

## FRIVOLOUS: JUDICIAL ABUSE WORD

State and federal courts are the 3<sup>rd</sup> branch of government and have the least democratic accountability. However, they also have extreme powers when it comes to an individual's case before those courts, and this creates an opportunity for *abuse*.

Judges often are blatantly hostile to laws that were passed by a state legislature or Congress. There are maxims such as “a statute in derogation of the common law shall be narrowly construed.” This shows that the laws created by undemocratic *judges*, common law, are favored over democratically considered and passed laws. When you put the state or federal constitution into the hands of such people, they invariably abuse it to place their own narrow political views into the highest law so that there is practically no way to overcome their errors.

This judicial behavior is what one would expect from a royal aristocrat rather than someone committed to democracy and constitutional government.

Judges are hostile to democracy because their powers are the most removed from democratic accountability. Their errors take YEARS to correct with legislation and appeals.

This is why judges use the word frivolous so frequently. The term frivolous and its abuse are the subject of this page.

## **FRIVOLOUS: A POLITICAL TOOL OF JUDGES**

There is a constitutional right to file a federal lawsuit or a state lawsuit under the First and Fourteenth Amendments. *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972); *McDonald v. Smith*, 472 U.S. 479, 486 (1985). States have open courts provisions in their bills of rights, so the same issue of open government applies to state and federal courts.

However, judges are often extremely hostile to the rights of minorities such as disabled people and this runs contrary to the idea that an insulated judiciary will better protect minority groups. This is simply not true. Unaccountable judges have opposed every civil rights advance passed by a legislature. The ADA was amended in 2008 because so many federal judges would not grant disability status to disabled people and thus closed their courts in violation of the above cases and the First Amendment. The 7<sup>th</sup> Circuit will not go along with other circuits and provide ADA Title II and III tester standing, and that circuit uses tight control over standing to defeat the ADA and limit its ability to eliminate

discrimination. Instead of forcing local governments to keep sidewalks clear, the 7<sup>th</sup> Circuit appears to want an actual tort to happen with the disabled person trying to walk on the mess and being hurt physically before imposing the ADA's access requirements. *Straw v. Streamwood, et. al.*, 17-1867, 734 F. App'x 344 (7th Cir. 2018).

Indiana was so hostile to citizen rights that it voted 5-0 against the 8<sup>th</sup> Amendment of the U.S. Constitution and its application to the states under the 14<sup>th</sup> Amendment. *Timbs v. Indiana*, 586 U.S. \_\_\_\_ (2019). Despite there being 5 conservative justices, the U.S. Supreme Court overturned that 5-0 unanimous Republican Indiana Supreme Court by **9-0**. This showed an absolute level of incompetence and hostility to the U.S. Constitution (8<sup>th</sup> Amendment is in the Bill of Rights!) by every Indiana justice. **Every member of the Indiana Supreme Court should resign or be removed** for having broken their oaths to uphold the federal constitution.

I was attacked for pursuing disability rights and over 10 years of violations by my former employer, the same Constitution-violating Indiana Supreme Court said my ADA work was frivolous with **no precedent** for that kind of attack in defiance of 42 U.S.C. §§ 12133 & 12203. *In Re Straw*, [68 N.E.3d 1070](#) (Ind. 2/14/2017). Not only was that

state supreme court former employer of mine wrong, they were also abusing me politically in the same way they violated and denounced the 8<sup>th</sup> Amendment. It is *they* who should be removed from office, but the powers in Indiana made this nearly impossible in the state constitution. Republicans run every part of the state government.

I got no proper due process and have been suspended politically and abusively for over **4 years & 4 months on a 180-day suspension.**

<http://curtishill.andrewstraw.com>

<http://dueprocess.andrewstraw.com>

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I am disabled from the crimes of others and I have earned more respect than the abuses of the Indiana Supreme Court.

<http://crime.andrewstraw.com>    <http://disability.andrewstraw.com>

**4 YEARS, 5 MONTHS OF SUSPENSION** and the term frivolous coupled with “incompetence” was the only reason given. On the

substance of my cases, I had discriminatory facts and legal theories justifying the relief I asked. There was nothing wrong with my lawsuits but the abusive judges who failed to give me justice. Suspending someone because someone ELSE is a civil rights abuser and denier is **dead wrong**. 5 law licenses suspended in total in *retaliation* for my disability from the U.S. Marine Corps and the bipolar inflicted on me by the federal government is wrong.

Indiana bans all lawyers with disabilities in one of the state supreme court rules. This shows **the malice, the discrimination, the hate** that the federal courts simply swallow whole in the Midwest because they too love to abuse the word **frivolous**.

See page 38 of [Professor Ruth Colker's article](#), *The Power of Insults*.

Frivolous is a political tool to punish those who use civil rights laws that the judges oppose personally. It is like a **1-person filibuster** with the power to injure the majority and ruin their careers. That is why one circuit can have liberal standing rules for the ADA and another abuses the lawyers who ask the same thing. This even applies to the U.S. Constitution, which judges refuse to enforce every single day, including U.S. Supreme Court precedents. Judges do not follow law, but instead

pick winners and work backwards from there. I am glad that Judge Richard Posner<sup>1</sup> admitted that he did this so no one can think I made it up.

### FRIVOLOUS AND RULE 3.1

There is a special place in Hell for judges who abuse disabled litigants and lawyers, right next to Judas. Judges must uphold the laws and liberally construe civil rights laws to come to the outcomes Congress wanted, not the whims and political policies favored by an unelected and abusive judge.

Indiana attacked my disabilities and my ADA cases using the competence rule, and this is quite similar to the **frivolous abuses**. But I can point to reforms and this puts me **squarely within the exception for law reform** that is included in Rule 3.1 itself.

My reforms are here: <http://reform.andrewstraw.com>

I explained it in my answer and affidavit, but no one would listen.

<http://discipline.andrewstraw.com>

<http://InReStraw.andrewstraw.com>

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<sup>1</sup> <https://www.nytimes.com/2017/09/11/us/politics/judge-richard-posner-retirement.html>

We return to politics. The Indiana Supreme Court is rabidly and virulently Republican and used its ADA coordinator to violate me and my ADA rights multiple times in her disciplinary complaint, which was wholly abusive and dishonest. The Indiana Supreme Court favors judges who drive drunk and put others' lives at risk. They favor judges who start deadly fights in downtown Indianapolis, choking people, only giving 60 days of suspension for that *criminal behavior*. Their hearing officer and the Disciplinary Commission suggested suspension for the drunken groping of 4 women by Attorney General Curtis Hill of 60 days or 2 years. <http://curtishill.andrewstraw.com> The Court imposed only 30 days.

CRIMINALS with CRIMINAL CONVICTIONS and sexual harassers are favored over someone like me, a **civil rights attorney** whose awful sin was using the ADA in a manner that the Indiana Supreme Court opposes for political reasons. I did not violate the law, which only asks that I allege disability discrimination. **ALLEGE**. And I always do when I use this law, so nobody had the right to abuse me for using it. 42 U.S.C. §§ 12132, 12133, 12203.

I have no criminal history but **I am punished worse than criminals**, in violation of *In re Ming*, [469 F.2d 1352](#), 1355-1356 (7th Cir. 1972).

This is why I get 4 years and 5 months of suspension and **the criminals are coddled**. The Indiana Supreme Court favors criminals over civil rights leaders like myself. There is no other way to look at it. This implies that **the Republican Party also supports right-wing criminals** rather than **civil rights leaders**. But the Republican Convention in Indiana narrowly rejected Curtis Hill and kept him off the ballot in 2020.

**I MADE THE SUCCESSFUL COMPLAINT AGAINST CURTIS HILL.**

Judges abuse the idea of incompetence in the same way, the EXACT SAME WAY, as they abuse the word frivolous. It is political and every time a judge attacks someone to defeat their views on civil rights, it violates the right to **open courts** and the First Amendment right to have whatever views a person wants, **freedom of thought and speech**. No judge should **EVER** use the word frivolous again in *any context*. Why should any judge use the word frivolous when the word **DISMISSED** is always available and neutral as to political views and content? The answer is always **politics** and an irrational hatred for plaintiffs who have good cases but ideas and rights that are *disfavored*. Judges do not deserve the power to do that to someone. Judges must strip themselves of politics and stop.

## VENDING MACHINE JUSTICE IS BETTER

Justice should be as consistent and fair as a vending machine, giving the same rights every single time to every person who uses it all across the country, the same. Always the same. I trust a vending machine far more than I trust any judge, state or federal. If I put the wrong change into the machine or choose a selection that is not available, I can always expect the machine to act the same gentle and innocuous way. When I choose selection **G5** and the machine has no row G, the machine does not **spray acid into my face** and take away my law licenses, but that is exactly how judges act. Punishment is disproportionate.

Judges don't want you to use *their* machine, so they hurt you to make you regret asking for rights from them, hat in hand.

<http://ca7.andrewstraw.com>

We need less political, abusive, human judges and more justice out of a can, a machine, a fair computer program. No vending machine uses the word frivolous or threatens to take away the right to use the machine in the future if an option is simply not available. Fairness is programmable.

I am never *afraid* when I use a vending machine for a bag of pretzels, but *I am afraid* when I ask for something as dear to me as *my own civil rights, my own constitutional rights*. I am afraid that I will lose all of my law licenses. What vending machine does that when you order the wrong soda or bag of chips?

This is 2021 and we can do better than irrational and hateful human abusers in charge of our justice and our courts and our constitutions and laws. We need to reform the judicial branch and remove the human error and abuse. AI can be helpful.

I say yes to **vending machine justice**. NO ONE should EVER AGAIN have to fear asking for their rights or using a court. The best way to accomplish this is to involve the bar as a whole, every lawyer in the USA being involved in every case to make sure the law is right. This may take a U.S. Supreme Court rule, a statutory change, or a constitutional amendment, but whatever it takes, it is long overdue.

Service should be done online and all one should have to do is input the name and address or the email address of the party or its lawyer. This should be free, and if a mailing is the only way, that too should be free, franked like a congressman's mail. PACER.gov should be free and

every court document and case docket should have a permanent link so every person can view it without paying money. Every aspect of a court case can be made simple, public, without drama, without judge abuse, and without cost. I made [comments to the US Courts](#) on frivolous.

**Vending machine justice is best.**

Andrew U. D. Straw, July 28, 2021