REBUTTED FALSE ARGUMENTS ABOUT THE COMMON LAW

(Pagan civic temple to “worship” false gods. The “bible” of the church is “franchise codes” (Form #05.030) because they abuse legislation to create the “god”/privilege and the inequality (Form #05.033), and compel servitude and worship. In Britain, judges are called “your worship”. Pleadings are called “prayers”. The judge’s bench is the “altar”. Attorneys are deacons of the church. Human sacrifices of private property are conducted at the altar. The hearing is the worship service. The jury are the twelve disciples of the pagan god. The judge is the priest who leads the worship service of himself and his employer.)

“Humble obedience to the Constitution [law written by the only true sovereign THE PEOPLE] by public servants is the paramount ‘compelling state interest’.”
[SEDMD]

“... if you are led by the Spirit, you are not under the law [STATUTES].”
[Gal. 5:18, Bible, NKJV]

“But the fruit of the Spirit is love, joy, peace, longsuffering, kindness, goodness, faithfulness, gentleness, self-control. Against such there is no law [no STATUTES].”
[Gal. 5:22-23, Bible, NKJV]

“Do not walk in the statutes of your fathers [the heathens], nor observe their [STATUTORY but not COMMON LAW] judgments, nor defile yourselves with their [pagan government] idols. I am the LORD your God: Walk in [obey] My statutes, keep My judgments, and do them; hallow My Sabbaths, and they will be a sign between Me and you, that you may know that I am the LORD your God.”
[Ezekial 20:10-20, Bible, NKJV]

“To the law and to the testimony! If they do not speak according to this word, it is because there is no light [from God] in them [the JUDGES, Litigation Tool #01.009]”
[Isaiah 8:20, Bible, NKJV]
DEDICATION

“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities [within juries] and officials [and CIVIL STATUTES, Form #05.037] and to establish them as legal principles to be applied by the courts [using the COMMON LAW rather than CIVIL STATUTES, Form #05.037]. One’s right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote [of a JURY OR an ELECTOR]; they depend on the outcome of no elections.” [West Virginia Bd. of Ed. v. Barnett, 319 U.S. 624, 638 (1943); SOURCE: https://scholar.google.com/scholar_case?case=8030119134463419441]

“Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.” [John Adams; The Works of John Adams, ed. CF Adams, Boston: Little Brown Co., 1851,4:13]

“Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, “where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice?” And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.” [George Washington in his Farewell Address; See also George Washington’s Farewell Address Presented by Ben Sasse, Minute 24]

CHAPTER II., CIVIL PERSON.

The state is represented in the person of its chief magistrate, who is at the same time a member of it. Thus the king or president possesses two kinds of rights, a university of rights as a corporation [PUBLIC rights], and individual rights [PRIVATE rights] as a man. As the former become more and more confounded with the latter, so government advances towards some form of monarchy. A bishop also is a sole corporation, but the man holding the office has also his individual rights. The word person neither according to its accurate meaning nor in law is identical with man. A man may possess at the same time different classes of rights. On the other hand, two or more men may form only one legal person, and have one estate, as partners or corporators. Upon this difference of rights between the person and the man, the individual and the partner, corporator, tenant in common, and joint tenant, depends the whole law of these several classes. The same person has perfect power of alienation, of forming contracts, of disposing by last will and testament of his individual estate, but not of the corporate, nor of his own share in it, unless such power be expressed or implied in the contract by which the university of rights and duties is created. The same distinction divides all public from private property, and distinguishes the cases in which the corporation or civil person may sue from those in which the individual alone can be the party; - although there are instances in which the injurious complained of may, in reference to the difference of character, be such as to authorize the suit to be instituted either by the civil person or the individual, or by both. Thus, violence to the person may be punished either as a wrong to the state or to the individual. [The Theory of the Common Law, James M. Walker, 1852, pp. 17-20]

EDITORIAL: Note that the effect of attaching MORE and MORE rights to the civil status of “person”, according to this author, is that we converge on a “monarchy”. We fought a revolution to get rid of KINGS, to win the right to SELF-GOVERN, and to be served from BELOW rather than be governed from ABOVE. Below is what the ONLY King for Christians said on this subject, and it was the basis for the Protestant revolution:

“You know that the rulers of the Gentiles [unbelievers] lord it over them [govern from ABOVE as pagan idols], and those who are great exercise authority over them [supernatural powers that are the object of idol worship]. Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant [serve the sovereign people from BELOW rather than rule from above]. And whoever desires to be first among you, let him be your slave—just as the Son of Man did not come to be served, but to serve, and to give His life a ransom for many.

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EXHIBIT:_____
The ONLY King that Christians can have is KING JESUS!  See:

1. Pastor Garrett Learn at the Boston Tea Party 2008
   https://www.youtube.com/embed/9351KGbKDr
2. Jesus is my ONLY King and Lawgiver and Civil Ruler
   https://sedm.org/jesus-king-of-all-kings-thats-my-king/
3. The One True King
   https://sedm.org/the-one-true-king/
4. Christ the King
   https://sedm.org/christ-the-king/
5. Sovereign over ALL
   https://sedm.org/sovereign-over-all/
6. What is “Statism”?  
   https://sedm.org/what-is-statism-robery-godfrey/
7. The Fiction of the Religiously Neutral State
8. American Idol: How the State Attempts to Replace God
10. U.S. Citizens and the New World Order  
11. Was Jesus a Socialist?  
   https://sedm.org/was-jesus-a-socialist-render-unto-caesar-lawrence-reed/
12. God’s Preachers: Enemies (foreigners and strangers) of a Godless State
13. What Does the Sovereignty of God Mean?  
14. Counterfeit Gods 
   https://sedm.org/counterfeit-gods/

The result is that the ONLY biblical approach Christians can take in a secular society that rejects God, and especially one that persecutes Christians, is to be a nonresident, a transient foreigner, and have a domicile in the Kingdom of Heaven on Earth so that they can’t be subject to the civil statutory franchise “codes” that make government into God.  See Form #05.002.  This is consistent with Philippians 3:20.  This is how Christians satisfy the biblical requirement to be sanctified, separate, and “IN the world but not OF the world”. That approach is documented in:

Non-Resident Non-Person Position, Form #05.020  

A Plea for Justice [Form #05.050] 
A Psalm of Asaph.

God stands in the congregation of the mighty;  
He judges among the gods.

How long will you judge unjustly [Litigation Tool #01.009],  
And show partiality to the wicked? Selah
Defend the poor and fatherless;  
Do justice [Form #05.050] to the afflicted and needy.
Deliver the poor and needy;  
Free them from the hand of the wicked.  
They do not know, nor do they understand;  
They walk about in darkness;  
All the foundations of the earth are unstable.
I said, “You are gods, And all of you are children of the Most High. But you shall die like men, And fall like one of the princes.” Arise, O God, judge the earth; For You shall inherit all nations. [Psalm 82:1-8, Bible, NKJV]

The Messiah’s Triumph and Kingdom

Why do the nations rage, And the people plot a vain thing? The kings of the earth set themselves, And the rulers take counsel together, Against the LORD and against His Anointed, saying, “Let us break Their bonds in pieces [anarchy under God’s laws, Litigation Tool #13.001] And cast away Their cords from us.” He who sits in the heavens shall laugh; The Lord shall hold them in derision. Then He shall speak to them in His wrath, And distress them in His deep displeasure: “Yet I have set My King [Jesus] On My holy hill of Zion.” “I will declare the decree: The LORD has said to Me, ‘You are My Son, Today I have begotten You. Ask of Me, and I will give You The nations for Your inheritance, And the ends of the earth for Your possession. You shall break them with a rod of iron; You shall dash them to pieces like a potter’s vessel. Now therefore, be wise, O kings: Be instructed, you judges of the earth. Serve the LORD with fear, And rejoice with trembling. Kiss the Son, lest He be angry, And you perish in the way. When His wrath is kindled but a little. Blessed are all those who put their trust in Him. [Psalm 2:1-12, Bible, NKJV]
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Form #05.033

Form #05.037

Form #05.040

Form #05.043

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Jesus is my ONLY King and Lawgiver and Civil Ruler


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1 Introduction

There is much misunderstanding in the freedom community about the implications of the term “common law”. Perhaps the main source of the misunderstanding is a failure to disclose the context and definition of the term as it is used on our website. This memorandum will provide a definition for the purpose of our site, rebut common false arguments about the application of the common law, and direct the reader to resources useful in USING the common law as we define it on our site within a court setting.

2 Definition of “common law”

The following subsections contain several definitions of “common law” found on the internet and elsewhere. This will frame our later discussion.

2.1 How the "Common Law" is defined by the "Common Law" Itself

ACTUAL PROOF FROM THE "COMMON LAW" ITSELF!


MORE ACTUAL PROOF FROM THE "COMMON LAW" ITSELF:


2.2 Black’s Law Dictionary

Black’s Law Dictionary defines the common law as follows:

**Common law.** As distinguished from statutory law created by the enactment of legislatures, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs and, in this sense, particularly the ancient unwritten law of England. In general, it is a body of law that develops and derives through judicial decisions, as distinguished from legislative enactments. The “common law” is all the statutory and case law background of England and the American colonies before the American revolution. People v. Rehman, 253 C.A.2d. 119, 61 Cal.Rptr. 65, 85. It consists of those principles, usage and rules of action applicable to government and security of persons and property which do not rest for their authority upon any express and positive declaration of the will of the legislature. Bishop v. U.S., D.C.Tex., 334 F.Supp. 415, 418.

Calif. Civil Code, Section 22.2, provides that the "common law of England, so far as it is not repugnant to or inconsistent with the Constitution of the United States, or the Constitution or laws of this State, is the rule of decision in all the courts of this State."

In a broad sense, "common law" may designate all that part of the positive law, juristic theory, and ancient custom of any state or nation which is of general and universal application, thus marking off special or local rules or customs.

For federal common law, see that title.

As a compound adjective "common-law" is understood as contrasted with or opposed to "statutory," and sometimes also to "equitable" or to "criminal."


So the chief characteristics of the common law are:

1. It is created by the courts RATHER than the legislature.
2. It is opposite to and mutually exclusive to statutory law.
3. It is related solely to the protection of private rights that are not subject to government control.
4. It existed before the Constitution was enacted and ratified.
5. It derives from the common law of England.

2.3 Lexis+ Definition

We typed in the following phrase in Lexis+ search. Lexis+ is a premium online legal research tool used by upper-echelon judges, lawyers and attorneys:

“What is the definition of common law of England?”

Below was the answer:

The term "common law" means both the common law of England as opposed to statute or written law, and the statutes passed before the emigration of the first settlers of America.

A Johnson v. Union Pac. Coal Co.
Utah Supreme Court|May 28, 1904|28 Utah 46

Unlike statutory law, whose authority rests upon an express declaration by a legislative body, the common law consists of those principles and forms which grow out of the customs and habits of a people, enshrined in law by virtue of judicial decisions. The term "common law" denotes a body of judge-made law developed originally in England. The term “common law crime” means a crime that was punishable under the common law, rather than by force of statute.

A People v. Williams
California Supreme Court|Aug 26, 2013|57 Cal. 4th 776

Unlike statutory law, whose authority rests upon an express declaration by a legislative body, the common law consists of those principles and forms which grow out of the customs and habits of a people, enshrined in law by virtue of judicial decisions. The term "common law" denotes a body of judge-made law developed originally in England. The term “common law crime” means a crime that was punishable under the common law, rather than by force of statute.

A People v. Williams
California Supreme Court|Aug 26, 2013|57 Cal. 4th 776

Show Fewer Answers

2.4 U.S. Supreme Court

The following ruling by the U.S. Supreme Court helps explain WHY the common has to be fashioned by the courts rather than the legislature, by relating it to the enforcement of constitutional rights against government actors.

The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of powers between Congress and the Judiciary. The first eight Amendments to the Constitution set forth self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those prohibitions. The Bingham draft, some thought, departed from that tradition by vesting in Congress primary power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, "Congress, and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens in the several States." Flack, supra, at 64. While this separation-of-powers aspect did not occasion the widespread resistance which was caused by the proposal’s threat to the federal balance, it nonetheless attracted the attention of various Members. See Cong. Globe, 39th Cong., 1st Sess., at 1064 (statement of Rep. Hale) (noting that Bill of Rights, unlike the Bingham proposal, "provide[s] safeguards to be enforced by the courts, and not to be exercised by the Legislature"); id., at App. 133 (statement of Rep. Rogers) (prior to Bingham proposal it “was left entirely for the courts. . . . to enforce the privileges and immunities of the citizens”). As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the...
provisions of the Bill of Rights, are self-executing. Cf. South Carolina v. Katzenbach, 383 U.S. at 425 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary. [City of Boerne v. Flores, 521 U.S. 507 (1997)]

By “self-executing prohibitions”, they mean that the rights recognized by the Bill of Rights DO NOT NEED implementing enactments or statutes to make them directly enforceable in a federal court. Rather, they can be used as a direct basis for-standing and injury without citing any specific statutory enactment of the legislature whatsoever.

2.5 The Constitution of the United States of America, Analysis and Interpretation, Congressional Research Service

Another useful resource for determining the context for “common law” in the context of the Constitution is:

https://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf

There are 189 hits on the term “common law” in the above document. They even use the phrase “CONSTITUTIONAL common law”. This implies that “common law” can involve WRITTEN LAW, because the CONSTITUTION is written law:

“... the Constitution itself is in every real sense a law -- the lawmakers being the people themselves, in whom under our system all political power and sovereignty primarily resides, and through whom such power and sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they have been permitted to possess. The Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible. 'We the people of the United States,' it says, 'do ordain and establish this Constitution... ' Ordain and establish! These are definite words of enactment, and without more would stamp what follows with the dignity and character of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly -- 'This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land;... ' HN14[**]**97] The supremacy of [**97] the Constitution as law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance of the Constitution. And a judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must apply the supreme law and reject the inferior statute [*297] whenever the two conflict. In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great weight. Adkins v. Children's Hospital, 261 U.S. 525, 544; but their opinion, or the court's opinion, that the statute will proved greatly or generally beneficial is wholly irrelevant to the inquiry. Schechter v. United States, 295 U.S. 495, 549-550. [Carter v. Carter Coal Co., 298 U.S. 238 (1936)]

Below are some selected excerpts about “common law” derived from the above:

1. Historical Note on the Formation of the Constitution, p. XIII

In June 1774, the Virginia and Massachusetts assemblies independently proposed an intercolonial meeting of delegates from the several colonies to restore union and harmony between Great Britain and her American Colonies. Pursuant to these calls there met in Philadelphia in September of that year the first Continental Congress, composed of delegates from 12 colonies. On October 14, 1774, the assembly adopted what has become to be known as the Declaration and Resolves of the First Continental Congress. In that instrument, addressed to his Majesty and to the people of Great Britain, there was embodied a statement of rights and principles, many of which were later to be incorporated in the Declaration of Independence and the Federal Constitution.

The colonists, for example, claimed the right “to life, liberty, and property”; “the rights, liberties, and immunities of free and natural-born subjects within the realm of England”; the right to participate in legislative councils: “the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of the common law of England”; “the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws”; “a right peaceably to assemble, consider of their grievances, and petition the king.” They further declared that the keeping of a standing army in the colonies in time of peace without the consent of the colony in which the army was kept was “against law”; that it was “indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other”; that certain acts of Parliament in contravention of the foregoing principles were “infringement and violations of the rights of the colonists.” Text in C. Tansill (ed.), Documents Illustrative of the Formation of the Union of the American States, H. Doc. No. 358, 69th Congress, 1st sess. (1927). I. See also H. Commager (ed.), Documents of American History (New York; 8th ed. 1964), 82.

2. Seventh Amendment, p. 27
3. Judicial Enforcement, p. 65

Previously, informed understandings of the principles have underlain judicial construction of particular clauses or guided formulation of constitutional common law. That is, the nondelegation doctrine was from the beginning suffused with a separation-of-powers premise. Federal common law is law promulgated by the courts respecting uniquely federal interests and absent explicit statutory directive by Congress, can also displace state law. See Boyle v. United Technologies Corp., 487 U.S. 500 (1988) (Supreme Court promulgated common-law rule creating government-contractor defense in tort liability suits, despite Congress having considered and failed to enact bills doing precisely this); Westfall v. Erwin, 484 U.S. 292 (1988) (civil liability of federal officials for actions taken in the course of their duty). Finally, ordinances of local governments are subject to preemption under the same standards as state law. Hillborough County v. Automated Medical Laboratories, 471 U.S. 707 (1985).

4. Congressional Regulation of Production and Industrial Relations: Antidepression Legislation, p. 198

The relation of employer and employee is a local relation. At common law, it is one of the domestic relations.

5. The Standards Applied

Express Preemption. Of course, it is possible for Congress to write preemptive language that clearly and cleanly prescribes or does not prescribe displacement of state laws in an area. 1102

6. The Standard Applied, p. 265

The Court continued to struggle with application of express preemption language to state common-law tort actions in Geier v. American Honda Motor Co. 1117 The National Traffic and Motor Vehicle Safety Act contained both a preemption clause, prohibiting states from applying “any safety standard” different from an applicable federal standard, and a “saving clause,” providing that “compliance with” a federal safety standard “does not exempt any person from any liability under common law.” The Court determined that the express preemption clause was inapplicable. However, despite the saving clause, the Court ruled that a common law tort action seeking damages for failure to equip a car with an airbag was preempted because its application would frustrate the purpose of a Federal Motor Vehicle Safety Standard that had allowed manufacturers to choose from among a variety of “passive restraint” systems for the applicable model year. 1118

7. Nature and Scope of the Right Secured, p. 316

Nature and Scope of the Right Secured The leading case bearing on the nature of the rights which Congress is authorized to secure is that of Wheaton v. Peters. Wheaton charged Peters with having infringed his copyright on the twelve volumes of “Wheaton’s Reports,” wherein are reported the decisions of the United States Supreme Court for the years from 1816 to 1827 inclusive. Peters’ defense turned on the proposition that inasmuch as Wheaton had not complied with all of the requirements of the act of Congress, his alleged copyright was void. Wheaton, while denying this assertion of fact, further contended that the statute was only intended to secure him in his pre-existing rights at common law. These at least, he claimed, the Court should protect. A divided Court held in favor of Peters on the legal question. It denied, in the first place, that there was any principle of the common law that protected an author in the sole right to continue to publish a work once published. It denied, in the second place, that there is any principle of law, common or otherwise, which pervades the Union except such as are embodied in the Constitution and the acts of Congress. Nor, in the third place, it held, did the word “securing” in the Constitution recognize the alleged common law principle Wheaton invoked.


Dealing with Gelpcke and adherent decisions, Chief Justice Taft said: “These cases were not writs of error to the Supreme Court of a State. They were appeals or writs of error to federal courts where recovery was sought upon municipal or county bonds or some other form of contracts, the validity of which had been sustained by decisions of the Supreme Court of a State prior to their execution, and had been denied by the same court after their issue or making. In such cases the federal courts exercising jurisdiction between citizens of different States held themselves free to decide what the state law was, and to enforce it as laid down by the state Supreme Court.
Court before the contracts were made rather than in later decisions. They did not base this conclusion on Article I, § 10, of the Federal Constitution, but on the state law as they determined it, which, in diverse citizenship cases, under the third Article of the Federal Constitution they were empowered to do. Burgess v. Seligman, 107 U.S. 20 (1883).” 1954 While doubtless this was an available explanation in 1924, the decision in 1938 in Erie Railroad Co. v. Tompkins, 1955 so cut down the power of the federal courts to decide diversity of citizenship cases according to their own notions of “general principles of common law” as to raise the question whether the Court will not be required eventually to put Gelpcke and its companions and descendants squarely on the obligation of contracts clause or else abandon them.

9. Public Grants that are Not “Contracts”, p. 392

On the same ground of public agency, neither appointment nor election to public office creates a contract in the sense of Article I, § 10, whether as to tenure, or salary, or duties, all of which remain, so far as the Constitution of the United States is concerned, subject to legislative modification or outright repeal. 1973 Indeed, there can be no such thing in this country as property in office, although the common law sustained a different view sometimes reflected in early cases. 1974 When, however, services have once been rendered, there arises an implied contract that they shall be compensated at the rate in force at the time they were rendered. 1975 Also, an express contract between the State and an individual for the performance of specific services falls within the protection of the Constitution. Thus, a contract made by the governor pursuant to a statute authorizing the appointment of a commissioner to conduct, over a period of years, a geological, mineralogical, and agricultural survey of the State, for which a definite sum had been authorized, was held to have been impaired by repeal of the statute. 1976 But a resolution of a local board of education reducing teachers’ salaries for the school year 1933–1934, pursuant to an act of the legislature authorizing such action, was held not to impair the contract of a teacher who, having served three years, was by earlier legislation exempt from having his salary reduced except for inefficiency or misconduct. 1977

10. Martial Law and Constitutional Limitations, p. 478

Martial Law and Constitutional Limitations

Two theories of martial law are reflected in decisions of the Supreme Court. The first, which stems from the Petition of Right, 1628, provides that the common law knows no such thing as martial law; 200 that is to say, martial law is not established by official authority of any sort, but arises from the nature of things, being the law of paramount necessity, leaving the civil courts to be the final judges of necessity. 201

2.6 Cornell University

Common Law

Common law is law that is derived from judicial decisions instead of from statutes. American courts originally fashioned common law rules based on English common law until the American legal system was sufficiently mature to create common law rules either from direct precedent or by analogy to comparable areas of decided law. In the 2019 Supreme Court case of Gamble v. United States, Justice Thomas issued a concurring opinion discussing common law and, in particular, the role of stare decisis in a common law system. Though most common law is found at the state level, there is a limited body of federal common law—that is, rules created and applied by federal courts absent any controlling federal statute. In the 2020 Supreme Court opinion Rodriguez v. FDIC, a unanimous Court quoted an earlier decision to explain that federal “common lawmaking must be ‘necessary to protect uniquely federal interests’” in striking down a federal common law rule addressing the distribution of corporate tax refunds.

At the state level, legislatures often subsequently codify common law rules from the courts of their state, either to give the rule the permanence afforded by a statute, to modify it somehow (by either expanding or restricting the scope of the common law rule, for example) or to replace the outcome entirely with legislation. An example that gained national attention was the 2018 California Supreme Court decision in Dynamex Operations West, Inc. v. Superior Court, which articulated a three-part test for determining whether California workers were independent contractors or employees for purposes of California labor law. The California Legislature responded by creating a new section of the Labor Code, 2750.3, which codified and expanded on the Dynamex holding and went into effect on January 1, 2020. (Note that, like many statutes responding to a common law rule, California Labor Code Section 2750.3 specifically mentions the Dynamex holding.) [Cornell University: https://www.law.cornell.edu/wex/common_law]

2.7 Wikipedia

Common Law

In law, common law (also known as judicial precedent or judge-made law, or case law) is the body of law created by judges and similar quasi-judicial tribunals by virtue of being stated in written opinions. The defining characteristic of “common law” is that it arises as precedent. In cases where the parties disagree on what the law is, a common law court looks to past precedent decisions of relevant courts, and synthesizes the principles of those past cases as applicable to the current facts. If a similar dispute has been resolved in the past, the court is usually bound to follow the reasoning used in the prior decision (a principle known as stare decisis). If, however, the court finds that the current dispute is fundamentally distinct from all previous cases (called a “matter of first impression”), and legislative statutes are either silent or ambiguous on the question, judges have the authority and duty to resolve the issue (one party or the other has to win, and on disagreements of law, judges make that decision). The court states an opinion that
FOOTNOTES:

1. Garner, Bryan A. (2001) [1995], A Dictionary of Modern Legal Usage (2nd, revised ed.). New York: Oxford University Press, p. 177. In modern usage, common law is contrasted with a number of other terms. First, in denoting the body of judge-made law based on that developed in England... (Perhaps most commonly within Anglo-American jurisdictions, common law is contrasted with statutory law...)


3. "Jump up to:In modern usage, the common law is not a brooding omnipresence in the sky, but the articulate voice of some sovereign or quasi sovereign that can be identified.” Southern Pacific Company v. Jensen. 244 U.S. 205, 222 (1917) (Oliver Wendell Holmes, dissenting). By the early 20th century, legal professionals had come to reject any idea of a higher or natural law, or a law above the law. The law arises through the act of a sovereign, whether that sovereign speaks through a legislature, executive, or judicial officer.


6. "For additional cites giving this definition, see the section on the connotations of the term "common law." below.

7. "Marbury v. Madison, 5 U.S. 137 (1803) ("It is eminently the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.")"


11. "Jump up to: Black's Law Dictionary – Common law (10th ed.). 2014. p. 334. 2. The body of law based on the English legal system, as distinct from a civil-law system; the general Anglo-American system of legal concepts, together with the techniques of applying them, that form the basis of the law in jurisdictions where the system applies...


2.9 Legal Dictionary

Common Law meaning

Common law is a term used to refer to law that is developed through decisions of the court, rather than by relying solely on statutes or regulations. Also known as “case law,” or “case precedent,” common law provides a contextual background for many legal concepts. Common laws vary depending on the jurisdiction, but in general, the ruling of a judge is often used as a basis for deciding future similar cases. To explore this concept, consider the following common law definition.

Definition of Common Law

Noun

Laws that are based on court or tribunal decisions, which govern future decisions on similar cases.

Origin

1300-1350 Middle English

[Legal Dictionary; https://legaldictionary.net/common-law/]

2.10 U.S. Legal

Common Law Law and Legal Definition

Common law is the system of deciding cases that originated in England and which was latter adopted in the U.S.. Common law is based on precedent (legal principles developed in earlier case law) instead of statutory laws. It is the traditional law of an area or region created by judges when deciding individual disputes or cases. Common law changes over time.

The U.S. is a common law country. In all states except Louisiana, which is based on Napoleonic code, the common law of England was adopted as the general law of the state, or varied by statute. Today almost all common law has been enacted into statutes with modern variations by all the states. Broad areas of the law, such as property, contracts and torts are traditionally part of the common law. Because these areas of the law are mostly within the jurisdiction of the states, state courts are the main source of common law.

The area of federal common law is primarily limited to federal issues that have not been addressed by a statute.

[U.S. Legal; https://definitions.uslegal.com/c/common-law/]

2.11 Merriam Webster’s Dictionary

common-law adjective

com-mon-law | ˈkä-mon-lō |

Definition of common-law
Rebutted False Arguments About The Common Law

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Form 08.025, Rev. 12-19-2020

(Entry 1 of 2)

1: of, relating to, or based on the common law

2: relating to or based on a common-law marriage

common law

noun

Definition of common law (Entry 2 of 2)

: the body of law developed in England primarily from judicial decisions based on custom and precedent, unwritten in statute or code, and constituting the basis of the English legal system and of the system in all of the U.S. except Louisiana

Examples of common-law in a Sentence

Recent Examples on the Web: Noun

This was a pointed rejection of English common law, which barred felony defendants from hiring counsel to represent them. — Alex Pareene, The New Republic, "Neal Katyal and the Depravity of Big Law," 8 Dec. 2020

Statutes, common law, and public policies can restrict access to information in public records. — Mary Spicuzza, Milwaukee Journal Sentinel, "Milwaukee Health Department says staff are being targeted by death threats, 'doxxing';" 20 Nov. 2020

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'common-law.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. Send us feedback.


2.12 Wiktionary

Noun[edit]

common law (uncountable)

(law) Law developed by judges, courts, and agency adjudicatory tribunals, through their decisions and opinions (also called case law) (as opposed to statutes promulgated by legislatures, and regulations promulgated by the executive branch).

(law) Legal system mainly in England and its former colonies with a heavy emphasis on judge-made law, doctrines deduced by casuistry rather than from general principles, and law distributed among judicial decisions rather than codified statutes (as opposed to civil law).

(law, historical) Body of law and procedure administered in certain courts (known as law courts) in England and its former colonies characterized by a rigid system of writs, with a limited set of remedies (as opposed to equity or admiralty).

(law, Scots law, Roman-Dutch law) Law of general application throughout a country, province, or state as opposed to law having only a special or local application

Synonyms[edit]

case law, decisional law, judge-made law, precedential law

Antonyms[edit]

statute

equity, admiralty

civil law, Roman law, ius commune, canon law, ecclesiastical law

Derived terms[edit]

common-law marriage

2.13 North Carolina Pedia

Common Law

by John V. Orth, 2006

Common Law is the system of legal rules developed over the centuries by English judges in their decisions on cases. Being familiar to the early settlers of North Carolina, the common law was naturally applied during the colonial period; a statute of 1715 required it. After American independence, legislation was passed making the common law the rule in the state unless specifically altered; the North Carolina Supreme Court has consistently defined the "common law" referred to in this statute as that which was in force in England on 4 July 1776. This interpretation remains valid in the state. Undoubtedly, the best source for eighteenth-century common law is Sir William Blackstone's four-volume Commentaries on the Laws of England, first published between 1765 and 1769.

Additional Resources:


Common Law, NCGA: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_4/GS_4-1.html

North Carolina Pedia; https://www.ncpedia.org/common-law

2.14 Pastor Brook Stockton, a Pastor with a PhD in Theology and 40 years in ministry

If we disconnect the Bible from the common law, there is no common law, only case law.

We cannot understand the history and progress of law apart from the gospel's influence on England and the courts -- courts which are now corrupt because they too, in their arrogance, have disassociated the Bible from adjudication . . . moreover, in establishment this country, if my memory serves me right, the founding fathers quoted the Bible a few times to support their ideas regarding the establishment of this Republic. I think Deuteronomy was quoted once or twice.

"Thus the church polity [form of government] of New England begat like principles in the state. The pew and the pulpit had been educated to self-government. They were accustomed "TO CONSIDER." The highest glory of the American Revolution, said John Quincy Adams, was this: it connected, in one indissoluble bond, the principles of civil government with the principles of Christianity."

[John Wingate Thornton, /The Pulpit of the American Revolution/ (Boston: Gould And Lincoln, 1860), p. xxix]

"Following an extensive survey of American political literature from 1760 to 1805, political scientist Donald S. Lutz reported that the Bible was cited more frequently than any European writer or even any European school of thought, such as Enlightenment liberalism or republicanism"

[Oxford Press: OUPblog]

England-Scotland is the land of Reformation where at one time the Ten Commandments were the only law people knew and practiced. Lose this, and we lose the foundation of case law in England.

Consider the Bible as the basis of all law, especially the common law. If the Ten Commandments are not the basis of the common law of England, then your critic may be correct that there is no written document supporting the claim that the common law exists.

Remember, one of your favorite quotes:

"To the law and to the testimony! If they do not speak according to this word, /it is/ because there is no light in them"

[Isaiah 8:20, Bible, NKJV]
3 OUR definition of “common law” for the purposes of Our website

There is no justification for taking away individuals' freedom in the guise of public safety.

~ Thomas Jefferson

We publish our definition of “common law” on our Disclaimer, which you can read at:

SEDM Disclaimer, Section 4: Meaning of Words
https://sedm.org/disclaimer.htm

Below the following line is that definition:

______________________________

Common Law: The term “common law” means procedures and policies used in constitutional courts in the JUDICIAL branch to provide protection for absolutely owned, constitutionally protected PRIVATE RIGHTS and PRIVATE PROPERTY of a human being who has accepted no franchises or privileges and therefore who is not subject to civil statutes, not domiciled in the forum, and who reserves all rights. These procedures may not be exercised in “legislative franchise courts” in the LEGISLATIVE or EXECUTIVE Branch which manage and adjudicate disputes over federal property, franchises, privileges, and "benefits". In the words of the U.S. Supreme Court, these organic rights are “self-executing” and not government created or owned. They may therefore NOT be limited, restrained, taxed, or regulated by statute:

The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of powers 524*524 between Congress and the Judiciary. The first eight Amendments to the Constitution set forth self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those prohibitions. The Bingham draft, some thought, departed from that tradition by vesting in Congress primary power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, “Congress, and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens in the several States.” Flack, supra, at 64. While this separation-of-powers aspect did not occasion the widespread resistance which was caused by the proposal’s threat to the federal balance, it nonetheless attracted the attention of various Members. See Cong. Globe, 39th Cong., 1st Sess., at 1064 (statement of Rep. Hale) (noting that Bill of Rights, unlike the Bingham proposal, “provide[s] safeguards to be enforced by the courts, and not to be exercised by the Legislature”); id., at App. 133 (statement of Rep. Rogers) (prior to Bingham proposal it “was left entirely for the courts . . . to enforce the privileges and immunities of the citizens”). As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-executing. Cf. South Carolina v. Katzenbach, 383 U. S., at 325 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary, [City of Boerne v. Flores, 521 U.S. 507 (1997)]

It is the duty of all CONSTITUTIONAL courts in the JUDICIAL branch to provide remedy for the protection of such rights when violated, even if there is no statute authorizing a remedy. This is a consequence of the oath that all judges IN CONSTITUTIONAL COURTS take to “support and defend the constitution against all enemies, foreign and domestic”,

Rebutted False Arguments About The Common Law
whether state or federal. Franchise judges in the LEGISLATIVE or EXECUTIVE branch don't have to take this oath and often ACTIVELY INTERFERE with any attempt by private litigants to invoke or enforce constitutional rights. That sort of behavior would be TREASON in a CONSTITUTIONAL court. Franchise courts act in essence as binding arbitration boards for people in temporary possession, custody, or control of absolutely owned government property which is dispensed with legal strings attached called "franchises". These courts preside by the CONSENT of those who accept the property or "benefit" that the franchise court is charged with managing, such as "licenses", "permits", or government "benefits". Examples of "legislative franchise courts" include:

1. Traffic court.
2. Family court.

For a detailed exposition of exactly how government franchises and franchise courts operate, see:

<table>
<thead>
<tr>
<th>Exhibit</th>
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<tbody>
<tr>
<td>Government Instituted Slavery Using Franchises, Form #05.030</td>
</tr>
<tr>
<td><a href="https://sedm.org/Forms/FormIndex.htm">https://sedm.org/Forms/FormIndex.htm</a></td>
</tr>
</tbody>
</table>

Rights are property and protecting and enforcing them is an action to protect PRIVATE property in the case of CONSTITUTIONAL rights recognized but not created by the Bill of Rights. In providing judicial remedy absent statutes, the courts in effect are DEFINING the common law, because statutes CANNOT define or limit such rights:

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. "

[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities [within juries] and officials [and CIVIL STATUTES, Form #05.037] and to establish them as legal principles to be applied by the courts [using the COMMON LAW rather than CIVIL STATUTES, Form #05.037]. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote [of a JURY OR an ELECTOR]; they depend on the outcome of no elections."


Based on the above, anything licensed, taxed, requiring a "permit", denied (the essence of ownership is the right to exclude and control the use of), or regulated by civil statute or which may be voted on by a jury or an elector or which is created or enforced by statute is NOT a CONSTITUTIONAL or a PRIVATE right and is not the proper subject of the common law. Further, anyone who tries to convince you that there IS no such thing as the common law in the context of CONSTITUTIONAL rights, or that common law proceedings can and do involve STATUTORY remedies is engaging in a conspiracy to DESTROY all of your private rights and private property. This is proven in:

<table>
<thead>
<tr>
<th>Exhibit</th>
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<tbody>
<tr>
<td>Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037</td>
</tr>
<tr>
<td><a href="https://sedm.org/Forms/FormIndex.htm">https://sedm.org/Forms/FormIndex.htm</a></td>
</tr>
</tbody>
</table>

A failure or refusal by a judge in the judicial department to provide CONSTITUTIONAL remedy for absolutely owned PRIVATE property or PRIVATE rights is therefore, in fact and in deed:

1. An attempt to accomplish the OPPOSITE purpose for why government was created, which was to protect PRIVATE property and PRIVATE rights.
2. An attempt to denigrate, demoralize, oppress, and enslave (Thirteenth Amendment) litigants before them who are litigating against any government for a violation of those rights.
4. A selective REPEAL of a portion of the CONSTITUTIONAL common law.
5. A selective REPEAL of the portion of the Bill of Rights that forms the STANDING of the party to sue in court.
6. A violation of the judicial oath to support and defend the Constitution against all enemies, foreign and domestic.
8. A violation of the Separation of Powers Doctrine, because by SELECTIVELY REPEALING a portion of the constitution or constitutional common law, they in effect are acting in a "legislative capacity" as a member of the
9. Destroying ANY and ALL possibility of freedom or liberty itself, according to the man who DESIGNED the three-branch system of Republic Government and Separation of Powers:

   “When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

   Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control: for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].

   There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.”

   [...]"

   In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions.”


Further, Congress can only regulate or tax PRIVILEGES or PUBLIC rights that it created by statute, not PRIVATE rights recognized but not created by the Constitution.

Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress [PUBLIC RIGHTS] and other [PRIVATE] rights, such a distinction underlies in part Crowell's and Raddatz' recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against “encroachment or aggrandizement” by Congress at the expense of the other branches of government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a “privilege” or “public right” in this case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.


For more details on the CIVIL (not CRIMINAL, but CIVIL) power to tax or regulate only public rights (public property) that Congress created by statute and therefore ABSOLUTELY OWNS and CONTROLS as property, see:

Hierarchy of Sovereignty: The Power to Create is the Power to Tax. Family Guardian Fellowship
https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm

The basic rules of the common law are documented in the following exemplary books published near the turn of the Twentieth Century and many others, and thus are WRITTEN. These rules have not been REPEALED, but rather fallen out of use because of censorship by covetous Pharisee lawyers trying to convert ALL property to government property so they could STEAL it and harvest it for their personal benefit¹:

1. **Handbook of Common Law Pleading**, Benjamin Shipman (48 MB)-
3. **Principles of Common Law Practice**, John Mc Kelvey (3.5 MB)

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¹ See: Government Conspiracy to Destroy the Separation of Powers, Form #05.023; https://sedm.org/Forms/FormIndex.htm.
² See: Who Were the Pharisees and Sadducees? Form #05.047; https://sedm.org/Forms/FormIndex.htm.

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Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 08.025, Rev. 12-19-2020
EXHIBIT: _______
4. **Pleadings and Practice in Actions At Common Law**, Martin Burks (90.3 MB)
http://famguardian.org/Publications/CommonLawPractice/Pleading_and_Practice_in_Actions_at_Comm.pdf

In addition to the above generally accepted rules, those owning the PRIVATE property protected by the common law may ADD to these rules with their own set of rules that form the conditions of the temporary use, benefit, or control of the property so granted and protected to the person SUBJECT to those rules. We call these the Grant Rules.

Grant Rules are CIVIL rules implemented as a contract or agreement between the GRANTOR and the GRANTEE for temporarily using, controlling, or benefitting from that property. They cannot and do not be implemented with CRIMINAL statutes. Only CIVIL statutes and franchises. They are enforced against those who consent to those RULES by temporarily accepting or exercising custody, benefit, or control over the property in question. These rules behave, in essence, as a franchise or an excuse. The OBLIGATIONS against the GRANTOR associated with the use of the granted property are the “consideration” provided by the GRANTOR and the consideration they receive in return are the temporary “RIGHTS” they exercise over the granted property. All franchises are based on “grants” of property with legal strings or conditions attached and ANYONE can grant or participate in such a franchise or use such a franchise AGAINST a government to defend themselves against GOVERNMENT unlawfully offering or enforcing THEIR franchises:

“...The State in such cases exercises no greater right than an individual may exercise over the use of his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.”

[Munn v. Illinois, 94 U.S. 113 (1876)]

An example of the use of such rules by the government against the private rights and private property is found below:

“We have repeatedly held that the Federal Government may impose appropriate conditions on the use of federal property or privileges [franchises, Form #05.030] and may require that state instrumentalities comply with conditions [obligations, Form #12.040] that are reasonably related to the federal interest in particular national projects or programs. See, e. g., Ivanhoe Irrigation Dist. v. McCracken, 357 U.S. 275, 294-296 (1958); Oklahoma v. Civil Service Comm'n, 330 U.S. 127, 142-144 (1947); United States v. San Francisco, 310 U.S. 16 (1940); cf. National League of Cities v. Usery, 426 U.S. 833, 853 (1976); Fry v. United States, 421 U.S. 542 (1975). A requirement that States, like all other users, pay a portion of the costs of the benefits [Form #05.040] they enjoy from federal programs is surely permissible [meaning CONSTITUTIONAL] since it is closely related to the [435 U.S. 444, 462] federal interest in recovering costs from those who benefit and since it effects no greater interference with state sovereignty than do the restrictions which this Court has approved.”


Under the concept of equal protection and equal treatment, WE TOO have an EQUAL right, recognized above by the U.S. Supreme Court in Munn v. Illinois, to attach conditions to the use or benefit or control of our property by any and all others, INCLUDING governments. To suggest otherwise is to impute or enforce superior or supernatural powers to a government and institute a civil religion in violation of the First Amendment. ALL ARE EQUAL in a free society. You are equal to the government, as President Obama implied in his First Inauguration Speech, as we prove below:

Foundations of Freedom Course, Form #12.021, Video 1: Introduction
https://www.youtube.com/watch?v=ikI7CcT2181

If you are not equal to the government and cannot use YOUR absolutely owned PRIVATE property to control THEM, then they can’t use THEIR property to control you through civil franchises or statutes either. For more on the abuse of franchises by government to oppress people they are supposed to be helping, and how to use them to DEFEND yourself against such abuses, see:

1. **Government Franchises Course**, Form #12.012
https://sedm.org/Forms/FormIndex.htm

2. **Government Instituted Slavery Using Franchises**, Form #05.030
https://sedm.org/Forms/FormIndex.htm

Anyone who asserts that the GOVERNMENT is the only one who can absolutely own property or that government SHARES ownership or control of ALL property is indirectly advocating all of the following:
1. A violation of the main reason for creating government, which is the protection of PRIVATE rights and PRIVATE property.

2. The establishment of a state sponsored religion in violation of the First Amendment, because the government can use their control over ALL property to control ANYTHING and ANYONE. See:
   
   Socialism: The New American Civil Religion, Form #05.016
   https://sedm.org/Forms/FormIndex.htm

3. A violation of the Thirteenth Amendment, because there is no way to avoid the rules associated with buying or using ANY TYPE OF PROPERTY.

4. The establishment of socialism, which is government ownership or at least control over ALL property:

   “Socialism n (1839) 1: any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods 2 a: a system of society or group living in which there is no private property b: a system or condition of society in which the means of production are owned and controlled by the state 3: a stage of society in Marxist theory transitional between capitalism and communism and distinguished by unequal distribution of goods and pay according to work done.”
   https://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Evidence/Q05.010.pdf]

4 Why the Common Law Had to be Invented
The Pilgrim settlers at Jamestown came to escape religious persecution. Most of that persecution came from the STATE or GOVERNMENT. It was implemented using statutes that compelled Christians at the time to either do something God forbids or NOT do something he commands within His holy law in the Bible. The need to ESCAPE this kind of persecution is what got “separation between church and state” into our jurisprudence.

"All persons shall have full and free liberty of religious opinion; nor shall any be compelled to frequent or maintain any religious institution."

Thomas Jefferson, 1814

"The German Church and the People are practically the same body. Therefore there could be no issue between Church and State."

Adolf Hitler, 1934

That is why they called themselves “Protestants”: Because they protested STATISM, meaning idolatry towards governments or civil rulers and/or government ownership or control over PRIVATE property:

**Statism:** concentration of economic controls and planning in the hands of a highly centralized government often extending to government ownership of industry.


Below is our humorous take on this binary choice the Pilgrim settlers faced:
Since the GOVERNMENT persecution of religious practice against the fleeing Pilgrims was implemented with statutory civil law, our jurisprudence adopted the notion that civil statutory jurisdiction depended on VOLUNTARY choice of civil domicile. Those who didn’t want the “benefits”, “privileges”, or “protections” of the statutory civil law such as the Pilgrims persecuted by it could withdraw their civil domicile and use ONLY the Bill of Rights and the Constitution for their protection from a CIVIL perspective. This is thoroughly documented in:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002
https://sedm.org/Forms/FormIndex.htm

In American Jurisprudence, there are only two types of rights:

1. **Private rights**: Possessed by human beings in exercising their natural rights under natural law.
2. **Public rights**: Possessed by government actors serving in public offices. Sometimes called “privileges”.

For a fascinating discussion of the origin of PRIVATE property and PRIVATE rights tied to the settlement of America by the Pilgrims, see:

*America’s Socialist Origins*, Prager University
https://sedm.org/americas-socialist-origins/
The idea of PRIVATE property and PRIVATE rights is so important that the founders tied the idea of OWNERSHIP OF PRIVATE PROPERTY to “the pursuit of happiness”, and therefore “happiness” itself. In the Declaration of Independence the word “Happiness” in the phrase “Life, Liberty, and pursuit of Happiness”:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

[Declaration of Independence]

The Fourteenth Amendment, Section 1 uses similar language as the Declaration of Independence:

“nor shall any State deprive any person of life, liberty, or property, without due process of law;”

The U.S. Supreme Court has interpreted this phrase “life, liberty, or PROPERTY” to mean:

“The provision [Fourteenth Amendment, Section 1]. is it to be observed, places property under the same protection as life and liberty. Except by due process of law, no State can deprive any person of either. The provision has been supposed to secure to every individual the essential conditions for the pursuit of happiness; and for that reason has not been heretofore, and should never be, construed in any narrow or restricted sense.”

[Munn v. Illinois, 94 U.S. 113 (1876)]

Any government that interferes or intends to interfere with the protection of PRIVATE rights and PRIVATE property therefore has the EXPRESS and/or IMPLIED goal of MALICIOUSLY making you:

UNHAPPY!

Those rights that are “exclusively private” are beyond the control or regulation by organized government:

When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. “A body politic,” as aptly defined in the preamble of the Constitution of Massachusetts, “is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.” This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125*125 has found expression in the maxim sic utere tuo ut alienum non laedas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, “are nothing more or less than the powers of government inherent in every sovereignty, ..., that is to say, ... the power to govern men and things.” Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power upon the city of Washington “to regulate ... the rates of wharfage at private wharves, ... the sweeping of chimneys, and to fix the rates of fees therefor, ... and the weight and quality of bread,” 3 Stat. 587, sect. 7; and, in 1848, “to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers,” 9 id. 224, sect. 2.

[Munn v. Illinois, 94 U.S. 113 (1876),


The main purpose of establishing civil government is primarily the protection of PRIVATE rights.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable (PRIVATE) Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these (PRIVATE) rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

[Declaration of Independence]

A government that neither RECOGNIZES private rights nor protects them, is not only a bad government, but a de facto government devoid of all authority to govern. The “vain government” they are talking about below is actually a “de facto government” that refuses to do the ONLY job for which it was created: recognizing and protecting PRIVATE rights:

“The rights of individuals and the justice due to them, are as dear and precious as those of states. Indeed the latter are founded upon the former; and the great end and object of them must be to secure and support the rights of individuals, or else vain is government."

Rebutted False Arguments About the Common Law
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Form 08.025, Rev. 12-19-2020
EXHIBIT:_________
The first step in protecting PRIVATE rights is to keep them from being converted into PUBLIC rights or PUBLIC property without the consent of the owner. The Fifth Amendment takings clause is what does this and that involuntary conversion is called “eminent domain”. The purpose of “due process of law”, in fact, is to protect ONLY private rights from involuntary conversion to public rights by corrupt government actors.

Due process of law. Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights.


The purpose of the common law is therefore to:

1. Prevent the government from regulating or controlling EXCLUSIVELY PRIVATE RIGHTS. The first step in this process is to ensure that government civil law is only enforced against public officers on official business, and not against people in the PRIVATE lives. See:

   Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
   http://sedm.org/Forms/FormIndex.htm

2. Place all judicial decisions that might affect private rights in the hands of ONLY PRIVATE people.

3. Prevent government judges from deciding cases in which they have a conflict of interest, because the case might directly or indirectly benefit the government financially. Allowing otherwise would be to allow a man or “person” to be a judge in his own case. Judges may be in a separate branch of government, but they are still part of the same legal “person” as defendant in a case brought against the government. Hence, they have a conflict of interest. The only way to prevent this kind of conflict of interest is to convene a DISINTERESTED jury of third parties who are PEERS of the Plaintiff and to not involve the judge at all. This prevents violations of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455 in the case of federal judges.

4. Guarantee the Sovereign People, “We the People”, the right to govern their PRIVATE affairs without state interference.

It ought to be obvious to the reader that any attempt by a judge to interfere with invoking or enforcing the common law is an attempt to:

1. Unconstitutionally interfere with the exercise of private rights.
2. Exercise the equivalent of “eminent domain” through their WILLFUL OMISSION in protecting private rights.
3. Accomplish a purpose OPPOSITE to the purpose for which all government is created, which is the protection of PRIVATE rights.
5. STEAL from the litigant.
6. Kidnap the identity of the litigant and move it to federal territory not protected by the Constitution.
7. Compel the litigant to contract with the government, because all civil statutory law is an implementation of a VOLUNTARY “social compact”/contract.

When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen [NOT “all people”, but those who are the subject of the compact called “citizens”] to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and has found expression in the maxim sic utere tuo ut alienum non lædas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty...that is to say...the power to govern men and things."

[Munn v. Illinois, 94 U.S. 113 (1876),
SOURCE: http://scholar.google.com/scholar_case?case=641919719322400931]

8. Elect the litigant into a public office by associating them with a specific statutory franchise status against their will. All franchise statuses are public offices in the government.
9. Impose the obligations of a public office upon the litigant without their consent, thus imposing involuntary servitude in violation of the Thirteenth Amendment.

The above conclusions are consistent with the following ruling by the early U.S. Supreme Court:

“Whether the Legislature of any of the States can revise and correct by law, a decision of any of its Courts of Justice, although not prohibited by the Constitution of the State, is a question of very great importance, and not necessary NOW to be determined; because the resolution or law in question does not go so far. I cannot subscribe to the omnipotence of a State *388 Legislature, or that it is absolute and without control; although its authority should not be expressly restrained by the Constitution, or fundamental law, of the State. The people of the United States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty; and to protect their persons and property from violence. The purposes for which men enter into society will determine the nature and terms of the social compact; and as they are the foundation of the legislative power, they will decide what are the proper objects of it: The nature, and ends of legislative power will limit the exercise of it. This fundamental principle flows from the very nature of our free Republican governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which the laws permit. There are acts which the Federal, or State, Legislature cannot do, without exceeding their authority. There are certain vital principles in our free Republican governments, which will determine and over-rule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law; or to take away that security for personal liberty, or private property, for the protection whereof of the government was established. An ACT of the Legislature (for I cannot call it a law) contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority. The obligation of a law in governments established on express compact, and on republican principles, must be determined by the nature of the power, on which it is founded. A few instances will suffice to explain what I mean. A law that punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of no existing law; a law that destroys, or impairs, the lawful private contracts of citizens; a law that makes a man a Judge in his own cause; or a law that takes property from A, and gives it to B: It is against all reason and justice, for a people to entrust a Legislature with SUCH powers; and, therefore, it cannot be presumed that they have done it. The genius, the nature, and the spirit, of our State Governments, amount to a prohibition of such acts of legislation; and the general principles of law and reason forbid them. The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they cannot change innocence into guilt; or punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State, Legislature possesses such powers, if they had not been expressly restrained; would, *389 in my opinion, be a political heresy, altogether inadmissible in our free republican governments.”

[Calder v. Bull, 3 U.S. 386, (1798)]

5 Public v. Private

The following table summarizes the differences between public and private from a legal perspective. Understanding these differences is crucial to recognizing the difference between a franchise (public) court and a common law (private) courts:

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
<th>Public</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Aim</td>
<td>Protect the public interest</td>
<td>Protect private interest</td>
</tr>
<tr>
<td>2</td>
<td>Audience</td>
<td>Collective</td>
<td>Individual human beings</td>
</tr>
<tr>
<td>3</td>
<td>Relation protected</td>
<td>Individuals in relation to state</td>
<td>Private humans between each other</td>
</tr>
<tr>
<td>4</td>
<td>Regulates</td>
<td>Harmonious relation between citizens and state</td>
<td>Activities between two or more private entities in a just and equitable manner</td>
</tr>
<tr>
<td>5</td>
<td>Nature of sanctions for violation</td>
<td>More severe</td>
<td>Judicially ordered payment of damages, restitution, returning enrichment, specific performance</td>
</tr>
<tr>
<td>6</td>
<td>Type of court violations are heard in</td>
<td>Legislative franchise courts</td>
<td>Common law courts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Constitution Article I</td>
<td>Constitution Article III</td>
</tr>
<tr>
<td>7</td>
<td>Example court</td>
<td>Family Court</td>
<td>State superior court</td>
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<td></td>
<td></td>
<td>Traffic Court</td>
<td>Federal Article III courts</td>
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<tr>
<td>8</td>
<td>Protection provided by</td>
<td>Civil Statutes (for those working for government ONLY)</td>
<td>Constitution (against government actors)</td>
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<td></td>
<td></td>
<td>Criminal Statutes</td>
<td>Common law</td>
</tr>
<tr>
<td>#</td>
<td>Description</td>
<td>Public</td>
<td>Private</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>9</td>
<td>How parties on one side switch to the other</td>
<td>Contract with private human</td>
<td>1. Accept a government property, grant, benefit, privilege, or franchise.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>2. Buy stock in a federal corporation</td>
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<td></td>
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<td></td>
<td>3. Use a “franchise mark”, meaning and SSN or TIN.</td>
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<td></td>
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<td></td>
<td>4. Leave land protected by the Constitution (travel abroad)</td>
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<td></td>
<td></td>
<td>5. Change domicile to federal territory</td>
</tr>
<tr>
<td>10</td>
<td>Statutes and Supreme Court Doctrines which provide protections</td>
<td>Public Rights Doctrine</td>
<td>Bill of Rights</td>
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<td></td>
<td></td>
<td>Full Payment Rule</td>
<td>State Action Doctrine</td>
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<td>Foreign Sovereign Immunities Act (FSIA)</td>
<td>Prior Restraint Doctrine</td>
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<td>Unconstitutional Conditions Doctrine</td>
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<td>Overbreadth Doctrine</td>
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</tbody>
</table>

For more on the subject of Public v. Private, see:

   https://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:
2. *Separation Between Public and Private Course*, Form #12.025
   https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf
3. History of the Tension between public and private
   https://famguardian.org/Subjects/PropertyPrivacy/Property/PublicVPrivate/History%20of%20the%20Public_Private%20Distinction.pdf
4. Public
   4.1. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037
   4.2. *Government Instituted Slavery Using Franchises*, Form #05.030
      https://sedm.org/Forms/05-MemLaw/Franchises.pdf
5. Private
   5.1. *Famous Quotes About Rights and Liberty*, Form #08.001
      https://sedm.org/Forms/08-PolicyDocs/FamousQuotes.pdf
      https://sedm.org/Forms/10-Emancipation/EnumRights.pdf
   5.3. *Unalienable Rights Course*, Form #12.038
      https://sedm.org/LibertyU/UnalienableRights.pdf

6. **Demands for a Return of the Common Law, Common Law Jurisdiction, and For Common Law Courts**

1. Common Law Court, Youtube
   https://www.youtube.com/watch?v=3nVOCbuxQ-Y
2. It’s time, take our Courts back International Common Law Meeting, Youtube
   https://www.youtube.com/watch?v=LDMnGbAFAso
3. I Claim Common law Jurisdiction. I do Not Consent and Waive the Benefits, Youtube
   https://www.youtube.com/watch?v=5zy4TRz5hU
4. Convening of International Common Law Court of Justice, Youtube
   https://www.youtube.com/watch?v=hr3lpMA58EE
5. Kar Lentz 187-Understanding statute and common law courts, Youtube
   https://www.youtube.com/watch?v=_0ecNc0ZLAU
   https://www.youtube.com/watch?v=ET9Ntr-JL44
7. AV10-John Smith-Common Law Courts, Youtube
   https://www.youtube.com/watch?v=AUIjWnloDo
7 Rebutted False Arguments

7.1 The Common Law Does Not Exist

The common law is not an imaginary body of law that does not exist. It is real. It is written, because it is demonstrated in the written decisions of courts in recorded history. Its existence is even recognized in the United States Constitution.

United States Constitution
AMENDMENT [VII.]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

7.2 Common law is ONLY CURRENT case law

"Common law" simply means "case law" written by judges (as opposed to statutes or constitutions written by others). However, in the context of the CONSTITUTION, it means the common law of England, because that was the context for the term at the time the constitution was written. The common law of England does not originate in any court in this country. After we separated from England, it became "foreign law".

7.3 The Common Law has Never been Written or I can make up my own common law

But, amateur legal theorists mistakenly thought that the term, "unwritten law", once a nickname for the "common law", meant that the "common law" WAS LITERALLY "UNWRITTEN" ALTOGETHER This resulted in amateur legal theorists simply MAKING UP what they thought the common law should be (as long as it was more favorable to them than their perception of today's laws). Then, after simply "MAKING UP" what they thought the "common law" should be, they claimed that the common law "has been taken away" BECAUSE ALL MODERN LAW IS WRITTEN AND THEREFORE CANNOT BE POSSIBLY BE "COMMON LAW". They claim that the reason that common law was "taken away" was to eliminate all personal freedom and liberty and reduce humanity to slaves. Accordingly, they claim that today's written laws are in direct conflict with the unwritten common law which they believe shielded people from all responsibility and accountability to society as a whole absent injury to another person or that person's property.

ACTUAL PROOF: What follows is a written explanation of the "common law" based on this very mistake described above (that common law is "UNWRITTEN" law) and based on the mistake that the "common law" is no longer used in today's legal system. This explanation was posted on a website of Karl Lentz, a prominent peddler of this amateur belief system about the law. *

4 – THE LAW IS UNWRITTEN [NOTE THE TERM, "UNWRITTEN" HERE] YET KNOWABLE. It stands on its own and unmodified – inherent/obvious to reasonable humans….


"…[The common law is] UNWRITTEN [NOTE THE TERM "UNWRITTEN" HERE AGAIN], UNIVERSAL PRINCIPLES… or maxims, established long before any civilizations, governments, or corporations were even thought of [AS IF THE "COMMON LAW" PRE-DATED THE JUDGES WHO WROTE IT]… .

THUS, UNWRITTEN [NOTE THE TERM, "UNWRITTEN" HERE AGAIN] LAW IS ABOVE (PRIOR TO) AND SUPERIOR TO, (sic) ALL OTHER FORMS OF MAN-MADE LAW. ...

"…On June 30, 1864... Congress...changed...the reason of (sic) law in America, FROM PERSONAL LIBERTY UNDER THE COMMON LAW TO CIVIL LIBERTY UNDER MUNICIPAL (ROMAN CIVIL LAW), i.e., rules and regulations commanding what is right and prohibiting what is wrong..."

[The Secret People Blog, SOURCE: https://thesecretpeople.wordpress.com/2014/01/10/karl-lentz-unkommonlaw/]
Thus, some amateur legal theorists mistakenly believe that the "common law" is literally "unwritten" altogether, that it is morally and legally superior to today's law and that today's written law is in direct conflict with the "common law". In fact, the Bible is written and it is the moral compass that formed the basis of the common law throughout its entire evolution the Western civilization.

Written civil statutes, which in most cases implement franchises and privileges and are administered by legislative franchise court, on the other hand DO NOT form the basis for the common law and the Bill of Rights it implements. Civil/franchise statutes on the one hand and the Common law and the Bill of Rights on the other hand are mutually exclusive and non-overlapping. Civil statutes can't create or impair common law rights, and common law rights cannot be heard is legislative franchise courts that enforce only civil statutes.

Regardless, it is correct to be outraged, even among amateur legal theorists, over any of the following:

1. Efforts to make ALL property subject to governmental control, taxation, or regulation, and thus to ABOLISH absolutely owned private property.
2. Efforts to eliminate CONSTITUTIONAL courts and replace them with legislative franchise courts.
3. Efforts to not acknowledge, to DESTROY, or to undermine the enforcement of absolutely owned PRIVATE property and PRIVATE rights in CONSTITUTIONAL courts.
4. Equivocation which fools a free people into thinking that the following two things are equivalent:
   4.1. Common law protecting only PRIVATE property and PRIVATE rights.
   4.2. Statutory case law protecting only absolutely owned GOVERNMENT property which human beings do not own or control but can "benefit" from if they are DUMB enough to participate in government franchises.

The above transgressions by government are not an “imaginary injustice”. They are REAL. They are the REAL reason that the people now so commonly demand a "return" to the "unwritten" common law which has existed from the early history of western civilization to today. Common law courts, common law jurisdiction, common law rules of court, common law procedure, common law motions, common law pleadings, common law rulings are all real. Books have been written about the subject that are still available today. They are not fantasy land. It is not a moral or political transgression to expect that judges will provide a remedy for the protection of absolutely owned PRIVATE rights and PRIVATE property NOT SUBJECT to civil legislative control, forfeiture, or limitations. It is the MAIN JOB and the very reason, according to the Declaration of Independence for the establishment of civil government from the beginning!

7.4 There is no such thing as separate “common law courts”

FALSE STATEMENT: THERE IS NO SUCH THING AS SEPARATE "COMMON LAW COURTS" WHICH ARE SEPARATE AND DISTINCT FROM TODAY'S MODERN COURTS. ALL OF TODAY’S COURTS ARE COMMON LAW COURTS AND ALL OF THEM USE & FOLLOW THE COMMON LAW. SO, YOU DO NOT NEED TO CREATE A NEW COURT SYSTEM OF COMMON LAW COURTS TO DO WHAT IS ALREADY BEING DONE IN TODAY’S MODERN COURTS *

REBUTTAL:

The foundation of the common law is the protection of organic rights of HUMAN BEINGS under the Bill of Rights. Under the “Public Rights Doctrine” first elucidated in Murray's Lessee v. Hoboken Land & Improvement Co., 59 U.S. 272, 15 L. Ed. 372 (1856), franchise courts (e.g. traffic court, family court, tax court) may entertain ONLY STATUTORY disputes involving fictions of law created by Congress who are the SUBJECT of those statutes. They cannot entertain CONSTITUTIONAL questions unless expressly granted that authority BY STATUTE and NOT THE CONSTITUTION. That grant of authority NEVER happens. Thus, they are NOT a proper forum for entertaining questions of the “common law” or the Bill of Rights that it implements. As such, YES, there ARE such things as common law courts. Those courts MUST be able to entertain CONSTITUTIONAL violation questions rather than only STATUTORY disputes.

The Supreme Court first recognized the public-rights doctrine in Murray's Lessee v. Hoboken Land & Improvement Co., 59 U.S. 272, 15 L. Ed. 372 (1856), a case that is instructive here. That case involved the Treasury Department’s sale of property belonging to a customs collector who had failed to transfer payments to the Federal Government that he had collected on its behalf. Id. at 274-75. The plaintiff, who claimed title to the same land through a different transfer, objected that the Treasury Department’s calculation of the deficiency and sale of the property was void, because it was a judicial act that could not be assigned to the Executive under Article III. Id. at 274-75, 282-83. The Court ruled that this challenge to the Treasury Department’s sale of land fell into the public-rights category of cases, “because it could only be brought if the Federal Government chose to allow it by waiving sovereign immunity.” Stein, 564 U.S. at 489 (citing Murray's Lessee, 59 U.S. at 283-284). Thus Murray’s Lessee stands for the important
The above case mentions the origin of the Public Rights Doctrine as “sovereign immunity”. But of course, that is a red herring for what is really going on, which essentially is that once the property enters their hands, they are PRESUMED to be the absolute owner, even if they obtained it wrongfully, and must consent by waiving sovereign immunity in some way before they have to return the wrongfully obtained property. They may even specify the method of adjudicating disputes involving the surrender of the property by delegating it to legislative franchise courts and removing it from constitutional courts.

Courts that cannot entertain CONSTITUTIONAL questions are called “legislative franchise courts”, because they can only entertain disputes involving absolutely owned GOVERNMENT rather than PRIVATE property taking the form of PRIVILEGES and FRANCHISES. They are “property courts”, and can operate ONLY upon absolutely owned government property, privileges, and/or franchises wherever such property is found. The civil statutes are the rental/loan/grant agreement or “legal strings” that regulate the use of such GOVERNMENT property. Below is a definition of such courts:

“franchise court" Hist. A privately held court that (usu.) exists by virtue of a royal grant [privilege], with jurisdiction over a variety of matters, depending on the grant and whatever powers the court acquires over time. In 1274, Edward I abolished many of these feudal courts by forcing the nobility to demonstrate by what authority (quo warranto) they held court. If a lord could not produce a charter reflecting the franchise, the court was abolished. - Also termed courts of the franchise.

Dispensing justice was profitable. Much revenue could come from the fees and dues, fines and amercements. This explains the growth of the second class of feudal courts, the Franchise Courts. They too were private courts held by feudal lords. Sometimes their claim to jurisdiction was based on old pre-Conquest grants ... But many of them were, in reality, only wrongful usurpations of private jurisdiction by powerful lords. These were put down after the famous Quo Warranto enquiry in the reign of Edward I.” W.J.V. Windeyer, Lectures on Legal History 56-57 (2d ed. 1949).”


Examples of “legislative franchise courts” include:

1. Traffic court.
2. Family Court.

Notice the phrase “private courts held by feudal lords” in the above definition. They have this status because all statutes that regulate the use of such property are SPECIAL LAW or PRIVATE law dealing only with those temporarily possession, using or “benefitting from” such property.

“special law. One relating to particular persons or things; one made for individual cases or for particular places or districts; one operating upon a selected class, rather than upon the public generally. A private law. A law is “special” when it is different from others of the same general kind or designed for a particular purpose, or limited in range or confined to a prescribed field of action or operation. A “special law” relates to either particular persons, places, or things or to persons, places, or things which, though not particularized, are separated by any method of selection from the whole class to which the law might, but not such legislation, be applied. Utah Farm Bureau Ins. Co. v. Utah Ins. Guaranty Ass’n, Utah, 564 P.2d. 751, 754. A special law applies only to an individual or a number of individuals out of a single class similarly situated and affected, or to a special locality. Board of County Com’rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361, 362. See also Private bill; Private law. Compare General law; Public law.”


“Private law. That portion of the law which defines, regulates, enforces, and administers relationships among individuals, associations, and corporations. As used in contradistinction to public law, the term means all that part of the law which is administered between citizen and citizen, or which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation is incident are private individuals. See also Private bill; Special law. Compare Public Law.”


The CIVIL/PENAL statutes regulating the use of such PUBLIC property and privileges and franchises managed by “franchise court” don’t pertain to EVERYONE, and therefore are not “law” in a legal sense. REAL LAW applies equally to ALL, regardless of their consent or actions. We prove this in:
Because “legislative franchise courts” can only address disputes dealing with absolutely owned government/public property, they function essentially as private arbitration boards over those in temporarily custody of government property. Grants of government property to formerly PRIVATE, constitutionally protected people are in effect being used to ILLEGALLY CREATE new franchise public offices. Once they lend you government property essentially as a “bribe”, you effectively consent or ASSENT to be treated as a de facto “public officer” in the government. A “public officer” is, after all, legally defined as **someone who is in charge of the property of the public**! Receipt and temporary custody of the valuable property of the public therefore constitutes your “employment consideration” to act as a public officer:

“Public officer. The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohnmiller, 46 Ariz., 413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de-notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.


Why do they use property as the means to effect or create the franchise? The reason is because they have jurisdiction over their property WHEREVER it is situated, including within states of the Union:

“The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States. This power applies as well to territory belonging to the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be. The argument is, that the power to make ‘ALL needful rules and regulations’ is a power of legislation, ‘a full legislative power,’ that it includes all subjects of legislation in the territory; and is without any limitations, except the positive prohibitions which affect all the powers of Congress. Congress may then regulate or prohibit slavery upon the public domain within the new States, and such a prohibition would permanently affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on Congress. This is a conclusion universally admitted. But the power to ‘make rules and regulations respecting the territory’ is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in the domain of the United States within the States; and whatever rules and regulations respecting territory Congress may constitutionally make are supreme, and are not dependent on the situs of the territory.”

[Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856)]

If they didn’t use the LENDING or RENTAL of their property to reach you, they would otherwise not have civil jurisdiction over those domiciled in the exclusive jurisdiction of a legislatively (but not constitutionally) foreign state such as a Constitutional state of the Union through their civil statutory law, since all law is prima facie territorial, and they don’t own and don’t have civil jurisdiction over Constitutional states of the Union:

“The canon of construction which teaches that legislation of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States. Blackmer v. United States, supra, at 437, is a valid approach whereby unexpressed congressional intent may be ascertained. It is based on the assumption that Congress is primarily concerned with domestic conditions.”

[Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]

“The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government.”

[Caha v. U.S., 152 U.S. 211 (1894)]

“There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears [legislation] is meant to apply only within the territorial jurisdiction of the United States.”

[U.S. v. Speler, 338 U.S. 217 at 222]

Below is an example of a ruling relating to Social Security which identifies it as a LOAN of property:

*But this is not the situation with which we are called upon to deal in the present case. For here, the state must deposit the proceeds of its taxation in the federal treasury, upon terms which make the deposit suspiciously like a forced loan to be repaid only in accordance with restrictions imposed by federal law. Title IX, §§ 903 (a) (3), 904 (a), (b), (e). All moneys withdrawn from this fund must be used exclusively for the payment of compensation. § 903 (a) (4). And this compensation is to be paid through public*
employment offices in the state or such other agencies as a federal board may approve. § 903 (a) (1). The act, it is true, recognizes § 903 (a) (6) the power of the legislature to amend or repeal its compensation law at any time. But there is nothing in the act, as I read it, which justifies the conclusion that the state may, in that event, unconditionally withdraw its 613*613 funds from the federal treasury. Section 903 (b) provides that the board shall certify in each taxable year to the Secretary of the Treasury each state whose law has been approved. But the board is forbidden to certify any state which the board finds has so changed its law that it no longer contains the provisions specified in subsection (a), "or has with respect to such taxable year failed to comply substantially with any such provision." The federal government, therefore, in the person of its agent, the board, sits not only as a perpetual overseer, interpreter and censor of state legislation on the subject, but, as lord paramount, to determine whether the state is faithfully executing its own law — as though the state were a dependency under papilege[*] and not to be trusted. The foregoing, taken in connection with the provisions that money withdrawn can be used only in payment of compensation and that it must be paid through an agency approved by the federal board, leaves it, to say the least, highly uncertain whether the right of the state to withdraw any part of its own funds exists, under the act, otherwise than upon these various statutory conditions. It is true also that subsection (f) of § 904 authorizes the Secretary of the Treasury to pay to any state agency "such amount as it may duly requisition, not exceeding the amount standing to the account of such State agency at the time of such payment." But it is to be observed that the payment is to be made to the state agency, and only such amount as that agency may duly requisition. It is hard to find in this provision any extension of the right of the state to withdraw its funds except in the manner and for the specific purpose prescribed by the act.

By these various provisions of the act, the federal agencies are authorized to supervise and hamper the administrative powers of the state to a degree which not only does not comport with the dignity of a quasi-sovereign 614*614 state — a matter with which we are not judicially concerned — but which denies to it that supremacy and freedom from external interference in respect of its affairs which the Constitution contemplates — a matter of very definite judicial concern. I refer to some, though by no means all, of the cases in point.

[Steward Machine Co. v. Davis, 301 U.S. 548 (1937)]

For more on “legislative franchise courts”, see and rebut the following:

Government Instituted Slavery Using Franchises, Form #05.030, Section 25
https://sedm.org/Forms/FormIndex.htm

7.5 There is no such thing as separate “common law standing”

FALSE STATEMENT: THERE IS NO SUCH THING AS SEPARATE "COMMON LAW STANDING" WHICH IS SEPARATE AND DISTINCT FROM "STANDING" UNDER TODAY'S MODERN LAW. THIS IS BECAUSE ALL OF TODAY'S COURTS ARE COMMON LAW COURTS AND ALL OF THEM USE & FOLLOW THE COMMON LAW.

REBUTTAL:

The foundation of the common law is the protection of organic rights under the Bill of Rights. Those organic rights attach ONLY to “human beings” and standing on constitutionally protected LAND, not fictions of law or artificial entities. That is why the Constitution identifies itself as the “law of the land” instead of the “law of the STATUS of the people ON the land”.

"It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it."

[Balzac v. Porto Rico, 258 U.S. 298 (1922)]

This is confirmed by the difference between a CONSTITUTIONAL “person” (a human being) and a STATUTORY fictional creation of Congress called a “person”. This distinction appears in the annotated version of the Constitution:

"Citizens of the United States within the meaning of this Amendment must be natural and not artificial persons; a corporate body is not a citizen of the United States."

14 Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States, corporations accordingly have been declared unable “to claim the protection of that clause of the Fourteenth Amendment which secures the privileges and immunities of citizens of the United States against abridgment or impairment by the law of a State.” Orient Ins. Co. v. Daggs, 172 U.S. 557, 561 (1899). This conclusion was in harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations were not within the scope of the privileges and immunities clause of citizenship set out in Article IV, Sect. 2. See also Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912); Berea College v. Kentucky, 211 U.S. 45 (1908); Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928); Grosjean v. American Press Co., 297 U.S. 233, 244 (1936). [Annotated Fourteenth Amendment, Congressional Research Service. SOURCE: http://www.law.cornell.edu/anncen/html/amdt14a_user.html#amdt14a_hd1]
Thus, only HUMAN BEINGS can have STANDING to invoke these ORGANIC/NATURAL rights in a court of law. Artificial entities, corporations, or fictions of law CANNOT. Thus, not all “persons”, whether artificial or physical, can have EQUAL standing to invoke common law or the organic rights that it protects.

“...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights is a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.

“Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges. ”
[Hale v. Henkel, 201 U.S. 43 (1906)]

For more on the distinctions between PRIVATE CONSTITUTIONAL “persons” and PUBLIC STATUTORY “persons”, see:

1. Separation Between Public and Private Course, Form #12.025
   https://sedm.org/Forms/FormIndex.htm
2. Proof That There is a “Straw Man”, Form #05.042
   https://sedm.org/Forms/FormIndex.htm
3. Legal Fictions, Form #09.071
   https://sedm.org/Forms/FormIndex.htm

7.6 There is no such thing as separate “common law rules” or a separate “common law jurisdiction”

FALSE STATEMENT: THERE IS NO SUCH THING AS A SEPARATE "COMMON LAW JURISDICTION" WHICH IS SEPARATE AND DISTINCT WITHIN A SPECIFIC COURT YOU MAY ALREADY BE LITIGATING IN. THE JURISDICTION OF MODERN COURTS TODAY. ALL OF TODAY’S COURTS ARE COMMON LAW COURTS AND ALL OF THEM USE & FOLLOW THE COMMON LAW. SO, YOU CANNOT "INVOC" COMMON LAW JURISDICTION (LIKE FLIPPING A SWITCH "ON"). COMMON LAW JURISDICTION HAS NEVER BEEN FLIPPED "OFF" TO BE FLIPPED BACK"ON."

THERE IS NO SUCH THING AS SEPARATE "COMMON LAW RULES OF COURT" WHICH ARE SEPARATE AND DISTINCT FROM THE RULES OF COURT UNDER TODAY'S MODERN LAW. THIS IS BECAUSE ALL OF TODAY'S COURTS ARE COMMON LAW COURTS AND ALL OF THEM USE & FOLLOW THE COMMON LAW.

REBUTTAL:

This statement falsely equivocates by grouping all “courts” together. Based on our earlier definition of “common law” in section 3, not all courts are created equal.

1. There are CONSTITUTIONAL courts that can hear matters of rights under U.S. Constitution Article III, and
2. There are FRANCHISE courts created legislatively within the Executive Branch under the authority of Constitution Article I or Article 4.
Not ALL of these courts can hear matters of constitutional rights or rule on common law issues RELATING to those rights. The two different types of courts have DIFFERENT court rules. Constitution Article III courts are common law constitutional courts. Constitution Article 1 and Article 4 courts are legislative franchise courts that cannot hear disputes involving any aspect of the Bill of Rights. If you want to adjudicate violations of Constitutional rights, you can’t “flip a switch” on in a “legislative franchise court”. You have to LEAVE the FRANCHISE court and dismiss the case and file the action in a DIFFERENT, CONSTITUTIONAL court.

Constitution Article 4, Section 3, Clause 2 recognizes the ability of Congress to “make all needful rules and regulations respecting the Territory or other property belonging to the United States”:

United States Constitution
Article 4, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Contrary to what most people might ignorantly believe, the above constitutional provision DOES NOT limit itself to LAND. ANY kind of property, including chattel property, slaves, or “taxpayers” (statutory creations of congress and “fictions of law”) is covered by the above constitutional provision. This was admitted by the U.S. Supreme Court as follows:

The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the territory [***268] or other property belonging to the United States. This power applies as well to territory belonging to the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be. The argument is, that [***510] the power to make "ALL needful rules and regulations" is a power of legislation, "a full legislative power:" "that it includes all subjects of legislation in the territory," and is without any limitations, except the positive prohibitions which affect all the powers of Congress. Congress may then regulate or prohibit slavery upon the public domain within the new States, and such a prohibition would permanently affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on Congress. This is a conclusion universally admitted. But the power to "make rules and regulations respecting the territory" is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in the domain of the United States within the States; and whatever rules and regulations respecting territory Congress mayconstitutionally make are supreme, and are not dependent on the sites [***269] of "the territory."

*Scott v. Sandford, 60 U.S. 393 (1857)*

The above power delegated to Congress to “make needful rules respecting the Territory or Other Property” was delegated by the People to the government. It is a maxim of law that a power that is delegated cannot be greater than the party who delegated it:

"Quod meum est sine me auferri non potest. What is mine [sovereignty in this case] cannot be taken away without my consent"


"Derivativa potestas non potest esse major primitive. The power [sovereign immunity in this case] which is derived cannot be greater than that from which it is derived."


"Nemo potest facere per obliquum quod non potest facere per directum. No one can do that indirectly which cannot be done directly."


Thus, THE PEOPLE who delegated the right to make rules for “property” to government must ALSO have this power to “make needful rules” regarding the USE, CONTROL, or BENEFICIAL use of THEIR absolutely owned, PRIVATE property in relation to ANY AND ALL OTHERS, including governments. This authority is recognized in the definition of “ownership” itself:

"PROPERTY. Rightful dominion over external objects; ownership; the unrestricted and exclusive right to a thing; the right to dispose of the substance of a thing in every legal way, to possess it, to use it and to exclude every one else from interfering with it."

Mackeld. Rom. Law, § 265.
Property is the highest right a man can have to anything; being used for that right which one has to lands or tenements, goods for chattels, which no way depends on another man’s courtesy. Jackson ex dem. Pearson v. Housel, 17 Johns. 281, 283.

A right imparting to the owner a power of indefinite user, capable of being transmitted to universal successors by way of descent, and imparting to the owner the power of disposition, from himself and his successors per universitatem, and from all other persons who have a spes successions under any existing concession or disposition, in favor of such person or series of persons as he may choose, with the like capacities and powers as he had himself, and under such conditions as the municipal or particular law allows to be annexed to the dispositions of private persons. Aust. Jur. (Campbell’s Ed.) § 1103.

The right of property is that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe. It consists in the free use, enjoyment and disposal of all a person’s acquisitions, without any control or diminution save only by the laws of the land. 1 Bl. Comm. 138; 2 Bl. Comm. 2, 15.

The word is also commonly used to denote any external object over which, the right of property is exercised. In this sense it is a very wide term, and includes every class of acquisitions which a man can own or have an interest in. See Scranton v. Wheeler, 179 D.S. 141, 21 Sup.Ct. 48, 45 L.Ed. 126; Lawrence v. Hennessey, 165 Mo. 659, 65 S.W. 717; Boston & L.R. Corp. v. Salem & L. R. Co., 2 Gray (Mass.), 35; National Tel. News Co. v. Western Union Tel. Co., 119 Fed. 294, 56 C.C.A. 198, 60 L.R.A. 805; Hamilton v. Rathbone, 175 U.S. 414, 20 Sup.Ct. 155, 44 L.Ed. 219; Stanton v. Lewis, 26 Conn. 449; Wilson v. Ward Lumber Co. (C.C.) 67 Fed. 674.

—Absolute property. In respect to chattels personal property is said to be “absolute” where a man has, solely and exclusively, the right and also the occupation of any movable chattels, so permanent, but may at some times subsist and not at other times; such for example, as the property a man may have in wild animals which he has caught and keeps, and which are his only so long as he retains possession of them. 2 Bl. Comm. 389.—Real property. A general term for lands, tenements, and hereditaments; property which, on the death of the owner intestate, passes to his heir. Real property is either corporeal or incorporeal. See Code N.Y. § 462 — Separate property. The separate property of a married woman is that which she owns in her own right, which is liable only for her own debts, and which she can incumber and dispose of at her own will.—Special property. Property of a qualified, temporary, or limited nature; as distinguished from absolute, general, or unconditional property. Such is the property of a bailee in the article bailed, of a sheriff in goods temporarily in his hands under a levy, of the finder of lost goods while looking for the owner, of a person in wild animals which he has caught. Sief v. Hart, 1 N.Y. 24; Moulton v. Withervell, 52 Mo. 242; Eisenrauth v. Knauer, 64 Ill. 402; Phelps v. People, 72 N.Y. 357. [Black’s Law Dictionary, Second Edition, p. 955]

Note the phrase “rightful dominion”. That is a GOVERNMENTAL term. You as the absolute owner of private property can literally GOVERN anyone who wants to use it with your own self-made “rules” you determine. The only thing that people who want the property or to use it can do is either accept and follow your rules, or hit the road and leave you alone, as the definition of “justice” requires:

PAULESEN, ETHICS (Thilly’s translation), chap. 9.

“Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue springs from the individual’s respect for his fellows as ends in themselves and as his co equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or the possibility of fashioning one’s life as an end in itself. The law defends these different spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual’s own life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right.”


“The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man’s spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men.”


“Leaving you and your property ALONE” as justice requires literally means:

1. Not “regulating” its use.
2. Not taxing it or its use. This would be an “excise tax” such as the income tax.
3. Not placing “conditions” on its use or requiring “permission” to use it, such as a “permit”.

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For more on the definition of “justice”, see:

What Is “Justice”? Form #05.050
https://sedm.org/Forms/FormIndex.htm

This power to make “needful rules” for the use, benefit, or enjoyment of your property in the custody or benefit of all others, such as governments, gives you all kinds of control over what courts can do to the property or to those who use or temporarily control or benefit from it. For instance, the contract or agreement giving temporary use of it might dictate:

1. The courts that disputes relating to its use it can or must be litigated in. This is called “choice of law”.
2. Whether the court or the person using it surrenders their official, judicial, or sovereign immunity as a government or public servant.
3. The cost of using or benefitting from the property.
4. The rules of evidence at trials government disputes over it.
5. The jury instructions that the jurors must read.
6. The selection of the judge.
7. Which existing court rules, IF ANY, apply to the dispute.
8. Whether the case or controversy can be appealed and WHERE it can be appealed.
9. Whether binding arbitration can be ordered by the court that is dictated under the agreement.

The above provisions of a contract lending or granting property are the ultimate in “governmental power”. You can literally rule anyone who touches your property as a “king” if you want, provided that you give them “notice” of the terms of use in advance, and tell them that any use beyond that point constitutes an “acceptance” under the Uniform Commercial Code. In that capacity, you as the owner are the “Merchant” under U.C.C. §2-104(1) and the or the government is the “Buyer” under U.C.C. §2-103(1)(a). This requirement for advanced notice of the rules is similar to the constitutional requirement for “Reasonable Notice” as described below:

Requirement for Reasonable Notice, Form #05.022
https://sedm.org/Forms/FormIndex.htm

We also emphasize that the very purpose of establishing government is to PROTECT private property and your right to privately contract. The U.S. Constitution forbids interfering with that right in Article 1, Section 10. Therefore, if a so-called “government” DOES interfere with such a contract or tries to invoke sovereign immunity to GET OUT of such a contract, they in effect are violating the very purpose of their creation.

Thus, in the context of disputes in any court relating to enforcing the contract or agreement relating to the use of your absolutely owned private property, YOU MAKE ANY AND ALL THE RULES, if you want to. You can even supersede the existing rules of court for the purpose of protecting your own property. YOU ARE IN CHARGE! This, in fact, is what we do in our Member Agreement, Form #01.001:

I acknowledge that the obligations of this agreement are perpetual, supersede enacted law, and are superior to it. I voluntarily waive any and all benefit, privilege, or immunity conferred by any state or federal statute (and especially any statute of limitations) which might limit or destroy remedies or damages that could be claimed under this agreement in any court of law. Instead, I am a “non-resident non-person” (Form #05.020) to any and all state and federal statutes and my conduct is limited and protected ONLY by the Constitution, the criminal law, the common law, and the Holy Bible, New King James Version as documented in Laws of the Bible, Litigation Tool #09.001. Every attempt to escape these choice of law rules by any alleged governmental actor shall be regarded by every court as: 1. Non-governmental activity; 2. Purely private commercial activity under the Clearfield Doctrine; 3. An implied waiver of official, judicial, and sovereign immunity by ALL parties affected; 4. An attempt to act as a De Facto Government (Form #05.043).

[SEDM Member Agreement, Form #01.001, Section 8; https://sedm.org/participate/member-agreements/]

The U.S. Supreme Court recognized a SIMILAR power of Congress over its OWN property, when it held:

“The distinction between public rights and private rights has not been definitively explained in our precedents. Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a minimum arise “between the government and others.” Ex parte Bakellite Corp., supra, at 451, 49 S.Ct., at 413. In contrast, “the liability of one individual to another under the law as defined,” Crowell v. Benson, supra, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only controversies in the former category may be removed from Art. III courts and delegated to legislative courts or administrative agencies for their determination. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 (1977); Crowell v. Benson, supra, 285 U.S., at 50-51,
Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress [PUBLIC RIGHTS] and other [PRIVATE] rights, such a distinction underlies in part Crowell's and Raddatz' recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against "encroachment or aggrandizement" by Congress at the expense of the other branches of government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right to "privilege" or "public right" in this case, such as a "trade or business", it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35

Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.

If CONGRESS can have that kind of power over the use of ITS property, then SO CAN YOU, because YOU delegated that power to them. This is the only conclusion you can reach in a society where the foundation of your freedom is EQUALITY OF RIGHTS OF ALL. You are equal to the government:

"No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government."

More on EQUALITY of rights between the governed and the governors can be found at:

1. Foundations of Freedom Course, Form #12.021, Video 1: Introduction
   https://sedm.org/Forms/FormIndex.htm
2. Requirement for Equal Protection and Equal Treatment, Form #05.033
   https://sedm.org/Forms/FormIndex.htm

So, to summarize this section, YES, there CAN BE but not necessarily ARE or MUST be PRIVATE rules of court involving disputes involving the enforcement of the contract or agreement that regulates the use of your absolutely owned private property.

Anyone who suggests OTHERWISE is what we call “an amateur legal theorist”.

7.7 There is no such thing as separate “common law motions” or separate “common law pleadings” or separate “common law procedure”

FALSE STATEMENT: THERE IS NO SUCH THING AS SEPARATE "COMMON LAW MOTIONS" WHICH ARE SEPARATE AND DISTINCT FROM MOTIONS UNDER TODAY’S MODERN LAW. THIS IS BECAUSE ALL OF TODAY’S COURTS ARE COMMON LAW COURTS AND ALL OF THEM USE & FOLLOW THE COMMON LAW.

THERE IS NO SUCH THING AS SEPARATE "COMMON LAW PLEADINGS" WHICH ARE SEPARATE AND DISTINCT FROM PLEADINGS UNDER TODAY'S MODERN LAW. THIS IS BECAUSE ALL OF TODAY'S COURTS ARE COMMON LAW COURTS AND ALL OF THEM USE & FOLLOW THE COMMON LAW. BOOKS PURPORTING TO BE PUBLICATIONS ON "COMMON LAW PLEADINGS" ARE ACTUALLY BOOKS ON COMMON LAW "CLAIMS" (CLAIMS THAT COULD BE MADE UNDER THE COMMON LAW), TODAY'S MODERN CLAIMS INCLUDE VIRTUALLY ALL OF THE COMMON LAW "CLAIMS" THAT EVER EXISTED. THE "PLEADINGS" THEMSELVES (THE COMPLAINT, ANSWER & REPLY) UNDER THE COMMON LAW WERE NO DIFFERENT IN BASIC FORM, FUNCTION AND SUBSTANCE THAN THEY ARE TODAY IN TODAY’S MODERN COURTS WHICH ARE THEMSELVES ALL COMMON LAW COURTS.
THERE IS NO SUCH THING AS SEPARATE "COMMON LAW PROCEDURE" WHICH IS SEPARATE AND DISTINCT FROM COURT PROCEDURE UNDER TODAY'S MODERN LAW. THIS IS BECAUSE ALL OF TODAY'S COURTS ARE COMMON LAW COURTS AND ALL OF THEM USE & FOLLOW THE COMMON LAW.

REBUTTAL:

This is plainly untrue. The following books, for instance, provide hundreds of pages of sample pleadings UNIQUE to common law actions that were not part of normal pleading and practice at the time they were written:

1. *Handbook of Common Law Pleading*, Benjamin Shipman (48 MB)-
3. *Principles of Common Law Pleading*, John McKelvey (3.5 MB)
4. *Pleadings and Practice in Actions At Common Law*, Martin Burks (90.3 MB)
   [http://famguardian.org/Publications/CommonLawPractice/Pleading_and_Practice_in_Actions_at_Comm.pdf](http://famguardian.org/Publications/CommonLawPractice/Pleading_and_Practice_in_Actions_at_Comm.pdf)

Why ON EARTH would entire books be written about how to write common law pleadings if they are THE SAME as ordinary motions at the time?

7.8 Because the “Common law” is actually case law written by judges, it is the single most common form of law used in today’s legal system

FALSE STATEMENT: BECAUSE "COMMON LAW" IS ACTUALLY CASE LAW WRITTEN BY JUDGES, IT IS THE SINGLE MOST COMMON FORM OF LAW USED IN TODAY'S LEGAL SYSTEM.

REBUTTAL: The common law is case law dealing with constitutional rights disputes between the government and human beings whose rights have been violated, or absolutely owned private property disputes between two PRIVATE people. Neither of these types of disputes can be limited by statute EXCEPT by the consent of the parties whose PRIVATE property is STOLEN by limiting its use. Yes, most disputes are fall in these two categories. However, STATUTORY disputes regulating absolutely owned government property are also VERY common and form NO PART of the common law.

7.9 "Common Law" does not refute, contradict, or supersede any portion of statutory civil laws

FALSE STATEMENT: COMMON LAW" DOES NOT REFUTE, CONTRADICT OR CONFLICT WITH TODAY’S LAWS, IT IS PART OF TODAY'S LAWS.

REBUTTAL:

This false statement equivocates about WHICH “laws” they mean and presumes all contexts and all courts are equivalent. There are TWO contexts: CONSTITUTIONAL and STATUTORY. CONSTITUTIONAL context involves the Bill of Rights and the Sovereign States of the Union. STATUTORY context presumes franchise and privilege enforcement on federal territory NOT within the exclusive jurisdiction of a Constitutional state. Confusing those two terms or PRESUMING they are equivalent is a THEFT of private property protected by the Constitution and a communist conspiracy to convert all PRIVATE property to GOVERNMENT property .

The common law can and does address ONLY those people, activities, and property that are exclusively and absolutely owned by those OTHER than government, and which are therefore beyond the CIVIL legislative authority of Congress. As such, those people who invoke it are not subject to or regulated by the CIVIL statutory enactments that regulate public property, public rights, privileges, or franchises. In a sense then, the “common law” SUPERCEDES civil statutory law in the case of private property and private rights, because such statutes, per the rules of statutory construction, CANNOT impair any constitutionally protected right:

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925."

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EXHIBIT:_______
The fact that the common law supersedes enacted civil statutory law is confirmed in Federal Rule of Civil procedure 17(b).

IV. PARTIES > Rule 17.
Rule 17. Parties Plaintiff and Defendant: Capacity

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;

(2) for a corporation [the “United States”, in this case, or, its officers on official duty representing the corporation], by the law under which it was organized [laws of the District of Columbia]; and

(3) for all other parties, by the law of the state where the court is located, except that:

(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and

(B) 28 U.S.C. §§754 and 978(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.


Domicile is voluntary.\(^4\) Anything proceeding from consent is OPTIONAL. Those who do not have a domicile in a specific municipal jurisdiction are regarded as “non-residents”, and hence, they have no “civil status” or “statuses under the STATUTORY “civil laws” of the jurisdiction they are non-resident in relation to. A human being with no consensual civil domicile within federal territory, based on the above:

1. Has no capacity to sue or be sued in federal court under the CIVIL statutes of the national government.
2. Has no “status” or “civil status” under any federal civil statute, including:
   2.1. “person”.
   2.2. “individual”.
3. Is not a statutory “citizen” under federal law such as 26 U.S.C. §3121(e) and 26 C.F.R. §1.1-1(c), but rather a statutory “non-resident non-person”. If they are ALSO a public officer in the national government, they are also a statutory “individual” and “nonresident alien” (26 U.S.C. §7701(b)(1)(B)) in relation to the national government.
4. May STILL sue under the constitution and the common law because both of these sources of law attach to the TERRITORY rather than the “civil status” of the physical people ON that physical territory. This is, in part, because the CONSTITUTION is “self-executing” and needs no statutes to enforce:\(^5\):

“It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it.”

[Balzac v. Porto Rico, 258 U.S. 298 (1922)]

We must emphasize at this point that the ABSENCE of a STATUTORY “civil status” is ALSO a “civil status”, but under a DIFFERENT system of law, which is that of the ORGANIC law rather than the STATUTORY law. As an extension of your right to associate/disassociate and contract/not contract under the First Amendment, you can choose to be a CONSTITUTIONAL “PERSON” WITHOUT being a STATUTORY “PERSON”. The state in such a case STILL has a duty

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\(^4\) See: Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002; https://sedm.org/Forms/FormIndex.htm.

\(^5\) On the subject of the “self-executing” nature of the Constitution, the U.S. Supreme Court has held:

The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of powers 524*524 between Congress and the Judiciary. The first eight Amendments to the Constitution set forth self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those prohibitions. The Bingham draft, some thought, departed from that tradition by vesting in Congress primary power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, “Congress, and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens in the several States.” Flack, supra, at 64. While this separation-of-powers aspect did not occasion the widespread resistance which was caused by the proposal’s threat to the federal balance, it nonetheless attracted the attention of various Members. See Cong. Globe, 39th Cong., 1st Sess., at 1084 (statement of Rep. Hale) (noting that Bill of Rights, unlike the Bingham proposal, “provide[s] safeguards to be enforced by the courts, and not to be exercised by the Legislature”); id., at App. 133 (statement of Rep. Rogers) (prior to Bingham proposal it “was left entirely for the courts ... to enforce the privileges and immunities of the citizens”). As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-executing. Cf. South Carolina v. Katzenbach, 383 U. S., at 325 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary. [City of Boerne v. Flores, 521 U.S. 507 (1997)]
to protect THAT LACK OF STATUS under the CIVIL STATUTORY LAW and to protect the right to ONLY have a “civil status” under the CONSTITUTION or the COMMON LAW:

“As independent sovereignty, it is State’s province and duty to forbid interference by another state or foreign power with status of its own citizens. Roberts v Roberts (1947) 81 CA.2d. 871, 185 P.2d. 381.“


If, in fact, “consent makes the law” per the maxims of the common law, then “consent” of the PARTY claiming OR NOT CLAIMING the “civil status” makes the CIVIL STATUTORY “PERSON” as well:

Consensus facit legem. Consent makes the law. A contract is a law between the parties, which can acquire force only by consent.

[Bouvier’s Maxims of Law, 1856; https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]

For exhaustive proof on why this is true, see:

**Why Statutory Civil Law is Law for Government and Not Private Persons**, Form #05.037
[https://sedm.org/Forms/FormIndex.htm](https://sedm.org/Forms/FormIndex.htm)

7.10 You’re an anarchist if you don’t want to obey the statutory civil law or put the common law above it

**FALSE STATEMENT:**

You’re an anarchist if you don’t want to obey the statutory civil law or put the common law above it. It means you don’t want to accept or be responsible for damages that you cause to others through your injurious actions.

The common law does not apply where it is supplanted by statute.

**OUR REBUTTAL:**

1. The two most basic sources of lawful obligations are injury and contract. See Lawfully Avoiding Government Obligations, Form #12.040.

2. We have never argued against people being responsible for the injuries they cause whether they consent or not.

3. The only issue is the source of CIVIL law that does the enforcement or penalizing. Common law does not require consent, civil statutes do. Whether civil statutes apply to the enforcement or the common law of England is the only dispute.

4. Even under the Common law of England, when a man injures another, he has to pay the PROVEN injuries, not artificial and arbitrary STATUTORY civil penalties, which are often usurious and oppressive.

5. The behavior, physical location, and voluntary domicile of the injuring party determines the choice of law in determining the penalty. It isn’t always the civil statutes ONLY. They are a voluntary civil protection franchise.

6. Those who don't consent to the civil statutory protection franchise by default are subject to the criminal law and the and the common law, whether they consent or not.

7. Absolute ownership of property implies the right to choose the civil law system that protects it, whether civil statutes or the common law. Otherwise, one is deprived of control and protection of the property.

8. Congress can pass whatever criminal statutes they want and they are all territorial and don't apply outside their exclusive jurisdiction. Civil statutes may have slightly expanded application, but only in the case of its own officers. See U.S. v. Worral.

9. If a party is not an officer of the national government, territorial limits apply to CIVIL STATUTORY enforcement and it becomes a common law action. Civil statutory law cannot reach outside the territory unless a civil office is implicated.

10. Yes, Congress has the right to make rules for ITS property that operate against all those who use or benefit from it, wherever they physically are. But all their power is delegated and therefore so do I. If I don't have the same right against them using my property, then what you suggest is idolatry and injustice. Further, false information returns cannot CREATE a government property interest that did not previously exist. They are a FRAUD against the party they are filed against for which the filer should be criminally prosecuted and civilly penalized. If Uncle will not prosecute these filers just as readily as they prosecute 26 U.S.C. §6700 cases, then neither type of infraction should be prosecuted. Selective enforcement for personal benefit is INJUSTICE.
11. We don't advocate that paying damages under the common law for injuries they cause is slavery. But we do advocate that enforcing civil STATUTORY penalties RATHER than common law damages against a nonresident party absolutely IS slavery.

12. Civil statutes and common law are mutually exclusive. I said one cannot retain ALL CONSTITUTIONAL RIGHTS, not just those LEFT OVER after the civil statutes are enforced. Common law does not sacrifice constitutional rights because injuries and contracts are the only two methods of losing them. Statutory penalties can be so severe that one ends up with no money and no means of living, rather than only paying identified and quantified damages. That's unjust.

Even under the Common law of England, when a man injures another, he has to pay the PROVEN injuries, not artificial and arbitrary penalties. The common law does not apply where it is supplanted by statute.

The entire COUNTRY is a common law country. The application of civil statutes is limited by the choice of domicile of the party. They can't operate without consent in choosing a domicile. Those who don't choose a domicile or have a foreign domicile revert to the common law.

https://en.wikipedia.org/wiki/Common_law

No. Different people are subject to different types of CIVIL penalties: Not domiciled is common law penalties. Domiciled is civil statutory penalties. That's the main implication of Federal Rule of Civil Procedure 17. They both still pay penalties or damages as the case may be. The amount is different is all.

Common law penalties are the actual quantifiable injury. Statutory penalties can be whatever the civil statutory protection franchise grantor decides.

The evidence for all this is in the three links, and until you rebut it, we have nothing further to discuss on this subject.

https://sedm.org/Forms/05-MemLaw/Domicile.pdf

Until you quit running and face the music, there is no way to open a closed mind. Minds are like parachutes. They only work when they are open, not to OPINION, but to EVIDENCE.

All you have offered so far is opinion

Our mind is rightfully closed to opinion absent evidence. So should yours.

Contrary to what you keep trying to accuse us of, we are not anarchists and we do not seek to be irresponsible under the law for injuries we cause. We only insist on some control through our choices and behavior over what law is enforced to punish the injury.

THEIR REBUTTAL:

You seem utterly un-concerned with how things actually work in the real world.

That is the biggest difference between SEDM and my approach. I very much care about how an argument has been shown to work in the real world. Your argument that "the law doesn't apply to me because..." is DOA

OUR REBUTTAL:

Its a fallacy to PRESUME that the way things CURRENTLY work are the way the law REQUIRES them to work. And by "law" I don't mean civil statutes:


The fact that most people pay taxes they don't owe and that you have been able to make a business out of remedying that issue is the most obvious proof.
1. You seem utterly unconcerned about how and when and under what circumstances constitutional rights or private property are surrendered and converted to PUBLIC property. As long as there is a statute that commands it, anything is ok with you. BULLSHIT!

https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf

2. The common law only has two types of obligations: Injury and contract.

3. Civil statute law has UNLIMITED obligations for which one can be penalized subject to the discretion of the grantor of the civil statutory protection franchise.

4. If you couldn't enforce the obligations in the IRC against your non-consenting neighbor towards you, then how were those obligations created toward Uncle Sam without your consent if we are all equal under REAL law and Uncle is equal to your neighbor?

5. The answer is that domicile is a civil statutory protection franchise. Since it requires consent, then it cannot form the basis for an injury. Thus, civil statutes enacted under it pursuant to Federal Rule of Civil Procedure 17 are only enforceable against club members. They are club rules. Those who aren't members of the club only have two obligation: Don't hurt others and honor their contracts. That is a lot easier to obey than memorizing and trying to obey the entire U.S. code. Federal Rule of Civil Procedure 17 does not limit civil jurisdiction when there has been a common law injury because common law enforcement doesn’t require consent. An injury is the only thing you need to invoke it as you have pointed out repeatedly.

https://sedm.org/Forms/05-MemLaw/Domicile.pdf

6. The franchise rights granted by government under the civil statutory protection franchise are property on loan to those who claim it. If you don't want the property, then you don't have to follow the rules. That property consists of all payments, obligations, and services it renders BEYOND mere damages for a specified injury.

Keep it simple! Anything else is vanity and promotes crime, because no one can obey all those Pharisee statutes and inevitably will commit a crime. Only Pharisees want all those statutes instead of the simplicity of the Common law.


These are really basic and simple concepts that you completely overlook, because you don't understand the relation between civil statutes and common law and the purpose of government as a civil statutory rule maker ONLY for its CONSENTING members. God has a different plan:

“Do not walk in the statutes of your fathers [the heathens], nor observe their [STATUTORY but not COMMON LAW] judgments, nor defile yourselves with their [pagan government] idols. I am the LORD your God: Walk in [obey] My statutes, keep My judgments, and do them; hallow My Sabbaths, and they will be a sign between Me and you, that you may know that I am the LORD your God.”

[Ezekiel 20:10-20, Bible, NKJV]

When Caesar commands us to disobey God, we are commanded to put God first:

“But Peter and the other apostles answered and said: “We ought to obey God rather than men.”

[Acts 5:29, Bible, NKJV]

If you follow His commands and the Bible requires, the only thing you have to do is love your neighbor by honoring your contracts and not hurting him.

Jesus rebuked the Pharisees and I rebuke you for the same reason. Keep it simple and ALWAYS put God first. Anything else is idolatry and heresy. Are you going to put God first or not? And are you an anarchist if you don’t?

8 The Reason for All the Confusion

But, amateur legal theorists correctly note that the "common law" is sometimes called "unwritten law". SO, THEY ASK, IF THE "COMMON LAW" IS SOMETIMES CALLED "UNWRITTEN LAW", HOW CAN THE "COMMON LAW" POSSIBLY BE CASE LAW "WRITTEN" BY JUDGES? That is a fair question.
THE ANSWER IS "BECAUSE IT [THE COMMON LAW] IS NOT WRITTEN BY ELECTED POLITICIANS, BUT RATHER [IS WRITTEN] BY JUDGES, IT IS ALSO REFERRED TO AS UNWRITTEN LAW [PROVING THAT "UNWRITTEN LAW" DOES NOT ACTUALLY MEAN LITERALLY "UNWRITTEN ALTOGETHER"] OR LEX NON SCRIPTA [in Latin]." FOR PROOF, CLICK HERE and scroll down to about 35-40% through the text to the black letters ON THE WHITE BACKGROUND.

Duhaime’s Law Dictionary: Common Law Definition

Indeed, that is precisely the way that the Supreme Court Of The United States uses the term, "unwritten law" (referring to laws written by judges as opposed to laws written by elected lawmakers). In over-ruling an earlier decision in Swift v. Thompson, the Supreme Court Of The United States wrote in Erie v. Tompkins,

"FEDERAL COURTS exercising jurisdiction on the ground of diversity of citizenship NEED NOT... APPLY THE UNWRITTEN LAW OF THE STATE AS DECLARED BY ITS HIGHEST COURT [IN A WRITTEN COURT DECISION].... " (in the 7th full paragraph at about 15% through the text of the page.

[Erie Railroad v. Tompkins, 304 U.S. 64 (1938); SOURCE: https://scholar.google.com/scholar_case?case=4671607337309792720]

These words from the Supreme Court Of The United States PROVE THAT THE TERM, "UNWRITTEN LAW" DOES NOT MEAN LITERALLY "UNWRITTEN" ALTOGETHER. IT ONLY REALLY MEANS LAWS WRITTEN BY JUDGES (AS OPPOSED TO STATUTES OR CONSTITUTIONS WRITTEN BY OTHERS.). "Lex non scripta" is Latin for "unwritten law". But, this term also means laws written by judges rather than laws written by others, as this ancient explanation makes clear. CLICK HERE AND SCROLL DOWN SLIGHTLY TO THE LIGHT PEACH-COLORED BACKGROUND.

Duhaime’s Law Dictionary: Lex Non Scripta Definition
http://www.duhaime.org/LegalDictionary/L/LexNonScripta.aspx

9 What Does All This Mean?

1. "COMMON LAW" IS SIMPLY "CASE LAW" WRITTEN BY JUDGES. NOTHING MORE. IT IS A PRACTICE WHICH BEGAN IN ANCIENT ENGLAND AND CONTINUES TO BE MADE AND CONTINUES TO BE USED TO THIS VERY DAY IN THE UNITED KINGDOM AND IN MOST COUNTRIES THAT WERE ONCE PART OF THE ENGLISH EMPIRE, INCLUDING THE UNITED STATES, AUSTRALIA AND NEW ZEALAND.

2. THERE IS NO SUCH THING AS "COMMON LAW" IN THE CONTEXT OF ANYTHING HAVING TO DO WITH CIVIL STATUTES, GOVERNMENT PROPERTY, OR FRANCHISES. ALL LITIGATION DEALING WITH THESE SUBJECTS IS HANDLED ONLY BY “LEGISLATIVE FRANCHISE COURTS” IN THE EXECUTIVE BRANCH, NOT THE JUDICIAL BRANCH.

3. THERE IS NO SUCH THING AS A “COMMON LAW” WHICH IS SEPARATE AND DIFFERENT FROM “CASE LAW” THAT DEALS ONLY WITH CONSTITUTIONAL RIGHTS NOT REGULATED BY STATUTE. THEY ARE THE SAME THING.

4. CASE LAW THAT DEALS ONLY WITH STATUTORY ENFORCEMENT FORMS NO PART OF THE COMMON LAW BECAUSE YOU CAN’T HAVE CONSTITUTIONAL RIGHTS AND BE SUBJECT TO STATUTES AT THE SAME TIME. THEY ARE MUTUALLY EXCLUSIVE. SEE: Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
https://sedm.org/Forms/FormIndex.htm

5. THERE IS SUCH THING AS SEPARATE "COMMON LAW RULINGS".

5.1. THEY DEAL ONLY WITH CONSTITUTIONAL RIGHTS.

5.2. THE CONSTITUTIONAL PROVISIONS ENFORCED ARE “SELF-EXECUTING” AND NEED NO STINKING STATUTES TO ENFORCE.

5.3. NO STATUTES OR PRIVILEGES ARE ENFORCED AS PART OF THE RULING.

6. "COMMON LAW" (CASE LAW) IS AN INTEGRAL PART OF TODAY’S LEGAL SYSTEM BECAUSE THERE ARE STILL PRIVATE AND CONSTITUTIONAL RIGHTS THAT CAN’T BE REGULATED THAT NEED TO BE PROTECTED. THIS WILL ALWAYS BE SO AS LONG AS THE BILL OF RIGHTS IS NOT REPEALED.

7. IF YOU ARE LOOKING FOR SOMETHING DIFFERENT FROM CIVIL STATUTES, YOU WILL FIND THAT CONSTITUTIONAL COMMON LAW AND PRIVATE ABSOLUTELY OWNED PROPERTY FURNISH AN ALTERNATIVE CONTEXT FOR PROTECTING YOU AND YOUR RIGHTS AND PROPERTY.

8. SO, "COMMON LAW" IS, IN FACT SOMETHING SEPARATE, DISTINCT AND DIFFERENT FROM STATUTORY ENFORCEMENT COURT RULINGS.
8.1. IT IS THE SINGLE LARGEST PORTION OF TODAY’S LAWS.
8.2. BUT STATUTORY ENFORCEMENT DEALING WITH FRANCHISES AND PRIVILEGES IS ALSO VERY COMMONPLACE.
9. IT IS TRUE THAT STATUTES MAY PROVIDE PROCEDURE TO ACKNOWLEDGE AND PROTECT ABSOLUTELY OWNED PRIVATE RIGHTS AND PRIVATE PROPERTY. BUT:
9.1. THEY CANNOT LIMIT, RESTRAIN OR ELIMINATE PRIVATE PROPERTY AND PRIVATE RIGHTS. THAT WOULD BE A FIFTH AMENDMENT TAKING OF PRIVATE PROPERTY.
9.2. NEITHER CAN THEY CREATE ANY NEW PRIVATE RIGHTS. ONLY THE CONSTITUTION (ORGANIC LAW) CAN DO THAT.
10. OVER TIME, VIRTUALLY EVERY MODERN STATUTE ITSELF BECOMES THE SUBJECT OF LITIGATION:
10.1. THIS USUALLY HAPPENS IN A FRANCHISE COURT.
10.2. IT CAN ALSO HAPPEN IN A CONSTITUTIONAL COURT AND BE HEARD BY A JUDGE ACTING IN A FRANCHISE CAPACITY, SUCH AS TAX MATTERS.
10.3. THE WRITTEN DECISIONS IN FRANCHISE COURTS OR CONSTITUTIONAL COURTS ACTING IN A FRANCHISE CAPACITY DO NOT BECOME PART OF THE COMMON LAW. THE COMMON LAW DOES NOT DEAL WITH ABSOLUTELY OWNED GOVERNMENT PROPERTY. IT ONLY DEALS WITH ABSOLUTELY OWNED PRIVATE PROPERTY.
11. BECAUSE THERE IS NO LIMIT TO THE MANY FORMS THAT PRIVATE PROPERTY CAN TAKE, THE COMMON LAW IS ALWAYS BECOMING LARGER.
12. IT IS NOT ANTI-DEMOCRATIC OR AN ACT OF “LEGISLATION” IN VIOLATION OF THE SEPARATION OF POWERS FOR A JUDGE TO SIMPLY ACKNOWLEDGE AND ENFORCE THE RIGHT OF ABSOLUTELY OWNED PRIVATE PROPERTY. IT INSTEAD SIMPLY IMPLEMENTS HIS OATH TO SUPPORT AND DEFEND THE CONSTITUTION, WHICH INCLUDES THE BILL OF RIGHTS.
13. COURT RULES, PROCEDURES, MOTIONS, PLEADINGS AND THE LIKE ARE NOW GOVERNED BY RULE BOOKS. BUT, LIKE THE REST OF THE “COMMON LAW”, THESE RULES ARE THEMSELVES ALSO WRITTEN BY SUPREME COURT JUSTICES (OR AT THEIR REQUEST) (NOT BY LEGISLATURES) AND ARE THEMSELVES ALSO BASED ON PRECEDENT (MOST OF WHICH IS ANCIENT). IN THAT SENSE, COMMON LAW COURT RULES, PROCEDURES, MOTIONS, PLEADINGS AND THE LIKE ARE STILL IN FORCE TODAY.*

Any understanding to the contrary of the above is mistaken.

10  Misinformation about the common law by Virgo Triad and Snoop4Truth

In researching this document, we identified a major source of MISinformation on the common law. Those sources are:

1. Virgo Triad Youtube Channel
   https://www.youtube.com/c/VirgoTriad/featured
2. Virgo Triad Website
   http://virgotriad.com

The specific document that was disagree with about the common law is found at:

Misunderstandings About the Common Law, Snoop4Truth
https://www.oom2.com/t71724-the-common-law-hoax-by-snoop4truth

A retired attorney who uses the pseudonym “Snoop4Truth” publishes on the above sources. This document began as a REBUTTAL to his DISINFORMATION. Below the following line is an email we wrote to him and the lady who maintains the above Youtube channel, for your information and edification:

____________________________________________________________
Snoop4Truth,
Thank you for the response and your offer to help.
Your document about Misunderstandings about the Common Law is a good start to address a pressing need within our community. It leaves much to be desired, however. We will improve it over time, as we previously indicated. We agree on most things, but we don't agree on everything. This should already be apparent from the current version of the document. Since Virgo Triad is cc'd on this email, the address of an IMPROVED version of that document can be found at:

https://sedm.org/Forms/08-PolicyDocs/RebuttedFalseArgumentsAboutCommonLaw.pdf

Some answers to your questions.

YOUR STATEMENT: Do you design and create elaborate hoaxes to intentionally defraud the American people? Do you FORGE fake legal books about fake laws and a fake legal system while pretending to be a retired federal judge named, "Judge DALE" (Rodney DALE Class)? Do you claim to have won cases in court that you never had or actually lost? Do you pretend to represent others in court as a "Private Attorney General" (a client of a real lawyer in a federal civil rights case)? Do you FORGE documents to support your claims? Do you ALTER documents to make them support your claims?

There is an enormous difference between simply being mistaken about the law on one hand AND CREATING AN ELABORATE HOAX TO PROVE THOSE MISTAKEN BELIEFS ABOUT THE LAW on the other hand.

Which one are you?

OUR RESPONSE: No to your above questions. Like you, we don't intend to deceive anyone and intend only to educate the public about the law and preserve and protect the equality of rights between the governed and the governors that is the foundation of all of our freedoms.

"No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government."

[Gulf, C. & S.F.R. Co. v. Ellis, 165 U.S. 150 (1897)]

Like you, we ALSO seek to prevent misunderstandings of the law promoted by charlatans, INCLUDING those in government. For samples of our work in that department, see:

1. Liberty University, Sections 8 and 9- in the case of BOTH government deception and private sector deception
   https://sedm.org/LibertyU/LibertyU.htm

2. Great IRS Hoax, Form #11.302- in the case of government deception
   https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm

Like you, we too have problems with Anna Von Reitz and many others in the freedom community. See, for instance:

1. Who's Who in the Freedom Community, Form #08.009
   https://sedm.org/Forms/08-PolicyDocs/WhosWho.pdf

2. SEDM Forms/Pubs Page, Section 1.8: Policy Documents
   https://sedm.org/Forms/FormIndex.htm (Section 1.8 on the left)
   https://sedm.org/Forms/Navigation/FormIndex-Right-1.08.htm

The premise we operate from is that ALL are equal. You are equal to the government and no man is above any other man. This is also the premise of the social compact: Equality of protection and treatment:

1. Requirement for Equal Protection and Equal Treatment, Form #05.033
   https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf

2. Foundations of Freedom Course, Form #12.021, Video 1
   https://www.youtube.com/watch?v=ikf7CcT2l8I

We oppose elitist "sovereign citizens" just as readily as we oppose GOVERNMENT SUPREMACISTS who think an entire COLLECTIVE of men can have any more rights under REAL LAW than a single individual. See our disclaimer below:
SEDMD Disclaimer, Section 4: Meaning of Words

Definition of “anarchy”.

The term “anarchy” implies any one or more of the following, and especially as regards so-called “governments”. An important goal of this site it to eliminate all such “anarchy”:

1. Are superior in any way to the people they govern UNDER THE LAW.

2. Are not directly accountable to the people or the law. They prohibit the PEOPLE from criminally prosecuting their own crimes, reserving the right to prosecute to their own fellow criminals. Who polices the police? THE CRIMINALS.

3. Enact laws that exempt themselves. This is a violation of the Constitutional requirement for equal protection and equal treatment and constitutes an unconstitutional Title of Nobility in violation of Article 1, Section 9, Clause 8 of the United States Constitution.

4. Only enforce the law against others and NOT themselves, as a way to protect their own criminal activities by persecuting dissidents. This is called “selective enforcement”. In the legal field it is also called “professional courtesy”. Never kill the goose that lays the STOLEN golden eggs.

5. Break the laws with impunity. This happens most frequently when corrupt people in government engage in “selective enforcement”, whereby they refuse to prosecute or interfere with the prosecution of anyone in government. The Department of Justice (D.O.J.) or the District Attorney are the most frequent perpetrators of this type of crime.

6. Are able to choose which laws they want to be subject to, and thus refuse to enforce laws against themselves. The most frequent method for this type of abuse is to assert sovereign, official, or judicial immunity as a defense in order to protect the wrongdoers in government when they are acting outside their delegated authority, or outside what the definitions in the statutes EXPRESSLY allow.

7. Impute to themselves more rights or methods of acquiring rights than the people themselves have. In other words, who are the object of PAGAN IDOL WORSHIP because they possess “supernatural” powers. By “supernatural”, we mean that which is superior to the “natural”, which is ordinary human beings.

8. Claim and protect their own sovereign immunity, but refuse to recognize the same EQUAL immunity of the people from whom that power was delegated to begin with. Hypocrites.

9. Abuse sovereign immunity to exclude either the government or anyone working in the government from being subject to the laws they pass to regulate everyone ELSE’S behavior. In other words, they can choose WHEN they want to be a statutory “person” who is subject, and when they aren’t. Anyone who has this kind of choice will ALWAYS corruptly exclude themselves and include everyone else, and thereby enforce and implement an unconstitutional “Title of Nobility” towards themself. On this subject, the U.S. Supreme Court has held the following:

"No man in this country [including legislators of the government as a legal person] is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives," 106 U.S., at 220. "Shall it be said... that the courts cannot give remedy when the Citizen has been deprived of his property by force, his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights," 106 U.S., at 220, 221. [United States v. Lee, 106 U.S. 196, 1 S. Ct. 240 (1882)]

10. Have a monopoly on anything, INCLUDING “protection”, and who turn that monopoly into a mechanism to force EVERYONE illegally to be treated as uncompensated public officers in exchange for the “privilege” of being able to even exist or earn a living to support oneself.

11. Can tax and spend any amount or percentage of the people’s earnings over the OBJECTIONS of the people.

12. Can print, meaning illegally counterfeit, as much money as they want to fund their criminal enterprise, and thus to be completely free from accountability to the people.

13. Deceive and/or lie to the public with impunity by telling you that you can’t trust anything they say, but force YOU to sign everything under penalty of perjury when you want to talk to them. 26 U.S.C. §6065.
In support of the above definition of "anarchy", here is how the U.S. Supreme Court defined it:

“Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means-to declare that the government may commit crimes in order to secure the conviction of a private criminal-would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face.”

[Olmstead v. United States, 277 U.S. 438 (1928)]

The above requirements are a consequence of the fact that the foundation of the United States Constitution is EQUAL protection and EQUAL treatment. Any attempt to undermine equal rights and equal protection described above constitutes:

1. The establishment of a state sponsored religion in violation of the First Amendment and the Religious Freedom Restoration Act, 42 U.S.C. Chapter 21B. That religion is described in: Socialism: The New American Civil Religion, Form #05.016. The object of worship of such a religion is imputing “supernatural powers” to civil rulers and forcing everyone to worship and serve said rulers as "superior beings”.

2. The establishment of an unconstitutional Title of Nobility in violation of Article 1, Section 9, Clause 8 of the United States Constitution.

[SOURCE: https://sedm.org/disclaimer.htm]

As a former practicing attorney no doubt with a "license", you have spent an entire career placing your loyalty and allegiance to the court and the government (your food source) ABOVE that of the clients you were supposed to be serving and protecting FROM the government. So I would expect you in the context of our relationship to be a devoted apologist for a corrupted government run amuck. That makes you different from us in the most fundamental way.

Until you are willing to address corruption in the government and your own profession just as readily as you address corruption OUTSIDE of it, we will continue to question your motives and criticize your hypocrisy. We will also question the deception of your profession, the government, and the judiciary generally as documented in the following:

Legal Deception, Propaganda, and Fraud, Form #05.014
https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf

So far as we can tell after 20 years of research and evidence gathering, your former profession and the corrupted government have made a profession out of kidnapping people into their statutory jurisdiction and milking them like COWS and government serfs. See:

1. How to Leave the Government Farm, 12.020
https://www.youtube.com/watch?v=Mp1gJ3iF2Ik

2. Government Identity Theft, Form #05.045

We too call to task "sovereign citizen" types who think they have rights or abilities above anyone else, but we will never trust anyone who won’t call GOVERNMENT corruption of the SAME SORT to task equally. Hypocrisy is the reason. And no, we don’t claim to be “sovereign citizens” or ANY OTHER name, label or stereotype the government might want to use to slander us or anyone else.

No, we aren't "anti-government", just ANTI-HYPOCRISY and anti-crime. We are against corruption or violations of the most IMPORTANT law, which is God’s law first and foremost.

Laws of the Bible, Litigation Tool #09.001
https://sedm.org/Litigation/09-Reference/LawsOfTheBible.pdf
If you care about protecting the American people as you and your compadres claim, but only in the context of charlatans OUTSIDE the government or the legal profession, then there is no way for you to avoid protecting the WORSE and most EXTENSIVE source of harm to the American people that comes mainly from corruption within the government and the legal profession. Preventing and prosecuting THAT harm is more important than preventing private sector harm of people whose power and influence is dwarfed compared to the people inside government. The bible calls THAT source of harm "The Beast" and makes it the DUTY of all Christians to fight it in the Book of Revelation. If you don't take that calling and commission seriously, we question your motivation and your Christian faith, if you have one.

Our audience is a very large one, and it is probably worth you and your compadres spending time helping us improve the quality of our materials to prevent the damage to the public you claim to want to prevent. But we don't expect you (as an insider from the legal profession and a government benefactor) to ever look the gift horse in the mouth that has been bribing you to look the other way most of your life and gagging you from telling the WHOLE truth about a profession with police powers that refuses to police itself and attacks all those OUTSIDE of it who try to do the policing such as us. As the Chinese proverb on this subject says:

"The mouth which eats does not talk."

Your mouth is gagged on precisely HALF of the total problem we both should be fighting.

We too fight for "justice" just like you:


But we fight corruption WITHIN government and the government as the main cause of injustice, unlike you and your compadres.

Virgo Triad's Youtube channel states "The Facts Matter", but I can't find ANY facts on the channel that I would ever consider useful in fighting both private and public corruption in court. Video anecdotes with NO briefs, legal memorandums, or court admissible evidence I don't consider "facts", but only more sensationalism and SLANDER just like the people you are criticizing.

I can find NOTHING on the Youtube channel, or the respective websites linked to it about how the people who you allege are committing "mistakes of law" can learn how to do legal research to discover the error of their ways, for instance. That makes a travesty out of the work you are doing and compromises your credibility and those on your team.

The public is already over-saturated with video and audio media. But to fight corruption, reading, writing, and legal research skills are more important. There is NOTHING from you or any of your compadres that fits in that category that I have found so far. It's all more sensationalism that can and does do nothing to combat the problems you claim to want to correct.

We on the other hand, provide things that REAL students of the law could use in court as evidence to prove their point. And they are all organized just like the tools that real lawyers use. You and your team should consider more of that approach.

We aren't interested in videos or "edutainment". All it does is feed and protect the legal ignorance and immorality that is the main cause of the problems you claim to want to fight.

Show us REAL facts! Videos aren't facts and they wouldn't pass muster in a real court. Only reading and writing and evidence would. You as a former practicing attorney, of all people, understand that. Why don't you use that law degree, Snoop4Truth? It's going to waste. And more importantly, why don't you use that law degree to attack the corruption within your own former profession and the government just as readily as you attack corruption OUTSIDE of it? Until you do, few if any of my students will believe a word you say.

"What you DO speaks so loudly I can't hear a word you SAY."

Virgo Triad's videos on citizenship and taxation are just as deceptive as the garbage distributed by the people you criticize. For proof:
1. **Why You are a “national”, “state national”, and Constitutional But Not Statutory Citizen**, Form #05.006
   
   [https://sedm.org/Forms/05-MemLaw/WhyANational.pdf](https://sedm.org/Forms/05-MemLaw/WhyANational.pdf)

2. **The "Trade or Business" Scam**, Form #05.001
   
   [https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf](https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf)

Rebutting the above WITH EVIDENCE instead of idiotic videos with no substance is how you can REALLY help and educate the people you claim to want to protect the American people from. Unless and until you and your compadres are willing to address substantial evidence that would be useful in court of the corruption you claim to want to fight, no amount of videos will get you anywhere and you will not engage or interest our audience at all.

As far as citizenship and taxation, your videos are a JOKE and no one will believe them. You sound like IRS shills on the government payroll. And worse yet, you are seeking donations from both sides of the isle: The idiots who believe your videos and the government BOTH.

You should care about engaging and interesting our audience by providing REAL evidence and legal debate, not more dumb videos. We don't like videos and neither does our audience. They are all scholars and professional skeptics.

The door between us is still open. We are open to debate and real evidence. Facts DO matter. But we haven't seen any WRITTEN facts from any of you or your compadres. Videos aren't facts, so your slogan is deceptive and not helpful at all.

We understand your need for secrecy because of the people you criticize. We have the same problem because the community of people we expose as charlatans is TWICE the size, also encompassing the government and the legal profession. That latter community is much more lethal and dangerous. We are NOT, however, a violent or malicious community. Christians don't hurt others. They love and protect them. So your reticence in engaging us in personal contact is unwarranted.

We have cc'd Virgo Triad so she can read what we have to say to you. Of all the people you could reach to educate the community you criticize and expose, we are probably the most important as far as influence. We do have an open mind, but we are only interested in facts and law and WRITINGS useful as evidence or legal memorandums in court. Videos are useless and unproductive for our BUSY ACADEMIC community of religious believers who sincerely want to honor their commitment to God and His holy law.

Beyond this point, if you want to converge on something helpful to our community and to the American public more generally, you can send your constructive comments and suggestions AND real "facts" and "law" in written form to improve the document we lead this post with.

[https://sedm.org/Forms/08-PolicyDocs/RebuttedFalseArgumentsAboutCommonLaw.pdf](https://sedm.org/Forms/08-PolicyDocs/RebuttedFalseArgumentsAboutCommonLaw.pdf)

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11 **Summary**

The purpose of establishing government, according to the Declaration of Independence, is to secure PRIVATE rights. The FIRST step in protecting such rights is to prevent them from being converted to PUBLIC rights, privileges, or franchises or regulating or taxing or controlling those rights or property. A government that can’t or won’t do THAT job is not really a de jure government, but a MAFIA that charges “RENT” called “taxes” on ALL property and makes EVERYTHING into a taxable privilege. Such an abuse would certainly be characterized as an unconstitutional “invasion” within the meaning of Article 4, Section 4 of the Constitution in the context of the exclusive jurisdiction of the Constitutional states of the Union:

> United States Constitution
> Section 4. Obligations of United States to States

> The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

It is a COMMERCIAL invasion that STEALS property rather than a PHYSICAL invasion just like the one the Declaration of Independence describes, in which the states are “invaded” with “swarms of officers who eat out our substance”.

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Form 08.025, Rev. 12-19-2020

EXHIBIT:_______
“He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.”
[Declaration of Independence, 1776; SOURCE: https://www.archives.gov/founding-docs/declaration-transcript]

The “offices” Thomas Jefferson is describing above are FRANCHISES:

“Is a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our laws.”
[People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

Enticing people into franchise offices using an ILLEGAL bribe of “benefits” or government property is the main method to get them to SURRENDER the protections of the common law and the constitution to replace PRIVATE rights with PUBLIC rights and privileges:

"The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally signified a peculiar right or private law conceded to particular persons or places whereby a certain individual or class of individuals was exempted from the rigor of the common law. Privilege or immunity is conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing him to enjoy some particular advantage or exemption."
[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10; SOURCE: http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf]

FOOTNOTES:


The U.S. Supreme Court described this THEFT of PRIVATE property and PRIVATE rights and invasion of the constitutional states a little differently as part of what is called “The Brandeis Rules”:

The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for decision. They are:

[. . .]


FOOTNOTES:

[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936)]

Covetous public servants try to hide this reality by calling it a “privilege” but “franchise” and “privilege” are equivalent terms for all practical purposes. The U.S. Supreme Court has held that TAXABLE privileges may not be carried on within the exclusive jurisdiction of a Constitutional State so this LITERAL and UNCONSTITUTIONAL INVASION is ILLEGAL:

"Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee."

But very different considerations apply to the internal commerce or domestic trade of the States. Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive

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power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. Congress cannot authorize a trade or business within a State in order to tax it.”

[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

Take note the use of the phrase “trade or business” above. It is worth repeating that the modern income tax is an EXCISE tax upon a “trade or business”, and its enforcement is thus FORBIDDEN against those within the exclusive jurisdiction of a constitutional state who aren’t DUMB enough to “volunteer”, usually through fraud or mistake, as described below:

**How State Nationals Volunteer To Pay Income Tax**, Form #08.024
[https://sedm.org/Forms/FormIndex.htm](https://sedm.org/Forms/FormIndex.htm)

Like the “common law remedies” described herein provided by ABSOLUTELY OWNED PRIVATE PROPERTY granted temporarily to anyone and everyone including governments, the income tax is a mere regulation of government property under the authority of Article 4, Section 3, Clause 2. False information return reporting FALSELY gives a PUBLIC status or character to otherwise PRIVATE earnings and thus, STEALS or CONVERTS the property to a public use in violation of maxims of law on the subject. More on this is found at:

**Separation Between Public and Private Course**, Form #12.025
[https://sedm.org/Forms/FormIndex.htm](https://sedm.org/Forms/FormIndex.htm)

The only way to fight the abuse of the law of property to illegally institute franchises within the exclusive jurisdiction of constitutional states is to fight fire with fire, which means to use an ANTI-FRANCHISE against the invaders, as described in:

**Injury Defense Franchise and Agreement**, Form #06.027
[https://sedm.org/Forms/FormIndex.htm](https://sedm.org/Forms/FormIndex.htm)

Thus, amateur legal theorists mistakenly believe that the "common law" is literally "unwritten" altogether, that it is superior to today's "written law" and that today's "written law" is in direct conflict with the "common law". But, none of this is so. Unknown to amateur legal theorists, today's law INCLUDES THE COMMON LAW which is still "case law" written by judges and which is still being made every single day all over the globe.

### 12 Other Rebuttals of misuses of the term “common law”

#### 12.1 Justice Antonin Scalia

At a speech given at the Federalist Society, now deceased U.S. Supreme Court Justice Antonin Scalia said that he didn’t want to have anything to do with the common law.

**Role of the Federal Judiciary**, Federalist Society National Lawyers Convention, C-Span, 11/22/08, 50 minutes

Below is a list of his comments on common law and natural law:

1. At minutes 14-16:28, he stated that:
   1.1. A belief in the common law was naïve.
   1.2. The Supreme Court said there was no federal common law within a state in Erie Railroad v. Tomkins.
   1.3. The modern conception of “common law” is that when one puts on a black robe, they are charged with protecting human rights, but that those rights are subjective and cannot be defined by judges.
   1.4. When you put an unelected judge in charge of deciding what “human rights” are, then it is “anti-democratic”.
2. At minutes 28-29:25 he says:
   2.1. Natural law has nothing to do with his decisions.
   2.2. Natural law is subjective.
   2.3. The constitution should not contravene natural law.
   2.4. As far as he is concerned, there is nothing in the constitution that DOES contravene or contradict natural law.
During his lecture in minutes 14-17, Scalia even goes so far as to say:

“I don’t think for many countries of the world the text [of the Constitution] even matters anymore. What has happened can only be compared with the naïve belief that we used to have in the common law. You recall before Erie Railroad v. Tompkins, we really believed that there was A COMMON LAW. THE COMMON LAW. And every state was trying to grasp its reality. Some of them got it wrong, but they were all engaged in the same enterprise. And so they would cite each other, right? New York would cite Georgia, California would cite New York because we were all looking for the same thing. Well, Erie Railroad blows that away. Holmes says there is no brooding on the presence of the common law up there. What’s happening that each state is adopting its own domestic common law through the adjudicative system and we all understand that. And we [supreme court justices] sort of chuckle at how naïve, how naïve the world could have been ever to have thought there was a common law up there.”

“The common law has been replaced by human rights, Capital H capital R. There is a belief that judges, somehow, are charged with protecting human rights in the abstract. Never mind the text of a particular constitutional guarantee. When one puts on a black robe, one becomes charged with protecting Human Rights. As though we all agree as to what human rights are. There’s enormous disagreement. And to give the responsibility of determining the meaning of that abstract phrase to unelected magistrates is anti-democratic."

[Justice Scalia, Role of the Federal Judiciary, Federalist Society National Lawyers Convention, C-Span, 11/22/08]

Notice the phrase “As though we all agree on what human rights are”. We WOULD all agree if we hadn’t ABANDONED the Christian roots of our culture by abusing franchises [see Government Instituted Slavery Using Franchises, Form #05.030], fiat currency [See The Money Scam, Form #05.041], and income taxes [which are FRANCHISE/EXCISE taxes, see The Great IRS Hoax, Form #11.302] to do “social engineering” that replaces God with the government, fires the people/state as the sovereign, and puts the rancher owner (We the People) in the barn with the horses.

“Much has been said of the paramount duty to the state, a duty to be recognized, it is urged, even though it conflicts with convictions of duty to God. Undoubtedly that duty to the state exists within the domain of power, for government may enforce obedience to laws regardless of scruples. When one’s belief collides with the power of the state, the latter is supreme within its sphere and submission or punishment follows. But, in the forum of conscience, duty to a moral power higher than the state has always been maintained.

The reservation of that supreme obligation, as a matter of principle, would unquestionably be made by many of our conscientious and law-abiding citizens. The essence of religion is belief in a relation to God involving duties superior to those [283 U.S. 605, 634] arising from any human relation. As was stated by Mr. Justice Field, in Davis v. Beason, 133 U.S. 333, 342, 10 S.Ct. 299, 300: The term ‘religion’ has reference to one’s views of his relations to his Creator, and to the obligations thus impose of reverence for his being and character, and of obedience to his will. ‘One cannot speak of religious liberty, with proper appreciation of its essential and historic significance, without assuming the existence of a belief in supreme allegiance to the will of God. Professor Macintosh, when pressed by the inquiries put to him, stated what is axiomatic in religious doctrine. And, putting aside dogmas with their particular conceptions of deity, freedom of conscience itself implies respect for an innate conviction of paramount duty. The battle for religious liberty has been fought and won with respect to religious beliefs and practices, which are not in conflict with good order, upon the very ground of the supremacy of conscience within its proper field. But what is the field, is, under our system of government, presents in part a question of constitutional law, and also, in part, one of legislative policy in avoiding unnecessary clashes with the dictates of conscience. There is abundant room for enforcing the requisite authority of law as it is enacted and requires obedience, and for maintaining the conception of the supremacy of law as essential to orderly government, without demanding that either citizens or applicants for citizenship shall assume by oath an obligation to regard allegiance to God as subordinate to allegiance to civil power. The attempt to exact such a promise, and thus to bind one’s conscience by the taking of oaths or the submission to tests, has been the cause of many deplorable conflicts. The Congress has sought to avoid such conflicts in this country by respecting our happy tradition. In no sphere of legislation has the intention to prevent such clashes been more conspicuous than in relation to the bearing of arms. It would require strong evidence [283 U.S. 605, 635] that the Congress intended a reversal of its policy in prescribing the general terms of the naturalization oath. I find no such evidence."

[U.S. v. Macintosh, 283 U.S. 605 (1931)]

The result of all this malicious, narcissistic, idolatrous social engineering is a dulocracy which we describe in Form #05.016:

“Dulocracy. A government where servants and slaves have so much license and privilege [meaning FRANCHISES, Form #05.030] that they dominate.”


The reason Scalia doesn’t know what the “common law” is derives from the fact that he’s a pagan who worships men such as himself as gods with superior or supernatural powers. The entire development of the common law within western civilization derives from the Christianity. He identifies subjective and relativistic “Human Rights” as his new pagan god and FIRES the real and living and true Christian God as the AUTHOR and CREATOR of human-kind and human liberty and REAL “Human Rights” that He is:

"Is this not the fast [act of faith, worship, and OBEDIENCE] that I [God] have chosen [for believers]:
To loose the bonds of wickedness,
To undo the heavy burdens,
To let the oppressed go free,
And that you break every yoke [franchise, contract, tie, dependency, or “benefit” with the government]?

[Isaiah 58:6, Bible, NKJV]

“The Spirit of the Lord God is upon Me,
Because the Lord has anointed Me
To preach good tidings to the poor:
He has sent Me to heal the brokenhearted,
To proclaim liberty to the [government] captives
And the opening of the prison [government FARM, Form #12.020] to those who are bound:
To proclaim the acceptable year of the Lord,
And the day of vengeance of our God:"

[Isaiah 61:1-2, Bible, NKJV]

A failure to acknowledge the above brings a curse and inevitable DESTRUCTION from God Himself, who uses a corrupted government to ENFORCE His Holy curse!:

Curses of Disobedience [to God’s Laws]

“The alien [Washington, D.C. is legislatively “alien” in relation to states of the Union] who is among you shall rise higher and higher above you, and you shall come down lower and lower [malicious destruction of EQUAL PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you [Federal Reserve counterfeiting franchise], but you shall not lend to him; he shall be the head, and you shall be the tail.

“Moreover all these curses shall come upon you and pursue and overtake you, until you are destroyed, because you did not obey the voice of the Lord your God, to keep His commandments and His statutes which He commanded you. And they shall be upon you for a sign and a wonder, and on your descendants forever.

“Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language [LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not respect the elderly [assassinsates them by denying them healthcare through bureaucratic delays on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with “trade or business” franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.

[Deut. 28:43-51, Bible, NKJV]

What Scalia fails to realize is the purpose for establishing the very government that he is an integral part of and at the PINNACLE of:

1. That purpose is ONLY to protect PRIVATE and PRIVATE rights. Declaration of Independence.
2. The FIRST step in protecting PRIVATE rights is to keep them from being converted to PUBLIC rights without at least the EXPRESS WRITTEN CONSENT of the owner.
3. To only allow conversion to PUBLIC/government rights with explicit, fully informed, express consent. After all, according to the Declaration of Independence, all just powers spring from the CONSENT of the governed. Where there is no EXPRESS consent, there is only INJUSTICE.
4. To not play word games to make the consent INVISIBLE by using STATUTORY STATUS that people are fooled into thinking are NOT voluntary to effect the conversion. See:

   Requirement for Consent, Form #05.003, Section 9.4: Invisible Consent: The Weapon of Tyrants
   https://sedm.org/Forms/FormIndex.htm

5. To not HIDE methods to REMOVE consent to do the conversion by obfuscating legal terms. See:

   Legal Deception, Propaganda, and Fraud, Form #05.014
   https://sedm.org/Forms/FormIndex.htm

By “private” we mean the following:

SEDM Disclaimer
Section 4: Meaning of Words

The word “private” when it appears in front of other entity names such as “person”, “individual”, “business”, “employee”, “employer”, etc. shall imply that the entity is:
1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their property, in Roman Law this was called "dominium".

2. On an EQUAL rather than inferior relationship to government in court, This means that they have no obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary acceptance of the obligations of the civil status of "citizen" (and the DOMICILE that creates it). Otherwise, they are entirely free and unregulated unless and until they INJURE the equal rights of another under the common law.

3. A "nonresident" in relation to the state and federal government.

4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any under any civil statute or franchise.

5. Not engaged in a public office or "trade or business" (per 26 U.S.C. §3401(c ) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.

6. Not consenting to contract with or acquire any public status, public privilege, or public right under any state or federal franchise. For instance, the phrase "private employee" means a common law worker that is NOT the statutory "person" or "private employer" defined within 26 U.S.C. §3401(c ) or any other federal or state law or statute.

7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other words:
   - 7.1 Ownership is not "qualified" but "absolute".
   - 7.2 There are no moities between them and the government.
   - 7.3 The government has no usufruits over any of their property.

8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of others has occurred. Preventive rather than corrective regulation is an unlawful taking of property according to the Fifth Amendment takings clause.

9. Not "privileged" or party to a franchise of any kind:

   "PRIVILEGE. "A right, power, franchise, or immunity held by a person or class, against or beyond the course of the law. [ . . .] That which releases one from the performance of a duty or obligation, or exempts one from a liability which he would otherwise be required to perform, or sustain in common law with all other persons, State v. Grosnickle, 189 Wis. 17, 206 N.W. 895, 896. A peculiar advantage, exemption, or immunity. Sacramento Orphanage & Children's Home v. Chambers, 25 Cal.App. 536, 144 P. 317, 319, [Black's Law Dictionary, Fourth Edition, p. 1359]

   "Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our laws. In England they are very negligible; and are defined to be royal privileges in the hands of a subject. An information will lie in many cases growing out of these grants, especially where corporations are concerned, as by the statute of 9 Anne, ch. 20, and in which the public have an interest. In 1 Strange R. ( The King v. Sir William Louther,) it was held that an information of this kind did not lie in the case of private rights, where no franchise of the crown has been invaded. If this is so--if in England a privilege existing in a subject, which the King alone could grant, constitutes it a franchise--in this country, under our institutions, a privilege or immunity of a public nature, which could not be exercised without a legislative grant, would also be a franchise.” [People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

10. The equivalent to a common law or Constitutional "person" who retains all of their common law and Constitutional protections and waives none.

   "The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally signified a peculiar right or private law conceded to particular persons or places whereby a certain individual or class of individuals was exempted from the rigor of the common law. Privilege or immunity is conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing him to enjoy some particular advantage or exemption. " [The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10; SOURCE: http://tamguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf]
Every attempt by anyone in government to alienate rights that the Declaration of Independence says are UNALIENABLE shall also be treated as “PRIVATE BUSINESS ACTIVITY” that cannot be protected by sovereign, official, or judicial immunity. So called “government” cannot make a profitable business or franchise out of alienating inalienable rights without ceasing to be a classical/de jure government and instead becoming in effect an economic terrorist and de facto government in violation of Article 4, Section 4.

“No servant [or government or biological person] can serve two masters; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government].”

[Luke 16:13, Bible, NKJV]

The legal encyclopedia confirms these conclusions in spades. On the duty of officers WITHIN the government to PROTECT PRIVATE PROPERTY, it says:

“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the public. It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.

[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

So the job of judges is quite simple, and the purpose the common law is to effect ONLY the above goals. Since those goals in essence are the protection of private property, then judges don’t need to MAKE law. All they have to do is RECOGNIZE what property is. This isn’t rocket science or “anti-democratic” as Scalia puts it. A failure or refusal by people like Scalia to recognize the existence and rights of PRIVATE property protected by the Fifth Amendment makes government VAIN, according to the Supreme Court:

“The rights of individuals and the justice due to them, are as dear and precious as those of states. Indeed the latter are founded upon the former; and the great end and object of them must be to secure and support the rights of individuals, or else vain i

[Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 1 L.Ed. 440 (1793)]

“Every man has a natural right to the fruits of his own labor, is generally admitted; and no other person can rightfully deprive him of those fruits, and appropriate them against his will.

[The Antelope, 23 U.S. 66, 10 Wheat 66, 6 L.Ed. 268 (1825)]

“This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the line of demarcation that separates constitutional government from absolutism, free self-government based on the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of the State to declare and decree that he is the State; to say

9 United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass) 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).
What Scalia is doing with his vague subjective notions about the purpose of government is to rewrite his job description so he can join the PLUNDER of private property with his Pharisee colleagues in the covetous legal profession. As someone whose own son is a Catholic Priest, he ought to know better. What a LOSER!!:

'The seven cycles connect together as a descending spiral of sin (2:19). Israel vacillates between obedience and apostasy as the people continual failure of all the tribes to drive out their enemies. The people feel the lack of a unified central leader, but the primary reasons for their failure are a lack of faith in God and lack of obedience to Him (2:1-2). Compromise leads to conflict and chaos. Israel does not drive out the inhabitants (1:21, 27, 29, 30); instead of removing the moral cancer [IRS, Federal Reserve?] spread by the inhabitants of Canaan, they contract the disease. The Canaanite gods [money, sex, covetousness] literally become a snare to them.

Deliverance (3:5-16:31). In verses 3:5 through 16:31 of the Book of Judges, seven apostasies (fallings away from God) are described, seven deliverances, and seven deliverances. Each of the seven cycles has five steps: sin, servitude, supplication, salvation, and silence. These also can be described by the words rebellion, retribution, repentance, restoration, and rest. The seven cycles connect together as a descending spiral of sin (2:19). Israel vacillates between obedience and apostasy as the people continually fail to learn from their mistakes. Apostasy grows, but the rebellion is not continual. The times of rest and peace are longer than the times of bondage. The monotony of Israel’s sins can be contrasted with the creativity of God’s methods of deliverance.

Deterioration (1:1-3:4). Judges begins with short-lived military successes after Joshua’s death, but quickly turns to the repeated failure of all the tribes to drive out their enemies. The people feel the lack of a unified central leader, but the primary reasons for their failure are a lack of faith in God and lack of obedience to Him (2:1-2). Compromise leads to conflict and chaos. Israel does not drive out the inhabitants (1:21, 27, 29, 30); instead of removing the moral cancer [IRS, Federal Reserve?] spread by the inhabitants of Canaan, they contract the disease. The Canaanite gods [money, sex, covetousness] literally become a snare to them.

The Book of Judges could also appropriately be titled “The Book of Failure.”

Our Bible, the Open Bible, describes the folly of the road that pagans like Scalia are taking this country down as follows:

Our Bible, the Open Bible, describes the folly of the road that pagans like Scalia are taking this country down as follows:

The recurring result of abandonment from God’s law is corruption from within and oppression from without. During the nearly four centuries spanned by this book, God raises up military champions to throw off the yoke of bondage and to restore the nation to pure worship. But all too soon the “sin cycle” begins again as the nation’s spiritual temperance grows steadily colder.

...
12.2 Snoop For Truth

A poster named “Snoop4Truth” posts on several sites about the hazards of the ABUSE of the common law. You can find one such post at:

1. Gold is Money Forums, Treasure Chest…A Library, Beginners Forum: Intro to Common Law-Bill Thornton
2. Out of Mind Blog
https://www.oom2.com/t71724-the-common-law-hoax-by-snoop4truth

Some of the content of this document was adapted from the above. HOWEVER, he appears to be an apologist for THIEVES in what Mark Twain (Samuel Clemens) called “The District of Criminals”. He seems to promote SLAVERY and government idolatry instead of freedom.

Snoop For Truth and his Virgo Triad compadres are SOPHISTS. For a description of what that means see:

Introduction to Sophistry, Form #12.042
https://sedm.org/an-introduction-to-sophistry/

12.3 Virgo Triad (Snoop4Truth)

The following resources rebut the “common law fraud”:

1. Virgo Triad Website
https://www.virgotriad.com/
2. “THE COMMON LAW HOAX”, Virgo Triad
https://www.youtube.com/watch?v=tYXSdsnNSQI

Like the above websites, WE TOO share a distaste for the abuses they criticize, such as:

1. The “sovereign citizen” movement. The following document specifically says you may NOT be a “sovereign citizen” and participate in our ministry.
SEDM Member Agreement, Form #01.001, Section 1.1
https://sedm.org/participate/member-agreement/
2. Efforts to connect us as a ministry to ANY name, label or stereotype that might be used to slander us or the God we exist SOLELY to serve and obey. See:
Policy Document: Rebutted False Arguments About Sovereignty, Form #08.018
https://sedm.org/Forms/FormIndex.htm
3. Redemption scams
3.2. Accepted for Value.

The above scams are documented in:
Policy Document: U.C.C. Redemption, Form #08.002
https://sedm.org/Forms/FormIndex.htm

We do, however, take a different approach than they do to FIXING the above abuses. They just take anonymous pot shots at people or organizations that do the above. WE, however, not only write expositions of facts that prove they are wrong, but also contact them and volunteer to HELP them fix their materials and learn the truth. We are, for instance, acting as an EDITOR of the Redemption Manual Series (http://makefreedom.com) and removing all the mythology they criticize in the Redemption community.

“They have a Right to censure, that have a Heart to help: The rest is Cruelty, not Justice.”
[William Penn, Some Fruits of Solitude, pt. 1, no. 46 (1693)]
We tried to take the same approach towards Virgo Triad and Snoop4Truth in writing this document, but they refused to allow us to contact them directly. So they are just slanderers and whiners who the public should not listen to, just like the people they criticize as SCAMMERS.

13 Questions for Doubters

For those readers who have read up to this point and still remain unconvinced that common law exists to protect PRIVATE property ownership, that the courts must practice it in order to honor their constitutional oath, and that it does not and cannot involve STATUTORY proceedings, we have some questions:

1. Admit that there are TWO possible types of property ownership: Absolute or qualified (shared).

Ownership. Collection of rights to use and enjoy property, including right to transmit it to others. Trustees of Phillips Exeter Academy v. Exeter, 92 N.H. 473, 33 A.2d. 665, 673. The complete dominion, title, or proprietary right in a thing or claim. The entirety of the powers of use and disposal allowed by law.

The right of one or more persons to possess and use a thing to the exclusion of others. The right by which a thing belongs to someone in particular, to the exclusion of all other persons. The exclusive right of possession, enjoyment, and disposal; involving as an essential attribute the right to control, handle, and dispose.

Ownership of property is either absolute or qualified. The ownership of property is absolute when a single person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only to general law. The ownership is qualified when it is shared with one or more persons, when the time of enjoyment is deferred or limited, or when the use is restricted. Calif. Civil Code, §§678-680.

There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of all domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif. Civil Code, §655.

In connection with burglary, "ownership" means any possession which is rightful as against the burglar.

See also Equitable ownership; Exclusive ownership; Hold; Incident of ownership; Interest; Interval ownership; Ostensible ownership; Owner; Possession; Title.


YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:

2. Admit that the essence of ownership is the right to exclude any AND ALL others, including governments, from using, benefitting from, or controlling private property.

"We have repeatedly held that, as to property reserved by its owner for private use, "the right to exclude [others is] 'one of the most essential sticks in the bundle of rights that are commonly characterized as property.'" Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 433 (1982), quoting Kaiser Aetna v. United States, 444 U.S. 164, 176 (1979).

[Nollan v. California Coastal Comm'n, 483 U.S. 825 (1987)]


YOUR ANSWER: ____Admit ____Deny

Rebutted False Arguments About The Common Law

Copyright Sovereignty Education and Defense Ministry, http://sedm.org

Form 08.025, Rev. 12-19-2020

EXHIBIT:________
3. Admit that if the government can take away property that you never hurt anyone with, then they must be the absolute owner based on the above definition.

YOUR ANSWER: ___Admit ___Deny

CLARIFICATION:

4. Admit that the ability to CONTROL any and all others who want to use or enjoy or benefit from your property is an essential aspect of ownership.

YOUR ANSWER: ___Admit ___Deny

CLARIFICATION:

5. Admit that if you are deprived by any civil statute of any aspect of control over your property OTHER than injurious PAST uses, then your property rights are violated and you have a common law trespass action against the party or government asserting such control if you are not a subject to the civil statute and your property is absolutely owned and protected by the constitution and the common law.

YOUR ANSWER: ___Admit ___Deny

CLARIFICATION:

6. Admit that absolute ownership cannot be PRESUMED, but must be PROVEN by the party exercising or asserting the ability to exercise it, or else due process is violated.

Due process of law. Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights. To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of the creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance. Pennoyer v. Neff, 96 U.S. 733, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controveting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively presumed [rather than proven] against him, this is not due process of law.


YOUR ANSWER: ___Admit ___Deny

CLARIFICATION:

7. Admit that the purpose of the Bill of Rights is to REMOVE private property and private rights from the jurisdiction of juries and voters:

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities [within juries] and officials [and CIVIL STATUTES, Form #05.037] and to establish them as legal principles to be applied by the courts [using the COMMON LAW rather than CIVIL STATUTES, Form #05.037]. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote [of a JURY OR an ELECTOR]; they depend on the outcome of no elections."


YOUR ANSWER: ___Admit ___Deny
8. Admit that an attempt to tax or regulate or take or control private property places it WITHIN the jurisdiction of juries and voters.

YOUR ANSWER: ___Admit ___Deny

CLARIFICATION:

9. Admit that judges as sworn officers of the government to protect private property and private rights protected by the Bill of Rights.

"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. Furthermore, the view has been expressed by all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the public. It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy."

[Y63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

YOUR ANSWER: ___Admit ___Deny

CLARIFICATION:

10. Admit that the FIRST step in protecting private property is to LEAVE IT ALONE, not try to control or regulate its use because that is the definition of JUSTICE itself and judges are called “justices”:

PAULSEN, ETHICS (Thilly’s translation), chap. 9.

"Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue springs from the individual’s respect for his fellows as ends in themselves and as his co equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or the possibility of fashioning one’s life as an end in itself. The law defends these different spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual’s own life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right."

"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man’s spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men."


YOUR ANSWER:  ____Admit  ____Deny

CLARIFICATION:_________________

11. Admit that taxing, regulating, or controlling the use of PRIVATE, absolutely owned property that is not being used to hurt ANYONE is INJUSTICE, not JUSTICE.

YOUR ANSWER:  ____Admit  ____Deny

CLARIFICATION:_________________

12. Admit that NO ONE may deprive a man of the fruits of his own labor without his consent.

“Every man has a natural right to the fruits of his own labor, is generally admitted; and no other person can rightfully deprive him of those fruits, and appropriate them against his will…”

[The Antelope, 23 U.S. 66, 10 Wheat 66, 6 L.Ed. 268 (1825)]

YOUR ANSWER:  ____Admit  ____Deny

CLARIFICATION:_________________

13. Admit that the Thirteenth Amendment makes involuntary servitude (slavery) unconstitutional and illegal.

YOUR ANSWER:  ____Admit  ____Deny

CLARIFICATION:_________________

14. Admit that ANY kind of civil obligation imposed by a civil statute, INCLUDING a tax statute, and not originating from an injury or the consent of the party on whom it is imposed MUST be voluntary, or else unconstitutional involuntary servitude is instituted.

Further details at:

Lawfully Avoiding Government Obligations, Form #12.040
https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf

YOUR ANSWER:  ____Admit  ____Deny

CLARIFICATION:_________________

15. Admit that THIS is how state nationals VOLUNTEER or CONSENT to pay income tax they would not otherwise owe.

If you disagree, please provide court admissible evidence proving any part of this presentation is incorrect:

How State Nationals VOLUNTEER to Pay Income Tax, Form #08.024

YOUR ANSWER:  ____Admit  ____Deny

CLARIFICATION:_________________

16. Admit that a “person” in the Internal Revenue Code, for the purposes of penalties and penal jurisdiction, is NOT the “man” mentioned above, but a fictional creation of Congress and a franchise engaged in contracts or employment with the national government.
The term "person" as used in this chapter [Chapter 75] includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

[NOTE: This is the "person" for the purposes of some of the miscellaneous penalties under the Internal Revenue Code]

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1. Admit that the "persons" mentioned in the previous question are PUBLIC OFFICERS engaged in a franchise and excise taxable activity who are in temporary custody, control, or "beneficial use" of government property and thereby subject to control by Congress under Article 4, Section 3, Clause 2 of the Constitution.

   "Public office. The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacy v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 73 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de-notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593. [Black's Law Dictionary, Fourth Edition, p. 1235]

YOUR ANSWER:  ____Admit  ____Deny

CLARIFICATION: ____________________________

2. Admit that Congress MAY NOT lawfully establish a taxable office within the exclusive jurisdiction of a Constitutional state per the U.S. Supreme Court:

   "Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.

But very different considerations apply to the internal commerce or domestic trade of the States. Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. Congress cannot authorize a trade or business within a State in order to tax it."

[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

YOUR ANSWER:  ____Admit  ____Deny

CLARIFICATION: ____________________________
19. Admit that no statute of Congress EXPRESSLY authorizes the excise taxable offices such as “person” indicated earlier within the exclusive jurisdiction of a Constitutional State.

   **TITLE 4 > CHAPTER 3 > § 72**
   **§ 72. Public offices; at seat of Government**

   All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.

   [https://www.law.cornell.edu/uscode/text/4/72]

   YOUR ANSWER: ___Admit ___Deny

   CLARIFICATION:__________________________

20. Admit that the EXERCISE of the excise taxable public offices (called a “trade or business” in 26 U.S.C. §7701(a)(26)) subject to the Internal Revenue Code Subtitles A and C is therefore limited to territory over which the national Congress enjoys exclusive or general jurisdiction and which has been EXPRESSLY identified as required by 4 U.S.C. §72, INCLUDING federal enclaves and territories as mentioned in the geographical definition of “United States” found in 26 U.S.C. §7701(a)(9) and (a)(10).

   Further details at:

   1. **The “Trade or Business” Scam**, Form #05.001
      [https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf]
   2. **Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union**, Form #05.052
      [https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf]

   YOUR ANSWER: ___Admit ___Deny

   CLARIFICATION:__________________________

21. Admit that the Founding Fathers intended those who serve in government to apply religious principles of morality to their government job functions:

   “Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, “where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice?” And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.”

   [George Washington in his Farewell Address; See also George Washington’s Farewell Address Presented by Ben Sasse, Minute 24]

   “Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.”


   YOUR ANSWER: ___Admit ___Deny

   CLARIFICATION:__________________________
22. Admit that Common Law is one of the few areas of service as a judge where the absence of statutory constraints ALLOWS judges to apply religious moral principles of private property and equality of all to their job as justices.

YOUR ANSWER: _____Admit _____Deny

CLARIFICATION:____________________

23. Admit that recognizing and enforcing PRIVATE absolutely owned property rights in the process of adjudicating common law actions in court is NOT anti-democratic or an act of “legislation” by a judge, but instead is giving the force of law to the provisions of the Bill of Rights found in the Fifth Amendment that can have no statutory force on their own because they are PRIVATE rights that cannot be regulated or limited by statute.

YOUR ANSWER: _____Admit _____Deny

CLARIFICATION:____________________

24. Admit that licensed attorneys who make their living out of enforcing civil statutes and who have to feed their face with the money they earn doing so work against their own interest and livelihood to admit that there is such a thing as a way to protect property or rights OUTSIDE of those civil statutes, such as the common law.

_Third rail of politics_

_The third rail_ of a nation's politics is a *metaphor* for any issue so controversial that it is “charged” and "untouchable" to the extent that any *politician* or public official who dares to broach the subject will invariably suffer politically.

It is most commonly used in *North America*. Though commonly attributed to *Tip O'Neill* [2] Speaker of the United States House of Representatives during the *Reagan* presidency, it seems to have been coined by O'Neill aide *Kirk O'Donnell* in 1982 in reference to *Social Security* [2].

The metaphor comes from the high-voltage _third rail_ in some electric railway systems. Stepping on this usually results in _electrocution_, and the use of the term in politics relates to the risk of "political death" that a politician would face by tackling certain issues.


____________________

FOOTNOTES:


YOUR ANSWER: _____Admit _____Deny

CLARIFICATION:____________________

25. Admit that a licensed attorney or jurist who has a conflict of interest as a “tax consumer” or franchise participant and at the same time, acts as counsel or a jurist in a case initiated by a government AGAINST those who refuse to participate in or subsidize franchises (such as Social Security or Income Tax) must recuse themselves from participation and can be debarred or dismissed as a jurist for not doing so, and if they do not, can be criminally prosecuted for conflict of interest under 18 U.S.C. §208.

18 U.S. Code § 208 Acts affecting a personal financial interest

Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner,
organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

Shall be subject to the penalties set forth in section 216 of this title.

NOTE: Jurors are identified as “public officers” as indicated above in 18 U.S.C. §201(a)(1).

YOUR ANSWER: _____Admit _____Deny

CLARIFICATION:_________________________________________________________________________

26. Admit that federal judges who serve simultaneously as FRANCHISE judges under Constitution Article I (see 26 U.S.C. §7441 for tax cases) and CONSTITUTIONAL judges under Constitution Article III have a criminal financial conflict of interest that prevents them from allowing CONSTITUTIONAL rulings on common law issues. Because franchises create a fiefdom and enlarge government revenues while common law issues do not, if they are less than honorable, they will always choose MAMMON over God:

“No one can serve two masters [two employers, for instance]; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government].”

[Mat 6:24, Bible, NKJV. Written by a tax collector]

YOUR ANSWER: _____Admit _____Deny

CLARIFICATION:_________________________________________________________________________

27. Admit that federal judges who have such a criminal financial conflict of interest MUST recuse themselves under 28 U.S.C. §144, and 28 U.S.C. §455.

YOUR ANSWER: _____Admit _____Deny

CLARIFICATION:_________________________________________________________________________

28. Admit that financial conflicts of interest just cited, if not prosecuted, may tend to perpetuate illegally offering and enforcing of national franchises within constitutional states. Of this illegal exercise, the U.S. Supreme Court in the License Tax Cases.

“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.

But very different considerations apply to the internal commerce or domestic trade of the States. Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. Congress cannot authorize a trade or business within a State in order to tax it.”

[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) ]

YOUR ANSWER: _____Admit _____Deny

CLARIFICATION:_________________________________________________________________________

I declare under penalty of perjury as required under 26 U.S.C. §6065 that the answers provided by me to the foregoing questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these
answers are completely consistent with each other and with my understanding of both the Constitution of the United States, Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not necessarily lower federal courts.

Name (print): ______________________________________________________

Signature: _________________________________________________________

Date: ______________________________

Witness name (print): ________________________________________________

Witness Signature: __________________________________________________

Witness Date: ________________

14 Further Reading and Research

14.1 Our Common Law Practice Guides

The following handbook is useful for those wishing to invoke common law jurisdiction in a court of law:

   https://sedm.org/Litigation/LitIndex.htm
2. Civil Causes of Action, Litigation Tool #10.012 (Member Subscriptions)
   https://sedm.org/Litigation/LitIndex.htm
   https://sedm.org/Litigation/LitIndex.htm

14.2 References, Research, and History

1. Readings on the History and System of the Common Law, Roscoe Pound
   1.1. HTML: http://books.google.com/books?id=WrQ0AAAIAAJ&printsec=titlepage
   1.2. PDF (15 MB)
2. Legal Research Sources, Section 2: Common Law
   https://famguardian.org/TaxFreedom/LegalRef/LegalResrchSrc.htm
3. SEDM Subject Index, Section 13: Common Law
   https://sedm.org/Search/SubjectIndex.htm#Common_Law
4. SEDM Forum 6.5: Litigating Under the Common Law
   https://sedm.org/forums/forum/6-litigation-support-member-subscriptions-only/65-litigating-under-the-common-law/
5. SEDM Forum 7.2: Authorities: Common Law
   https://sedm.org/forums/forum/7-legal-research-member-subscriptions-only/72Authorities-common-law/

14.3 Third Party Common Law Practice Guides

The following free books are available for those wishing guidance on how to invoke the common law in court:

1. Sovereignty and Freedom Page, Section 10.4: Common Law (OFFSITE LINK)- Family Guardian Fellowship
   https://famguardian.org/Subjects/Freedom/Freedom.htm#Common_Law
2. Sovereignty and Freedom Page, Section 9.4: Practice Guides (OFFSITE LINK)- Family Guardian Fellowship
   https://famguardian.org/Subjects/Freedom/Freedom.htm#Practice_Guides
14.4 Format of Common Law Pleadings

Common law pleadings use conventions described in the following free resources available through the Family Guardian sister website:

1. *Handbook of Common Law Pleading*, Benjamin Shipman (48 MB)-


3. *Principles of Common Law Pleading*, John McKelvey (3.5 MB)

4. *Pleadings and Practice in Actions At Common Law*, Martin Burks (90.3 MB)
   [http://famguardian.org/Publications/CommonLawPractice/Pleading_and_Practice_in_Actions_at_Comm.pdf](http://famguardian.org/Publications/CommonLawPractice/Pleading_and_Practice_in_Actions_at_Comm.pdf)