

Casey William HARDISON

-v-

United Kingdom

PART II
Statement of Facts
Pursuant to
Articles 3, 5, 6, 8, 9, 10, 13, 14 et al.

European Court of Human Rights

Application 37238/05

Thoughts are free and are subject to no rule
—Paracelsus

Prepared By

Casey William Hardison

8th December 2005

ECHR Statement of Facts

I am Casey William HARDISON, a self-litigating United States citizen in this claim against the United Kingdom. I am a medical anthropologist who has studied consciousness and the complex interrelationship between humans and entheogenic and/or entactogenic drugs, primarily indolamine and phenethylamine neurotransmitters and their substantially similar analogues since 1993.

I am a committed advocate for *Cognitive Liberty*, and have worked towards a fundamental transformation of drug law since 1993; I have studied in depth, the potentials of diverse mind-states for therapy, intelligence enhancement, neurocognitive enablement and epistemological transformation. I have recently been convicted of 6x Misuse Drugs Act 1971 offences:

Count 1 **2C-B**; Production, 20 years

Count 6 **LSD**; Possession/intent, 15 years

Count 3 **DMT**; Production, 20 years

Count 7 **5-MeO-DMT**; Possession, 1 year

Count 4 **LSD**; Production, 20 years

Count 8 **MDMA**; Exportation, 7 years

I believe the practice of altering our consciousness through use of psychoactive molecules, whether in crude plant form or refined alkaloids, to induce mystic insight, to communicate with the loving and nurturing energy within us, to facilitate healing, to perceive and receive information and ideas not normally perceived, or simply to reduce stress, has existed from the dawn of time, and all efforts to eradicate these practices of using psychotropic molecules and/or the plants, or animals which contain them are based on an incomplete understanding of human nature; further, *it is an inherent tendency of humans to attune, modulate, and regulate consciousness* for a plethora of purposes; as it is the ebb and flow of perception that is the quintessence of being sentient.

In December 2001, I attended an 'Ibogaine Conference' in London on the plant *Tabernanthe iboga* and its alkaloids. 'Eboga' is an African rainforest shrub of the Gabon region traditionally used by indigenous peoples of Western Africa in low doses to combat fatigue, hunger and thirst, and in higher doses as a sacrament in spiritual initiation ceremonies of the Bwiti.

Ibogaine is a naturally-occurring psychoactive indole alkaloid derived from the roots of *Tabernanthe iboga*; the pharmacological properties of ibogaine have been researched for over 100 years. Indeed, Ibogaine was marketed in France under the trade name Lambarene until 1970 and used for its generalized effects on the body and for promoting a sense of well being. The efficacy of ibogaine for treatment of drug dependence was first discovered by Howard Lotsof in 1962. In 1985 Lotsof was awarded a series of patents related to ibogaine's apparent ability to 'interrupt' a wide range of substance abuse disorders, including those associated with opiates (heroin), opioids (methadone), stimulants (cocaine, & amphetamine), as well as alcohol, nicotine and poly-substance abuse.

At the conference in London, I began a significant love relationship with the organizer Hattie Wells and over the next several months rearranged my life to spend as much time with her as possible in the United Kingdom; and, in early 2002, I was offered the opportunity and funding to set up and run a sub-pilot *Tabernanthe* extraction laboratory to refine ibogaine and to make the compound 2,5-dimethoxyphenylethylamine (2C-H) for another end user. I engaged in the offer and immediately began acquiring the necessary materials to conduct laboratory work. At the same time I assisted in the administration of ibogaine HCl to self-identified and consenting drug users to facilitate their psychospiritual healing and to cause addiction cessation.

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By June 2002, my lab was up and running and I was fulfilling on my obligations with a traditional organic laboratory, including all the necessary reagents, enabling me to follow almost any common organic synthesis or phytochemical research and development path I so chose. As capital and experience was reinvested my capabilities and competencies expanded.

Around this time, having a sufficient amounts of 2C-H left over from my contracting work, I chose to convert 2C-H via chemical synthesis into 2,5-dimethoxy-4-bromo-phenylethylamine (2C-B), a controlled substance in the United Kingdom under the subordinate MDA 1971 Modification Order 2001 (S.I. 2001 No. 3932), for my own personal explorative functions.

2C-B, having been invented in 1974 by Dr. Alexander Shulgin, was introduced to psychotherapists around the United States and Europe, many of whom found it of value in creating a warm, empathetic bond between themselves and their patients. 2C-B's pharmacological action helped to dissolve the patient's ego-defences and inner resistances, thus enabling the person to get in touch with suppressed emotions and repressed memories, thereby helping to resolve psychospiritual and other psychological problems. In 1994 2C-B was scheduled in the US, however, clandestine psychotherapeutic work continues. My efforts eventually went towards facilitating these few thousand psychotherapists obtain a reliable pure source for 2C-B.

In early 2003 I was offered an opportunity to research the Ergot fungus first hand. Ergot is possibly the single most important medicinal genus on the planet as evidenced by the volume of literature on Ergot as well as the current use of over 400 prescription compounds. The potential for discovery of new medicines or new uses for Ergot and its compounds was and still is enormous.

This Ergot research would eventually help facilitate research into various ways of making Lysergamides and their derivatives; Lysergic Acid Diethylamide (LSD), also a controlled drug under MDA 1971. LSD, the most well known Lysergamide, is a substantially similar molecule to Lysergic Acid Amides found in the sacred *Convolvulaceae* Morning Glory, *Ololiuqui*, of the Mazatec curanderos of the Oaxaca highlands of Mexico which has been utilized for more than three millennia alongside *Psilocybe mexicana* and *P. cubensis* in healing and divination ritual.

LSD previously had a significant amount of promising clinical, laboratory and psychotherapeutic research conducted prior to it being scheduled in the United States and subsequently in the 1971 UN Convention on Psychotropic Substances. Today, clinical work with LSD and psilocybin in the treatment of Cluster Headaches, trigeminal autonomic cephalgia, is in the pre-trial stage in the United States at Harvard University. Cluster Headaches cause such intense pain that sufferers have been known to kill themselves to escape it; and while we have medicines that can make it more bearable, most have severe side effects or are difficult to consume. In the meantime a grassroots clandestine group of Cluster Headache sufferers have discovered that three doses of psilocybin or a single dose of LSD can cure their symptoms for as long as a year!

I was excited to finally be engaged in this forbidden field of research with such promise. I had made a commitment to myself in December 1993 that I would go to school and study the conversations and technologies constellated around shamanic visionary molecules; I felt like Galileo.

Eventually, I was approached with the express intent of synthesising LSD for a group on the continent. It was my first attempt at LSD synthesis and I took the opportunity though in my heart I had no desire to continue working with this group after the originally agreed synthesis; I was successful.

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Immediately after this initial work, I travelled to South Africa and Namibia to continue Anthropological field work with the San Bushman of the Omaheke region cataloguing their medicinal plants and learning of their trance dance healing rituals. Upon return to the United Kingdom, I ordered from www.dsmz.de the Ergot fungus *Claviceps paspali* Stevens & Hall.

I began by learning saprophytic culture techniques of the fungus but culturing was slow and deliberate work and by May 2003, whilst attempting to extract the ergot alkaloids from the culture broth, I failed miserably. I gave up resigned to the fact that I had neither adequate facilities nor equipment for the sterile growth and extraction of the Ergot alkaloids. I knew that when I was prepared the opportunity to work with Ergot and its alkaloids would appear again, the old adage 'when the student is ready the master will appear' applied. I trusted the Mutterkorn. I trusted my scientific and spiritual process. However, I did not know that it would be as soon as autumn 2003.

In July 2003, Thomas Carstensen, in the United States, received a package I had mailed, for another; I had thought it cash and he was going to miss his aeroplane. The package contained 3,4-methylenedioxy-methamphetamine (MDMA), a controlled substance under the MDA 1971, and currently undergoing US FDA clinical trials in the treatment of War and Terrorism related Post Traumatic Stress Syndrome. Thomas Carstensen, having a substantial 'liberty interest', named myself, to the DEA, as the sender of the package and received a significant sentence reduction for his offence; this information was passed on to the United Kingdom authorities via the DEA and an investigation began October 30, 2003 into my alleged activities. This investigation would eventually lead to my arrest in February 2004.

In late October 2003, another opportunity to work with Ergot alkaloids arose. I was given a mass of dark resinous material purported to be Ergotamine Tartrate that had undergone a botched conversion to Lysergic Acid an intermediate in the production of ergot alkaloids as well as production of Lysergamides. I was entrusted with the goal of sorting out what had gone wrong and hopefully recovering enough to cover the costs of the original starting materials. I struggled for months trying to unwind what was possibly a futile effort. I utilized all spare monies I had and even began borrowing capital to help the project possibly bear fruit.

I did not have adequate qualitative analytical equipment and reference standards for the Lysergic Acid (LA) and Ergotamine Tartrate (ET) as they are available only with a Home Office Licence or purchased from the black market. I had neither connection. Eventually, I was able to confirm that the original material indeed had ET in it but I was unsure if it had been adulterated as the person who handed me the black resin had acquired the original material from the black market. I used every extraction technique I could dream up and my only way of knowing if I had actually obtained LA was to attempt a Lysergamide synthesis with it and test the final product through the usual method of the subjective bioassay. I failed repeatedly in my attempts at synthesis and had to find a method of synthesis that was not extremely sensitive to water, light or other resinous materials.

By January 2004, upon returning, from the United States and my sisters wedding, I felt that I had a novel synthetic process enabling me to proceed. My initial attempts were unfruitful as I had to yet find from the black resin suitable starting material, i.e. clean and pure enough LA. Eventually, the first week of February, I succeeded. In ordinary circumstances I would have been awarded a novel synthesis patent protecting my intellectual property rights, instead I was arrested.

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The Crown put to the Jury that Operation Pathfinder began October 30th 2003 *after* the package with the “defendant’s fingerprints” was sent to the US. Yet, the Disclosure Officer received the original packaging RG/1 in April 2004 untested for fingerprints. And, when it was tested they found one single thumbprint on a single piece of paper that could have come from my office after my arrest.

I was raised to believe that for the State to acquire the right to intrude on someone’s privacy there must be probable cause, that is, suspicion sufficiently fortified by specific, articulable and antecedent evidence to be called reasonable. And that if the citizen is to have the right to be left alone by the Government any exception to this must be justified in advance of the intrusion itself. *The question therefore remains open in my mind as to the legitimacy of the investigation and invasion into my private life, my subsequent arrest, search and ultimate conviction.*

It may be argued by the Crown that Tom Carstensen’s testimony is that specific articulable antecedent evidence, yet I was unable to test this in Court before a Jury; I was locked out of it by Public Interest Immunity. This appears to be just the sort of ‘common informer’ visualised in the *Norris v Ireland* [1991] case. It certainly appears to me that by my association with the pejorative world of ‘drugs’ I have no entitlement to test full the evidence against me.

Operation Pathfinder was a significant surveillance operation involving many officers and detailed to the jury by the crown. DC Middleton and DC Hutt conducted video surveillance into the back rooms of my residence, 8 the Vale, Ovingdean, from within the locked backyard at 0130 hours on 11th February 2004. This intrusion in the early morning hours before my arrest was accomplished only by climbing over locked gates or fences. This is a gross invasion of my privacy premised, I say, upon no specific articulable antecedent evidence and justified only via the degrading paradigm which believes people associated with non-socially sanctioned drugs have no right to privacy and must be investigated and interdicted.

On February 13th 2004, after a two-day search of 8 the Vale, the scene guard stood down. This ended the search authorized by the original warrant leaving the scene without integrity. Exhibit **MC/4**, the subject of Count 6, was not found by the Police until February 16th 2004, 56 Hours after completion of the original two-day search, by which time the original warrant had been executed and expired. DS Pike authorised a new search on February 16th 2004 after obtaining the permission of the owner of the property as opposed to the occupier of the property, Mr. Hardison.

The owner of the property, Ms. Lindley, 8 the Vale, Monticello, did not reside in it, I did. I was the occupier of the property and I was in Police custody and I had already been approached directly by the O.I.C DC Cutriss in relation to safety issues at the premises; I cooperated fully with them. There was no reason to suggest that if DS Pike had come to me to authorize a new search I would have denied him. In evidence DC Pike stated that he asked the owner of the property for her permission, which was granted. He refused to accept that I was the proper person to ask. Therefore, the search was in breach of the UK Police and Criminal Evidence Act 1984

In a pre-trial hearing on November 26th 2005, conducting my own defence, I was denied the opportunity to personally examine the exhibit **MC/4** and, as such, asked for *full* photographs as the original photos had been cropped and edited. Mr. Hardison did not receive them until after the start of trial, Jan 13th 2005.

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In addition, the Crown failed to disclose to me until after trial had started that the Crown had been investigating a Mr. James Buckley since Sept 9, 2004; indeed, the reason for the photo editing. The drugs in exhibit **MC/4** were found in a Liverpool Football bag. Mr. Buckley's name was found embossed on a UK Passport Office envelope, within the exhibit **MC/4**, and came from Liverpool. This information should have been disclosed from the time the Defence Statement was served.

I was brought to trial in which I aired my Human Rights Argument before the Crown and Court and then told my arguments were 'manifestly ill founded' by the Trial Judge and that I would be unable to rely on them in front of the Jury. Yet, the Human Rights Act 1998 specifically states that I may rely on it in any proceedings. As such, I was not able to full enlighten the Jury as to my position.

The very best argument for the potential value of entheogen-elicited mind states is in the experience itself; an *experience that has, in almost every case, been outlawed*. This is the dilemma of entheogen policy reformation. As an advocate for entheogenic consciousness I am left in an even worse position than the proverbial sighted man who must describe colors to a blind person. With regard to entheogenic drug policy, the position is worse because the 'blind' are in power and have declared it a crime to see colors.

Left with the impossible task of saying the ineffable, of describing the indescribable, those who have tasted forbidden fruit must plead their case on the fundamental philosophical and political level of what it means to be truly free. I must state my appeal on the ground that, with respect to the inner-workings of each person's mind, the values of tolerance and respect are far weightier and far more conducive to the basic principles of democracy, than is the chillingly named "zero-tolerance" policy that is currently in vogue.

I would like to end with an analogy, as you listen to this "sentence" you are receiving information. Words are carriers of thoughts, whether spoken from mouth to ear, digitized and passed electronically, or downloaded into ink and passed on paper across time and space. Because words are vehicles for thoughts, words can change your opinion, give you new ideas, transform your worldview, or foment a revolution.

Attempts to control words and therefore *thought* date from at least AD 325 when the Council of Nicaea ruled that Christ was 100 percent divine and forbade the dissemination of contrary beliefs. And since the invention of the printing press in 1452, governing bodies struggled to control the printed word. Presses were initially licensed and registered. This is the origin of copyrights.

Only certain people were permitted to own or control a printing press and only certain things could be printed or copied. Works printed without prior authorization were gathered up and destroyed, the authors and printers imprisoned, tortured and executed. In 1557, Pope Paul IV issued the first *Index Librorum Prohibitorum*, creating the controlled psychoactive substances known as books. Following the mandates of the *Index*, unapproved books were seized and destroyed. Those individuals, who manufactured, distributed, or even read prohibited books, were punished when caught. Today, those individuals who manufacture, distribute or even use *certain* psychoactive substances are hunted by government agencies and punished when caught.

The control of books as dangerous psychoactive substances did not come to an end until 1966 when the *Index Librorum Prohibitorum* was finally abandoned. At that time the *Index* contained over 4000 forbidden books, including works by Galileo, Kant, Pascal, Milton, Spinoza, and John Locke.

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Today, we look at the control of books, and the punishment of those who manufactured, sold, and used them as an archaic notion, something contrary to basic concepts of intellectual freedom and a democratic society. Yet, in 1970, just four years after the Catholic Church finally abandoned the *Index Librorum Prohibitorum*, the United States government produced its own index of forbidden thought catalyts; impressing this upon the United Nations, Britain followed suit.

My point is simple and obvious: efforts to prohibit heterodox texts and to make criminals out of those who “manufactured” such texts, were not so much interested in controlling ink patterns on paper, as in *controlling* the *ideas* encoded in printed words.

I submit that in the same way, the so-called ‘War on Drugs’ is not a war on pills, powder, plants, and potions, it is war on mental states — *a war on consciousness itself* — how much, what sort we are permitted to experience, and who gets to control it.

This Court is in a similar position to those who previously legislated over the manufacturing, distribution, and use of the controlled substances known as prohibited books. A government that is permitted to set punishments for drug ‘offences’ in which a person has done nothing more than grow, manufacture, distribute, or use, the psychoactive agents which have been denoted as “controlled substances,” participates in an even more pernicious form of censorship—*a censorship of consciousness itself*—by choosing to punish people for no other crime than choosing to experience or enable particular states of mind.

—fiat lux, fiat justitia, fiat pax!

Casey William ‘Freeblood’ Hardison POWD