

Motion

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U.S. DISTRICT COURT
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TX EASTERN DIVISION

In Accordance With Certain Rights
For United States Citizens Denied By DH
The State Of Texas Guaranteed Under The 1st,
The 5th, 8th, 13th and 14th Amendments
Of The United States Constitution, In
Place In Certain States But With
A Disparity Of Adverse Impact
In Texas Due To Negligence Of Enforcement

United States District Court
For The Eastern District Of Texas
Houston Division

Harry Fred Scott, et al
VS
Civil Action 9:01CV58

County Of Houston
State Of Texas Dept. Of Corrections
Criminal Justice Division

United States District Judge John Hannah
JDHN HANNAH

Certificate of conference no other attorney has appeared
Rev. Harry Fred Scott pro se

① Complaint

Motion To Honor Marriage

As A Divinely Instituted Contract Lawfully
Joining A Couple Together In Matrimony
Til Death Without Conjugal Rights
Set, Or Put Asunder By Punishment
For A Crime Or Encourage By Cheap Prison
Divorce Or Not Allowing Conjugal Rights
Or Providing Conjugal Rights To The
Imprisoned So Long As They Both
Shall Live. 8th Amendment, 5th, 13th and 14th
Amendments Of The United States Constitution

If It Pleases The Court, Plaintiff
Would Show That Texas Prison System
Does Not Provide A Place Of
Privacy To It's Prisoner Population
Who Are A Party To A Marriage
Contract, Nor Does It Honor
The Institution Of Marriage, ... The
Same As Certain Other States, In
The Union Of The United States
Of America So Honor The Divinely

2

Instituted lawful Contract in their prisons.

If It Pleases The Court, Plaintiff
Will Show That Where The Contractual
Agreement Is Honored, Conjugal
Rights Are Not Violated By A
Punishment To Disallow Conjugal
Visitation Privacy By Providing
A Respectful Facility To Allow
The Honoring Of Marriage With
Out Putting Asunder The Conjugal
Rights For Inmates; Such States
Possess Substantial Evidence Of
Divorce Rates Being Lower By
Comparission To Those Violating The
Rights Of Conjugal Visit By Marital Status.

If It Pleases The Court, Plaintiff Will Show Evidence That Rape Is A Problem That Will Continue In Texas Criminal Justice System Unless It Is Admitted, And Deal With As A Social Problem That Will Be Acted Out By Raped Inmates Who Will Be Released Back Into The Free World Upon The Completion Of The Sentence. Where There Is Hope To Keep The Couple Together By Allowing And Providing Ways And Means, Texas Prison System Is At Fault Through Its Legislator For Failure To Have

4

The Provision In Place And
Implimented Over The Years.

Texas Criminal Justice Department
Has Provided Ways And Means Of
Allowing Divorce At A Cost Over
500% Of Such Cost In The Free
World. The Department Of Correction
Needs Correction And Has Violated
The Marital Rights Of It's Inmates
While Not Safe Guarding The
Rights Of It Homosexual Population
To Not Become Victims Of Sexual
Assaults. The Texas Department
Of Corrections Has Neglected To
Provide A Classification To Provide

5

Protection Of It's Non Infected
Aids (H.I.V. Positive) Population And
Plaintiff Beggs The Court For
Permission Granted To Show
Statistics Of Prisoner Contracting
Aids And Other Sexual Transmitted
Disease In Texas Prisons. Plaintiff
Beggs Of The Court, By This Motion
To Show Stats Of All Deaths
In Prison Population For Years
1954 through 2000 For Examining
That Aids (HIV Positive) And Other
Sexual Transmitted Disease By
Touch Or Substance Contact,
Have Caused More Deaths Than
Capital Punishment.

6

Plaintiff Will Show That By Examining The Records And Corpse Of Prisoners Between 1954 And 2000 That Deaths Have Resulted From The Means Of The Electric Chair And, Or Lethal Injection In Less Number Than Other Factors And That A High Percentage Was The Negligence Of Texas Department Of Corrections To Care For And Protect Its Population From Unwanted Advances, Rape, Assault And Being Victims Of Inmate Control In Carcer Demonstrating "Power"!

7

With This Motion, If It Please
The Court, Plaintiff Will Show
That Holy Writ Supports Our
Position That Marriage Is Ordained
Of God And "All" Dieties And That
The Bed Is Undefined In Marriage.
The United States Constitution Does
Not Denounce And Prove That There
Is NO God. We, If It Pleases
The Court, Will Produce Documentation
That Proves Beyond The Shadow
Of Doubt That Sexual Intercourse
Can Result In Pregnancy And
That Sexual Engagement Is As
Much For Pleasure As It Is For Reproduction.

8

The Involvement of Mankind
And Most Living Creatures Include
Strong Sexual Urges With Culmination
For Pleasure Through Conjugal
Visitation And This Is Addressed
In Holy Writ And Even In
The Practice Of "Slavery" While
Marriage Was Not Always Permitted,
Conjugal Visitation Was An Acceptable
Practice And That Even Slave
Masters Engaged In Conjugal
Visitation Even With Slaves.
We Will Submit That The 13th
Amendment Did Not Abolish
Slavery To Be A Practice For Punishment.

9

We Desire To Argue That Slaves Have Sexual Urges. We Desire To Argue That Slave Masters Knew That Slaves Had Sexual Urges And Even Examined Slaves For Reproduction Purposes To Increase Their Property And Even Engaged With Their Property For Both Reproduction And Sexual Gratification. "Building Tenders" or Strong Prisoners See Themselves As Masters Over Weaker Inmates. It Is As Much About Power Or Control, As It Is About Hate And Love. Rape Is Even Possible "According To Law" In Marriage.

¹⁰
If It Please The Court, Plaintiff
Will Show That Marriage Is
Broader Than The Ability To
Lawfully Engage In Sexual
Intercourse Between Consenting
Adults. We Will Show That
Even Consenting Adults Can
Engage In Sex Without The
Sanction Of Marriage Under
The Laws Of States. We Believe
That The Institution Of Marriage
Is With Roots And Is Recognized
By Both The Church And State.
We Will Argue That More Marriages
Are Placed Into Contract By
Ship Captains, Justice Of The Peace

"And Minister Outside Of The Sacred Walls Of The Church Than Within The Church But That None Are Legal Without A License. Respect Is Due To The Institution Of Marriage Because It Is In The Sight Of God, And In The Face Of The Couple, Or Their Witness, To Join Together The Couple In Holy Matrimony; Which Is Commended Of St. Paul To Be Honorable Among All Men; And Therefore Is Not By Any To Be Entered Into Unadvisedly Or Lightly; But Reverently, Discreetly, Advisedly, And In The Fear Of God.

12

The Couple Live Together After God's Ordinance, In The Holy Estate Of Matrimony. The Prison System Does Not Have Justification To Disallow A Prisoner From Love, Comfort, Honor, For Saking All Others, So Long As The Couple Shall Live. The Vow Extends To Death Row. The Vow Extends To In Sickness And In Health. While The Punishment Can Clearly Separate And Keep One From The Other, It Violates The Marital Status Of Their Union Rights, To Obey Their Urges By Coming Together Just For The Gratification Of Being Together For Sex.

13

Any Nation Under God With,
Indivisible, With Life, Liberty
And The Pursuit Of Happiness
Allowing A State To Withdraw
Unto It Self, And Establish
And Carry Out A Law That Dishonors
God's Ordination Of Marriage Union,
In The Couples Rights To Conjugal
Visitation, (Without A Decree Of
Divorce), Condone That State's
Rights To Permit Marriage (In
Its Penal Institution) Into
Mockery Of It's Superior Laws As A Nation
And It's Creed, Unless That State
Can Show Why It Should Not
Obey The Laws Of God And The U.S.A.!

14

In The Separation Of Church
And State, If A State Can
Not Compell An Imate To Attend
Church Worship It Can Not
Compell Him To Denounce God.

Texas Recognizes Marriage And
Allows Certain Of It's Citizens
To Perform Ceremonies. It Allows
Worship Within It's Prison Walls
And Does Not Disallow The
Teaching Of God's Law. Since
Marriage Is Ordained By The "Union"
Law Of God And Christ Jesus
Directed The Brotherhood Of Man
Kind To Render Unto Both God
And The State; Is A Nation Under

15

God and a State Recognizing
 The Institution of Marriage "Union"
 Logically Obligated To Recognize
 That a Marriage (Without The "Union"
 Component of Sex) Compromises
 The Sanctity of Marriage And
 In Effect Making Marriage "Union"
 A Farce? Plaintiff Argues That
 Slavery Was An Oppression; The Emancipation
 Proclamation Together With The 13th,
 14th and 15th Amendments Did
 Give Rights To Slave And That
 Both The United States And The
 State of Texas Acknowledges
 Prisoner Rights And While A
 Prisoner Is A Slave, The Prisoner

16

Has Rights And Among Those
Rights Given; The State Of Texas
Is Without The Power To Take Away
A Right Under God! Should The
United States Of America Take
From A Prisoner Who Gained A
Right Through Marriage Union,
Except Through A Divorce?
The Right To Conjugal Visitation
Is Granted Lawful In Some
States Of The United States
Therefore Texas Has The Burden
Of Proof To Show Why The
United States Court System Can
Not Recognize Marriage To Allow
Conjugal Rights, And Texas Not Disallow These Rights.

17

Standards

If A Marriage Is Made A Union Through Vows And Complete By Sexual Intercourse, Is A Marriage In Jail Or Prison Formed Into A Union, Without Intercourse?

If There Is No Crime That Automatically Create A Divorce Can A State Automatically Cause A Divorce Without Due Process?

If A Slave Is Property In 1862 Is He Property, Or Just Subjected To Involuntary Servitude When Convicted Of A Crime After January 1863? If A Slave In 1862 Gained Liberty After June 19, 1865 In Texas, What Liberty Could He Not

18

Less When Sent To Prison For
A Conviction Less Than Capital
Punishment? If A Slave Lost
His Liberties Due To A Punishment
Of Crime In 1860 What Liberties
Would He Gain While In Prison,
In Texas, In July 1865?

How Would The Same Question Apply
To New Hampshire, Pennsylvania,
Massachusetts, Alaska Or Florida?

If Common Law Is Recognized
In Texas, If A Common Law Married
Couple Left Texas, And Went To
All The States In The United States
Would Their Marriage Be Honored
In Each State? Would A Church Recognized

19

The Marriage In Any State ?

If A Marriage, In The Church, Had
Been Applied, Would Any State Refuse
Recognition To The Texas Couple ?

Does Any State Provide Conjugal Visitation
Rights Within, Or Without The Walls
Of It's Penal Institution For
Common Law Marriages ?

Should A State Build Such
Conjugal Visitation Centers ?

Should All Non-profits Be Considered
In Providing Conjugal Visitation
Center Or Should This Provision
Be Restricted To The Churches and
Other Religious Bodies ? Should
They Be In Rural, Urban Or Both Areas ?

20

Society Is Under Attack!
We The People Of The State Of
Texas Have Had Numerous Attacks
Upon Our Person And Property
And Recorded The Incidents, Even
Identified The Sick Humans
Culprits, But Failed To Timely
Shut Down The Source Of The
Invasion Germs Creating The
Sickness Causing Humans To Attack
The People In Both Prison
And Free World Populations.
In Our Fears We Have Created
A Social Situation That Must
Be Immediately Addressed.

21

We Must Revisit Both State And National Laws Set In Place To Remove Certain Elements From Society. These Laws Are Costing Us Lives And Money That Makes Void Our Efforts. These Laws Are Not Corrective And With Results That Cost Us Far More Than We Save In Values. We Are Being Punished By Measures Intended To Be Corrective. These Measures Are Costing Both Prison Population And The Free World In Ways And Means Not Anticipated.

22

The Rapes And Murders Are Obvious; It The Alarming Causes That's Addressed In This Motion. The Hard Evidence Disallows Denial Of Homosexual / Lesbian Conversions Of Heterosexual Prisoners In Texas Department Of Correction Criminal Justice System. This Motion Addresses Both The Institutional Time And Time After The Release Into The Free World Of Felons With Respect To Behavioral Pattern. If It Please The Court, Plaintiff Will Argue That The Sexual Preference Of Both Male And Females Are Altered While Serving Time

23

And The Conversions Were Perfected
Through Intimidation, Coercement,
Assault And Rape. We Will Argue
That Institutional Incarceration
Flaws Are Serious, And So Serious
That Reform Is Essential. Too
Frequent The Division Of Separation
Of Church And State Being Wrongfully
Interpretated, Places State Law
On The Book That Goes Unchallenged
To Determine If It Reaches Federal
Standards, And Federal Laws
Are On The Book That Goes
Unchallenged Before The Supreme
Court By Meritums Cases.

24

The Criminal Laws Are Out Of Touch With Both Church And National Standards And The Actions Of Released Felons Who Are Victims Of The Texas Department Of Corrections Failures Are Adversely Impacting Families In Society. It Is Not New. This Has Been Going On For Years, But The Partnership Of Church And State Was Not In A Posture For Dialogue Nor Action To Constructively Address The Bad Laws. The Definition Of Non-profit Was Not Inclusive Of Faith Based Or Religious Reclaimers!

25

The State Now Involves Teachers In Broader Participation In The Prison Ministry But It's Role Is With Disparity When Compared To The For Profit Groups Or Individuals Housing Prisoners.

This Motion, If It Please The Court, Would Ask For The Removal Of Remaining Walls Of Perceptions Serving As Barriers To Disallow Conjugal Visits. It Is With Declared Intent To Remove Barriers That Promote Homosexuality And Lesbianism Spreading Beyond Those Actively Practicing Before Incarceration.

26

It Is With Full Intent To Immediately
Bring About Reform. Reform To
Save Lives In Prison And The
Lives Of Those In Society Who
Will Certainly Become Victims
To Felons Who Will Revisit
And Display The Duplication Of That
Certain Dehumanization That Was
Forced Into Their Lives. Those
Who Were Molested, Assaulted,
Raped, Maimed Will Most
Assuredly Pass The Action On.
Will A Person Contracting Aids (HIV)
While Working In Prison Practice
Safe Sex, Not Bite Or Threw

27

Urine Or Feces On Someone
Out Of Rage? What Will
A Victim Who Was Forced To
Repeated Rape Do After Being
Released Into Society? Does
These Conditions Have A Dollar
Affect On Society? What
Can A Wife, Or Husband
Expect From A Partner Who
Has Been Beaten, Raped And
Exposed To Aids (While In Prison)
When That Mate Assumed The
Role Of Freed Partner?
Does He Or She Have The Right
To A Partner Who Remained Uncontaminated?

28

Should There Be A Question
In The Back Of The Mind
That The Children Of The Couple
May Now Be Subjected To
A New Social Element That
Might Threaten The Fiber Of
Family Life. Should The Man
Or Woman Who Was Single
Before And After Prison Time,
Be Subjected To Conditions That
Would Send Them Back In
Prison Because Of What
Really Happen In Prison To
Them Because Of Their Being
Small In Statue, Gang Raped Or What Etc.?

29

Should Society's Wives, Sons,
Daughters, Sisters, Aunts, Neices,
Or Cousins Become Victims To
A Crack Cocaine User Who Was
Contaminated In Prison and
Upon Release ~~Is~~ Now A Bisexual
Aids Carrying Rapist, Molester
Or Murder? Did We See This
Coming When We Set Rules Into
Place That Would Make Such
An Action Possible? Regardless
Of What We Saw Or Failed To
See, This Is What's Facing Us.
The Wife Who Now Sleeps With
Her Husband And Teenage Daughter!

30

There Is Little Consequence To A Supervisor Or Guard Who Gives A Strong Inmate His Request To Have A Weak Inmate As A Cell Mate. There Are Many Instances Where Both Guards And Inmates Enjoy The Pleasures Of Sexual Lust, Or Sexual Favor, Or Simple Actions Of Disdain. We Are Asking The Courts Permission To Compare Texas With Both The Other States In The Union And The Union On Federal Level. We Are Asking For The Church In Rural America To Become

31

A Lameful Partner With The State In Addressing The Issues In This Motion Affecting Our Sons, Daughters, Husbands and Wives. Black Inmate Population Exceeds Both State and National Population Percentages. Short Of A Class Action Lawsuit, There Is Little That The Church Or Families Can Do. The Black Church Is At A Major Disadvantage. We Have Members Seated In Pews Dressed Like Rich Folks But In Reality, Are Low To Moderate Income People. How Do We Help?

32

We are asking, if it pleases
the Court, for clearly defined
rights to participate as faith based
in Texas Department of Corrections
Criminal Justice Systems, under
Federal Monitor as Partners
with the State of Texas beyond
singing, praying and preaching.
We are not asking to be Partners
under Texas. We are asking
to be Partners as Faith Based
under the United States of
America with the State of Texas.
If certain religious "Faith Based Groups"
wishes exclusion, let that have no bearing.

Order

United States District Court
For The Eastern District of Texas
Lufkin Division

Harry Fred Scott, et al
Plaintiff
vs
Civil Action 9:01CV58

County of Houston
State of Texas
Defendants

United States District Judge John Hannah

Whereas, the Court considers the question
of law to be a federal question under 1983
Class Action of Civil Rights and Constitutional Law

Whereas, the case is with former pauper
motion of consideration filed timely in the
proper jurisdiction together with other motions,
Now, therefore the Court Order this Motion
to be bound for status inclusive with the
full case upon review before the assigned
Magistrate or this Court.

United States District Judge

JOHN HANNAH