

YOU CAN BE YOUR OWN LAWYER

A Self Study

on

Using the Law to Win the Lord's Battle Against the Enemy

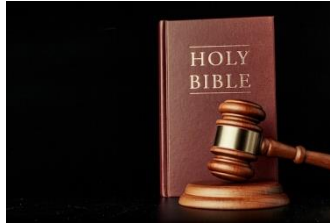


Psalm 82:3-4 - " Defend the poor and fatherless: do justice to the afflicted and needy. Deliver the poor and needy: rid them out of the hand of the wicked."

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

You Can Be Your Own Lawyer

Version 3.0



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Preface

♦ If you want to be your own lawyer and learn how to defend yourself in court, hang around the Ten Commandment, the Magna Carta, the Declaration of Independence, Maxims of law, and The Bill of Rights and you will beat the g-men into a pulp. A copy of Black's Law Dictionary, 6th Edition and your State' Rules of Civil Procedure will also be helpful.

As a pastor, people came to me with money problems, credit-card debt, nitty-picky relationship battles, confessions of being raped, 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 relational-legal wars . . . but, God directed me to take classes in Law 101-102.

In my youth, 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 because I didn't know spit about law. How do you defend yourself against false accusations when the judge is in bed with the cop? I had no clue. I hated loosing this case. It motivated me to study.

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 baseless and without facts. Three months later this man was found guilty of embezzling over a million dollars from his clients. Not only was I was 100% innocence, I grew leaps and bounds in the principles of self-defense.

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 – a lesson on the corruption in politics.

Because God gave me so many bugaboo people problems 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 me because it was a frivolous, baseless claim, but the judge sustained my counter claim. The court awarded me \$ 30,000 dollars for pain and suffering . . . but I turned it down because the Plaintiff was struggling in life. 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 letter-battle, they dismissed the case admitting to their accounting error.

Over the next couple of decades, I helped family and friends against IRS claims, court indictments, and with credit card debt. With the help of the Lord, there was a win in dozens of cases.

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 the court lacked jurisdiction over me.

One year a rogue cop wrote 28 citations against one of God's Lamb in my flock and 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 man should be competent in law -- an advocate for the weak and a defender of the poor. But, not only that, every Christian should strive to sui juris; i.e., his own private attorney competent to handle his own legal affairs in this juristic society.

You don't need to know everything, but you do need to understand the fundamentals! Study God's law, , the Declaration of Independence, the Bill of Rights, and begin reading a few Supreme Court Decisions.

It took me about 5 years of systematic on the job training to become comfortable with law.

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 then attack, attack, attack! Do what is right and then expose their wrongdoing and violations of law.

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.

Because I was a pastor, I dealt with many church members fighting wars with government officials. Thus, the work is from my perspective as a pastor-attorney. 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, Private Attorney.



Dedication

♦ This work is dedicated to SEDM who has done so much and sacrificed everything of value 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:

Public Notice

♦ NOTICE to persons in commerce, State and Federal Government offices and officials, including NSA: You have proven yourself to be an enemy of the people and of freedom. All correspondence proceed on the presumption of privacy. By capturing, reading, storing, and filing any publications from or to Nike Insights nunc pro tunc to 1946, you agree to pay me a fee of one million dollars in U.S. gold dollar coin per email stored, filed, retrieved, printed, or catalogued—Brooky R: Stockton, living soul, private attorney, under the common law of the LORD God.

Introduction to Law

♦ The word “*sui juris*” refers to a man who knows his God-given rights and has the capacity to handle his own legal affairs. Thus, the purpose of this study on law is to help a man become *sui juris* a.k.a. “Private Attorney,” one competent in the knowledge of the law to handle his own legal affairs.

Q: What is law?

The Bible is true law; the Constitution is the “law” of the land for government (Article VI).

The Constitution is not in place to endow government with power but to restrain government from total control of the total man for total life. No man ought to call himself a “constitutionalist.” This compact is **not** law for the people, it is law for the government (Article VI).

In life, the Citizens must know the difference between “true law” and “statutes, regulations, and codes.”

The Citizen is responsible to know God’s laws, but **no** Citizen is responsible to know all federal or state statutes **unless** he signs a contract and agrees to some kind of performance.

The fundamental characteristic of God’s law is *do your neighbor no harm*. If you don’t harm people, you are in good standing with God and men.

Statutes are for people who have contracted with the government for some benefit. Thus, no man has a duty to obey State statutes. But, he is always under duty *to do his neighbor no harm*.

US. SUPREME COURT DECISION - The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are “not the law”, (Self v. Rhay, 61 Wn (2d) 261).

People v. Ortiz, (1995) 32 Cal.App.4th 286. “A statute does **not** trump the Constitution.”

Bennett v. Boggs, 1 Baldw 60, “Statutes that violate the plain and obvious principles of common right and common reason are null and void.”

"All codes, rules and regulations are applicable to the government authorities only." (Rodriques v. Ray Donavan, 769 F2d 1344, 1348 (1985))

The Difference Between God's law and Man-made law

God's law is absolute. Murder, lying in court, and adultery are injurious to others and always 100% wrong.

Man's law is relative. Going 65 mph in a 55 mph zone on a vacant highway injures no one, but going 55 mph in the middle of a thunderstorm could be dangerous.

Licenses

You do **not** need a license to practice law. A license is "permission" to do something illegal (Black's Law Dictionary) – and being lawful is not illegal; that is, rights cannot be licensed! Every man must practice law without a license. Practicing law **cannot** be licensed. If you obey the Lord Jesus Christ as the King of kings, obey the common sense rules of the road, you are practicing law under His authority 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 fictional "persons" -- corporations** and artificial entities in government equity-territorial courts.

You do **not** need a statutory license to conduct your own legal affairs in this jural society.

Supreme Court Ruling [Miller vs. U.S., 230 F. 486, 489] "The claim and exercise of a constitutional Right cannot be converted into a crime."

Shuttlesworth v. City of Birmingham, Alabama, 373 U.S. 262 (1963): "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."

Bouvier's Law Dictionary, 1914, p. 2961: "Those who have the right to do something cannot be licensed for what they already have right to do as such license would be meaningless."

Attorneys and Licensing

In the minds of the legal profession, "attorney" and "lawyer" have a subtle distinction. A lawyer is someone who has a knowledge of the law, while an attorney is one who has graduated from a Rothschilds' school of law. He has passed the membership B.A.R. exam, and is approved to practice corporate law in a specific State for pay. Essentially, all attorneys are students of statutory law, but not all lawyers are attorneys that make a living by practicing law.

No attorney in America has a license to practice law from the State legislature because the practice of law cannot be licensed. Rather, Attorneys that pass the exam are given a B.A.R. card – a lodge memberships which is not a license.

Certifying attorneys came into practice in the late 1800s to develop a guild for commercial gain. In 1921, the American Bar Association formally expressed a preference for required written bar examinations in place of diploma privilege for law school graduates. Consequently, B.A.R. attorneys have a monopoly on the legal profession – a political strategy to enhance the financial interest of attorneys.

Robert Jackson, Associate Supreme Court Justice and the chief prosecutor at the Nuremberg trials (1945-1946), never went to law school. Rather, he studied law on his own and passed the law exam in 1913.

Legal Battles

Q: What to do if You Injure someone or damage their property?

♦ If you injure someone or their property, you need to make them whole. Work out a deal. What do they need to repair the damage done? Do all you can to make your victim whole financially and emotionally. God's law requires it; love requires it (Exodus 21-23).

Q: What do you do if you are trapped in a commercial scheme and are falsely accused?

What do you do when a State officer claims you broke a statute and injured the State? These kind of claims, of course, are bogus. Thus, this work is about how to defend yourself when you are falsely charged, and how to advance your innocence by exposing the schemes of the overreaching State.

People end up in legal battles because they are trapped in a lop-sided contract. Consequently, one must learn the fundamentals of contract law to a void entrapment.

Many battles involve a Citizen and an overreaching government operating for commercial gain. The battles are administrative and do not necessarily involve a court. But, they are nevertheless stressful. You are better off defending yourself and, or advancing a verifiable claim by yourself than with a hired-gun. There is a learning curve. Legal land requires knowledge and experience.

Hiring a lawyer to defend you in a private matter or against an aggressive corporation can be a huge disadvantage. Lawyers know nothing of Biblical law or common law. They only know federal statutes and court procedures related to “artificial persons.” And, if you need assistance in working through a statutory challenge, then B.A.R. attorneys can help.

Moreover, corporations are not on par with a living soul and cannot be injured by a living man. Statutory regulations are NEVER a grounds for defense for the free man charged by an overreaching government.

But, if your business gets sued, you will need a statutory lawyer to defend your corporation because you have no authority to defend your State-registered business in court.

“Individuals cannot typically represent a corporation in court, even if they are the owner or a high-ranking officer, unless they are also a licensed attorney” (Google).

Churches do not need an attorney . . . unless the trustees contract with the IRS to become a 501 c 3 charity organization along side the church of Satan, Mormons, and the cults. Corporations need lawyers; Biblical churches do not!

Moreover, churchmen have the authority to set up ecclesiastical courts to resolve disputes among brethren (1 Corinthians 6), but to do so churchmen need minimal competence in law and court proceedings. Understanding the standard of “preponderance of evidence” and “reasonable suspicion” is essential. The Bible is your foundation. It tells you what to do and how to do it.

All Christians would do well in life to aspire to attain *sui juris* – one competent in basic principles of law and performing as his own private attorney – *attorney privatus*.

All of God’s ministerial servants should be competent in law. Paul was able to defend himself against spurious, frivolous claims by Roman governors (Acts 18, 21-28). Know the law and you will have more power than a grizzly bear in a courtroom full of wolves.

Duties of Men

The First Duty of Man: Know the law

♦ To know the law is to know God; to know God is to know the law; to understand contracts is to understand Jesus and His covenant fulfillment at the cross.

All law is written. If it is not written, it is not law! Show me the law! Where is it written, for whom, and why?

Exodus 24:12 And the LORD said unto Moses, Come up to me into the mount, and be there: and I will give thee tables of stone, and a law, and commandments which I have written; that thou mayest teach them.

Deuteronomy 9:10 And the LORD delivered unto me two tables of stone written with the finger of God; and on them was written according to all the words, which the LORD spake with you in the mount out of the midst of the fire in the day of the assembly.

A officer may say:

- You have to obey me! Ans: Where does it say I have to obey you?
- You have to let me search your car? Ans: Where is this law?
- Everyone has to pay their fair share. Ans: Where is that cited in Title 26?
- Everyone has to obey the government. Ans: Where is that in law?

Likewise, we don't fight with emotion, we fight with words . . . the words of the law; that is, we use God's law and their "statutes" to defeat unauthorized claims of government officers.

Matthew 4:4-6, Jesus said, "it is written" – a reference to true law as a counter to Satan who operated under color of law.

Likewise, we use true law to counter State officers operating under color of law.

To the defective religious mind: The opposite of law is not grace but lawlessness; and, the opposite of grace is not law, but compulsiveness, permissiveness, and obsterperousness.

The main message of the Bible is the kingdom of God or the Rule of God (Psalm 97:1). To understand the cross, you must understand law. To understand grace,

you must understand law. To understand love you must understand law because love is a fulfillment of law (Romans 13:8-10).

Law in every society is religious in nature. All legislation represents someone's religious values. LGBTQ+ legislation comes to mind. -

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 -- regal, imperialistic, imperishable, indestructible law glittering with golden light for the good of man.

The Bible places the source of law in the "LORD God" (Exodus 20:1; James 4:12), but humanistic-man places the source of law in the State making the State a god – a form of Molock worship.

The U.S. Constitution places the source of law in "We the People" – an idolatrous act of the Founding Fathers – a hint of democracy.

Democracy is one of the worst forms of government imaginable because no one accepts responsibility for bad effects of groupy, man-made statutes.

The United States government moved away from the worship of the freedom loving God to the idolatrous State by pledging allegiance to the State and tithing 1/3 of one's income to the government.

The State preaches tolerance until it dominates, and then it exercises intolerance (censorship) towards non-conformists.

The good news is that the Founding Fathers placed **no duty** on men to the government. Our legal system is one of limited powers with a Constitution that restrains its officers from interfering with the rights of man -- even placing binding "restrictions" on government (See the Preamble to the Bill of Rights).

But, the constitution does not defend itself. The Citizen has to enter the ring and wrestle with Goliath.

Thus, the lawful man employs every effort to restrain the muscular powers of Goliath from interfering with the rights of man.

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 Scripture calls men 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 attorneys for advice on how to organize a church! Are not the Scriptures sufficient for every legal need (Proverbs 30:5)? Why are churches incorporating with the State in droves?

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 gift of eternal life . . . accompanied by religious and civil liberties. Thus the free Christian has the right to manage His assets under the dominion mandate (Genesis 1:26-28; Matthew 28:18-20).

The first duty of knowing God’s law requires men to “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. "You shall have no other gods before me" (Exodus 20:1-2).

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

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).

The purpose of grace is not to set aside the law, but to enable man to keep His law. Unlike the OT dispensation, the gospel endows men with power to obey His law (Romans 8:4). No! Obeying His law is not impossible. God does **not** require the impossible from men.

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 the cceptance of responsibility comes rights; with rights come duties. There are no rights unless one accepts responsibility for governing himself under the laws of Christ.

Every command in Scripture creates a right. Accept your Divine obligation to serve Him and His law, and you obtain rights. No oath, no 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 sinners.

Proverbs 1:10 My son, if sinners (trespassers and government officers) entice thee, consent thou not.

To be convicted under a statute you must give your consent, and I do not give my consent!

The first duty of Adam was to know YHWH's law and teach it to his wife (Genesis 2:7ff). Instead of taking the lead, he followed his wife and her lawlessness, and painfully sinned against the Creator.

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

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

Thus, 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 acting under color of law do not see a green monsters in us, we are being too wussy compliant.

Government officers will never provide proof of claim for their presumptions. Officers have no authority over you because the Constitution does not give it to them! The government was created by men, not men by government. Government was designed to be a servant of the people, not a master over the people.

"As Per Ryder v. United States, 115 S.Ct. 2031, 132 L.Ed.2d 136, 515 U.S. 1777: **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**".

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 preposition "**against**" in the Fourth Amendment informs us that **government agents are the enemy of man**; an enemy of rights; and an enemy of human of freedom. This enemy includes all attorneys with a BAR license

because **none** of them believe in the authority of Christ, the sufficiency of Scripture, or limited government.

“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 grovel before a gang member dressed in black. 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 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 potential to be your 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 *Omstead 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 State officers. In fact, the middle verse in the middle of the Bible forbids believers from being sanguine toward government (Psalm 118:8-9).

We are so distrusting of sinner-politicians, we require them to take an oath and to post bond before trusting them with the duties of public office.

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.

God did **not** knock the sword out of Goliath’s hand, he gave David a sling shot and five little stones. Further, David did not hide behind a rock waiting for Goliath to appear, “David hasted, and ran toward the army to meet the Philistine.”

Stop talking. Stop arguing. Don't defend Yourself. Get off the defensive; **attack, attack, attack.** Load that sling shot, aim, and let the stones fly!

Demand the government tyrant prove his claim with facts, sworn instruments, and citations of law. They never do! Identify and articulate what law the G-men are breaking; cite the law and blitz 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 someone criticizes the Bible, don't defend it. Stick 'em. Quote Word, "It is written."

If you learn nothing else in this work, learn to demand proof of claim; then, attack, attack, and attack them lawfully and calmly questioning them about why they are breaking their own law and overreaching their authority under color of law to charge with you with a non-crime. Most of the time you will do this in writing in the administrative process. If they do not answer; they admit to your claim.

Instead of being a honey-roasted, sugar-sweet, Sun-kissed Citizen, get meaner than a bag of rattle snakes. Hiss, rattle, and bite in a nice Christian way, of course. Expose actions that operate under "color of law". Use the law to expose the corruption of the officer that makes a false claim against you.

Post this objection in writing when you receive an outrageous, bogus claim from a government agency.

"Any instrument relying upon a color of law statute, code or regulation that violates my fundamental and Constitutionally-protected rights is **null and void** as defined in countless Supreme Court cases, Washington Sessions Laws, Transportation Codes, and the Revised Code of Washington itself." See: Screws v. United States, 325 U.S. 91.

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;"

“Consider yourself duly notified. Ignore this information to your own detriment.”

If a Citizen 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 an earthworm.

If a pastor fails to study law and teach law, the church will wallow in permissiveness.

More pastors are fired from the ministry because they are faithful to the Scriptures and practice actual law than for any other reason! Most actions against good pastors are presumptive, artificial, and superfluous – a temper tantrum against authoritative teaching.

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. Few things are more destructive to society than legal pluralism and few thing are more dangerous to the health of a church

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).

than the belief the church can have two masters, two legal systems, 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 choose his own law is more deadly than juggling rattlesnakes. There is one God and one law-order. Double vision, double mindedness, and double loyalties appears to be the Christian’s greatest obstacle to fulfilling the Great Commission.

The Fourth Duty of a Man is to Know the Gospel

Know the full and complete gospel (1 Corinthians 1:1-12; Mark 1:1; 1 Timothy 1:8-10). By “full gospel” I do not mean a Pentecostal frenzied-gospel, but a complete and mature understanding of the main message of the Bible.

Men are **not** saved by law, but they are saved in order to keep the law (Romans 8:1-4). Many believers 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 there was another King, King Jesus. Christ, not Caesar, is Lord (Acts 17:6-7).

The Fifth Duty of Man: 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 Christian Citizens is to keep the government out of the house of the Lord, out of the family, and out of their back pocket. No man can 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).

Note Moses answer:

Exodus 10:25 And Moses said, Thou must give us also sacrifices and burnt offerings, that we may sacrifice unto the LORD our God.

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." (Rodrigues v. 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) Vileness v. Freeman Oil 370 Pad 307, 309

The Sixth Duty of Man: Glorify God

How do stand up under the stress of false accusation and advance your claim of State actors operating under color of law?

A ticket or claim of taxes due by the IRS test the best of men.

Turn every difficulty into a spiritual challenge. God brought you into this conflict. Don't give up! Draw upon His strength and figure out a way to glorify Him in your legal battle.

1 Corinthians 10:31 "do all things for the glory of God."

Q: What to do if You Injure someone or damage their property?

If you injure someone or their property, you need to make them whole. Work out a deal. What do they need to repair the damage done? Do all you can to make your victim whole. God's law requires it; love requires it (Exodus 21-23).

Q: What do you do if you are trapped in a commercial scheme and are falsely charged?

What do you do when a State officer claims you broke a statute and injured the State? These kind of claims, of course, are bogus. Thus, this work is about how to defend yourself when you are falsely charged, and how to advance your innocence by exposing the overreaching State.

In America, Sovereignty is in the People

The federal government advances the proposition that it is a sovereign government. In relations to other nations, this is true; but, in relation to the people it is false. The government is not our master. We the People are sovereign and the government our servant.

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 (congressional or State) 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).

The Purpose of this Work

♦ Thus, this work seeks to equip men with a basic knowledge of law in order to stand up to Goliath. Secondly, it this work seeks to set men free from the fear of roaring of Goliath and his long, unlawful, unwanted reach into the lives of its Citizens.

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).

Psalm 22:20 Deliver my soul from the sword . . .

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, expanding, 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 private attorney must parse nouns and verbs; and, recognize government traps in using “legalese.” Likewise, integrity demands the Christian be accurate and precise when dealing with government . . . but not with a legalistic devotion to absolute truth . . . but a devotion to speak truth wisely to power.

The U.S. government recognized how its own officers abuse power. The Office and Management and Budget requires that when soliciting information from the private sector, agencies must have authority to do so. Every form going to private citizens with have an “OMB” number approving the authority of the agency collecting information.

Know that you have no duty to tell the truth to government unless you sign statements under penalties of perjury.

Abraham lied to Pharaoh: the Hebrew mid-wives lied to Pharaoh, and the Magi knew they did not owe the whole truth to Herod. *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 your own private attorney.

Knowledge, Confidence, Courage

Knowing the law and having confidence to use it and demand officers of the government obey it are two different matters.

The government robs people and puts them into slavery through tickets, fees, property tax, and income tax. Why? Because men don't know the law! Even if they are vaguely aware of law, they are mice and not men. If truth be known, most Americans don't have the moral courage of a mouse to stand against the bull-dog, presumptive authority of government in the name of the Lord Jesus Christ.

The great need in this country is not money, but moral courage.

Mark Twain — 'It is curious that physical courage should be so common in the world and moral courage so rare.'

Courage comes when one has a confidence in law. If you knowledge of law, hang around the Ten Commandments, the Magna Carta, the Declaration of Independence, and the Bill of Rights. Let these great documents live in your soul.

The Magna Carta

♦ The Magna Carta is the foundation of English law.

When I first read the Magna Carta in its entirety, I finally understood the purpose of the U.S. Constitution – compact law designed to limit the powers of government.

The Magna Carta formed the basis of the Common Law of England. Any violation of common law was treason by the king.

The Problem: The King of England was a tyrant. If the king needed firewood, he would simply send his officers to the home of a baron and take his pile of wood without paying for it. If he lusted for a new mistress, he ordered his sheriff to fetch the teenage daughter of a baron, bring her home, and then deflower the woman. If the baron protested, the King's prosecutor charged the baron with a crime, arrested him, and then tried him in the king's court. The king always won and the barons always lost.

The Remedy: The barons arranged a meeting with the king at Runnymede in 1215 A.D., put a knife to his throat, and made him sign the Magna Carta – a document that prohibited the king from entering a man's castle. taking their daughters to wed, and taking whatever the king wanted.

As important, the document limited the powers of the king's court. Barons could only be arrested on charges by other barons and convicted by a jury of peers. The king lost the power to charge a baron of crime, try him in the king's court ruled by the king's magistrate, and prosecuted by the Crown's prosecutor.

In other words, the Magna Carta limited the king's power and it was this document that inspired the Declaration of Independence and the Bill of Rights.

Isn't expanding federalism happening today in modern American jurisprudence?

For more understanding of the Magna Carta see Stockton's Summary of the Magna Carta - <https://sedm.org/Forms/10-Emancipation/TheMagnaCarta.pdf>

The Declaration of Independence

♦ 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 equal⁶, 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 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

⁶ "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

Tyranny over these States. To prove this, let Facts be submitted to a candid world.

The Problem with the King George Government

He has refused his Assent to Laws, the most wholesome and necessary for the public good He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

The problem the Colonists had with King George was the same problem English barons had with King John in 1215 A.D. He taxed them into poverty and made them indentured servants. Thus, the Declaration of Independence served the same purpose with King George as the Magna Carta did to King John. In layman's terms, "We've had enough! We're going to fight for our lives, wives, and property."

The Remedy

The Declaration of Independence declared independence from Tyrant King George charging King George III with 27 specific violations of common law against the Colonists. The colonists did **not** rebel against King George; they confronted him with rebelling against God and the common law.

Rebellion in Scripture is limited to rebellion against the LORD God. It is impossible to rebel against a tyrant. When a king becomes tyrannical, resistance becomes a duty.

"Resistance to tyranny is obedience to God," (Founding Fathers).

The Declaration, next to the Bible, is perhaps **the most important instrument ever penned** because (1) it declared a truth that men have rights; and, (2) that the rights have their Source in the Creator and not government; and, (3) that these rights are unalienable.

Further, the Declaration declares that the sole purpose of government is to protect the rights of man and not to control the world.

Know that your rights⁷ are unalienable⁸, and that government cannot take them away by a vote from a democratic legislature and you are well on your way to becoming your own private attorney.

⁷ Rights: "the authority to do something good, right, and necessary" (Stockton)

Life is about doing what God called you to do and preventing interveners from destroying your God-given dominion mandate; that is, a private attorney is a shepherd protecting the right of harmless people. He charges like a grizzly bear when a wolf threatens his life or the life of the sheep.

“The Declaration of Independence states three basic ideas: (1) God made all men equal and gave them the rights of life, liberty, and the pursuit of happiness; (2) the main business of government is to protect these rights; (3) if a government tries to withhold these rights, the people are free to revolt (*duty bound*) and to set up a new government.” – Britannica. (Italics mine).

⁸ Unalienable: “not transferable to another or not capable of being taken away or denied” – Dictionary.Com.

The Bill of Rights

♦ The Bill of Rights is grounded on the unalienable rights⁹ of man which cannot lawfully be taken away by the scribble of a pen, a computer-generated letter, or the sheer exercise of government power.

The Foundation of Limited Government

♦ The Foundation of the Bill of Rights is the Declaration of Independence which was motivated by the Magna Carta.

We hold these truths to be self-evident¹⁰, that all men are created equal, that they are endowed by their Creator¹¹ with certain **unalienable¹² Rights**, that among these are Life¹³, Liberty and the pursuit of Happiness.--**That to secure these rights,¹⁴ Governments are instituted among Men**, deriving their just powers from the consent of the governed, --That whenever any Form of Government

⁹ 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.

¹⁰ Self-evident: not needing to be explained or demonstrated; i.e. obvious.

¹¹ 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.”

¹² Unalienable: not transferable to another or not capable of being taken away or denied by government. (Source: Dictionary.com).

¹³ 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.”

¹⁴ The whole purpose of government is not to wage war or make rules, but to protect, preserve, and safeguard the rights of individual men.

becomes destructive of these ends, it is the Right of the People¹⁵ 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..

All Men Are Created Equal¹⁶

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

¹⁵ It is a right for the people to protest, revolt, and overthrow a tyrannical government.

¹⁶ 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.

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 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

Protection for the Rights of Man

♦ The Bill of Rights serve one purpose – to protect the rights of man

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, Murdock v Pennsylvania 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).’

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 States¹⁷ having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory¹⁸ and restrictive¹⁹ clauses should be added: And as extending the ground of public confidence in the Government,²⁰ 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

¹⁷ 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).

¹⁸ Declaratory: declaring what is the existing law (Merriam-Webster).

¹⁹ Restrictive: restriction, limiting, prohibiting further negotiation (Merriam-Webster).

²⁰ "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

The Bill of Rights do **not** invest the government with power to rule over the people. Rather, the first ten Amendments **restrict** the powers of government.

The restrictions of the Constitution do **not** enforce itself. It has to be enforced by We the People. The Bill of Rights gives the People the power to say "No!" to the government's arbitrary enforcement of its statutes and to prosecute them for overreaching. Feel the power and stand up to the gang in black.

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); government has fierce power. Because the people don't have the financial power or the police power of a federal government, governments must be restrained by law.

In the U.S. the people are sovereign, and public official are servants.

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.

"Party **cannot** be bound by contract that he has not made or authorized. **Free consent** is an indispensable element in making valid contracts." Alexander v. Bothsworth, (1915).

"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).

Montgomery v State 55 Fla. 97-45S0.879 a. "**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."

Note the phrase "**further restrictive clauses**" in the Preamble. Men can only have confidence in government when its officers restrict themselves to their duties and stay within their jurisdiction. Furthermore, government officers do **not** have jurisdiction over a free people on the land in any state.

Generally speaking, the government does not have authority over a private man or private property. Therefore, jurisdiction must be proven. The defendant may move for dismissal prior to trial based on lack of jurisdiction.

United States v. Hennis, 79 M.J. 370 (jurisdiction is the power of a court to decide a case or issue a decree).

Center for Constitutional Rights v. United States, (2012) 72 M.J. 126 (federal courts are courts of limited jurisdiction; they possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree; it is to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction).

State v. Batdorf, 293 N.C. 486 (1977) ("[J]urisdiction is a matter which, when contested, should be proven by the prosecution as a prerequisite to the authority of the court to enter judgment.") (emphasis added);

United States v. Hale, (2018) 78 M.J. 268 (when challenged, the government must prove jurisdiction by a preponderance of evidence).

United States v. Jacobsen (2017), 77 M.J. 81 (a court must always satisfy itself that it has jurisdiction).

The Bill of Rights was written to protect the God-given rights of the people against the abuses, bullying, and overreaching claims of Big government (sarcastically refer to as "Goliath.")

It is an undisputed fact that Goliath misconstrues and misapplies its powers. The purpose of the Bill of Rights is to restrict government and to prevent it from abusing the people; that is, the people must use the Bill of Rights to arrest the government and 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).

“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)

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!

The constitution does **not** empower **government as much as it restricts its powers**. It is a declaration to be used by Citizens to chain the government to its constitutional duties and to restrain its officers’ abuse of power.

Legal References

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

“The marvel of all history is the patience with which men and women submit to burdens unnecessarily laid upon them by their governments.” (George Washington).

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

“Experience hath shewn, that even under the best forms of government those entrusted with power have, in time, and by slow operations, perverted it into tyranny” (Thomas Jefferson).

“The Constitution was made to guard the people against the dangers of good intentions” (Daniel Webster).

“We the people are the rightful masters of both Congress and the courts, **not** to overthrow the Constitution but to overthrow the men who pervert the Constitution.” (Abraham Lincoln)

” I hope we once again have reminded people that man is not free unless government is limited. There's a clear cause and effect here

that is as neat and predictable as a law of physics: As government expands, liberty contracts.” (Ronald Reagan)

“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).

“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 ,

“[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 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

♦ The burden to interpret the Constitution lies with the people, **not** the government. Government will always distort the Constitution to change it terms and to enlarge its power. The whole notion that only the government (particularly the courts) are the sole arbiters of the meaning of the Constitution is a ridiculous – a government ploy to manipulate the people.

“The Constitution is the American people’s rulebook for government and therefore must be actively applied and defended to ensure that government does not get out of control. Many people probably think that only lawyers can understand the Constitution, but that’s not true. The Framers wanted people to read and understand the Constitution.” – Heritage Foundation

“Back in 1795, the Supreme Court said that the Constitution “can be revoked or altered only by the authority that made it.”²⁴ What is that authority? The Constitution’s first three words provide the answer: “We the people,” it says, “do ordain and establish this Constitution.” – Heritage Foundation

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

Read this out loud several times emphasizing various terms.

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.

Religion in the mind of the Founding Fathers referred to Christian denominations **not** to the wild practices every known pagan cult. **Pluralism is the enemy of every nation.** This Amendment does **not** support omnism or the berserk assertion that all religions are equal. What nonsense! In some religions, children eat their parents; in Christianity children are commanded to honor their parents. **Thus, a nation has to fight to protect its religion and source of law . . . or descend into the graveyard of nations.** In America it is the duty of all men to defend the nation's Christian-religious foundation.

"All religions are not the same. All religions do not point to God. All religions do not say that all religions are the same. At the heart of every religion is an uncompromising commitment to a particular way of defining who God is or is not and accordingly, of defining life's purpose"- Ravi Zacharias, *Jesus Among Other Gods: The Absolute Claims of the Christian Message.*

Religion is the source of man's most sacred rights, values, laws, prohibitions, and freedoms. America was founded on the Puritan ethic, period! This law does not protect every cult, heresy, and Satan-inspired, screwball tenet in that which is improperly called defendable "religion."

Merriam 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 and the gospel of the Lord Jesus Christ. This Amendment does not protect those cults that sacrifice virgins to the volcano god or dance naked to the Moon god.

Genesis 14:22 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,

The term "religion" has morphed over time to mean anything a person wants it to mean; that is, *Christians must control the definition of religion and not feminist-secular Congress.* **Congress has no authority to define the term "religion."**

Religion is not limited to deism or theism though Christianity is about theism. **Religion involves the fundamental beliefs men have about life and death and what happens after death.** And, since all men have beliefs about man's fundamental problem (death), **all men are religious** – even atheists, humanists, feminists, and evolutionists.

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 where neighbors ignore the Ten Commandments. *The law is valid for me because it is binding on all men and all of man's institutions.*

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.

We do not have separation of church and state because these words are not in the Constitution! Nor, does any man have a right to freedom from the Christian religion or from the claims of Christianity. God orders all men in every nation to repent (Acts 17:30). We have freedom of religion, but **not** freedom from the Christian-religion.

This Amendment was **not** designed to silence Christians from speaking their mind about political matters where their thoughts are deeply rooted in Scripture. It was an Amendment to **keep** the State from controlling any aspect of the church. It only prevents the government from setting up a single national church or showing preferences to church denominations.

“In Everson v. Board of Education (1947), the Supreme Court ruled that the Establishment Clause of the First Amendment, which prohibits the government from establishing a state religion (organizationally), applies to state and local governments, not just the federal government. This landmark decision solidified the principle of separation of church and state at the state level.” (parenthesis mine).

The First Amendment forbids government from commanding or ruling or controlling or managing church government or the religious beliefs of individuals. It does **not** forbid individual men from drawing upon their sacred beliefs to influence legislation!

All of Scripture applies to politics because the whole of Scripture is political; that is, the Scripture regulates the course of human interaction and the values of men thereof. The Law was given to the nation of Israel and **not** to a bunch of religious zealots.

This Amendment does **not** authorize the religion of secularism, humanism, and feminism to usurp power in government.

This Amendment does **not** authorize government to separate faith from politics.

“Its not possible to separate religions from politics as they are intertwined with each other which ultimately results in a society's

culture. Politics is the authority of a culture which is about embracing cultural values, whereas religion is the manifestation of those cultural values. Religion is the embodiment of cultural force that is placed upon every man by the society. Hence, religion is inseparable from culture just like politics is inseparable from culture.” (Austin Mahir).

“Life consists of both good and evil. We cannot have amoral politics. Either we have good politics or evil politics” (Jawa Jin).

Secular minds have used this Amendment to censor any expression of theism by narrowing the definition of religion to theism in order to prevent Christian-beliefs from being expressed in political debates. However, this is a ruse --a trick of the mind the Bible calls *sorcery*.

This Amendment does not protect atheism with its evolutionary model of creation. In one sense, atheism is as religious as theism. Atheists 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 – sorcery** (Acts 8:9; Galatians 5:8).

Secularism, Feminism, evolution, and Homosexuality are religious in the sense they represent a person’s most fundamental beliefs about what happens 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.

Western 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 inappropriate for people committed to truth.

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 appears to be located in “We the People” (U.S. Constitution).

From this modernist get the term democracy, the rule of the majority over the minority. America is not a democracy, but a Republic that defends the rights of man; that prevents the mob from ruling the individual man.

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).

“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 or hiring the church treasury to be a secret agent of the IRS.

The First Amendment was designed to protect the interchange of political ideas, not to protect obscenity in 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).

The First Amendment does not protect polytheism, multiculturalism or 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.

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.

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!"

See the Miller Test: (obscenity appeals to prurient interests, patently offensive, and lacks serious value) -- Miller v. California, U.S. Supreme Court.

"The First Amendment protects our right to free speech, but the U.S. Supreme Court has determined this protection doesn't extend to several categories of unprotected speech, including obscenity" (FindLaw).

More Legal References on the First Amendment

"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.

"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 means 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 UnAmerican act that could most easily defeat us."—Supreme Court Justice William O. Douglas, "The One UnAmerican 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

At first blush the Second 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.

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

Luke 22:36 “Let the one who has no sword sell his cloak and buy one.”²¹

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

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

²¹ This text is quoted by Jesus. He is informing them that his time on earth was coming to an end; and therefore, his special protection of them would soon end; and, that after ascension, the disciples would have to return to the pragmatics of law and self-defense.

government by force when the government strays from its limited purpose (The Declaration of Independence).

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

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

What is it that lawmakers don’t understand about the words “not infringed?”²² Every law passed by CONgress and State legislatures is unconstitutional unless it is limited in application to Washington D.C. and federal territories.

All the hullabaloo in CONgress about gun control is designed to deceive Americans into thinking that CONgress has the power to limit gun-rights in the several states – a deception, a trick of the mind called “sorcery” in the Bible.

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 having your mind controlled by color or law (18 U.S.C. §241-242).

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

No man needs a license for concealed carry. 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 obtain a license to carry a weapon.

The Militia

The right to bear arms is closely connected to an organized militia which is not the army nor the National Guard.

Q: What was the militia? The militia was a part time armed army in colonial Massachusetts responsible for the colony's defense. Every town was expected to maintain at least one company (approx. 60 men and no women) commanded by a captain.

²² Infringe: “act so as to limit or undermine (something); encroach on” (Online Dictionary)

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The unorganized militia is comprised of all able-bodied **male** citizens of the state and all other able-bodied males who have or shall have declared their intentions to become citizens of the United States and are residents of the state who are **not less than eighteen or more than forty-five years of age**, but who shall not be more than sixty-four years of age if they shall have earlier served in or retired from the national guard; subject to the following exceptions:

In Biblical times, the militia selected their own captains – competent men who had the lives of soldiers best interest at heart – a rule from bottom up, not top down.

New woke definitions of militia refer to “citizens” including women, but this is a looney-left DEI insanity at work. Moreover, the Biblical age for being in the militia was twenty and not age eighteen. (Numbers 1:45). Men, not boys, were called to defend the homeland. Furthermore, some matters were more important than military service like a new marriage and building a house.

Fear disqualified men from military service (Deuteronomy 20). Moreover, cleanliness in the camp and obedience to His law was a requisite for God’s presence among soldiers (Deuteronomy 23:9-14).

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."

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 usuage 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."

Quotes on the Right to Bear Arms

Gun Quotations of the Founding Fathers

Who knows better what the Second Amendment means than the Founding 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 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."

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."

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

Judy v. Lashley, S W. Va. 628, 41 S.E. 197 "The carrying of arms in a quiet, peaceable, & orderly manner, concealed on or about the person, is **not** a breach of the peace. Nor does such an act of itself, lead to a breach of the peace."

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

The Third 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 the practice of European kings quartering troops in the homes of the people to save money or to quell 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.** *Government can require nothing without your consent.* (National Center for Constitutional Studies)

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).

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.

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.**

A Primary Rule a man must learn:

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

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.

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

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!" Keep your hands on the steering wheel, and calmly say, "I do not consent."

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

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

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

Without a search warrant a big bottom, ugly cop has no authority to search your car. Say, "No, I do not consent!" and you win.

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.

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

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

Silence is consent. Failure to protest is consent. If you do not object out loud and verbally, you agree. Christians are way too nice. Learn to say, "No! I do not consent," or "I object."

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). You have **no** duty to obey your doctor; that is, you have a God-given right to say "No! I do not consent."

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 secure²³ in their persons²⁴, houses, papers, and effects²⁵, against²⁶ unreasonable²⁷ searches and seizures, shall not be violated, and no Warrants²⁸ shall issue, but upon probable²⁹ cause³⁰, supported by Oath³¹

²³ Secure: fixed or fastened so as not to give way, become loose, or be lost.

²⁴ 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.

²⁵ 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.

²⁶ Against: a preposition implying hostile conditions in opposition to your days objectives. "Against" implies the government is an enemy of man's rights.

²⁷ Unreasonable: not guided by facts, evidence, reality, and common sense.

²⁸ 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).

²⁹ 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.

³⁰ 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.

³¹ Oaths: crimes are serious and those accusing another of harming person or property must make an 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.

or affirmation, and particularly³² describing the place to be searched, and the persons or things to be seized.

Observations

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, property, and freedom.

The following prohibitions are germane to the Magna Carta where the Barons limited the king's power to arrest, and seize a man's property.

Magna Carta 20. A freeman shall only be amerced³³ [fined] for a 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 contenement³⁴; 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. The Magna Carta prohibited the king from being charged by an officer of the king's staff and being tried in the king's court.

Rule: Government witnesses have a conflict of interest, are incompetent, drunk 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.

³² Particular as opposed to general: "detailed, minute, or circumstantial character, as of description or statement" (Online Dictionary).

³³ **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."

³⁴ **Contenement:** 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.

Rule: Fines must be proportional to the offense. Only a jury can impose a fine. The king's judge in the king's court had no authority to impose a fee.

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 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.

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. You have to be engaged in a crime to be arrested. **Arbitrary detainment** is harassment and abuse. No man needs to tolerate it even for a minute. Every cops that shouts out orders to get out of your car is abusing his authority; and, if you submit to this abuse and give up your rights, you need to repent before God of being weak and unprincipled.

Right to be Left Alone

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." – Omstead v. U.S., 277 US 438 (1928).

Property Rights Not

Property does **not** have rights. Only living souls have rights. You have a right to own and manage the property God gives to you without interference from the State; without demands or Notices of Liens to pay unconstitutional taxes.

"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

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 without something more. Your rights are unalienable, and there is no emergency that justifies the government taking away your rights. However, in a real emergency Christians have a duty to help officers achieve law and order. We can yield our rights for public good.

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

The most fundamental right of man is the right to be left alone . . . the right of privacy . . . the right not to be detained . . . the right to do his own business.

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).

"It is the law that a person illegally arrested by an officer may resist that arrest to the taking of life, if his own life or any great bodily harm is threatened." State v. Rousseau, 40 Wash. 2nd, 92. 241 P. 2nd. 447. 449 (1952).

"A person has a right to resist an unlawful arrest even to the extent of taking the life of the aggressor if it be necessary in order to regain his liberty." See John Bad Elk v. United States, 177 U.S. 529, 535 (1900); State v. Gum, 68 W. Va. 105, 69 S.E. 463, 33 L.R.A. (N.S.) 150.

"Every man, however guilty, has a right to shun an illegal arrest by flight. The exercise of this right should not, and would **not**, subject him to be arrested as a fugitive." Thomas v. State, 91 Ga. 204, 206, 18 S.E. 305; cited with approval in Porter v. State, 124 Ga. 297, 52 S.E. 283.

State v. Rousseau: "It shall be unlawful for any policeman or other peace officer to enter and search any private dwelling-house or place of residence without the authority of a search-warrant issued upon a complaint as by law provided."

and Rem. Rev. Stat., § 2240-2 [P.P.C. § 139-7]:

"Any policeman or other peace officer violating the provisions of this act shall be guilty of a gross misdemeanor."

Reflection

Consider how unfair it is to be accused by a State cop, to be prosecuted by a State prosecutor, and tried in a State court where the judge, the prosecutor, and State cop are paid by the State. The chances for justice is nil to slim. But, it is worse than this, the offended party is usually the fictional, corporate State that cannot "appear" in court. The indictment reads, "State of California vs. John Hancock." In this system, you face a fictional Plaintiff, a professional prosecutor, a professional accuser (the cop), and a professional judge is paid by the State to pick your wallet under color of law. Our present system of civil procedure is the very thing the Magna Carta was designed to prevent. Why do Americans stand for this injustice? Ans: Because men are ignorant of justice and limited government.

The Exception

The only exception to being left alone is if you have committed a crime and are found guilty of committing a trespass on the rights of others. You may be forcefully detained³⁵ 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

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

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

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

³⁵ Detain: " . . . which means to force someone officially to stay in a place or to delay someone for a short time" (Cambridge).

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 particularity 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.

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 you the original, lawful warrant.

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

Marshal law

Marshal law is an exception to civil liberties; that is, military necessity requires cooperation with government. Yes, you can resist, but it may not be worth it. But, marshal law is rare. Therefore, the slow process of the 4th Amendment remains constant for State officers.

See Appendix for Sample Lawful Warrant.

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”-- Article 12 of the Universal Declaration of Human Rights (UDHR)

“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.”** - Article 12 of the Universal Declaration of Human Rights (UDHR).

“The Fourth Amendment originally enforced the notion **that “each man’s home is his castle”**³⁶, secure from unreasonable searches and

³⁶ Note the phrase “each man’s home is his castle” refers to the law stated in the Magna Carta.

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**³⁷ 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

³⁷ Reasonable suspicion is the lowest form of proof. No man can be convicted of a crime based on reasonable suspicion of a professional accuser without something more.

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)).

OPR.-42-R-6-Search-and-Seizure-NM Department of Public Safety (.gov)

“An officer/agent must have probable cause to obtain a search warrant from the appropriate court and must particularly describe the place to be searched and . . .”.

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.

Harassment

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

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." (People v. Franklin, 118 Ga. 860, 45 S.E. 698 (1903).

Town of Blacksburg v. Bean 104 S.c. 146. 88 S.E. 441 (1916
"Common as the event may be; **it is a serious thing to arrest a citizen**, and it is a more serious thing to search his person; and he who accomplished it **must do so in conformity to the law** of the land. There are **two reasons** for this: one to avoid bloodshed, and the other to preserved the liberty of the citizen: Obedience to the law is thee bond of society, and the officer set to enforce the law are not exempt from its mandates."

State v. Robinson, 145 ME. 77, 72 ATL. 260. **"An illegal arrest is assault and battery.** The person so attempted to be restrained of his liberty has the same right to use force in defending himself as he would in repelling any other assault & battery."

Runyan v. State, 57 Ind. 80; "When a, person, being without fault, is in a place where he has a right to be, **is violently assaulted, he may, without retreating, repel by force**, and, if in the reasonable exercise of his right of self defense, his assailant is killed, he is justified." See also; Miller v. State, 74 Ind. 1.

Adams v. State, 121 Ga. 16, 48 S.E. 910 **"One may come to the aid of another being unlawfully arrested**, just as he may where one is being assaulted, molested, raped or kidnapped. Thus it is not an offense to liberate one from the unlawful custody of an officer, even though he may have submitted to such custody, without resistance."

State v. Mobley, 240 N.C. 476, 83 S.E. 2d 100. **Each person has the right to resist an unlawful arrest.** In such a case, the person attempting the arrest stands in the position of a wrongdoer and may be resisted by the use of force, as in self-defense."

Plummer v: State, B6 Ind. 306. **"Citizens may resist unlawful arrest to the point of taking an arresting officer's life if necessary."** This

premise was upheld by the Supreme Court of the United States in this case:

“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).

“It is the law that **a person iliegally arrested by an officer may resist that arrest** the taking of life, if his own life or any great bodily harm is threatened.” State v. Rousseau --, 40 Wash. 2nd, 92. 241 P. 2nd. 447. 449 (1952).

Demand, if falsely arrested

“Demand is hereby made to see the original court ordered warrant signed by a de jure bonded judge with an oath and bond 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 crime³⁸ worthy of detainment” – otherwise, let me go immediately.

In relation to the IRS, a tax claim (IRC 6020) must be accompanied by a signed, sworn statement called “the assessment”³⁹—equivalent to an affidavit of probable cause (IRS 6065). An unsigned Notice of Lien without a signed assessment and warrant signed by a de jure judge lacks authority. In relation to a government employee, an assessment does not have to be signed, but when a tax claim is made to the private sector, the assessment has to be up to the standards of a warrant and Notice of Tax Lien must be signed and have a proper OMB Number.

Cases

Weeks v. United States (1914).

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

³⁸ A crime is not something *mala prohibita* but *mala in se*; that is, an injury in fact to someone’s person or property.

³⁹ Assessment is the statutorily required recording of the tax liability. Section 6203. Assessment is made by recording the taxpayer’s name, address, and tax liability.

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 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. But, children are not being tried in court. They are subject to school discipline.

Amendment V

No person⁴⁰ shall be held to answer⁴¹ for a capital⁴², or otherwise infamous crime⁴³, unless on a presentment or indictment⁴⁴ of a Grand Jury⁴⁵, 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 property⁴⁶ be taken for public use, without just compensation.

Observations

This restrictive Amendment defines “due process” of law. Prosecutors and State actors cannot move against you without due process.

⁴⁰ 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.

⁴¹ Answer: “In law, an answer refers to a defendant’s first formal written statement to a plaintiff’s initial petition or complaint?” (Cornell).

⁴² “A capital crime is a crime that carries the possibility of a death sentence”(Study.com).

⁴³ 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).

⁴⁴ Indictment: A formal statement charging a man with a serious crime or violation of law against another man.

⁴⁵ 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).

⁴⁶ 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.

The Fifth Amendment protects a man's due process rights against criminal and civil accusations. Officers need a properly sealed warrant of probable cause signed by a de jure bonded judge; a warrant based on an affidavit of probable cause; an indictment by a grand jury; presentation of inculpatory evidence, proper notices; proper signatures and seals; a trial by jury; the right to compel witnesses; the right to silence; the right to an attorney; the right to know the probable cause and evidence against him. qq

This amendment protects a man from double jeopardy. If property is taken, he must be given market compensation. Moreover, the government cannot compel a man to testify against himself.

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).

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).

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.

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 faithful performance bond (NM Constitution XX:1; XXII:19). Notary publics have them, but other State officers may not!

“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 Courts are not Article III Courts. They **are territorial courts** with authority over the states of Guam, Puerto Rico, the Virgin Islands, and territories et al. They have no authority in the States unless you consent to their jurisdiction.

“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)).**

The jury foreman must sign off on the indictment, reports, and other undertakings of the grand jury. This is called a “True Bill.”⁴⁷

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.

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 administrator to initiate an arbitrary summary judgment action in an act of equity based on the judge’s feelings 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).

⁴⁷ **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.

"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. v. Murdock, 290 U.S. 389 (1993), 305 F. SUPP 112 (1969).

A proper jury consists of a man's peers – people that know the man. But, this is not how it is done in the modern court system.

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.

Private property is **not** government property. Private property is not "real estate," "personal property," "commercial property," "tangible property" or other kind of property united under commercial legalese.

No matter how many tricks the government uses to confiscate private property . . . including legalese . . . rigged trials . . . the government cannot seize, confiscated, lien, levy or take private property without your consent or trial by jury . . . or without just compensation (fair market value). However, if you think they can, they can. If you let them take it, they will! It takes conviction to stand up to Goliath and resist an overreaching government.

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.

Most courts in the United States are not common law courts; they are equity courts or statutory courts – courts governed by the spurious, fickle-feelings of the judicial administrator.

Men's due process rights are violated when there is no warrant, no affidavit of probable cause, when the instrument 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 biased government employee and the judge and prosecutor get paid by the same.

Orders and decisions are null and void when there is the appearance of bias, and a want of documentary process, and no jury trial.

One's due process rights are often violated by government workers with a commercial agenda. To see how one's due process rights are violated consider how billionaire President Donald Trump was frivolously 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.

Evidence Must be Obtained Lawfully

State v. Rousseau: "The highest court of the land, however, has uniformly followed a contrary rule. It has said, in no uncertain language, that it is beneath the dignity of the state, and contrary to public policy, for the state to use for its own profit evidence that has been obtained in violation of law." - Boyd v. United States, 116 U.S. 616; Weeks v. United States, 232 U.S. 383; Silverthorne Lumber Co. v. United States, 251 U.S. 385; Gouled v. United States, 255 U.S. 298; Amos v. United States, 255 U.S. 313; Agnello v. United States, 269 U.S. 20. We have ourselves followed the Federal rule. State v. Gibbons, 118 Wash. 171, 203 Pac. 390; State v. Dersiy, 121 Wash. 455, 209 Pac. 837; State v. Smathers, 121 Wash. 472, 209 Pac. 839."

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).

-- 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 or in the administrative process can be an admission of guilt. Consequently, we always answer a government love letter; and, we are always last to respond. Failure to respond to government claims can be an admission their claims are true and yours are false.

"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 its 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 of Private Property into Public Property

Courts, prosecutors, and governments are expert attorney that know how to steal your private property under color of law. Don't let 'em! If someone is using or has taken your personal property without your permission, you are entitled to compensation.

"Conversion is an intentional tort⁴⁸ consisting of "taking with the intent of exercising over the chattel⁴⁹ 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)

Amendment VI

♦ **In all criminal prosecutions⁵⁰, the accused shall enjoy the right to a speedy⁵¹ and public trial, by an impartial⁵² jury of the State and district wherein the**

⁴⁸ Tort: "a wrongful act or an infringement of a right (other than under contract) leading to civil legal liability" (Online Dictionary).

⁴⁹ Chattel: "an item of tangible movable personal property (as livestock or an automobile) that is not permanently connected with real estate" (Merriam-Webster).

⁵⁰ 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**

crime⁵³ 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 process⁵⁴ for obtaining witnesses in his favor, and to have the Assistance of Counsel⁵⁵ for his defence.

Observations

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

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 just.

in a criminal case, as in "the prosecution will present five witnesses" or "the prosecution rests" (has completed its case).

⁵¹ You must define "speedy" – not the court. Trials delayed for six months, one year, or 12 years are not speedy. Are they?

⁵² 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)

⁵³ 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*.

⁵⁴ 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).

⁵⁵ Assistance of counsel does not mean a British Bar Attorney trained in statutory law, but rather a friend or profession competent in common law.

This amendment informs the government that you have 1) a right to a 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 un-harassed witnesses in favor of the accused to appear at trial before the jury; and (5) the right to representation including a qualified friend or State paid Bar attorney.

For the jury's composition, the Sixth Amendment grants accused citizens the right to a jury composed of impartial members drawn from the local community – people that knew the victim and the accused.

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

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 the interest of the accused second or third.

For a competent, falsely-accused Christian, he would be a fool to hire one of these partisan, lusty solicitors who doesn't care about you and whose 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 surreptitiously helping the court get you convicted.

“Ignorance is no excuse” and “No man is above the law” is true if we are talking about God's law, but no man is responsible to know all the laws passed by Congress and State legislatures; and, no judge or attorney knows all the statutes. Further, no man is responsible to obey State statutes unless he is contracted to do so. Where is the contract that requires my performance?

But, if you are not competent to defend yourself. Don't yield your rights. Become an idiot-ward of the court⁵⁶, and hope for the best.

One of my acquaintances was summoned to court. He asked the judge, “Do you put idiots on trial? The court said, “No!” The party said, “I am an idiot.” The judge said, “get out of my courtroom! And, if there are any more idiots in my courtroom, get out now!” So, the indictee-idiot smiled and left. I asked him

⁵⁶ All idiots are incompetent and need an attorney to represent them. Thus, all defendant with an attorney are considered idiots.

why did you call yourself and “idiot”? He responded, “The word idiot refers to a “private person” not engaged in politics. I grinned from ear to ear. Everyone else who stayed in the courtroom had to defend themselves against accusations mala prohibita because they were not private persons.

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. But, this is **not** God’s law or common law. It is an excuse for the government to violate your rights and make federally-funded money by sentencing you to prison.

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**⁵⁷. 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). It is better than a criminal go free than an innocent man go to prison!

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.

In times past, the jury not only had the power to judge the facts in the case, but to judge whether the law used against the defendant was appropriate. Most of the time in mala prohibita cases statutes are wrongly applied towards the defendant.

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)).

⁵⁷ In criminal cases the standard for conviction is “beyond reasonable doubt.” There is no such thing as proof that is beyond all doubt. In civil cases the standard for conviction or the lack thereof is a “preponderance of evidence.”

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.

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, in modern times, juries decide less than one percent of civil cases. Always demand a trial by jury of your peers.

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 even though the accused stands a good chance of losing thousands of dollars. Probably, because juries cost money. States don't like to pay to protect your rights; they like to take and get.

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 for the "warm fuzzies" vibrating in the heart of the judicial administrator; that is, one has to claim (assert, avow) 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 makes a crime out of anything and everything.

In New Mexico all traffic rules are for artificial, state-created "persons" and "other legal entities" and not living, breathing men.

In the New Mexico Statutes, Chapter 66 (Motor Vehicles), the term "person" generally refers to an individual, but also includes partnerships, associations, corporations, and **other legal entities**.

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

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 I.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.

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 statutes⁵⁸ are "not the 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"(Rodrigues v. Ray Donovan).

Sherwood T. Rodrigues, Plaintiff-appellant, v. United States Secretary of Labor, Raymond J. Donovan, Etal., Defendants-Appellees, 769 F.2d 1344 (9th Cir. 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."

⁵⁸ 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.

"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 vague⁵⁹ or so threatening to constitutionally protected activity that it can be pronounced wholly unconstitutional; in other words, "unconstitutional on its face." Thus, for instance, a unanimous Court in Papachristou v. City of Jacksonville (1972).

"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

⁵⁹ A constitutional rule that requires criminal laws to state explicitly and definitely what conduct is punishable.

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

Most men are not rich fat cats like big bottom judges and prosecutors. But, because they think most men make more than them, they tend to set excessive bails bonds and fines – bonds that require the accused to obtain a second mortgage on their homes.

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.

Fees should go toward making the victim whole, not into the coffers of the State to make the State rich – the tragedy of modern “justice.”

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 issuing cruel and unusual punishments by assigning convicted men to years, even a lifetime of solitary confinement. If that is not cruel and unusual punishment, I don’t know what is. Jailtime is not a Biblically accepted punishment for wrongdoing.

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 underground federal prison. These draconian measures are permitted because the legislature and the judiciary are not required to know real law and real mercy in the Holy Scriptures.

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 disparage⁶⁰ others retained by the people.**

Observations

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

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

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

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

Big Government proponents want you to worship at its altars and confess that government is your god, master, and commander – a violation of the First Commandment (Exodus 20). I do not consent!

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 labeled “un-enumerated rights.”

⁶⁰ Disparage: “regard or represent as being of little worth” (Online Dictionary).

Neither the executive branch, legislative branch, or judicial branch believe in universal rights. Once you understand this, you are ready for “Jedi” judicial-training.

Rights must be expressed to be protected; that is, you have to claim your right and be ready to defend it. Therefore, create “freedom documents” claiming your God-given rights and file them with the county clerk (notarized). Send them with your dispute letters to traffic court and State revenue grabbing agencies.

This Amendment further restricts grasping, expanding, overreaching agency action – the tendency of all directorates; that is, government will never restrain itself. The People must chain ambitious officers to the limitations placed on them in the Constitution. Remember, not all the Founding Fathers were in favor of the Bill of Rights, but this Amendment was necessary to further protect the people from the creeping, crawling monster called “federalism.”⁶¹

We the People yielded nineteen rights to the federal government in order to define and limit the actions of government -- U.S. Constitution 1:18. Rights not expressed in the Constitution are retained by the People. But, you have to stand up to Goliath and cast stones at him to prevent intrusion into your stomping grounds.

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 and not ourselves and not government. Others have focused on the meaning of the phrase “shall not be construed to deny or disparage” rights retained by the people including the “unalienable Rights” to which the Declaration of Independence refers.

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 His commands.

⁶¹ 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.

Forbidden behaviors are **not** God-given rights – something the courts haven't figured out yet. Homosexuality, transgenderism, tattoos, human trafficking are not rights but wrongs that needs to be restrained and prohibited.

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 Thomas 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.)

The 9th Amendment has been questionably invoked in several Supreme Court cases, notably Griswold v. Connecticut (1965), a

contraception right to privacy case, and in the land make Roe v. Wade (1973) abortion case.⁶²

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

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 . . .

The Tenth Amendment warns against using a list of rights to infer powers in the national government that were not granted at the time of construction. 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.

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

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

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?”

⁶² Roe v. Wade: In one sense a woman has a civil right to make decisions regarding her own body, but under Christian law a woman surrenders a portion of this right to her husband when she marries (1 Corinthians 7:1-3). Further, she does not have ultimate rights over the life of the baby, because the baby has an entirely different set of chromosomes than the mother.

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

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

♦ **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.**

Observations

This is a reconstruction Amendment that abolished involuntary slavery in America – that is, the selling and buying of slaves, black or white.

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

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,

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.

See key cases including the Somerset case, which ruled against slavery in England; the Quock Walker case, which helped abolish slavery in Massachusetts; the Dred Scott case, which had the unintended consequence of fueling the abolitionist movement; and, recent Civil Rights cases including but not limited to Butler v. Perry, 240 U.S. 328 (1916)

Amendment XIV

♦ **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

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.”

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

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

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>)

Nevertheless, to claim to be a U.S. citizen has its perils as the term implies being subject to Congress and not being a natural-born freemen. What free American is “subject” to the United States government? None!

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. That is, all this legalese is a creation of government to trick people into believing they are subject to the statutes of Congress.

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. But, do so intelligently.

Again, definition is key. Claim the rights and immunities in this Amendment, but define the following terms correctly. 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.

Legal Concerns

Citizenship and the American National:

American National

U.S.C. §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**⁶³ 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.)

Citizenship and the U.S. citizen

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 incurred when a law is broken. Paying taxes." (See USA Hello).

Effectiveness of the 14th Amendment

"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.

⁶³ (21) The term "national" means a person owing permanent allegiance to a state.

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.**

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. Study the difference!

It is the 16th Amendment the IRS uses to justify the modern “income tax” plunder scheme on the wages of working citizens. But, this was not the original intent of Amendment.

See the Book, The Creature Jekyll Island by Edward Griffin and the SEDM website for insights into the IRS fraud.

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.

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

Sample Court Warrant

Judicial vs. Administrative Warrants

♦ Both judicial and administrative warrants are legal orders that authorize searches and seizures, but they differ significantly in their purpose, the level of proof required, and the issuing authority. By grasping the differences between judicial and administrative warrants, you'll be better equipped to navigate situations where these legal orders may arise, ensuring you understand your rights and obligations. Let's take a closer look.

Judicial Warrant

A judicial warrant is an official court order signed by a judge or magistrate that authorizes a search of private property, seizure, or arrest based on probable cause that a crime is being committed or has been committed.

A judicial warrant will:

- Specify the specific address to be searched.
- Specify the time period in which the search must take place.
- Particularly describe the place or person, or both, to be searched and things to be seized.
- Be issued by a court and signed by a Judge or magistrate.

Sample Judicial Warrant:



10-723. Arrest warrant.

[For use with Rule 10-215 NMRA] STATE OF NEW MEXICO COUNTY
OF _____ JUDICIAL DISTRICT IN THE
CHILDREN'S COURT

In the Matter of _____, a Child. No. _____
_____, Child Date: _____ DOB:
_____, SSN: _____
Gender: _____ Race: _____ AKA:
_____, Gang affiliation: _____ Address:
_____, Height: _____ Weight: _____ Eyes: _____ Hair: _____

ARREST WARRANT

IN THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO
EXECUTE THIS WARRANT

BASED ON A FINDING OF PROBABLE CAUSE, YOU ARE HEREBY
COMMANDED to arrest the above-named respondent, a child, and deliver said
child without unnecessary delay to a place of detention authorized under the
Children's Code to answer the charge of _____
_____ (state common name and description of offense charged).

Said child is alleged to be (check one)

☐ a delinquent child

☐ in violation of conditions of probation, release, or supervised release.

Dated this _____ day of
_____/_____
_____, Judge,
District Court Children's Court Division

RETURN WHERE RESPONDENT IS FOUND

I arrested the above-named respondent on the _____ day of _____, _____, and served a copy of this Warrant on the _____ day of _____, _____, and immediately contacted the local juvenile probation officer.

Signature

Title

Upon arrest, immediately contact the juvenile probation officer.

USE NOTE 1. Either this form or the form approved for arrest warrants in adult criminal proceedings may be used in delinquency cases in the Children's Court. [As amended by Supreme Court Order No. 10-8300-046, effective February 14, 2011; 10-410 recompiled and amended as 10-723 by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016.]

Administrative Warrants

♦ Notice the less stringent rules for administrative warrants.

An *administrative warrant* is a document, issued by a federal agency such as Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE), purporting to document their authority to arrest a person suspected of violating immigration laws.

These administrative documents are **not** signed by a neutral magistrate or judge but rather **an immigration officer** like an ICE agent or immigration judge.

An ICE administrative warrant is NOT a judicial warrant. ICE administrative warrants do not give ICE officials authority to enter a place where there is a reasonable expectation of privacy, without consent.

If this happens—state clearly that you do not consent to them entering but do not physically resist. If ICE officials have already entered, then ask them to leave and state that you do not consent to a search.

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 equal⁶⁴, 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 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.

⁶⁴ "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

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 taxes and indirect taxes. A direct tax was a true bill to the States to pay the federal government. 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.

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

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

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!!!

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.

Notice the power to collect the tax was delegated to "Congress" **not** the Department of the Treasury or the IRS or a treasury in Puerto.

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 **gain** in one year and request the dividend, then the Government considers this "**income**" and under the definition of excise tax — a privilege and benefit of doing business within the corporate system. The United States Government has power 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 Meridith⁶⁵, March 9, 2001).

⁶⁵ The government hated Lynn Meridith because she taught the truth about the tax system and, therefore, watched her like a hawk. Unable to cite her for wrong doing or for peddling error, they came after her on a bogus claim of mail fraud. Finally, they shut her up . . . and locked her up . . . but only after she reshaped many American minds by teaching the truth. Her books are assets today. If you can find them.

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.

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.

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.

The word "income" created problems. Congress was not able to define it, and no such definition can be found in the Internal Revenue Code (Schiff⁶⁶, p. 162). Is "income" everything that comes in? Profits? Equity? Principal? Sources of income? Congress errored 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. But, the courts have consistently recognized the Constitution does not promote a tax on a man's wages-income.

"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

⁶⁶ Schiff is another bold, studied, noble mind the government despised. After years of tracking the man the government made a bogus claim against him and put him in jail. "Blessed are ye, when ye are persecuted for righteousness."

Pacific R.R., 240 U.S. 1The 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., 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 v. Helvering, 293, US 465)

"Tips are gifts and therefore are not taxable" Olk vs. U.S., February 18,1975; (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 16th 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.

1. **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.

2. **All are equal under the Law.**

Legal maxim: No one is above the law.

3. **In Commerce truth is sovereign.**

Legal maxim: to lie is to go against the mind.

4. **Truth is expressed by means of an affidavit.**

Legal maxim: (none)

5. **An un rebutted affidavit stands as the truth in Commerce.**

Legal maxim: He who does not deny, admits.

6. **An un rebutted affidavit becomes the judgment in Commerce.**

Legal maxim: (none . . . concept of the duel without weapons)

7. **A matter be expressed to be resolved.**

Legal maxim: He who fails to assert his rights has none.

8. **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.

9. **Sacrifice is the measure of credibility.**

Legal maxim: He who bears the burden ought also to derive the benefit.

10. **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 the name your mother and father gave to you? Who gave you this name? The government has no authority to spell your name in all cap letters. You can object to a misspelling of your name as an ALL CAP name creates a government presumption that it has authority over you.

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://savingsuitorsclub.net/showthread.php?1084-What-is-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 (wealth or riches);”

Living souls are created by God (Genesis 1-2) Artificial entities are created by the State. People’s names are in upper and lower case letters. Corporations have ALL CAP letters. You are not a corporation, but the government pretends that you are a creation of the government and that your “rights” come from the State.

A CORPORATION is an artificial person -- a dead entity. Thus, as a CORPORATION is a dead entity it cannot deal with a living soul/spirit which is alive as the dead cannot contract with the living.

Sometimes in law you have to overcome this government presumption especially when statutes are made strictly for artificial “persons.”

Luke 8:60 “Jesus said unto him, Let the dead bury their dead: but go thou and preach the kingdom of God.”

Only living souls can do the will of God.

Only living souls have a conscience. Corporations are insentient creatures of the dead State.

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.

You do **not** need a license to obey God; to travel afoot; or to ride in a carriage to do God's will.

But, inexperienced travelers ("drivers") may need to obtain instruction and pass a "driving" test before operating a dangerous vehicle on the highways of America.

Moreover, having a "driver's license" does not necessarily make the highways safer. Most all accidents involve people with a "driver's license."

The "driver's license" is another commercial scheme created by government to control men and to bring \$\$\$ into State coffers.

Family

♦ The right of a parent to raise his children under the authority of Christ 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 (1953), 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: v 345 US 528, 533, 73 S. Ct. 840, 843 97 L. Ed. 1221, 1226.

Homeschooling

♦ The Word of God calls fathers to bring their children up in the nurture and admonition of the Lord (Ephesians 6:1-4). No where does the Scripture or the U.S. Constitution call the government to be involved in education.

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 confirmed. 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).

Oversight of family education was given by God to fathers. It is not given to the federal or state governments; that is, every claim by government to have power over public education is government overreach times ten.

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) 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); 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; when the State reward women for divorcing their husbands and punishing men because they were not submissive to the demands of an odious wife.

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 using their assets to lure and trap men.

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. If a woman claims she was raped by a man, she may need to have scratches on his face. Otherwise, it is consensual.

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 Scriptural 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 bias and prejudice at work.

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 the birth of an unwanted child – and, all births are unwanted by the new motormouth feminists.

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 prerogative; 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 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 abruptly demands the man pay all expenses for the birth of a child after it is born. What inequity!

It is a fact the system preys upon a man's natural sense of responsibility and "guilt" 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. It is a system that rewards rebellious women and punishes dutiful men.

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, loyal, loving leadership of men. When the State assaults male leadership through its doctrines of equality, it destroys the Bible-based family by rewarding odious women.

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, feminism, and schism.

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 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 God-given 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 taken-away from him by the letter of the law.

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 that picks the pockets of men – a system that has all the marks of a State 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." But, it is worse than this. Ordinary citizens fall for this clap-trap.

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, a “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. Stiff DEI woke penalties are in place to punish the man that won’t affirm a teenager’s spurious sexual choices.

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 that seven out of ten judges in family court are (odious) feminists (who hate men) in love with power.

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 male 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 or 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 have the power to create duties for men divorced by their odious x-wives; rather, it protects the rights of men. (The Declaration of Independence).

“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.

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

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:

Declaration of Independence: "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]

, The modern property tax is a scam. You have a right to live somewhere on this earth without being taxed to death. While the states have the power to tax commercial property, they have **no** authority to tax private property. How can you tax private property that earns no income or tax it because it exists?

To say everyone owes property tax is to say the State owns all property in the United States and that there is no such thing as private property. Moreover, to tax private property is to make everyman a debt slave to the government.

“The earth belongs to the Lord” and He gave the earth to families, not government!!

You can’t have it both ways: To say men have God-given unalienable rights and men owe property tax on private property. Counties get away with taxing private property because men are ignorant of the law and don’t have the courage to stand up to Goliath. But, this is what has to be done if one wants to escape financial servitude.

What is Evidence?

♦ The accused demands proof. You can claim anything, but where is your proof of claim? Where is your evidence?

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).

Facts

To sustain a claim the plaintiff must present facts. No facts, no claim.

Definition of Evidence: “the available body of facts or information indicating whether a belief or proposition is true or valid.” —Oxford Dictionary

Facts: what did you see? What did you hear? What did you touch? Where is your record . . . your testimony . . . your sworn, verified affidavit of truth.

Where are the Facts?

Attorneys can’t testify. An attorney’s statements cannot be entered into the record as facts. He is either a lawyer or a witness. If he acts as a witness, he

must be sworn in. Attorneys act on hearsay. Therefore, a party can object to a court that acts on hearsay . . . or statements of an attorney. Say, "I object. The attorney has not been sworn in. He is repeating hearsay."

"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 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 op- 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 Tnst. Rpil. He who does not freely speak 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. Banks never loan money from their own capital; they create money of account and then charge you interest on nothing.

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]

Authentication: 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 accounts, petitions, pleadings, and other papers. The word "verify" sometimes means to confirm and substantiate by oath, and sometimes 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 iuratore; justitia et iudicium in iudice. 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 operimitur; 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. Rpl. He who does not freely speak the truth is a betrayer of truth." (Black's Law Dictionary, 2nd Edition).

Computer-generated signatures are not legitimate under the common law. They are, however, acceptable if both parties agree to this kind of communication. I don't accept computer-generated orders from a court clerk!

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 written in the code?
- Claim: You were driving 65 mph in a 55 mph zone. Ans: I have no knowledge of that.
- Claim: You were driving 30 mph over the speed limit. Ans: 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? Where is the record? Is it here in the courtroom? Is your testimony signed under penalty of perjury?
- 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 a 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 U.S.C. §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, signed in blue ink, 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 true⁶⁷, certain, correct, and not misleading 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;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:

Legal References on 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

⁶⁷ **True:** In accord with the actual facts or conditions . . . exactly or accurately.

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 Paine⁶⁸

"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

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;

⁶⁸ 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).

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

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.

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 officer (judge) in a court of competent jurisdiction. to hold a hearing within 3 to 20 days 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 officer**, not on the demandant Citizen.

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 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.

Challenge Questions

Where is your court order? Claimant has never seen it.

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.⁶⁹

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.

Where is your oath to uphold and support the Constitution and your posted faithful performance bond required to complete your appointment to office? If you do not have an oath and bond, you an imposter.

Where is your claim with proof of claim that you have authority over this living man without a contract agreement?

⁶⁹ The fifty states of the union still operating under the the Constitution.

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.

Where is your claim with proof of claim that you have no duty to validate / 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.

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).

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.

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.

Where is your claim with proof of claim you have not committed treason against the United States Constitution by practicing your RYOT debtor system⁷⁰ and binding men thereto?

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 Attainder⁷¹ to Claimant.

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 has a duty to present a "true bill:"⁷² per the 4th Amendment, Administrative Procedures Act 5 U.S. Code § 556 (d), 26 U.S.C. §6065; The

⁷⁰ "The Ryot debtor system, prevalent in British India, particularly in the Deccan region, was a system where ryots (small farmers) became heavily indebted to sowkars (moneylenders), often leading to severe financial hardship. This system was characterized by high-interest rates, short repayment periods, and the use of bonds that were renewed over time, effectively perpetuating the debt cycle." – Google.

⁷¹ 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.

⁷² True bill: a signed, verified statement under penalties of perjury that the alleged "Creditor" loaned something of value to a debtor and that the alleged debtor owes x amount of funds to the alleged creditor.

Clearfield Doctrine; 15 U.S.C. 1692 et seq.; FRA Rule 603; Proof of Claim Rules USBC Rule 3001, 3004, 3005.

Principles of a Conditional Acceptance Letter.

Title your letter, "Debt Dispute," or "Objection . . . "

In your response letter, acknowledge receipt of the instrument.

Notice them of the defects of the instrument: not dated, not signed, not verified, computer generated, no stamp or Decal on the instrument . . . that is, a claim without validation or verification, or wrong addressee in all CAPS.

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.

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.

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:"

Make a 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,

Warning: if they remain silent, their silence is a form of speech; that you will interpret as agreement with your assertions.

The maxim is "Qui tacet consentit": the maxim of the law is "Silence gives consent".

This is especially true when the government contacts you, you respond with a demand, and the government remains silent. That is, silence is a form of consent when one has a duty to speak.

Silence, however, is not consent when one is presented with a contract. The contract must be signed and verified.

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.

Notarize the document.

After 30 days send them a notarized Notice of Default and 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 . . . or other.

Legal References

♦ As the Supreme Court stated in Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380, 384 (1947), and reiterated in Heckler v. Commuity 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. 177I 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 Insurance Corp. v. Merrill, 332 U.S. 380, 384 (1947).

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Sample Order to Provide Proof of Claim

♦ If an entity makes a demand on you, you can ask the government agency or bank or debt collector to provide proof of claim. Your request for proof does not need to be long, but it does need to be specific. A one page letter is sufficient. Consider the following ideas:

State you are in receipt of notice under the authority of the Fair Debt Collections Practices Act, U.S.C. §1692 (e). regarding this instant matter.

It is not now, nor has it ever been My intention to avoid performing any obligation to which I am lawfully bound.

Know that your debt claim is lawfully disputed.

In order that I, as Declarant, can make arrangements to pay this alleged obligation, please validate the alleged "debt" by complying in good faith with this request for validation.

Sample demands you can make

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.

Second sample of demands

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.

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. To be detained, someone or something of value has to be injured. Corporation of government can't be injured by a living soul. They are artificial entities.

"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, there is no crime.* 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 sui juris man needs to know how to write one of these writs.

1. Use proper Court, Plaintiff-Defendant style-format.

Title it a "Writ of Habeas Corpus for Your Name."

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.

Introduction: Introduce the case . . . dthe general facts of the unlawful arrest . . . charges . . . what the officer did wrong. (Be brief)

Authority: Cite your Authority for the Writ (U.S. Constitution, Article 1, Section one Your State Constitution, the Common Law, Magna Carta)

Jurisdiction: Cite the jurisdiction (venue) of the Court; that is, empower the Court to rule on your behalf.

Parties: List the Parties – names, address, info, phone.

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.

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.

Claim for Relief: Cite how the officer violated your rights and what laws he violated. State with specificity and particularity.

Motion to the Court – a Prayer for Relief: To order your release because of the unlawful arrest.

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.

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."

Decisions have to be made and voting is one way to decide a course of Action, But, in a democracy the majority rule over the minority; in a republic⁷³ the minority can ignore will of the majority.

⁷³ 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.)

Modern men refer to the United States as a democracy and that is because communism is democratic and federal politicians want Americans to look to government for their needs and not God.

The problem with a democracy is that no politician takes responsibility for a bad bill. Cottonball politicians hide behind the will of the majority.

Don't Be Fooled by Oaths

♦ Many officials don't even have an oath; and, if not they are de facto rulers. Everything they say or do is null and void.

OATH 5 U.S.C. §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.

Application of Rules

♦ **Rules and statutes are only for government employees and contractors**

Appellate Court Ruling 1985: Rodriques v Ray Donovan 769F2D, 1344, 1348

"All codes, rules, regulations and statutes 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)

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.

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 thing 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 or 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: "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.⁷⁴

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 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.

⁷⁴ **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.

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 posit⁷⁵ 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,⁷⁶ for the provision of administrative law being enforced, which rule

⁷⁵ **Posit:** assume as a fact; put forward as a basis of argument.

⁷⁶ “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)

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 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 conducts his registered 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. §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 person⁷⁷ or property⁷⁸ 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 FD CPA Section 809. Validation of debts, 15 U.S.C. §1692 g).

⁷⁷ NMSA 66-1-4.14 E. “person” means every natural person, firm, copartnership, association, corporation **or other legal entity**;

⁷⁸ Property means tangible property, real or personal” having a situs within the state – NMSA 7-35-2 I

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 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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1. Biblical Standards for Civil Rulers, Form #13.013
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3. The Crisis of Church Incorporation, Form #13.017
4. A Family Under God, Form #17.001
5. Origin of the Bible, Form #17.002
6. The Gospel of the Kingdom of God, Form #17.003
7. Five Pillars of the Gladiator Gospel, Form #17.004
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23. The Feminist War Against God's Law, Form #17.068

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26. The Pilgrim's Songbook, Form #17.071
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30. Political Psalms, Form #17.076
31. Psalms for the Troubled Heart, Form #17.077
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41. The case for Common Law Marriage, Form #13.022
42. The Matthew 24 Preterist Interpretation, Form #17.086
43. The Passover Seder, Form #17.087

Works we have contributed to:

1. Laws of the Bible, Litigation Tool #09.001
2. Ten Commandments of Freedom Form #13.016
3. SEDM About Us Page, Section 9
4. Proof of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073. [Click Here](#) for the article this publication is based on from this site

