



Written by [Alex Newman](#) on July 7, 2010

Former Drug Warrior Persecuted for Activism Uses Arrest to Push Jury Nullification

Former Texas narcotics officer turned anti-drug-war activist Barry Cooper surrendered himself to authorities at the state capitol on misdemeanor charges of filing a false police report in connection with his reality show *KopBusters*. But he used the high-profile July 2 arrest to promote “jury nullification” and an end to the War on Drugs.

The TV cameras were already rolling because an unrelated fake bomb threat had been called in for that morning. So when Cooper showed up with “Jury Nullification” scrawled across his forehead and “Constitutional Obedience” written on his shirt, he got plenty of media coverage.



“We’re putting too many people in America in jail for non-violent crimes,” Cooper [told](#) reporters on his walk to the Texas capitol. “It’s not a criminal justice system, it’s a criminal injustice system.”

The warrant for Cooper’s arrest was issued for allegedly filing a false police report. Apparently his voice was heard in the background when somebody called law enforcement to make a false report about suspected illegal activity. In actuality, the police report was filed on Cooper’s behalf to set up a sting on police officers. A police officer was caught on camera pocketing suspect cash illegally.

Another similar warrant for Cooper’s arrest — also for filing a false report — was the result of an anonymous letter sent to a Texas man. The note claimed a nearby house might be being used to grow marijuana. When the man gave the letter to police, officers conducted an illegal raid and were captured on video as part of Cooper’s reality show. Small Christmas trees were the only plants discovered by police, along with a note informing them that they were on camera. Obviously they weren’t happy.

“Because of our *KopBuster* stings, we have been harassed and retaliated on by several agencies,” Cooper explained, pointing to the on-camera bust of a police officer illegally taking money from a bag as an example of his high-profile activism. A recent social services investigation [claimed](#) he was an “unfit” parent because he was allegedly teaching his children not to trust government. The District Attorney’s office later overruled that finding, but Cooper said it shows how authorities are out to get him.

On June 29, an elite SWAT team [raided](#) Cooper’s house to arrest his wife, who was also charged with misdemeanor filing of a fake report. Before the situation could escalate further, Cooper turned himself in, making a loud political statement in the process. “Americans need to use a very powerful weapon, and we’re calling on America to start using what’s called jury nullification,” he [told](#) the assembled media teams at the capitol during his statement, standing next to his wife who had been released on bond.

“Jury nullification is when members of a jury vote not guilty even though the accused clearly broke the law. Juries do this when they believe the law itself is morally wrong or is being unfairly applied,” he



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added, reading from his notes. "As a jury member you have more authority than the judge."

Cooper said the process is "the most important right" Americans possess, calling on jurors to vote not guilty in all non-violent drug cases.

The issue of jury nullification has been controversial, with supporters pointing to Supreme Court decisions affirming the right, but detractors claiming it could lead to a free-for-all. It is still used today, such as in the recent trial of Dr. Kevorkian, but judges are generally hostile to laymen's "interpretations" of law or jurors who don't follow their instructions.

Thomas Eddlem, a writer for The New American magazine, was removed from a jury for merely suggesting that outlawing possession of drugs was outside of the scope of Congress' authority, absent a constitutional amendment. He was obviously correct (see the prohibition of alcohol), and even stated that he was not involved in the "[Fully Informed Juror](#)" movement. But that did not matter to the judge. You can read the transcript with Eddlem's notes at [LewRockwell.com](#).

Before Cooper's attorney finally notified law-enforcement officers of the warrant for Cooper's arrest, Cooper explained that, while most Americans consider the Middle-eastern punishment of chopping people's hands off for theft to be barbaric, many Americans imprisoned for drug offences would "gladly give their hand to get out those torturous prisons." He also apologized to the families of everyone who is in jail for non-violent drug offenses.

"I'm sorry and sad that humans still treat people like this," Cooper said as he sat handcuffed in a police car, moments before it drove off. "It doesn't make any sense."

Media reports surrounding Cooper's story have been generally supportive so far. "It's not surprising that the [Texas] Rangers want to put him in his place, but our police should be above petty vendettas — and it's hard to see how putting elite officers on the trial of a misdemeanor offense is anything but a petty vendetta," wrote Michael May in a piece entitled "Texas Rangers come after Drug War Insurgent Barry Cooper" for the *Texas Observer*.

"In short, they've done nothing but prove Barry's contention that law enforcement priorities in this state are skewed at best, and corrupt at their worst," May concluded.

A series of articles following the case in *True/Slant* have also given Cooper and his cause extensive coverage. The involvement of Texas Rangers in the case "convinced me beyond all reasonable doubt that Texas law enforcement has a very real vendetta against these people," the reporter noted.

Cooper is currently out on bond, but he could serve up to six months for each of the two false report charges. He has quit producing his show *KopBusters* and has also stopped using marijuana. Whether his case will go to trial — and whether the jury will use "nullification" to free him — remains uncertain. But for now, it appears his promotion of jury nullification and his battle against the drug war will continue making waves.

Photo of prohibition protest: AP Images



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