

CIVIL CAUSES OF ACTION



DEDICATION

*"The violence of the wicked will destroy them because they refuse to do justice."
[Prov. 21:7, Bible, NKJV]*

REVISION HISTORY

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1 **1 Introduction**

2 This document will introduce most major causes of action in initiating a civil lawsuit. It will address both common law
3 actions, where remedies are created by the court, and statutory actions, where remedies are created by the legislature. A
4 synonym for “cause of action” is “claim”.

5 **2 Background**

6 **2.1 Essential Elements**

7 Think of a lawsuit like a recipe for baking an apple pie. There are certain ingredients you must put in if the pie is to turn out
8 right. If you’re trying to make a pineapple pie and don’t add any apple or apple flavoring, you’re not going to get an apple
9 pie. You might get something else, and it might taste yummy, but it won’t be apple pie unless you add that essential
10 ingredient.

11 The essential ingredients to a lawsuit are called the elements of causes of action.

12 Every lawsuit must state at least one cause of action (e.g., breach of contract, negligence, fraud, etc.) that is recognized by
13 the jurisdiction where it’s filed. A complaint in a lawsuit usually alleges multiple causes of action, and each cause of action
14 is made up of certain required elements.

15 Each cause of action, in turn, requires certain ingredients to be included in the allegations of fact that purport to state the
16 cause of action ... ingredients that lawyers call the elements of that particular cause of action. Each cause of action, like
17 each kind of pie, has different essential elements. That’s what this book explains.

18 Causes of action help define what evidence must be gathered during the discovery phase of a case in order to prove
19 essential facts that will persuade the jury or a judge.

20 For example, if you sue (or are sued) for breach of contract, the complaint must include at least three (3) essential
21 ingredients, the elements of the cause of action we call “breach of contract”. If you fail to state all elements, you fail to state
22 the cause of action.

- 23 1. Existence of an enforceable contract.
24 2. Acts of the defendant that constitute his breach of the contract.
25 3. Damages to the plaintiff resulting from defendant’s breach.

26 Failure to include all 3 essential ingredients (i.e., elements of the cause of action called breach of contract) exposes the
27 complaint to a motion to dismiss.

28 What do we call the motion to dismiss? Why, it’s called a Motion to Dismiss for Failure to State a Cause of Action, that’s
29 what!

30 Of course, just saying what’s stated in the 3-point list above isn’t enough to create an effective, winning complaint. You not
31 only need to state all the essential elements but you must also state all the ultimate facts that substantiate and corroborate
32 those elements.

33 For example, in stating a cause of action for breach of contract you should state all facts that support the elements of the
34 cause of action, as the following example shows:
35

COUNT ONE: BREACH OF CONTRACT

1. This is an action for breach of contract.
2. On April 10th of this year the defendant offered to sell plaintiff his car for \$1200.
3. Plaintiff and defendant signed a written contract agreeing to the terms of the bargain, and plaintiff gave defendant \$1200 in cash. (Copy of the written contract is attached as Exhibit 1.)
4. Later that same afternoon, while visiting a local tavern where the defendant goes to drink himself silly every day, plaintiff learned that defendant had been bragging how the bull had died the week before.
5. Plaintiff made demand for the live bull he bargained and paid for.
6. Defendant failed and refused to deliver the bull or return plaintiff's money, thus breaching the written contract between them.
7. Defendant suffered \$1200 in money damages.

WHEREFORE plaintiff prays the Court will award him money damages and such other relief as may be reasonable and just under the circumstances including plaintiff's reasonable attorney's fees and costs.

1 That's how it's done!

2 See? It's truly easy, once you see the common-sense of it.

3 All facts are alleged that need to be alleged to set forth all elements of the cause of action for breach of contract, and
4 additional facts are alleged to put the court on notice what the case is about and what the plaintiff intends to prove ... i.e.,
5 what he needs to prove to win.

6 Of course there's more to winning lawsuits than knowing the elements of causes of action (whether you're a plaintiff
7 bringing the lawsuit or a defendant trying to make it go away), however it is essential for both parties to know the elements
8 of every cause of action in the case ... whether they are suing or being sued.

9 This document explains the elements of common causes of action and defenses that may be asserted successfully. Whether
10 you're suing someone for damages you say *they* caused or being sued for damages they say *you* caused, it just makes good
11 sense to know the elements of every cause of action ... because a case improperly stated cannot be won!

12 The remainder of this document lists most common causes of action and some of the defenses that may be raised.

NOTE: Elements of Civil Causes of Action may differ somewhat between jurisdictions. Check rules and case law for details in your local jurisdiction before proceeding. This guide is not intended as a substitute for experienced legal counsel. If in doubt about any matter discussed herein, consult an attorney.

13 **2.2 Consequence of failing to state essential elements**

14 Those who file a claim or action in federal court which fails to state all the essential elements to make up such a claim
15 frequently have their cases dismissed under Federal Rule of Civil Procedure 12(b)(6):

16 [III. PLEADINGS AND MOTIONS](#) > [Rule 12](#)
17 [Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings;](#)
18 [Consolidating Motions; Waiving Defenses; Pretrial Hearing](#)

19 *(b) How to Present Defenses.*

20 *Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is*
21 *required. **But a party may assert the following defenses by motion:***

22 *(1) lack of subject-matter jurisdiction;*

23 *(2) lack of personal jurisdiction;*

24 *(3) improper venue;*

25 *(4) insufficient process;*

26 *(5) insufficient service of process;*

27 ***(6) failure to state a claim upon which relief can be granted; and***

28 **2.3 You cannot claim a cause of action for that which you consent to**

29 The important thing to remember about causes of actions is that:

- 30 1. Someone must injure you.
- 31 2. Whatever injury you received you did not consent to.
- 32 3. You must manifest to no evidence of consent to the injury or make it clear to the party who injured you that you did not
33 consent.

34 It is a maxim of law that you can only lose your rights or property through your voluntary consent:

1 *“Quod meum est sine me auferri non potest.*
2 *What is mine cannot be taken away without my consent. Jenk. Cent. 251. Sed vide Eminent Domain.*

3 *Id quod nostrum est, sine facto nostro ad alium transferi non potest.*
4 *What belongs to us cannot be transferred to another without our consent. Dig. 50, 17, 11. But this must be*
5 *understood with this qualification, that the government may take property for public use, paying the owner its*
6 *value. The title to property may also be acquired, with the consent of the owner, by a judgment of a competent*
7 *tribunal.”*
8 *[Bouvier’s Maxims of Law, 1856;*
9 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

10 It is also a maxim of law that you cannot be compelled to surrender your rights and that anything you consent to under the
11 influence of duress is not law and creates no obligation on your part:

12 *“Invito beneficium non datur.*
13 *No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent he will be*
14 *considered as assenting. Vide Assent.*

15 *Non videtur consensum retinuisse si quis ex praescripto minantis aliquid immutavit.*
16 *He does not appear to have retained his consent, if he have changed anything through the means of a party*
17 *threatening. Bacon’s Max. Reg. 33.”*
18 *[Bouvier’s Maxims of Law, 1856;*
19 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

20 Furthermore, those who have consented voluntarily, even if misinformed or uninformed at the time of the consent, have no
21 standing in court to sue for an injury:

22 *“Voluntati non fit injuria.*
23 *He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

24 *Consensus tollit errorem.*
25 *Consent removes or obviates a mistake. Co. Litt. 126.*

26 *Melius est omnia mala pati quam malo consentire.*
27 *It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

28 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*
29 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.”*
30 *[Bouvier’s Maxims of Law, 1856;*
31 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

32 For more information on this subject, see:

<p>33 <u>Requirement for Consent, Form #05.003</u> <u>http://sedm.org/Forms/FormIndex.htm</u></p>
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33 **2.4 Purpose of government**

34 The government’s whole purpose for existence is to respect and protect the requirement for consent in all human
35 interactions by preventing coercion, force, or unlawful duress of every kind. It cannot fulfill this requirement if it can
36 impose any kind of “duty” upon the American public beyond that of preventing or abstaining from harmful behaviors that
37 injure the equal rights of others. Thomas Jefferson explained it best when he said on this subject:

38 *“With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing*
39 *more, fellow citizens--**a wise and frugal Government, which shall restrain men from injuring one another,***
40 ***shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not***
41 ***take from the mouth of labor the bread it has earned. This is the sum of good government, and this is***
42 ***necessary to close the circle of our felicities.**”*
43 *[President Thomas Jefferson, concluding his first inaugural address, March 4, 1801]*

44 Governments protect private rights and the requirement for consent in all human interactions by the following means:

- 1 1. Protecting people’s right to contract by preventing anyone from being compelled to enter into or terminate any
2 contractual relationship. See Article 1, Section 10 of the United States Constitution, which prohibits any state from
3 impairing the obligation of contracts. Implicit in the phrase “impairing contracts” is any of the following:
4 1.1. FORCING you to contract with anyone else, including the government.
5 1.2. FORCING you to acquire or retain any status under an existing OTHER contract or franchise. Such statuses
6 include “citizen”, “resident”, “taxpayer”, “spouse”, “driver”, etc.
7 1.3. FORCING you to accept or assume the duties associated with the contract or franchise.
8 2. Ensuring that government does not compel people to convert their “private property” to “public use”. In other words,
9 to prevent people from being compelled to engage in a privileged, excise taxable activity called a “trade or business” or
10 a “public office”. This usually happens when the government compels you to obtain or use an identifying number in
11 corresponding with you. The regulations at 20 CFR §422.103(d) say that the number belongs to the government and
12 not you. It is public property and it is illegal to use public property for a private use. Therefore, whatever you attach
13 the number to becomes “private property donated to a public use” to procure the benefits of a government franchise
14 that destroys all of your constitutional rights:

15 *“Surely the matters in which the public has the most interest are the supplies of food and clothing; yet can it be*
16 *that by reason of this interest the state may fix the price at which the butcher must sell his meat, or the vendor of*
17 *boots and shoes his goods? Men are endowed by their Creator with certain unalienable rights, -life, liberty, and*
18 *the pursuit of happiness;’ and to ‘secure,’ not grant or create, these rights, governments are instituted. That*
19 *property which a man has honestly acquired he retains full control of, subject to these limitations: First, that*
20 *he shall not use it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s*
21 *benefit; second, that if he devotes it to a public use, he gives to the public a right to control that use; and*
22 *third, that whenever the public needs require, the public may take it upon payment of due compensation.”*
23 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

24 For details on this SCAM, see:

Socialism: The New American Civil Religion, Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

- 25 3. Making sure that the court system and legal profession are accessible and affordable to all, so that even those that
26 cannot afford an attorney can still defend their rights. This ensures “equal protection” to all, which is the foundation of
27 all free governments:

28 *“No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions*
29 *intended to secure that equality of rights which is the foundation of free government.”*
30 *[Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897)]*

- 31 4. Educating people in public schools and universities about their rights and how to defend them without the need of a
32 licensed, censored “officer of the court” called an “attorney”. All such attorneys have a conflict of interest and
33 allegiance that will inevitably lead to eventual destruction of the rights of the public at large:

34 *“His [the attorney’s] first duty is to the courts and the public, not to the client, and whenever the duties to his*
35 *client conflict with those he owes as an officer of the court in the administration of justice, the former must yield*
36 *to the latter.”*
37 *[Corpus Juris Secundum (C.J.S.), Volume 7, Attorney & Client, Section 4]*

- 38 5. Preventing unlawful duress by private employers and financial institutions that might compel people to participate in
39 “social insurance” if they do not voluntarily consent to. This means:
40 5.1. Prosecuting companies that threaten to fire, won’t hire, or sanction workers who do not want to fill out a W-4 and
41 instead hand them the more correct W-8BEN form.
42 5.2. Prosecuting companies who compel the use of Social Security Numbers under 42 U.S.C. §408(a) and state
43 identity theft statutes.
44 5.3. Prosecuting companies that file false information returns against workers who are not lawfully engaged in a
45 public office within the U.S. government.
46 We might add that an absolute refusal by the Dept. of Justice to do all of the above things is the main reason that most
47 people participate UNLAWFULLY in the tax system to begin with. This omission constitutes a criminal conspiracy
48 against rights, makes them an accessory after the fact to deprivation of rights, and makes them guilty of misprision of
49 felony.
50 6. Helping those who cannot afford to help themselves, meaning to help the most underprivileged members of society to
51 defend themselves from coercion and oppression by the most wealthy and influential members.

1 *"Cursed is the one who perverts the justice due the stranger, the fatherless, and widow." "And all the people*
2 *shall say, "Amen!"*
3 *[Deut. 27:19, Bible, NKJV]*

4 *"The LORD watches over the strangers; He relieves the fatherless and widow; But the way of the wicked He*
5 *turns upside down."*
6 *[Psalm 146:9, Bible, NKJV]*
7 *"Defend the fatherless, Plead for the widow."*
8 *[Isaiah 1:17, Bible, NKJV]*

9 *"For if you thoroughly amend your ways and your doings, if you thoroughly execute judgment between a man*
10 *and his neighbor, if you do not oppress the stranger, the fatherless, and the widow, and do not shed innocent*
11 *blood in this place, or walk after other gods to your hurt, then I will cause you to dwell in this place, in the*
12 *land that I gave to your fathers forever and ever."*
13 *[Jer. 7:5-7, Bible, NKJV]*

14 *Thus says the LORD: "Execute judgment and righteousness, and deliver the plundered out of the hand of the*
15 *oppressor. Do no wrong and do no violence to the stranger, the fatherless, or the widow, nor shed innocent*
16 *blood in this place."*
17 *[Jer. 22:3, Bible, NKJV]*

18 *"Do not oppress the widow or the fatherless, The alien or the poor. Let none of you plan evil in his heart*
19 *Against his brother."*
20 *[Zech. 7:10, Bible, NKJV]*

21 In effecting the above goals of protecting "private rights", governments who are following God's biblical mandate for
22 GOOD government must pass laws to regulate the "public conduct" of its own "public employees" and agents. Most
23 federal law, in fact, is law exclusively for government and not for private persons, and is enacted specifically to prevent
24 federal employees from adversely affecting private rights.

25 *"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide*
26 *modes of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also*
27 *United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v.*
28 *Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been*
29 *superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United*
30 *States v. Guest, 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not*
31 *definitional, has not been questioned."*
32 *[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]*

33 What the U.S. Supreme Court is saying above is that the government has no authority to tell you how to run your private
34 life. This is contrary to the whole idea of the Internal Revenue Code, whose main purpose is to monitor and control every
35 aspect of those who are subject to it. In fact, it has become the chief means for Congress to implement what we call "social
36 engineering". Just by the deductions they offer, people are incentivized into all kinds of crazy behaviors in pursuit of
37 reductions in a liability that they in fact do not even have. Therefore, the only reasonable thing to conclude is that Subtitle
38 A of the Internal Revenue Code, which would "appear" to regulate the private conduct of all individuals in states of the
39 Union, in fact only applies to federal instrumentalities such as "public offices" in the official conduct of their duties while
40 present in the District of Columbia, which 4 U.S.C. §72 makes the "seat of government". The I.R.C. therefore essentially
41 amounts to a part of the job responsibility and the "employment contract" of "public employees". This was also confirmed
42 by the House of Representatives, who said that only those who take an oath of "public office" are subject to the
43 requirements of the personal income tax. See:

44 <http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

45 Unfortunately, what your corrupted politicians have done is abuse their authority to write law to:

- 46 1. Write private law for federal employees and officials that imposes a tax obligation.
- 47 2. Obfuscate the terms and definitions in the law to:
 - 48 2.1. Make it appear that said law applies universally to everyone, including those in the states of the Union, when in
49 fact it does not.
 - 50 2.2. Compel the courts and the IRS to mis-interpret and mis-enforce the I.R.C., by for instance, making judges into
51 "taxpayers" who have a financial conflict of interest whenever they hear a tax case.

- 1 3. Gag franchise judges from exposing the FRAUD by prohibiting them from entering declaratory judgments in the case
2 of “taxes” per the Declaratory Judgments Act, 28 U.S.C. §2201(a). This act can only apply to statutory franchisees
3 called “taxpayers”, but judges illegally apply it to NONTAXPAYERS as a way to undermine and destroy the
4 protection of private rights. It is a TORT when they do this.
- 5 4. Invoke sovereign immunity to protect those in government who willfully violate the rights of others by exceeding their
6 lawful authority, and thereby become a mafia protection racket for wrongdoers in violation of [18 U.S.C. §1951](#). This
7 tactic has the effect of making the District of Columbia into the District of Criminals and a haven for financial terrorists
8 who exploit the legal ignorance and conflict of interest of their coworkers and tax professionals to enrich themselves.
- 9 5. Mislead and confuse private employers in states of the Union into volunteering to become federal instrumentalities,
10 agents, and “public officers” in the process of implementing this private law that doesn’t apply to them. See:
11 <http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

12 The Bible warned us this was going to happen, when it said:

13 *“**Shall the throne of iniquity, which devises evil by law, have fellowship with You?** They gather
14 together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and
15 my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own
16 wickedness; **the Lord our God shall cut them off.**”
17 [Psalm 94:20-23, Bible, NKJV]*

18 Who else but corrupted lawmakers and public servants could “devise evil by law”? In this white paper, we will therefore:

- 19 1. Provide extensive evidentiary support which conclusively proves the above assertions beyond a shadow of a doubt.
- 20 2. Try to provide to you some tools and techniques to enforce the requirement for consent in all interactions you have
21 with the government.
- 22 3. Show you how to discern exactly WHO a particular law is written for, so that you can prove it isn’t you and instead is
23 only federal instrumentalities, agents, and “public officers”.
- 24 4. Teach you to discern the difference between “public law” that applies EQUALLY to all and “private law” that only
25 applies to those who individually consent.
- 26 5. Teach you how to discern what form the “constructive consent” must take in the process of agreeing to be subject to
27 the provisions of a “private law”, and how public employees very deviously hide the requirement for consent to fool
28 you into believing that a private law is a “public law” that you can’t question or opt out of.
- 29 6. Show you how public servant legislators twist the law to change its purpose of protecting the public to protecting the
30 public servants and the plunder they engage in. For more information on this, see:

The Law, Frederick Bastiat
<http://famguardian.org/Publications/TheLaw/TheLaw.htm>

31 **2.5 Common Law or Statutory Law Causes of Action?: Which should I choose?**

32 A common law action is an action that protects exclusively private rights for which a remedy was created by the courts
33 rather than the legislature. Why would the legislature NOT provide a statutory remedy? Here are some very important
34 reasons:

- 35 1. The ability to regulate private rights is repugnant to the constitution. Governments are created to PROTECT private
36 rights, and the best way to protect them is to LEAVE THEM ALONE and not burden, tax, or regulate their exercise.

37 *“**The power to “legislate generally upon” life, liberty, and property, as opposed to the “power to provide**
38 **modes of redress” against offensive state action, was “repugnant” to the Constitution.** *Id.*, at 15. See also
39 *United States v. Reese*, [92 U.S. 214, 218](#) (1876); *United States v. Harris*, [106 U.S. 629, 639](#) (1883); *James v.*
40 *Bowman*, [190 U.S. 127, 139](#) (1903). Although the specific holdings of these early cases might have been
41 superseded or modified, see, e.g., *Heart of Atlanta Motel, Inc. v. United States*, [379 U.S. 241](#) (1964); *United*
42 *States v. Guest*, [383 U.S. 745](#) (1966), their treatment of Congress’ §5 power as corrective or preventive, not
43 definitional, has not been questioned.”
44 [*City of Boerne v. Flores, Archbishop of San Antonio*, [521 U.S. 507](#) (1997)]*

- 45 2. All civil laws enacted by a de jure government can and do regulate only the government, meaning PUBLIC conduct,
46 rather than PRIVATE conduct. See:

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

1 Typically, the first case in a high court in which a specific new common law action is heard is the place that the elements of
2 the case are first established. They usually appear in the final opinion or order of the court. Therefore, the best place to
3 start in searching for the elements that make up a specific type of action is in the Supreme Court rulings within the state you
4 live in. Lower courts are typically very hesitant to be first in establishing the elements that make up a specific type of
5 common law action. Doing so is risky and politically unpopular, so they leave the dirty work to people higher up the food
6 chain.

7 Below is an explanation by the U.S. Supreme Court of the need for it to create causes of action that have no statutory
8 implementation. Notice that the main basis for creating judicial common law remedies is a legislature that refuses to
9 provide statutory remedies because it is against popular will or policy at the time:

10 *The major thrust of the Government's position is that, where Congress has not expressly authorized a
11 particular remedy, a federal court should exercise its power to accord a traditional form of judicial relief at
12 the behest of a litigant, who claims a constitutionally protected interest has been invaded, only where the
13 remedy is "essential," or "indispensable for vindicating constitutional rights." Brief for Respondents 19, 24.
14 While this "essentiality" test is most clearly articulated with respect to damages remedies, apparently the
15 Government believes the same test explains the exercise of equitable remedial powers. *Id.*, at 17-18. It is argued
16 that historically the Court has rarely exercised the power to accord such relief in the absence of an express
17 congressional authorization and that "[i]f Congress had thought that federal officers should be subject to a law
18 different than state law, it would have had no difficulty in saying so, as it did with respect to state officers"
19 *Id.*, at 20-21; see 42 U.S.C. §1983. Although conceding that the standard of determining whether a damage
20 remedy should be utilized to effectuate statutory policies is one of "necessity" or "appropriateness," see J. I.
21 Case Co. v. Borak, 377 U.S. 426, 432 (1964); United States v. Standard Oil Co., 332 U.S. 301, 307 (1947), the
22 Government contends that questions concerning congressional discretion to modify judicial remedies relating
23 to constitutionally protected interests warrant a more stringent constraint on 407*407 the exercise of judicial
24 power with respect to this class of legally protected interests. Brief for Respondents 21-22.*

25 *These arguments for a more stringent test to govern the grant of damages in constitutional cases²¹ seem to be*
26 *adequately answered by the point that the judiciary has a particular responsibility to assure the vindication of*
27 *constitutional interests such as those embraced by the Fourth Amendment. To be sure, "it must be*
28 *remembered that legislatures are ultimate guardians of the liberties and welfare of the people in quite as*
29 *great a degree as the courts." Missouri, Kansas & Texas R. Co. v. May, 194 U.S. 267, 270 (1904). But it*
30 *must also be recognized that the Bill of Rights is particularly intended to vindicate the interests of the*
31 *individual in the face of the popular will as expressed in legislative majorities; at the very least, it strikes me*
32 *as no more appropriate to await express congressional authorization of traditional judicial relief with regard to*
33 *these legal interests than with respect to interests protected by federal statutes.*

34 [*Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)*]

35 PRIVATE rights are documented in the Constitution. PUBLIC rights, also called "franchises", are documented in the civil
36 statutory law.

37 Sometimes, statutory remedies are provided for the protection of constitutional rights instead of public rights or franchises.
38 Example: 42 U.S.C. §1983, the authority of which derives from the Fourteenth Amendment, and which was mentioned
39 above. For proof, see:

Section 1983 Litigation, Litigation Tool #08.008
<http://sedm.org/Litigation/LitIndex.htm>

40 It is often difficult to distinguish the origin of the right or privilege being protected or defended by a specific statute. This
41 is no accident, but simply proof that corrupt legislators, through deception and obfuscation, seek to convert an unalienable
42 right into a privilege and convert you from a sovereign into a subject. This is exhaustively proven in:

Government Instituted Slavery Using Franchises, Form #05.030
<http://sedm.org/Litigation/LitIndex.htm>

43 Typically, statutes that create or enforce a right or privilege do not identify the elements that make up the claim. These
44 elements are normally established or defined by the courts and or attorneys enforcing the right. You can locate the
45 elements of any specific