

THE PASTOR-LAWYER

A Primer on Using the Law to Win the Lord's Battle Against the
Enemy

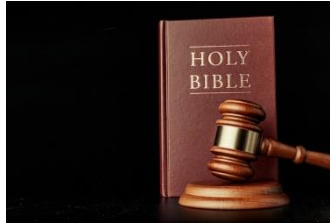


Psalm 82:3-4 - " Defend the poor and fatherless: do justice to the afflicted and needy. Deliver the poor and needy: rid them out of the hand of the wicked."

B r o o k y R S t o c k t o n

The Pastor-Lawyer

Version 1.0



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Preface

As a young pastor, people came to me with money problems, credit-card debt, nitty-picky relationship battles, confessions of being raped, child support claims, accusations of molestation, testimonies of physical assault, men burdened with child support ordered by angry feminist judges, and peevish frivolous accusations against me personally. I found myself woefully unprepared to engage these legal wars . . . but God forced me to take classes in Law 101-102.

As a young man I received several speeding tickets, and lost every case.

As a teenager, I carelessly damaged a man's property. I admitted guilt and paid the price.

One time I was falsely accused by a Forest Ranger of fishing with two poles. I lost that case big time. How do you defend yourself against false accusations when the judge is in bed with the cop? I had no clue. I hated losing this case.

I started studying law by simply looking up definitions. Later, I read cases and became familiar with legal arguments.

On another occasion, a defamer in the church charged me with embezzling money from the church. That was easy to defend because I had no checking writing authority; that is, the claim was without facts. Three months later this man was found guilty of embezzling over a million dollars from his clients.

One time I was elected VP of NM Citizens Against Pornography. After a 3 year legal battle, we persuaded the legislature to enact the Anti-Porn Display Law – a huge win for the good guys.

Because God gave me so many problem people to work with my wife called my church office “the Garbage Pit of the West.”

One year I was frivolously and recklessly sued for five million dollars for prejudicial negotiations . . . whatever that was. The court dismissed the case against because it was frivolous but the judge sustained my counter claim. The court awarded me \$28,000 dollars for pain and suffering . . . but I turned it down because the Plaintiff was going through a rough time financially. Law suits were never about money with me, but about principle.

One time I received a bill from the IRS for \$300,000 dollars when I only earned \$50,000 dollars that year. I engaged their assertion by demanding proof of claim. After a three year battle they dismissed the case admitting to their accounting error.

Over the next decade, I helped family and friends with credit card debt and won every case.

More tickets were issued and I even got cited for contempt of court. But, the judge was forced to dismiss each accusation with prejudice because it lacked jurisdiction over me.

One year a rogue cop wrote 28 citations against one of God's Lamb, had him thrown in jail. God led me to defend this man as a pastor-lawyer and all 28 charges were dismissed. The cop was eventually fired for his harassment of this man.

I like winning better than loosing!

Hopefully, you do to.

The Bible teaches us that every pastor should be a pastor-lawyer -- an advocate for the weak and a defender of the poor.

You don't need to know everything, but you do need to understand the fundamentals! Study God's law and begin reading Supreme Court Decisions.

If you are innocent and pure, just hang around the Ten Commandment, the Magna Carta, the Declaration of Independence, and the Bill of Rights and you will beat the g-men with their own stick.

General Patton use to say, "Never dig in; just attack, attack, attack."

Likewise in legal battles, you don't need to defend much. Demand proof of claim and attack, attack, attack!

The legal battle is ALL about being harmless, defining and controlling the definition of terms, and demanding proof of claim with strict proof of claim.

May the Lord use this resource to help you win your legal battles . . . and if you stand for anything, there will be many of them.

Dr. Brooky Stockton,
Ret. Pastor - Seminary Professor.



Dedication

This work is dedicated to SEDM who has done so much to educate Americans about the law.

Acknowledgments

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Disclaimer

This book is not anti-government. It is anti-corruption in government.

Because the present political climate is pro-Zionism, pro-lawlessness, pro-censorship, antichrist, and antichristian: and, because government employees and government media is more sensitive than a step-mother about criticism, it is necessary to warn government officials of the following:

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Introduction to Law

You do **not** need a license to practice law. Every man must practice law without a license. Practicing law can**not** be licensed. If you obey the Lord Jesus Christ as the King of kings, you are practicing law without a state license.

But, you do need to be a resident of the United States Corporation and obtain a BAR membership card from the American British Communist Party (Rothschild City of London) to represent corporations and artificial entities in government courts.

You do **not** need a statutory license to set up an ecclesiastical court to resolve disputes (1 Corinthians 6), but you do need to be competent in law.

All of God's true pastors are pastor-lawyers growing in the knowledge of law.

The First Duty of Man: Know the law

To know the law is to know God; to know God is to know the law.

The main message of the Bible is the kingdom of God or the Rule of God (Psalm 97:1). Law in every society is religious in nature. Only gods can create laws. For this reason, the LORD God said, "You shall have no gods before me" *or no laws before my law*. One absolute God means one absolute law-order. Absolute law the LORD God means regal, imperialistic, imperishable, indestructible law glittering with golden light for the good of man.

The Source of Law in the Bible is the "LORD God" (Exodus 20:1), but humanistic man places the source of law in the state making the state a god. In the U.S., America moved away from the worship of the freedom loving God to the worship of the death-loving State: pledging allegiance to the state and tithing 1/3 of one's income to the state. Thus, the state preaches tolerance until it dominates the thinking of man and then it exercises intolerance or censorship toward outspoken Citizens.

The good news is that the Founding Fathers placed no duty on man to the government; and, then limited the government from interfering with the rights of men even placing "restrictions" on government (Preamble to the Bill of Rights). Thus, the pastor's duty is to employ effort to restrain the muscular powers of the state from interfering in the rights of his flock.

Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." - The U.S. Supreme Court, *Miranda vs. Arizona*, 384 US 436 page 491

The first duty of man is to recognize Jesus as Lord and surrender to his authority (Romans 10:9-10). Rebels have no rights because they say, "We will not have this man to reign over us" (Luke 19:14).

How dare a pastor run to money-motivated British BAR¹ attorney for advice! Are not the Scriptures sufficient for every legal need (Proverbs 30:5)?

There is one Lawgiver (James 4:12), and all men are bound to His law. As a Sovereign over His creation the LORD God places duties and obligations² on all His creatures; that is, men have an obligation to conduct their affairs in a way that does not infringe on the rights of others (See the Ten Commandments, Exodus 20:1-2).

"Our Constitution was made only for a religious and moral people. It is wholly inadequate for the government of any other." - President John Adams:

In exchange for surrendering to His authority, men receive the right to eternal life . . . religious and civil liberties; and, the right to manage assets under the dominion mandate (Genesis 1:26-28; Matthew 28:18-20).

The first duty includes knowing God's law: "Trust and Obey!"

"In you, Lord my God, I put my trust. I trust in you; do not let me be put to shame (to be without rights), nor let my enemies (government) triumph over me" (Psalm 25:1-2).

"I am the LORD your God (The Source of All Law), who brought you out of the land of Egypt, out of the house of slavery. (1) "You shall have no other gods before me" (Exodus 20:1-2).

In exchange for acceptance of duty to law, the Lord gives rights.

The purpose of grace is not to set aside the law, but to enable man to keep it. Unlike the OT dispensation, the gospel era endows men with power to keep His law (Romans 8:4).

¹ BAR is for British Accreditation Registry and that LICENSED BAR ATTORNEYS are registered under The United Kingdom of Britain. Thus, all BAR ATTORNEYS in this country are Foreign Agents to this country as they are registered BAR ATTORNEYS in Britain. Moreover, they must be registered with FARA- Foreign Agents Registration Act

² Obligation: "The definition of obligation in law refers to the responsibility to follow through on actions agreed upon in a contract, promise, law, oath, or vow." (Upcounsel).

When a man lifts up his hand to the Almighty, he obtains rights³. Rights come from God, not government. Surrender to His authority, and a man not only enters the kingdom, he obtains rights associated with our Lord's reign at the right hand of the Father.

“And Abram said to the king of Sodom, I have lift up mine hand unto the LORD, the most high God, the possessor of heaven and earth . . . I will not take any thing that is thine . . .” (Genesis 14:22; 15:3-6).

For I myself am a **man under authority, with soldiers under me.** I tell this one, 'Go,' and he goes; and that one, 'Come,' and he comes” (Matthew 8:5-13).

With responsibility comes rights; with every right comes duties. There are no rights unless one accepts responsibility. Every command in Scripture creates a right. Accept your Divine obligation to serve Him and His law, and you obtain rights. No oath; nor rights; no covenant, no rights; no obedience; no rights. Accept your duty to God and you can say “No!” to sin . . . to sinners . . . and to government (Proverbs 1:10).

The first duty of Adam was to know the law and teach it to his wife (Genesis 2:7ff). Instead of taking the lead, he followed his wife, and sinned.

Because Adam failed to question the authority of the serpent and to keep the law, the whole human race fell.

Application wise, the first duty of man is **not** to obey authority, but to question authority . . . to challenge authority and to demand proof of claim. Want of authority requires no duty from man. Orders and commands without authority ought to bring out the “Hulk” in each one of us. If government officers do not see a green monsters in us, we are being too passive and compliant.

Government will never provide proof of claim of their presumption that they have authority over you **because they don't have any!** The government was created by men, not men by government. Government was designed to be a servant, not a master.

“As Per *Ryder v. United States*, 115 S.Ct. 2031, 132 L.Ed.2d 136, 515 U.S. 177, **I am required to initiate a direct challenge to the authority of anyone representing himself, or herself, to be a government officer or agent prior** to the finality of any proceeding

³ Rights = moral duties . . . a legal entitlement . . . ethical principles . . . powers . . . authority . . . privileges” (Online Dictionary; Wex).

in order to avoid implications of de facto officer doctrine. **When challenged, those posing as government officers and agents are required to affirmatively prove whatever authority they claim**".

Additional authorities on the subject:

"Public officers are merely the agents of the public, whose powers and authority are defined and limited by law. Any act without the scope of the authority so defined does not bind the principal, and all persons dealing with such agents are charged with knowledge of the extent of their authority," - Continental Casualty Co. v. United States, 113 F.2d 284 (5th Cir. 1940): , at 286.

"When the right to do a thing depends upon legislative authority, and the Legislature has failed to authorize it, or has forbidden it, no amount of acquiescence, or consent, or approval of the doing of it by a ministerial officer, can create a right to do the thing which is unauthorized or forbidden," - Department of Ins. of Indiana v. Church Members Relief Ass'n., 217 Ind. 58, 26 N.E.2d 51 (1940): 26 N.E.2d, at 52.

The Second Duty of Man: Know Your Enemy

The second duty of man is to know his enemy.

The preposition "against" in the Fourth Amendment informs us that the government agents are the enemy of man; an enemy of rights; and enemy of human responsibility to God and his fellowman. This enemy would include all attorney with a BAR license because none of them believe in the authority, sufficiency of Scripture, or understand that the rights of man are greater than any statute.

"If you **know** the **enemy** and **know** yourself, you need not fear the result of a hundred battles" (Sun Tzu).

A man has **no** duty to acquiesce to the government. The U.S. Constitution lays no duty upon Citizens . . . rather, a public servant has a duty to obey the will of the People as expressed in the Rule of Law, the Constitution.

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" (Hale v. Henkel - 201 U.S. 43 (1906)).

"Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." (Elrod v.

Burns, 427 U.S. 347; 6 S. Ct. 2673; 49 L. Ed. 2d (1976))

The most important principle applicable to all three branches is the lack of power to create new legal duties for citizens. See Dr. Eduardo Rivera, Resouces, Duty.

Thus, every statute, code, and regulation; and every cop, judge, federal agent, and legislator has the power and potential to be your enemy and the church's enemy.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance" – (Jefferson, Declaration of Independence).

"Today, following the tragic events of September 11, 2001, the American people face another troublesome threat—**swarms of security agents harassing us at airports, borders, buildings, and highways** Airport security has now become federalized. And we have become, in the words of Sheldon Richman, "tethered citizens" (Mark Skousen, FEE).

In a government of laws, the 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." - U.S. Supreme Court in *Olmstead v. United States*, 277 U.S. 438, 469-471

"It is a fundamental principle of our constitution scheme **that government**, like the individual, **is bound by the law**. We do not subscribe to the totalitarian principle that the Government is the law, or that it may disregard the law even in pursuit of the lawbreakers." As this Court said in *Mapp v. Ohio*, 367 U.S. 643, 659 (1961) "Nothing can destroy a government more quickly than its disregard of the charter of its own existence;" and

"officers of the Court are expected and deemed to know the law." **Therefore they have not immunity** when violating a Constitutional Right." *Owen v. City of Independence*, 445 U.S. 622 (1980); *Justia* U.S. Supreme Court;

If government is god in the minds of citizens (Christians included), you **cannot** expect them **not** to betray you:

“The crowds **turned** on Paul, stoned him, dragged him out of the city, and left him there, thinking he was dead” (Acts 14:19).

Consequently, you have no duty to trust government. In fact, the middle verse in the middle of the Bible forbids us from being sanguine toward government (Psalm 118:8-9)

The Third Duty of Man: Go on the Offense

Since the government is the main enemy of a free people, develop a strategy to win.

General Patton describes the winning strategy,

“Never dig in, attack, attack, attack.”

Stop Defending Yourself against petty, frivolous accusations designed to trap you in a scheme to frisk you of your money.

Stop talking. Stop arguing. Don't defend Yourself. Get off the defensive. Rather, demand the government tyrant prove his claim with facts, sworn instruments, and citations of law. They never, never do! Identify and articulate what the G-men are doing wrong; what laws they are violating; and charge ir query them for violating their own laws. (Sample: by what authority⁴ are you ordering me to get out of my car? . . . Ans . . . “I do not consent.”)

If you learn nothing else in this work, learn to demand proof of claim; then, attack, attack, and attack them lawfully and calmly for not obeying their own law and for overreaching their authority under color of law. Most of the time you will do this in writing.

Instead of being a honey-roasted, sugar-sweet, Sun-kissed pastor, get meaner than a bag of rattle snakes. Hiss, rattle, and bite in a nice Christian way, of course.

Pastor Failure

⁴ BLACK'S LAW DICTIONARY defines “Authority. Permission. Right to exercise powers; to implement and enforce laws; to exact obedience; to command; judge. Control over jurisdiction;” and

BLACK'S LAW DICTIONARY defines “Permission. A license to do a thing; and authority to do an act which, without such authority, would have been unlawful; and

BLACK'S LAW DICTIONARY defines “License... The permission by competent authority to do an act which, without such permission, would be illegal, a trespass, a tort, or otherwise not allowable;”

If a pastor fails, it is because he does not know the law, or because he has more sugar than the fairy godmother, or because he has less backbone than a roundworm.

If he fails to study law and teach it, the church will fail.

More pastors are fired from the ministry because they are faithful to the Scriptures and practice law than for any other reason!

The whole notion that a Christian man is at liberty to choose his own law order is a modern heresy associated with multiculturalism, secularism, and paternalism⁵.

One Lawgiver

There is one Lawgiver, One Master, and one law that a Christian man is to obey (James 4:12; Matthew 6:24).

“There is only one lawgiver and judge, he who is able to save and to destroy. But who are you to judge your neighbor?” (James 4:12).

“For the LORD *is* our Judge, The LORD *is* our Lawgiver, The LORD *is* our King; He will save us” (Jeremiah 33:22).

The strength of a Christian is the absoluteness of His God; and the strength of America rest in the nation’s ability to resist pluralism, secularism, equalitarianism, communism and all the “isms.” Fearing God is the essence of sanity and common sense. To depart from the fear of God is to lose all sense of reality.

That the law is for you leaving other men to do as they please is another “hair-brain” idea of modern man. The law is good for you because it good for all men and all of man’s institutions. God’s law is for you and for all men. Few things are more destructive to society than legal pluralism and few thing are more dangerous to the health of a church than the belief the church can have two masters, two legal system to obey, God and government.

“One law and one manner shall be for you, and for the stranger that sojourneth with you”(Numbers 15:16).

The whole notion that the Christian is free to make his own choices and to choose his own law is more deadly than juggling rattlesnakes. There is one God

⁵ Paternalism: “the policy or practice on the part of people in positions of authority of restricting the freedom and responsibilities of those subordinate to them in the subordinates' supposed best interest” (Online Dictionary).

and one law-order. Double vision, double mindedness, and double loyalties appears to be the Pastor's greatest obstacle to fulfilling the Great Commission.

Preach the Gospel of King Jesus

The Fourth Duty of a pastor is to preach a full and complete gospel (1 Corinthians 1:1-12; Mark 1:1; 1 Timothy 1:8-10). Men are **not** saved by law, but they are saved in order to keep the law (Romans 8:1-4). Pastors are so focused on telling people they are not saved by law, they are derelict in their duty to teach the people their duty to God's law-order and that God has given power to people to do it out of love for God and love for their neighbor.

The gospel that turned the world upside down was the creed that there was another King, King Jesus. Christ, not Caesar, is Lord (Acts 17:6-7).

Know that You Have No Duty to Government

The one great weakness in the Constitution is that it places law in "We the People" and not the LORD God (Exodus 20:1-2). The good news is that the Constitution lays no duty on men; that is, Citizens have **no duty** to the Constitution or the government. The Constitution is for the government, **not** the people. A mission of Christians is to keep the government out of the house of the Lord, out of the family, and out of their back pocket. Christians cannot serve God effectively if they give 30-60% of their income to the god-state. Isn't this correct?

Note Pharaoh's compromise offer to Moses:

"Then Pharaoh called to Moses and said, "Go, serve the LORD; only let your flocks and your herds be kept back. Let your little ones also go with you." (Exodus 10:24).

The U.S. Supreme Court agrees:

"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.”
(Hale v. Henkel: 201 U.S. 43 (1906))

We find it intolerable that one constitutional right should have to be surrendered in order to assert another. Simmons vs. U.S. 390, U.S. 389 (1968).

Other cases agree:

“All codes, rules and regulations are applicable to the government authorities only.” (Rodriques vs. Ray Donovan decision 769 F2d 1344, 1348 (1985)).

“Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it ... No one is bound to obey an unconstitutional law and no courts are bound to enforce it.” 16 Am Jur 2nd §177

“The general rule is that an unconstitutional act of the Legislature protects no one. It is said that all persons are presumed to know the law, meaning that ignorance of the law excuses no one; if any person acts under an unconstitutional statute,

“Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.”
Miranda v. Arizona, 384 US 436 at 491.

We error if we presume to think that government can tell us what to do.

“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)]

Therefore, Internal Revenue Service subject matter jurisdiction is limited to Federal government agencies and personnel under authority of 5 U.S.C. § 301, the District of Columbia and insular possessions of the United States as provided by statute, and foreign and maritime matters specified by treaties and international agreements (treaties and maritime matters are exempt from Federal Register Act publication requirements).

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 379.)

5 U.S. Code § 301. Departmental regulations

The head of an Executive department or military department may

prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

Agencies issue regulations to guide the activity of those regulated by the agency and their own employees and to ensure uniform application of the law.

REGULATIONS ARE NOT THE WORK OF THE LEGISLATURE AND DO NOT HAVE THE EFFECT OF LAW IN THEORY"! One can go further on this subject and look at the singular form of "regulation"; Blacks says this about it:

"The act of regulating, a rule or order prescribed for MANAGEMENT, or GOVERNMENT. A regulating principle, a precept. Regulation is a rule or order having force of law issued by executive authority of the government. (e.g. by Federal Administrative Agency) *Vilness v. Freeman* OIL 370 Pad 307, 309. "

12. SOVEREIGNTY IN THE PEOPLE

The United States Supreme Court declares that the "Sovereignty" remains with the "people" and resides with the "people"... *Yick Wo vs Hopkins* and *Woo Lee vs Hopkins* (118 U.S. S.Ct. 356).

"Sovereignty itself is, of course not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." *Yick Wo vs Hopkins* and *Woo Lee vs Hopkins* (118 U.S. S.Ct. 356).

"There can be no limitations on the power of the people, of the united States of America; by their authority the State Constitutions are made and by their authority the Constitution for the united States of America was established..." *Hauenstein vs Lynham* (100 U.S. 483).

It is the doctrine of the common Law that the sovereign cannot be sued in his own court without his consent. *The Siren*, 74 U.S. (7 Wall.) 152 (1869).

Purpose of this Work

Thus, this work is a study on living free of “Big Brother” and his long, unlawful, unwanted reach into the lives of church members.

Words Mean Something

James warns us against being double minded; that is, having two souls, two masters, two ambitions, two sets of laws, two definitions, and two obligations – to God and man (James 1:7-8).

Words mean something. Every word of God is inspired, complete, and accurate (2 Timothy 3:15-17). Therefore, be a student of philology.

Satan works by adding obscuring words, expanding definitions, and in some cases restricting the meaning of a word. The government will take an ordinary word like “person,” “employee,” “citizen,” and “business” and give it a special meaning. We call this legalese. Beware of accepting government terminology. You are not bound to their definitions in the ordinary course of life.

Law is all about definitions. Thus, the pastor-lawyer must parse words and recognize government traps in using “color of words.” Likewise, integrity demands the pastor be accurate and precise when dealing with government . . . but not with a legalistic devotion to absolute truth . . . but a devotion to speak wisely in a corrupt world to corrupt officers in the courts.

Abraham with Pharaoh, the Hebrew mid-wives with Pharaoh, and the Magi with Herod knew they did not owe the whole truth to corrupt politicians. Likewise, you don’t owe the whole truth to those who abuse the truth.

Know the definition of words and control those definitions and you’ll be on your way to being a great pastor-lawyer.

Introduction to the Bill of Rights

The Bill of Rights is grounded on the unalienable rights⁶ of man which cannot lawfully be taken away by a scribble of a pen, a computer generated letter, or the sheer exercise of government power.

The Foundation of the Bill of Rights

We hold these truths to be self-evident⁷, that all men are created equal, that they are endowed by their Creator⁸ with certain **unalienable⁹ Rights**, that among these are Life¹⁰, Liberty and the pursuit of Happiness.--**That to secure these rights,¹¹ Governments are instituted among Men**, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People¹² to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and

⁶ Rights imply the authority to do that which is “morally correct, just, or honorable” (Merriam Webster) If God commands it, it is a right; if God forbids it, the act is a non-right; if God does not condemn it, it is a right as long as what one does not harm or injure rights of others. Lesbianism, homosexuality, abortion is not a right; they are a wrong.

⁷ Self-evident: not needing to be explained or demonstrated; i.e. obvious.

⁸ The Creator is the God of Holy Scripture - Genesis 1:1 “In the beginning God created the heaven and the earth;” John 1:1-3 “In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by him; and without him was not any thing made that was made.”

⁹ Unalienable: not transferable to another or not capable of being taken away or denied by government. (Source: Dictionary.com).

¹⁰ The right to live and be left alone is the first right of a man. See the 9th Circuit Court Rules – “9th Circuit Court Rules COVID-19 mRNA Injections Are Not Legally Vaccines - “The right to refuse unwanted medical treatment is entirely consistent with this Nation’s history and constitutional traditions and the case merits are sufficient to invoke that fundamental right.”

¹¹ The whole purpose of government is not to wage war or make rules, but to protect, preserve, and safeguard the rights of individual men.

¹² It is a right for the people to protest, revolt, and overthrow a tyrannical government.

Happiness.

All Men Are Created Equal¹³

By equal the Founding Father were not proclaiming that men are equal in stature, ability, knowledge, or character, but that they had an equal right to justice when accused. That men and women are equal; that religions are equal; that ideas are equal is sheer nonsense.

“The ordaining of laws in favor of one part of the nation, to the prejudice and oppression of another, is certainly the most erroneous and mistaken policy. An equal dispensation of protection, rights, privileges, and advantages, is what every part is entitled to, and ought to enjoy.” – Benjamin Franklin, Emblematical Representations, ca. 1774

“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.” – Declaration of Independence, 1776

“I can only say that there is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of slavery.” – George Washington, Letter to Robert Morris, 1786

“It is much to be wished that slavery may be abolished. The honour of the States, as well as justice and humanity, in my opinion, loudly call upon them to emancipate these unhappy people. To contend for our own liberty, and to deny that blessing to others, involves an inconsistency not to be excused.” – John Jay, Letter to R. Lushington, 1786

Private Property

“One of the most essential branches of English liberty is the freedom of one’s house. A man’s house is his castle.” – James Otis, on the Writs of Assistance, 1761

“The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.” – John Adams, A Defence of the Constitutions of the Government of

¹³ Men are equal before the law and have the same right to claim the benefits of the common law. But, men are not equal in statute, knowledge, abilities, talents, desires, drives, or ideas.

the United States of America, 1787

“Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government which impartially secures to every man whatever is his own.” – James Madison, Essay on Property, 1792

“A wise and frugal government, which shall leave men free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned – this is the sum of good government.” – Thomas Jefferson, First Inaugural Address, 1801

Rights Cannot Be Converted into a Crime

“No state shall convert a liberty into a license, and charge a fee therefore.” (Murdock v. Pennsylvania, 319 U.S. 105 (1943))

“If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity.” (Shuttlesworth v. City of Birmingham, Alabama, 373 U.S. 262)

"The claim and exercise of a Constitution right cannot be converted into a crime"... "a denial of them would be a denial of due process of law". (Simmons v. United States, 390 U.S. 377 (1968))

States Can't Charge for a Right

A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution. P. 319 U. S. 113.

Laws Repugnant to the Constitution Null and Void

“...the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the Constitution is void; and that courts, as well as other departments, are bound by that instrument.” — John Marshall

U.S. Supreme Court Marbury v. Madison, 5 U.S. 1 Cranch 137 137 (1803)

The Bill of Rights

Preamble to the Bill of Rights

Congress OF THE United States

*begun and held at the City of New York, on Wednesday
the Fourth of March, one thousand seven hundred and eighty nine.*

THE Conventions of a number of the States¹⁴ having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory¹⁵ and restrictive¹⁶ clauses should be added: And as extending the ground of public confidence in the Government,¹⁷ will best insure the beneficent ends of its institution

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.:

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the

¹⁴ States: refers to the 50 several states and not to U.S. Territories. It is of utmost important to know what the word "state" "State" or "states" mean in any given federal statute. For law to have effect in the 50 states it must be registered in the Federal Register: For law to have effect among the 50 States, it must be published in the Federal Register: Under provisions of the Federal Register Act (44 USC § 1501 et seq., particularly § 1505(a)), delegations of authority and significant regulations must be published in the Federal Register before they have effect relating to the Union of several States and the general population (general application).

¹⁵ Declaratory: declaring what is the existing law (Merriam-Webster).

¹⁶ Restrictive: restriction, limiting, prohibiting further negotiation (Merriam-Webster).

¹⁷ "People are supreme, not the state." Waring vs. the Mayor of Savannah, 60 Georgia at 93.

Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Observations

1. The Constitution does not enforce itself. It has to be enforced under pressure and under accusation by We the People. The Bill of Rights gives us, the People, the power to say "No!" to the government's arbitrary enforcement of its statutes. Feel the power and stand up to the gang in black.
2. Do not use the term "the right of government." The government does not have rights; it only has power. People have rights (God-given rights) and they certainly don't have the financial, police power of a federal government.
3. Modern governments are corporations without a conscience; living breathing men are living souls who can know the difference between right and wrong; that is, there is no parity between governments and men. Because of the disparity, living souls must resist the encroachments of government.
4. "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them." (S.C.R. 1795, Penhallow v. Doane's Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54).
5. Note the phrase "further restrictive clauses." Men can only have confidence in government when its officers restrict themselves to their duties.
6. The Bill of Rights was written to protect the rights of the people against the abuses of Big government who many sarcastically refer to as "Goliath."
7. It is an undisputed fact that government misconstrues and abuses its powers. The purpose of the Bill of Rights is to limit government and to prevent it from abusing us; that is, use the Bill of Rights to arrest the government and to object to its overreach of power.

"The course of history shows that as a government grows, liberty decreases." (Thomas Jefferson).

"Resistance to tyranny is service to God" (Founding Fathers Quote).

"The accumulation of all powers, legislative, executive, and

judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." (James Madison, The Federalist No. 48)

8. Resisting arbitrary acts of government is **not** rebellion. Rebellion can only occur when man resists the law of the LORD God; that is, it is not possible to rebel against tyranny. Resistance to tyranny is service to God!
9. The constitution does not empower government as much as it restricts its powers. It is a declaration to be used by Citizens to chain down the government and to limit its abuse.

"Limited government is one of the greatest accomplishments of humanity" (CATO Institute).

Legal References

"Liberty must at all hazards be supported. We have a right to it, derived from our Maker. But if we had not, our fathers have earned and bought it for us, at the expense of their ease, their estates, their pleasure, and their blood." – John Adams, 1765

"Without liberty, law loses its nature and its name, and becomes oppression. Without law, liberty also loses its nature and its name, and becomes licentiousness." – James Wilson, Of the Study of the Law in the United States, 1790

"In Europe, charters of liberty have been granted by power. America has set the example ... of charters of power granted by liberty. This revolution in the practice of the world, may, with an honest praise, be pronounced the most triumphant epoch of its history, and the most consoling presage of its happiness." – James Madison, Essays for the National Gazette, 1792

Federalism

"The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." – James Madison, Federalist 45, 1788

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." – Tenth Amendment, 1791

“I consider the foundation of the Constitution as laid on this ground that ‘all powers not delegated to the United States, by the Constitution, nor prohibited by it to the states, are reserved to the states or to the people.’ To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, not longer susceptible of any definition.” – Thomas Jefferson ,

Limited Government

“[T]he general government is not to be charged with the whole power of making and administering laws: its jurisdiction is limited to certain enumerated objects, which concern all the members of the republic, but which are not to be attained by the separate provisions of any.” – James Madison, Federalist 14, 1787

“It will not be denied that power is of an encroaching nature and that it ought to be effectually restrained from passing the limits assigned to it.” – James Madison, Federalist 48, 1788

“I own I am not a friend to a very energetic government. It is always oppressive.” – Thomas Jefferson

“The propriety of a law, in a constitutional light, must always be determined by the nature of the powers upon which it is founded.” – Alexander Hamilton, Federalist 33, 1788

Supreme Court Justice Field, "There is no such thing as a power of inherent sovereignty in the government of the United States... In this country, sovereignty resides in the people, and Congress can exercise power which they have not, by their Constitution, entrusted to it. All else is withheld." - *Juliard v. Greeman*, 110 U.S. 421 (1884)

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." - *Norton v. Shelby County*, 118 U.S. 425 p. 442

“An elective despotism was not the government we fought for; but one in which the powers of government should be so divided and balanced among the several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others.” – James Madison, *Federalist* 84, 1788

Amendments I-X

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Observations

10. Read this out loud several times emphasizing various terms.

11. Five precious God-given rights are secured by this Amendment: (1) the practice of the (Christian) religion, (2) free speech, (3) freedom of the press, (4) peaceful assemblies, and (5) the redress of grievances. This Amendment expresses our freedom to think and speak what we think.

12. Religion in the mind of the Founding Fathers referred to Christian denominations not to the practice of allegiance to every known cult. Pluralism is the enemy of every nation. Thus, a nation has to fight to protect its religion and source of law . . . or descend into the graveyard of nations.

13. Religion involves man's most sacred rights, values, laws, prohibitions, and freedoms in regard to the service of the LORD God. This law does not protect every cult, heresy, and Satan-inspired tenet in that which is improperly called "religion."

Webster (1928) says "religion" involved an oath to the god . . . an obligation . . . with duties. He goes on to define religion as that which is connected to morality, piety, and godliness; that is, the religion that is protected here is Christianity. This Amendment does not protect those cults that sacrifice virgins to the volcano god.

But, the term "religion" has morphed over time to mean anything a person wants it to mean.

14. Moreover, God's law is not a private matter. It is not for me to obey and others to ignore. No man is safe in a society that ignores the Ten Commandments. The law is valid for me because it is binding on all men and all of man's institutions.

15. Separation of Church and state is not in the First Amendment. There is no such thing as separating the Christian religion from the State though many use this false doctrine to shut pastors up. This Amendment was not designed to silence Christians from speaking their mind about political matters where their thoughts are deeply rooted in Scripture.

All of Scripture applies to politics.

Nor does this Amendment empower the religion of secularism, humanism, and feminism to usurp power in government.

Secular minds have used this Amendment to censor any expression of theism by narrowing the definition of religion to the worship of a particular deity in order to prevent Christian ideas being expressed in political debates. However, this is a trick of the mind.

This Amendment does not protect atheism with its evolutionary model of creation. In one sense, atheism is as religious as theism. Atheistic have values – values that branch off their trunk of unbelief. The whole idea that atheists can speak their mind but theists must be silent is another trick of the mind.

Religion is about fundamental values. In this sense all philosophies, ideas, and beliefs are extremely religious; that is, devotion to humanistic values does not have to be called a “religion” to be a religion. In the modern era, to limit religion to theism and to not include secularism is another trick of the mind.

Secularism, Feminism, evolution, and Homosexuality are religious in the sense they represent a person’s most fundamental beliefs about what happen at death. Moreover, it is difficult if not impossible to include “cultic,” secular” values as the “religion” that the Founders wanted protected here.

If secularists want to censor your Christian speech, call them out and demand they stop forcing their secular, humanistic, feministic, Sodomite religion down your throat.

16. **W**estern Civilization was built on the premise that there is one God who revealed Himself to humanity in the person of His Son two-thousand years ago. Scrub brushing history in an effort to vitiate the Puritan religion and to hinder its progress involves a re-writing of history in appropriate for people committed to truth.

17. Further, gods are the source of law. If you want to find the god of society, locate its source of law. The Source of law in the Bible is the LORD God (Exodus 20:1-2). The source of law and the god of America is located in “We the People” (U.S. Constitution).

18. The First Amendment was designed to prevent the Federal government from choosing one ecclesiastical system about others: Presbyterianism, Methodism, Baptist and the like. It was not designed to protect the government from the Christian religion. God forbid . . . though this is how modern secularists misconstrue the Amendment.

“The First Amendment guarantees freedoms concerning religion, expression, assembly, and the right to petition. It forbids Congress from both promoting one religion over others and also restricting an individual’s religious practices. It guarantees freedom of expression by prohibiting Congress from restricting the press or the rights of individuals to speak freely. It also guarantees the right of citizens to assemble peaceably and to petition their government” (Cornell).

19. “Congress shall make no law . . . ” means Congress cannot order a church to register with the State or become a government ruled 501 c 3 organization. It doesn’t even have authority to define the word “religion” or “church.” It cannot order Christ’s body to do anything including keeping a record of gifts given to the church.

20. The First Amendment was designed to protect the interchange of political ideas, not to protect the obscene expressions of gutter-sucking minds.

“ . . .with regard to the entertaining function of expression that the law of obscenity is concerned, as the Court has rejected any concept of ideological obscenity” *Winters v. New York*, 333 U.S. 507 (1948); *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952); *Commercial Pictures Corp. v. Regents*, 346 U.S. 587 (1954); *Kingsley Pictures Corp. v. Regents*, 360 U.S. 684 (1959).

See *Miller v. California*.

21. The First Amendment does not protect polytheism, multiculturalism and pluralism. It does not protect every cultic religion or whacko idea that men possess rooted in psychology, druidism, child sacrifice, secularism, feminism, Hinduism, Buddhism, and Satanism. The whole idea that all religions are the same or all values need protection comes from the Looney Farm. In some religions men honor their parents and in other religions they eat their parents. Some protect their virgins; others sacrifice them to Vulcan, the god of the volcano.

22. The First Amendment does not encourage toleration of heresy, apostasy, paganism, atheism, obscenity, or agnosticism. The Lord Jesus Christ condemned the church of Thyatira for tolerating the blasphemy of people captured by the spirit of Jezebel.

23. This Amendment protects freedom of speech, but it does **not** protect all speech. It doesn't protect blasphemy or obscenity nor lies and slander. You can't go into a public theater and shout "fire!"

Legal References

"First Amendment freedoms are most in danger when the government seeks to control thought or to justify its laws for that impermissible end. The right to think is the beginning of freedom, and speech must be protected from the government because speech is the beginning of thought." — Supreme Court Justice Anthony M. Kennedy, *Ashcroft V. Free Speech Coalition* (00-795) 198 F.3d 1083, affirmed.

"Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear." — Harry Truman

The books and pamphlets that are critical of the administration, that preach an unpopular policy in domestic or foreign affairs, that are in disrepute in the orthodox school of thought will be suspect and subject to investigation. The press and its readers will pay a heavy price in harassment. But that will be minor in comparison with the menace of [345 U.S. 41, 58] the shadow which government will cast over literature that does not follow the dominant party line . . . " — U.S. Supreme Court Justice William O. Douglas, *UNITED STATES v. RUMELY*, 345 U.S. 41 (1953)

"If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence." — U.S. Supreme Court Justice Louis D. Brandeis (1856–1941), *Whitney v. California*, 274 U. S. 357 (1927).

"Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding." — Supreme Court Justice Louis Brandeis, *Olmstead v. U.S.* (1928)

“A popular government, without popular information, or the mean of acquiring it, is but a prologue to a farce or a tragedy; or perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.” —James Madison

“Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational fears.” —U.S. Supreme Court Justice Louis D. Brandeis (1856–1941), *Whitney v. California*, 274 U. S. 357 (1927)

“Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us.” —Supreme Court Justice William O. Douglas, “The One Un-American Act”

“Censorship reflects a society’s lack of confidence in itself. It is a hallmark of an authoritarian regime” —Supreme Court Justice Potter Stewart, dissenting *Ginzberg v. United States*, 383 U.S. 463 (1966)

“Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech.” —Benjamin Franklin

“Those who won our independence believed that the final end of the State was to make men free to develop their faculties; and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty” —U.S. Supreme Court Justice Louis D. Brandeis (1856–1941), *Whitney v. California*, 274 U. S. 357 (1927)

“They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.” —Benjamin Franklin, *Historical Review of Pennsylvania*, 1759

“If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” —Supreme Court Justice William J. Brennan, Jr., *Texas v. Johnson*, 491 U.S. 397 (1989)

“Without Freedom of Thought, there can be no such Thing as Wisdom; and no such Thing as publick Liberty, without Freedom of Speech.” —Benjamin Franklin

“I disapprove of what you say, but I will defend to the death your

right to say it.” – Beatrice Hall, *The Friends of Voltaire*, 1906

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” – UN Universal Declaration of Human Rights

“It is now well established that the Constitution protects the right to receive information and ideas. ‘This freedom [of speech and press] . . . necessarily protects the right to receive’ *Martin v. City of Struthers*, 319 U.S. 141, 143 (1943); see *Griswold v. Connecticut*, 381 U.S. 479, 482 (1965); *Lamont v. Postmaster General*, 381 U.S. 301, 307 -308 (1965) (BRENNAN, J., concurring); cf. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925). This right to receive information and ideas, regardless of their social worth, see *Winters v. New York*, 333 U.S. 507, 510 (1948), is fundamental to our free society. ” – Supreme Court Justice Thurgood Marshall, *Stanley v. Georgia*, 394 U.S. 557 (1969)

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” – Supreme Court Justice Robert H. Jackson, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943)

“He that would make his own liberty secure must guard even his enemy from opposition; for if he violates this duty he establishes a precedent that will reach to himself.” – *Dissertations on First Principles of Government*, Thomas Paine

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed

Observations

24. At first blush this Amendment gives men the right to keep and bear arms . . . but this right is not given by government or the Constitution. The right to

be armed is commanded by God; that is, being armed and ready to defend life and limb is a religious duty.

“Let the high praises of God be in their mouth, and a two-edged sword in their hand” (Psalm 149:6)

The pastor is armed because God commands it . . . not because it permissible by the State; that is, being armed and competent is a spiritual obligation.

25. The Second Amendment is not in place to protect the rights of hunters or gun enthusiasts, but to protect the right and duty of Citizens to take back their government by force when the government strays from its limited purpose (The Declaration of Independence).

26. Technically, we do not carry “guns.” “Guns” are nine inch canons bolted on ships.

27. We carry a 9mm Glock in our holster because we can’t carry a policeman around in our back pocket to protect our person and our loved ones.

28. What is it that lawmakers don’t understand about “not infringed?”¹⁸ Every law passed by CONgress and State legislatures is unconstitutional unless it is limited in application to Washington D.C. and federal territories.

29. Every State law regarding the limitation of bearing arms is constitutional if applied to “artificial persons” and government employees, but they are totally unconstitutional if applied to private people in the private sector. Beware of being controlled by color or law (18 U.S.C. §241-242).

30. No legislature has the power to limit the unalienable rights of men to bear arms.

31. No man needs a license for concealed carry for the Declaration of Independence and the Ninth Amendment declare man’s unalienable right to carry concealed. But, the State can demand a license for “artificial persons,” and government employees to carry a weapon.

Quotes on Right to Bear Arms

Gun Quotations of the Founding Fathers

Who knows better what the Second Amendment means than the Founding

¹⁸ Infringe: “act so as to limit or undermine (something); encroach on” (Online Dictionary)

Fathers? Here are some powerful gun quotations from the Founding Fathers themselves.

"A free people ought not only to be armed, but disciplined..."

George Washington, First Annual Address, to both House of Congress, January 8, 1790

"No free man shall ever be debarred the use of arms."

Thomas Jefferson, Virginia Constitution, Draft 1, 1776

"I prefer dangerous freedom over peaceful slavery."

Thomas Jefferson, letter to James Madison, January 30, 1787

"What country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance. Let them take arms."

Thomas Jefferson, letter to William Stephens Smith, son-in-law of John Adams, December 20, 1787

"The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes.... Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."

Thomas Jefferson, Commonplace Book (quoting 18th century criminologist Cesare Beccaria), 1774-1776

"A strong body makes the mind strong. As to the species of exercises, I advise the gun. While this gives moderate exercise to the body, it gives boldness, enterprise and independence to the mind. Games played with the ball, and others of that nature, are too violent for the body and stamp no character on the mind. Let your gun therefore be your constant companion of your walks." - Thomas Jefferson, letter to Peter Carr, August 19, 1785

"The Constitution of most of our states (and of the United States) assert that all power is inherent in the people; that they may exercise it by themselves; that it is their right and duty to be at all times armed."

Thomas Jefferson, letter to to John Cartwright, 5 June 1824

"On every occasion [of Constitutional Observations] let us carry ourselves back to the time when the Constitution was adopted,

recollect the spirit manifested in the debates, and instead of trying [to force] what meaning may be squeezed out of the text, or invented against it, [instead let us] conform to the probable one in which it was passed."

Thomas Jefferson, letter to William Johnson, 12 June 1823

"I enclose you a list of the killed, wounded, and captives of the enemy from the commencement of hostilities at Lexington in April, 1775, until November, 1777, since which there has been no event of any consequence ... I think that upon the whole it has been about one half the number lost by them, in some instances more, but in others less. This difference is ascribed to our superiority in taking aim when we fire; every soldier in our army having been intimate with his gun from his infancy."

Thomas Jefferson, letter to Giovanni Fabbroni, June 8, 1778

"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

- Benjamin Franklin, Historical Review of Pennsylvania, 1759

"To disarm the people...[i]s the most effectual way to enslave them."

George Mason, referencing advice given to the British Parliament by Pennsylvania governor Sir William Keith, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, June 14, 1788

"I ask who are the militia? They consist now of the whole people, except a few public officers."

George Mason, Address to the Virginia Ratifying Convention, June 4, 1788

"Before a standing army can rule, the people must be disarmed, as they are in almost every country in Europe. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any band of regular troops."

- Noah Webster, An Examination of the Leading Principles of the Federal Constitution, October 10, 1787

"Besides the advantage of being armed, which the Americans possess over the people of almost every other nation, the existence of subordinate governments, to which the people are attached, and by which the militia officers are appointed, forms a barrier against

the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of."

- James Madison, Federalist No. 46, January 29, 1788

"The right of the people to keep and bear arms shall not be infringed. A well regulated militia, composed of the body of the people, trained to arms, is the best and most natural defense of a free country."

James Madison, I Annals of Congress 434, June 8, 1789

"...the ultimate authority, wherever the derivative may be found, resides in the people alone..."

James Madison, Federalist No. 46, January 29, 1788

"Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves."

William Pitt (the Younger), Speech in the House of Commons, November 18, 1783

"A militia when properly formed are in fact the people themselves...and include, according to the past and general usage of the states, all men capable of bearing arms... "To preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them."

Richard Henry Lee, Federal Farmer No. 18, January 25, 1788

"Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are ruined.... The great object is that every man be armed. Everyone who is able might have a gun."

Patrick Henry, Speech to the Virginia Ratifying Convention, June 5, 1778

"This may be considered as the true palladium of liberty.... The right of self defense is the first law of nature: in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any color or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction."

St. George Tucker, Blackstone's Commentaries on the Laws of England,

1803

"The supposed quietude of a good man allures the ruffian; while on the other hand, arms, like law, discourage and keep the invader and the plunderer in awe, and preserve order in the world as well as property. The balance of power is the scale of peace. The same balance would be preserved were all the world destitute of arms, for all would be alike; but since some will not, others dare not lay them aside. And while a single nation refuses to lay them down, it is proper that all should keep them up. Horrid mischief would ensue were one-half the world deprived of the use of them; for while avarice and ambition have a place in the heart of man, the weak will become a prey to the strong. The history of every age and nation establishes these truths, and facts need but little arguments when they prove themselves."

Thomas Paine, "Thoughts on Defensive War" in Pennsylvania Magazine, July 1775

"The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms."

Samuel Adams, Massachusetts Ratifying Convention, 1788

"The right of the citizens to keep and bear arms has justly been considered, as the palladium of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them."

Joseph Story, Commentaries on the Constitution of the United States, 1833 Amendment III

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Observations

32. This Amendment addresses the tension between private property and public necessity.

“The Third Amendment is one of the least controversial amendments in the Bill of Rights. The Founders included this amendment because of a practice of European kings quartering troops in the homes of the people to save money or to quell a rebellion. Since it has received so little attention in the courts and the media, many scholars barely give it a passing glance, if they mention it at all. It is, however, important because it helps reinforce some of our natural unalienable rights. In reading the Third Amendment, many miss that it is not just about quartering soldiers; it is, more importantly, about consent

The Third Amendment guarantees the right of the people from being compelled to shelter soldiers in their homes without the homeowners’ consent, except in time of war as prescribed by law. This was a grievous practice in the colonies before they declared their independence, and the Founders wanted to ensure that their newly formed government would not follow the same pattern” (National Center For Constitutional Studies)

33. Embedded in this Amendment is the distinction between private property and public property, between rights and power, between the needs of government and the unalienable rights of man.

34. Regardless of the need, the government cannot use, employ, borrow, confiscate, commandeer houses, cars, equipment, space, food, or land for public use under the guise of protection without the consent of the individual Citizen; that is, men have the power to say “NO” to government.

The first Rule a man must learn:

“My son, if sinners (government employees) entice thee, consent thou not” (Proverbs 1:10).

35. **Consent makes the law.** The government requires consent to use private property. No consent and the State must abdicate, buckle under, cave in and give up. Private property interests are more important than government wants.

36. Compliance with a yelling, shouting, authoritative, threatening muscular man in a black uniform demanding some kind of performance from you is a great evil that shows weakness of character.

37. **You don’t have to say “Yes” to a cop or sheriff.** You can say “No” to the CIA, FBI, and State Trooper and be in your right. If they yell at you and say, “Get out of your car!” Do not consent!

38. You don't have to talk to a cop! You don't have to give them your papers. You have the right, even the duty, to say, "No, I do not consent to this conversation. You are harassing me. "

39. **You can say "No" to an injection** or medical procedure that is advertised as for the public good.

40. You do not have to contract with the government. You can say, "No, I do not consent."

41. Without a search warrant a big, ugly cop has no authority to search your car.

That rule is in keeping with the well-established principle that 'except in certain carefully defined classes of cases, a search of private property without proper consent is "unreasonable" unless it has been authorized by a valid search warrant.' *Camara v. Municipal Court*, 387 U. S. 523, 528–529 (1967). See *Steagald v. United States*, 451 U. S. 204, 211–212 (1981); *Jones v. United States*, 357 U. S. 493, 499 (1958)." *Ibid.*

Note: We are not against peace officers. We appreciate their service, but we are against tyranny and corruption in the executive apparatus.

42. Just saying, "I do not consent" is the most powerful tool in a man's arsenal against government intrusion and overreach.

43. Rights may be waived, but not lawfully over-ridden by sheer power.

44. Silence is consent. Failure to protest is consent. If you do not object you agree.

45. Informed consent is one of the nine core principles of the American Medical Association's Code of Medical Ethics. Opinion 2.1.1 in the Code of Medical Ethics states, "Informed consent to medical treatment is fundamental in both ethics and law. ... (Cleveland Medical Clinic).

Legal References

John Locke, a 17th-century writer, believed that consent is fundamental to political legitimacy and that it is the only way people can gain the right to govern others. Locke believed that in a state of nature, no one has the right to govern, and that people have political obligations that depend on their freely chosen consent. Locke said, "The end of law is not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created

beings capable of law, where there is no law, there is no freedom”

"In a letter to George Washington, James Madison expressed the view that the protection of rights was the same as the limitation of powers:

" 'If a line can be drawn between the powers granted and the rights retained, it would seem to be the same thing whether the latter be secured by declaring that they shall not be abridged, or that the former shall not be extended.' (5 December 1789)

"In essence, Madison was stating that limited power and the protection of rights are different sides of the same coin. The purpose of the Constitution is to limit power in order to protect rights. Conversely, the protection of rights comes by limiting power. Simply put:

"LIMITED POWER = PROTECTED RIGHTS and PROTECTING RIGHTS = LIMITING POWER.

"Using Madison’s view, dozens of rights leap from the text of the Constitution. "

Schloendorff v. Society of N.Y. Hospital (1914). S.C. Justice Benjamin Cardozo articulated the need for consent in this turn-of-the-century case, writing “Every human being of adult years and sound mind has a right to determine what shall be done with his body, and a surgeon who performs an operation without his patient’s consent commits an assault for which he is liable in damages.”

"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgement in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution." (Downs v. Bidwell, 182 U.S. 244 (1901))

Amendment IV

The right of the people to be secure¹⁹ in their persons²⁰, houses, papers, and effects²¹, against²² unreasonable²³ searches and seizures, shall not be violated,

¹⁹ Secure: fixed or fastened so as not to give way, become loose, or be lost.

and no Warrants²⁴ shall issue, but upon probable²⁵ cause²⁶, supported by Oath²⁷ or affirmation, and particularly²⁸ describing the place to be searched, and the persons or things to be seized.

Observations

46. Amendment 4-7 describe the lawful process of arrest and trial; that is, the only process whereby a man may lawfully be deprived of his life and freedom. Before us are the standards for arrest, due process, and lawful prosecution.

47. The following prohibitions come from the Magna Carta where the Barons limited the king's power to arrest, charge, try, and seize a man's property.

Magna Carta 20. **A freeman shall only be amerced**²⁹ [fined] for a

²⁰ Persons: the context demand we interpret the word "persons," not as legal fictions, but a reference to people's body, clothes, baggage, briefcases, purses, etc.

²¹ Effects: the context demands we interpret the term "effects" a goods, stuff, possessions, and movable property in transport on a horse, carriage, wagon, car, or truck.

²² Against: a preposition implying hostile conditions in opposition to your purpose for that hour.

²³ Unreasonable: not guided by facts, evidence, reality, and common sense.

²⁴ Warrants: " a document issued by a legal or government official authorizing the police or some other body to make an arrest, search premises, or carry out some other action relating to the administration of justice" (Oxford).

²⁵ Probable: not something possible – anything is possible, but probable – something that could have happened, to likely to have happened because of supporting facts . . . likely to have occurred or that appears to have supporting proof.

²⁶ Cause here is negative; that is, the accused man or woman appears to have effected an injury or harm to another; that is, sufficient reasons, facts, and evidence in support of a negative consequential act. Cause includes actions, facts, events, and motive – grounds for legal action.

²⁷ Oaths: crimes are serious and those accusing another of harming person or property must make and oath and testify to the facts of the injury. Oaths must appeal to a deity (to the LORD God of the Bible) to afflict just punishment upon the witness if they are telling a lie). Oaths assume the Power of God to judge the perjurer.

²⁸ Particular as opposed to general: "detailed, minute, or circumstantial character, as of description or statement" (Online Dictionary).

²⁹ **Amerce** - To impose a fine. Also to publish by fine or penalty. Today at law it means "To punish by a fine imposed arbitrarily at the discretion of the court."

small offence according to the measure of that offence. And for a great offence he shall be amerced according to the magnitude of the offence, saving his contenment³⁰; and a merchant, in the same way, saving his merchandize. And a villein, in the same way, if he fall under our mercy, shall be amerced saving his wainnage. And none of the aforesaid fines shall be imposed save upon oath of upright men from the neighbourhood.

Rule: The fine shall be proportional to the offense.

Rule: Fines can only be imposed by a competent jury – upright men in the neighborhood – men that know the accused – a jury of peers.

Rule: Government witnesses have a conflict of interest, are incompetent, insane with power, and cannot be trusted to be “upright.”

21. Earls and barons shall not be amerced [fined] save through their peers, and only according to the measure of the offence.

Rule: Fines must be proportional to the offense. Only a jury can impose a fine.

Rule: The jury must be composed of peers. A jury must be have the same social, education, and financial status as the accused . . . and known to each other; that is, a tenant farmer could not sit on the jury in a complaint against a landowner – a baron.

Rule: Peers refer to fellow barons, not serfs and not beggars off the street. The whole idea that a person on welfare who owns no property is a peer of a billionaire with million dollar property is demented, deranged, and unhinged reasoning. Thus, there is a huge difference between a jury trial and a trial by jury of one’s peers.

48. You have a right to be secure, safe, and anchored in your house and in your car. This is a God-given right and not a privilege. You can **only** be stopped and detained under the conditions of the 4th and 5th Amendment. Arbitrary detainment is harassment and abuse. No man needs to tolerate it even for a minute.

³⁰ **Contenment:** That which is held together with another thing; that which is connected with a tenement, or thing holden, as a certain quantity of land adjacent to a dwelling, and necessary to the reputable enjoyment of the dwelling; appurtenance.

Right to be Left Alone

49. You have a right to be left alone – the most fundamental right known to man.

"The makers of our Constitution undertook....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. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment." - v. U.S., 277 US 438 (1928)

Property Rights Not

50. Property does **not** have rights. Only living souls have rights.

"Property does not have rights. People have rights.... A fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other."

Lynch v Household Finance Co., Inc., 405 U.S. 538, 552 (1972)

Emergency Excuse

51. The government uses "emergency" or a "health crisis" to justify taking away your rights. But a government-proclaimed emergency **cannot** justify abrogating the rights of the people.

52. **The term "against" implies opposition.** Here the opposition comes from officers of the State hindering your right to travel freely.

53. The most fundamental right of man is the right to be left alone . . . the right of privacy . . . the right not to be detained . . .

54. You have a right to resist unlawful arrest and unreasonable demands.

An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would have in repelling any other assault and battery. *Slalt v. Robinson*, 145 Me. 71, 72 Atl.2d 260, 262 (1950).

The Exception

55. The only exception to being left alone is if you have committed a crime and are found guilty of committing a crime. You may be forcefully detained³¹ if you are formerly charged for a crime or are seen committing a crime. Only during war where military law is in effect do we have to tolerate infringement upon liberty.

Conditions for Lawful Detainment

56. The arresting officer must have “witnessed” the alleged crime or possess a lawfully executed court warrant.

57. The warrant must be “blue-ink” signed; that is, it must have a wet signature and not be a computer generated instrument.

58. The Court must be named. The warrant must have a court seal.

59. The warrant must be supported by an affidavit of probable cause in proper format stating the age and competence of the Affiant. The affidavit must express with particular the injury afflicted and sworn to in the name of the LORD God of the Bible. The affidavit or at least a certified copy of the affidavit must be attached to the warrant.

60. If these conditions are not met, you may say, “I do not consent” and walk away. If you are arrested, don’t sign anything. Don’t say anything. Just demand the arresting officer supply a lawful warrant with proof of claim.

61. A document without a signature is just an abandoned piece of paper.

Legal References

“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.” While there is no single definition of privacy, it stems from the basic idea that individuals should be able to exercise autonomy and control over their images, experiences, and personal details. Privacy allows individuals to explore their intellectual interests and develop beliefs free from external interference or unwanted attention. As Samuel Warren and Louis Brandeis explained in their famous 1890 Harvard Law Review article, privacy is the general right “to be let alone.”

³¹ Detain: “. . . which means to force someone officially to stay in a place or to delay someone for a short time” (Cambridge).

“The Fourth Amendment originally enforced the notion **that “each man’s home is his castle”**, secure from unreasonable searches and seizures of property by the government. **It protects against arbitrary arrests**, and is the basis of the law regarding search warrants, stop-and-frisk, safety inspections, wiretaps, and other forms of surveillance, as well as being central to many other criminal law topics and to privacy law” (Cornell).

“The Fourth Amendment is clear; we should be secure in our persons, houses, papers, and effects, and all warrants must have probable cause. Today the government operates largely in secret, while seeking to know everything about our private lives - without probable cause and without a warrant” (Ron Paul)

Administrative Procedures Act, Article V Sect. 556(d) which states "The proponent of a rule or order has the burden of proof".

“It is better, so the Fourth Amendment teaches us, that the guilty sometimes go free than the citizens be subject to easy arrest” (William O. Douglas, Supreme Court Justice)

“The Fourth Amendment guarantees the people's right to be secure from unreasonable searches of “their persons, houses, papers, and effects” (Byrd v. United States :: 584 U.S. ___ (2018))

“The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures” (Carpenter v. United States 585 U.S. (2018)).

“Under the Fourth Amendment of the U.S. Constitution, a police officer may stop a suspect on the street and frisk him or her without probable cause to arrest, if the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person "may be armed and presently dangerous" (Terry v. Ohio, 392 U.S. 1 (1968)).

“In *Illinois v. Gates*, 462 U.S. 213 (1983), the Supreme Court outlined the totality of the circumstances test that applies to determining whether a police officer had probable cause to conduct a search and seizure, and for magistrate judges to use when issuing warrants. The standard requires police officers and judges “to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the ‘veracity’ and ‘basis of knowledge’ of persons supplying hearsay

information, there is a fair probability that contraband evidence of a crime will be found in a particular place." A reasonable suspicion occurs when a police officer "observe[s] unusual conduct which lead him reasonably to conclude in light of his experience that criminal activity may be afoot and that the persons with whom he is dealing with may be armed and dangerous" *Terry v. Ohio*, 392 U.S. 1 (1968) (Source: Justia).

A case in which the Court held that the Fourth Amendment allows a police officer, acting only on a tip from an informant, to approach a person and remove a weapon concealed in the person's waistband (*Adams v. Williams*, 407 US 143 (1972)).

A valid warrant must be signed by a judge and that it describe the particular place to be searched and items to be seized. As has been noted the copy you received could have excluded that signature and still been valid. That said, it is not uncommon (3 Attorneys Agree, AVVO).

18 U.S.C. § 2235. Search warrant procured maliciously.- Whoever maliciously and without probable cause procures a search warrant to be issued and executed, shall be fined under this title or imprisoned not more than one year, or both.

Right to Resist

"Where officers do not conform to the 'law of the land' [Common Law] they have no authority and the right to resist them exists. A Public Officer, as with a citizen, who unlawfully threatens life or liberty, is susceptible to be injured or killed; for by such acts 'they draw their own blood upon themselves' As stated in some cases, 'where a peace officer has no right to make an arrest without warrant he is a trespasser and acts at his own peril.'" (6A CJS (Corpus Juris Secundum), "Arrest" Section 16 page 30).

"A person has a lawful right to resist an arrest by an unlawful authority, i.e., an officer without a valid warrant." (Franklin, 118 Ga. 860, 45 S.E. 698 (1903)).

NMSA 30-3A-2. Harassment; penalties.

A. Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress

Demand

“Demand is hereby made to see the original court ordered warrant signed by a de jure bonded judge with an oath to uphold my God-given rights and to see the original affidavit of probable cause signed under penalties of perjury by a non-governmental official that I committed a crime³² worthy of detainment” – otherwise, let me go immediately.

Cases

The Weeks Decision

Police officers in Kansas City, Missouri went to the house of Mr. Fremont Weeks and used his hidden key to enter and search his home. While there, they took papers, letters, books, and other items. They did not have a search warrant. These items were used in court to find Mr. Weeks guilty of sending lottery tickets through the U.S. mail.

The judgment of the district court was reversed. The evidence collected during the illegal search was in violation of the 4th Amendment and was thus inadmissible at the trial. In a criminal investigation, in order for a search to be legal, there must be probable cause. The probable cause must be used to gain a search warrant. If not, the search will be illegal and evidence collected as a result of the search can't be used in court. The *Weeks* decision was the birth of a new legal doctrine – *The Exclusionary Rule*.

New Jersey v. T.L.O., 1985

A female student was searched at school, and the evidence collected was used by the state in her delinquency trial in juvenile court. T.L.O. are the initials of the 14-year old girl who was caught smoking in the bathroom at school. Later, in the assistant vice principal's office, she denied smoking. The assistant vice principal demanded her purse, and found a pack of cigarettes, rolling papers, marijuana, a pipe, plastic bags, a large amount of money, and a list of students who owed her money. The evidence was used by the New Jersey Juvenile Court to find her guilty of delinquency.

Students do have 4th Amendment rights at school, but they are balanced with the school's responsibility to maintain a safe and educational environment. The U.S. Supreme Court reversed the New Jersey Supreme Court, holding that school officials can search a student if they have **reasonable**

³² A crime is not something *mala prohibita* but *mala in se*; that is, an injury in fact to someone's person or property.

suspicion. School officials do not need to have probable cause or obtain a search warrant. Reasonable suspicion is a lower standard than the probable cause required for police searches of the public at large.

Amendment V

No person³³ shall be held to answer³⁴ for a capital³⁵, or otherwise infamous crime³⁶, unless on a presentment or indictment³⁷ of a Grand Jury³⁸, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property³⁹ be taken for public use, without just compensation.

Observations

³³ In this context, the term “person” does not refer to artificial entity. Artificial entities have no rights; they only have privileges and duties. Rather, the term “person” referred to people, living souls; i.e. living breathing men and women.

³⁴ Answer: “In law, an answer refers to a defendant’s first formal written statement to a plaintiff’s initial petition or complaint?” (Cornell).

³⁵ “A capital crime is a crime that carries the possibility of a death sentence”(Study.com).

³⁶ A serious harmful, injurious violation of the Ten Commandment toward a living, breathing man – a willful act that seriously injures a man or his property. “An infamous crime is a felonious offense. In some states, the term may also refer to crimes that involve corruption, such as fraud or embezzlement” (Cornell). “Felony” in statutory terms are crimes punishable by a term of imprisonment for more than a year (Meriam-Webster).

³⁷ Indictment: A formal statement charging a man with a serious crime or violation of law against another man.

³⁸ A grand jury (16-23 people) is a group of people selected to sit on a jury that decide whether the prosecutor's evidence provides probable cause to issue an indictment (Legal Information Institute).

³⁹ Private property is under the management of a private man in the private sector regarding non-public property. Private property is property not under contract with the State; it is not regulated, managed, or controlled by the government or its corporations.

62. The Fifth Amendment protects a man's due process rights: a warrant of probable cause signed by a de jure bonded judge; a warrant based on an affidavit of probable cause; indictment by a Grand Jury; presentation of exculpatory evidence, proper notices; proper signatures and seals; and a trial by jury; the right to call witnesses; right to silence; right to an attorney; right to know the probable cause and evidence against him.

63. The background of the Fifth Amendment is the Magna Carta

"No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land" (Magna Carta, Clause 39).

64. This Amendment secures five rights of men. It voids (1) double jeopardy; (2) nullifies self-incrimination; (3) vitiates a trial by an equity judge; (4) abrogates an unfair trial; and, (5) negates the government's taking of property without one's consent and fair compensation.

"The Fifth Amendment creates a number of rights relevant to both criminal and civil legal proceedings. In criminal cases, the Fifth Amendment guarantees the right to a grand jury, forbids "double jeopardy," and protects against self-incrimination. It also requires that "due process of law" be part of any proceeding that denies a citizen "life, liberty or property" and requires the government to compensate citizens when it takes private property for public use" (Cornell).

65. In order to be charged (indicted) for a crime there must be an injured party, an affidavit of injury, a court warrant, the process of check and balances of a Grand Jury against the prosecutor's claims.

66. In order to be indicted the Court must be an Article III judicial court where the judge is not an administrator, but a de jure judge with an oath (U.S. Constitution VI) and a bond.

"There are NO Judicial Courts in America and have not been since 1789. "Judges" do NOT enforce Statutes and Codes. Executive Administrators enforce Statutes and Codes. FRC v. GE, 281 U.S. 464, Keller v. Potomac Elec. Co., 261 U.S. 428 1 Stat. 138-178"

Federal Court are not Article III Court. They are territorial court with authority over the states of Guam, Puerto Rico, the Virgin Islands, et al.

"There have NOT been any "Judges" in America since 1789. There

have only been Administrators. *FRC v. GE*, 281 U.S. 464 *Keller v. Potomac Elec. Co.* 261 U.S. 428 1 Stat. 138-178.

“The Supreme Court has warned, “Because of what appears to be Lawful commands [Statutory Rules, Regulations and -codes–ordinances- and Restrictions] on the surface, many citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights, due to ignorance... [deceptive practices, constructive fraud, barratry, legal plunder, conversion, and malicious prosecution in inferior administrative State courts].” (*United States v. Minker*, 350 U.S. 179, 187, 76 S.Ct. 281, 100 L.Ed. 185 (1956);”

67. The jury foreman must sign off on the indictment, reports, and other undertakings of the grand jury. This is called a “True Bill.”⁴⁰

68. All matters in common law that deprive a man of life, liberty, and property must come from a jury – a trial by jury, and not a jury trial.

69. No state shall deprive anyone of anything without a fair trial by jury based on Constitutional law (14th Amendment; National Constitutional Center; AM14/DP). But, they do. The trend today is for the judge to initiate summary judgment action without a trial by jury.

“When it was adopted, the Clause was understood to mean that the government could deprive a person of rights only according to law applied by a court.” (NCC).

“Jury trial is a right!” *Hill vs Philpott*, 445 F 2 D 144; *Juliard vs. Greenmen*, 110 U.S. 421; *Kansan vs. Colorado*, 206 U.S. 46, (1907); *Reisman vs. Caplan*, 375, U.S. 440, (1964); *U.S. vs. Murdock*, 290 U.S. 389 (1993); *U.S. vs Tarlowski*, 305 F. SUPP 112 (1969).

70. A proper jury consists of a man’s peers – people that know the man.

Magna Carta: Rule: Peers refer to fellow barons, not serfs and vagabonds. The whole idea that a person on welfare who owns no property is a peer of a billionaire with million dollar property is demented, deranged, and unhinged reasoning. Thus, there is a huge difference between a jury trial and a trial by jury of one’s peers.

⁴⁰ True Bill: “the written decision of a Grand Jury (signed by the Grand Jury foreperson) that it has heard sufficient evidence from the prosecution to believe that an accused person probably committed a crime and should be indicted.

71. Private property is **not** government property. Private property is not “real estate,” “personal property,” “commercial property,” “tangible property” and other kind of property united under commercial legalese.

72. No matter how many tricks the government uses to confiscate private property . . . including rigged trials . . . the government cannot seize, confiscated, lien, levy or take private property without your consent or trial by jury . . . and without just compensation (fair market value).

73. The courts referred to in the Bill of Rights are common law courts. United States District Courts situated in the several States are not Article III district courts of the United States, and they are not Article I territorial courts, known as United States District Courts. It is technically accurate to say that they are "outlaw" courts - courts of fact -- courts which do not exist by laws of the United States promulgated by Congress, and do not exercise judicial authority of the United States.

74. Most courts in the United States are not common law courts; they are equity courts or statutory courts.

75. Men’s due process rights are violated when there is no warrant, no affidavit of probable cause, when the warrant is computer generated, when the warrant is not wet-ink signed, when the warrant lacks a judicial seal, when the accusation appear politically motivated, when the key witness is a government employee and the judge and prosecutor get paid by the same, when there is the appearance of bias, and a want of documentary process, and no jury trial.

Note: One’s due process rights are often violated government workers with an agenda. To see how one’s due process rights are violated consider how ex-billionaire president Donald Trump was frivolous charged with crimes and then tried by a jury of minimum wage workers, people on welfare, and social security recipients (May / June 2024 in NY). This was hardly a trial by a jury of one’s peers.

Legal References

U.S. SUPREME COURT DECISION – ALL codes, rules, and regulations are for government authorities ONLY, not human/Creators in accordance with God’s Laws. All codes, rules and regulations are unconstitutional and lacking due process...”
Rodriques v. Ray Donovan, U.S. Department of Labor, 769 F.2d, 1344, 1348 (1985).

United States Supreme Court Decision from 1796- [Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.] "There, every man is independent

of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent."

"You have the right to remain silent. Anything you say or do can and will be held against you in a court of law. You have the right to speak to an attorney" (Miranda v. Arizona).

To be that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land. Hoke vs. Henderson, 15, N.C.15, 25 AM Dec 677.

The meaning of the above works, is that no man shall be deprived of his property without being heard in his own defense. Kinney V. Beverly, 2 Hen. & M (VA) 381, 336.

Answer required: Silence at time to trial can be an admission of guilt: "Failure on your part to respond, as stipulated, and provide, with particularity, everything in requested in NOTICE, is your lawful, legal and binding agreement with and admission to the fact that all not provided information requested in this NOTICE is not existent and is fully binding upon you in any court in America, without your protest or objection or that of those who represent you. Your silence is your acquiescence (agreement, assent, acceptance, consent and compliance). See: Connally v. General Construction Co., 269 U.S. 385,391. Notification of legal responsibility is "the first essential of due process of law". See also: U.S. V. Tweel, 550 F.2d.297.

TITLE 18 SECTION 241 — (18 USC 241) - CONSPIRACY AGAINST THE RIGHTS OF CITIZENS

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or be his having so exercised the same; or if two or more persons go in disguise on the highway or the premises another with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secure: shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

Hobbs Act -- Under Color Of Official Right

In addition to the " wrongful use of actual or threatened force,

violence, or fear," the Hobbs Act (18 U.S.C. § 1951) defines extortion in terms of " the obtaining of property from another, with his consent . . . under color of official right." In fact, the under color of official right aspect of the Hobbs Act derives from the common law meaning of extortion. As the Supreme Court explained in a recent opinion regarding the Hobbs Act,

"This analysis as to liberty parallels the accepted due process analysis as to property. The Court has consistently held that some kind of (court) hearing is required at some time before a person is finally deprived of his property interests. *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 168, 71 S.Ct. 624, 646, 95 L.Ed. 817 (1951) (Frankfurter, J., concurring). The requirement for some kind of a hearing applies to the taking' 288 of private property, *Grannis v. Ordean*, 234 U.S. 385, 34 S.Ct. 779, 58 L.Ed. 1363 (1914) ..."

Conversion: "Conversion is an intentional tort⁴¹ consisting of "taking with the intent of exercising over the chattel⁴² an ownership inconsistent with the real owner's right of possession". ("[A] taking with the intent of exercising over the chattel an ownership inconsistent with the real owner's right of possession" (Rolfe B), *Fouldes v. Willoughby* (1841) 81 M & W 540, 550).

"The adoption of the XIV amendment completed the circle of protection against violations of the provision of Magna Carta, which guaranteed to the citizen his, life, liberty, and property against interference except by the "law of the land", which phrase was coupled in the petition of right with due process of law. The latter phrase was then used for the first time, but the two are currently treated as meaning the same. This security is provided as against the United States by the XIV and Vth amendments and against the states by the XIV amendment" -- *Davidson vs. Orleans* 96, U.S. 97, 24 L ED 161.

Amendment VI

⁴¹ Tort: "a wrongful act or an infringement of a right (other than under contract) leading to civil legal liability" (Online Dictionary).

⁴² Chattel: "an item of tangible movable personal property (as livestock or an automobile) that is not permanently connected with real estate" (Merriam-Webster).

In all criminal prosecutions⁴³, the accused shall enjoy the right to a speedy and public trial, by an impartial⁴⁴ jury of the State and district wherein the crime⁴⁵ shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process⁴⁶ for obtaining witnesses in his favor, and to have the Assistance of Counsel⁴⁷ for his defence.

Observations

76. Background: At the time of the Founding, there were local sheriffs but no professionalized police forces; instead, ordinary men took turns serving as constables or night watchmen. Criminal cases were almost always brought by victims, not public prosecutors. At trial, neither side typically had a lawyer, so both victims and defendants represented themselves. Trials were like shouting matches, in which victims and defendants argued and brought other live witnesses to tell their stories. They lasted minutes or hours, not days. Juries of twelve ordinary men were central players in this system. They were local citizens who often knew the victim, defendant, and other people and places involved.

The Framers of the Sixth Amendment sought to strengthen this vigorous adversarial process by advocating for a cluster of rights designed to make criminal prosecutions more accurate, fair, and legitimate:

⁴³ Prosecution: 1) in criminal law, the government attorney charging and trying the case against a person accused of a crime. 2) a common term **for the government's side** in a criminal case, as in "the prosecution will present five witnesses" or "the prosecution rests" (has completed its case).

⁴⁴ Impartial: "Impartial means that the jury does not have any prejudice towards you as a defendant and will render a verdict based on the evidence in the case" (Study.com) – "The essential demand of fairness" -- Aldridge v. United States, 283 U.S. 308, 310 (1931).

⁴⁵ Crime: a violation of another's rights; a breaking of the Ten Commandments; harm or injury to another's person or property. Something *mala in se* and not *mala prohibita*.

⁴⁶ The Compulsory Process Clause within the Sixth Amendment to the United States Constitution lets criminal case defendants attain witnesses in their favor by way of a court-ordered subpoena (Wiki).

⁴⁷ Assistance of counsel does not mean a British Bar Attorney trained in statutory law, but rather a friend or profession competent in common law.

1) a right to a fast and speedy trial; (2) a right to a public trial; a right to an impartial jury of one's peers; (3) a right to be informed of the probable cause of the arrest and indictment; (4) the right to have unharassed witnesses in favor of the accused to appear at trial before the jury; and (5) the right to representation including or excluding a State paid Bar attorney.

77. For the jury's composition, the Sixth Amendment grants citizens the right to a jury composed of impartial members drawn from the local community.

78. Convictions in these trials are also forbidden unless every element of the crime has been proven beyond a reasonable doubt by the same impartial jury (Ronald Reagan Presidential Library).

79. The problem with the term "assistance of counsel" is that modern attorneys insist this refers to them – attorney, a-turn-ey, British Rothschild family jockeyed legal beagles, wards of the court with a duty to put the interests of the court first and your interests second or third. For a competent falsely accused Christian, he would be a fool to hire one of these partisan, lusty solicitors who main motivation is to make money off of your troubles. Better to be your own advocate and lose than to hire one of these surrogates to suck you dry while trying to help the court get you convicted.

80. "No man is above the law" is true if we are talking about God's law, but no man is subject to all the laws passed by Congress and State legislatures.

81. But, if you are not competent to defend yourself. Don't! Yield your rights, become a ward of the court, and hope for the best.

82. The Court has held that the right to a trial by jury applies whenever the accused faces more than six months' imprisonment, and it applies to any fact (other than a prior conviction) that would affect the permissible sentencing range.

83. The Jury Trial Clause, combined with the Due Process Clauses of the Fifth and Fourteenth Amendments, also **forbids conviction unless the prosecution proves every element of the crime beyond a reasonable doubt.** And the jury's verdict must be unanimous though the Court declined in 1972 to enforce this requirement against the States. Louisiana and Oregon, therefore, have continued to allow non-capital convictions by 11-1 and 10-2 votes (Source: NCC).

84. Consistent with the Sixth Amendment's historical purpose, a jury retains the power to acquit regardless of the strength of the prosecution's case or to return logically inconsistent verdicts to mitigate punishment.

85. In times past, the jury not only had the power to judge the facts in the case, but whether the law used against the defendant was appropriate.

86. Claims can be void for vagueness: There are three Elements of Due Process: Criminal statutes that lack sufficient definiteness or specificity are commonly held “void for vagueness.” (Cornell).

A statute may be so vague or so threatening to constitutionally protected activity that it can be pronounced wholly unconstitutional; in other words, “unconstitutional on its face” (Papachristou v. City of Jacksonville; Grayned v. City of Rockford, 408 U.S. 104, 108 (1972)).

Legal References

This Sixth Amendment activity is based on the landmark Supreme Court case *Batson v. Kentucky* and the landmark Supreme Court case *J.E.B. v. Alabama*, both dealing with jury selection. Using these resources, present each case and discuss the value of having a diverse jury (*Batson v. Kentucky* 476 U.S. 79 (1986); and *J.E.B. v. Alabama* 511 U.S. 127 (1994)).

This Sixth Amendment activity is based on the landmark Supreme Court case *Carey v. Musladin* dealing with the tensions between a fair trial and free speech. Using these talking points to start the discussion, argue your position in answer to the question: Is a defendant facing murder charges deprived of an impartial jury when spectators wear pictures of the murder victim in court? (*Carey v. Musladin*, 549 U.S. 70, 127 S. Ct. 649 (2006)).

In 1970 *Williams v Florida* where they ruled the 6th Amendment didn't require 12 jurors and 8 years later in *Ballew v Georgia*. They ruled that 5 jurors was unconstitutional.

In *Gideon v. Wainwright* (1963), the Court held that defendants facing possible prison time are entitled to court-appointed lawyers, paid for by the government.

The Court also held in *Crawford v. Washington* (2004) that the prosecution may not introduce out-of-court statements by non-testifying witnesses when those statements are “testimonial” — that is, when the statements were made primarily to establish facts for the criminal prosecution.

“It implies conformity with the natural inherent principles of justice and forbids the taking of one's property without compensation, and requires that no one shall be condemned in person or property without opportunity to be heard.” *Holden vs. Hardy*, 169, U.S. 366, 18 SUP. CT. 383, 42 L ED. 780.

“The essential elements of due process of law are notice and opportunity to defend; *Simon v. Craft*, 182, U.S. 427, 436, 21 SUP. CT. 836, 45 L. ED 1165; "In determining whether such rights were denied, we are governed by the substance of things and not by mere form; *ID.*; *Louisville & N.R. CO. v. Schnidt*, 177 U.S. 230, 20 SUP. CT. 620 44 L ED 747 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 reexamined in any Court of the United States, than according to the rules of the common law.

87. In *Minneapolis & St. Louis Railroad Co. v. Bombolis* (1916): Nearly all of the states, however, have rights to civil jury trial in certain cases in their state constitutions (NCC). But, i\In modern times, juries decide less than one percent of civil cases.

88. The U.S. Supreme Court has required states to protect almost every other right in the Bill of Rights, such as the right to criminal jury trial, but the Court has not required states to hold civil jury trials. Probably, because juries cost money. States don't like to pay; they like to take and receive.

89. The foundation of law is the common law and the Magna Carta. But, pluralism and courts of equity have all but replaced the common law; that is, one will have to claim common law as a means of escaping statutory law in courts of equity. If there is no injured party, there is no crime under common law. But, equity make a crime out of anything and everything.

90. Everyman must know the Ten Commandments and is responsible to common law, but no man is responsible to know all the statutes and keep them. Statutes are for artificial creations of the states like corporations.

Legal References

Minneapolis & St. Louis Railroad Co. v. Bombolis (1916). Nearly all of the states, however, have rights to civil jury trial in certain cases in their state constitutions (NCC).

“The Common Law is the real law, the Supreme Law of the land. The codes, rules, regulations, policy and statutes⁴⁸ are “not the

⁴⁸ STATUTE. Black's Law Dictionary, 4th Edition. The written will of the legislature, solemnly expressed according to the forms prescribed in the constitution; an act of the legislature.

law.” (Self v. Rhay, 61 Wn 2d 261), They are the law of government for internal regulation, not the law of man, in his separate but equal station and natural state, a sovereign foreign with respect to government generally.

“The Supreme Court has warned, “Because of what appears to be Lawful commands [Statutory Rules, Regulations and -codes-ordinances- and Restrictions] on the surface, many citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights, due to ignorance... [deceptive practices, constructive fraud, barratry, legal plunder, conversion, and malicious prosecution in inferior administrative State courts].” (United States v. Minker, 350 U.S. 179, 187, 76 S.Ct. 281, 100 L.Ed. 185 (1956);”

“A concurrent or ‘joint resolution’ of legislature is not “Law,” (Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705, 707; Ward v State, 176 Okl. 368, 56 P.2d 136, 137; State ex rel. Todd v. Yelle, 7 Wash.2d 443, 110 P.2d 162, 165).

All codes, rules, and regulations are for government authorities only, not human/Creators in accord with God’s Laws. “All codes, rules, and regulations are unconstitutional and lacking due process of Law..”(Rodriques v. Ray Donovan)

U.S. Department of Labor, 769 F.2d 1344, 1348 (1985)); ...lacking due process of law, in that they are ‘void for ambiguity’ in their failure to specify the statutes’ applicability to ‘natural persons,’ otherwise depriving the same of fair notice, as their construction by definition of terms aptly identifies the applicability of such statutes to “artificial or fictional corporate entities or ‘persons’, creatures of statute, or those by contract employed as agents or representatives, departmental subdivisions, offices, officers, and property of the government, but not the ‘Natural Person’ or American citizen Immune from such jurisdiction of legalism.”

“A “Statute’ is not a Law,” (Flournoy v. First Nat. Bank of Shreveport, 197 La. 1067, 3 So.2d 244, 248),

A “Code’ or Statute’ is not a Law,” (Flournoy v. First Nat. Bank of Shreveport, 197 La. 1067, 3 So.2d 244, 248),”

“A “Code’ is not a Law,” (In Re Self v Rhay Wn 2d 261), in point of fact in Law).”

United States Supreme Court Decision from 1796-[Cruden v. Neale,

2 N.C. 338 (1796) 2 S.E.] "There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent."

A statute may be so vague⁴⁹ or so threatening to constitutionally protected activity that it can be pronounced wholly unconstitutional; in other words, "unconstitutional on its face."¹⁰⁹² Thus, for instance, a unanimous Court in *Papachristou v. City of Jacksonville*¹⁰⁹³.

"It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined." *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972).

58 Cal.Jur.3d., State of California, §130 "Sovereign immunity"

"The doctrine has had widespread acceptance as a part of the American common law, and has been deemed to prevail except where it had been departed from by constitutional and statutory law, as interpreted and applied by the courts. [58 Cal.Jur.3d., State of California, §130]

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Observations

91. The Eighth Amendment prohibits trillion dollar governments punishing alleged criminals with (1) excessive fines, and (2) cruel and unusual punishment.

92. Most men are not rich fat cats like judges and prosecutors. But, because they think most men make more than them, they tend to set excessive bails bonds and fines.

⁴⁹ A constitutional rule that requires criminal laws to state explicitly and definitely what conduct is punishable.

93. The Bible punishes criminals with fines that make the victim whole; but modern so called “judges” punish men in order to maintain their judicial salaries, expenses, and retirement funds.

94. Fees should do toward making the victim whole, not into the coffers of the State to make the State rich.

95. The Bible punished men with flogging and even death. God’s law bans mutilation, prison time, and solitary confinement. Better to have a man out of jail working to make a victim whole than in prison nursing his bitterness among professional criminals.

Modern judges excel in cruel and unusual punishments by assigning modern men to years, even a life time of solitary confinement. If that is not cruel, I don’t know what is.

To make matters worse modern judges think they excel in kindness by not sentencing a man to death and then assigning him 40 years of solitary confinement in some federal underground prison. These draconian measures are permitted because the judiciary is not required to know real law and real mercy in the Holy Scriptures.

96. Fight excessive fines and bail fees with truth. Use affidavits and claims of impecunity and insolvency if these facts are indeed true.

Legal References

Timbs v. Indiana is a very recent case dealing with the excessive fines clause of the 8th amendment, and incorporates that clause against the states.

The Supreme Court has held that the Excessive Fines Clause prohibits fines that are "so grossly excessive as to amount to a deprivation of property without due process of law". The Court struck down a fine as excessive for the first time in *United States v. Bajakajian* (1998).

In *Miller v. Alabama* (2012) the court ruled that mandatory sentencing schemes requiring that “all children convicted of homicide receive lifetime incarcerations without the possibility of parole” violate the Eighth Amendment’s ban on cruel and unusual punishment.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage⁵⁰ others retained by the people.

Observations

97. Whores in bed with Big Government hate this Amendment arguing that it doesn't mean what it says it means.

98. This Amendment addresses the Herculean problem of an expansive, overreaching government that seeks the total subjection, of the total man, to total government.

99. The Ninth Amendment warns government against limited inferences regarding the rights of the people from just a partial listing of them in the Declaration and the Bill of Rights.

100. Big Government proponents want you to worship at its altars and confess that government is your god, master, and commander.

101. This Amendment protects "enumerated" rights mentioned in the Bill of Rights as well as unexpressed "un-enumerated" rights. The theory is that God-given rights are too numerous to name so the Father's lumped them into the category of "un-enumerated rights.

102. Neither executive agencies or the courts believe in universal rights. Rights must be expressed to be protected; that is, you have to claim your right and be ready to defend it.

103. This Amendment further restricts grasping, expanding, overreaching agency action – the tendency of all directorates; that is, government will never restrain itself. The People must restrain government agents by keeping them chained to the limitation placed on them in this contract. Remember, not all the Founding Fathers were in favor of the Bill of Rights, but this Amendment is necessary to further protected the people from a monster regime called "federalism."⁵¹

⁵⁰ Disparage: "regard or represent as being of little worth" (Online Dictionary).

⁵¹ Federalism refers to the power of the federal government to control state governments . . . something not intended when the Constitution was created. It took a Civil War to suppress the States and for the Federal government to usurp the throne of power.

104. We the People yielded 19 rights to the federal government in order to define and limit the purpose of government, U.S. Constitution 1:18. Rights not expressed in the Constitution are retained by the People.

105. Robert Bork feared this Amendment could be “an ink blot” that could cover any claim of man . . . but, this is rectified if we remember that rights come from God. Others have focused on the meaning of the phrase “shall not be construed to deny or disparage.” For example, while conceding that the rights retained by the people include the “unalienable Rights” to which the Declaration of Independence refers.

106. Randy Barnett maintained that the Amendment referred to the natural liberty rights of the people as individuals, which are also referred to in the Declaration of Independence, and state bills of rights. Every command in Scripture creates a right including all the varied ways (rights) to apply that command. Forbidden behavior is not a right. Homosexuality, transgenderism, tattoos, human trafficking are not a right but a wrong that needs to be punished.

107. The right to bear arms is protected under the Ninth Amendment as well as the Second Amendment.

108. Wrongs, sins, abortion, blasphemy, Obscenity, radical Feminism, Shoplifting, and Sodomy are not rights. They are wrongs not protected by the Ninth Amendment.

Legal References

"The two enemies of the people are criminals and government, so let us tie the second down with the chains of the Constitution so the second will not become the legalized version of the first."
(Assumed to be Jefferson).

We did not bring the common law of England to America; Rather, we brought the rights of man (Credited to Jefferson).

“I deride with you the ordinary doctrine, that we brought with us from England the common law rights . . . The truth is, that we brought with us the rights of men; of expatriated men.” (Letter from Jefferson to Judge John Taylor, June 17, 1812)

The Ninth Amendment ensures that you don't lose certain rights just because they're not specifically granted to you or mentioned elsewhere in the U.S. Constitution . . . , these unspecified rights can be interpreted as a general endorsement of civil liberties. The

court is obligated to protect them, even if they're not explicitly mentioned elsewhere in the Constitution. (Tom Head, Thought Company)

“The Ninth Amendment, like its companion, the Tenth ... was framed by James Madison and adopted by the States simply to make clear that the adoption of the Bill of Rights did not alter the plan that the Federal Government was to be a government of express and limited powers, and that all rights and powers not delegated to it were retained by the people and the individual States.” (Justice Potter Sterward - See *Griswold v. Connecticut* (1965) and the legalization of birth control in 1965.)

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Observations

109. Since the Ninth Amendment warns government against limited inferences regarding the rights of the people from just a partial listing of them in the Declaration and the Bill of Rights . . .

110. The Tenth Amendment warns against using a list of rights to infer powers in the national government that were not granted. In referring, respectively, to “rights . . . retained by the people” and “powers . . . reserved . . . to the people,” the Ninth and Tenth Amendments also evoke themes of popular sovereignty.

“People are supreme, not the state.” -- *Waring vs. the Mayor of Savannah*, 60 Georgia at 93.

111. The Civil War changed everything. Now the Feds can tell the states what to do.

112. Thus, the Tenth Amendment re-iterates the fact that the federal government remains a government of limited, enumerated powers.

113. The first question a defendant must ask is **NOT** “has the government violated my rights” but “has the federal government exceeded its powers with the effect of vitiating my God-given rights?” The Second question is for the 50 states: “Has the federal government exceeded its powers?”

Legal References

In 1986, in *Garcia v. San Antonio Metropolitan Transit Authority*, a narrow majority of the Supreme Court held that a city was required to comply with federal labor laws, and that state sovereignty interests should be protected by the participation of states in the national political process, rather than by judicially-enforced principles of federalism. However, while *Garcia* has never been explicitly overruled, in subsequent cases the Court has indeed found judicially-enforceable limits on the power of the federal government to regulate states (and their political subdivisions) directly.

The place of federalism in American Law is highly debatable. *New York v. United States* (1992), forcing state or local executive officials to implement federal laws, *Printz v. United States* (1997), or conditioning the states' acceptance of federal money on compliance with certain conditions, *South Dakota v. Dole* (1987). Interestingly, the Tenth Amendment has not been invoked by the Court to protect individual citizens against the exercise of federal power (NCC).

Amendment X-XVI

Amendment XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Observations

114. The Eleventh Amendment's text prohibits the federal courts from hearing certain lawsuits against states. The Amendment has also been interpreted to mean that state courts do not have to hear certain suits against the state, if those suits are based on federal law. (NCC)

Legal References

In *Fitzpatrick v. Bitzer* (1976), the Court held that Congress could subject states to suit in federal court through laws enacted under its Fourteenth Amendment power to redress discriminatory state action.

In *Pennsylvania v. Union Gas Co.* (1989), five Justices voted to allow Congress to subject states to suit under the Superfund Act, enacted under Congress' Article I power to regulate interstate commerce. There was no majority opinion, however.

The Court quickly reversed itself on this issue. In *Seminole Tribe v. Florida* (1996), the Court issued a majority opinion for five Justices **holding that Congress lacked power to subject states to suit when it legislated under its Article I Commerce Clause powers.**

Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law. - *Warnock v. Pecos County, Texas.*, 88 F3d 341 (5th Cir. 1996)

Amendment XIII

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

Observations

115. This is a reconstruction Amendment that abolished slavery in America.

116. This Amendment can be used to resist tyranny by the states, corporations, or the federal government.

117. Use this Amendment to resist forced compliance to any government executive order, bill, or statute. The term "involuntary servitude" morphs as times passes into socially acceptable forms of slavery: The IRS income tax, property tax, and legislative presumption. Terms like U.S. citizen, subjects of congress, domestic servitude, debt bondage, fines, fees, arrest, prison, compulsory service, forced labor, sexual exploitation, mandatory vaccinations, and tax requirements reflect the newest forms of slavery,

118. The 13th Amendment is also controversial. Some argue for a "missing" 13th Amendment to the Constitution of the United States reads as follows:

"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

Legal References

In *Bailey v. Alabama* 219 U.S. 219 (1911) the Court, through Hughes, argued that the law was a restriction on personal rights. Judged by its effect and not by its pretense, the law violated the Thirteenth Amendment.

Involuntary servitude meant more than slavery.

Amendment XIV

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the

proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Observations

119. This is a post-Civil War Amendment designed to gift civil rights to newly freed slaves. Congress created a new class of citizens “subject” to the jurisdiction of the “United States.”

120. Today, the Amendment forms the grounds for the Civil Rights Act.

121. Originally, it only applied to black, freed slaves; that is, only blacks were “citizens of the United States.”

122. In modern times, free men see this Amendment as some kind of trap; and, therefore search some kind of legal repatriation back to the status of a free man. But, SEDM has written a brilliant article on Why the 14th Amendment is NOT a Threat to Your Freedom (Form 8.015 at <https://sedm.org/Forms/08-PolicyDocs/FourteenthAmendNotProb.pdf>)

123. To claim to be a U.S. citizen has its perils as the term implies being subject to Congress and not being natural, born freemen. What free American is “subject” to the United States government?

124. Thus the student of law must distinguish between the term “Citizen” and the terms “citizen,” U.S. citizen, U.S. person, and “individuals” All of these terms have special definitions that don’t apply to the average American.

125. Overtime, the Court morphed in their understanding of this Amendment. Today, any American can claim rights recognized in this Amendment: Therefore, learn how to claim “due process of law” and to preserve your God-given rights using the wording of this dictate.

126. Again, definition is key. Claim the rights and immunities in this Amendment, but define the following terms correctly and be aware of the abuses of these terms: Citizenship, domicile, resident, citizen, U.S. citizen, U.S. Person, state national, American, “United States,” employee, officer, federal territory, “state,” “states,” State, “several states,” non-resident, non-resident alien.

127. Citizenship and the American National:

American National

U.S. Code § 1502. Certificate of nationality issued by Secretary of State for person not a naturalized citizen of United States for use in proceedings of a foreign state.

The Secretary of State is authorized to issue, in his discretion and in accordance with rules and regulations prescribed by him, a certificate of nationality for any person not a naturalized citizen of the United States who presents satisfactory evidence that he is an **American national**⁵² and that such certificate is needed for use in judicial or administrative proceedings in a foreign state. Such certificate shall be solely for use in the case for which it was issued and shall be transmitted by the Secretary of State through appropriate official channels to the judicial or administrative officers of the foreign state in which it is to be used.

(June 27, 1952, ch. 477, title III, ch. 4, § 359, 66 Stat. 273.)

U.S. citizen: “U.S. citizens must comply with certain mandatory obligations, including: **Obeying the law**. Every U.S. citizen must obey federal, state and local laws, and pay the penalties that can be

⁵² (21) The term “national” means a person owing permanent allegiance to a state.

incurred when a law is broken. Paying taxes.”

Amendment XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

128. This is called the Tax Amendment, but in reality it does not add a new tax to the Constitution. It only clarifies taxes by apportionment as opposed to direct taxes.

129. It is the Amendment the IRS uses to justify the modern “income tax” on the wages of working citizens. But, this was not the original intent of Amendment.

130. One needs to visit the original intent and the history behind this dictate and to work hard to grasp its true intent or one will be subject to the modern day income tax deception – a subject too big for this brief. The best work on this subject is “The IRS Hoax” at SEDM. See Notes on the 16th Amendment in the Addendum.

131. Citizens and Residents – Dr. Eduardo Rivera on limited government

Revenue Act of 1913 This act imposes a net income tax upon those citizens of the United States over which Congress has legislative power. The three branches of government are named as individuals who are to pay the tax, although only the inferior federal judges not of the Article III judiciary are actually liable. Section G. (page 172) imposes the individual income tax on corporations. Section S. (page 201) of Section III repeals the Corporation Excise Tax of 1909. This then, is the scenario: the federal income tax as a direct tax is declared unconstitutional in 1895; President William Howard Taft, a legal genius, resolves the issue by proposing an amendment affirming the power of Congress to tax itself and the non-Article III judges; the 1913 federal income tax is a tax on the citizens of the United States (members of Congress) and residents (district court judges); the domestic Corporation Tax is repealed and the tax on the national government is imposed on corporations.

Addendum

Full Text of the Ten Commandments

Exodus 20:1-17

¹ And God spake all these words, saying,

² I am the LORD thy God, which have brought thee out of the land of Egypt, out of the house of bondage.

³ Thou shalt have no other gods before me.

⁴ Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth.

⁵ Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me;

⁶ And shewing mercy unto thousands of them that love me, and keep my commandments.

⁷ Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that taketh his name in vain.

⁸ Remember the sabbath day, to keep it holy.

⁹ Six days shalt thou labour, and do all thy work:

¹⁰ But the seventh day is the sabbath of the LORD thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates:

¹¹ For in six days the LORD made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the LORD blessed the sabbath day, and hallowed it.

¹² Honour thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee.

¹³ Thou shalt not kill.

¹⁴ Thou shalt not commit adultery.

¹⁵ Thou shalt not steal.

¹⁶ Thou shalt not bear false witness against thy neighbour.

¹⁷ Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's

Note: Every command in the Bible is case law under the Ten Commandments.

Full Text of the Declaration of Independence

In Congress, July 4, 1776

The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal⁵³, 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, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history

⁵³ "The ordaining of laws in favor of one part of the nation, to the prejudice and oppression of another, is certainly the most erroneous and mistaken policy. An equal dispensation of protection, rights, privileges, and advantages, is what every part is entitled to, and ought to enjoy." – Benjamin Franklin, Emblematical Representations, ca. 1774

of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated

injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Notes on the 16th Amendment

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states and without regard to any Census or enumeration.

The Issue: Congress was allowed by the Constitution to raise money for the government by two means: direct and indirect taxes. An indirect tax was imposed on goods like tobacco and alcohol and could be avoided by choosing not to purchase the commodity. A direct tax could not be avoided by the citizen. A direct tax on The People was allowed if it met two conditions: a) was apportioned by State according to census reports, b) and if Congress stated ahead of time the amount to be raised. In penning the Constitution, the

Founding Fathers strictly forbid the government from directly taxing people's property or income. Did the 16th Amendment grant Congress new power to tax people's incomes? No!

1. The 16th Amendment did not change one word or phrase of the Constitution (Schiff, p. 149).

2. Notice the missing adjective "direct" in front of taxes. The word "direct taxes" was included in the first draft, Joint Resolution No. 39, which was not passed. {Direct taxes, or capitation taxes, or proportion taxes on The People's incomes or property was strictly forbidden by the Constitution!!!

3. Notice the words ". . . from whatever source derived . . ." It does not say, "on whatever property." The clause separated the parent substance {source}, which was still subject to the rules of apportionment, from the gain subject to indirect excise tax.

4. Notice the power to collect the tax was delegated to "Congress" not the Department of the Treasury.

5. Notice compensation for labor is property. Taxation on property constitutes a direct tax, subject to apportionment. In the Brushaber decision the Supreme Court ruled that income taxes are limited ONLY to indirect excise taxes. That is, monies made from a capital investment. (In Brushaber v. Union Pacific RR Co. 240 U.S. 1, at 10, 11, 12, 18, 19).

For example, if you invest 10,000 dollars in the United States Stock Market and you make \$2000 in one year, then the Government considers this "income" and subject to under the definition of excise tax—a privilege of doing business within the corporate system. The United States Government has the right to tax the profit, but not the capital. However, unless the gains are more than 9,000 dollars, the minimum considered for taxation, you are still not obligated to pay this tax. The "income" is on "corporate" "profits" not wages, not capital, not labor (Lynn Meridith, March 9, 2001).

6. Notice the apportionment clauses were never repealed or altered. No new powers were extended to Congress. The United States Government did not have power to impose a graduated non-apportioned tax directly on private compensation before or after the 16th Amendment. Since the government collects money from private citizens, the income tax is presumed to be gift to the United States.

7. Notice there is no enabling clause. The word "The Congress shall have the power to enforce this article by appropriate legislation" is missing. No

change in the Constitution could occur without an enabling clause. No new tax. No new authority. No change in the Constitution.

8. Notice Congress did not have authority to delegate tax collection to the Secretary of the Treasury. The Secretary of Treasury has never been delegated the Constitutional authority to collect any type of tax from the Citizens of the 50 states. His only authority is over the territories of the U.S or government employees.

9. The word "income" created problems. Congress was not able to define it, and no such definition can be found in the Internal Revenue Code (Schiff, p. 162). Is "income" everything that comes in? Profits? Equity? Principal? Sources of income? Congress erred in creating a tax on income before it was properly defined? The word "income" simply did not mean what it does today!

Our Founding Fathers put the apportionment provisions into the Constitution to assure every American Citizen the Federal government could never be used to redistribute the nation's wealth. Today, the income tax system has impoverished every American by redistributing the nation's wealth to foreign powers. The errant interpretation has granted an assumption, not a law, that falsely indulges the precept of income tax.

"The Internal Revenue Code dose not define "income." The Sixteenth Amendment was never intended to tax wages or other direct income of individuals. This amendment merely established the income tax as an indirect, excise tax on corporate profits. This was the interpretation by the Supreme Court in *Brushaber v. Union Pacific R.R.*, 240 U.S. 1. The court in this case said that the 16th amendment was designed to eliminate a direct tax on wages, dividends, and interest on individuals" (Legal opinion, January 26, 1996 to John Michael Crim of Albuquerque, from Curtis & Curtis Law Firm, Imperial Nebraska, emphasis added).

The current interpretation by the I.R.S. that the 16th amendment authorizes a "direct" tax on the compensation the of individual authorizes a "direct" tax on the compensation of individual would have to mean that the amendment contradicts Article 1, Section 2 and 9, clauses 3 and 4 which prohibits a direct tax without apportionment. The *Brushaber Case* said that the 16th amendment didn't change or contradict the constitution nor did it give the government new taxing power (Legal opinion, January 26, 1996 to John Michael Crim of Albuquerque, from Curtis & Curtis Law Firm, Imperial Nebraska).

Stanton v. Baltic Mining Co., 240 US 112 (1916)

"...by the previous ruling, it was settled that the provisions of the 16th Amendment conferred no new power of taxation but simply prohibited the previous complete and plenary power of income taxation possessed by Congress from the beginning from being taken out of the category of INDIRECT taxation to which it inherently belonged.." (emphasis added)

"In 1909, Congress passed the 16th Amendment to the Constitution that was allegedly ratified by 3/4 of the States; it is known as "The Income Tax Amendment."

Some officials within the Internal Revenue "Service," along with professors, teachers, politicians and some judges, have said and are saying, that the 16th Amendment changed the United States Constitution to allow a DIRECT tax without apportionment.

The above persons are not empowered to interpret the meaning of the United States Constitution! As stated above (FACT #5), this power is granted by the Constitution to the Supreme Court, but limited to the original intent. The Supreme Court has no power to function as a "social engineer" to amend or alter the Constitution as they have been doing. A change or "amendment" can only be lawfully done according to the provisions of Article 5 of that document.

The U.S. Supreme Court said in 1916 that the 16th Amendment did not change the U.S. Constitution because of the FACT that Article 1, section 2, clause 3, and Article 1, section 9, clause 4, were not repealed or altered; the U.S. Constitution cannot conflict with itself. The Court also said that the 16th Amendment merely prevented the "income duty" from being taken out of the category of INDIRECT taxation (See *Brushaber v. Union Pacific R.R. Co.*, 240 US 1, page 16.)"

"The legal right of a tax payer decrease the amount of what otherwise would be his taxes, or altogether avoid them, by means within the law permits, cannot be doubted,")*Gregory vs. Helvering*, 293, US 465).

"Tips are gifts and therefore are not taxable" *Olk vs. U.S.*, February 18, 1975; Las Vegas, Nevada. (Wendell Olk) Judge Thomas W. Clary.

Taft on the Sixth Amendment

It was not the purpose or effect of that amendment to bring any new subject within the taxing power.” Bowers v. Kerbaugh-Empire Co., [271 U.S. 170](#); 46 S.Ct. 449 (1926)

Whenever there are controversies over the interpretation of a statute or a Constitutional provision, the first thing that courts of justice will resort to is the plain language of the law itself. If the language is unclear or subject to multiple interpretations, the courts will then examine the legislative intent revealed by those who wrote the law. The most revealing way to determine the legislative intent of any law is to examine the Congressional debates preceeding its enactment. All changes to the law that were proposed during debate and rejected must then be rejected as not being consistent with the intent of the proposed law.

The first thing we must look at to discern the intent of the [Sixteenth Amendment](#) is the proposal of the President himself. The following speech was given in front of the U.S. Senate by President William H. Taft, in which he introduced the [16th Amendment](#) and clearly revealed its legislative intent. It is *very* revealing, in that it shows that the intent was to allow the government to tax *only* its own employees but not private citizens. President Taft would also later be appointed to the Supreme Court in 1921 as the Chief Justice, and eventually became the only U.S. President who ever served as the Chief Justice of the Supreme Court and a Collector of Internal Revenue. He replaced E.B. White as the Chief Justice, who you may recall was the person who opposed the majority view in the Pollock Case that declared income taxes unconstitutional. White wanted to make direct taxes legal, and apparently, so did Taft. No other U.S. President, therefore, had a better understanding of the legal implications of the proposed 16th Amendment than did Taft.

CONGRESSIONAL RECORD - SENATE - JUNE 16, 1909

[From Pages 3344 – 3345]

The Secretary read as follows:

To the Senate and House of Representatives:

It is the constitutional duty of the President from time to time to recommend to the consideration of Congress such measures, as he shall judge necessary and expedient. In my inaugural address, immediately preceding this present extraordinary session of Congress, I invited attention to the necessity for a revision of the tariff at this session, and stated the principles upon which I thought the revision should be affected. I referred to the then rapidly

increasing deficit and pointed out the obligation on the part of the framers of the tariff bill to arrange the duty so as to secure an adequate income, and suggested that if it was not possible to do so by import duties, new kinds of taxation must be adopted, and among them I recommended a graduated inheritance tax as correct in principle and as certain and easy of collection.

The House of Representatives has adopted the suggestion, and has provided in the bill it passed for the collection of such a tax. In the Senate the action of its Finance Committee and the course of the debate indicate that it may not agree to this provision, and it is now proposed to make up the deficit by the imposition of a general income tax, in form and substance of almost exactly the same character as, that which in the case of *Pollock v. Farmer's Loan and Trust Company* (157 U.S., 429) was held by the Supreme Court to be a direct tax, and therefore not within the power of the Federal Government to impose unless apportioned among the several States according to population. [Emphasis added] This new proposal, which I did not discuss in my inaugural address or in my message at the opening of the present session, makes it appropriate for me to submit to the Congress certain additional recommendations.

Again, it is clear that by the enactment of the proposed law the Congress will not be bringing money into the Treasury to meet the present deficiency. The decision of the Supreme Court in the income-tax cases deprived the National Government of a power which, by reason of previous decisions of the court, it was generally supposed that government had. It is undoubtedly a power the National Government ought to have. It might be indispensable to the Nation's life in great crises. Although I have not considered a constitutional amendment as necessary to the exercise of certain phases of this power, a mature consideration has satisfied me that an amendment is the only proper course for its establishment to its full extent.

I therefore recommend to the Congress that both Houses, by a two-thirds vote, shall propose an amendment to the Constitution conferring the power to levy an income tax upon the National Government without apportionment among the States in proportion to population.

This course is much to be preferred to the one proposed of reenacting a law once judicially declared to be unconstitutional. For the Congress to assume that the court will reverse itself, and to enact legislation on such an assumption, will not strengthen popular confidence in the stability of judicial construction of the Constitution. It is much wiser policy to accept the decision and remedy the defect by amendment in due and regular course.

Again, it is clear that by the enactment of the proposed law the Congress will not be bringing money into the Treasury to meet the present deficiency, but by putting on the statute book a law already there and never repealed will simply

be suggesting to the executive officers of the Government their possible duty to invoke litigation.

If the court should maintain its former view, no tax would be collected at all. If it should ultimately reverse itself, still no taxes would have been collected until after protracted delay.

It is said the difficulty and delay in securing the approval of three-fourths of the States will destroy all chance of adopting the amendment. Of course, no one can speak with certainty upon this point, but I have become convinced that a great majority of the people of this country are in favor of investing the National Government with power to levy an income tax, and that they will secure the adoption of the amendment in the States, if proposed to them.

Second, the decision in the Pollock case left power in the National Government to levy an excise tax, which accomplishes the same purpose as a corporation income tax and is free from certain objections urged to the proposed income tax measure.

I therefore recommend an amendment to the tariff bill Imposing upon all corporations and joint stock companies for profit, except national banks (otherwise taxed), savings banks, and building and loan associations, an excise tax measured by 2 per cent on the net income of such corporations. This is an excise tax upon the privilege of doing business as an artificial entity and of freedom from a general partnership liability enjoyed by those who own the stock. [Emphasis added] I am informed that a 2 per cent tax of this character would bring into the Treasury of the United States not less than \$25,000,000.

The decision of the Supreme Court in the case of Spreckels Sugar Refining Company against McClain (192 U.S., 397), seems clearly to establish the principle that such a tax as this is an excise tax upon privilege and not a direct tax on property, and is within the federal power without apportionment according to population. The tax on net income is preferable to one proportionate to a percentage of the gross receipts, because it is a tax upon success and not failure. It imposes a burden at the source of the income at a time when the corporation is well able to pay and when collection is easy.

Another merit of this tax is the federal supervision, which must be exercised in order to make the law effective over the annual accounts and business transactions of all corporations. While the faculty of assuming a corporate form has been of the utmost utility in the business world, it is also true that substantially all of the abuses and all of the evils which have aroused the public to the necessity of reform were made possible by the use of this very faculty. If now, by a perfectly legitimate and effective system of taxation, we are incidentally able to possess the Government and the stockholders and the

public of the knowledge of the real business transactions and the gains and profits of every corporation in the country, we have made a long step toward that supervisory control of corporations which may prevent a further abuse of power.

I recommend, then, first, the adoption of a joint resolution by two-thirds of both Houses, proposing to the States an amendment to the Constitution granting to the Federal Government the right to levy and collect an income tax without apportionment among the several States according to population; and, second, the enactment, as part of the pending revenue measure, either as a substitute for, or in addition to, the inheritance tax, of an excise tax upon all corporations, measured by 2 percent of their net income.

Wm. H. Taft

Commercial Maxims (Basic Rules)

Know these maxims. They are 100% true.

9. A workman is worthy of his hire.
Legal maxim: It is against equity for freemen not to have the free disposal of their own property.
10. All are equal under the Law.
Legal maxim: No one is above the law.
11. In Commerce truth is sovereign.
Legal maxim: to lie is to go against the mind.
12. Truth is expressed by means of an affidavit.
Legal maxim: (none)
13. An un rebutted affidavit stands as the truth in Commerce.
Legal maxim: He who does not deny, admits.
14. An un rebutted affidavit becomes the judgment in Commerce.
Legal maxim: (none . . . concept of the duel without weapons)

15. A matter be expressed to be resolved.
Legal maxim: He who fails to assert his rights has none.
16. He who leaves the field of battle first loses by default.
Legal maxim: He who does not repel a wrong when he can, occasions it.
17. Sacrifice is the measure of credibility.
Legal maxim: He who bears the burden ought also to derive the benefit.
18. A lien or claim can be satisfied only through rebuttal by Counter affidavit point-for-point, resolution by jury, or payment
Legal maxim: If the plaintiff does not prove his case, the defendant is absolved.

Know Your Name

Who are you? How do you spell it? Who gave you this name?

Are you a corporation or living soul?

“In law, a man cannot have more than one Christian name.” Rex V. Newman, 1 Ld. Raytn. 062. “As to the history of Christian names and surnames and their use and relative importance in law, see In re Snook, 2 Hilt (N.Y.) 566. BLACK’S LAW DICTIONARY - Also, see <http://savingsuitorclub.net/showthread.php?1084-What-s-in-a-NAME>; and cannot be both a living soul/spirit creditor and an dead debtor. Luke 6:13 “No servant (living natural person - One Spirit of us) can serve two masters: for either he will hate the one, and love the other ; or else he will hold to the one, and despise the other. Ye cannot serve God and Mammon (Riches; wealth or riches);”

Living souls are created by God (Genesis 1-2) Artificial entities are created by the State.

A CORPORATION is an artificial person and is a dead entity. Thus, as an CORPORATION is a dead entity it cannot deal with a living soul/spirit which is alive as the dead cannot contract with the living. Luke 8:60 "Jesus said unto him, Let the dead bury their dead: but go thou and preach the kingdom of God;" and

Right to Travel

In *Hertado v. California*, 110 US 516, the U.S Supreme Court states very plainly:

"The state cannot diminish rights of the people."

"The right of a citizen to travel upon the public highways and to transport his property thereon, by horse-drawn carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but a common right which he has under his right to life, liberty and the pursuit of happiness. Under this constitutional guaranty one may, therefore, under normal conditions, travel at his inclination along the public highways or in public places, and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's rights, he will be protected, not only in his person, but in his safe conduct." *Thompson v. Smith*, 155 Va. 367, 154 SE 579 (1930)

"The claim and exercise of a constitutional right cannot thus be converted into a crime." "The claim and exercise of a constitutional right cannot thus be converted into a crime." *Miranda v. Arizona*, 384 US 436, 491 (1966)

"The right of the Citizen to travel upon the public highways and to transport his property thereon, in the ordinary course of life and business, is a common right which he has under the right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. It includes the right, in so doing, to use the ordinary and usual conveyances of the day, and under the existing modes of travel, includes the right to drive a horse drawn carriage or wagon thereon or to operate an automobile thereon, for the usual and ordinary purpose of life and business." - *Thompson v. Smith*, 154 SE 579, 11 American Jurisprudence, Constitutional Law, section 329, page 1135

"The court makes it clear that a license relates to qualifications to engage in profession, business, trade or calling; thus when merely

traveling without compensation or profit, outside of business enterprise or adventure with the corporate state, no license is required of the natural individual traveling for personal business, pleasure and transportation." - *Wingfielder v. Fielder*, 29 Ca. 3d 213(1972):

"The use of the automobile as a necessary adjunct to the earning of a livelihood in modern life requires us in the interest of realism to conclude that the RIGHT to use an automobile on the public highways partakes of the nature of a liberty within the meaning of the Constitutional guarantees. . ." - *Caneisha Mills v. D.C.* 2009.

"The right to operate a motor vehicle [an automobile] upon the public streets and highways is not a mere privilege. It is a right of liberty, the enjoyment of which is protected by the guarantees of the federal and state constitutions." - *Berberian v. Lussier* (1958) 139 A2d 869, 872, See also: *Schechter v. Killingsworth*, 380 P.2d 136, 140; 93 Ariz. 273 (1963):

"The owner of an automobile has the same right as the owner of other vehicles to use the highway A traveler on foot has the same right to the use of the public highways as an automobile or any other vehicle." - *Campbell v. Walker*, 78 Atl. 601, 603, 2 Boyce (Del.) 41

Family

The right of a parent to raise his children has long been recognized as a fundamental constitutional right, "far more precious than property rights." *Stanley v. Illinois*, 405 U.S. 645, 651 (1972), quoting *May v. Anderson*, 345, U.S. 528, 533 (1953); *Skinner v. Oklahoma*, 316 U.S. 535, 541, (1942); *Meyer v Nebraska*, 262 U.S. 390, 399 (1923), See, e.q. *Castigno v Wholean*, 239 Conn. 336 (1996); *In re Alexander V.*, 223 Conn. 557 (1992). *In Re: May V Anderson* (1953) 345 US 528, 533, 73 S. Ct. 840, 843 97 L. Ed. 1221, 1226.

Homeschooling

In *Meyer v. Nebraska* and *Farrington v. Tokushige*, U.S. Supreme Court cases of the 1920s, the fundamental right of parents to direct the education of their children was established. These decisions are still heavily cited today by those claiming the right to home school in federal and state courts. They contend that

because these compulsory schooling decisions have given parents this right, its denial violates the right of due process. If a right is deemed to be fundamental, it is based on the premise that it is provided for in the U. S. Constitution (Findlaw).

The Child Support Scam

MEMORANDUM OF LAW ON THE CHILD SUPPORT SCAM

The U.S. Child-Support System is a fraud because of the following facts:

It is a fact that men are made in the image of God (Genesis 1:26), but the State system, in rebellion to the Law of the LORD God, has turned men into legal personalities known as “natural persons, corporations, statutory persons, individuals, firms, partnerships and other legal entities” subject to statute.

It is a fact the LORD God commanded men not to worship (show allegiance) to idols (Exodus 20:1-4).

It is a fact the Plaintiff State is a legal fiction – a man-made entity. In Biblical terms, it is an idol that cannot see, hear, or speak. Not only can an idol not create obligations for men, it cannot be injured by men. Moreover, it is blasphemous for Christian men to answer an idol.

It is a fact the system denies the LORD God is the only Lawgiver, and men are required to keep his law (James 4:12).

It is a fact the system denies marriage is an honorable institution (Hebrews 13:5), and that a man should take care of his family (1 Timothy 5:8), and that a woman is to subject herself to her own husband (Ephesians 5:24-25).

It is a fact the system has forsaken the Lord Jesus Christ and his law, and created their own law (statutes) opposed to the Word of God (Psalm 2). This man-made system not only violates the laws of nature and nature’s God, it partakes of the fruit of the Poisonous Tree infecting entire nations with the errors of utopianism.

It is a fact with society in general and the court’s in particular error when they treat women as victims and men as predators. Men do not have a monopoly on evil; “For all have sinned and fall short of the glory of God” (Romans 3:23).

It is a fact that women in general have capacities and opportunities to seduce men; and, are therefore, predators with sexual aggression.

It is a fact that if a woman claims she is a victim of sexual aggression there needs to be substantial evidence of resistance or the court must conclude she was not only complicit with a sexual act but lured the man into the act.

It is a fact the system partakes of fruit of the Poisonous Tree poisoning fathers, mothers, and children by denying the relevance of Biblical duties related to marriage and family.

It is a fact the system denies there are two genders, male and female.

It is a fact the system advocates multi-genders, promotes obscenity, Sodomy, lesbianism, and transgenderism.

It is a fact the system denies the traditional roles of man and wife, father and mother.

It is a fact the system abrogates and derogates the rights of a man by stripping him of any authority to decide the life and death of "his" child.

It is a fact the system encourages sexual irresponsibility, promotes fatherless homes, and women at work in commerce.

It is a fact the system does not refer to the Creation of our Father God. Rather, the system nullifies Divine Claims by glorifying fictions like "Mother Earth," "Earth Mother," and "Mother Nature," and honors the state of motherhood as superior to that of man-father.

It is a fact the system through statute, grants unequal rights to women and bestows privileges on mothers that it does not bestow on fathers. This movement is called feminism.

It is a fact the system encourages women and educates them on how to prevent pregnancy; that is, the system places the onus of birth control on the woman.

It is a fact the system provides women with money to purchase mechanical devices, chemical drugs, and access to murder laboratories to assist them in preventing pregnancy and the birth of an unwanted child – and, all births are unwanted by the NWO.

It is a fact there are over 16 forms of contraception that women can use to prevent pregnancy, and failure to use them is a woman's choice; that is, every pregnancy in modern times has its source in women's choice.

It is a fact the system blames women if they get pregnant with an unwanted child, but shields her from the consequences of her fornication by providing baby-termination services, child support, and grant-scholarships to universities.

It is a fact the system grants to the woman total power to decide if the blastosphere growing in her womb lives or dies. The man has no say-so as to the destiny of the “blastula” living in the woman’s womb. The man is stripped of any rights to “his” child before, during, and after childbirth.

It is a fact the system acknowledges no rights of a child before birth, and prefers to call the baby in a mother’s womb “a fetus” or “foreign” growth.

It is a fact a married woman can obtain an abortion, and there is nothing her husband can do to stop her.

It is a fact a woman can give her new born up for adoption without the father’s permission, consent, or agreement; that is, governments do not acknowledge the natural, God-given rights of father.

It is a fact the system robs a man of all rights to fatherhood before a baby is born and then suddenly demands the man pay all expenses for the blastosphere the mother chose to see the light of day.

It is a fact the system preys upon a man’s natural sense of responsibility and “guilt” while binding a man to ten, twenty, thirty years of debt-service to the State.

Child Support is a letter of Manqué and reprisal to plunder the family. A letter of marque and reprisal was an official who plundered, a private person to take their assets, and was usually used to authorize private parties to raid and capture merchant shipping of an enemy nation.

It is a fact the system uses the courts to manufacture male debt slaves under color of law, color of authority, and color of process.

Child support is neither authorized by Constitution nor is it a tax levied on certain goods, commodities, and licenses.

The General Welfare of the United State, and the Common Defense.

Section. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Section. 3.

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.

Article. 4

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The United States Constitution forbids both the federal and state governments from enacting bills of attainder, in Article 1, Sections 9 and 10, respectively. It was considered an excess or abuse of Royalty, and several of the grievances enumerated in the Declaration of Independence could be characterized as such.

It is a fact a claim of arrears in child-support is a Bill of Attainder, the fraudulent creation of a debt by the State without a trial by jury which is proscribed by law in the U.S. Constitution: Article I, Section 9, paragraph 3 provides that: "No Bill of Attainder or ex post facto Law will be passed."

It is a fact that many a man who resists the State's Bill of Attainder in the form of arrears in child support is not against women and children, but against a tyrannical, oppressive, abusive state apparatus involved in a commercial scheme that violates not only the law of the LORD God, but the rights of man (18 U.S.C. § 241, 242; 42; 42 U.S.C. 1983).

It is a fact that many a man who resists the State's oppressive child-support system is not against women or their pursuit of human rights. Rather, that man insist rights involve responsibility, and those women claiming rights must also except responsibility for their choices and their choice not to accept responsibility.

It is a fact that many a man who resists the State's oppressive child-support system is not against responsibility, but against the State apparatus that robs him of the rights of fatherhood and his duty to make leadership decisions for his wife and children.

It is a fact, there is no such thing as a great matriarchal society. No wars have ever been won by women. Families cannot succeed without the wise loving leadership of men. When the State assaults male leadership through its doctrines of equality, it destroys the Bible-based family.

It is a fact that America can only be great when the State protects a man's right to be lead a wife, to be a father, and to take responsibility for his family.

It is a fact that the State promotes irresponsibility and the destruction of the family by its promotions of secularism and its protection of the porn industry.

It is a fact the system denies, derogates, and abrogates a man's natural, God-given rights to be a true father and to provide for his children under the common law. Rather, the courts grant men, small, limited privileges while imposing maximum financial obligations upon men without their consent by statute.

It is a fact the system that everything a man can do can be legally is superseded by a woman's choice.

It is a fact the system acknowledges no rights of a man to decide the future of "his" child containing his DNA, and that the system has bestowed on women the power to decide if a child shall see the light of day.

It is a fact the system has no authority to blame the birth of a child upon a man as it has to blame the mother for the child's natural gender.

It is a fact the system nullified the laws of God by statute, and therefore, the man has no God-given duty to support a baby.

It is a fact the system sees all babies as the property of the State, and not the property of a man-father.

It is a fact the system claims it is doing good for the children, but the reality is that the system has turned into a high-pressure extortion racket pick the pockets of men with all appearances the State operates a human-trafficking ring.

It is a fact the State uses propaganda, rhetorical rants, and “guilt trips” to trick a man into lifetime servitude to debt to the State through clever phrase like “don’t be a dead-beat dad,” or “real men pay child support.”

It is a fact the system views the man as a stupid sheep, a debt-slave, a surety for a child, a money-tree, a cash haven, a bank, “cash cow,” and a source of mutton for the wolf-like State Revenue Departments.

It is a fact the system that denies the natural sex of child granting children the civil right “to choose their own gender.” And, the State denies the natural father has authority to rear “his” child up according to their biological gender.

It is a fact if a man does not fulfill his assigned role by the court as a sperm-donor, debt-slave, the State schedules him for annihilation, elimination, and financial ruin through levies, liens, imprisonment.

It is a fact the system relies upon color of law, color of contract, and color of authority to operate its “child-support” revenue stream.

It is a fact the system has turned children into a commodity with the State as the primary beneficiary of debt revenue.

It is a fact the system places a monetary value on children.

It is a fact that the system takes in over 33.7 billion in fraudulently assessed funds which amounts to about \$5,760 dollar a year for the man debt-slave (verywellfamily.com – September 2019).

It is a fact the system supplies no statistics or assurances child-support payments and interest charged go to support the child in question.

It is a fact the system claims “child-support” payments are for the “benefit of the children,” but the system supplies no statistics on how child-support fees are collected and dispensed and whether or not officers of the State are beneficiaries of funds collected.

It is a fact that the Founders appealed to the laws of nature (reason) and nature’s God (Revelation) as the foundation for a just society Moreover, in a just society the State does not create duties for men; rather, it protects the rights of men. (The Declaration of Independence).

Therefore, this man demands the for-profit corporate State remove its unfounded claim on this man, and set him free from State imposed obligations because it does not acknowledge or protect his God-given rights.

With All Rights Reserved, UCC 1-308

Joe Patriot

The Pastor-Lawyer 1.0

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Note for the reader: This memorandum expresses the reality of the age in light of the rebellion of State Corporations acting as government service corporations and is in no way intended to reflect a Christian position in a Christian society. Because the predatory State uses a Christian trained conscience to make the person a slave to for-profit, child support scams operated by State corporations, memorandums like these are necessary to protect men who victims of the system

Property Rights

Property rights or the right to enjoy private property is exclusively recognized in the Declaration, to wit:

“We hold these truths to be self-evident, that all men are created equal, that they are **endowed by their Creator** [not government] with certain **unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness [property]. — **That to secure these rights, Governments are instituted among Men**, deriving their **just powers from the consent of the governed**, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.” [insertions added, emphasis added]

Demand Proof of Claim

RULE 301

FRE: Rule 301. Presumptions in Civil Cases Generally

In a civil case, unless a federal statute or these rules provide otherwise, the party against whom a presumption is directed **has the burden of producing evidence to rebut the presumption**. But this rule does not shift the burden of persuasion, which remains on the party who had it originally.

Every claim is about proof of claim. A man need not defend himself, but he must demand proof of claim from the claimant or the claim must be dismissed.

Presumption is not evidence

A "presumption" is not evidence, but simply a belief akin to a religion.

A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence. A presumption is either conclusive or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of producing evidence or (b) a presumption affecting the burden of proof. (Calif.Evid.Code, §600).

Where are the Facts?

"Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary determination." *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647.

"Statements of counsel in brief or in argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment." Pro Per and pro se litigants should therefore always remember that the majority of the time, the motion to dismiss a case is only argued by the opposing attorney, who is not allowed to testify on the facts of the case, the motion to dismiss is never argued by the real party in interest" *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647.

Does the Court have in personam jurisdiction? Subject matter jurisdiction?

Jurisdiction of the subject matter is derived from the law. It can neither be waived nor conferred by consent of the accused. Objection to the court over the subject matter may be urged at any stage of the proceedings, and the right to make such an objection is never waived. However, jurisdiction of the person of the defendant may be acquired by consent of the accused or by waiver of objection. 21 American Jurisprudence, 2nd, "Criminal Law." Sec. 339, p. 589

"The law provides that once State and Federal Jurisdiction has been challenged, it must be proven" *Main v. Thiboutot*, 100 S. Ct. 2502 (1980).

"The burden shifts to the court to prove jurisdiction," *Rosemond v. Lambert*, 469 F2d 416

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." *Melo v. US* , 505 F2d 1026.

"There is no discretion to ignore that lack of jurisdiction." Joyce v. US , 474 F2d 215. "The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert , 469 F2d 416.

Until the plaintiff submits uncontroversial evidence of subject-matter jurisdiction to the court that the court has subject-matter jurisdiction, the court is proceeding without subject-matter jurisdiction. Bindell v City of Harvey, 212 Ill.App.3d 1042, 571 N.E.2d 1017 (1st Dist. 1991)

The law places the duty and burden of subject-matter jurisdiction upon the plaintiff. Should the court attempt to place the burden upon the defendant, the court has acted against the law, violates the defendant's due process rights, and the judge under court decisions has immediately lost subject-matter jurisdiction. In a court of limited jurisdiction, the court must proceed exactly according to the law or statute under which it operates. Loos v American Energy Savers, Inc., 168 Ill.App.3d 558, 522 N.E.2d 841(1988)

("the actions, being statutory proceedings, ... were void for want of power to make them.") ("The judgments were based on orders which were void because the court exceeded its jurisdiction in entering them. Where a court, after acquiring jurisdiction of a subject matter, as here, transcends the limits of the jurisdiction conferred, its judgment is void.") Flake v Pretzel, 381 Ill. 498, 46 N.E.2d 375 (1943)

Require Verification

Verification: "The declaration under oath or upon penalty of perjury that a statement or pleading is true, located at the end of a document. A typical verification reads: "I declare under penalty of perjury under the laws of the State of California, that I have read the above complaint and I know it is true of my own knowledge, except as to those things stated upon information and belief, and as to those I believe it to be true." (legal-dictionary.the freedictionary.com/verification)

Verify

"To confirm or substantiate by oath; to show to be true." (Black's Law Dictionary, 2nd Edition).

"To confirm or substantiate by oath; to show to be true Particularly used of making formal oath to accouuts, petitions, pleadings, and other papers. The word "verify" sometimes means to confirm and

substantiate by oath, and some- times by argument. When used in legal proceedings it is generally employed In the former sense. De Witt v. Hosmer, 3 Ilow. Prac. (N. Y.) 284. Veritas, a qnocnnque dicitnr, a Deo est. 4 Inst. 153. Truth, by whomsoever pronounced, is from God. Veritas demonstrationis tollit errorem nominis. The truth of the description removes an error in the name. 1 Ld. Raym. 303. Veritas habenda est in jnratore; justitia et judicium in judice. Truth is the desideratum in a juror; justice and judgment in a judge. Bract, fol. 1856. Veritas nihil veretnr nisi abscond!. Truth fears nothing but to be hid. 9 Coke, 206. Veritas nimium altercando amittitur. Truth is lost by excessive altercation. Hob. 344. Veritas, quae minime defensatur op- primitnr; et qui non improbat, approbat. 3 Inst. 27. Truth which is not sufficiently defended is overpowered; and he who does not disapprove, approves. Veritatem qui non llbere pronunciat proditor est veritatis. 4 Tnst. Rpil. He who does not freely spe&k the truth is a betrayer of truth." (Black's Law Dictionary, 2nd Edition).

Validation: To produce the actual ledger or original accounting statement of the alleged loan or loss claimed.

Attestation: The act of attesting; testimony; witness; a solemn or official declaration, verbal or written, in support of a fact; evidence. The truth appears from the attestation of witnesses, or of the proper officer. The subscription of a name to a writing as a witness, is an attestation. [1913 Webster]

Authentic: Authentic means genuine; true; real; pure; reliable; trustworthy; having the character and authority of an original; duly vested with all necessary formalities and legally attested. Competent, credible, and reliable as evidence. (BLD6-132).

Authentication: Authentication of a writing means (a) the introduction of evidence sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is or (b) the establishment of such facts by any other means provided by law. (BLD6-132).

"**Signed**" includes any symbol executed or adopted by a party with present intention to authenticate a writing." -- UCC § 1-201(37)

"To confirm or substantiate by oath; to show to be true." (Black's Law Dictionary, 2nd Edition).

See 15 U.S. Code § 1692g - Validation of debts

"To confirm or substantiate by oath; to show to be true Particularly used of making formal oath to accouuts, petitions, pleadings, and

other papers. The word “verify” sometimes means to confirm and substantiate by oath, and some- times by argument. When used in legal proceedings it is generally employed In the former sense. De Witt v. Hosmer, 3 How. Prac. (N. Y.) 284. Veritas, a quocunque dicitur, a Deo est. 4 Inst. 153. Truth, by whomsoever pronounced, is from God. Veritas demonstrationis tollit errorem nominis. The truth of the description removes an error in the name. 1 Ld. Raym. 303. Veritas habenda est in juratore; justitia et judicium in judice. Truth is the desideratum in a juror; justice and judgment in a judge. Bract, fol. 1856. Veritas nihil veretur nisi abscondi. Truth fears nothing but to be hid. 9 Coke, 206. Veritas nimium altercando amittitur. Truth is lost by excessive altercation. Hob. 344. Veritas, quae minime defensatur oportet primitur; et qui non improbat, approbat. 3 Inst. 27. Truth which is not sufficiently defended is overpowered; and he who does not disapprove, approves. Veritatem qui non libere pronunciat proditor est veritatis. 4 Inst. Rpil. He who does not freely speak the truth is a betrayer of truth.” (Black’s Law Dictionary, 2nd Edition).

Your first duty is to challenge the claim and demand proof of claim.

- Claim: everyone has to pay taxes! Q: Where is that in the law?
- Claim: Everyone has to pay their fair share! Q: Where is that printed in the code?
- Claim: You were driving 65 mph in a 55 mph zone. Ans: I have no knowledge of that (if true).
- Claim: You were driving 30 mph over the speed limit. Q: I have no knowledge of this. Where is your proof of claim? Cop: I have you on radar! Q: May I see your records? When was the last time you calibrated your sensitive radar instrument?
- Claim: You owe us 75 dollars! Q: where is the contract requiring I pay you 75 dollars? Where is your signed, verified sworn statement you loaned me money and I owe you fee?
- Claim: You have to get vaccinated or you can’t work here! Ans: Please show me the law . . . the code . . . the regulation . . . the contract where I gave up my rights to make my own health decision.
- Because the prosecution must carry the burden of proof, **the defendant does not have to prove that he or she is innocent.** Instead, **the defense is only responsible for arguing that the prosecution did not prove their**

case. Therefore, the burden of proof in a criminal case is advantageous to the defendant.

Common law demands proof of claim with strict proof of claim to be tested by a jury – 5th Amendment.

Administrative Procedures Act 5 §556 (d) “Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof. Any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence”

Any species of proof, or probative matter, legally presented at the trial of an issue, but the act of the parties and through the medium of witnesses, records, documents, exhibits, concrete objects, etc. for the purpose of inducing a belief in the minds of the court or jury as to their contention (Taylor v. Howard, 111 R.I. 527, 304, A.2d 891, 893.

Testimony, writing, or material objects offered in proof of an alleged fact or proposition, People v. Leonard, 207 C.A.2d 409, 24 Cal.Rptr. 597, 600 (See also: Black’s Law Dictionary, Sixth Edition, p. 555).

Fideism: reliance on faith instead of fact and reason to establish a belief claim (See Webster’s Dictionary).

Example: Thank You for Your recent inquiry (copy attached). This is not a refusal to settle, but a notice that Your claim is conditionally accepted for value. This is a *request for claim and proof of claim* made pursuant to the Fair Debt Collection Practices Act (“the Act”). Please verify your claim under penalties of perjury and I will work out a way to make you whole. If I do not hear from you, I will assume no such debt every existed.

Please limit Your communication with Me to writing only. If I receive any telephone calls from Your company, I will consider them as harassment. Only written communication will be accepted by Me.

Proof. Under 28 USC 1343, the use of codes to violate my rights is now exposed.

Objection: I did not find a sworn statement under the DOJ attorney’s full commercial liability, blue-ink signed, with claim and proof of claim that attorney’s statements’ were true⁵⁴, certain, correct, and not misleading per the

⁵⁴ **True:** In accord with the actual facts or conditions . . . exactly or accurately.

4th Amendment, Administrative Procedures Act 5 U.S. Code § 556 (d), 26 U.S.C. §6065; the Clearfield Doctrine; 15 U.S.C. 1692 et seq.; FRA Rule 603;5 U.S. Code § 556 (d)

5 U.S. Code § 556 (d) Except as otherwise provided by statute, the proponent of a [rule](#) or [order](#) has the burden of proof.

28 U.S. Code § 1746 - Unsworn declarations under penalty of perjury

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, **any matter is required** or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

Fundamental Rules of Evidence

Anyone can make a claim, but can they prove it? What is the evidence? Make the government prove their claims.

All evidence must be received by the Court. "Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Exceptions to general evidence: Some evidence is not admissible and should be objected to:

Rule 201. Judicial Notice of Adjudicative Fact;

This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible [Objection: Irrelevant]

All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, by Act of Congress, by these rules, or by other rules prescribed by the Supreme Court pursuant to statutory authority. Evidence which is not relevant is not admissible.

Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

Rule 602. Lack of Personal Knowledge [Objection: lack of personal knowledge]

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of rule 703, relating to opinion testimony by expert witnesses.

Cornell: A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703.

Rule 603. Oath or Affirmation [Objection: not sworn; not trusted; no risk]

Before testifying, every witness shall be required to declare that the witness will testify truthfully, by oath or affirmation administered in a form calculated to awaken the witness' conscience and impress the witness' mind with the duty to do so.

2023 Revision: Before testifying, a witness must give an oath or affirmation to testify truthfully. It must be in a form designed to impress that duty on the witness's conscience.

Rule 605. Competency of Judge as Witness [Objection: no foundation of competence]

The judge presiding at the trial may not testify in that trial as a witness. No objection need be made in order to preserve the point.

Subpoena every witness that makes an affidavit. No witness, No facts: No facts, No jurisdiction.

Revision 2023: The presiding judge may not testify as a witness at the trial. A party need not object to preserve the issue.

Rule 802. Hearsay Rule [Objection: Hearsay]

Hearsay is not admissible unless any of the following provides otherwise:

- a federal statute;
- these rules; or
- other rules prescribed by the Supreme Court.

Rule 901. Authenticating or Identifying Evidence

(a) In General. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is. **(7) Public records or reports.**

(b)– Examples. The following are examples only — not a complete list — of evidence that satisfies the requirement:

(1) Testimony of a Witness with Knowledge. Testimony that an item is what it is claimed to be . . . *(7) Evidence About Public Records.* Evidence that: A) a document was recorded or filed in a public office as authorized by law; or B) a purported public record or statement is from the office where items of this kind are kept . . . *(8) Evidence About Ancient Documents or Data Compilations.*— Evidence that a document or data compilation, in any form, (A) is in such condition as to create no suspicion concerning its authenticity, (B) was in a place where it, if authentic, would likely be, and (C) has

Rule 1001. Definitions That Apply to This Article –

(a) A “writing” consists of letters, words, numbers, or their equivalent set down in any form . . . **(d)** An “original” of a writing or recording means the writing or recording itself or any counterpart intended to have the same effect by the person who executed or issued it. For electronically stored information, “original” means any printout — or other output readable by sight — if it accurately reflects the information. An “original” of a photograph includes the negative or a print from it.

Rule 1002. Requirement of Original To prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required, except as otherwise provided in these rules or by Act of Congress.

The original writing, recording, or photograph is required, except as otherwise provided in these rules or by Act of Congress.

Rule 1003. Admissibility of Duplicates A duplicate is admissible to the same extent as an original unless

(1) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original.

Rule 1007. Testimony or Written Admission of Party

Contents of writings, recordings, or photographs may be proved by the testimony or deposition of the party against whom offered or by that party's written admission, without accounting for the nonproduction of the original.

Affidavit "Affiant was competent to testify" was not and is not contained in the body of each and every affidavit and sworn to, and cannot be entered into evidence, per Hubka v. Pennfield Twsp (Mich 1992) 494 N.W.2d 800 – Affidavit that failed to state that "Affiant was competent to testify" violated court rules. MCR 2.119(B)(1)(c).

Rule 301: All adverse affidavits must be rebutted, but not burden of proof is not shifted.

Attorneys can't Testify. "An attorney for the plaintiff cannot admit evidence into the court. He is either an attorney or a witness" (Trinsey v. Pagliaro D.C.Pa. 1964, 229 F. Supp. 647).

"Statements of counsel in brief or in argument are not sufficient for motion to dismiss or for summary judgment," Trinsey v. Pagliaro, D. C. Pa. 1964, 229 F. Supp. 647.

"No instruction was asked, but, as we have said, the judge told the jury that they were to regard only the evidence admitted by him, not statements of counsel", Holt v. United States, (10/31/10) 218 U.S. 245, 54 L. Ed. 1021, 31 S. Ct. 2,

Object three times, then if lawyer attempts to testify, take "exception" to Judge's overruling.

A Quo Warranto

A writ of *quo warranto* is not a petition, **but a notice of demand**, issued by a respondent, to a government claimant claiming some delegated power, and filed with a court of competent jurisdiction, to hold a hearing within 3 to 20 days, depending on the distance of the respondent to the court, to present proof of his authority to execute his claimed powers. **If the court finds the proof insufficient, or if the court fails to hold the hearing, the claimant must cease**

to exercise the power. If the power is to hold an office, he must vacate the office.

The writ is unlike a petition or motion to show cause, because **the burden of proof is on the respondent**, not on the demandant.

Should any legislative, executive, or judicial officer of the District of Columbia (United States) or one of its 50 political subdivisions (the "50 States") seek to destroy the peace and dignity of your life, the very first thing to do (even if he purports to be enforcing an alleged warrant) is issue a **Demand for the specific provision of the Constitution that gives him the authority to do whatever it is that he wants to do.** (Cornell)

Challenge Authority

As the Supreme Court stated in *Federal Crop Insurance Corp. v. Merrill*, 332 U.S. 380, 384 (1947), and reiterated in *Heckler v. Community Health Service of Crawford County*, 467 U.S. at 63 n. 17:

"Whatever the form in which the government functions, anyone entering into an arrangement with the government takes the risk of having accurately ascertained that he who purports to act for the government stays within the bounds of his authority, even though the agent himself may be unaware of limitations upon his authority."

"Persons dealing with the government are charged with knowing government statutes and regulations, and they assume the risk that **government agents may exceed their authority and provide misinformation.**" Ninth Circuit Court of Appeals, *Lavin v Marsh*, 644 F.2D 1378, (1981).

"All persons in the United States are chargeable with knowledge of the Statutes at Large... It is well established that anyone who deals with the government assumes the risk that the **agent acting in the government's behalf has exceeded the bounds of his authority.**" *Bollow v. Federal Reserve Bank of San Francisco*, 650 F.2d 1093, 9th Cir., (1981). [Emphasis added]

As Per *RYDER v. UNITED STATES*, 115 S.Ct. 2031, 132 L.Ed.2d 136, 515 U.S. 177, I am required to initiate a direct challenge to the authority of anyone representing himself, or herself, to be a government officer or agent prior to the finality of any proceeding in order to avoid implications of de facto officer doctrine. When challenged, those posing as government officers and agents are required to affirmatively prove whatever authority they claim.

"Public officers are merely the agents of the public, whose powers and authority are defined and limited by law. Any act without the scope of the authority so defined does not bind the principal, and all persons dealing with such agents are charged with knowledge of the extent of their authority," - Continental Casualty Co. v. United States, 113 F.2d 284 (5th Cir. 1940): , at 286.

"Whatever the form in which the government functions, anyone entering into an arrangement with the government takes the risk of having accurately ascertained that he who purports to act for the government stays within the bounds of his authority, even though the agent himself may be unaware of limitations upon his authority." Federal Crop Ins. Corp, v. Merrill, 332 US 380 388 (1947).

"Persons dealing with the government are charged with knowing government statutes and regulations, and they assume the risk that government agents may exceed their authority and provide misinformation." Ninth Circuit Court of Appeals, Lavin v Marsh, 644 f.2D 1378, (1981).

"All persons in the United States are chargeable with knowledge of the Statutes at Large... It is well established that anyone who deals with the government assumes the risk that the agent acting in the government's behalf has exceeded the bounds of his authority." Bollow v. Federal Reserve Bank of San Francisco, 650 F.2d 1093, 9th Cir., (1981). [Emphasis added]

Sample Order to Provide Proof of Claim

You are in receipt of notice under the authority of the Fair Debt Collections Practices Act, 1692 (e). regarding this instant matter. It is not now, nor has it ever been My intention to avoid performing any obligation that I, as Declarant, lawfully am required to perform or owe. In order that I, as Declarant, can make arrangements to pay an obligation which I, as Declarant, may owe, please document and validate the "debt" by complying in good faith with this request for validation and notice that I, as Declarant, dispute part of, or all of, the alleged debt.

1. Please provide evidence the Declarant, a living soul, is a "Taxpayer", a legal fiction, with an obligation to pay a 1040 tax as stated in LTR 86C or within

the meaning of 26 USC 1313(b). I demand strict proof. Otherwise, the Declarant will conclude he is not a "Taxpayer" with an obligation to pay a 1040 tax.

2. Please provide a legal description of a 1040 tax and cite the reference in the code along with providing the implementing regulations. Otherwise, the Declarant will conclude no such tax exists and if such does exist that it does not apply to the Declarant.

3. Please provide certified evidence under oath under penalties of perjury that that the Declarant has a contract with the IRS such as W-4 Forms or 1099s for years in question that have the Declarant's hand written blue ink signature on the contract. Otherwise, the Declarant will conclude he has no contract with the IRS, and, has no duty to perform as claimed in LTR 86C.

4. Please provide evidence the Declarant has taken an oath to support the UNITED STATES, Inc., or the U.S. government, or to the IRS and is duty bound to pay the purported tax. Otherwise, the Declarant will conclude he has no duty to the UNITED STATES, INC. to pay anything not being under contract.

5. Please provide evidence the Declarant has promised to pay the alleged tax debt, and state how you plan to collect without a promise to pay.

6. Please provide evidence that the Declarant is involved in a taxable activity regulated by Congress. Otherwise, the Declarant will assume he is not involved in any activity regulated by Congress.

7. Please provide evidence the Declarant is an employee as defined in 26 USC 3401(c) wherein it states, "Employee- For purposes of this chapter, the term "employee" includes an officer, employee, or elected official of the United States, a State, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term "employee" also includes an officer of a corporation." Otherwise, the Declarant will assume that he is not the "employee" subject to internal revenue laws.

8. Please provide evidence the Declarant earns wages as cited in 26 U.S.C. §3401(a). Otherwise, the Declarant will conclude that he does not earn wages subject to the internal Revenue Code.

9. Please provide evidence the Declarant is involved in a trade or business as cited at in IRC at 26 U.S.C. §7701(a)(26) which states in part "The term "trade or business" includes the performance of the functions of a public office." Otherwise, the Declarant will conclude he is not involved in a trade or business subject to the internal revenue laws.

10. Please produce the form 4340 assessment, signed under the penalties of perjury, that said amounts in tax audit are actually due and payable under law, citing the statutes and implementing regulations. Otherwise, the Declarant will conclude that no such assessment is in place and that there are no statutes or implementing regulations obligating Declarant to some kind of performance.

11. Please produce the account and general ledger statement showing the full accounting of the alleged obligation that You are now attempting to collect. This must be performed under the principles of GAAP. Otherwise, the Libellant will conclude the alleged debt is a fraud.

13. I, as Declarant, am not in receipt of any document which verifies that Agent M has standing to sue in any New Mexico or District of Columbia court by virtue of being duly registered as "IRS" meeting the minimum contacts requirements for in personam jurisdiction. Please provide this documentation under the penalties of perjury, as I, as Declarant, demand strict proof. Otherwise, without a claim, Declarant will assume Agent M has no jurisdiction over Declarant in New Mexico or District of Columbia.

14. I, as Declarant, am not in receipt of the document that verifies the TDO (treasury designation order) requiring Me to file for each of the above years. You shall respond with Your written statement under the penalties of perjury per 26 USC 6065 the TDO (treasury designation order) requiring Me to file for each of the above years, as I, as Declarant, demand strict proof. Otherwise, Declarant will conclude Declarant has no duty to file for the above years.

15. I, as Declarant, am not in receipt of the document that verifies that wages and compensation are revenue taxable activities, contrary to U.S. Supreme Court decisions. You shall respond with Your written statement under the penalties of perjury per 26 USC 6065 that wages and compensation are revenue taxable activities, contrary to U.S. Supreme Court decisions, as I, as Declarant, demand strict proof. Wages and compensation have been shown to be non-revenue taxable activities. See IRS PUB.17, 26 CFR 1.83-3(g), 1.1012-1(a).

Otherwise, Declarant will conclude that whatever common-law wages / gifts he received as a minister of the gospel are not taxable activities.

16. I, as Declarant, am not in receipt of the document that verifies My legal contract with the IRS and what services and/or products have been performed for My due consideration. You shall respond with Your written statement under the penalties of perjury per 26 USC 6065 of My legal contract with the IRS and what services and/or products have been performed for My due consideration, as I, as Declarant, demand strict proof.

17. I, as Declarant, am not in receipt of the document that verifies the name and signature of the requesting party for this information, as each of the forms submitted is a computer-generated form. You shall respond with Your written statement under the penalties of perjury per 26 USC 6065 showing Me name and signature of the requesting party for this information, as this was a computer-generated form, as I, as Declarant, demand strict proof. Otherwise, Declarant shall conclude LTR 86C was a computer generated form sent to the Declarant to harass, coerce, and intimidate the Declarant and that said letter was sent with malfeasance, fraud, and lacking proper authority. Moreover, know that Declarant holds Agent M accountable for the distribution of LTR 86C to the Declarant.

18. I, as Declarant, am not in receipt of the document that verifies the OMB numbers on these forms, as all legitimate federal forms have one. You shall respond with Your written statement under the penalties of perjury per 26 USC 6065 stating that the OMB numbers on these forms are totally legitimate and valid as issued the office of management and budget, as I, as Declarant, demand strict proof. I, as Declarant, did not notice any valid OMB numbers any on the forms You submitted to Me.

20. I, as Declarant, am not certain about the kind of payment tender demanded whether it should be in gold or silver, bonds of exchange, money of account, FRNs, or money of exchange, and, therefore, demand explanation as to your claim.

Attack, Attack, Attack

The first duty of a man is not to obey authority, but to question authority. We do that by demanding proof of authority and proof of claim.

When facing a claim by a cop, or prosecutor, or attorney, our second strategy is to attack, attack, attack.

That is, government official break laws every day. Our job is to identify the laws they break and hold them accountable to obey their own law.

Here is a brief list of common violation of federal and state officers.

- Using unsigned documents
- Using documents with a seal.
- Failure to verify their claim
- Racketeering,
- Trespass on property
- Wrongful taking of property
- Arbitrary Action
- Illegal Enforcement
- Acting under Color of Law
- Breach of Oath
- Not having an Oath or Bond
- Sending Bills of Attainder
- Falsifying records
- Making false statements
- Failure to obtain a license
- Practicing law without a license
- Failure to cite the law
- Unfair, Abuse, excessive use of force.
- Charge without a victim
- Perpetrating a fraud
- No victim, no crime; no contract, no duty.
- Unreasonable search

Habeus Corpus

A Habeas Corpus is a writ sent to a judge to secure someone's release from prison because they have been unlawfully detained . . . maybe even you.

"Where is the body? Where is the injured party? Where is the sworn affidavit of probable cause? Where is the court ordered warrant?" If there is no injured

body, the court must release you. Violating a *mala prohibita* statute does not meet the standards of a crime!

U.S. Constitution, Article I, Section 9, Clause 2: The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Every pastor needs to know how to write one of these writs.

1. Use proper Court, Plaintiff-Defendant style-format.
2. Title it a "Writ of Habeas Corpus for Your Name."
3. **Name:** State your name in lower case letters; that you are a living soul and not a corporation or legal entity; that you have clean hands; that you are petitioning the court because you have been unlawfully arrested.
4. **Introduction:** Introduce the case . . . dthe general facts of the unlawful arrest . . . charges . . . what the officer did wrong. (Be brief)
5. **Authority:** Cite your Authority for the Writ (U.S. Constitution, Article 1, Section one Your State Constitution, the Common Law, Magna Carta)
6. **Jurisdiction:** Cite the jurisdiction (venue) of the Court; that is, empower the Court to rule on your behalf.
7. **Parties:** List the Parties – names, address, info, phone.
8. **Indisputable Facts:** List the Facts that empower to the Court to release you from jail: no injured party, no contract with the state, officer made presumptions without facts; officer acted under color of law, color of authority, and color of process. If you did a minor wrong like calling the office a "scumbag," admit it: and, beg the court's / officer's forgiveness. Be absolutely truthful!! Quotes on what was said might be important.
9. **Relevant Law:** Cite any relevant law that might empower the Court to order your release. Stick with the common law, Declaration of Independence and the Bill of Rights. Do not cite statutes. You are not under statutes.
10. **Claim for Relief:** Cite how the officer violated your rights and what laws he violated. State with specificity and particularity.
11. **Motion to the Court** – a Prayer for Relief: To order your release because of the unlawful arrest.
12. **Signature / Notary:** Sign and Date and State under penalties of perjury, notarize if possible, present your address.

This can be hand written or typed – mail it or hand it to the bailiff to deliver to the Judge. You may have to assert your rights and demand it be delivered to the judge.

Limits of Authority

"The issue today is the same as it has been throughout all history, whether man shall be allowed to govern himself or be ruled by a small elite." -- Thomas Jefferson

"The greatest [calamity] which could befall [us would be] submission to a government of unlimited powers." -- Thomas Jefferson, Declaration and Protest of Virginia, 1825. The Writings of Thomas Jefferson, (Memorial Edition) Lipscomb and Bergh, editors, ME 17:445

"Congress has not unlimited powers to provide for the general welfare, but only those specifically enumerated." --Thomas Jefferson, Letter to Albert Gallatin, 1817

"All men having power ought to be distrusted to a certain degree." -- James Madison in The Federalist

"We still find the greedy hand of government thrusting itself into every corner and crevice of industry, and grasping at the spoil of the multitude. Invention is continually exercised to furnish new pretenses for revenue and taxation. It watches prosperity as its prey and permits none to escape without a tribute." -- Thomas Paine⁵⁵

"The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." -- James Madison, Federal No. 45, January 26, 1788

⁵⁵ Thomas Paine: Paine migrated to the British American colonies in 1774 with the help of [Benjamin Franklin](#), arriving just in time to participate in the American Revolution. Virtually every rebel read (or listened to a reading of) his powerful pamphlet [Common Sense](#) (1776), proportionally the all-time best-selling^{[5][6]} American title, which crystallized the rebellious demand for independence from Great Britain. His [The American Crisis](#) (1776–1783) was a pro-revolutionary pamphlet series. *Common Sense* was so influential that [John Adams](#) said: "Without the pen of the author of *Common Sense*, the sword of Washington would have been raised in vain" (Wiki).

A Republic and Not a Democracy]

You won't find the word "democracy" in either the Declaration of Independence or the U.S. Constitution. The United States of America was established as a Republic — period.

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

In a democracy the majority rule over the minority; in a republic⁵⁶ the minority can ignore the majority.

Don't Be Fooled by Oaths

Many officials don't even have an oath; and, if not they are de facto rulers.

OATH 5 USC §3331

An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." This section does not affect other oaths required by law.

Rules Are Only for Government Officials and Contractors

14.65 RULES AND STATUTES ARE ONLY FOR GOVERNMENT

⁵⁶ Republic. That form of government in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [NOTE: The word "people" may be either plural or singular. In a republic the group only has advisory powers; the sovereign individual is free to reject the majority group-think. USA/exception: if 100% of a jury convicts, then the individual loses sovereignty and is subject to group-think as in a democracy.] (1215.ORG.)

Appellate Court Ruling 1985: *Rodrigues vs Ray Donovan* 769F2D, 1344, 1348

"All codes, rules, regulations and statues are unconstitutional and lacking due process, and are only for governmental authorities, and government employees". Warning quatloos denies

"All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lack due process..." *Rodrigues v. Ray Donovan*, U.S. Department of Labor, 769 F. 2d 1344, 1348, decided in 1985.

And again, in *Self v. Rhay*, 61 Wn (2nd) 261. "The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law".

Whereas defined pursuant to Supreme Court Annotated Statute; *US v Minker*, 350 US 179 at 187: "Because of what appears to be a lawful command on the surface, many Citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights due to ignorance."

Whereas defined pursuant to Supreme Court Annotated Statute; *Brady v. U.S.*, 397 U.S. 749, 90 S. Ct. 1463, 1469 (1970): See also *Fuentes v. Shevin*, 407 U.S. 67 (1972); *Brookhart v. Janis*, 384 U.S. 6 (1966); *Empsak v. U.S.*, 190 (1955); and, *Johnson v. Zerbst*, 304 U.S. 58 (1938): "Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences.

We cannot be tricked into giving up our un-a-lien-a-ble rights. This essentially voids most of the actions of our Congress, etc.

Whereas defined pursuant to Supreme Court Annotated Statute; *United States v. Goldenberg*, 168 U.S. 95: "The primary and general rule of statutory construction is that the intent of the lawmaker is to be found in the language he has used. He is presumed to know the meaning of the words and the rules of grammar."

The group who enacts the law must know what they have enacted. Congress is responsible for reading the bills before they are enacted.

Whereas defined pursuant to Supreme Court Annotated Statute; *Staub v. Baxley*, 355 U.S. 313, 322: "It is settled by a long line of

recent decisions of this Court that an ordinance which, like this one, makes the peaceful enjoyment of freedoms which the Constitution guarantees contingent upon the uncontrolled will of an official - as by requiring a permit or license which may be granted or withheld in the discretion of such official - is an unconstitutional censorship or prior restraint upon the enjoyment of those freedoms." And our decisions have made clear that a person faced with such an unconstitutional licensing law may ignore it and engage with impunity in the exercise of the right of free expression for which the law purports to require a license." *Shuttlesworth v Birmingham (Alabama)*, 394 U.S. 147 (1969).

Neither the State, nor the Federal Government, can require permits, or licenses. We, the People, have the right to pursue whatever business activity we desire without any interference from any of our governments. They were not granted any powers to regulate the activities of the Citizens.

"We are fast approaching the stage of the ultimate inversion: [the stage where the government is free to do anything it pleases](#), while the citizens may act only by permission; which is the stage of the darkest periods of human history, the stage of rule by brute force." — Ayn Rand (American Writer)

in federal crop insurance v. merrill, 332 u.s. 380, the supreme court ruled:

U.S. Supreme Court: "Whatever the form in which the government functions, anyone entering into an arrangement with the government takes a risk of having accurately ascertained that he who purports to act for the government stays within the bounds of his authority, even though the agent himself may be unaware of the limitations upon his authority." Also see *Utah Power & Light Co. v. United States*, 243 U.S. 389; *United States v. Stewart*, 311 U.S. 60; and generally, in *re Floyd Acceptances*, 7 Wall. 666. (in

Sample Challenge of Authority

Duty to Challenge Authority

In *Federal Crop Insurance v. Merrill*, 332 U.S. 380, the Supreme Court ruled

"Whatever the form in which the government functions, anyone

entering into an arrangement with the government takes a risk of having accurately ascertained that he who purports to act for the government stays within the bounds of his authority, even though the agent himself may be unaware of the limitations upon his authority." Also see *Utah Power & Light Co. v. United States*, 243 U.S. 389; *United States v. Stewart*, 311 U.S. 60; and generally, in re *Floyd Acceptances*, 7 Wall. 666.

Continental Casualty Co. v. United States, 113 F.2d 284 (5th Cir. 1940):

"Public officers are merely the agents of the public, whose powers and authority are defined and limited by law. Any act without the scope of the authority so defined does not bind the principal, and all persons dealing with such agents are charged with knowledge of the extent of their authority," 113 F.2d, at 286.

1. Where is your court order? Claimant has never seen it.
2. Where is your claim with proof of claim that Claimant has agreed, promised, or pledged to undertake a debt by contract with Respondents or that you have authority to levy a debt without the consent of the Claimant? Involuntary servitude is forbidden in the United States of America.⁵⁷

Show me your verifiable claim that I am a party to the Constitution. By what consensual contractual authority are you making incompetent decisions on behalf of my estate without my consent?

Indebitatus assumpsit means 'being indebted' or 'to have undertaken a debt'. It is a common law form of action. At common law, a form of action founded in contract in which the plaintiff alleges that the defendant has undertaken a debt and has failed to satisfy it.

3. Where is your oath to uphold and support the Constitution and your posted faithful performance bond required to complete your appointment to office?
4. Where is your claim with proof of claim that you have authority over this living man without a contract agreement?

In *Federal Crop Insurance v. Merrill*, 332 U.S. 380, the Supreme Court ruled: "Whatever the form in which the government functions, anyone entering into an arrangement with the government takes a risk of having accurately ascertained that he

⁵⁷ The fifty states of the union still operating under the the Constitution.

who purports to act for the government stays within the bounds of his authority, even though the agent himself may be unaware of the limitations upon his authority." Also see *Utah Power & Light Co. v. United States*, 243 U.S. 389; *United States v. Stewart*, 311 U.S. 60; and generally, in *re Floyd Acceptances*, 7 Wall. 666.

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5. Where is your claim with proof of claim that you have no duty to verify the alleged debt?

Administrative Procedures Act, 5 U.S.C. Part I, Chapter 5, II, § 556
Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof.

The FDCPA regulates upon the principle that once a debt is question, the Plaintiff has the burden to provide proof of claim, 15 U.S.C. 1692 g. This principle is also supported in 26 U.S.C. §6065, and the Massachusetts Code of Civil Procedure.

Moreover, the Rules of Evidence require personal knowledge (Rule 602) and an "Oath" per Rule 603. Hearsay (Rule 802) and presumption in favor of the State (Rule 403) are banned as proof of claim. Rule 901 requires authentication by evidence sufficient to support proponent's claims.

6. Where is your claim with proof of claim that you have not violated the Claimant's Fifth Amendment due process rights?

Where liability of father for support of minor daughter and extent of such liability and amount of attorney's fees to be allowed was dependent on facts, rendering of final judgment by trial court requiring father to pay \$25 monthly for support of minor until minor should reach age 18 and \$100 attorney's fees without having heard proof thereof in support of allegations in petition was error. *Ross v. Ross, Okla.*, 201 Okla. 174, 203 P.2d 702 (1949).

7. Where is your claim with proof of claim that you have not violated the Claimant's rights by binding him to your unverified, unilateral debt claim in violation of the 13th Amendment?

Amendment XIII

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

8. Where is your claim with proof of claim that the Claimant has committed a crime. Bring forth the injured party, a living breathing soul or dead body.
9. Where is your claim with proof of claim you have not committed treason against the United States Constitution by practicing your RYOT debtor system and binding men thereto?
10. Where is your claim with proof of claim that you have not committed treason, sedition, and rebellion against the constitution by sending out Bills of Attainder⁵⁸ to Claimant.
11. Where is your claim with proof of claim that you have authority to identify me, a living soul, as a dead, fictional corporation and to classify me as a dead person?

Principles of a Conditional Acceptance Letter

If you receive an unsigned demand for money due to a claim of debt, the Claimant, the Claimant has a duty to present a "true bill:" per the 4th Amendment, Administrative Procedures Act 5 U.S. Code § 556 (d), 26 U.S.C. §6065; the Clearfield Doctrine; 15 U.S.C. 1692 et seq.; FRA Rule 603; Proof of Claim Rules USBC Rule 3001, 3004, 3005.

1. Acknowledge receipt of the instrument.
2. Notice them of the defects of the instrument: not dated, not signed, not verified, computer generated, not stamp or Decal on the instrument . . . that is, a claim without validation or verification, or wrong addressee in all CAPS.

⁵⁸ A bill of attainder was a legislative act that singled out one or more persons and imposed punishment on them, without benefit of trial. Such actions were regarded as odious by the framers of the Constitution because it was the traditional role of a court, judging an individual case, to impose punishment." William H. Rehnquist, The Supreme Court, page 166.

3. Make a statement that it is your policy to pay all legitimate debts but it also your policy to avoid be a victim of fraud under color of law.
4. Conditionally accept the claim upon the condition, they validate the claim, and verify their claim under penalties of perjury as required of all debt collectors (15 U.S.C. 1692 e.g.). Make a sincere, real, genuine promise that if they verify their claim and sign it under notary attestation, you will make arrangements with them to pay it immediately.
5. Make an affidavit statement, "Your name, of age, and competent to testify, do state in the name of the Lord Jesus Christ, the following facts (statements) are true, correct, and not misleading to the best of my knowledge, information, and belief:"
6. Make brief list of the deficiencies of the letter . . . or make a notice of errors . . . or make a list of lawful requirements . . . or a list of your beliefs about law . . . and demand they dispute your claims (your understanding of the law and the facts). Give them 30 days to respond,
7. Warning: if they remain silent, their silence is a form of speech; that you will interpret their silence as agreement with your assertions.
8. Warning: if they do not rebut your assertions, but continue to send you unsigned, unverified harassment letters, that they agree to be fined by you (up to a million dollars in silver coin) for constructive fraud to deprive you of your rights to property.
9. Notarize the document.
10. After 30 days send them a notarized Notice of Default and notify them of your conclusions and damages to you. If they keep it up, SEND them a true bill for damages . . . non-lis-pendens lien . . . other.

Definitions

"**Act of Congress**" includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession -- Rule 54(c) application of terms, **Federal Rules of Criminal Procedure**

Admiralty law or maritime law is the distinct body of law (both substantive and procedural) governing navigation and shipping. Topics associated with this field in legal reference works may include: shipping; navigation; waters; commerce; seamen; towage; wharves, piers, and docks; insurance; maritime liens; canals; and recreation. Piracy (ship hijacking) is also an aspect of admiralty. All U.S. courts are ruled by Admiralty Law; i.e. laws forced on the people by officers in positions of power (V.C.).

Ad valorem: a commercial term regarding a tax whose amount is based on the value of a transaction of commercial property at the time of its sale.

Allodium: The right to own land without interference from an overreaching State.

American National (21) The term "national" means a person owing permanent allegiance to a state.

Bill of Attainder: A demand for money by government upon a private individual without acknowledging rights, without a contract, and without verification of a debt due.

Cause of Action: The reason for which a plaintiff files a complaint or suit against someone. This can be negligence, breach of contract, malpractice or defamation, to name a few. A cause of action is divided into elements, and each element must be proved to win the case.

Chicane (an artificial narrowing or turn on a road) use of terms for the purpose of ambushing private citizens . . . for an ostensible advantage to the Plaintiff

Civil Law: 1) A generic term for all non-criminal law, usually as it applies to settling disputes between private citizens or entities. 2) A body of laws and legal concepts derived from Roman law instead of English common law. (English common law is the basis of state legal systems in the U.S., with the exception of Louisiana.)

"Citizen": a human being created by the LORD God, a member of We the People, endowed by their Creator with unalienable right to life, liberty, and property.

“citizen”: an artificial entity or employee or officer or corporation or Negro or “persons” or state subject to the United States (14th Amendment).

“citizens of the United States”: a person such as JOHN QUINCY DOE.

Color of law: The misuse of words, terms, and statutes to control a man and to deprive him of his property.

Common Law (Amendment VII): The law of the people. The common law and common law rules are referred to in the VII Amendment which include the principles of Scripture, the Magna Carta, the Mayflower Compact, the Declaration of Independence, and the first Ten Amendments of the Constitution.

Commerce: the interchange of goods, commodities, and services between persons.

Communism: a system of government that eliminates private property and appropriates all property for the use and benefit of the State.

Compensatory Damages: Damages that are recovered for injury or economic loss. For instance, if someone is injured in a car accident and the party who injures them has to pay compensatory damages, the party at fault must cover cost of things such as the ambulance, doctors’ bills, hospital stays, medicine, physical therapy and lost wages.

Debt: “A sum of money due by certain and express agreement” (Black’s Law Dictionary, Sixth Edition, p. 403. Note: there is no such as a “tax debt” without a contract.

Demurrer (dee-muhr-ur): A formal response to a complaint filed in a lawsuit, pleading for dismissal and saying, in effect, that even if the facts are true, there is no legal basis for a lawsuit. Examples include a missing necessary element of fact, or a complaint that is unclear. The judge can agree and “leave to amend,” giving the claimant the opportunity to amend the complaint. If it is not amended to the judge’s satisfaction, the demurrer is granted. (Some states use a motion to dismiss.)

Employee: “public officer or employee” means any elected or appointed official or employee of a state agency.

Estoppel in pais: means that a party is prevented by his or her own conduct from obtaining the enforcement of a right which would operate to the detriment of another who justifiably relied on such conduct

Equity in Court:

Wiki: (1) the most important distinction between **law** and **equity** is

the set of remedies each offers. The most common civil remedy a court of **law** can award is monetary damages. **Equity**, however, enters injunctions or decrees directing someone either to act or to forbear from acting. (2) Reality: these are attorneys at “non-law” or “attorneys at play.” (3) Specifically, a court of law must follow the black letter rules, while a court of equity has the ability to do what is fair and equal.

Family law issues and contract issues. Family law is very much a court of equity subject matter where the judge can determine matters based on his / her (feminist) values, while contracts are very much a court of law issue. . . the “common law” started with the “King’s law,” which had to be followed exactly. Marriage is a contract issue not an equity issue.

Excise: an excise is defined as a tax levied on certain goods and commodities produced or sold within a country and on licenses granted for certain business activities.

Exempt: a legal entity that is free from liability or the obligation of matter due to the grace of its master.

“**Exempt**” (Black’s Law Dictionary 6th Edition):

To release, discharge, waive, relieve from liability. To relieve, excuse, or set free from a duty or service imposed upon the general class to which the individual exempted belongs; as to exempt from military service. **To relieve certain classes of property from liability to sale on execution, or from taxation, or from bankruptcy or attachment.**

Faithful Performance Bond: Also known as a surety bond issued by an insurance company to guarantee that an officer of employee of the state will perform his duties within the limits of the Constitution for the United States (1791).

Federal Court Jurisdiction:

20 Am. Jur. 2d Courts § 105, Territorial limitations (2008)

“The jurisdiction of a court is subject to territorial limits. Its jurisdiction cannot extend beyond the territory belonging to the sovereignty on behalf of which it functions, and its jurisdiction can be further limited, by constitutional or statutory provisions, to only part of a territory of the sovereignty to which it belongs.” (Emphasis added)

“**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.”

Mookini v. United States 303 U.S. 201 (1938), as follows:

“The term "**District Courts of the United States**," as used in the rules, without an addition expressing a wider connotation, has its historic significance. It describes the **constitutional courts created under article 3** of the Constitution. **Courts of the Territories are legislative courts**, properly speaking, and **are not District Courts of the United States**. We have often held that vesting a territorial court with jurisdiction similar to that vested in **the District Courts of the United States does not make it a "District Court of the United States."** (Emphasis added).

Balzac v. Porto Rico 258 U.S. 298 in 1922:

“The United States District Court is not a true United States court established under article 3 of the Constitution to administer the judicial powers of the United States therein conveyed. It is created in virtue of the sovereign congressional faculty, granted under article 4, § 3, of that instrument, of making all needful rules and regulations respecting the territory belonging to the United States. The resemblance of its jurisdiction to that of true United States courts, in offering an opportunity to nonresidents of resorting to a tribunal not subject to local influence, does not change its character as a mere territorial court.” (Balzac). (Emphasis added)

Judicial power is the power "of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before it for decision." (justia.com); (Emphasis added)

"Courts are allowed to exercise judicial power in order to change or nullify laws that are not in line with others (such as state laws vs. federal laws or international laws) or if laws are not in line with the constitution. The Supreme Court is always considered the highest court in the United States of America. It is up to the Supreme Court to be able to sufficiently and effectively interpret constitutional law in the United States." (yourdictionary.com); (Emphasis added)

Only Article III courts of the United States may make determinations that deprive the sovereign people of life, liberty, or property.

Felony: A serious crime punishable by death or at least one year in a state or federal prison. Felonies include arson, rape, perjury and homicide. When theft

is involved, the value of that which was stolen determines whether the offense is considered a misdemeanor or felony.

Form v. Substance: Certain “forms” of common law have been abolished by chancery, but the SUBSTANCE of the common law and rights attached thereto can never be abolished; that is, common law takes precedence over statutory legislation or procedure.

Franchise: an authorization granted by a government or company to an individual or group enabling to carry out specified commercial activities per NMSA 7-2-1 may be cited as the "Corporate Income and Franchise Tax Act". **History:** 1978 Comp., § 7-2A-1, enacted by Laws 1981, ch. 37, § 34; 1986, ch. 20, § 32.

A public office is a franchise: “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.”
[People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

Government is a thing not a person. A thing cannot tell a living soul what to do (Dr. Eduardo Rivera)

Grounds: Grounds are more than **simply reasons** for wanting a court to order relief. They **are the reasons specified by the law** that will serve as a basis for demanding relief.⁵⁹

Homestead: the right to own and enjoy property without harassment from overreaching tax assessors:

“Homestead”. (Black’s Law Dictionary, 6th Edition).

. . .The dwelling house and the adjoining land where the head of the family dwells; the home farm. The fixed residence of the family, with the land, usual and customary appurtenances, and buildings surrounding the main house.

“Homestead Right”. (Black’s Law Dictionary, 6th Edition).

The personal right to the beneficial, peaceful and uninterrupted

⁵⁹ **Grounds:** For example, a woman may sue her neighbor for Trespass on the ground that his fence was erected beyond his boundary line. Her real reason for suing may be that she does not like the loud music that he plays on his stereo, and she wants to cause him trouble. If his fence actually encroaches on her property, however, she has grounds for a Cause of Action based on the trespass.

use of the home property free from claims of creditors.

Income: "Income means gains/profit from property severed from capitol, however invested or employed. Income is not a wage or compensation from any type of labor" *Stapler v. United States*, 21 F.Supp 737 at 739 [emphasis added].

Individual: While this noun can denote a human being it is used in law to denote "a single 'person' – a legal person; as distinguished from a group or class . . . but it is said that this restrictive signification is NOT necessarily inherent in the word, and that it may, in proper cases, **include artificial persons**" (Emphasis added) – *Black's Law Dictionary*, 6th Edition, p. 773. In this brief's quotations, the word "individual" refers to a an *artificial person* who has a franchise with the state corporation, and NOT to a human being or an contract trust.

Intangible property: commercial property, not private property, that cannot be touched or held like one's personal name, stocks & bonds, trademarks, or goodwill.

Interest: "The most general term that can be employed to denote **a right, claim, title, or legal share** in something" (*Black's Law Dictionary*, Sixth Edition, p. 812). An "interest" must have a contract in place to declare a "right" to property. The government has no interest in private property.

Investment (a): a non-commercial term which means to devote time, talent, money, power, energy, prayer to achieve or preserve something good, wholesome, and beneficial.

Investment (b): a commercial term that identifies public business with money or capital in order to gain returns, interest, and income.

Jurisdiction: the limited, narrow, but correct exercise of authority over a matter, thing, or person.

Legalese: Terms of art unassociated with common law which are designed to deceive, trick, confuse, obfuscate, entrap, and control the people on the land on New Mexico State.

Malfeasance: Doing something illegal or morally wrong. Malfeasance includes dishonesty and abuse of authority.

Mens rea (menz ray-ah) Latin for a "guilty mind"; **mens rea is used to describe a culpable state of mind, the criminal intent of the individual** when committing an criminal act. For some crimes, this intent must have been present for a person to be guilty of the crime.

An injury caused without mens rea might be grounds for civil liability but typically not for criminal. (See word hippo mens rea)

A person has committed the actus reus of a crime with the appropriate mens rea.

In English law, s8 Criminal Justice Act 1967 provides a statutory framework within which mens rea is assessed.

Misdemeanor: A crime less serious than a felony, punishable by or imprisonment for less than a year.

Movable property: Commercial property that can be moved like cattle and livestock.

Mobile Home: (1) When used in the tax code, a mobile home refers to a business movable structures used in commerce to earn income by leasing or renting in a commercial mobile home park or as temporary service building for railroads, oil companies, and utility companies that may moved upon public highways for commercial purposes like commercial cattle and livestock; (2) When used in the private sector by an average man on the street a mobile home refers to non-commercial, private property used for shelter, recreation, and storage of other private property.

NMSA 7-36-1. Provisions for valuation of property; applicability.

The provisions of this article apply to and govern the determination of value **of all property subject to valuation** for property taxation purposes under the Property Tax Code. **History:** 1953 Comp., § 72-29-1, enacted by Laws 1973, ch. 258, § 13.

7-36-2. Allocation of responsibility for valuation and determining classification of property for property taxation purposes; county assessor and department.

“state” of New Mexico the land over which the people have jurisdiction; a reference to the people living on the land. It does not refer to the government corporation dictating its will upon the people.

“State of New Mexico”: a for-profit organization in maritime law performing 19 enumerated federal government services owed to them under contract.

Law (a): A system of rules, prohibitions, and duties handed down to man in written form by the LORD God, man’s King, Lawgiver, and Judge. All law must be written and true law is found in the Ten Commandments and relevant case law in the Scriptures. In referring to binding law Jesus said, “It is written.” If it is not written, it is not law. Moreover, law must be clear:

The valid LAW of the case, as enacted by the Legislative Branch, must affirmatively appear in record (See United States of America

v. Menk. 260 F. Supp. 784 at 787 , and United States of America v. Community TV. Inc.. 327 F.2d 79 (10' Cir.. 1964):

He has **jurisdiction** over all things.

“The Lord reigns, let the nations tremble . . . he is exalted over all the peoples” – Psalm 99:1.

Nefarious: wicked and impious.

Natural person: Black’s Law Dictionary has no definition for “natural person” and appears to be contrived term to identify a fictional entity or status given to a man that is used by attorneys to entrap people.

Non-assessable: a thing or person or activity outside the jurisdiction of a state; property or activity outside the taxing authority of the state; property or activity not subject to the tax code.

Non-residential property: This is a commercial term and does not refer to private property. "nonresidential property" means property that is not residential property; that is, property not used for housing human beings but is used in the course of business - NMSA 7-35-2 F.

Obreption: An attempt to obtain property through fraud by a public official posing as a government officer or person.

Resident: The term “residence” means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent; and it refers to one that is a permanent member of a State government and under their authority.

Person (a): On the street, this term refers to a living, breathing, human being created by the LORD God and subject to His law-order as in the Constitution for the United States, Article 1:2-3.

Person (b): In statutory construction the term “person” is legalese for corporations, a government corporation, fictions, artificial entities, businesses, officers, elected officials, officers of government, employees working for or subject to the United States or one of its State corporations; “‘person’ means an individual or any other legal entity” created by the state - NMSA 7-35-2 H.

26 U.S.C. § 7701 (1)

Person: The term “person” shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

Person (c) (NMSA 7-35-2): “person” means an individual or any other legal entity.

Person -- (A) 1 U.S. Code § 8 - "Person", "human being", "child", and "individual" as including born-alive infant

(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words "person", "human being", "child", and "individual", shall include every infant member of the species homo sapiens who is born alive at any stage of development; and, (b) 26 U.S. Code § 7701 – Definitions: (1) Person -- The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

Person (USC 1): the words "person", "human being", "child", and "individual", shall include every infant member of the species homo sapiens who is born alive; that is, human beings are primates, apes, and chimpanzees with highly developed brains. This definition does not include living men created by Almighty God.

Personal Property: On the street personal property belonging to a living breathing man; "that which is peculiar or proper to any person (a man) . . . in a strict legal sense, an aggregate of rights which are guaranteed and protected by government . . . ownership; the unrestricted and exclusive right to a thing" (Black Law Dictionary Sixth Edition, p. 1216). But, this is not the meaning in statutory law

Personal Property (B): In statutory law, personal property refers to movable property belonging to a business like chairs and desks: the kind of property belonging to a government created "person," corporation or partnership that can be regulated by the State. Most people do not have "personal property."

Posit: assume as a fact; put forward as an argument. if we were to accept the Government's arguments, we are hard pressed to posit⁶⁰ any activity by an individual that Congress is without power to regulate.

Privilege: a special advantage granted to a particular person or group by a "person" of power to a subject via a contract that is not available to those outside the franchise.

Prima facie case: A case where, upon first look, the facts themselves prove the case.

Promulgating Rules: is the requirement that there be a promulgated rule, a.k.a. regulation,⁶¹ for the provision of administrative law being enforced,

⁶⁰ **Posit:** assume as a fact; put forward as a basis of argument.

which rule specifically identifies a class of persons, or things, which are actually engaged in an expressly defined regulated activity, wherein it is prima facie evident that the citizen, or his property is prima facie a member of said named class so engaged.

Private Property: As protected from being taken for public uses, is such property as belongs absolutely to a living man, and of which he has the exclusive right of disposition. Property of a specific, fixed and tangible nature, capable of being in possession and transmitted to another, such as houses, lands, and chattels. *Scranton v. Wheeler*, 179 U.S. 141, 21 S.Ct. 48, 45 L.Ed. 126. (*Black's Law Dictionary, 6th Edition*). *Note: the State can tax business property, but it cannot lawfully tax private property. You have a right to live somewhere without paying rent (property tax).*

Property (a): anything that can be owned; the exclusive right to enjoy, use, or dispose of a thing per the Creator's rule for men to take dominion of the earth. "That which is peculiar or proper to any person; that which belongs exclusively to one. In a strict legal sense an aggregate of rights which are guaranteed and protected by the government . . . *Fulton Light, Heat & Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable right and interest. More specifically, **ownership; the unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to use it, and to exclude every one else from interfering with it**" (*Black's Law Dictionary, Sixth Edition, p. 1216*).

Property (b): "'property' means tangible property, real or personal" having a situs within the state – NMSA 7-35-2 I. This is commercial, business property and it does not include private property.

Property (c): "the *exclusive* right to possess, enjoy and dispose of a thing" (*Miriam-Webster*). "The ownership of a thing is the right of one or more persons to possess and use it *to the exclusion of others*" (*Black's Online Dictionary*).

"The government, and, in particular, the courts are obligated to

⁶¹ "The result is that neither the statute nor the regulations are complete without the other, and only together do they have any force. In effect, therefore, the construction of one necessarily involves the construction of the other. The charges in the information are founded on 1304 and its accompanying regulations, and the information was dismissed solely because its allegations did not state an offense under 1304, as amplified by the regulations. When the statute and regulations are so inextricably intertwined, the dismissal must be held to involve the construction of the statute." *UNITED STATES v. MERSKY*, 361 U.S. 431 (1960)

protect property rights and to help clarify ownership,” (Legal-Dictionary).

Property tax: A tax imposed on business property under the Property Tax Code on that which NMTRD has exclusive jurisdiction because of a contract between the business and the State; that NMTRD has jurisdiction over all property in New Mexico State is hereby rejected with a verified claim and proof of claim (NMSA 7-35-2).

Punitive damages: Damages awarded over and above compensatory damages for punishment. If the act causing the injury was committed out of negligence or malice, punitive damages serve not only as a punishment, but as an example or **deterrent to others**. It also helps put the injured party on a level playing field. For instance, an individual who loses a leg when hit by a drunk driver cannot be awarded a new leg, but a monetary award can help that person face the resultant obstacles.

Property Tax Crimes: Crimes by officers of the state may include mail fraud (18 U.S.C. §1341), falsifying records (18 U.S.C. § 2071), creating fictitious obligations, and creating false securities under color of law (18 U.S.C. § 513, 514).

Real estate: This a commercial term referring to business property and not private property - (a) Real estate refers to land and the rights to enjoyment of land; or (b) **commercial property owned and managed by a business**. (The government uses this term as a trick to get you to declare your property is commercial property that can be taxed.

Real Property: This is a commercial term used by corporation to describe assets owned by a business. This is not private property. Corporations have real property where they do or support their business; private people have private property. Black’s Law Dictionary, Sixth Edition defines real property in part as “. . . states of land . . . for the purpose of industrial growing of crops, and things attached to it”

Resident: The term “resident” is as slippery as snake oil and one of the most abused words by BAR attorneys because it can be made to mean anything they want. The word “resident” has many meanings in law, largely **determined by statutory context** in which it is used. A “resident” is one who is a member of the State corporation . . . by contract [Kelm v. Carlson, C. A. Ohio, 473, F2d 1267, 1271][Underline added]

In this brief, residential refers to commercial property involving rent, a tenant, and a landlord and not property owned by a private citizen. Any attempt by a person working for the State to define this man or this trust owner as a “resident” or a “U.S. citizen,” “taxpayer,” “officer,” “alien,” “resident alien,”

“U.S. person,” “corporation,” “artificial entity,” “employee,” “real property,” or subject of the United States is hereby rejected without a verified claim and proof of claim.

Resident (NMSA 47-10-2) “ “resident” means any person or family of such person owning a mobile home that is used to earn income that is subject to a tenancy in a mobile home park under a rental agreement;” (References to Mobile Home Park, space, trailer park, landlord, rent, tenancy, and management).

Residential: a commercial business providing living accommodations to renters’ like nursing homes -- “An area used for housing and commercial enterprises” (Black’s Law Dictionary, on line). **Private property is not residential property.**

Residential Housing: NMSA 7-36—15 B.(2)(b) – ““residential housing” means any building, structure or portion thereof that is primarily occupied, or designed or intended primarily for occupancy, as a residence by one or more households and any real property that is offered for sale or lease for the construction or location thereon of such a building, structure or portion thereof. “Residential housing” includes congregate housing, manufactured homes for sale or rent, trailer parks, apartments, housing intended to provide or providing transitional or temporary housing for homeless persons and common health care, kitchen, dining, recreational and other facilities primarily for use by residents of a residential housing project.

Residential Property: “residential property” consist of commercial dwellings for income purposes together with appurtenant structures such as apartment complexes used for human habitation (NMSA 7-35-2 (J.)); residential property stands in contradistinction to “private property which their owners have exclusive and absolute legal rights” (BD: Business Dictionary, online);

Real property: real property refers to all structures and appurtenances attached **to commercial property** connected with a franchise or business that is generally unmovable, from which “income” is derived, and is subject to taxation. That a for-profit state corporation has the power to tax all land merely because it exist is hereby rejected.

The relief of vacatur; seeking thus to set aside a court order.

Right: A gift of God given to those who surrender to His authority and acknowledge His Law-order. God’s law-order as written in the Ten Commandment; a duty of man in conformity to a command of God.

RYOT tenure: The Fourth Edition of Black's Law Dictionary is the term: "RYOT TENURE" A system of land Tenure, where the government takes the place of landowners and collects the rent by means of tax gatherers (IRS). The farming is done by poor peasants, (ryots) who find the capital, so far as there is any, and also do the work. After slavery, it is accounted the worst of all systems because the government can fix the rent at what it pleases, and it is difficult to distinguish between rent and taxes. A Christian government serves the people; a tyrannical government soaks the people for all they can get.

Scheme: a sophisticated plan in violation of the Tenth Commandment using color of law, color of process, and color of authority to deprive a man of his property for personal or corporate gain.

Single Family Dwelling: commercial property owned by a legal person in contract with the State who happens to occupy the property.

Situs NMSA 7-36-7 "all property is subject to valuation for property taxation purposes under the Property Tax Code *if it has a taxable situs in the state.*"

Situs: is a Latin legal term that refers to where one has conducts his business?

"Situs: location or place of crime or business" (Black's Law Dictionary, 6th Edition).

Socialism: A political and economic theory advocating collective ownership of the means of production and control of distribution. It is based upon the belief that all, while contributing to the good of the community, are equally entitled to the care and protection which the community can provide (Webster's dictionary).

State: The term "state" or "State" or "State" used in NMSA shall be construed to mean a corporation, fiction, a person, an entity, a jurisdiction of commerce, a corporation under Congress, a "federal state franchise," a government corporation know as the State of New Mexico or the STATE OF NEW MEXICO; (2) a state or territory over which The United States, Inc. has jurisdiction: the District of Columbia, Puerto Rico, Guam, Virgin Islands, other U.S. territories: (3) a geographical land area with boundaries on which people walk, drive, live, and play.

26 CFR § 31.3121(e)-1 - State, United States, and citizen.

§ 31.3121(e)-1 State, United States, and citizen.

(a) When used in the regulations in this subpart, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Territories of Alaska and Hawaii before their admission as States, and (when used with respect to

services performed after 1960) Guam and American Samoa.

"State" includes District of Columbia, Puerto Rico, territory and insular possession. . If the intent of Congress is manifest in the plain wording of a statute, as evidenced at 28 U.S.C. § 2072(b), the enactment must be taken at face value

Shelter: the use of a structure as a God-given right to seek protection from the wind, rain, snow, sun, criminals, and an oppressive, overreaching government that seeks to convert private property into public property.

Sua sponte: Latin for "of one's own accord; voluntarily."

Substantive unconscionability refers to contractual terms that are unreasonably or grossly favorable to one side and to which the disfavored party does not assent.

Tangible property: Tangible personal property refers to any type of property that has form; that can generally be moved; that can be touched (Black's Law Dictionary, Sixth Edition, p. 1456.

Tax: "tax" means the property tax imposed under the Property Tax Code upon businesses and franchises – a fee for the privilege of doing business with the State of New Mexico – NMSA 7-35-2 L.

Tort: From the French word for "wrong," a tort is a wrongful or illegal act, whether intentional or accidental, in which an injury occurs to another. An intentional tort may also be a crime, such as battery, fraud or theft. Tort law is one of the largest areas of civil law.

Trade or Business: the term "trade or business" includes the performance of the functions of a public office (26 U.S.C. §7701(a)(26)).

Trade Fixture: A Trade fixture is a piece of equipment on or attached to the real estate which is used in a trade or business.

Tyranny: the total subjection of the total man to total government.

Tyrant: a state employee who seems himself as master of the man and his property.

Tangible property: Tangible personal property refers to any type of business property that can generally be moved (i.e., it is not attached to real property (or land), touched or felt.

Tax: "tax" means the property tax imposed under the Property Tax Code upon businesses and franchises – NMSA 7-35-2 L.

Tax is on "persons" in contract with the State (26 U.S.C. §6331(a)).

Taxpayer: any person with a situs in the state subject to the tax code; and, to be contrasted with a non-taxpayer who is a man or woman that is not engaged in taxable activities such as producing oil and gas.

"..**liability for taxation must clearly appear**[from statute imposing tax]."

[Higley v. Commissioner of Internal Revenue, 69 F.2d 160 (1934)]

Trade or Business: the term "trade or business" includes the performance of the functions of a public office (26 U.S.C. §7701(a)(26)).

Trade Fixture: A Trade fixture is a piece of equipment on or attached to the real estate which is used in a trade or business.

Tyrant: a state employee who seems himself as master of the man and his property.

Ultra Vires Act: An act by a state or government employee, acting in their individual capacity as a public officer that takes an action for commercial gain beyond the scope of the agency's legal powers.

Unalienable: Unalienable: "not alienated; not transferred; not estranged" (Webster 1828 Dictionary)

United States: the United States is a for-profit corporation owned by the U.N. operating out of the District of Columbia with jurisdiction over the states of Puerto Rico, Guam, the Virgin Islands and other U.S. territories.

26 U.S.C. § 7701 (a) (9) United States

The term "United States" when used in a geographical sense includes only the States and the District of Columbia.

8 U.S.C. Sec. 1101(a)(36): State [naturalization]

The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.

26 USC 6103 (e) State, United States, and citizen.--For purposes of this chapter--

(1) State.--The term "State" **includes** the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(2) United States.--The term "United States" when used in a geographical sense **includes** the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa. [Emphasis added]

United States of America: the United States of America, Incorporated, which was owned and operated by the Federal Reserve System under the auspices of a foreign nation calling itself “the United States of America (Minor)” ––though they very rarely bother to include the word (Minor). This “other United States” is composed of a consortium of “American” “States” more often thought of as federal territories and possessions, including Guam, Puerto Rico, American Samoa, American Virgin Islands and “Other Insular States”. It’s a private corporation organized under the auspices of a foreign country operating “state” franchises.

United States Congress: (a) “United States Congress” acting as the government of the United States of America (Minor), a foreign, maritime, legislative democracy; (b) board members of one of the federal corporations.

UNITED STATES, Inc.: one of one of the main federal government corporations organized to provide services to the states and people via franchises it calls federated “States”, for example, “State of California” and federated counties, for example, “County of Maricopa”.

United States person: a citizen or resident or partnership or domestic corporation connected with the federal zone (See 26 U.S.C. §7701(a)(30).

Validate: to make legally valid by confirming the true facts of a claim in written form.

Vehicle: Vehicle is a commercial term: ““vehicle” means every device in, upon or by which any person⁶² or property⁶³ is or may be transported or drawn upon a highway, including any frame, chassis, body or unitized frame and body of any vehicle or motor vehicle, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks” for commercial purpose (NMSA 66-1-4.19).

Verify or Verified or Verfication: to attest to the truth of a matter by oath under penalties of perjury being duly sworn and attaching one’s signature thereto as a matter of good faith. See FDCPA Section 809. Validation of debts (15 U.S.C. 1692 g).

Vi Coactus (V.C.) is a Latin term meaning “having been forced” or “having been compelled”. In Latin, *cōgō* means “to compel” or “to force”. The passive participle of *cōgō* is *coāctus*, meaning “having been forced” or “having been

⁶² NMSA 66-1-4.14 E. “person” means every natural person, firm, copartnership, association, corporation **or other legal entity**;

⁶³ Property means tangible property, real or personal” having a situs within the state – NMSA 7-35-2 I

compelled" or "coerced" .^[1] "Vi Coactus" or "V.C." is used with a signature to indicate that the signer was under duress. The signer uses such marking at the start of their signature to signal that the agreement was made under duress, and that it is their belief that it invalidates their signature.^[2]

Void for Vagueness: The Elements of Due Process: Criminal statutes that lack sufficient definiteness or specificity are commonly held "void for vagueness." (THE ORDERS ARE VOID AB INITIO, because they were based on Perjury, Fraud, Lack of Notice, Violation of Due Process, Violation of Rights & Violations under color of law!)

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