stairway can be a real challenge if one is looking for accuracy and consistency between treads. It all came together enough by the spring—time for us to move into our loft.

The only working sink we had was the laundry tub in the mud room. I cobbled up a water line to feed the toilet tank and ran a garden hose from the laundry tub to the bathtub upstairs. It wasn't exactly up to code but we could get by until I finished. Teri had a real sense of urgency to get into her house. Who was I to deny her?

Teri started to get treatments at Cancer Treatment Centers of America in Zion, Illinois. When I drove her over there, I marveled at all of the housing I saw in Chicago. It seemed to go on for mile after mile. High rises. There were a LOT of people living there. Then I considered what Chicago would be like if we were subjected to a "world-changing" event - let's say an EMP(Electro Magnetic Pulse).

An EMP from a high altitude nuclear detonation (lets say 300 miles) above the center of the U.S. is expected to wipe out almost all communications and the electrical grid. It is debated about how much automobiles will be affected. Some say they will all continue to run. Others believe that anything with computer control will be "smoked".

When I bought my 1989 Ford 3/4 ton, 4wd pickup truck, I had EMP in mind. The engine was a mechanically injected diesel and the transmission was a 5 speed manual.

A cursory look at it showed sensitive electronics in the glow-plug cycling circuit (easily bypass-able) and anti-lock rear brakes, I had the complete shop manuals so I could bypass more, if need be.

At any rate, a megalopolis is the last place I would want to be in a power-out situation. No power or communications? No orders placed for re-supply. Grocery shelves would be stripped in days, if not hours. Paying with a credit or debit card? The machines are dead. Maybe if you have some cash, someone will accept it. That won't last long once people see that the government isn't going to be able to fix the problem. The currency of the "New Millennium?" Trade goods. Especially ammunition.

By the way, if you live in a gun-free/defense-free zone such as NYC, DC or Chicago, you might just want to figure out how you are going to hold on to what little bit you may have -- you know, like your food, your virginity or your life. But I digress. If you want to know how to get ready, try a website like prepperrecon.com

As 1996 wore on, Teri kept getting worse. New tumors kept showing up between treatments. Finally, in about July, Teri had become too weak to keep fighting against me. I had determined that I would not enter into a marriage full of turmoil. When Teri finally settled down, I asked her to marry me. We had a lovely ceremony at the house and all of our friends attended.

Several months before this, Teri and I had attended the wedding of a friend and when they were joined together, the preacher said, "And now by the power vested in me by the State of Michigan, I pronounce you man and wife."

A little light blinked on in my head. Apparently, the same happened with Teri. We both looked at each other with quizzical looks. "Eh? When did that happen?" I had always assumed, at least since I became a Christian, that a marriage was a covenant between a man, a woman and God. Where did the State weasel into it?

We believed that including the State would adulterate the union.

I found out later that the state has its own ideas about that. If I were outside of prison, I just might test that one in court. So, we were moving along in connubial bliss, except for Teri's cancer. We were both hoping and praying for remission, that is, a miracle.

During the previous summer, Teri had told me that, if she were to die, don't notify her family. I told her she shouldn't cut them off like that. I should have kept my mouth shut. It would later bite me in the butt.

About a month after our marriage, Teri and I were outside on a balmy fall day when she was attacked by what I refer to as the "Bug from Hell." At first I laughed as she tried to wave it off. This thing sounded like a swarm of bees. Teri fell backwards and I heard a "snap" as her arms tried to break her fall. Oh. oh!

We ran her into the hospital and they x-rayed her. She had developed another tumor in the bone, which had weakened it. They would have to go in through her shoulder to put a pin in.

She seemed really weak when she came home but I just figured that was the post-op effect.

Over the next week, she didn't get better. In fact, she got weaker. She told me she thought she might have an infection. Yep. 103.3 degrees. Her doctor said to get her to the hospital. We rushed her in and had her admitted. Over the next 36 hours or so, she continued to deteriorate until she passed away on October 4th, 1996.

She was buried on a little hill opposite the house so that when she is raised up in the resurrection, she will see the house as she passes by.

For months, I was numb. I always felt like I had been hit by a truck. It started to ease a bit when I would go out into social situations. That didn't really get with the program. I even (stupidly) went to a strip club a few times. That did tend to get the blood flowing again but I knew it wasn't right for me. I went out on a few dates but my head wasn't quite right.

I think it was February, 1997 when I was at a militia meeting at Speed's Coffee Shop when I bumped into Paulette. Her mother, Marge, was the first one I met in the family. Then, I met Marge's daughter Laura and then Laura's husband, Ken. Finally, I met Paulette. Ken was pretty active in the training. He apparently had some training in small unit movement. Ken was pretty quiet and reserved. That was what I liked about him. No braggadocio.

I asked Paulette out for dinner and we started to get to know each other. She was a bright, attractive lady that had just escaped a bad relationship in another state. She and her oldest daughter, Myra, were staying at Marge's house. Paulette's youngest two, Leatte and Kurt, were staying at their father's house. After a few dates, Paulette and I were getting along fine, so I told her she could move in -- and bring the kids. She was a little reluctant but I had this big house in the country with just the cats, dogs and me. Soon, all four of them were there.

By this time I was starting to see the failures I had made with my own daughter, Candace. Being a dad for two days every two weeks does not do much for encouraging growth in fatherhood. I didn't know how to do it. Being selfish didn't help the situation either. I decided to try to do better with Paulette's kids.

They were all good kids. I think Kurt was 6. I watched him running across the yard one day. He tripped on a tree root or in a hole, going elbows over teakettles. He picked himself up and looked around, thinking nobody had seen him. He then dusted himself off and blasted off again. I thought, "Hmmm, tough little guy." Kurt and I would become fast friends.

Leatte, about 7 or 8, was a little tougher to get to know. I would be playing with Kurt and she would walk up to me and stand there "mean-mugging" me. I would say, "What?" She wouldn't say anything. After a while, I told her, "If you don't stop mean-mugging me, I am going to chase you and hug you and kiss you." I thought that would cure the problem. She kept it up, so I went after her and caught her. The shrieking was earsplitting but that was all she was after -- just a little bit of attention.

Myra was 17. She was attractive, funny and laid back. Her mother would get on her every now and then for doing something thoughtless (isn't that what 17 year olds do?). Myra, who was rather busty, would stand right in front of Paulette, get a blank look on her face and bounce up and down, shaking them right in her mother's face. It seemed to exasperate Paulette to no end.

One time, Leatte was using the toilet and Kurt really needed to pee. I told Kurt, "Come on, I'll show you how the men can do this." We jetted outside and went behind the garage. Paulette followed. I told her, "Go away, we are doing MEN things here." Then I told Kurt, "Face that way, I'll face this way, and we can both take care of our business at once."

This was about the time when I started to realize that Paulette had had a string of significant others who hadn't always had honorable intentions around kids.

Later, after my kidnapping, a friend was visiting the house and was chatting with Myra. She told him, "I liked Brad. He was the only boyfriend my mom ever had that didn't 'hit' on me."

To this day, I can't figure out how someone can abuse kids. I don't see what the attraction could be. Unless it is some kind of control thing. I would find out later that federal prison is chocked full of sex offenders.

The most enjoyable feature of my place was the 25 yard shooting range. Teaching people to defend themselves was something I enjoyed. If one can shoot, even a 95 lb housewife becomes the equal of a 240 lb thug. Many people think there is only "prey" and "predator." But there are also "sheep dogs." I considered my firearms training to produce more sheep dogs and fewer prey.

As time passed, Commander Scott was replaced through the prescribed militia process of election, by Ken Carter. The reason for this was not any deficiency in Scott's leadership abilities. He did a fine job. But he had a full-time job which required some travel and he had a family. On the other hand, Carter collected disability and only had to supervise his kids all day. It was easy for him to call people to notify them of our training sessions.

Carter let his position go to his head, apparently. He was always attempting to recruit more, people. OK. "But let's see who you are getting."

Two of his bloopers were Brent and Jeff---the guys known as the "Goof Troup." Brent was a former "Navy SEAL." I was skeptical but I felt, "Hey, this is the militia---you can be anybody you want to be." I was later informed that Brent mustered out of Navy basic training after several weeks due to a head re-injury. Some SEAL. Jeff was a former "Green Beret." While shooting his FN/FAL(a serious battle rifle) at 12" paper plates, at 25 yards, he couldn't keep all his shots on the target! With that gun, he should have been able to keep ALL those shots on the plate, rapid fire, at 300 yards. Yep, Jeff never wore the Green Beanie, either. They managed to bring Gary with them when they were kicked out of the Kalamazoo militia. Gary got the name "FedEx" because we all believed he was a federal informant. And he was. Since we didn't believe we were doing anything illegal and most of us weren't, we all laughed about it.

Then along came L'shawn. He worked at the drive-through window of the liquor store where Brent shopped. Conversations were struck up and Brent agreed to make PVC pipe bombs to trade to L'shawn for CB radios. No, I don't know why, but that is how it went down. Brent introduced L'shawn to Carter and before you knew it, L'shawn was our first black militia guy. And now, of all things, he was head of security! It turned out that L'shawn was a convicted felon who was apparently working off his time by being a federal confidential informant.

L'shawn joined us out on my shooting range, handling a number of our firearms. Gee, that made him a felon in possession. That is up to a 10 year sentence. But not for L'shawn. L'shawn rolled on Brent and that was the last we saw of him.

I visited Brent in the county jail, mostly because Jesus said it was good to visit those who are imprisoned. I sent Brent a Bible study because he was a real emotional train wreck. Brent took the plea bargain and agreed to testify for the government. My act of good will to Brent would later come back to bite me in the butt. It again proves to me that no good deed will go unpunished. Brent received a 39 month sentence. You know, 3 years, 3 months.

"Tom" was another of Carter's foul-ups. Carter told me that Tom claimed he had an M-14 that would shoot quarter-inch groups at 200 yards. I told Carter that Tom was full of crap and to get away from that guy. He didn't. In fact, he went on to make many conspiracies with Tom, which later, I would get blamed for. Tom was an undercover BATF agent. I only met him once. Since I desperately needed sleep at the time, I simply said, "Hi," and went to bed.

On a Friday night in June or July, 1997, we were preparing for training on the following day. A storm was brewing, so my future son-in-law, Ty, stepped outside to roll the windows closed on the travel trailer that he and Myra used to get away from her younger siblings.

There was a bright flash and a simultaneous boom. Then, a high pitched, 'Yike, yike, yike.'

Ty came into the house and said, I think your dog just got hit by lightning. I went out and tried to do chest compressions but all she did was shiver before expiring. It only took me about two years to figure out that a lightning hit would have totally paralyzed her. What had probably happened was one of the police (local, state or federal) was out trespassing to spy on what we were up to. The spy crawled under the trailer to get away from the coming storm. The dog was about to expose him when his weapon discharged, killing my dog.

Later, before the raid on my house, the feds tried a number of times to apprehend me before I arrived home from work. They were wanting me separate from my guns for some reason (?).

One time, I was cruising along a main highway and said to myself, "I think I'll take the scenic route home." I turned left and went north.

The next time the feds saw me was when I was pulling into my driveway. Oops, too late. What had happened was that they were tailing me in an aircraft. I was traveling below the stall speed, so they had to fly in circles. While they were on the backside of their circle, I turned off. I later learned this from an FBI 302. The 302 is an FBI form for making reports.

They apparently thought they had to put a tracking device on my truck, so on it went. The only problem was, some nitwit tied it in to a hot wire instead of one that operated off of the ignition switch. That killed my (2) 1000 cold-cranking-amp batteries as dead as a doornail, which made me miss work and foiled another raid attempt. Nobody ever said these guys were rocket scientists.

THE RAID

I had recently switched from working day shift in the Science and Technology department to a production job on 3rd shift. My job was double duty which left no time for breaks and about half a lunch period. I was coming home bushed every morning.

I was eastbound over the I69 overpass when 2 State Police cars came barreling up behind me, hell-bent-for-leather, lights aflash. I got past the overpass and got out of the way. They didn't pass. I thought, "What the hell?"

The next thing I knew is some guy in a blue jump suit and a white mesh vest was at my window asking if I was Brad Metcalf. "Hell, I thought this was a traffic stop." I stepped out and he had me lean up against my truck bed. He told me, "We can do this the easy way or the hard way." Again, I thought, "What the hell?" He pulled my hand behind my back and cuffed me up. When he pulled my second hand back, I glanced over at this female who apparently thought she was a real tough cookie. She had an AR carbine in one hand which she tried to raise in a threatening manner. That weapon was loaded up with so many gadgets that I was surprised she could hold it with one hand -- rifle scope, bipod, laser, forward grip, a flashlight. Wow! Too much. All I could do was laugh.

They stuffed me into the back of a police car and proceeded to search through my truck. They could only legally do that if the truck was on my property. They wanted my permission to drive the truck. My thoughts were not just NO, but HELL NO! I told them to just lock it and leave it there. That was inadvertently smart of me. In the 20 minutes that they searched my truck, they found neither my Glock 19 nor my .22 mag derringer. Hmmm. Either my searcher was another ATF rocket scientist or a constitutionalist.

They drove me to a nearby gas well and we stayed there for about a half hour while they got ready to go into my house. Paulette and her 3 kids were in there sleeping.

I was interviewed by FBI agent Jones and ATF agent Semear. They read me my rights and started asking questions. Whoever said, "There is no such thing as a stupid question," had not met these guys. For example, "Do you have any booby traps on the property?" Well, DUH!

"You know there are kids who run around out there? "How about fish hooks at eye level?" I thought, "Where are you clowns getting this stuff from?" After a while, I told them, "I think this is the place where an attorney would tell me to shut up."

We eventually rolled up onto my property and they seated me on the back bumper of my travel trailer. The trailer door was smashed, the latch broken. More dumb-assery. The trailer had not been locked to start with.

They sent a photographer out to get a picture with a portrait camera. I must not have given them the snarl that they were looking for because I never saw the picture in

the media. A few minutes later, I watched Myra drive her younger siblings down the driveway. Paulette decided to stay.

I found out later that Myra had been searched by a male agent. After he copped a good feel of Myra's [17 year old] breasts, he pulled out the waistband of her shorts and peeked in. So what was he looking for? Machineguns? So why didn't the female agents on site do Myra's search? Hmmm, good question. Perverts.

A few minutes later, Semear came up to me and said, "I thought you said you didn't have any machineguns in there." To which I [dumbly] answered, "Those aren't machineguns without a right hand sideplate." After a deer-in-the-headlights look, Semear nodded to another agent who drew out a cell phone and walked off. Ten minutes later, Semear was standing on top of my picnic table shouting, "We're going in for the sideplates." Nice battle cry, eh? Seventy plus agents spent the next 7 hours ransacking my house. The only sideplate material they found was a legal 80% sideplate for an American .50 Browning. I was told by the manufacturer that the Israeli .50 parts set I had was not compatible with the American pattern sideplate.

After about 6 hours of ransacking, they managed to get another warrant faxed so that they could take a ton of stuff that wasn't on the first warrant. A BUNCH of stuff!

Back when the British were trampling the rights of colonists, they would use a rummage warrant to look for things to seize. It is one reason why we require SPECIFICITY on the warrant in the 4th Amendment. Their week-old warrant became their rummage warrant. It used to be that anything other than the single .30 Browning parts set and .50 Browning parts set, would have been called fruit of the poisonous tree, meaning everything seized which was not on the first warrant, would be inadmissible in court. But welcome to the New Amerika.

I was seated about 50 yards from my residence for most of the day. About 2:00PM, I told agent Herrera that I wanted a lawyer. He told me that I could not have one because I was not arrested only detained. Seven hours in custody is only detained? No, ten minutes is detained. I again asked for a lawyer about 3:00PM. Again, the same answer. About 4:00PM, they started to carry my gun collection (and other sundries) out to their vehicles. I watched my bolt action rifles going as well as my military pattern weapons go wherever they could find room. I then blurted out to Herrera that, "If I had known that this would be a Gestapo style gun confiscation, I would have drawn blood." Those are the EXACT words I used. Herrera later told the jury that I said, "If I would have known you were coming, I would have shot at you." The prosecutor turned that around to, "If I would have known you were coming, I would have killed you." See how they like to modify the truth? This turned into Count 2 of my indictment. It was supposedly dropped because of the past tense of the statement. But I suspect that it was because I was twice denied access to a lawyer.

I asked why they were taking my bolt action rifles. Herrera said they needed to see if they were stolen. It said nothing on the warrant about stolen guns. But they ignored the fact that, for 6 years, I had possessed a Federal Firearms License(FFL). I relinquished it just a few months before the raid, when it dawned on me that the license gave them the authority to enter my home without a warrant at any time -- up to once a year. Nothing doing.

One of the schmucks came up to me and said, "We would like to take all this ammunition too but we don't have the room. Do you know where we can rent a U-Haul?" Ha, ha. Sure. Yeah, just go about 3,000 miles east and turn left(the mid-Atlantic).

Before leaving my house, the feds had a pizza party. They sounded like a bunch of college kids. "We came, we saw, we conquered!" The pigs left me a dozen empty pizza boxes and gallon water jugs to clean

As well as the ransacking they did to my house. I can see why they are sometimes referred to as pigs. They behaved like pigs. Paulette drove me to pick up my truck. As we got up to speed, her hood flipped up over the windshield. Nice work agent Dufus!

After returning home, I called Carter, who then called our videographer, who then came out to the house. After filming the "carnage", he gave me a short interview. Then he jetted over to Channel 10 and gave them a copy. Channel 10 reported on it that night. The anchor lady asked her reporter, 'If they seized his weapons, why didn't they arrest him? And if they didn't arrest him, were his weapons illegal?' Very GOOD questions!

Paulette told me later that when she went to go inside to use the bathroom, some guy had a whole bunch of widgets spread out on one of my tables. I suppose he 'wired the house for sound' while I wasn't there.

An entertaining event (at least for me) was that this guy kept putting his hand-scanner/metal-detector up to the ceiling. Everywhere he tried to get a reading, it alarmed. He was dumbfounded.

While I was building my house, a fellow electrician at work told me a story that got me thinking. My friend had two pals. One worked for the Sheriff's Department. The other had a shotgun and lever action rifle in his bedroom closet. The deputy had a photo which looked down through the roof and clearly showed those weapons. I realize this sounds pretty "tin-foil-hat" but hey, what the heck. I thought that maybe some of these government employees were getting just a little too snoopy. So I lined my ceiling with (heh) tin foil. I already had steel siding on the house.

During the raid, 2 agents walked down my driveway. I overheard one say, "I've never seen so much military equipment in private hands before." There actually was not that much -- well, unless you consider the lovely collection of military pattern firearms (eight FALs, 4 ARs, an AK, an M-1A Supermatch and an M-1 Garand). Oh yeah, and my .50 cal single shot, if you consider that as "military." I had been (on-again, off-again) building that for 6 years.

A day or two after the raid, a couple local legal beagles stopped by to visit. They had a friend who was supposedly VERY conversant in the law, Mike Brown. Mike had told them that I would probably "lawyer-up," and let someone else handle my problems. I was open to suggestions.

After speaking with Mike, I decided to let him draw up a lawsuit for the constitutional deprivations and to attempt to restore the Second Amendment. It sounded good at the time. The suit got filed on September 5th, 1997 and I kicked back to see what would happen.

I was so impressed that Paulette would stick around during the raid that I asked her to marry me. She was a little reluctant but finally came around. We took our vows a week after the raid.

A friend suggested we get our concealed weapons permits. Michigan had a reciprocity provision that, if you had a permit from another state, it was good in Michigan. I got mine from Maine. That horse's ass, BATF Semear, eventually told the Grand Jury that my Maine permit was no good in Michigan, as if to say, "See, Metcalf has no respect for any law." That lie could be the sole reason I got indicted.

I carried my Glock 19 just about everywhere -- at least where I legally could. The feds don't like you carrying in one of their buildings. They are justifiably paranoid. I never killed anyone. Or shot anyone. I never even drew the pistol out. But there is something very confidence-building in packing. Try it, you'll like it.

Later, I had another interview with the media and it went well. I also met with Ted Nugent's wife (a very pretty lady) and gave her a copy of my suit. Mike Brown told me that he was enlisting Ted's help to help drive the suit to the Supreme Court. I found out later that Mike liked to be the "shot-caller" and he probably turned Ted off to any assistance.

In October, 1997, Paulette and I went to protest the annual UN flag-raising over City Hall in Lansing (Michigan's capitol).

We met a couple there named Dan and Loris. Later, I had to confess to Loris that I couldn't remember what she looked like. At the time, I only had eyes for Paulette. For once, I was behaving in a Christian manner. Remember that name -- Loris. She will be back.

THE KIDNAPPING

March 18, 1998

After the raid, I decided to get online to advertise the screwing I took from the feds and also to see if I could get support for my Second Amendment case. I connected with a real computer guru and he put up a dynamite website for me.

The day the feds kidnapped me, one of them hacked into the web site and changed the site's email address to receive any emails meant for me. Gee, is that legal? Is this typical ethical government conduct?

The site ended up with a number of awards. I think the feds got to him because he later suddenly took the website down.

Several weeks after the raid, I was talking to Carter on the phone. He asked, "What are you doing tonight (it was a Friday)?" I told him, "Well, I have to work at 11(PM) but Paulette & the kids (Myra and her future husband) are going to go down to the Garfield Lake Tavern for an hour or so."

The way Paulette retold it, they were sitting there in a nearly deserted tavern and in flies this bubbly girl asking, "Where is all the action?" So, Paulette invited her and her boyfriend to join them. After a while, the kids got bored and wanted to leave. Paulette told them to go and she would catch a ride home from Kathy and Ron. Instead, the three of them went back to their motel room and spent several more hours drinking. They dropped Paulette off in the wee hours.

Paulette talked me into going out with them on Saturday night. We ate at a nice restaurant and then someone suggested we go to a strip club. As we left the club, Paulette said, "That was fun. I'd like to go out with them again!" I told her, "There is something about that guy that I REALLY don't like. I don't care if I EVER see him again."

Well, every Friday night for about 2 months, after I had gone to work, one of them would call and they would go out drinking. I told her to quit doing that, that I had a feeling about him that just did not sit right. When I would quiz Paulette about her evening, she would say, "I don't remember much, I must have blacked out." My experience with "blackouts" was that they were caused by mixing alcohol with a drug. Oh yeah, I forgot to mention that Ron was a Federal Protective Services cop for the Battle Creek Federal Center.

I finally laid down the law – "you can go out with them or you can stay with me, but not both." The last time she went out with them, Ron dropped her off at the house and gave her a polo shirt with the BATF logo on the breast. I finally figured out that they were drugging her and pumping her for information. More ethical government conduct, eh?

After about 5 months of 3rd shift frenzy at work, I needed a break. The feds kept announcing their presence on my property. My dog was now constantly alerting to noise where there was no noise before the raid. The pressure became high enough around Christmas time to make me take some time off.

I felt like I was making headway toward decompression when I received a letter from BATF's Semear that he wanted to return some of my firearms.

I wrote him back and told him it would behoove him to return ALL of my property.

They wanted to meet at a "neutral" place. I told him, "You stole them from here, bring them back here." He said, "No." Eventually, his boss called and told me that if I didn't come and get them, they would be destroyed. I again told him to bring them back to where they had been stolen from. He said he wouldn't put his agents in harm's way like that, to which I replied, "If they are not coming out here to steal, kill or destroy, then there is nothing to worry about." He still refused.

I conferred with Mike Brown and he said they had probably converted my legal semi-automatics into full automatics. I told him that I had built all of them and knew how to test for conversion. Mike then said, "Go ahead and pick them up." I told him, "I think they are going to try to arrest me." He said, "Don't worry, if they do, I'll get you out." Oh, simple, stupid, gullible me!

March 18, 1998

It had been over 7 months since the raid. I had arranged for 2 guys to run video of the return of my property. Paulette, her two youngest and I were on our way in to the Battle Creek Police Department. A still, small voice in my head said, "Take your Glock out and put it in its hiding place." I obeyed, thinking that the feds would get all in a lather if my coat swung open during my inspection.

When we arrived, Paulette and the kids stayed in my truck. I met up with my two video guys. One of them had black tape over the red record light, so he was already taping. Smart fella.

As I approached the entrance, Semear walked out. I asked him, "Where are my guns?" He said, "We have some paperwork to take care of first." I replied that I wasn't signing anything until I inspected my stuff. He said, "Still, we have to talk first." I followed him inside to an interrogation room. When the door was shut, I said, "So what is it?" He replied, "I lied, you're under arrest." I replied, "Well...you skunk!" He told me to take off my jacket. At his first sight of my shoulder holster, his eyes got as big as saucers. I could see him thinking, "I'm a dead man!" It was priceless! Then he saw that there was no gun in the holster. Semear asked where the gun was, to which I kept replying that it was in a safe place. "Is it in your truck?" "Did you throw it in the bushes?" Really? Throw my gun in the bushes? I really have to wonder where they come up with these morons. And this guy is supposed to be college educated? Wow!

He then asked me if my gun was loaded with "Cop Killer Bullets." I was loaded with Federal Nyclads, a pretty good round for the 9mm. It has a nylon casing around a pure lead core. I figured it was the best I could get for a 9mm at the time.

When I later saw the arrest video, I saw that they had roused Paulette and the kids out of my truck and had AGAIN illegally searched my truck. The rules are only for us peons to follow. The feds get to do whatever they want. And still, the morons did not find my Glock or the derringer. I guess BATF does not hire rocket scientists. Or perhaps there are still feds who respect the Constitution. It could happen.

I suppose it was pretty much a standard arrest after that. Transport was to Grand Rapids for the pre-trial formalities. The Kent County Correctional Facility served kiddie meals. I went in at 215 lbs and came out a month later at 170. I didn't know I could buy commissary there.

The first weekend after my kidnapping, my parents and brother visited through glass and a phone set. My mom was all sad and asked, "Is it true?" I asked, "What?" She said the media was all aflutter about how we were going to destroy the I-94 overpass at US 131. I asked, "Where in the hell did they come up with that?" Then it dawned on me. Ole "Walter Mitty" Carter was having his fantasies again.

The feds simultaneously arrested Carter and my new co-defendant, Randy Graham. Randy had earlier been offered immunity to come and testify before the Grand Jury. He wasn't interested.

We were soon run in for arraignment. I told the feds that I would be representing myself. We were assigned a threesome of attorneys who I will refer to as law=whores." These are the ones who will lay down for the feds, regardless of the defendant's innocence. Carter got Tonya Krause. Randy got David Kaczor. I received Paul Mitchell as my stand-by attorney. I never figured out what good he was supposed to be. He was nearly useless. I later found out that this was the court's "dream team" for railroading a threesome of defendants into prison. I probably got Mitchell because he was the most competent law-whore of the group.

I was denied bail based on the fact that I was a "flight risk." Really? I was broke. Where was I going to go? Oh, and I was too dangerous to be out in society. Again, really? It only took them 7 months after the raid to arrest me. I should mention that the only arrest on my record was when I got caught with a bottle of beer in my hand at the age of 17, twenty nine years prior.

After we had been locked up for a couple weeks, we were in a holding cell for some hearing. The feds kept asking Randy where he hid his explosives. I asked, "You had explosives?" He told me he didn't know what they were talking about. Later, someone sent me an article about a homeless guy who had been rooting around in the dumpster behind the Battle Creek Masonic Lodge. This guy found a bunch of empty dynamite cases, so he walked across the street to the Sheriff Department and reported what he had found. As it turned out, the dumpster had been emptied since our arrest, so it couldn't be from Randy. And the explosives that were in those empty cases couldn't be either. Our indictment had all sorts of talk about us blowing stuff up but the only explosives were the ones the feds were going to blame on Randy, and by extension, Carter and me. Nice attempt at a frame job there, but no soap.

While we were in Grand Rapids, we got word that the prosecutor was offering us a 3 year plea bargain. Remember that -- 3 years. I stated that I had committed no crime I was told by my law-whore, "They are going to convict you anyway." I replied, "Well, it isn't going to happen with my help."

One time, when we went in for one of our preliminary hearings, Carter told us, "I think I am going to 'cop the medical.'" I asked, "What is that?" He said, "They promised me a new heart, two new lungs and some much needed back surgery. By the time they get done and I heal up, my 3 years will be up." I told him, "Do what you want -- just don't

lie about me.” Right! I later found out that he ended up with a bypass, a new lung and no back surgery. So much for truth in plea bargain agreements.

My parents had hired a real bulldog of an attorney to represent me but I refused on the basis that, if I was to press the Second Amendment issue, I would have to represent myself. I knew that the judge would warn an attorney that, “You know the case law in the 6th Circuit is well settled, that the Second Amendment is a state’s right to form a militia. If you try to bring this up again, I will sanction you to the tune of \$5,000.”

First, neither states nor any other governmental entity, have “rights,” in the Constitution. Only living, breathing human beings have rights. Entities are only afforded “powers” and “authorities.” You don’t believe it, so check it out. It’s true.

Second, the “states right to form a militia theory” was never postulated until a 1905 Kansas Supreme Court case called, *Salina v. Blaksley*. It has always been an INDIVIDUAL right, which was confirmed by the U.S. Supreme Court in 2008 and 2010 in *Heller* and *McDonald*. My judge would misinform my jury numerous times.

In hindsight, the government’s case was so weak that, if I had used that attorney, I would have walked away from trial as a free man. But hindsight is 20/20.

One day, while I was hanging out at the detention center, I noticed these two guys walk in to the unit. Both were wearing black leather trench coats and fedora hats. They were visiting my counselor. It occurred to me, “OMG; these guys are SIS(Special Investigative Services).” I have often said that SIS was the BOP version of the Gestapo. These guys were actually playing the part. In fairness, I have run into a number of SIS officers who were just doing their jobs.

Not much happened while I waited for trial. I kept asking Mike Brown for a motion for discovery, which he kept putting off. He did end up writing me 18 or 19 pre-trial motions. ALL of them were denied but it wasn’t because they were poorly written. Judge bias. One motion I should have kept pressing for, was the one I asked for to have all “evidence” suppressed except for the (1) .50 Browning and (1) .30 Browning parts sets. That is all that was mentioned on the first warrant. Everything else was definitely “fruit of the poisonous tree.” Mike told me, “You know, Bradford, the Fourth Amendment is pretty much a dead letter.” But one does not know unless one tries. Even with Judge Enslin’s bias, I could probably have gotten a retrial from the appeals court. Of course, if I didn’t have to defend against the parade of LEGAL firearms the prosecutor ran past the jury, I may have been acquitted anyway.

In June of 1998, I called a patriot broadcaster, Mark Koernke, and talked with him for the 15 minute time I was allotted. The next thing I knew, I was off to the SHU (Special Housing Unit). No lock-up order, no charge -- just off to the “bucket.” For 3 weeks, I kept asking prison staff, “Why am I in here?” To which I always got a, “Ha, ha” or “That’s what everybody says.” After 3 weeks, the captain said something like, I don’t know, something about an unauthorized interview. That is a little subjective because I was talking with a guy whom I had had a number of conversations with before. I finally got down to the law library and wrote down a couple pages of constitutional violations, then sent it off to the warden. A week later, I was kicked out of the SHU. No explanation, no charges --just, “Get out.”

The SHU is the “jail within the jail.” You supposedly get 5 hours of rec per week. Otherwise, you are stuck in an 8’ by 12’ cell (or at Milan FCI, 6’ by 8’) 24 hours a day. If you leave the cell, you are in hand cuffs. There is absolutely NO difference in administrative or disciplinary segregation, in my experience. Policy allows for one book and an unspecified number of magazines. My experience has been that SHU inmates will only get one book, and that is supplied by the institution library, hopefully once a week.

Fairly early in my stay at FDC Milan, I had a run-in with an ex-cellie. In the jail system, I was young and dumb. I was sitting in the dayroom talking with a guy when I felt this wetness in my lower back. Out of my mouth popped, “Bitch.” I actually meant to say, ‘Son-of-a-’ in front of it. I turned around to see my ex-cellie with a smile on his face and a spray bottle in his hand. That is, he had a smile until he heard what I had said. When you call someone a bitch in prison, it means, “let’s fight.” If someone does nothing when called b-word, it means he is one. This opens him up to all sorts of harassment, including extortion and rape. So,... I was young and dumb.

The next thing happening was, ex-cellie started to cook up a bowl of baby oil in the microwave, to throw in my face. After about 10 minutes, one of the leaders of a local street gang asked him what he was doing. He already knew what ex-cellie was up to. He told ex-cellie, “Leave the old man alone, he doesn’t know what he is doing.” That guy saved my bacon, for which I will be forever grateful.

Of course, it helped that the heating element in the microwave was also burnt out. To that, I say, “Thank you, God.”

Another time, my parents were visiting. When I was just a little nipper, my dad called me “punkin.” As I got older, Dad would call me, “Punky.” As I entered adulthood, Dad shortened it to, “Punk.” So we were visiting and Dad said, “Hey Punk...” My eyes popped open with alarm and I cut him off, saying, “Whoa Dad, in here a punk is a Homosexual. Please don’t ever call me that again. Rape is not in my game plan here. Bless his heart, he complied.

I never did get any discovery motions from Mike Brown. I ended up writing my own but didn’t get the discovery until a week before trial. I was awarded with about 2,000 pages of “evidence.”

If I had had time to go through it all, I would have noticed in FBI agent Jones’ Grand Jury transcripts, the forbidden ex parte communications between the investigating agents and the trial judge. That was a good enough reason to ask for a new judge -- one who had not been told a pack of lies. The following comes from those transcripts on June 9, 1998

After he testified, the prosecutor, Assistant United States Attorney Lloyd K. Meyer (hereinafter, Lloyd) opened the proceedings up to questions from the Grand Jurors:

Juror: I was at a law day luncheon where Judge Enslin was the featured speaker and he had some marshals with him. Was that because these guys...

Jones: I don’t know that they threatened Judge Enslin but we do know they threatened judges in particular. In fact, myself and another agent briefed Judge Enslin several times just to be on the safe side.

Now this just opens up all sorts of questions about judicial/prosecutorial/agent misconduct.

First, there is the blatant ex parte communication. It is sooooo forbidden in a situation such as this.

Second, Judge Enslin was the featured speaker. This just SMACKS of jury tampering. This is how I see the luncheon going: First, a federal agent comes out and speaks, "I have been an FBI agent for 10 years now. I don't pass anybody on to the prosecutor unless I am 100% sure he is guilty. The problem is, we just can't get the jurors to indict or convict," Second, out comes the federal prosecutor --probably Lloyd. "I have been a federal prosecutor for 12 years. I don't prosecute anyone unless I am 110% sure that he is guilty. The problem is, we just can't get the jurors to indict or convict." Last, Judge Enslin steps out. In his fatherly deep voice, "I have been a federal judge for over 20 years now. After a while, one just develops a sense as to who is guilty, and who is not. The problem is, we just can't get the jurors to indict or convict." There we go -- instantly programmed jurors to ensure the indictments and convictions. No tampering here?

In a population of, let's say 200,000 in Grand Rapids, what do you suppose the odds are AGAINST even one of the luncheon attendees ending up on the Grand Jury? This ready-made STACKED jury pool is the answer to a crooked prosecutor's or judge's dreams. So, I wonder how many more grand/petit jurors attended Judge Enslin's Law Day Luncheon?

While I was in the SHU, I received a letter from Lloyd, dated June 9, 1998. He described how both of my co-defendants had agreed to testify against me and that I would surely be convicted and spend a very long time in prison. This was the same day that the superseding indictment was issued. Lloyd had added "use/carry of a firearm in a violent/drug trafficking crime" to both Randy's and my names. Randy got one each. I only got the one for a violent crime.

The odd thing is, by June 9th, Randy had already told Lloyd to go urinate up a rope. Randy had been told that if he wouldn't testify that I had machineguns, that he would tear up the plea agreement. Randy said, "I don't know that they were machineguns. Metcalf told us that with no right sideplate, they were NOT machineguns." When Randy wouldn't agree to lie for the government, Lloyd THREW the plea bargain in Randy's face and walked out. This was the basis for our misconduct complaint. The thing is Randy chose to go to trial LONG before the second indictment and BEFORE Lloyd LIED about Randy agreeing to testify against me.

Some of the FBI's falsified evidence was a tape recording of a telephone tap on Carter's phone. They did a cut-and-paste job so that 3 different conversations about [state, local and federal] judges turned into one commentary, to be inferred to be specifically about federal judges. One complaint was about a state appeals judge's stupid decision. But the comment that really screwed me was about a local judge who made a really bad decision about one of our associates to let his kids go back into a sexually abusive atmosphere. To that I said, "So what you are saying is that, if some of these [local] judges were found hanging around [this] town by their gold fringe, some attitudes would change?" THAT, which wasn't originally said about federal judges, was

what killed me in THAT courtroom. Unless of course, they manufactured more about me. God knows. I don't.

After making my discovery request, I was whisked away to Kalamazoo for my Final Pre-Trial Conference. Trial would commence a week after the Conference.

An odd thing happened. We had submitted a motion for a hearing on Lloyd's misconduct. A hearing was scheduled and I was expecting to excoriate the daylights out of Lloyd. I got in front of the "Honorable" Richard Alan Enslin and asked, "What about the hearing for prosecutorial misconduct?" He told me, "What hearing? I don't know anything about any hearing." Really? The blatant ignorance of the hearing and denial of ALL pre-trial motions, pretty much set the tone for the upcoming trial. Plus the following.

At the Final Pre-Trial Conference, Judge Enslin revealed, from his own mouth, that he had had ex parte communications. He was mad at me for talking on the telephone to Mark Koernke, the broadcaster.

Koernke was going on about how, "We will judge the judges..." I started to get nervous and was ready to say, "Yeah, well, I gotta go now..."

Apparently, all I got out was, "Yeah." Or possibly everything but, Yeah" was deleted from the tape that was given to the good judge. Judge Enslin, (get this) told me, When someone tells me to listen to my CB radio, I listen to it. You were talking to some militia -- type guy and he talked about how they were going to judge the judges. You didn't say it, but you said, 'Yeah.' I take that as a threat.'

Well gee, Judge, that was the time to recuse yourself. We again have a number of problems arise here. He didn't have a CB radio. Someone had given him a recording [Who? A federal agent] of a Short-wave radio broadcast -- two very different radio types. The EXTRAJUDICIAL SOURCE of his "information" DEMANDED he remove himself from hearing my case. Not Judge Enslin though. He was about to break every other rule in the book to ensure my conviction.

I complained to Judge Enslin that there was no mention of Carter's military history in my discovery. Lloyd stated, "I don't know what difference Carter's military history has to do with anything." The judge agreed. So I said, "If Carter claimed he was something in the military, which he was not, that would show him to be a liar." The judge said, "Good point." Before the end of the conference, Lloyd declared that, unless I wanted to call Carter as a witness, that he wouldn't either. That should have been my clue to impeach the other two witnesses from the militia, that would testify against me.

While these things were going on with me, I found out that I was not the center of the universe. What I didn't know, was that the radio station Mark Koernke broadcast from, had changed hands to Dan and Loris, the couple I had met at the UN flag-raising.

Loris had taken it as part of her patriotic duty to write moral support to the political prisoners. That included me. I thought, "This girl is a real down-to-earth sweetheart." For several months, I heard nothing from her. I called the station and talked to Koernke's wife. She said Loris had been going through some problems. I asked her to have Loris write back. By this time Paulette and I were about through with each other and as it turned out, so were Dan and Loris.

To make a long story longer, Loris and I would end up connecting, so to speak.

I suppose it is time to discuss my charges.

THE INDICTMENT

Count 1 Conspiracy (with 4 objects)

Ob.1 to possess machineguns;

Ob.2 to threaten to assault and murder federal agents;

Ob.3 to forcibly assault, resist, oppose...federal agents;

Ob.4 to destroy instrumentalities of interstate commerce with explosives;

Count 2 Threatening a federal agent,

Count 3 Possession of a .30 Browning machinegun;

Count 4 Possession of a .30 Browning machinegun;

Count 5 Possession of a .50 Browning machinegun;

Count 6 Possession of a silencer;

Count 7 Possession of a destructive device;

Count 8 Possession of a full auto shotgun;

Count 12 Use/carry of a semiautomatic assault rifle in a violent crime.

Sounds pretty serious doesn't it? It might be if it were true. Ole Prosecutor Lloyd had a real future in writing pulp fiction and he blew it. He became a lawyer instead. For the feds. It is rare to find someone who is so full of himself. He loves the sound of his own voice. He loves to repeat his wordcraft. He just plain loves him.

As I had stated in the Preface, Lloyd had taken a set of known, provable facts, and woven a very scary story about Carter, Graham and me. We became "homegrown terrorists" - at the tip of his pen - to rival the exploits of Timothy McVeigh. Except, nobody was harmed in my case. NOBODY!

The tale Lloyd spun in the indictment was not about what had happened. It was about an alternate universe devised as "what could have been" -- in Lloyd's mind. He was able to write it up any way he pleased and it was up to us to disprove it. But that is the leeway given to federal prosecutors. There is nobody to tell them to use the truth. Lloyd will become the person to whom I will have the least respect on the planet. That is, along with Judge Enslin. They will both prove to be colostomy-bags-extraordinaire.

Since we already know that a machinegun without a right sideplate is not a machinegun at all, I should state that Lloyd sent me the proof in government documents. The BATF, in one of their memos, stated that the right sideplate IS the machinegun. Another stated that the BATF uses the Department of Defense(DOD) Demilitarization Manual, which specifies a torch cut across 3 places---"completely destroying the side plate." Without sideplates, these were simply parts sets. I had assembled them as "cutaway" decorators. The .50 had been hung from a floor truss in my living room, so that anyone entering the house could see it. I got a lot of "Wows! and Holy Cows! from it. If you tried to fire a .50 BMG without a right sideplate, it would literally tear your head off. There are about 40 lbs of barrel/barrel extension/bolt that are

traveling at about 200 MPH when one of them is fired. In fact, I stated a number of times before, during and after trial that only an idiot would try to fire a sideplate-less Browning.

And one did. The BATF Firearms Technology Branch technician, Richard "Dough Craze. This "expert" had no training in the law. No technical degree. No engineering training. Nothing, other than examining objects coming through his office. But he claims to be an expert. And the court accepted him as such. He had attended a number of pistol schools (e.g. S&W, Sig Sauer) but that did not qualify him on Brownings. That is like equating a Hyundai mechanic to a heavy equipment mechanic. He eventually, or so he said, got ONE of the .30 parts sets to "fire reliably 3 times" before it shook it self apart. I requested a video because I didn't believe it would function that long without help (e.g. in a fixture or jig). No video was forthcoming, to my objection. My request for an expert was denied. I was late with the request but the judge denied all my other motions. No surprise there. Fired reliably, 3 times. Really?

The "silencer" was a Thompson Center Contender barrel with a 7/8-9 course thread, about 6" to 6½" from the muzzle. The "tube" was a 5 3/16"x1" piece of steel. The threads on it were 11/16"x24 fine thread to match the threads on a heavy-barrel FAL barrel which I had been modifying to a pistol length. The piece of steel was to keep it the legal 16" length during development. After checking into the law, I found that the Assault Weapons ban of 1994 disallowed pistols over a certain weight (50-some ounces). I discontinued and disassembled my project.

The hole in the end of the steel piece was 0.362" (big enough for a .308 bullet to pass through). The Contender barrel was in .45 Winchester Magnum. I was all prepared to ask Lloyd or Craze exactly how is a .450" bullet supposed to fit through a .362" hole. Besides that, the threads were not just incompatible, the length of the barrel never allowed the threads to even meet.

The so-called expert stated that they had no receiver to test the barrel, which was a lie -- they had to have a receiver from the Supreme Court case against the Thompson Center Company, by the BATF. Instead of actually trying to test the alleged silencer on the barrel which was accused of being a silencer part, since that would have been impossible, Craze taped the 1" piece of steel to a Ruger .22 pistol and allegedly did some sound tests. He claimed a sound reduction from a bare barrel at 155 db, down to the taped on piece of steel at 149 db. Anybody who knows anything about sound measurement, knows that 6 db is not squat. In fact, it would hardly be perceivable to the human ear. One could get the same suppression by taping a piece of water pipe onto that barrel. The fact that they wouldn't/couldn't test the two pieces together should make one question, "Why?"

At trial, Lloyd would pull a fast one and substitute something altogether different on to the barrel, to ensure the conviction.

The "destructive device" was a flare launcher, 37mm, or about 1½". The law states that if a weapon has a bore over ½ inch(.50), it is a destructive device. But this was a signaling device, which is exempt from that statute. They claimed that since I had a 12 gauge sub-caliber insert, that that made it into a destructive device. Paradoxically, 12 gauge shotgun shells are also exempt from the statute. Any serious boater will recognize a 12 gauge flare, which is what the insert, was designed for. More sleight of

hand I have since seen numerous advertisements for 12 gauge sub-caliber inserts for 37mm flare launchers.

The machine-shotgun was another design experiment. When I was convinced that I could run it to completion, I tested it to be sure it would NOT function as a fully auto. It jammed so badly that I had to disassemble the entire weapon in order to clear the jam. I took the parts out and abandoned the project. There was no intention of ever actually taking the project to completion---at least not this side of the apocalypse. Besides, I had fired one of this type of shotgun in a (legal) full-auto configuration and it was totally uncontrollable.

When my house was raided, I had that shotgun disassembled into a 155mm howitzer charge tube. I was preparing to store it with a friend. It was stored with its original components, which I could have proved if Lloyd would have been forthcoming with the requested video of the house search. But that would have been very inconvenient to securing the conviction.

Count 2 Threatening a federal agent, was going to be dismissed, but not until we got all the way through trial. You know, just to let the accusation sink in a little bit. It is possible that I had convinced Judge Enslin that a past tense statement ("I would have") is not like a present tense statement("I will"), which WOULD be a threat. I think it more likely that Enslin would be embarrassed from my appeal about me being (twice) denied an attorney during my "detention" during the raid on my home. Apparently, Miranda(the right to speak with an attorney) still holds some sway in the courts.

FINAL PRE—TRIAL CONFERENCE

26 October, 1998

The following is taken from the Final Pre-Trial Conference transcripts.

P.36, L.12 The Court: Okay, I've never read the superseding indictment, Mr. Metcalf, so let me look at it for a second. In fact, I don't even know what you are charged with.

Well, That is a hoot! My superseding indictment was issued on July 9th. Enslen's blanket denial of all 18 or 19 of my pre-trial motions was issued on September 23rd. Now, on October 26th, he tells me that he hasn't even read the indictment? How could he have ruled on the motions if he hadn't read the indictment and known what I was charged with? Several of those motions dealt with the sufficiency of the indictment. The fact is, he instructed one of his law clerks to [read/deny] ALL of my motions, and then he signed his name to it. Adjudication by judge at its finest. Justice by law clerk.

P.42, L.18 "Will the court appoint an expert witness for me?"

Enslen: "No, that time has passed."

P.50, L.7 I ask Enslen if I will be allowed to argue the law
– the militia.

To P.53, L.21 Enslen: "You can submit the Supreme Court
decisions to me."

P.53, L.21 "If the Supreme Court has stated the jury can
Determine the facts..."

To P.54, L.16 Enslen: Submit a brief... I'll read anything you
write and rule..."

Another lie. He hasn't read ANYTHING I have submitted in the past, why would he start now(See P.36, L.12, above)?

P.54, L.17 "I have challenged the constitutionality of the
Statutes used against me... Will I be allowed to speak about
the Constitution to the jury?"

To P.55, L.18 Enslen: "Never, never, never..."

P.56, L.21 I had submitted a pre-trial motion to "Clarify the
Chameleon-like Word 'Militia'" to the jury, if he wasn't

To P.58, L.22 going to do it himself, I had requested to
submit a copy of the document to each of the jurors. He was
dumbfounded.

Enslen: "The Chameleon what...?"

Me: "The Chameleon-like word 'Militia'."

Enslin: "The Chameleon-like what?"

Me: "The Chameleon-like word 'Militia'."

He just couldn't get it. If he had read the motion, he would most certainly have remembered the title. This was another proof that he had never seen this motion. He stalled around for a few moments by asking me the nonsensical question, "What does 'petit' mean?" Now it was my turn to be dumbfounded. Like the definition of 'petit' has any relevance to anything? After stalling, he told me I would NOT be allowed to submit anything to the jury.

P.59, L.17 "How will the jury be instructed in reference to my pre-trial motions(which he had 'ruled on' with "Will be cured with jury instructions")?"

To P.60, L.2 Enslin: "Before I instruct.. .1 will give you a list." Except I was never to receive the list.

P.61, L.10 In reference to my verbal motion for return of property:

to P.62, L.7 Enslin: "...the time to raise a motion to suppress evidence, is before trial."

If he had read ANY of my pretrial motions, he would know, I ALREADY HAD.

P62, L.8 "Evidence is going to be submitted that has no relation to me. I feel like I am being crucified for the sins of others.

To P.63, L.13 Enslin: "You won't be the first one in this courtroom to feel that way..."

After being run through Enslin's judicial meat grinder, this statement is no surprise to me.

TRIAL

November 2-18, 1998

Note: The Trial section was written off of my trial notes. I have read through the transcripts exactly once. They were not made available to me for my appeal. I had to inherit the transcripts from Randy, who somehow ended up with the diary of my trial. If need be, I will later go back through and rewrite the trial section. It is 1200+ pages of a long, slow, hard sodomization that I would rather not relive, if I don't have to.

JURY SELECTION

My first day of trial was for jury selection.

I walked into my holding cell to find a TV, a microphone and a speaker. The wires were run into the courtroom. In the courtroom, a similar setup was placed for the jury, the judge and Lloyd. I guess they thought I was going to be disruptive and wanted to be able to try me "in absentia."

There were about 100 potential jurors in the jury pool. The first thing I noticed was that there was only one older black woman in the entire pool. One would think that in an area of probably 20% black population, there would be about 20 black people in the jury pool.

Mike Brown had told me about who NOT to select for my jurors. He told me to avoid housewives and teachers. I can't remember exactly why. No sooner did we sit down to start making a selection, that my "standby attorney" told me I should shoot for as many housewives and teachers as possible. Right!

Prior to trial, the potential jurors fill out a questionnaire -- things like, "What do you do for a living?", "What are your hobbies?", etc. Then both parties are allowed to review the questionnaires.

After we were all seated, they asked 14 people to fill the seats of the jury box (12 jurors and 2 alternates). I don't know how they managed to do it but by the time they filled the box, only a couple of my favored jurors remained. I suspect that Lloyd had chosen the ones he wanted to be put in the front line and they were placed for first seating. Of course, Lloyd managed to get my favorites excused for cause. This wasn't boding well for me. I knew from the judge's prior treatment of me that I wasn't going to get any play at all. A guy in the jury pool tried to

Signal me that he wasn't already prejudiced against me but he was in about 90th place. There was no way in Hades he would ever make it on to the jury, so we seated the jury and got on with it.

I don't remember if we saw Randy in the Final Pretrial Conference or after we seated the jury. At any rate, I requested him as one of my witnesses. He knew what was going on -- at least as far as he and I were concerned. I only wanted to ask him if he and I had ever discussed any of the subjects of our Overt Acts. I knew the answer to be "NO." The jury was not present.

Randy came in and took to the witness box. His law whore had already "briefed" him to state that he would not testify because of 5th Amendment protections. Randy

didn't know it but his law whore screwed not just me but Randy too. If Randy had only agreed to truthfully answer my questions, we probably would have beaten the conspiracy count. That would have quashed all those enhancements they were going to hang on us at sentencing. It would have effectively kept us from getting "life" in prison. Randy plead "the fifth," and Judge Enslin said, "Did you hear that Mr. Metcalf? He refuses to testify." As I was writing this story, it only just now dawned on me that I still could have compelled him to show up. He would have had no reason to NOT answer my questions. Again, hindsight is 20/20.

Just for the record, when I found out that Randy was in the opposite unit at Milan Detention Center, I requested of the case manager that we be celled in the same unit. The case manager stated that he thought the prosecutor wanted us separated. Well of course. If I could have had 5 minutes with Randy -- without his new law whore -- I could have shown him that if he only told the truth, we would both benefit. Divide and conquer. No surprise there that we were separated.

During trial, my dad faithfully brought me a fresh dress shirt and socks everyday. He had supplied me with my suit, tie and dress shoes. Bless his heart. I can say that my family has been "head and shoulders" above any other family I have heard of, in supporting their prisoner family member.

Judge Enslin informed me that, for the sake of security, the jurors were being bussed in in vans from an undisclosed location. And this wasn't prejudicial? That schmuck had me guilty before I ever opened my mouth.

It should also be noted that when a federal prosecutor walks into a courtroom, and says, "I am an attorney for the United States Government," you are already 95% guilty.

The stats for acquittals are abominable. They have something like a 98.5% conviction rate. Most people take the plea bargain, probably about 85%.

[In the United States, the federal court system, the convictions rose from approximately 75 percent to approximately 85% between 1972 and 1992. For 2012, the US Department of Justice reported a 93% conviction rate. From Wikipedia – Conviction Rate]

But NO group of attorneys is that good. Especially the prosecutor I had. If Lloyd had been forced to do this trial without Judge Enslin's copious assistance, I probably would have won.

The following are "highlights" taken from notes I made on a daily basis.

November 3. Judge Enslin told the jury that quotes from case law (stare decisis), are actually his "common law." This was Enslin's interpretation. He eventually stated that he disagreed with Blackstone (the de facto and de jure expert on the Common Law). This should have been my indicator that the good judge was delusional.

November 3. Throughout trial, Enslin continuously told me (in front of the jury) that without a law whore, I was going to lose out. He quoted a case, U.S. v. Smith. He stated that I could have had an expert witness, gotten my discovery sooner, had access to legal materials like copying, law library, case cites, etc. It appears that self representation eliminates the right to equal protection. Of course, he would have denied

everything that a law whore would have put in front of him. For the record, I am not against all attorneys. Only the ones who tell you they are going to represent you and then sell you down the river. Law whores.

November 3, 16, 17. Contrary to his pretrial promise, Enslin allowed my gun collection to be repeatedly paraded in front of the jury.

November 4. The good judge informed the jury that federal judges retain their positions during "good behavior." What a crock. Unfortunately, only a handful of judges have been impeached throughout U.S. history. And that was only when the judge got caught with his "hand in the cookie jar." He also stated that the Constitution is THE law of the land, which is what the court goes by. What he did NOT tell the jury was that judges routinely make their own Humpty Dumpty reinterpretations of the meaning of the Constitution (Words mean what I say they mean).

November 6. The good judge told the jury a nice little story about how he had visited a prison and talked with an inmate/tour-guide about how prison wasn't such a bad place -- that this tour-guide had gotten off drugs and become fully rehabilitated. And now she was ready to get on with the rest of her life. What he was telling the jury was, "Go ahead and convict Metcalf because a couple years in prison will make him, once again, a useful member of society." When I think of this, I have flashbacks of the book/movie "1984".

November 9. Enslin assisted the prosecutor to prosecute. For example, he explained that Randy's guns and ammo were being offered as evidence of the conspiracy. It appears that two people who know each other may not both own guns and ammo without entering into a conspiracy (?).

Enslin also asked the testifying FBI agent, "...and these guns were found all over the house and by the windows and were all loaded?" To that, I answer that having loaded guns in one's house is neither illegal, immoral nor ill-advised -- especially when one lives isolated in the country, like I did.

November 10. I objected to the introduction of the visitor's log from the county jail where I visited Brent Blaszczyk. My objection? "Because I know someone, it doesn't mean that I am in a conspiracy with him." Enslin's response? "No it doesn't, but I will allow it." The fact that I followed the command of Christ to, "visit those in prison," had come back to bite me in the ass. After the visit, I sent him an extensive Bible study. I was told that we (Paulette, her daughter Myra, my daughter Candace and I) were the only ones from the militia to visit him.

Throughout trial, all Graham and Carter evidence was admitted into evidence, although it was conceded by all prosecution witnesses that they had no indicators that I had any knowledge of their conversations or intents.

November 10. Enslin told me, "You don't understand conspiracy law, you may not like conspiracy law." Well...yeah!!! When conspiracy law is applied in the old Soviet way, hell yeah, I don't like it. Aleksandr Solzhenitsyn explained in "Gulag Archipelago" that if you meet someone on the street and shake hands, you have just entered into the Soviet version of conspiracy. I now fail to see any difference between them and us. The big problem with the application of our current conspiracy law is that the prosecutor can

allege anything he likes and the defendant has to disprove it. Not so easily done, especially when a judge decides to take over the lead in prosecuting.

November 13. During the playing of the telephone tap tapes, Carter told me, "We got 25 states ready to go. ..." I responded with, "Don't go off on my account, I want to haul this thing [my civil law suit against the government] through the courts. These people have shown me what they have got and it sure ain't much." This was an obvious with- drawl from a conspiracy of which I had never entered. That happens to be an affirmative defense -- if the judge isn't ruling 100% against you.

Here is another one. "I'm not going to fight them physically; I'm going to fight them in court." Ask me now about how that is working out for me.

And then in a conversation at Carter's house between me and a legal beagle in California, I said, "I want to see if I can do something with the legal system here." And, "I hope everyone will keep their cool." And another, "I would like to see a bloodless resolution." And yet one more, "I pray we can do this without shedding people's blood." Does this all sound like someone preparing to "go to war" with the government?

November 16. The word "readily" required a definition for the application of the statutes they used against me, as in, "readily restored to shoot." I demonstrated that in ALL instances where Congress used the word, "readily" it meant about one MINUTE. As in, "the marking (serial number) of a firearm which may not readily be removed..." A hand grinder can readily remove a serial number in a minute or less. Another example -- the interstate transportation of a firearm requires the weapon must be stored so that it is not "readily" accessible to the occupant of the vehicle, i.e. stored in a trunk. Enslin asked Lloyd his opinion, which turned out to be 8 HOURS. This number is totally unsupported by ANY congressional writings.

November 16. I tried to introduce as evidence, a letter I had sent to ATF's Semear, stating that I was going to sue him (which appears to be the real reason for my arrest). Lloyd objected and it was sustained.

I submitted a video tape of Semear arresting me. Lloyd objected. I stated it was for impeachment purposes of Semear. Enslin told me I don't need to impeach him.

I showed Semear an advertisement for a .50 caliber belt-fed semiautomatic weapon. Meyer objected. Enslin told me that anything printed was hearsay because it can't be cross examined. Except that is not what the Federal Rules of Evidence states.

I put one of my witnesses [Chuck Conces] (a fellow militia member) on the stand and asked him what his understanding was of the Second Amendment. Meyer: "Objection." Enslin: "Irrelevant. I'll tell you what the Second Amendment means. No one else will." Except his definition was WRONG, as was proven later by (2) Supreme Court decisions.

To Chuck: "Did you give me a videotape like the one I have at home [Waco -- The Rules of Engagement]? Objection--relevance. Me: This shows our intent as to why we joined the militia." Enslin: "This case is not about being in the militia." (Contrary to the first page of my Indictment and Lloyd's incessant pounding of the fact of my militia involvement). Me: "I'm talking about my intent for this charge of conspiracy." Enslin: "Not allowed."

November 16. Jim Middleton (a former militia member) stated that he had seen my .50 caliber "machinegun" on a coffee table in my living room. Except I did not own a coffee table and it was NOT a machinegun. The coffee table statement was originally made by Gacy Wark, the guy we called "Fed-Ex" because he looked and dressed like a fed, including some of the unorthodox gear he wore. Middleton had OBVIOUSLY been well coached in how to present himself to the jury, e.g. he would face Lloyd to receive the question, then turn to face the jury to give his answer. I had never seen anybody do that that had not become an expert at testifying. His reason for testifying against me came out at the end. Almost tearfully, he stated, "And you guys were always trying to shove Jesus down my throat." Ha! Oh, we were so bad!

November 16. Ken Baxter [my brother-in-law and #2 with me in the militia]. I asked Ken to read a militia recruitment letter I had written. Lloyd: "Objection, hearsay." Enslin asked, "What are you trying to say?" I replied that if there was a conspiracy, this letter would be a withdrawal from it. Lloyd: "I can't cross examine the author." Enslin: "Good point."

I asked Ken to read Exhibit F. Does it show 50% and 80% sideplates?" Yes." "Object, hearsay." "Sustained." No evidence of mine will be allowed into evidence because it cannot be cross-examined. Well, gee, look at my gun collection -- that could not be cross examined.

A catalog shows what we relied upon for availability. The Federal Rules of Evidence allows submission of evidence, based upon "commercial publications" of which we relied upon for our actions, or inactions. Lloyd: "objection." Me: "I'm trying to show what I relied upon." Enslin: "Disregard what he has said -- he is not under oath."

"Exhibit J shows a 1919 parts set?" "It does." "Object -- violates all rules of evidence." "Sustained." Do you see a pattern here? There is Supreme Court case law which states that evidence may not be "mechanistically" denied even if it is not allowed by the rules of evidence, if it is exculpatory (tending to show the innocence of the accused).

"Exhibit D is an article in American Survival Guide on a semiauto Browning -- a learned treatise (which is yet another allowable submission under the Rules)." Enslin: "Where is this a learned treatise? I don't know what that is." Well gee judge, perhaps you should go back to law school and learn the Rules of Evidence. I certainly had a better grip on the rules than he did.

**NO EVIDENCE WAS ALLOWED TO BE SUBMITTED BY THE DEFENSE.
GUESS WHY?**

November 17. On the 16th, Chuck Conces on the stand, Lloyd requested a recess. As it turned out, Lloyd and BATF Semear stormed up to Chuck in the lobby and started to fire questions at him. When Chuck asked him why they weren't asking him these questions in the courtroom and were grilling him now, Lloyd got inches from Chuck's face and said, "Because we can!"

When I told Enslin that if I had done this, I would be looking at 10 years in prison. Enslin's reply? "So what? It's a separate issue." Really?

Chuck took the stand again and gave details of the incident, said he was intimidated. Enslin questioned him. Chuck said he might have given slightly different

answers. I asked Chuck if Meyer's questions in the hallway had made him a little "gun-shy." He said, "Yes."

Enslin: "Waco tape talk -- irrelevant."

"Chuck's upset -- irrelevant."

"Nothing about suppressed testimony."

"What is the remedy?"

"There is nothing to remedy."

"I don't see any altered testimony."

Chuck is somewhere over 6 feet tall. He weighs about 240 or 250. He is a fairly big guy. But he is also in his 60s. On the other hand, both Semear and Meyer are in their mid to late 30s and both presumably pack guns. Was Chuck right to be intimidated? Enslin used a weight criteria to determine that Chuck was timid and should not have been intimidated. Judge for yourself how you would feel in Chuck's position.

November 17. I stated to Judge Enslin, "Under Rule 201, I would move this court to take judicial notice that these parts sets are available through publications and are sold to anyone without the requirement of a license.

Rule 201(d) says 'When mandatory -- if requested.'

And 201(g) 'Instructing the jury -- the court shall instruct the jury.'

Enslin's reply? "What publications? I haven't seen any publications." That is funny. I had supplied Enslin and Lloyd with copies of ALL of my evidence. I was starting to see the level of total ignorance by some of our judges in the non-performance of their duties. But this is only the tip of the iceberg.

November 17. When asked how he was going to handle my motions with jury instructions (something he stated he would do when he denied all 18 or 19 of my pretrial motions), he replied that I would get the instructions at the end of trial. I asked him where they were and he told me that I was supposed to supply him with it. Hello?

November 17. After allowing all of Lloyd's evidence and none of mine, the judge told the jury that only the evidence entered may be considered in determining the verdict. They were to ignore everything else (e.g. my opening and closing statements).

November 17. Enslin selected a very small (and irrelevant) part of the schizophrenic U.S. v. Miller(1939) case to cite to the jury. He quoted, "We cannot say the Second Amendment gives the right to keep and bear such a device [a sawed-off shotgun]." But I was charged with possession of actual military type equipment, which, according to Miller's logic, would be expected for militia members to show up with, when called into service.

November 17. Enslin told the jury that the Second Amendment is no defense to an individual charged with violating federal law. Not only did Enslin state that statutes contrary to the Constitution, trump the Constitution; but that those statutes also trump the case law (as selectively enforced by the court). Case law -- that "common law" that belongs to Judge Enslin.

November 17. When reading 10 U.S.C. §311, Enslin read the part about the organized militia, paused, then went off on one of his diatribes, then slipped in the part about the “unorganized” militia as if it were a part of his little speech. He also said that the definition of militia does not confer rights to keep and bear arms. Of course not. The Second Amendment guarantees those rights. He also stated, “...militia membership is not a defense.” Oh, but it is.

November 17. After my closing statement, Enslin told the jury:

“I give you the law. Mr. Metcalf doesn’t like that. The Second Amendment -- you should ignore. An expert witness for Mr. Metcalf was denied a week before trial. If he had had an attorney, he might have been able to have one.” To that, I quote Charles Dickens, sometimes, “the law is an ass”(or perhaps the one delivering the law). Of course Mr. Metcalf does not like treasonous judges delivering the wrong law to an ignorant jury. And, “You should ignore the Second Amendment?” Really? Ignore the law of the land? This commie judge really should have been tried for treason.

November 17. After the jury was allowed to fondle my gun collection for an hour, they were sent off to deliberate. And SURPRIZE!!! They were sequestered. Enslin was making like a threat had been phoned in (he was not a very convincing actor). He stated he would comment on it the next day -- but he didn’t. Remember, this is the week before Thanksgiving. Now, all the jurors will be wondering if they will be deliberating while their families are eating without them. Hmmm. The “fix” was in.

November 18. While waiting for the verdict, Enslin told us how the jury room door had to be broken down because someone had lost the (only?) key. Induced trauma? “Oh Mr. Fed, you rescued me. My hero. Hang the defendant.” Again, really? One key in the whole building?

THE RULE 29 MOTIONS

The Rule 29 motion is verbal and submitted up to 3 times. First is at the close of the prosecutor’s case. Second is at the close of the defendant’s case. Third is after the jury delivers the verdict. It is a motion to dismiss for lack of evidence.

My first one, after Lloyd got done with his little fantasy story, was answered with a flat denial. It was obvious to me that Lloyd had not proven a thing. But I suspect the judge wanted to see if I would hang myself when I presented my side of the story.

Mike Brown advised me to leave the second Rule 29 motion alone at the close of my case. Very, very bad advice. My law whore told me, “If you are going to do a Rule 29, now is the time.” He seemed real agitated when I declined. Perhaps I could have beat some (or all) of this case. Thanks, Mike.

I submitted a third Rule 29 after the jury verdict, again stating that there was no proof of me doing anything illegal. The judge had to ask Lloyd two questions. First, “Who were the federal agents that Metcalf conspired to threaten to assault?” Lloyd answered, “...uhh...the confidential informant??” I don’t quite think a confidential informant qualifies as a federal agent. There is a separate statute for threatening witnesses. Besides! there was no overt act to qualify as conspiracy. Any talk was merely “trash talk.” No action.

The judge's second question was, "How did Metcalf use or carry a semiautomatic assault rifle in a violent crime?" Lloyd's response, "Uh...he carried them around his house during the [21 month] course of the conspiracy??" Again, really? I wasn't allowed to move my toys around for 21 months? What happened to the ability to KEEP and BEAR arms?

To both of Enslin's questions to Lloyd, I say this -- if he had to ask, then it wasn't obvious and it didn't qualify for a conviction. Unless, that is, a railroading was the object. "All aboard the Federal Express -- now leaving for a prison near you." Or not.

Someone tampered with the transcripts because what was in my notes did not show up in writing. I didn't think that was possible but when I went back to check on it, it was modified.

A little side note here. This was the last proceeding for the court reporter that did my trial proceedings. When Loris talked with him, he was very agitated. I suppose he refused to falsify his work so he was let go. Still, the record got changed, so there was no proof of my request for dismissal for lack of evidence.

THE VERDICT

The jury deliberated for about 8 hours, three hours the day we finished trial and about five the next day.

We waited as the jury came in. I was ready with a piece of paper to mark off what I was found guilty.

But wait! Three of four of the female jurors were openly weeping. What the hell? I was beginning to think I had been had -- again.

The foreman read the verdicts. I marked them down as he read them. There was no need. Guilty of every count. I was dumbfounded. Really? They had apparently not heard a word I had said. But then again, the good judge had instructed them that they could only come to a verdict based on the evidence and not on anything else said in the courtroom. Since I wasn't allowed to show the jury ANY of my evidence, I guess I shouldn't have been surprised. Dutiful jurors that they were, they nailed me. Just as instructed.

I requested a poll of the jurors, to which Judge Enslin asked each individual juror if they had voted all guilty. They all affirmed that they had. It didn't occur to me that those verdicts were coerced.

This is how I see it as having come off. I can't see, in retrospect that they would have allowed the jury to NOT have a ringer on it. The ringer is someone placed there to ensure the conviction. For an example, let's say an Air Force pilot with 19 years of service, has just failed his yearly physical exam. He has developed a heart problem. He can no longer fly and he is going to be mustered out.

Then along comes somebody from our "justice" system and tells him he can finish out his 20 years in service to his country. It just won't be the same way he had expected. He is told, "You are a leader. We need you to lead people in a little different way. At the end of the year, you can retire with full benefits."

He is then told that he will be expected to lead people to guilty verdicts because, "these darned jurors just won't convict, even in the face of overwhelming evidence." Our ill pilot has no problem in fulfilling his duty to his country, even though it is in a different way.

Deliberations started midweek before Thanksgiving. On the first day of deliberation, Judge Enslin sequestered the jury. This may have caused a panic among those jurors who had plans for spending Thanksgiving with their families. I imagine that after the first 3 hours of discussion, the ringer decided to start putting on the pressure. "Well, I just know this guy is as guilty as sin. I don't have any plans for Thanksgiving and I would bet this judge isn't going to let us go without a verdict. If you wish to be with your families this holiday, you are going to have to vote guilty on all counts."

It also probably occurred that someone from the government stepped into the deliberation room and told the jurors something to the effect of, "Just go ahead and convict him. You know he is guilty of something or else they wouldn't have arrested him.

The judge will only give him a couple of years. By the time he gets out, he will have learned his lesson.”

That is essentially what happened in Randy’s case. His mother heard from one of his jurors. The man told her what had happened but when she asked if he would sign an affidavit, he became frightened and said, “No way.”

THE SENTENCING

After trial, I was whisked back to Milan Detention Center. It would be several months before sentencing.

The probation officer called me at Milan to get my take on what to put into the Pre-Sentence Investigation Report (PSIR). Mike Brown had advised me to have nothing to do with it, so I declined. MORE BAD advice. The PSI is what the BOP goes by where -- ever you go. It is basically taken as gospel.

When sentencing time approached, I got PSI Version 1.0. I knew that I had a set amount of time to submit objections to it, to the court. I no sooner got the rough draft done for Ver. 1.0 and Ver. 2.0 arrived. Same story, rough draft finished. Then Ver. 3.0 showed up.

Soon, I was again whisked off to the Kalamazoo County Jail. This time I was placed in the SHU. I still had to write my objections to Ver. 3.0. My long pencils were broken in half, I suppose to keep from using them as weapons. All that really accomplished was that I only had to request re-sharpening half as often.

I got the first draft done and they hauled me in for sentencing.

Federal Sentencing Rule 32 is pretty comprehensive. It is specific about things like timelines to make objections. It had only been a few days since I had received Ver. 3.0

Federal Rule of Criminal Procedure, Rule 32(b)(6) stated that:

(a) not less than 3.5 days before sentencing, the probation officer must provide the defendant with a copy of the Pre-Sentence Investigation Report.

(b) Within 14 days of receiving the PSI, the defendant must communicate his objections to the PSI to the probation officer.

(c) Not later than 7 days before the sentencing hearing, the probation officer must submit the PSI to the court together with an addendum setting forth any unresolved objections, the grounds for those objections, and the probation officer's comments on the objections...

NONE of the above a, b or c were adhered to.

So, I was hauled into court and the railroading continued. I had been in frequent contact with Loris by this time and she had stated she would try to make it to the sentencing. Well, she was there. So was her ex-husband with his new girlfriend. Awkward much?

The first few minutes pretty well told me that the judge had not had any pangs of conscience over his abominable behavior at trial, if he had shown me that he might have cut me some slack, I may have capitulated. Since he didn't, I decided to give him both barrels, so to speak. I had prepared an allocution that would last for 2 hours.

The tip-off that I was still screwed was when I asked him about my objections to the PSI and he told me that I had already had my opportunity to have input on the PSI. WHAT?

Rule 32 stated specifically that, For each controverted issue, the court must make a finding of fact, or state for the record that the issue will not be considered in sentencing. I have read cases that were sent back for re-sentencing when the judge did not abide with every facet of that portion of the rule. My objections had been so complete that the only thing I did not object to, was the spelling of my name. He should have made a finding of fact on the entire PSI. Instead, he made no findings at all.

So when he told me it was time for my allocution, I gave him both barrels. It was a 2 hour synopsis of how he was a complete horse's ass at trial. I excoriated him for his egregious conduct.

I took a break from the excoriating to challenge jurisdiction. I stated that jurisdiction was hereby challenged. When I looked over at Lloyd, I was dumbfounded. For the first time EVER, Lloyd was speechless. SPEECHLESS!! This was unprecedented! His mouth was moving like a fish out of water. But not a sound. Judge Enslin saved Lloyd's bacon by telling me, "Go ahead, you have got the floor.

So I proceeded to explain there was no territorial jurisdiction. The feds have authority over territorial (boundary) waters, dock yards, military reservations, etc. If it isn't somewhere in their jurisdiction that the alleged crime occurred, then if it happened in the United States, it is in the jurisdiction of the state. I explained, "none of these alleged crimes occurred on Federal property. I also stated that my address in Olivet was NOT on federal property. That also means that there was no federal personal or subject matter jurisdiction.

My challenge continued on for 40 or 50 pages of transcript. I cited statutory and case law to back all of my challenges. I also cited statutory and case law which makes it quite clear -- and I did make it quite clear -- that JURISDICTION MAY BE CHALLENGED AT ANY POINT IN THE PROCEEDING!

At the end of my allocution, the judge stated, "Mr. Prosecutor, I don't know about you, but I think Mr. Metcalf's challenge to jurisdiction is untimely." Really? The judge saved Lloyd's bacon again and gave him the right answer. By the way, the sentencing WAS a part of the proceeding. I have read about some really crooked judges in my legal research but none of them rise to the level of Judge Enslin's misconduct. The problem is, in their courtrooms, they see themselves as gods. And in practice, they are. Some are benevolent. Some are just plain tyrants.

We had other issues. The probation officer thought I owned the house in which I lived. He said I could sell the house to pay a fine. I explained that the house was in a trust and I had no authority to sell it. The judge, with nothing to support his assessment, stated, "That is one of those sham trusts that the tax protesters use to keep from getting their property seized." Really, again? I told him he would have to talk to the trustees about that. It appeared that he had relented and chosen not to enact the fine. I would later have the trust invaded by the State of Michigan and the property would be sold off, against my wishes - which proved that I did not control the selling of the house in which I had lived.

After I spent 2½ hours reading Enslin “the Riot Act,” I was given the fine anyway. It was \$9,175. With the assessment (\$100 per count), it came to \$9975. Lets call it ten grand. One should consider that wages paid in prison really do quality as slave wages. One hundred dollars per month is considered a premium job, if one can find it.

We also argued about the 924(c) count [use/carry of a firearm in a violent crime]. Lloyd argued that I should get a 30 year consecutive hit (to all the other counts) for use/carry of a machinegun in a violent crime. I argued that I was not indicted, tried or convicted of use/carry with a machinegun and in fact, was only convicted of a “firearm”(from both jury instructions and the jury verdict form(see Appendix)), which is a 5 year consecutive hit. The good judge compromised with the semiautomatic assault weapon, which was a 10 year consecutive hit.

I also argued that I was not indicted, tried or convicted of a crime of terrorism. That didn't slow Enslin down at all. He gave me the enhancement, which added 12 points and moved me from criminal history category [no criminal history] to category 6 [normally a rap sheet as long as your arm]. I ended up with 41 points and criminal history category 6, which figures to “360 months to life”.

Before Lloyd closed out his arguments, he brought out my “less-than-stellar” military history in the Air Force. Not that it had any relevance to the proceeding but it gave Enslin one more avenue to attack me.

The situation had been thus, My girlfriend was pregnant when I was transferred to England. I eventually brought her over too. After the baby was born, he died within the hour, We were both very distraught.

Within a couple of weeks, she snapped and left, while I snapped and stayed. Things got fouled up at work and I found myself unable to concentrate. That took me out of working on aircraft; especially one with an ejection seat. Eventually, they told me to go talk with a shrink. Since the Vietnam war was winding down, a reduction in forces (RIF) was probably forthcoming. The shrink told me I could either get transferred or discharged. I chose the discharge.

He told me he would write it up as immaturity. He told me that I would never be able to become president, but maybe vice president. This was before Bill Clinton, et seq.

I was honorably discharged. That made no difference to Lloyd.

The judge stacked the three Browning counts (10 years each) and ran the conspiracy, silencer and destructive device counts concurrently With the 924(e) count, that came to 480 months. You know, 40 years.

At the end, the judge had the temerity to tell me that I should be thankful that I had successfully argued about machine-guns in a violent crime. Yeah, right. A forty year sentence on top of my 46 year age when I was kidnapped. If I were to receive ALL of my “good time”, that would make me 81 when I got out. People don't generally live that long in this system. So I guess we can call it life in prison

While I was waiting to go off to my new prison; I was laying on my bed one day. I was thinking that, “Forty years is an awful long time.” I heard this still small voice within say, “Don't worry, it'll be alright.” Later conversation with Mike Brown yielded, “Bradford,

40 years is just a number. We'll get you out." Except he wouldn't. It still hadn't soaked in yet that 40 years equals life. I am still waiting for it to be alright

Shortly before I was transferred to USP Terre Haute, I filled out a request for transcripts. I was unsure of whether or not I had any funds in my savings or checking accounts (I didn't) so I truthfully answered, "Unknown," On this basis, Judge Enslin denied me my transcripts to effect my appeal. The denial came to Milan after I left for Terre Haute. Milan did not forward it on to me. After arrival at Terre Haute, I wrote the court about my motion for transcripts. I got no response. I only found out later about the denial by seeing it on the docket sheet. I would have to do the appeal with excerpts, procured by Loris (yes, there is that name again)

The End
of the beginning

Understand this, citizen: You no longer have ANY rights.

AFTERWARD

The methods used on me are the ones they use on ALL their victims. These techniques are in daily use against every federal defendant. They used more of their dirty tricks on me than most others. That was because I bucked the system and went to trial -- receiving over 13 times the length of the offered plea bargain.

I repeat that I have no problem with federal employees, only those who betray the public trust. For the most part, federal judges refuse to adjudicate according to their oath, that is, to render justice and to abide by the Constitution. Do I recommend the indiscriminant lynching of judges? Not just no, but Hell No. But when a judge ignores the Constitution, he is effectively waging war against the people

What I do recommend is this: when a judge no longer performs with 'Good Behavior', as required in the Constitution, he should be: 1) Impeached; 2) Tried; 3) Convicted; 4) Removed from his office - The Congress could do this but refuses to because of some imaginary "separation of powers." Congress impeached Bill Clinton. They can certainly impeach a treasonous judge. And if an impeached judge is convicted and found to have committed treason, he should he tried for it.

Be advised: We no longer have ANY rights. America is being disarmed one felon at a time. One in fifteen American men are now convicted felons. There are many more who have been permanently disarmed because of misdemeanor domestic violence convictions -- courtesy of treasonous legislators.

The Constitution's Interstate Commerce Clause has been prostituted to allegedly give the feds jurisdiction over "gun crimes." Logic would dictate that once an article has stopped moving in interstate commerce, i.e. once it is in the hands of the retailer, it no longer has any affect on interstate commerce. Not according to the feds. Using that logic, if I buy a hammer manufactured in China and hit someone over the head with it, does that make it a federal crime? Not hardly! How about if I drive my car into a crowd of people? That car was assembled with parts manufactured all over the country. The mental gymnastics involved with the courts to usurp jurisdiction is abominable.

I researched the jurisdiction issue extensively. Then I prepared a "bulletproof" jurisdictional challenge motion. The problem has been that the courts haven't even acknowledged the motion when I have submitted it. Not a word! They know I am right and to acknowledge that would be to admit my entire incarceration has been illegal. Again, judges NOT doing their jobs, i.e. waging war.

One third of this country is federal property. That includes the constitutionally allowed places like: "Forts, Magazines, Arsenals, dock-Yards and other needful Buildings" (Article 1, Section 8). But they have also acquired and kept lands such as National Forests, Wildlife Preserves, National Parks, Bureau of Land Management (BLM) lands, etc. -- all without constitutional authority. If you are accused of a crime on federal property, they pretty much have you. But jurisdiction is almost never challenged at the beginning of the proceeding, when a judge would be most likely to agree with you. Remember -- if the alleged crime did not occur on federal property (or in a territorial area -- boundary waters, Puerto Rico, The Marianas, etc.), it is NOT in federal

jurisdiction. If I ever manage to get released from my kidnappers, I will avoid federal property like the plague.

I have fought tooth and nail to restore our Second Amendment rights (to keep and bear arms) for over 21 years. I have argued it to the District/Appeals/Supreme Courts at least 6 or 7 times. Maybe more. The district courts say they are stuck with the decisions of the appeals courts. The appeals courts refuse to abide by Supreme Court decisions unless directly ordered to do so. Going to the Supreme Court is a crap shoot, at best. The last time I checked, they were getting about 8,000 petitions a year and hearing about 80. That is one percent. Not good odds, eh? In addition, I have read that they require at least three judges to say they wish to consider an issue before it will be heard.

Perhaps my petitions have been too far reaching. I have claimed---and demonstrated---that there is NO federal jurisdiction for ANY firearms statutes. The 1876 case of Cruikshank, which has never been overturned, stated the Second Amendment is only a restriction on the National Government. How clear is that? This problem of runaway federal control over nearly every facet of our lives, can only be blamed on YOU. And ME. And our fathers, our grandfathers, our great grandfathers, et al. I can trace our losses of liberty back to the civil war. Perhaps even before that. And perhaps it is too late to do anything about it. I tried. And I "died." The master has become the slave and the slave has become the master. Our roles have reversed and once a government gets power, it is really reluctant to give it up. The only cure for it will be that the whole system has to come down. And NO, I am not advocating anything to make that happen. There are too many people whom I care for who will be hurt. But this system is so corrupted, it will probably happen on its own. It won't happen until God is ready for it anyway.

I wish I could offer some encouragement that things will get better, but I can't. I DO know that God is in control and nothing happens without His knowledge and consent. My belief is that I must do everything as if the outcome depends on me, but to believe as if everything depends upon Him. I struggle with "His will be done," but it is what it is. The only thing left for me to do is to write and pray. I pray for my loved ones, my enemies (but I no longer pray for lightning bolts up their butts -- that IS progress) and I suppose I should pray for our nation. But the only thing I can think of for that is, "Your will be done."

The Justice Department uses a definition of "terrorism" which allows them a very "wide paintbrush" to accuse whomever they want of being an "enemy of the state." I would suggest that the State Department had, the last time I checked, a much more accurate description, something along the lines of, "The use of violence against innocents, in order to achieve a political objective." Judge for yourself, but I still state that, "I am NOT a terrorist."

SOME LAW (statutory and case) and

other evidence to consider in this case

For all the evidence I was disallowed, based on HEARSAY, Even if hearsay rules preclude admission of certain hearsay statements, fundamental fairness and the Due Process Clause may require their admission.

Keene v. United States, 661 A.2d 1073 (DC 1995)

[W]here Constitutional rights directly affecting the ascertainment of guilt are implicated, the hearsay rule may not be applied mechanistically to defeat the ends of justice.

Chambers v. Mississippi, 410 U.S. 284, 302 (1973)

Erroneous exclusion of defense evidence violates the defendant's Sixth Amendment rights. Chambers (supra)

The Supreme Court re-affirmed the Chambers Doctrine in Greene v. Georgia, 442 U.S. 95 (1979). One would think that a judge would be interested in dispensing justice, not being a (biased) referee in a contest.

TERRORISM, as defined

The State department:

Title 22 §2656f(d) Definitions (2) the term "terrorism" means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents...

The "Justice" Department:

Title 18 §2332b(g)(5)(A)

(5) the term "Federal crime of terrorism" means an offense that –

(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and
(B) is a violation of -- [(at least) 39 different statutes], NONE of which we were charged.

Interestingly, §2332 is defined as "International terrorism," which is terrorism which transcends international boundaries. Well...that certainly wasn't alleged in our case.

SEMI-AUTOMATIC ASSAULT WEAPON

There is no such thing as a semiautomatic assault weapon. By definition, an assault weapon is selective fire (both normal (unregulated) semiautomatic

fire and (military style, heavily regulated) full automatic fire). The same definitions come from numerous authoritative sources:

- 1) The U.S. Army Foreign Science and Technology Center's Small Arms Identification and Operation Guide, P.67, "Assault Rifles [68] General a. Assault rifles are short, compact, selective-fire Weapons..."
- 2) Future Weapons, by Kevin Dockery, P. 31, 'The classic definition of the assault rifle comes from the German design:... capable of semi-automatic and full automatic fire...' i.e. selective fire.
- 3) Gun Digest Buyer's Guide to Assault Weapons, introduction page, "If you use the historically applied terminology, an assault weapon must be capable of [tightly regulated] full-automatic fire, i.e., a machinegun."

As so often happens, Congress had no idea what they were voting for when they passed legislation on "semiautomatic assault weapons." There is simply, "no such animal." The semiautomatic weapons they attempt to regulate have been in existence for over a century, albeit cosmetically different. That is progress and evolution. It is inevitable. But these newer weapons have NO functional differences than their century-old ancestors. I.E., Congress basically stated, "These weapons are scary-looking, SO we are going to regulate them."

N.O. S.U.C.H. A.N.I.M.A.L.

UNANIMOUS VERDICT

Concerning the unanimity of the verdict on the objects of my conspiracy:

A jury in a federal criminal case cannot convict unless it unanimously finds that the Government has proved each element of the offense. *Richardson v. United States*, 143 L. Ed2d 985, 990 (1999)

Judge Enslin disallowed my jury from voting unanimously on the conspiracy (after instructing them otherwise) and so, "each element of the offense," was not proven.

VIOLENCE TALK

Fellow militia member, Jim Middleton, the coached witness, stated that "we" were always "talking about violence." I don't remember it that way, but look at the Supreme Court's view.

The constitutional guarantees of free speech and free press do not permit a State [that would include the United States] to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

United States v. Williams, 170 L. Ed2d 650, 680 (2008) citing *Brandenburg v. Ohio*, 23 L. Ed2d 430, 433 (1969); see also *Watts v. United States*, 22 L. Ed2d 664, 667 (1969), ("true threat" versus political hyperbole).

ADDITIONAL COMMENTS

At some point, FBI Jones stated that they had spent over a million dollars in surveillance of our Wed. night meetings (at Speed's Coffee Shop) without getting any significant "intel".

The entrapment agents are called "agent-provocateurs" (provocative agents?). We had both informants and undercover federal agents (ATF). They might say, "What would you like me to do now. Hey, how about if I ...". Our government has used them famously in the COINTEL (COvert INTELLigence) program (search COINTEL online). They were busted by Congress in the 70s and admonished to quit setting people up - FORTHWITH. The FBI said, "OK," and went underground with it. It never stopped. But the courts went from, "Hey, that was entrapment" to "Well, he was 'predisposed' to commit that crime." More evidence of the corruption that is bringing our society down.

Carter told me that the [heart/lung/back surgery] offer in his plea agreement was what tipped the scales for him.

[Federal Rules of Evidence](#) 2019 Edition Rule 201 – Judicial Notice of Adjudicative Facts

(a) Scope. This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

(b) Kinds of Facts That May Be Judicially Noticed. The court may judicially notice a fact that is not subject to reasonable dispute because it:

(1) is generally known within the trial court's territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(c) Taking Notice. The court:

(1) may take judicial notice on its own; or

(2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

(d) Timing. The court may take judicial notice at any stage of the proceeding.

(e) Opportunity to Be Heard. On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

(f) Instructing the Jury. In a civil case, the court must instruct the jury to accept the noticed fact as conclusive. In a criminal case, the court must instruct the jury that it may or may not accept the noticed fact as conclusive.

This is a synopsis of the following evidence, mentioned in the text.

APPENDICES (App.)

G.S. indicates a Government Supplied document. Those are App. numbers: 1,2,3,4,5,6,9,10, 11, 12, 13, 16, 19.

1. G.S. The indictment -- Remember that the prosecutor controls the narrative. He/she may start out with a set of known, provable facts -- be it 10, 20 or 100 facts. Then a story is woven around the facts to make the defendant (victim) into the most nefarious person on the planet. The only reason the defendant hasn't become a mass-murderer or El Chapo Jr., is because he was heroically stopped by our ever-vigilant federal agents.

The reality is this: most prosecutions are supported, or based on, the promise of testimony by weak willed criminals who have negotiated a time cut on their own sentences, in trade for testimony against others at trial. That testifying criminal goes from being (formerly) a diabolical terrorist or drug dealer, to an upright citizen, who has decided to cooperate with the government. "If you can't beat'em, join'em." Unfortunately, truth in that testimony is of no relevance -- just like the narrative of the prosecutor. Why is this? Because there is nobody to ride herd on the prosecutors to be truthful. Anything goes. This requires "coaching" so that the narrative of the prosecutor is supported by the "testifier," as was demonstrated by Jim Middleton in my case.

An example of the imaginary narrative, see the list of Overt Acts in the conspiracy (see App 6 for the "Acts" I was accused of -- ALL acts were irrelevant to the "conspiracy").

2. G.S. The transcript of FBI agent Robert Allen Jones admitting to having numerous unethical ex parte communications. The attitude of [some of] the Grand Jurors was evidence of the poisoning accomplished by the prosecutor.

As an aside, I was told that 200 years ago, when Aaron Burr was being prosecuted for treason, the prosecutor requested of the judge to be present during the grand jury proceedings. The judge laughed him to scorn, telling him that the only people in the grand jury room were the grand jurors themselves. Somehow, today, the prosecutors get to "run the show" with impunity. How did we get here? Mission creep. Like all other losses of our liberties, it was a slow, evolutionary process.

Only God knows what kind of fabrications were presented to Judge Enslin in those one-sided meetings. Ex parte communications denied my constitutional rights to confrontation by my accusers and due process (the way we do things).

3. G.S. Out of Enslin's mouth, he admitted to more ex parte communications. "I listen to citizens band radio when someone tells me to listen to it." Really? I was incarcerated. I had NO access to a citizen's band radio. He was referring to a tape that someone (who?) gave him about a telephone interview I had done that was broadcast over a SHORTWAVE band. These are two entirely different radio types.

4. G.S. Enslin's admission to never having read the indictment. If he hadn't read the indictment and didn't know what I was charged with, how could he possibly have

properly ruled against my 18 or 19 pretrial motions, two of which challenged the sufficiency of the Indictment?

5. G.S. The jury verdict form, as presented to the jury. It demonstrates that I was NOT unanimously convicted of at least one of the objects of the conspiracy. It also shows that I was convicted of use/carry of a FIREARM (not a semiautomatic assault weapon) in a violent crime. The difference is an extra 5 consecutive years on my sentence.

6. G.S. My alleged overt acts. All of these “acts” were in relation to either my militia involvement (a Constitutionally mandated activity) or my preparing for T.E.O.T.W.A.W.K.I.(The End Of The World As We Know It), a prudent activity, considering the unstable nature of our society. See acts #12 (militia training); #18 (more training); #22 (prudent conduct for isolated country living); #23 (I bought the best deals in ammo that I could find -- belted or not); #24(again, prepping. The storage of this food “in the event of a confrontation with federal agents” was another product of Lloyd’s very fertile imagination. I certainly never considered it and nobody ever testified to it); #25 (the powder and fuse belonged to a divorcing friend. The grenades were inert practice grenades and the “live grenade fuse” was later shown by the feds to NOT be live); #26(for preppers, knowledge is power -- or Survival. Claiming these as an overt act violated my

First Amendment rights); #27(I let the boys dig. It was good practice. NO mention was ever made about firing on federal agents – except, again, in Lloyd’s fertile imagination); #29(to this, one must ask, “so what?”); #30(one must also ask, “What does shooting our targets have to do with being approached by law enforcement authorities?” TALK does not constitute an Overt Act).

7. Advertisements for machinegun parts sets from 1997, stating that no license was required and there was NO right-hand sideplate.

8. Essentially the same ad as in #7, except it is 15 years after the first ad shown [2012]. At trial, I had asked Semear why they allowed these parts sets to be sold if they were illegal to own. He said, “Well, we might have missed the ad in the Shotgun News.” Missing the same monthly ad for 15 years? Not likely.

9. G.S. BATF Technical Examination Report. This thing is loaded with inconsistencies. Take a look. The law requires that I knowingly and willingly possessed illegal weapons, in order to be convicted of it. There was no such evidence because I could not conceive of doing what they had alleged.

10. G.S. DOD Demilitarization Manual. This says it all. A dead (or no) right-hand sideplate removes it from classification as a machinegun.

11. G.S. Letters to civilians that BATF abides by the DOD manual. Except, that is, in my case.

12. G.S. BATF interoffice memo admitting that the sideplate IS the receiver (the registered part, i.e. the receiver IS the machine-gun). There was no case law because they had never prosecuted a machinegun parts set before.

13. G.S. BATF letters concerning demilitarization of machineguns. Destroyed (or missing) right-hand sideplate removal from National Firearms Act (NFA) control=no illegal weapon.

14. Lee Tool and Machine ad. I (legally) possessed an 80% right-hand sideplate for a U.S. .50 caliber Browning. Then I found an Israeli Browning (deeply discounted over the U.S. model). The sideplates are incompatible (See App. 9, p. 5, Exhibit 105; P.6, first paragraph). I had called Lee Tool to ask if I could modify the U.S. plate to work with the Israeli kit. He told me to just buy the Israeli plate.

15. RPB ad. 37mm to 12 ga. adapter. This is exactly what I had. They still accused it to be illegal.

16, G.S 18 U.S.C. §921(a) (4) Destructive Device definition from the federal law book. It specifically exempts signaling devices AND 12 ga. shotgun shells from the definition of "Destructive Device".

17. Excerpt from Weapons of the Navy Seals, by Kevin Dockery. The SEALs use 12 ga. flares, as do any smaller marine signaling equipment.

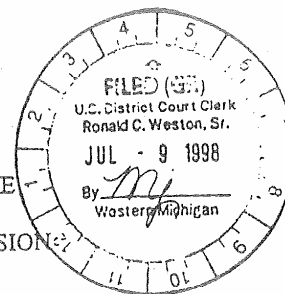
18. All Purpose Ammo ad — \$6.00 37mm flare versus \$2.33 12 ga. flare.

19. G.S. BATF-FTB tech. Richard Craze's dubious "qualifications". He may have been employed by BATF for a long time but his technical training is lacking, both mechanically and legally. A monkey could examine 2000 "silencers" and know nothing more when he finished than when he started. When Craze was asked if an item was illegal, he always answered, "In my opinion..." He was not legally qualified to render a legal opinion.

20. Decibel (db) Chart. It shows Craze's error about silencing. App. 9, P.7, Exhibit 103(g), instead of being tested on several of the FN/FAL barrels compatible with the piece, Craze attached it to a Ruger .22 caliber pistol -- an apples/oranges comparison. A 6.7db reduction is squat. As shown, 140 db damages hearing. Attached to the pistol, sound level was 148.5 db. A like size piece of water pipe would have the same effect. Does that mean that every house in the country has a silencer in it?

21. Another excerpt from Weapons of the Navy Seals. This one shows that a -20db sound reduction was unsatisfactory, where a -30 db sound reduction was acceptable. The metal tube of Exhibit 103(g) was still 8.5 db above the hearing damage level.

UNITED STATES OF AMERICA
IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

No. 1:98-CR-54

v.

Hon. Richard Alan Enslin
Chief Judge

BRADFORD METCALF, and
RANDY GRAHAM,

Defendants.

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT 1

At times relevant to this Indictment:

INTRODUCTION

As set forth herein, from approximately the Summer of 1996 through March 1998, the Defendants were members of a militia group in Southwest Michigan known as the "North American Militia." As members of this group the Defendants conspired with each other to possess machineguns, to plan and discuss attacks upon various federal facilities and instrumentalities of interstate commerce and to threaten to assault and murder federal officers and employees.

THE CONSPIRATORS

KEN CARTER, a resident of Battle Creek, Michigan, in Calhoun County, was a commanding officer and leader in the formation of the "North American Militia."

Defendant BRADFORD METCALF, a resident of Olivet, Michigan, in Calhoun County, was also a leader of the North American Militia who allowed fellow militia members to use his approximately 40-acre property for paramilitary training and preparation for armed conflict with federal law enforcement agents.

Defendant RANDY GRAHAM, a resident of Springfield, Michigan, in Calhoun County, executed various tasks assigned to him by Coconspirator CARTER in furthering the conspiracy to commit certain offenses against the United States.

THE CONSPIRACY AND ITS OBJECTS

From approximately the Summer of 1996, and continuing thereafter until approximately March 1998, in Calhoun County, Michigan, in the Western District of Michigan, Southern Division, and elsewhere, defendants

BRADFORD METCALF, and
RANDY GRAHAM

did willfully and knowingly combine, conspire and agree with one another and with others known and unknown to the Grand Jury to commit the following offenses against the United States:

(A) to possess machineguns in violation of Title 18, United States Code, Section 922(o)(1);

(B) to threaten to assault and murder federal officers and employees designated in Title 18, United States Code, Section 1114, with intent to impede, intimidate, and interfere with such Federal officers and employees while engaged in the performance of official duties, and with intent to retaliate against such federal officers and employees on account of the performance of official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B);

(C) to forcibly assault, resist, oppose, impede, intimidate, and interfere with federal officers and employees designated in Title 18, United States Code, Section 1114, while such persons were engaged in and on account of the performance of their official duties, in violation of Title 18, United States Code, Section 111; and

(D) to maliciously damage and destroy and attempt to damage and destroy, by means of an explosive, any building, vehicle and other real and personal property used in interstate and foreign commerce and in any activity affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 844(i).

It was further a part of the conspiracy that Defendants BRADFORD METCALF and RANDY GRAHAM, and other coconspirators would and did conceal the objects and purposes of such conspiracy.

MANNER AND MEANS BY WHICH THE CONSPIRACY WAS CARRIED OUT

Members of the conspiracy used various manner and means to effect one or more of the objects of the conspiracy, including, but not limited to, the following:

It was part of the conspiracy that its members, both known and unknown to the Grand Jury, would meet to plan for the upcoming "war" with federal, state and local law enforcement officers and members of the uniformed services.

It was part of the conspiracy that its members would possess firearms, including, but not limited to, machineguns, sniper rifles, silencers, semiautomatic assault rifles and semiautomatic handguns.

It was part of the conspiracy that its members would perform "live fire" exercises and paramilitary training on the property of Defendant BRADFORD METCALF.

It was part of the conspiracy that its members acquired chemicals and supplies in order to make destructive devices, as defined in Title 26, United States Code, Section 5845(f) and Title 18, United States Code, Sections 921(a)(3) and (4).

It was part of the conspiracy that members of the conspiracy would provide instruction to others in the making of explosive devices and bombs made from propane gas tanks filled and surrounded by shrapnel.

It was part of the conspiracy that its members planned to use destructive devices and firearms against vehicles, roads, bridges, power lines, transmitters, and individuals, including federal law enforcement officers and members of the uniformed services.

It was part of the conspiracy that its members planned to finance their organization by engaging in narcotics trafficking.

OVERT ACTS

In furtherance of the conspiracy and to accomplish one or more of the objects of the conspiracy, one or more members of the conspiracy committed or caused to be committed various overt acts within the Western District of Michigan and elsewhere, including, but not limited to, the following:

1. On or about August 22, 1996, Coconspirator KEN CARTER discussed plans with other members of the North American Militia to finance their organization by robbing narcotics dealers of money and engaging in narcotics trafficking themselves.
2. On or about November 2, 1996, Coconspirator KEN CARTER held a meeting with members of the North American Militia where he discussed the following targets:
 - a. The destruction of the intersection of I-94 and U.S. Route 131 near Kalamazoo, Michigan;
 - b. The destruction of communications facilities and the take over of a communication facility to get his message out;
 - c. Destruction of power facilities;
 - d. The destruction of fuel depots/gas stations;
 - e. The raiding of National Guard armories for equipment.
3. On or about November 2, 1996, a militia member named Brendon Blaszc conducted a class, attended by Coconspirator KEN CARTER, Defendant RANDY GRAHAM and others, on "clearing buildings," meaning a room-to-room search for enemies.
4. On or about November 2, 1996, Coconspirator KEN CARTER discussed ways of taking responsibility for destruction with explosives without being caught.

5. On or about November 2, 1996, Coconspirator KEN CARTER discussed plans to attack federal law enforcement agents in the event such agents executed a search warrant at a militia member's home.
6. On or about April 17, 1997, Coconspirator KEN CARTER, unwittingly attempted to recruit an undercover special agent of the Bureau of Alcohol, Tobacco, and Firearms (ATF) into the North American Militia asking him to procure "flechettes," small, razor-sharp pieces of metal, to be used as shrapnel in making bombs.
7. On or about April 17, 1997, Coconspirator KEN CARTER told the undercover ATF agent that he had two M1919 A1 machine guns in .308 caliber with 20,000 rounds of belted ammunition.
8. On or about May 7, 1997, Coconspirator KEN CARTER assigned the undercover ATF agent a "Sector of Responsibility" in the Battle Creek area in which the agent was to find targets to destroy, such as electric, water, gas and communications utilities.
9. On or about May 12, 1997, at a meeting of the North American Militia held at "Speed's Koffee Shop" in Battle Creek, Michigan, Coconspirator KEN CARTER gave the undercover ATF agent instructions on how to make bombs from ten-gallon, gas-filled propane tanks using nails, wood and rock as shrapnel.
10. On or about June 3, 1997, Coconspirator KEN CARTER gave the undercover ATF agent a 5-gallon propane tank and a large amount of shrapnel with which to make a bomb.
11. On or about June 3, 1997, Coconspirator KEN CARTER explained to the ATF undercover agent that members of the North American Militia carry pagers and in the

event of "war," codes would be sent to the pagers indicating to the militia members that they should attack their targets in their respective "Sectors of Responsibility."

12. In the summer of 1997, Defendant BRADFORD METCALF allowed North American Militia members to use his 40-acre property as a training site.
13. On or about June 27, 1997, Coconspirator KEN CARTER described how he had emplaced one .50 caliber machinegun at the end of Defendant BRADFORD METCALF's driveway with two .30 caliber machineguns placed in a field and on a hill in support.
14. On or about July 9, 1997, Defendant RANDY GRAHAM conducted surveillance at the Fort Custer Army National Guard Post in preparation for an attack on the Post.
15. On or about July 14, 1997, Defendant RANDY GRAHAM and Coconspirator KEN CARTER discussed the test firing of a .50 caliber machinegun at Defendant BRADFORD METCALF's property.
16. On or about July 14, 1997, Defendant RANDY GRAHAM and Coconspirator KEN CARTER identified a National Guardsman and targeted him for murder.
17. On or about July 14, 1997, Defendant RANDY GRAHAM provided the ATF undercover agent with two books on C-4 military explosives and improvised land mines.
18. On or about July 27, 1997, Coconspirator KEN CARTER supervised a North American Militia meeting and paramilitary training session at Defendant BRADFORD METCALF's property.
19. On or about July 27, 1997, Coconspirator KEN CARTER instructed his militia members that if law enforcement officers took any action against their group the individuals should

attack the targets assigned to them and included ATF and other federal agents as additional targets.

20. On or about August 10, 1997, Defendant RANDY GRAHAM and Coconspirator KEN CARTER discussed shooting any law enforcement officers who entered the militia training compound at Defendant BRADFORD METCALF's property.
21. On or about August 11, 1997, Coconspirator KEN CARTER and Defendant RANDY GRAHAM discussed the firing of a .50-caliber firearm.
22. On or about August 13, 1997, Defendant BRADFORD METCALF staged loaded semiautomatic assault rifles in and about his residence and property.
23. On or about August 13, 1997, Defendant BRADFORD METCALF stockpiled thousands of rounds of ammunition, including belted .50 caliber rounds for a Browning machinegun and belted 7.62 mm rounds for two .30 caliber machineguns at his residence.
24. On or about August 13, 1997, Defendant BRADFORD METCALF stored 5-gallon containers and other barrels containing food and canned goods to feed members of the North American Militia in the event of a confrontation with federal agents.
25. On or about August 13, 1997, Defendant BRADFORD METCALF stored in his residence approximately 30 pounds of smokeless gunpowder, several feet of time fuse, four grenade hulls, and a live grenade fuse.
26. On or about August 13, 1997, Defendant BRADFORD METCALF possessed at his residence literature and manuals explaining how to make automatic weapons, construct bombs, and make silencers. Defendant BRADFORD METCALF possessed such titles as:

- A. The Browning Machinegun Caliber .50;
 - B. Full Auto Conversion of the AK-47;
 - C. Improvised Radio Detonation Techniques;
 - D. Improvised Shaped Charges;
 - E. Booby traps;
 - F. Improvised Explosives;
 - G. Improvised Explosives for Use in Detonators;
 - H. Silencers for Hand Firearms;
 - I. Silencers, Snipers, & Assassins;
27. In or about the Summer of 1997, Defendant BRADFORD METCALF allowed various bunkers and fighting positions to be dug into his property at strategic locations from which to fire upon federal agents who he believed might enter his property.
28. On or about August 13, 1997, Coconspirator KEN CARTER contacted various members associated with the North American Militia during and immediately after the execution of federal search warrants on Defendant METCALF's property to rally armed support for Defendant METCALF against federal law enforcement officers.
29. Before or about August 13, 1997, Defendant RANDY GRAHAM warned Defendant BRADFORD METCALF to hide his various firearms and weapons.
30. On or about August 14, 1997, Coconspirator KEN CARTER and Defendant BRADFORD METCALF agreed to alert all North American Militia members to shoot their targets if approached by law enforcement authorities.