The Frog Farm FAQ, version 1.7
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"Laws are made for us; we are not made for the laws." [William Milonoff]
"*Juris precepta sunt haec: honeste vivere, alterum non laedere, suum cuique*."

[These are the precepts of Law: To live honorably, to hurt no one, to render everyone their due.]

Dedicated to the original Frog Farmer of Garbanzo BBS: "somewhere in California"

Disclaimer: This only works in America, and sometimes not even then.

Introduction

The purpose of the Frog Farm is to discuss issues which involve a Free People and their Public Servants, and how to deal with the various problems that can arise between a free person who exercises and demands Rights and errant public servants who exceed the scope of their powers. Topics covered include the rights of Man and subsequent obligations, the nature of the contract for government, the Federal U.S. Constitution and State Constitutions of the united States, various types of Jurisdiction, and defending rights in the courtrooms of America.

The Frog Farm's FAQ is unique in that the majority of the information is in the form of legal citations taken from courts of the fifty States and the federal Supreme Court (and thus the only authoritative source regarding the subject matter). The Supreme Court and the lesser appellate courts have repeatedly ruled on many points, and these are rightfully described as "well settled". Unfortunately, most of the time this established law goes unused out of fear or ignorance. While it can be argued that a system of multiple privately produced legal systems would better protect individual freedom (and discussion of this sort is most certainly welcome in these forums), as long as the current system is in place it should be used. Violence accomplishes nothing but destruction; it has no place in a civilized society. Criminals everywhere throughout history have engaged in violent behavior against those who wish to live in peace, whether or not they attempt to rationalize and justify their crimes by assuming a cloak of legitimacy with the lofty title of "government". The use of violence is only proper in self-defense, and violence should always be kept to a minimum.

The Frog Farm is a clearinghouse for all information regarding defending one's rights in the courtrooms of America. With the recent expansions of the Internet's size and scope, and the millions of participants now discovering its vast, untapped potential which is even now struggling to throw off the last vestiges of its governmental umbilical cords, it is hoped that this information will find an appreciative audience.

Disclaimer

The Frog Farm was created to provide participants with a forum with which to share their findings and opinions based on research and analysis of the subject matter covered, drawing from personal experience where applicable. Information is not provided for the purpose of providing legal or any other professional services, which can only be provided by professionals. The material written by the host and other private participants on this message base is not intended to be construed as legal advice. Information contained herein that may pertain to tax or legal situations is for informational or descriptive purposes only and no attempt to advise is intended or implied. Information relative to such areas may be used in cooperation with competent jurists or otherwise at the discretion of the reader. As there is always an element of risk in exercising and defending one's lawful rights regardless of the country one chooses to live in, neither the moderator, author of any posted message or the administrator of any site involved in the transmission of any messages posted, assumes any

responsibility or liability for any loss or damage incurred either directly or indirectly, as a consequence of the use of any information herein provided through the Frog Farm. The inclusion of addresses and phone numbers in this FAQ is likewise solely for informative purposes and no claims whatsoever are made regarding such sources.

All information provided is applicable, firstly, only to those living within the geographical boundaries of one of the fifty States of North America. (Those living in other countries would be well advised to educate their friends and neighbors regarding America's unique legal foundation, and perhaps look into the possibility of moving here.)

After that, you will need:

* Pencil and paper. A typewriter helps; a computer may also.
* A good law dictionary. Bouvier's is preferable to Black's Law Dictionary.
* The ability to competently read and write at least 10% of the English language.
* The will to learn, change your Status appropriately and defend your position. The first is much more easily acquired than the others.

Any opinions in this document which are not attributed to third parties (i.e., quotes) may be safely assumed to be those of the author.

List of Topics

So why is it called the Frog Farm?

There is a tale, possibly apocryphal or metaphorical, attributed by most to Mark Twain, of how to cook a frog. If you drop a frog in a pot of boiling water, so the story goes, he'll jump right back out just as quickly. But if you put him in a pot of cold water, and slowly heat it up, he'll stay right there until it's too late, and he's boiled alive.

The tale is usually mentioned in the context of gradualism, or the tendency of government to always increase its power at the expense of the governed.

In 1989, I met someone on an electronic bulletin board by the handle of "Frog Farmer", who introduced me to the topics discussed herein. (Although I use the masculine, it should be noted that I never met FF in person, and it is equally likely for FF to be female.) When I asked him why he chose that particular handle, he told me the above story.

In honor of his/her tireless sense of humor, and everything s/he introduced me to, this FAQ is dedicated to him/her.

What should I do if I'm arrested?

QUESTION: "What does Frog Farmer advise that I should do (or not do) if I am arrested -- i.e., what cases should I cite? What rights should I demand? Basically, what should I say and not say?"

ANSWER: An answer to these questions might be construed as legal advice. The Frog Farm does not provide legal advice, nor do any of its participants, who merely speak from their own experience and/or knowledge.

However, it is possible to be less cryptic than this.

There is far too much material under this heading to fit here, unless condensed greatly. An example might be:

Learn how to read and comprehend a percentage of the English language, as described earlier in this FAQ.

Obtain the relevant law books (your state's Code of Civil Procedure, Penal Code, Rules of Court and Evidence Code, or the appropriate federal books for a federal case) and read the relevant sections.

Type up and send Constructive Notices and Notice of Dishonor to all concerned parties within 3 days of receiving your ticket or being arrested.

Type up subpoenas for all arresting officers and the person who signed the complaint and schedule a motion hearing where you will make a Motion To Quash the Summons, at which time you obtain your depositions from the arresting officer.

You should prepare your list of questions to ask the witnesses when you have them on the stand at the motion hearing. Their answers will cause the judge to dismiss the charges -- if your questions are the right ones. Your questions have to be based upon the codes, and the answers will go to show that the procedures followed by the police were all invalid and that the persons you subpoenaed are all guilty of perjury. The beauty of it is that you don't even have to testify yourself, and the cops are so uneducated in law that they will not even know that they are convicting themselves out of their own mouths.

However, this only works when there is no victim or injured party. It also only works when you understand what the heck you are doing, and are prepared to follow through to the utmost (see Wisconsin v. Yoder, summarized below). We will assume that these two conditions are true, for the purposes of this answer.

Every arrest, detention, stop and confrontation with government officials is different, and it is impossible to imagine (in order to pretend) all the different things that might be said, and when. Each and every situation is unique, and this is why the question cannot be answered. However, a general consensus has developed, which can be summarized relatively easily as follows:

Never ask, "Am I under arrest?" -- rather, always ask, "Am I free to go?". An arrest is a certain procedure that must meet certain criteria in order to be done lawfully. You should not "help out" with your own arrest by merely leaving it up to them to say "Yes", but force those responsible to go through all of the due process you demand.

Don't hassle people about your rights. Respect their point of view, and where they let you, educate them about the law. Make your demands with a quiet voice and a friendly smile. ☺ If someone is insensitive about your rights, have the patience to wait until you get to the court room to reclaim them. Always be serene and friendly, regardless of how they treat you you'll get even in the courtroom. It can be very risky to their financial health to ignore or abuse your rights. But it can just as easily be risky to your physical health if you ignore or abuse their overly inflated sense of

importance. There's no sense in taunting bulls; just wait for them to get out of breath charging around before sticking it to 'em.

Before asking if you are free to go, try to ascertain just who it is who is accosting you by asking their identity. If the answer is that it's a government agent of some kind, ask if they will fully identify themselves. The answer is usually "yes", so pull out your PUBLIC SERVANT'S QUESTIONNAIRE and ask them to kindly fill it out. They will usually decline, so offer to fill it out for them if they will answer the questions. If they refuse, inform them that their refusal to fully identify themselves and cooperate in your investigation will be reported to their superior, and suggest at that time that they call for back-up, for several reasons:

1. They have violated your right to the requested information
2. They have proven themselves incompetent to understand the law
3. You now have reason to doubt whatever they say regarding their being an officer of the law (they could be a highway robber, trying to get you to drop your guard). If they can manage to get a few more people in police cars to the scene, you can probably rule out their being a robber in costume.

When the superior officer arrives, go through the whole thing again. If things get nasty, you could demand their probable cause for believing you guilty of committing a crime, and demand a 4th amendment warrant and counsel present before you answer any in-custody interrogation. This would invoke the exclusionary rule.

Carry copies of Davis v. Mississippi, 394 U.S. 721, to make sure they've all been informed regarding the fact that your fingerprints are private property which cannot be taken over your objection without a valid court order.

Don't refuse their offer of "counsel" straight off. It can be useful to get the counsel to refuse to help you on their own, or you can fire them in open court for refusing to obey your instructions, or for attempting to waive any of your rights, like the right to a speedy trial. Always make it clear that they are not representing you, but merely serving as counsel. When you finally do go to court, make friends with the clerk by conforming as much as possible to the clerk's demands for format, timeliness, etc. (provided that you don't give up any significant rights in the process). Respect the legal maxim, "The law does not bother with trifles."

Don't necessarily exact the Shakespearean pound of flesh. Like the government courts, you can put abusers on probation. They then know that when you could have put them in jail for their "white collar" offenses, you didn't. When dealing with errant public officials, you can refer to those situations, and let them know that although you were easy then, they shouldn't push their luck now. :-)

But the most important thing is attitude. If you're a free person, if you've rescinded all contracts with government, then act like it. Exercise your rights, and when necessary, defend them as passionately as you exercise them. Remember that everything has a cost and freedom is not free!

A relevant case is Wisconsin v. Yoder, 406 U.S. 205 (1972) which established the tests necessary to distinguish a belief based on CONVICTION rather than PREFERENCE. The importance of the distinction is that according to the Court's decision, only CONVICTIONS are protected by the Constitution. The test consists of five major circumstances you must maintain your belief in the face of, which are:

1. Peer pressure
2. Family pressure
3. Threat of lawsuit
4. Threat of jail
5. Threat of death

So one must be smart enough to understand all the responsibilities involved in having sovereign status, and maintain one's beliefs in the face of all opposition. Otherwise the court will view your stance as a convenient excuse (preference) to get out of the "legal duties" incurred by subjects ("income tax", "license fees", etc) -- i.e., they will assume you are lying, and that you really ARE a sheeple, one who is subject to their jurisdiction.

Finally and most importantly, before engaging in any sort of hazardous conduct such as this, you must become "judgment proof".

Judgment Proofing

This section is cobbled together from assorted posts by Duncan Frissell, author of How to Break the Law.

QUESTION: "I hear a lot about 'judgment proofing'. What the heck does it mean, and why is it so important?"

ANSWER: The topic of judgment proofing deserves its own FAQ, but until that day comes, here are the basic elements.

Judgment proofing is the process of protecting your property from thieves. It is a fundamental and necessary process that should always be followed before undertaking any potentially hazardous activity (such as defending Rights in the courtroom). To be judgment proof (proof against a legal judgment) means that even if you are fined or subject to a civil judgment, nothing can be collected from you.

One essential aspect is Liquidity. As an example, if you go out and buy ten bags of junk silver coins, divide them up into ten parcels, and bury them in various secret locations in your area, you will have the kind of liquidity which the Jewish people found so helpful in Europe in the 1930's. With their wealth secure and mobile, those with gold and silver were much more able to stay one step ahead of those who would have destroyed their lives and stolen their property.

Aside from the normal privacy protection strategies (you all receive all your mail at mail receiving services, or have a small network of friends that can forward mail for each other, don't you?), there are a number of steps that can be taken to reduce your vulnerability to judgments:

Live in rented accommodations. Home ownership is a bad idea. It can be accomplished if you are very careful to construct a firewall between you and the nominal owner (see clean team-dirty team considerations below), but it is usually much safer to not own anything major or to own it in another jurisdiction. This isn't to say that you can never own a house but real estate isn't such a hot investment these days in any case.

Drive an old car. Better yet, drive somebody else's car. Like a house, a car is a big juicy target to government officials; it's property that they can seize. But they can't seize somebody else's house or car that the owner happens to be allowing you to use.

Keep financial accounts, if any, in other countries. Use small domestic accounts for day-to-day activities. Have your important accounts elsewhere.

Convert your job to contingent- or self-employment. Most people are controlled by their reluctance to leave their job. Even though garnishment is rare these days because it is expensive, you are still vulnerable to losing your job if you encounter legal difficulties. If you are self-employed you are unlikely to fire yourself and if you are a contingent worker it is easier for you to change jobs/states/countries when things become hot. Contingent workers can also recover from legal difficulties more easily since they can disguise prison terms: "I took two years sailing in the Pacific. Something I've always wanted to do." And employers check up on them less, since they can be fired at will.

Use the clean team-dirty team approach. Within a family or affinity group, you can divide the responsibilities. Some group members remain under equity/admiralty/etc jurisdiction and are vested with all the group assets. This is the clean team. The common law folks in the group constitute the "dirty" team and have no assets. Obviously, you want to avoid accusations of fraudulent transfer. If any transfers occur before the dirty team rescinds any contracts binding them to the government, there should be no problem. It helps if it is difficult to prove the existence of a relationship between

the clean and dirty teams. If different countries and names are involved, it can be very difficult for investigators to uncover the links.

Translation of "judgment proof" for cryptography-knowledgeable types out there: make the key space occupied by your assets so large that an exhaustive search is beyond the resources of the investigators.

Key elements of judgment proofing:

* Mobility. Minimize economic and social dependence on a physical community. A possibility is to move to free virtual communities, untraceable to your physical location.

* Liquidity. Get rid of attachable property, and as Charles Dickens says in Great Expectations, "Get hold of portable property." Most property should either be mobile and concealable (e.g., precious metals), in the name of another entity with better political connections or protection, or offshore. Don't tie up your life savings in vulnerable property like an expensive house; lease or rent, or sell your house to your children or to friends, and write up a contract stipulating that the new owner isn't allowed to kick you off the property as long as you're alive. (Political extortion can take many forms -- don't invest in real estate without local political connections.) As George Gordon puts it, "Get rid of your toys." Big, expensive assets are red flags to government officials that say, "Hey, this guy's got lots of stuff we can grab!"

* "Poison pills" that render attachable property worthless upon confiscation, or trigger harm to the confiscator in some way. These can take a wide variety of physical or legal forms, depending on the property in question.

* Avoid future blackmail by minimizing potentially harmful information about your personal habits going into the system. Use private means of payment. Aren't you amazed at how many people rent X-rated videos with their credit card, let their bank have their personal budget, etc?

* Take steps to change you and your family's physical jurisdiction, and even your "True Name" identity if necessary. (Cf. How to Disappear Completely and Never Be Found, available from Loompanics or some survivalist mail-order places).

* Cultivate the loyalty of close friends and relatives, and keep damaging information away from potentially disloyal ones. Most IRS ‘turns-ins’ are by disgruntled spouses. Know the importance of the concepts of "reputation" and "trust".

There are many things that have not been touched on here. At this point, being judgment proof, like claiming sovereign status, is out of reach for most people, both practically and as an intellectual exercise (remember how few people can even program their VCRs?), but as crypto-anarchy matures, it will become both easier and more necessary. The less intelligent who are incapable of protecting themselves will be hit quite hard.

The poor are completely judgment proof. It is harder for the rich, but they can be effectively judgment proof, in the same way that data encryption can be effectively unbreakable without being absolutely unbreakable.

Like other aspects of claiming sovereign status, judgment proofing relies more on your taking the initiative to restructure your own part of the world, rather than on futile attempts to get "society" to do it for you.

Strategy

I originally found on Bill Thornton's now-defunct BBS, Sovereign's Paradise, and have made some additions and minor edits. (Bill can be reached on the Internet now at the new Sovereign's Paradise.) Should you decide to claim and exercise Rights, this strategy may help you maintain a consistent focus upon your ultimate objective, i.e., minimizing the damage to yourself.

Elements of a Preferred Courtroom Strategy

Research all pertinent statutes, rules, regulations, legislative history, court cases, and treatises; in short, become an expert on the narrow points of law of the case. Get a copy of "A Guide to Federal Agency Rule Making."

Project the position of underdog, intelligence, honesty, fear, indignation, issue of principle or belief, determination, calm, non-antagonism and, most especially, non-arrogance. Don't do, say or write anything that may be used against you legally or politically (foul language, threats, radical invective, and so on). It doesn't become the master to get angry at the slaves for being disobedient. Supposedly, these people are your public servants. Remind them of it politely. Give them fair warning. Let them make the admissions and confessions that will win your case, preferably in the presence of witnesses; don't open your mouth if you're not sure of anything.

If someone continues to violate your rights after you've given them "constructive notice", offensive lawsuits can help you obtain redress of grievances. But don't get personally involved. Put "first offenders" on probation unless they've really, really screwed you over in a big way; this way, they get let off with a warning not to do it again, which still makes an impression when done right, and has the added advantage of not making an unnecessary enemy by sending them to jail or taking their life's savings to pay your damages.

When possible, draw battle-lines on important political issues championed by "the public", but don't push it if they are only of secondary importance to your case. Legally, public opinion doesn't matter; politically, it can be quite valuable, if only in helping to make sure your house and loved ones don't get firebombed in the night. Make friends with carefully selected media contacts and law enforcement agents. Expose any wrong-doing by the government and court; remind people in the community that they are the ones in charge.

Limit your opponent's options through unilateral discovery, FOIA demands, jurisdictional arguments when possible, impeccable behavior in public and condemnation of your adversaries' acts.

Don't limit your own options. Don't itemize your defenses. Don't give information enabling your opponents' preparation to meet defense or an amendment of charges to your detriment.

Ensure your credibility by only selecting one adversary per battle, if possible. Don't add names or issues to the debate. Keep the focus narrow, the same way the Supreme Court does; you may end up alienating potential supporters.

Don't appear to be a legal know-it-all. It may work when preaching to the converted, but it won't fly with the masses. Ideally, the legal knowledge or other assistance should appear to come from "unknown" supporters; at least, it should appear that way to the ‘Joe Sixpacks’ of the world, who are naturally suspicious of rationality and reason. If the public perceives that you are capable of handling yourself and are not the underdog, they will likely withdraw their support, especially if you are filing offensive actions as opposed to defensive.

And finally: DO NOT SIGN YOUR NAME FRIVOLOUSLY, DON'T SAY ANYTHING, KEEP QUIET AND SHUT UP!

Who are Sovereigns?

"The revolution, or rather the Declaration of Independence (1776), found the people already united for general purposes, and at the same time, providing for more domestic concerns, by state conventions, and other temporary arrangements. From the crown of Great Britain, the sovereignty of their country passed to the people of it: and it was then not an uncommon opinion, that the unappropriated lands, which belonged to that crown, passed, not to the people of the colony or states within those limits they were situated, but to the whole people 'We the people of the United States, do ordain and establish this constitution.' Here we see the people acting as sovereigns of the whole country: and in the language of sovereignty, establishing a constitution by which it was their will, that the state governments, should be bound, and to which constitutions should be made to conform It will be sufficient to observe briefly, that the sovereignties in Europe and particularly in England, exist on feudal principles. That system considers the prince as the sovereign, and the people his subjects; it regards his person as the object of allegiance, and excludes the idea of his being on an equal footing with a subject, either in a court of justice or elsewhere. That system contemplates him as being the fountain of honor and authority; and from his grace and grant, derives all franchises, immunities and privileges; it is easy to perceive, that such a sovereign could not be amendable to a court of justice, or subjected to judicial control and actual constraint The same feudal ideas run through all their jurisprudence, and constantly remind us of the distinction between the prince and the subject. "No such ideas obtain here; at the revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects and have none to govern but themselves; the citizens of America are equal as fellow-citizens, and as joint tenants in the sovereignty. From the differences existing between feudal sovereignties and governments founded on compacts, it necessarily follows that their respective prerogatives must differ, Sovereignty is the right to govern; a nation or state sovereign is the person or persons in whom that resides. In Europe, the sovereignty is generally ascribed to the prince; here it rests with the people; there the sovereign actually administers the government; here never in a single instance; our governors are the agents of the people; and at most stand in the same relation to their sovereign, in which the regents of Europe stand to their sovereigns. Their princes have personal powers, dignities and preeminence, our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens." Chisholm v. Georgia, 2 Dall 419, 454, 1 L Ed 440 (1793).

"The words 'sovereign people' are those who form the sovereign, and who hold the power and conduct the government through their representatives. Every citizen is one of these people and a constituent member of this sovereignty." Scott v. Sandford, Mo., 60 US 393, 404, 19 How. 393, 404, 15 L.Ed. 691.

"Sovereignty itself is, of course, not subject to the 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 For, the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself." Yick Wo v. Hopkins, Sheriff, 118 U.S. 356.

"'Sovereignty' in government to that public authority which directs or orders what is to be done by each member associated is relation to the end of the association. It is the supreme power by which any citizen is governed and is the person or body of persons in the state to whom there is politically no superior. The necessary existence of the state and that right and power which necessarily follow is 'sovereignty'. By 'sovereignty' in its largest sense is meant supreme, absolute, uncontrollable power, the absolute right to govern. The word which by itself comes nearest to being the definition of

'sovereignty' is will or volition as applied to political affairs." City of Bisbee v. Cochise County, 28 P.2d. 982, 986, 52 Ariz. 1.

"'Sovereignty' is a term used to express a supreme political authority of an independent state or nation. Whatever rights are essential to the existence of this authority are rights of sovereignty. The rights to declare war, to make treaties of peace, to levy taxes, and to take property for public uses, termed the 'right of eminent domain,' are all rights of sovereignty. In this country this authority is vested in the people, and is exercised through the joint action of the federal and state governments. To the federal government is delegated the exercise of certain rights or powers of sovereignty, and with respect to sovereignty, 'rights' and 'powers' are synonymous terms; and the exercise of all other rights of sovereignty, except as expressly prohibited, is reserved to the people of the respective states, or vested by them into their local government. When we say, therefore, that a state of the Union is sovereign, we only mean that she possesses supreme political authority, except as to those matters over which such authority is delegated to the federal government or prohibited to the states." Moore v. Smaw, 17 Cal. 199, 218, 79 Am. Dec. 123.

"The 'sovereign powers' of a government include all the powers necessary to accomplish its legitimate ends and purposes. Such powers must exist in all practical governments. They are the incidents of sovereignty, of which a state cannot divest itself." Boggs v. Merced Min. Co., 14 Cal. 279, 309.

"In all governments of constitutional limitations 'sovereign power' manifests itself in but three ways. By exercising the right of taxation; by the right of eminent domain; and through its police power." United States v. Douglas-Willan Sartoris Co., 22 P. 92, 96. 3 Wyo. 287.

"The term 'sovereign power' of a state is often used without any very definite idea of its meaning, and it is often misapplied. Prior to the formation of the federal Constitution, the states were sovereign in the absolute sense of the term. They had established a certain agency under the Articles of Confederation, but this agency had little or no power beyond that of recommending to the states the adoption of certain measures. It could not be properly denominated a government, as it did not possess the power of carrying its acts into effect. The people of the states, by the adoption of the federal Constitution, imposed certain limitations in the exercise of their powers which appertain to sovereignty. But the states are still sovereign. The sovereignty of a state does not reside in the persons who fill the different departments of its government, but in the people, from whom the government emanated; and they may change it at their discretion. Sovereignty, then, in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state governments." Spooner v. McConnell, 22 Fed. Cas. 939, 943.

"Sovereignty means supremacy in respect of power, domination, or rank; supreme dominion, authority or rule." Brandes v. Mitteriling, 196 P.2d 464, 467, 657 Ariz 349.

"'Government' is not 'sovereignty.' 'Government' is the machinery or expedient for expressing the will of the sovereign power." City of Bisbee v. Cochise County, 78 P.2d 982, 986, 52 Ariz. 1.

"The 'sovereignty' of the United States consists of the powers existing in the people as a whole and the persons to whom they have delegated it, and not as a separate personal entity, and as such it does not possess the personal privileges of the sovereign of England; and the government, being restrained by a written Constitution, cannot take property without compensation, as can the English government by act of king, lords, and Parliament." Filbin Corporation v. United States, D.C.S.C., 266 F. 911, 914.

"'Sovereignty' is the right to govern. In Europe the sovereignty is generally ascribed to the prince; here it rests with the people. There the sovereign actually administers the government; here, never in a single instance. Our governors are the agents of the people, and at most stand in the same relation to their sovereign in which regents in Europe stand to their sovereign. Their princes have personal

powers, dignities, and pre-eminences. Our rulers have none but official, nor do they partake in the sovereignty otherwise, or in any other capacity than as private citizens." Chisholm v. Georgia, Ga., 2. U.S. (2 Dall.) 419, 471, 1 L. Ed. 440.

"In the United States, sovereignty resides in the people who act through the organs established by the Constitution. The Congress as the instrumentality of sovereignty is endowed with certain powers to be exerted on behalf of the people in the manner and with the effect the Constitution ordains. The Congress cannot invoke the sovereign power of the people to override their will as thus declared." Perry v U.S., 294 U.S. 330,353 (1935).

"States and state officials acting officially are held not to be 'persons' subject to liability under 42 USCS section 1983." Wills v. Michigan Dept. of State Police, 105 L.Ed. 2nd 45 (1989).

In common usage, the term "person" does not include the Sovereign and a statute employing it will ordinarily not be construed to do so. *See*: United States v. United Mine Workers of America, App. D.C., 67 S.Ct. 677, 687, 330 US 258, 91 L.Ed. 884

"A foreign sovereign power must in courts of United States be assumed to be acting lawfully, the meaning of 'sovereignty' being that decree of the sovereign makes law." Eastern States Petroleum Co. v. Asiatic Petroleum Corporation, D.C.N.Y., 28 F.Supp. 279, 281.

"The very meaning of 'sovereignty' is that the decree of the sovereign makes law." American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

"'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree." Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903.

The Hale Doctrine

Hale v. Henkel, 201 U.S. 43:

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

"The right of a person under the 5th Amendment to refuse to incriminate himself is purely a personal privilege of the witness. It was never intended to permit him to plead the fact that some third person might be incriminated by his testimony, even though he were the agent of such person."

This case also gives us one of the Frog Farm's Golden Rules: "**Rights are only afforded the belligerent claimant in person.**"

Similar lines of defense can be seen in the following cases:

Powell v. Alabama, 287 U.S. 45: "In this court the judgments are assailed upon the grounds that the defendants, and each of them, were denied due process of law and the equal protection of the laws, in contravention of the Fourteenth amendment, specifically as follows (2) they were denied the right of counsel, with the accustomed incidents of consultation and opportunity of preparation for trial;" "However guilty defendants, upon due inquiry, might prove to have been, they were, until convicted, presumed to be innocent. It was the duty of the court having their cases in charge to see that they were denied no necessary incident of a fair trial, with any error of the state court involving alleged contravention of the state statutes or constitution we, of course, have nothing to do. The sole inquiry which we are permitted to make is whether the federal Constitution was contravened and as to that, we confine ourselves, as already suggested, to the inquiry whether the defendants were in substance denied the right of counsel" "It is hardly necessary to say that, the right to counsel being conceded, a defendant should be afforded a fair opportunity to secure counsel of his own choice. Not only was that not done here, but such designation of counsel as was attempted was either so indefinite or so close upon the trial as to amount to a denial of effective and substantial aid in that regard." "In any event, the circumstance lends emphasis to the conclusion that during perhaps the most critical period of the proceedings against these defendants, that is to say, from the time of their arraignment until the beginning of their trial, when consultation, thoroughgoing investigation and preparation were vitally important, the defendants did not have the aid of counsel in any real sense, although they were as much entitled to such aid during that period as at the trial itself. People ex rel. Burgess v. Risley, 66 How.Pr. (N.Y.) 67; Batchelor v. State, 189 Ind. 69, 76; 125 N.E. 733."

"It is not enough to assume that counsel thus precipitated into the case thought there was no defense, and exercised their best judgement in proceeding to trial without preparation. Neither they nor the court could say what a prompt and thoroughgoing investigation might disclose as to the facts. No attempt was made to investigate. No opportunity to do so was given. Defendants were immediately hurried to trial."

"Under the circumstances disclosed, we hold that defendants were not accorded the right of counsel in any substantial sense." "It is vain to give the accused a day in court, with no opportunity to prepare for it, or to guarantee him counsel without giving the latter any opportunity to acquaint himself with the facts or law of the case."

"As early as 1798 it was provided by statute, in the very language of the Sixth amendment to the Federal Constitution, that 'In all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defense;"

"What, then, does a hearing include? Historically and in practice, in our own country at least, it has always included the right to the aid and assistance of counsel when desired and provided by the party asserting the right." "The United States by statute and every state in the Union by express provision of law, or by the determination of its courts, make it the duty of the trial judge, where the accused is unable to employ counsel, to appoint counsel for him."

Frog Farmer sez: Be careful! Use the due process provisions of the 5th amendment, not the unlawful 14th! Powell claimed 14th amendment citizenship. Almeida-Sanchez, 413 U.S. 266: Petitioner, a Mexican citizen and holder of a valid work permit, challenges the constitutionality of the Border Patrol's warrantless search of his automobile 25 air miles north of the Mexican border. The search, made without probable cause or consent, uncovered marihuana, which was used to convict petitioner of a federal crime

Held: The warrantless search of petitioner's automobile, made without probable cause or consent, violated the Fourth Amendment. Pp 269-275. (a)The search cannot be justified on the basis of any special rules applicable to automobile searches, as probable cause was lacking; nor can it be justified by analogy with administrative inspections, as the officers had no warrant or reason to believe that petitioner had crossed the border or committed an offense, and there was no consent by petitioner. Pp 269-272.

"The search in the present case was conducted in the unfettered discretion of the members of the border Patrol, who did not have a warrant, probable cause, or consent. The search thus embodied precisely the evil the court saw in Camara when it insisted that the 'discretion of the official in the field' be circumscribed by obtaining a warrant prior to the inspection."

"Two other administrative inspection cases relied upon by the government are equally inapposite. Colonnade Catering Corp. v. U.S., 397 U.S. 72, and U.S. v. Biswell, 406 U.S. 311, both approved warrantless inspections of commercial enterprises engaged in businesses closely regulated and licensed by the Government. A central difference between those cases and this one is petitioner here was not engaged in any regulated or licensed business."

Just in case our rights are violated by some well-meaning but errant public servant, we have this handy little law to assist us in obtaining redress of our grievances:

Title 42 USC, Section1983:

> "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States, or other person within the jurisdiction thereof, to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity or other proper proceedings for redress."

(Notice that this statute recognizes the fact that "statutes, ordinances, and regulations" together with "custom", can be unconstitutional and violate our rights. Where they do so, it is up to us to challenge

their jurisdiction over us. Failure to challenge jurisdiction at the first instance of a rights violation can be fatal to your case, and will be seen as an admission that the law in question does indeed have lawful jurisdiction over you.)

"To maintain an action under 42 USC 1983, it is not necessary to allege or prove that the defendants intended to deprive plaintiff of his Constitutional rights or that they acted willfully, purposefully, or in a furtherance of a conspiracy. . . it is sufficient to establish that the deprivation. . . was the natural consequences of defendants acting under color of law. . . ." Ethridge v. Rhodos, DC Ohio 268 F Supp 83 (1967), Whirl v. Kern CA 5 Texas 407 F 2d 781 (1968)

Title 18 United States Code, Section 241, provides that "any person who goes on the highway in disguise to prevent or hinder the free exercise and enjoyment of any right so secured by law shall be fined not more than $10,000.00 or imprisoned not more than ten years or both."

Further, Title 18, United States Code, Section 242, provides for one or more persons who, under color of law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any state, territory, or district to the deprivation of rights, privileges, or immunities secured by the Constitution, or laws of the United States shall be fined not more than $1,000 or imprisoned not more than one year or both.

Title 18, United States Code, Section 242, with its color of law provision, gives a cause of action to apply Title 18, United States Code, Section 241, because Section 241 needs two persons in disguise and Section 242 provides the second person under color of law as the "QUASI SUMMONS" mentioned herein implies that a judge in the Municipal Court is acting in concert to commit an overt act of fraud and extortion for conversion.

Further, United States Code, Title 18, section 242 provides for one or more persons who, under color of law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any state, territory, or district to the deprivation of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. . . shall be fined not more than $1,000 or imprisoned not more than one year or both.

Usually, it can be phrased something like:

"Demand is upon you to withdraw the invalid Notice #_____ within ten (10) days from receipt of this Notice and Demand or Action will commence in the United States District Court pursuant to Rule 7(a) and (c) of the criminal rules of procedure by the jurisdiction provided in Title 42, United States Code, sections 1983 and 1985; Title 28, U.S.C. sections 1331 and 1343 and others with Title 18, U.S.C., sections 241, 242, 872, 1621, 1622, and 1623 providing for the administration of the penalties."

"an officer who acts in violation of the Constitution ceases to represent the government." Brookfield Co. v Stuart, (1964) 234 F. Supp 94, 99 (U.S.D.C., Wash.D.C.)

"an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual', not his official capacity" 70 AmJur2nd Sec. 50, VII Civil Liability.

"Decency, security, and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen. In a Government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law it invites every man to become a law unto himself and against that pernicious doctrine, this court should resolutely set its face." Olmstead v U.S., 277 US 348, 485; 48 S. Ct. 564, 575; 72 LEd 944.

"Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality." 28 USCA 2411; Pfizer v. Lord, 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).

"State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights." Gross v. State of Illinois, 312 F 2d 257; (1963).

"Government immunity violates the common law maxim that everyone shall have a remedy for an injury done to his person or property." Firemens Ins. Co. of Newawk, N.J. v. Washburn County, 2 Wisc 2d 214 (1957)

"No freeman shall be taken, or imprisoned, or disseised, or outlawed, or exiled, or anywise destroyed but by lawful judgment of his peers or by the law of the land." Magna Charta, Chapter 39. (Sometimes referred to as Chapter 29?)

Inalienable rights and States' rights

"There can be no sanction or penalty imposed upon one because of his exercise of Constitutional rights." Sherar v. Cullen, 481 F. 946

"Where rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them." U.S. Supreme Court in Miranda v. Arizona, 380 U.S. 436 (1966)

"Constitutional rights may not be infringed simply because the majority of the people choose that they be." Westbrook v. Mihaly, 2 C3d 756

"The right to counsel exists not only at the trial thereof, but also at every stage of a criminal proceeding where substantial rights of a criminal accused may be effected." Mempha v. Rhay, 389 U.S. 128

"A conviction obtained where the accused was denied counsel is treated as void for all purposes." Burgett v. Texas, 389 U.S. 109

"For a government official to mouth in a ritualistic way part of the warning about the right to counsel, while excluding the person relied upon as counsel is, in effect, to reverse the meaning of the words used When a federal officer's interference with the right of free association takes the form of limiting the ability of a criminal suspect to consult with and be accompanied by a person upon whom he relies for advice and protection, he gravely transgresses" US v Tarlowski, 69 -2 U.S.T.C. & D.C. EA. Dist. N.Y., 305 F. Supp 112 (1969).

"If there is any truth to the old proverb that 'One who is his own lawyer has a fool for a client,' the Court, by its opinion today, now bestows a constitutional right on one to make a fool of himself." Faretta v California, 422 US 806 (1975).

"Lack of counsel of choice can be conceivably even worse than no counsel at all, or having to accept counsel beholden to one's adversary." Burgett v Texas, 389 US 109.

"Upon the trial of criminal cases, counsel, in their argument, may read law to the jury in the hearing of the court, subject to the correction of the court in its charge." McMath v State, 55 Ga. 303.

"In a criminal case, counsel may, in summing up, argue the law of the case to the jury." Lynch v State, 9 Ind. 541; Commonwealth v Porter (?), Hannah v State, 79 Tenn. 201.

"Counsel will not be permitted to argue before a jury questions of law not involved in the instruction asked and submitted to the court." US v Watkind, Fed. Case. No. 16,649 (3 Cranch, C.C. 441). [So always submit instructions to the jury!]

"A plaintiff who seeks damages for violation of constitutional or statutory rights may overcome the defendant official's qualified immunity only by showing that those rights were clearly established at the time of the conduct at issue." Davis v. Scherer, 82 L.Ed.2d 139,151.

"All laws which are repugnant to the Constitution are null and void." Marbury v. Madison, 5 US (2 Cranch) 137, 174, 176, (1803)

"The Bill of Rights was provided as a barrier, to protect the individual against arbitrary exactions of majorities, executives, legislatures, courts, sheriffs, and prosecutors, and it is the primary distinction between democratic and totalitarian processes." STANDLER. Supreme Court of Florida en Banc, 36 So 2d 443, 445 (1948)

"Government may not prohibit or control the conduct of a person for reasons that infringe upon constitutionally guaranteed freedoms." Smith v. U.S., 502 F2d 512 CA Tex (1974)

"Where rights secured by the constitution are involved, there can be no rule-making or legislation which would abrogate them." Miranda v. Arizona, (U.S. Supreme Court) 380 US 436 (1966)

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

"The claim and exercise of a Constitutional right cannot be converted to a crime." Miller v. US, 230 F 486 at 489

"When any court violates the clean and unambiguous language of the constitution, a fraud is perpetrated and no one is bound to obey it." State v. Sutton, 63 Minn 167, 65 NW 262, 30 LRA 630

"The state cannot diminish rights of the people." Hurtado v. California, 110 US 516.

"A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution." Murdock v. Pennsylvania, 319 U.S. 105 (1943)

"Justice Douglas maintained that the privileges and immunities clause was the proper basis for the holding and further insisted that freedom of movement was a right of national citizenship binding upon the states and recognized as such by Crandall v. Nevada (73 US 35) before the 14th Amendment was ratified." in Edwards v. California, 314 US 160

"Moreover, a distinction must be observed between a regulation of an activity which may be engaged in as a matter of right and one carried on by government sufferance or permission. In the latter case the power to exclude altogether generally includes the lesser power to condition and may justify a degree of regulation not admissible in the former." Packard v. Banton, 264 US 140

"Failure to obey the command of a police officer constitutes a traditional form of breach of the peace. Obviously, however, one cannot be punished for failing to obey the command of an officer if the command itself is violative of the constitution." Wright v. Georgia, 373 US 284

"Constitutional rights may not be infringed simply because the majority of the people choose that they be." Westbrook v. Mihaly, 2 C3d 756

"Constitutions are not primarily designed to protect majorities, who are usually able to protect themselves, but rather to preserve and protect the rights of individuals and minorities against arbitrary actions of those in authority." Houston County v. Martin, 232 A 1 511.

"…fundamental rights do not hang by the tenuous thread of a layman's knowledge of the niceties of the law. It is sufficient if it appears that he is attempting to assert his constitutional privilege. The plea, rather than the form in which it is asserted, determines whether the privilege against self-incrimination is to be upheld." US v St. Pierre, 128 F 2d at 980.

"good faith is not enough to constitute probable cause. That faith must be grounded on facts within knowledge of the agent, which in the judgment of the court would make his faith reasonable." Director General v Kastenbaum, 263 U.S. 25.

"Constitutional rights may not be denied simply because of hostility to their assertion and exercise. Vindication of conceded constitutional rights cannot be made dependent upon any theory that it is less expensive to deny them than to afford them." Watson v Memphis, 375 U.S. 526.

The Ashwander rules: Qualifying for the Supreme Court

The Supreme Court has developed seven rules, called the "Ashwander Rules" (Ashwander v. Tennessee Valley Authority, 297 US 288,346 (1935)) for qualifying a case to be heard there. According to Justice Brandeis:

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

1. The Court will not pass upon the constitutionality of legislation in a friendly, non-adversary, proceeding, declining because to decide such questions 'is legitimate only in the last resort, and as a necessity in the determination of real, earnest and vital controversy between individuals. It was never thought that, by means of a friendly suit, a party beaten in the legislature could transfer to the courts an inquiry as to the constitutionality of the legislative act.' Chicago & Grand Trunk RR v. Wellman, 143 U.S. 339, 345.

2. The Court will not 'anticipate a question of constitutional law in advance of the necessity of deciding it.' Wilshire Oil Co. v. US, 295 US 188 'It is not the habit of the Court to decide questions of a constitutional nature unless absolutely necessary to the decision of a case.' Burton v. US, 196 US 283, 295.

3. The Court will not 'formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied.' Liverpool N.Y. & P.S.S. Co. v. Emigration Commissioners, 113 US 33, 39.

4. The Court will not pass upon a constitutional question although properly presented by the record, if there is also present some other ground upon which the case may be disposed of. This rule has found most varied application. Thus, if a case can be decided on either of two grounds, one involving a constitutional question, the other a question of statutory construction or general law, the Court will decide only the latter. Light v. US, 220 US 523, 538.

5. The Court will not pass upon the validity of a statute upon complaint of one who fails to show that he is injured by its operation. Tyler v. The Judges, 179 US 405 Among the many applications of this rule, none is more striking than the denial of the right of challenge to one who lacks a personal or property right.

6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits. Great Falls Mfg. Co. v. Attorney General, 124 US 581.

7. 'When the validity of an act of Congress is drawn in question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided.' Crowell v. Benson, 285 US 22,62."

Don't I have any other options?
COMMON LAW/EQUITY/ETC.
by Paul Campbell

As I was so chided by the illustrious FF so long ago, "Don't throw the baby out with the bath water!" Those were his exact words. You can still easily enter into admiralty jurisdiction contracts at will and retain your sovereignty -- just try to avoid doing so with the government. The reason for NIL (and later, UCC) is a matter of convenience. The forms and other deep, dark requirements of much of common law then become unnecessary.

Second, there is no problem "staying within common law" under UCC/NIL. The Savings to Suitors clause for admiralty jurisdiction is the convenient and required "door" back to common law. Savings to Suitors allows you to hold your court in common law to decide an issue in admiralty. This is also the essence of the "advanced" course that Roger Elvick was teaching.

But there are other options as well. Remember, these methods are specifically set up for FEDERAL and not state courts. State courts have different formats and different requirements. Of course some of these will apply to both equally, such as the UCC.

Option 1: Uniform Commercial Code
The Uniform Commercial Code (UCC) is the new name for the Negotiable Instruments Law which co-opted ALL common law and Equity. This shift occurred when the Supreme Court overturned a much older decision to follow common law over admiralty jurisdictions in the Erie Railroad v. Tompkins, 304 US 64 decision. Now, they only rule on admiralty jurisdiction unless you twist their arms.

UCC 1-308 (1-207) gives you access to common law on any contract you sign using the policy stated in there. In court, what you are claiming is that you have reserved your common law right not to be compelled to perform under any contract that you have not entered knowingly, voluntarily, and intentionally. It also indicates that you do not accept the liabilities associated with the compelled benefits of any unrevealed agreement, such as becoming an accommodation party to the national debt in exchange for "social security benefits."

Also take note that you will want to place the government agent in question personally on constructive notice of your status in affidavit form [see constructive notices later]. Having been informed of the rescission of your contracts with the agency in question and non-liability to such agency, any action taken by the agent will be done willfully, knowingly, and with malice aforethought, for which there is NO defense in a court at law. The agent WILL be going to prison or pay fines to you for such actions if you pursue it.

Option 2: 6th Amendment Plea
This procedure was outlined by the now deceased Howard Freeman. What he does use their own words and position to trap them by attempting to determine what crime he has been charged with. I have not heard any results of this particular method, and the claim made in Howard Freeman's lectures is that it is possible to use this method in state courts. IMHO, be aware of its existence and research it if you got the time and think you can do it, but I would not personally trust it without more experience.

It goes as follows: the judge reads the law you have violated and asks if you understand the charges against you. Answer "No." When the judge asks why it is that even a fool can understand such a simple charge as not wearing a seat belt, tell him you need to know the "nature" and "cause" of the action against you as required by the Sixth amendment. Then ask the questions…

Question #1: "Your honor, is the charge against me in this court a Civil Action or a Criminal Action?"

The judge will tell you that it is a Criminal action.

Question #2: "Judge, I need further instruction regarding the 'nature' of this charge pending against me in order that I may properly defend against it. As you know, Judge, there are two separate and distinct, Criminal Jurisdictions authorized for this Court by the U. S. Constitution: One is for Criminal Action under a Common Law Jurisdiction, and the other is a Condition of Contract violation under the Criminal Aspects of an Admiralty Jurisdiction. As you well know, Judge, the defenses for a Criminal Action under a Common Law Jurisdiction are distinctly different from the defenses under an Admiralty Jurisdiction. Which Jurisdiction: Common Law or Admiralty, is this Criminal Action pending against me to be tried under?"

You will get 4 possible responses:

1) "This is a crime against the People of this State (or the United States) so it is a Criminal Action under a Common Law jurisdiction."

Once he has done that, you set it into the record. You repeat out loud and make sure this is entered into the record: "Thank you. Let the record of this particular case regarding this particular individual, (name), show that this Court has gone on record as stating that the pending Criminal Action in this case is to be tried under a Common Law Jurisdiction." If the judge does not dispute you now, then it has been set in stone and no court can alter the jurisdiction from this point on.

Now ask for the case to be dismissed for want of jurisdiction since there is no injured party. The injury forms a Cause of Action. You can also inform the judge that for any judge to deny you any right guaranteed by the Constitution is opening himself up for felony charges under 18 USC 241 with a constructive notice.

2) "I am sorry. I am not here to advise you on the law. If you want answers to such questions, I advise you to contact a licensed attorney."

Your response: "But, your honor, the Constitution requires this Court to tell me the nature of this Criminal Action pending against me. How can I properly defend myself, which I am lawfully entitled to do, if I am not told the type of Jurisdiction the case is to be heard under?" The judge will probably reply, "I told you before, if you want answers to legal questions of this nature I advise you to secure the services of a licensed attorney." Having thus opened his mouth, you proceed to jam the foot in as follows:

"Thank you, your honor. Let the record of this case show that this Court has refused my request made under the authority of the Sixth Amendment to the United States Constitution, to be informed of the 'nature' of the jurisdiction by which this Criminal Action is to be tried, and let it also show that the Criminal Action pending against (your name) is a Criminal Action under a secret jurisdiction known only to licensed attorneys, making it impossible for one to defend himself In Propria Persona."

Obviously, you can see the outcome to this one. It will end in an appeal or in you petitioning for a writ of mandamus (or prohibition) or motioning for dismissal or something similar, depending on the situation. Needless to say, the judge has now so thoroughly screwed himself over that he will be angry and frustrated and want to take it out on somebody, so watch yourself, whatever you do.

3) "This case is to be tried under Statutory Jurisdiction."

"Thank you, your honor. I am not acquainted with the Court rules for such a Jurisdiction. I will, however, accept such Jurisdiction if this court, prior to trial date, will provide me with, or tell me where I can find a book containing the Rules of Criminal Procedure for Statutory Jurisdiction."

Since there are no such rules published, the judge will advise you to obtain the services of a licensed attorney. Go back to #2 and let the record show that it is a secret jurisdiction known only to licensed attorneys.

4) "This case will be tried under Admiralty Jurisdiction."

"Thank you, your honor, but, as you know, an Admiralty Jurisdiction depends upon a valid international contract in dispute. I am not aware of having entered into any such contract and so I deny that any such contract exists. Will you have this prosecuting attorney prove into the record of this case that a valid international contract exists as a fact of law, and that I am a party to said contract, and that my being a party to said contract obligates me to obey this Statute #xxx"

This eliminates the judge and puts the burden of proof on the prosecuting attorney. Failure to show proof is grounds for dismissal. However, there is a small chance that the attorney might know of such an international contract, to which you challenge the validity of such a contract to which you were not a party to. Once you have done this, they have to prove the validity of the contract before the trial can actually begin.

Option 3: Savings to Suitors
The common names index in USCA has more information on this topic. This method is similar to the Uniform Commercial Code mentioned above, except you want to force the issue completely out of admiralty jurisdiction and into common law. In your constructive notice, let your adversary know you demand a common law remedy under the 'saving to suitors clause'. Title 28 USC 133 states: "Admiralty, maritime and prize cases. The district courts shall have original jurisdiction, exclusive of the courts of the states, of; (1) Any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled."

One of the cases defining how this works is Hone Ins. Co. v. North Packet Co., 31 Iowa 242 (1871), which states: " saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it." Thus, as a suitor, you will have the right to be tried at common law even though the case comes under Admiralty jurisdiction, but you must make your demands in court by challenging jurisdiction before the case even commences.

Once under common law, demand that the ORIGINAL contract (the only valid evidence at common law; in admiralty, a copy will work) that the admiralty jurisdiction was invoked with. If, for instance, the social security contract were to be brought forward, things could get interesting because the original applications are destroyed routinely now and only microfilm copies exist. But if by some

miracle they manage to come up with a contract, you can still claim misrepresentation since there is no waiver of rights marked on the application.

Option 4: "Tacit Procuration?"
This one is a barrel of laughs, if you can get them to respond. Basically, you write letters to the agency and ask them all kinds of questions until you get them caught in their own lies and deceit. The Patriots For Liberty group in Indiana is very good at this sort of game and apparently has pretty good results as long as you follow their plan of action. There are many formats to this one, but most often it takes the form of a constructive notice.

The specific procedure is to write to the department which is causing you trouble BEFORE you get entangled with them and ask them some simple questions which they will gladly answer. Then, in your response to their answers, bring up various definitions or court cases and ask them to explain why it is that the case, constitution, or other law conflicts with their statute or policy. When they fail to answer or give obviously incorrect answers, you provide them with the correct one. If they attempt to bother you later, you admit the entire chain of letters (sent via certified mail) into evidence, thus using the very agency in question as your expert witness against them.

Option 5: Administrative Remedy
This one is quite the problem. You have to go through every conceivable administrative procedure, demanding your rights the whole time, and then you get to a court which will only review the case if there is an obvious error on the record which is not (in THEIR terms) a trivial issue. Go for it if you think you can. Mostly, this class of situations occurs with such thing as arguing lack of proper OMB numbers on IRS forms and willful failure to file which is not willful (see the recent Cheek v. United States, 498 U.S. 192 (1991)).

In a similar vein, the Patriots for Liberty club has had very good success with direct responses to inquiries and actions from various agencies structured in a similar manner. If you are going to go with this route, make sure you know what you're doing, because an action against you has already begun and if you screw up your procedure, you will lose. This has happened many times to members of the PFL club. Also, don't forget that you are acting as a "person" in this area, not as a sovereign, which is the reason many people despise this route.

What is property?

PROPERTY, Bouvier's Law Dictionary: "The sole and despotic dominion which one man exercises over the external things of the world, to the total exclusion of every other individual in the universe."

"The right to property is not ex gratia from the legislature, but ex debito from the Constitution It is sometimes characterized judicially as a sacred right, the protection of which is one of the most important objects of government." 16 Am. Jur 2d, Sec 362.

"The word 'property' embraces all valuable interests which a man possesses outside of himself." 16 Am. Jur 2d, Sec 364.

"The guaranty {to the right of property} refers to the right to acquire and possess the absolute and unqualified title to every species of property recognized by law, with all the rights incidental thereto. It relates not only to those tangible things of which one may be the owner, but to everything which he may have of an intangible value." 16 Am. Jur. 2d, Sec 167.

"a law is considered as being a deprivation of property {and therefore null and void} if it deprives an owner of one of its essential attributes, destroys its value, restricts or interrupts its common, necessary or profitable use, hampers the owner in the application of it to the purposes of trade, or imposes conditions upon the right to hold or use it and therefore seriously impairs its value." 16 Am. Jur. 2d, Sec 167.

Right to travel versus driving privileges

"The navigable waters leading into the Mississippi and St. Lawrence, *and the carrying places between the same, shall be common highways and forever free*, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor." Northwest Ordinances, Article 4.

"Highways are for the use of the traveling public, and all have the right to use them in a reasonable and proper manner; the use thereof is an inalienable right of every citizen." Escobedo v. State, 35 C2d 870 in 8 Cal Jur 3d p.27

"Users of the highway for transportation of persons and property for hire may be subjected to special regulations not applicable to those using the highway for public purposes." Richmond Baking Co. v. Department of Treasury, 18 N.E. 2d 788.

"Constitutionally protected liberty includes the right to travel" 13 Cal Jur 3d p.416

In California, a license is defined as "A permit, granted by an appropriate governmental body, generally for a consideration, to a person or firm, or corporation to pursue some occupation or to carry on some business subject to regulation under the police power." Rosenblatt v. California, 158 P2d 199, 300.

"Operation of a motor vehicle upon public streets and highways is not a mere privilege but is a right or liberty protected by the guarantees of Federal and State constitutions." Adams v. City of Pocatello, 416 P2d 46

"A citizen may have the right, under the 14th amendment to the Constitution of the United States, to travel and transport his property upon the public highways by auto vehicle, but he has no right to make the highways his place of business by using them as a common carrier for hire; such use being a privilege which may be granted or withheld by the state in its discretion, without violating the due process or equal protection clauses." In Re Grahamm, 93 Cal App 88.

"The license charge imposed by the motor vehicle act is an excise or privilege tax, established for the purpose of revenue in order to provide a fund for roads while under the dominion of the state authorities, it is not a tax imposed as a rental charge or a toll charge for the use of the highways owned and controlled by the state." - PG&E v. State Treasurer, 168 Cal 420.

"The same principles of law are applicable to them as to other vehicles upon the highway. It is therefore, the adaptation and use, rather than the form or kind of conveyance that concerns the courts." Indiana Springs Co. v. Brown, 74 N.E. 615.

"The automobile is not inherently dangerous." Moore v. Roddie, 180 P. 879, Blair v. Broadmore, 93 S.E. 632.

"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. . ." Berberian v. Lussier, 139 A2d 869, 872 (1958)

"Truck driver's failure to be licensed as chauffeur does not establish him or his employer as negligent as a matter of law with respect to accident in which driver was involved, in absence of any evidence that lack of such license had any casual or causal connection with the accident." Bryant v. Tulare Ice Co., 125 CA 2d 566 (1954)

"The RIGHT of the citizen to DRIVE on the public street with freedom from police interference, unless he is engaged in suspicious conduct associated in some manner with criminality is a

FUNDAMENTAL CONSTITUTIONAL RIGHT which must be protected by the courts." People v. Horton, 14 Cal. App. 3rd 667 (1971)

"The RIGHT to TRAVEL on the public highways is a constitutional right." Teche Lines v. Danforth, Miss. 12 So 2d 784, 787.

"The right to travel is part of the 'liberty' that a citizen cannot be deprived without due process of law." Kent v. Dulles, 357 U.S. 116, U.S. v. Laub, 385 U.S. 475

"One who DRIVES an automobile is an operator within meaning of the Motor Vehicle Act." Pontius v. McClean, 113 CA 452

"The word 'operator' shall not include any person who solely transports his own property and who transports no persons or property for hire or compensation." Statutes at Large, California Chapter 412 p.833

"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." Slusher v. Safety Coach Transit Co., 229 Ky 731, 17 SW2d 1012, and affirmed by the Supreme Court in Thompson v. Smith, 154 S.E. 579.

"CVC 17459. The acceptance by a resident of this state of a certificate of ownership or a certificate of registration of any motor vehicle or any renewal thereof, issued under the provisions of this code, shall constitute the CONSENT by the person that service of summons may be made upon him within or without this state, whether or not he is then a resident of this state, in any action brought in the courts of this state upon a cause of action arising in this state out of the ownership or operation of the vehicle." California Vehicle Code

"CVC 17460. The acceptance or retention by a resident of this state of a driver's license issued pursuant to the provisions of this code, shall constitute the CONSENT of the person that service of summons may be made upon him within or without this state, whether or not he is then a resident of this state, in any action brought in the courts of this state upon a cause of action arising in this state out of his operation of a motor vehicle anywhere within this state." California Vehicle Code

"When a person applies for and accepts a license or permit, he in effect knows the limitations of it, and takes it at the risk and consequences of transgression." Shevlin-Carpenter Co. v Minnesota, 218 U.S. 57.

Informed juries judge both law and fact

"It may not be amiss here, gentlemen, to remind you of the good old rule, that on the question of fact, it is the province of the jury, and on the question of law, it is the province of the court to decide it is presumed, that juries are the best judges of facts; it is, on the other hand, presumed that the courts are the best judges of law. But, it must be observed that by law you have nevertheless a right to take it upon yourselves to judge both, in controversy both objects are lawfully within your power of decision." Justice John Jay to the jury, Georgia v. Brailsford, 3 Dall 1 (1794)

"The jury has an unreviewable and irreversible power to acquit in disregard of the instructions on the law given by the trial judge." U.S. v Dougherty, 473 F2d 1113, 1139 (1972). Other info related to Dougherty case: 16 Am Jur 2d, Sec. 177.

"Jury lawlessness is the greatest corrective of law in its actual administration. The will of the state at large imposed on a reluctant community, the will of a majority imposed on a vigorous and determined minority, find the same obstacle in a local jury that formerly confronted kings and ministers." Dougherty, cited above, note 32, at 1130.

"The pages of history shine on instances of the jury's exercise of its prerogative to disregard uncontradicted evidence and instructions to the judge. Most often commended are the 18th century of Peter Zenger of seditious libel, on the plea of Alexander Hamilton, and the 19th century acquittals in prosecutions under the fugitive slave law." Dougherty, cited above, at 1130.

"The way the jury operates may be radically altered if there is alteration in the way it is told to operate." (Dougherty, cited above, at 1135.) The jury's options are by no means limited to the choices presented to it in the courtroom The jury gets its understanding as to the arrangements in the legal system from more than one voice. There is the formal communication from the 'judge'. There is the informal communication from the total culture - literature; current comment, conversation; and, of course, history and tradition." Dougherty, cited above, at 1135.

"the jury has the power to bring in a verdict in the teeth of both law and facts." Oliver Wendell Holmes, 1920 Horning v DC. 254 US 135

"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." U.S. Constitution, 7th Amendment. [Only another common law jury can review a decision of a jury. There is no other appeal. Not even the Supreme Court can review a jury's decision.]

"We recognize, as appellants urge, the undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by the judge, and contrary to evidence. This is a power that must exist as long as we adhere to the general verdict in criminal cases, for the courts cannot search the minds of jurors to find the basis upon which they judge. If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by the decision." U.S. vs. Moylan, 417 F2d 1002, 1006 (1969).

"The People themselves have it in their power effectually to resist usurpation, without being driven to an appeal in arms. An act of usurpation is not obligatory: it is not law; and any man may be justified in his resistance. Let him be considered as a criminal by the general government, yet only his fellow citizens can convict him, they are his jury, and if they pronounce him innocent, not all the powers of Congress can hurt him; and innocent they surely will pronounce him, if the supposed law he resisted was an act of usurpation." 2 Elliot's Debates, 94; 2 Bancroft, History of the Constitution, 297.

Trial by jury is a right: Hill v Philpott, 445 F 2d 144; Juliard v Greenmen, 110 U.S. 421; Kansan v Colorado, 206 U.S. 46 (1907); Reisman v Caplan, 375 U.S. 440 (1964); US v Murdock, 290 U.S. 389 (1933); US v Tarlowski, 305 F. Supp 112 (1969); Dairy Queen v Wood, 369 U.S. 469.

"The common law right of the jury to determine the law as well as the facts remains unimpaired." State v Croteau, 23 Vt. 14, 54 Am. Dec. 90 (1849).

"It seems that the court instructs juries, in criminal cases, not to bind their consciences, but to inform their judgments, but they are not duty bound to adopt its opinion as their own." Lynch v State, 9 Ind. 541, 1857 Ind.

"An instruction that the jury have no right to determine whether the facts stated in the indictment constitute a public offense is an error." Huddleston v State, 94 Ind. 426, 48 Am. Rep. 171.

"The jury have a right to disregard the opinion of the court, in a criminal case, even on a question of law, if they are fully satisfied that such opinion is wrong." People v Videto, L. Parker Cr. R. 603, NY 125.

"Defendant cannot complain of an instruction that it is the duty of the court to instruct it as to the law of the case, but the instructions are advisory merely, and it has the right to disregard them, and determine the law for itself." Walker v State, 136 Inc. 663, 36 NE 356.

"In criminal cases, the jury are judges of the law as well as of the facts; and it is error in the court to restrict them to 'the law as given in charge by the court.'" McGuthrie v State, 17 Ga. 497 (1855).

"In America the refinement of the judge-jury relationship also occurred over a lengthy time period. The right of juries to decide questions of law was widely accepted in the colonies, especially in criminal cases. Prior to 1850, the judge and jury were viewed as partners in many jurisdictions. The jury could decide questions of both law and fact, and the judge helped guide the decision-making process by comments on the witnesses and the evidence. Legal theory and political philosophy emphasized the importance of the Jury in divining natural law, which was thought to be a better source for decision than the "authority of black letter maxim." Since natural law was accessible to lay people, it was held to be the duty of each juror to determine for himself whether a particular rule of law embodied the principles of the higher natural law. Indeed, it was argued that the United States Constitution embodied a codification of natural rights so that "the reliance by the jury on a higher law was usually viewed as a constitutional judgment * * *." [Civil Procedure, West Publishing Company, Friedenthal, Kane & Miller, 1985. Chapter 11, Jury Trial; 2, The Judge Jury Relationship; p. 476 & 477.]

The 4th Amendment: Show your papers, Comrade!

"whenever a police officer accosts an individual and restrains his freedom to walk away, he has 'seized' that person." Terry v Ohio, 392 US 1 (1968); also recognized in Brown v Texas, 443 US 47.

Brown v Texas, 443 U.S. 47 (1979): "Two police officers, while cruising near noon in a patrol car, observed appellant and another man walking away from one another in an alley in an area that had a high incidence of drug traffic. They stopped and asked appellant to identify himself and explain what he was doing. One officer testified that he stopped appellant because the situation 'looked suspicious and we had never seen that subject in that area before.' The officers did not claim to suspect appellant of any specific misconduct, nor did they have any reason to believe that he was armed. When appellant refused to identify himself, he was arrested for violation of a Texas statute which makes it a criminal act for a person to refuse to give his name and address to an officer 'who has lawfully stopped him and requested the information.' Appellant's motion to set aside information charging him with violation of the statute on the ground that the statute violated the First, Fourth, Fifth, and Fourteenth Amendments was denied, and he was convicted and fined."

HELD: The application of the Texas statute to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe that appellant was engaged or had engaged in criminal conduct. Detaining appellant to require him to identify himself constituted a seizure of his person subject to the requirement of the Fourth Amendment that the seizure be 'reasonable.' Cf. Terry v. Ohio, 392 U.S. 1; Delaware v. Prouse, 440 U.S. 648. Here, the state does not contend that appellant was stopped pursuant to a practice embodying neutral criteria, and the officer's actions were not justified on the ground that they had a reasonable suspicion, based on objective facts, that he was involved in criminal activity. Absent any basis for suspecting appellant of misconduct, the balance between the public interest in crime prevention and appellant's right to personal security and privacy tilts in favor of freedom from police interference. Pp. 50-53.

Mr. Chief Justice Burger delivered the opinion of the court; "This appeal presents the question whether appellant was validly convicted for refusing to comply with a policeman's demand that he identify himself pursuant to a provision of the Texas Penal Code which makes it a crime to refuse such identification on request."

"Appellant refused to identify himself and angrily asserted that the officers had no right to stop him."

"The Fourth Amendment, of course, `applies to all seizures of the person, including seizures that involve only a brief detention short of traditional arrest.' Davis v. Mississippi, 394 U.S. 721 (1969); Terry v. Ohio, 392 U.S. 1, 16-19 (1968). '[W]henever a police officer accosts an individual and restrains his freedom to walk away, he has 'seized' that person and the fourth Amendment requires that the seizure be 'reasonable'.' U.S. v. Brignoni-Ponce, 422 U.S. 873, 878 (1975)"

"But even assuming that purpose (prevention of crime) is served to some degree by stopping and demanding identification from an individual without any specific basis for believing he is involved in criminal activity, the guarantees of the Fourth Amendment do not allow it"

"We need not decide whether an individual may be punished for refusing to identify himself in the context of a lawful investigatory stop which satisfies Fourth Amendment requirements. *See*, Dunaway v. New York, 442 U.S. 200, 210 n.12 (1979); Terry v. Ohio the county judge who convicted appellant was troubled by this question, as shown by the colloquy set out in the appendix to this opinion."

"Accordingly, appellant may not be punished for refusing to identify himself, and the conviction is Reversed."

APPENDIX TO THE OPINION OF THE COURT

"THE COURT: What do you think about if you stop a person lawfully, and then if he doesn't want to talk to you, you put him in jail for committing a crime?"

"MR. PATTON [prosecutor]: Well first of all, I would question the defendant's statement in his motion that the first amendment gives an individual the right to silence."

"THE COURT: I'm asking you why should the State put you in jail because you don't want to say anything?"

"MR. PATTON: Well, I think the stare's certain interests that have to be viewed."

"THE COURT: Okay, I'd like you to tell me what those are."

"MR. PATTON: Well, the Governmental interest to maintain the safety and security of the society and the citizens to live in the society, and there are certainly strong Governmental interests in that direction and because of that, these interests outweigh the interests of an individual for a certain amount of intrusion upon his personal liberty. I think these Governmental interests outweigh the individual's interests in this respect, as far as simply asking an individual for his name and address under the proper circumstances."

THE COURT: But why should it be a crime to not answer?"

"MR. PATTON: Again, I can only contend that if an answer is not given, it tends to disrupt."

"THE COURT: What does it disrupt?"

"MR. PATTON: I think it tends to disrupt the goal of this society to maintain security _over_ its citizens to make sure they are secure in their gains and their homes."

"THE COURT: How does that secure anybody by forcing them, under penalty of being prosecuted, to giving their name and address, even though they are lawfully stopped?"

"MR. PATTON: Well I, you know, under the circumstances in which some individuals would be lawfully stopped, it's presumed that perhaps this individual is up to something, and the officer is doing his duty simply to find out the individual's name and address, and to determine exactly what is going on."

"THE COURT: I'm not questioning, I'm not asking whether the officer shouldn't ask questions. I'm sure they should ask everything they possibly could find out. What I'm asking is what's the State's interest in putting a man in jail because he doesn't want to answer something. I realize lots of times an officer will give a defendant a Miranda warning which means a defendant doesn't have to make a statement. Lots of defendants go ahead and confess, which is fine if they want to do that. But if they don't confess, you can't put them in jail, can you, for refusing to confess to a crime?"

When the Supreme Court reversed Brown's conviction, a portion of that ruling could be interpreted as saying that the police could not require Brown to identify himself because they lacked reasonable suspicion to believe that he was involved in criminal activity. However, considering past and more recent cases involving police stop, it is evident not only that reasonable suspicion is needed before the police may lawfully detain an individual, but also that an individual cannot be required to identify himself, even if there is probable cause to arrest.

If Brown leaves any doubt in the reader's mind that a person is not required to identify himself to a police officer, even when the police have reasonable suspicion, this was cleared up in Kolender v.

Lawson, 461 U.S. 352 (1983), in which the Supreme Court stated: "States may not authorize the arrest and criminal prosecution of an individual for failing to produce identification on demand by a police officer police officers with reasonable suspicion that an individual has committed or is about to commit a crime may detain that individual for the purpose of asking investigative questions but they may not compel an answer and they must allow the person to leave after a reasonable brief period of time."

Based on Kolender, supra, the 9th Circuit Court of Appeals ruled in Martinelli v. City of Beaumont, 820 F.2nd 1491 (1987), that an individual approached by police cannot be arrested for refusing to produce identification.

Davis v. Mississippi, 394 U.S. 721 (1969): "Our decisions recognize no exception to the rule that illegally seized evidence is inadmissible at trial, however relevant and trustworthy the seized evidence may be as an item of proof." "Fingerprint evidence is no exception to the rule that all evidence obtained by searches and seizures in violation of the constitution is inadmissible in a state court. Pp.723-724. The Fourth Amendment applies to involuntary detention occurring at the investigatory stage as well as at the accusatory stage. Pp. 726-727. Detentions for the sole purpose of obtaining fingerprints are subject to the constraints of the Fourth amendment. P.727. "Nor can fingerprint detention be employed repeatedly to harass any individual, since the police need only one set of each person's prints the general requirement that the authorization of a judicial officer be obtained in advance of detention would seem not to admit of any exception in the fingerprinting context."

Taking the 5th

"You can, and must, keep your mouth shut for protection under the Fifth Amendment." Belnap v US, Et al, District Court (Utah), No C. 149-71.

"The constitutional privilege [of the Fifth Amendment] was intended to shield the guilty and imprudent, as well as the innocent and foresighted." Marchetti v US, 390 U.S. 39, 51.

"Government seeking to punish individual must produce evidence against him by its own independent labors, rather than by the cruel, simple expedient of compelling it from his mouth. Privilege against self-incrimination is fulfilled only when person is guaranteed right to remain silent unless he chooses to speak in unfettered exercise of his own will. Defendant's constitutional rights have been violated if his conviction is based, in whole or in part, on involuntary confession, regardless of its truth or falsity, even if there is ample evidence aside from confession to support conviction Fifth amendment privilege is available outside of criminal court proceedings and serves to protect persons in all settings in which their freedom of action is curtailed, from being compelled to incriminate themselves. Prosecution may not use at trial fact that defendant stood mute or claimed his privilege in face of accusations. Any statement taken after person invokes Fifth Amendment privilege cannot be other than product of compulsion. Any evidence that accused was threatened, tricked or cajoled into waiver will show that he did not voluntarily waive privilege to remain silent." Miranda v Arizona, 384 U.S. 468.

"The privilege against self-incrimination is neither accorded to the passive resistant, nor the person who is ignorant of his rights, nor to one indifferent thereto. It is a fighting clause. Its benefits can be retained only by sustained combat. It cannot be claimed by an attorney or solicitor. It is valid only when insisted upon by a belligerent claimant in person." US v Johnson, 76 F. Supp 538.

Jurisdiction, and laws void ab initio

"When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it." State v. Sutton, 63 Minn. 147, 65 N.W. 262

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

"The general principle that legal effect should not be given to unconstitutional laws has been applied to statutes creating criminal offenses which are in violation of the Constitution. It has been decided that an offense created by an unconstitutional law is not a crime. A conviction under it is not merely erroneous, but is illegal and void and cannot be a legal cause of imprisonment; the courts must liberate a person imprisoned under it just as if there had never been the form of a trial, conviction and sentence. Thus, one imprisoned by the judgment of a court under an unconstitutional law may be discharged by the writ of habeas corpus." 11 Am. Jur., Sec 150.

"It cannot be assumed that the framers of the constitution and the people who adopted it, did not intend that which is the plain import of the language used. When the language of the Constitution is positive and free of all ambiguity, all courts are not at liberty, by a resort to the refinements of legal learning, to restrict its obvious meaning to avoid the hardships of particular cases. We must accept the constitution as it reads when its language is unambiguous, for it is the mandate of the sovereign power." Cooke v. Iverson 122 N.W. 251

"Under our form of government, the legislature is not supreme. . . like other departments of government, it can only exercise such powers as have been delegated to it, and when it steps beyond that boundary, its acts, like those of the most humble magistrate in the state who transcends his jurisdiction, are utterly void." Billings v. Hall 7 CA 1

"The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted in this Constitution." Article III, Section 3, Constitution of the State of California

"If the legislature clearly misinterprets a Constitutional provision, the frequent repetition of the wrong will not create a right." Amos v. Mosley, 77 SO 619. *Also see*, Kingsley v. Merril, 99 NW 1044

"Where the meaning of the Constitution is clear and unambiguous, there can be no resort to construction to attribute to the founders a purpose or intent NOT MANIFEST IN ITS LETTER." Norris v. Baltimore, 192 A 531

"No legislative act contrary to the Constitution can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above the master; that the representatives of the people are superior to the people; that men, acting by virtue of powers may do not only what their powers do not authorize, but what they forbid. It is not to be supposed that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. A Constitution is, in fact, and must be regarded by judges as fundamental law. If there should happen to be an irreconcilable variance between the two, the Constitution is to be preferred to the statute." A. Hamilton, Federalist Papers #78

See also, Warning v. The Mayor of Savannah, 60 Georgia, P.93; First Trust Co. v. Smith, 277 SW 762, Marbury v. Madison, 2 L Ed 60; and Am.Juris. 2d Constitutional Law, section 177-178.

16 Am. Jur. 2d 256: "The general rule is that an unconstitutional statute, whether federal or state, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it, an unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed 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 [my emphasis], and no courts are bound to enforce it."

"To constitute [jurisdiction] there are three essentials: First, the court must have cognizance of the class of cases to which the one to be adjudicated belongs; second, the proper parties must be present; and third, the point decided upon must be in substance and effect within the issue." Reynolds v Stockton, 140 U.S. 254, 268.

"Once jurisdiction is challenged, it must be proven." Hagens v Lavine, 415 U.S. 533, note 3.

"Where jurisdiction is not squarely challenged, [it] is resumed to exist." Burks v Lasker, 441 U.S. 471.

"No sanction can be imposed absent proof of jurisdiction." Standard v Olsen, 74 S.Ct. 768.

"mere good faith assertions of power and authority (jurisdiction) have been abolished." Owens v. City of Independence, Missouri, et al; 445 US 622, 63 L Ed 2d 673, 100 S Ct 1398, reh den (US) 64 L Ed 2d 850, 100 S Ct 2979 (1980).

"The Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary, as distinguished from technical meaning; where the intention is clear, there is no room for construction, and no excuse for interpolation or addition." Martin v. Hunter's Lessee, 1 Wheat 304; Gibbons v. Ogden, 9 Wheat 419; Brown v. Maryland, 12 Wheat 419; Craig v. Missouri, 4 Pet 10; Tennessee v. Whitworth, 117 U.S. 139; Lake County v. Rollins, 130 U.S. 662; Hodges v. United States, 203 U.S. 1; Edwards v. Cuba R. Co., 268 U.S. 628; The Pocket Veto Case, 279 U.S. 655; (Justice) Story on the Constitution, 5th ed., Sec 451; Cooley's Constitutional Limitations, 2nd ed., p. 61, 70.

"It cannot be presumed that any clause in the constitution is intended to be without effect;" Marbury v. Madison, 5 U.S. 137, 174 (1803)

"The Constitution is a written instrument. As such, its meaning does not alter. That which it meant when it was adopted, it means now." South Carolina v. United States, 199 U.S. 437, 448 (1905)

"History is clear that the first ten amendments to the Constitution were adopted to secure certain common law rights of the people, against invasion by the Federal Government." Bell v. Hood, 71 F. Supp., 813, 816 (1947) U.S.D.C. -- So. Dist. CA

"The necessities which gave birth to the constitution, the controversies which precede its formation and the conflicts of opinion which were settled by its adoption, may properly be taken into view for the purposes of tracing to its source, any particular provision of the constitution, in order thereby, to be enabled to correctly interpret its meaning." Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 558.

"The values of the Framers of the Constitution must be applied in any case construing the Constitution. Inferences from the text and history of the Constitution should be given great weight in discerning the original understanding and in determining the intentions of those who ratified the constitution. The precedential value of cases and commentators tends to increase, therefore, in proportion to their proximity to the adoption of the Constitution, the Bill of Rights, or any other amendments." Powell v. McCormack, 395 U.S. 486, 547 (1969)

"To disregard such a deliberate choice of words and their natural meaning, would be a departure from the first principle of constitutional interpretation. 'In expounding the Constitution of the United States,' said Chief Justice Taney in Holmes v. Jennison, 14 U.S. 540, 570-1, 'every word must have its due force and appropriate meaning; for it is evident from the whole instrument, that, no word was unnecessarily used, or needlessly added. The many discussions which have taken place upon the construction of the Constitution, have proved the correctness of this proposition; and shown the high talent, the caution and the foresight of the illustrious men who framed it. Every word appears to have been weighed with the utmost deliberation and its force and effect to have been fully understood.'" Wright v. United States, 302 U.S. 583 (1938)

"The language of the Constitution cannot be interpreted safely, except where reference to common law and to British institutions as they were when the instrument was framed and adopted. The statesmen and lawyers of the convention who submitted it to the ratification of conventions of the thirteen states, were born and brought up in the atmosphere of the common law and thought and spoke in its vocabulary when they came to put their conclusions into the form of fundamental law in a compact draft, they expressed them in terms of common law, confident that they could be shortly and easily understood." Ex Parte Grossman, 267 U.S. 87, 108.

"The courts are not bound by mere forms, nor are they to be misled by mere pretenses. They are at liberty---indeed, are under a solemn duty---to look at the substance of things, whenever they enter upon the inquiry whether the legislature has transcended the limits of its authority. If therefore, a statute purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to those objects, or is a palpable invasion of rights secured by the fundamental law, it is the duty of the courts to so adjudge, and thereby give effect to the Constitution." Mugler v. Kansas, 123 U.S. 623, 661

"Constitutional provisions for the security of person and property should be liberally construed. It is the duty of the courts to be watchful of constitutional rights against any stealthy encroachments thereon." Boyd v. U.S., 116 U.S. 635.

"Where the words of a constitution are unambiguous and in their commonly received sense lead to a reasonable conclusion, it should be read according to the natural and most obvious import of the framers, without resorting to subtle and forced construction for the purpose of limiting or extending its operation." A State Ex Rel. Torryson v. Grey, 21 Nev. 378, 32 P. 190.

"A long and uniform sanction by law revisers and lawmakers, of a legislative assertion and exercise of power, is entitled to a great weight in construing an ambiguous or doubtful provision, but is entitled to no weight if the statute in question is in conflict with the plain meaning of the constitutional provision." Kingsley v. Merril, 122 Wis. 185; 99 NW 1044

"Economic necessity cannot justify a disregard of cardinal constitutional guarantee." Riley v. Carter, 165 Okal. 262; 25 P. 2d 666; 79 ALR 1018

"Disobedience or evasion of a constitutional mandate may not be tolerated, even though such disobedience may, at least temporarily, promote in some respects the best interests of the public." Slote v. Board of Examiners, 274 N.Y. 367; 9 NE 2d 12; 112 ALR 660.

SEVEN ELEMENTS OF JURISDICTION

1. The accused must be properly identified, identified in such a fashion there is no room for mistaken identity. The individual must be singled out from all others; otherwise, anyone could be subject to arrest and trial without benefit of "wrong party" defense. Almost always, the means of identification is a person's proper name, BUT ANY MEANS OF IDENTIFICATION IS EQUALLY VALID IF SAID MEANS DIFFERENTIATES THE ACCUSED WITHOUT DOUBT. (There is no constitutionally valid requirement you must identify yourself (4th Amendment); see Brown v. Texas, 443 US 47 and Kolender v Lawson, 461 US 352.)

2. The statute of offense must be identified by its proper or common name. A number is insufficient. Today, a citizen may stand in jeopardy of criminal sanctions for alleged violation of statutes, regulations, or even low-level bureaucratic orders (example: Colorado National Monument Superintendent's Orders regarding an unleashed dog or a dog defecating on a trail). If a number were to be deemed sufficient, government could bring new and different charges at any time by alleging clerical error. For any act to be triable as an offense, it must be declared to be a crime. Charges must negate any exception forming part of the statutory definition of an offense, by affirmative non-applicability. In other words, any charge must affirmatively negate any exception found in the law.

3. The acts of alleged offense must be described in non-prejudicial language and detail so as to enable a person of average intelligence to understand nature of charge (to enable preparation of defense); the actual act or acts constituting the offense complained of. The charge must not be described by parroting the statute; not by the language of same. The naming of the acts of the offense describes a specific offense whereas the verbiage of a statute describes only a general class of offense. Facts must be stated. Conclusions cannot be considered in the determination of probable cause.

4. The accuser must be named. He/she may be an officer or a third party, but some positively identifiable person (human being) must accuse; some certain person must take responsibility for the making of the accusation, not an agency or an institution. This is the only valid means by which a citizen may begin to face his accuser. Also, the injured party (corpus delicti) must make the accusation. Hearsay evidence may not be provided. Anyone else testifying that they heard that another party was injured does not qualify as direct evidence.

5. The accusation must be made under penalty of perjury. If perjury cannot reach the accuser, there is no accusation. Otherwise, anyone may accuse another falsely without risk.

6. To comply with the five elements above, that is for the accusation to be valid, the accused must be accorded due process. Accuser must have complied with law, procedure and form in bringing the charge. This includes court-determined probable cause, summons and notice procedure. If lawful process may be abrogated in placing a citizen in jeopardy, then any means may be utilized to deprive a man of his freedom, and all dissent may be stifled by utilization of defective process.

"The essential elements of due process are notice and an opportunity to defend." Simon v Craft, 182 US 427.

"one is not entitled to protection unless he has reasonable cause to apprehend danger from a direct answer. The mere assertion of a privilege does not immunize him; the court must determine whether his refusal is justified, and may require that he is mistaken in his refusal." Hoffman v US, 341 U.S. 486.

7. The court must be one of competent jurisdiction. To have valid process, the tribunal must be a creature of its constitution, in accord with the law of its creation, i.e., Article III judge.

Lacking any of the seven elements or portions thereof, (unless waived, intentionally or unintentionally) all designed to ensure against further prosecution (double jeopardy); it is the defendant's duty to inform the court of facts alleged for determination of sufficiency to support conviction, should one be obtained. Otherwise, there is no lawful notice, and charge must be dismissed for failure to state an offense. Without lawful notice, there is no personal jurisdiction and all proceedings prior to filing of a proper trial document in compliance with the seven elements is void. A lawful act is always legal but many legal acts by government are often unlawful. Most bureaucrats lack elementary knowledge and incentive to comply with the mandates of constitutional due process. They will make mistakes. Numbers beyond count have been convicted without benefit of governmental adherence to these seven elements. Today, informations are being filed and prosecuted by "accepted practice" rather than due process of law.

See, Corpus Juris Secundum (CJS), Volume 7, Section 4, Attorney & client: The attorney's first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter. Clients are also called "wards" of the court in regard to their relationship with their attorneys.

Corpus Juris Secundum assumes courts will operate in a lawful manner. If the accused makes this assumption, he may learn, to his detriment, through experience, that certain questions of law, including the question of personal jurisdiction, may never be raised and addressed, especially when the accused is represented by the bar. (Sometimes licensed counsel appears to take on the characteristics of a fox guarding the hen house.)

Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with the asserter. The court is only to rule on the sufficiency of the proof tendered. See, McNutt v. GMAC, 298 US 178. The origins of this doctrine of law may be found in Maxfield's Lessee v Levy, 4 US 308.

Different kinds of jurisdiction

IN PERSONAM: Power which a court has over the defendant's person. It is absolutely required before a court may enter a personal judgment. Jurisdiction over a person may be waived by consent. In Personam jurisdiction may be acquired by an act of the defendant within a jurisdiction under a law or statute by which the defendant implies consent to the jurisdiction of the court over his person.

Examples of how a court may acquire personal jurisdiction: Entry of appearance, proper service, or implication (e.g., the operation of a motor vehicle on the highways of a State may confer jurisdiction of the operator and owner on the courts of that State). For more info, *see*, Hess v Pawloski, 274 US 352.

IN REM: Power of a court over a thing, so that its judgment is valid against the rights of every person in the thing. An action in rem is a proceeding that takes no cognizance of the owner, but determines the right in specific property against all of the world, equally binding upon everybody. In this action, the court is required to have control or power over the thing. Examples: A boat or other vehicle inside of which narcotics are discovered; a judgment of registration of title to land.

For more info, *see*, Calero Toledo v Pearson Yacht Leasing Co., 416 US 663. Also look at any cases which are in the form of "United States v X", where X is a thing instead of a person, e.g., "$20,000 in United States currency" or "Forty Barrels and Twenty Kegs of Coca-Cola".

QUASI IN REM: The power of a court over the defendant's interest in property, real or personal, within the geographical limits of the court. The court's judgment or decree binds only the defendant's interest, and not the whole world, as in the case of in rem. This term is applied to proceedings which are not strictly in rem, but are brought against the defendant personally, though the real object is to deal with particular property, or to subject property to the discharge of asserted claims. Examples: Foreclosure of a mortgage, quieting title, effecting a partition. For more info, *see*, Freeman v Alderson, 119 US 185.

SUBJECT MATTER: The power of a particular court to hear a type of case. Three elements must be present for a court to have proper jurisdiction over the subject matter:

1. The court must have cognizance of the class of cases.
2. The proper parties must be present.
3. The point decided upon must be, in substance and effect, within the issue. (*See*, Reynolds v Stockton, 140 US 254.)

"The criminal jurisdiction of the United States is wholly statutory." U.S. v Flores, 289 US 137, 151 (1933).

"The legislative authority of the Union must first make an act a crime, affix a punishment to it, and declare the court that shall have jurisdiction of the offense." U.S. v Hudson, 7 Cranch 32,34 (1812).

Subject matter jurisdiction, unlike personam and venue (see below), may NOT be waived or conferred by consent of the parties and the court.

VENUE: Venue does not actually refer to jurisdiction at all. "Jurisdiction" means the inherent power of the court to decide a case. "Venue" designates the PARTICULAR GEOGRAPHICAL AREA (county, city, district, state, etc) in which a court with jurisdiction may properly hear a case. In federal

cases, the prosecutor's discretion regarding the location of the prosecution is limited by Article III, Section 2 of the federal Constitution, which requires trial in the State where the offense "shall have been committed", and the Sixth Amendment, which guarantees an impartial jury "of the State and district wherein the crime shall have been committed".

The addressing of venue in reference to an accusation of failing to "file a document" can be seen in U.S. v Lombardo, 241 US 73, 76-7. Here, interestingly, the court stated that "filing is not complete until the document is delivered and received to the office and not sent through the United States mails."

A challenge of venue may be waived, so as always, it is crucial that if a challenge is to be made, that it be timely. Further review of the topics of jurisdiction and venue should be made prior to submitting any Motions. Good sources that will lead to other sources are the law encyclopedias American Jurisprudence and Corpus Juris Secundum.

Partial case checklist:

* The act or omission in question: Is it declared by law to be a crime?
* Research the law/code/ordinance.
* The victim: Who?
* What Life, Liberty or Property was harmed?
* Is the person Natural or Juristic?
* Is he At Law, or in Equity?
* Is the person competent to testify?
* The complaint: Verified by affidavit signed by victim?
* If no victim, serve & file constructive notice on gov't agent and judge.
* Ten days later, file Suit.
* Grand jury indictment/information
* Grand Jury represents the People.
* District Attorney = The State.
* Object to prosecution by information, Demand Grand Jury Indictment.
* Warrant - Made out for the party arrested?
* Check spelling - **Joe Blow** is not **Jo Bloe**!
* Signed by a judge?
* Check "judge's" Oath of Office/compare w/required oath in Constitution
* Arrest - You have the right to remain silent
* You have the right to counsel present
* Not required to give fingerprints {Davis v. Mississippi}
* Give Miranda/Titles 18, 42 warning
* Writ of Habeas Corpus
* Arraignment - Starts calendar for speedy trial
* Appear specially, not generally
* Demand all rights at all times
* Disclaim equity jurisdiction
* Give Miranda/Titles 18, 42 warning
* Demand to see a verified complaint - Must be sworn to by complainant within 15 days of Notice to Appear
* Must have the seal of the court
* Defendant cannot understand charges without counsel

* Demand counsel of choice

* Object to denial by judge

* Cite cases

* File written Demand for Counsel of Choice

* If judge appoints Public Defender, object!

* You have to talk with Public Defender before accepting him as counsel.

* You cannot relate to him.

* You have no confidence in him

* You cannot be forced to employ counsel beholden to your adversary

* Stand "mute"

* Judge will enter "Not guilty" plea

* Object! Let the record show that defendant stands mute

* File "Arraignment & Plea"

* File Demand for Plaintiff to Show Constraining Need or in the Alternative to Dismiss

* File Demand for Jury Trial in which the jury decides both the law and the facts At Law

* File Notice of intention to tape record the proceedings per Rule 980(f) "unless otherwise ordered for cause"

* File Demand for court reporter to take transcripts at all hearings

* File Demand for transcripts of all proceedings

* File Demand for Evidentiary Hearing

* File/serve Declaration-Petition for Redress of Grievances

* The Preliminary (Evidentiary) Hearing.

* Appear specially, not generally.

* Claim all rights at all times.

* Challenge jurisdiction!

Administrative and procedural matters

* Demand formal, verified complaint.

* You intend to challenge jurisdiction but you need counsel to adequately argue jurisdiction.

* Appearing pro per, not pro se.

* Get judicial notice of demand for counsel of choice & supporting brief.

* Get judicial determination for the record that the court is denying unfettered counsel of choice {final judgment on the matter}

* Demand that hearing be postponed so that denial of counsel may be appealed to higher court.

* Does court honor demand for rights sua sponte?

* Demand that the court prove both agency's and court's jurisdiction on the record.

* "Jurisdiction cannot be assumed & must be decided" Maine v. Thiboutot, 100S.Ct.2502 (1980)

* "Jurisdiction cannot be presumed" Smith v. McCullough, 46S.Ct.338(1926)

* Examine/cross-examine witnesses

* Discovery: File/serve Demand

* Suppression hearing
    - o file Demand to Suppress Evidence

* Formulate jury instructions

* They must have foundation in the record
    - o in the Evidence Exhibits
    - o in the Testimony of Witnesses

* Formulate questions for witnesses
    - o For Cross-exam
    - o For Direct exam

* Keep Proposed Jury Instructions in mind

* Subpoena Witnesses
    - o Expert witnesses
    - o Gov't agents
    - o Witnesses at scene of arrest

* Alibi

* Motion {Demand} Hearing

* Give equity disclaimer/Demand rights

* Challenge ensign v. flag

* Give Miranda/Title 18 warning

* File Constructive Notice

* Demand Counsel of choice

* File paper

* Demand Dismissal for Lack of Jurisdiction

* File jurisdiction briefs on Status, Status of Citizens, Merchant At Law, Rights, Memorandum of Law, Equity, The Monetary System

* Demand Rights Sua Sponte

* File paper

* Demand jury trial w/12 jurors

* File Notice & Demand

* Jury Selection

* Questions for Jurors

* Prosecution's Opening Statement

* Defense Opening Statement (may wait)

* Prosecution Examines Witnesses

* Object! Object! Object!

* Defense Cross-examines

* Defense may testify

* Not required to take Oath

* Prosecution Closing Statement

* Prosecution rests

* Defense challenges Prima Facie Case

* Code Pleading

* Defense moves for directed verdict of acquittal

* Defense Opening Statement if delayed

* Defense Examines Witnesses

* Prosecution cross-examines

* Object! Object! Object!

* Defense Closing Statement

* Defense rests

* Prosecution 2nd Closing Statement

* Judge's Instructions to Jury

* Object! Object! Object!

* Jury Deliberations

* Jury Verdict

* Defense Motion for Verdict of Acquittal Notwithstanding Jury Verdict

* Motion for New Trial if appropriate

* Notice of Appeal
* Demand for Stay of Execution Pending Appeal and Order
* If denied, file Writ of Habeas Corpus
* Demand for transcripts at gov't expense
* Proposed statement on Appeal
* Use court's form as a cover sheet.
* Fill blanks with "see Proposed Settled Statement [Attached]
* Don't put signature on form.
* Prosecution's Amendments
* Defense Revised Proposed Statement.
* Settlement conference.
* Opening Brief on Appeal.
* Prosecution's Rebuttal to above.
* Prosecution's Opening Brief
* Defense rebuttal
* Defense Closing Brief

The Federal Reserve, Money and Debt

Current Law: No State Shall Make Any Thing But Gold And Silver Coin A Tender In Payment Of Debt. (U.S. Constitution, Art. 1, sec. 10)

Current Law: 31 United States Code 371: "The money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and mills or thousandths, a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar, and all accounts in the public offices and all proceedings in the courts shall be kept and had in conformity to this regulation."

The question was put to an attorney: Is Article 1, section 10, of the United States Constitution, particularly the words "No state shall make any Thing but gold and silver coin a tender in payment of debt" still binding on a State? He replied:

"the only lawful answer is Yes. Meant to 'crush paper money' by unanimous consent of the constitutional Convention of 1787, this section prohibits the States from imposing upon the people a paper currency, paper money, or anything else other than gold or silver coin as a medium of exchange in the discharge of debts. Since the Constitution can be changed by amendment only, and since no amendment has changed this section, no federal action can excuse a State of this prohibition.

The effect of this section is thus:

If a paper FRN is delivered to, or received from a State-authorized party without particular objection to its being an unlawful tender under Article 1, Section 10, no Constitutional question has arisen, and the payor/payee, in remaining silent, has renounced his individual rights flowing from the Constitutional prohibition.

Those rights are the following:

A. Discharge of the debt in gold or silver coin, if provided for in the debt;

B. Dismissal or forgiveness of the debt altogether, if the debt is not denominated in gold or silver coin, since any rule or judgment that is repugnant to the Constitution is void, invalid, and without effect.

As with other rights, the right to gold and silver coin, and the right to be forgiven of any debt not denominated in same, are considered waived unless properly and timely asserted."

Specifically regarding "notes" and such, the courts have had some equally interesting things to say:

"They had a certain contingent value, and were used as money in nearly all the business transactions of many millions of people. They must be regarded therefore, as a currency imposed on the community by irresistible force." BALDY v. HUNTER, 171 U.S. 388 (1898)

Thorington v. Smith, 75 U.S. (8 Wall.) 1 (1869). Here, the Supreme Court reasoned that the Confederacy was a de facto government imposed by irresistible force and that, while it existed, citizens of the Confederacy of necessity had to obey its civil authority. Insofar as Confederate notes were concerned, the Court described them as follows:

"As contracts in themselves, except in the contingency of successful revolution, these notes were nullities; for, except in that event, there could be no payer. They bore, indeed, this character upon their face, for they were made payable only 'after the ratification of a treaty of peace between the Confederate States and the United States of America.' While the war lasted, however, they had a certain contingent value, and were used as money in nearly all the business transactions of many millions of people. They must be regarded, therefore, as a currency imposed on the community by irresistable force," 8 Wall., at 11.

"Considered in themselves, and in the light of subsequent events, these notes had no real value, but they were made current as dollars by irresistible force. They were the only measure of value which the people had, and their use was a matter of almost absolute necessity. And this use gave them a sort of value, insignificant and precarious enough it is true, but always having a sufficiently definite relation to gold and silver, the universal measure of value, so that it was always easy to ascertain how much gold and silver was the real equivalent of a sum expressed in this currency," 8 Wall., at 13.

"One is said to act in a fiduciary capacity when the business that he transacts, or the money or property which he handles, is not his own" A "fiduciary relation" can include "informal relations which exist whenever one man trusts and relies upon another--it exists where there is special confidence reposed in one who in equity and good conscience is bound to act in good faith and with due regard to interests of one reposing the confidence." Black's Law Dictionary, 4th Ed.

The Federal Reserve itself tells you that it is "confidence" that is the reason that anyone at all accepts FRNs! By accepting the government's obligations in good faith and confidence, besides becoming a fiduciary (with a corresponding duty, making you "subject" to specific performance, you then become an "accommodation party", in effect becoming like a co-signor for the government's debts. Until the Federal Reserve has been fully paid for use of it's special paper, it has a lien upon all that you have acquired with it. Thus that man that passed the FRN to you does not really own your goods - now the Fed owns them, although they do not have possession of them. It is like the plantation owner, who owns the clothes on the backs of his slaves.

Don E. Williams Co. v. Commissioner of Internal Revenue, 429 U.S. 569 (1977): Notes cannot pay debt, debt cannot pay debt.

"No state shall make any thing but gold and silver coin a tender in payment of debts." U.S. Constitution, Article 1, section 10, never amended. Thus, any other form of promised money is a fraud.

"Federal Reserve Notes are not legal money." Justice Martin V. Mahoney, Credit River Township, Dec. 7-9, 1968 in Jerome Daly vs. First National Bank of Montgomery, Minn.

The 2nd Amendment

The 2nd Amendment is probably the most ignored in the history of the Supreme Court due to the fundamental questions it raises regarding the nature of the relationship between government and individuals, and the unwillingness and fear of agents of government to address these issues honestly and openly.

In a fairly recent U.S. Supreme Court case, U.S. versus Verdrigo- Urquidez, 110 S. Ct. 1056, 1060-61 (1990), the Court referred to the Second Amendment and specifically addressed the meaning of the words "the people" as used in the First, Second, and Fourth Amendments to the U.S. Constitution. While the specific case involved only the protections afforded to individuals under the Fourth Amendment, the Court did clearly state that the words "the people" in the Second Amendment have the same meaning as they do in the First and Fourth Amendments, i.e., the rights of individuals.

While the dicta doesn't define how the Supreme Court would rule on a particular Second Amendment case, it does indicate the Court believes that the "right to keep and bear arms" is an individual right, rather than a collective right as the anti-gun movement and the mass media would like everyone to believe.

In any case, you'd better exercise your right to self-defense, because you can't sue the government if it fails to protect you from criminals. In 1856 the Supreme Court declared that local law enforcement had no duty to protect a particular person, but only a general duty to enforce the laws. South v. Maryland, 59 U.S. (HOW) 396,15 L.Ed., 433 (1856). In 1982, the U.S. Court of Appeals, Seventh Circuit, held:

"there is no constitutional right to be protected by the state against being murdered by criminals or madmen. It is monstrous if the state fails to protect its residents against such predators but it does not violate the due process clause of the Fourteenth Amendment or, we suppose, any other provision of the Constitution. The Constitution is a charter of negative liberties: it tells the state to let people alone; it does not require the federal government or the state to provide services, even so elementary a service as maintaining law and order." Bowers v. DeVito, U.S. Court of Appeals, Seventh Circuit, 686F.2d 616 (1982) *See also*, Reiff v. City of Philadelphia, 477F.Supp.1262 (E.D.Pa. 1979).

There are a few, very narrow exceptions. In 1983, the District of Columbia Court of Appeals remarked that:

"In a civilized society, every citizen at least tacitly relies upon the constable for protection from crime. Hence, more than general reliance is needed to require the police to act on behalf of a particular individual. Liability is established, therefore, if the police have specifically undertaken to protect a particular individual and the individual has specifically relied upon the undertaking. Absent a special relationship, therefore, the police may not be held liable for failure to protect a particular individual from harm caused by criminal conduct. A special relationship exists if the police employ an individual in aid of law enforcement, but does not exist merely because an individual requests, or a police officer promises to provide protection." Morgan v. District of Columbia, 468 A2d 1306 (D.C. App. 1983).

As a result, government - specifically, the police - has no legal duty to help any given person, even one whose life is in imminent peril.

In a New York case, a Judge Keating dissented, bitterly noting that Linda Riss was victimized not only because she had relied on the police to protect her, but because she obeyed New York laws that forbade her to own a weapon. Judge Keating wrote:

"What makes the city's position particularly difficult to understand is that, in conformity to the dictates of the law, Linda did not carry any weapon for self-defense. Thus, by a rather bitter irony she

was required to rely for protection on the City of New York, which now denies all responsibility to her." Riss v. City of New York, 293 N.Y. 2d 897 (1968).

The California Court of Appeals held that any claim against the police department "is barred by the provisions of the California Tort Claims Act, particularly Section 845, which states: `Neither a public entity nor a public employee is liable for failure to establish a police department or otherwise provide police protection or, if police protection service is provided, for failure to provide sufficient police protection." Hartzler v. City of San Jose, App., 120 Cal.Rptr 5 (1975).

The Superior Court of the District of Columbia held that:

"the fundamental principle {is} that a government and its agents are under no general duty to provide public services, such as police protection, to any particular individual citizen. The duty to provide public services is owed to the public at large, and, absent a special relationship between the police and an individual, no special legal duty exists."

In an accompanying memorandum, the Court explained that the term "special relationship" did not mean an oral promise to respond to a call for help. Rather, it involved the provision of help to the police force. Warren v. District of Columbia, D.C. App., 444 A.2d 1 (1981).

"the defendant law enforcement agencies and officers did not owe them (the children - ed.) any legal duty of care, the breach of which caused their injury and death. Our law is that in the absence of a special relationship, such as exists when a victim is in custody or the police have promised to protect a particular person, law enforcement agencies and personnel have no duty to protect individuals from the criminal acts of others; instead their duty is to preserve the peace and arrest law breakers for the protection of the general public. In this instance, a special relationship of the type stated did not exist. Plaintiff's argument that the children's presence required defendants to delay (the) arrest until the children were elsewhere is incompatible with the duty that the law has long placed on law enforcement personnel to make the safety of the public their first concern; for permitting dangerous criminals to go unapprehended lest particular individuals be injured or killed would inevitably and necessarily endanger the public at large, a policy that the law cannot tolerate, much less foster." Lynch v. N.C. Dept. of Justice, 376 S.E. 2nd 247 (N.C. App. 1989).

".a distinction must be drawn between a public duty owed by the officials to the citizenry at large and a special duty owned to a specific identifiable person or class of persons. Only a violation of the latter duty will give rise to civil liability of the official. To hold a public official civilly liable for violating a duty owed to the public at large would subject the official to potential liability for every action he undertook and would not be in society's best interest." ...no special relationship existed that would create a common law duty on the defendants to protect the decedent (Marshall - ed.) from Mundy's criminal acts. Similarly, without a special relationship between the defendants and the decedent, no constitutional duty can arise under the Due Process Clause as codified by 42 U.S.C. Sec. 1983. Therefore, plaintiff's {Mrs. Marshall's} due process claim also must fall." Marshall v. Winston, 389 S.E.2nd 902 (Va. 1990).

On a related matter, courts have also held that not only are unconstitutional laws null and void from the moment they supposedly begin, but also that you have every right to defend yourself against unlawful force. The fact that the government, through its agents, may be your attacker is immaterial:

"Citizens may resist unlawful arrest to the point of taking an arresting officer's life if necessary." Plummer v. State, 136 Ind. 308 (1893)

This premise was upheld by the Supreme Court of the United States when the court stated:

"where the officer is killed in the course of the disorder which naturally accompanies an attempted arrest that is resisted, the law looks with very different eyes upon the transaction, when the officer had the right to make the arrest, from what it does if the officer had no right. What might be murder in the first case might be nothing more than manslaughter in the other, or the facts might show that no offense had been committed." John Bad Elk v. U.S., 177 U.S. 529, (1900).

"An arrest made with a defective warrant; or one issued without affidavit; or one that fails to allege a crime is without jurisdiction, and one who is being arrested, may resist arrest and break away. If the arresting officer is killed by one who is so resisting, the killing will be no more than an involuntary manslaughter." Housh v. People, 75 Ill. 491; State v. Leach, 7 Conn. 452; State v. Rousseau, 241 P. 2d 447; State v. Spaulding, 34 Minn. 3621.

Consider the fiery end of the Branch Davidians in their home while you ponder that one.

"These principles apply as well to an officer attempting to make an arrest, who abuses his authority and transcends the bounds thereof by the use of unnecessary force and violence, as they do to a private individual who unlawfully uses such force and violence." Jones v. State, 26 Tex. App.1; Beaverts v. State, 4 Tex. App. 175; Skidmore v. State, 43 Tex. 93. #903

"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 force by force, and if, in the reasonable exercise of his right of self defense, his assailant is killed, he is justifiable." Runyan v. State, 57 Ind. 80; Miller v. State, 74 Ind.1.

Who are the militia?
10 United States Code Sec. 311 (Title 10, Subtitle A, Part I, Chapter 13):

Sec. 311. Militia: composition and classes

(a) The militia of the United States consists of all able-bodied males at least 17 years of age and, except as provided in section 313 of title 32, under 45 years of age who are, or who have made a declaration of intention to become, citizens of the United States and of female citizens of the United States who are commissioned officers of the National Guard.

(b) The classes of the militia are -

(1) the organized militia, which consists of the National Guard and the Naval Militia; and

(2) the unorganized militia, which consists of the members of the militia who are not members of the National Guard or the Naval Militia.

(Aug. 10, 1956, ch. 1041, 70A Stat. 14; Sept. 2, 1958, Pub. L. 85-861, Sec. 1(7), 72 Stat. 1439.)

CROSS REFERENCES

Congressional power to provide for organization, equipment, discipline, and government of Militia, see Const. Art. 1, Sec. 8, cl. 16.

Declaration of intention to become a citizen of the United States, see section 1445 of Title 8, Aliens and Nationality.

The IRS, income taxation and the 16th Amendment

"Income is realized gain." Schuster v. Helvering, 121 F 2d 643.

"The word profit, as ordinarily used, means the gain made upon any business or investment-a different thing altogether from mere compensation for labor. There is a clear distinction between profit and wages or compensation for labor. Compensation for labor cannot be regarded as profit within the meaning of the law." Oliver v. Halstead, 196 Va. 992.

"Reasonable compensation for labor or services rendered is not profit." Laurendale Cemetary Assoc. v. Matthews, 245 Pa. 239.

"The general term 'income' is not defined in the Internal Revenue Code." US v. Ballard, 535 F. 2d 400 (1976)

"it becomes essential to distinguish between what is, and what is not 'income' Congress may not, by any definition it may adopt, conclude the matter, since it cannot by legislation alter the Constitution, from which alone it derives its power to legislate, and within whose limitations alone, that power can be lawfully exercised." Eisner V. Macomber, 252 US 189 (1920)

"'income,' as used in the statute should be given so as not to include everything that comes in. The true function of the words 'gains' and 'profits' is to limit the meaning of the word 'income'." So. Pacific v. Lowe, 2389 F. 847 (US Dist Ct. S.D. N.Y., 1917); 247 US 330 (1918)

"Income within the meaning of the Sixteenth Amendment and the Revenue Act, means 'gain' and in such connection 'Gain' means profit proceeding from property, severed from capital, however invested or employed, and coming in, received, or drawn by the taxpayer, for his separate use, benefit and disposal." Staples v. US, 21 F. Supp 737 (US Dist. Ct. ED PA, 1937)

"the definition of 'income' approved by this court is: The gain derived from capital, from {not by} labor, or from both combined, provided it be understood to include profits gained through sale or conversion of capital assets." Eisner v. Macomber, 252 US 189 (1920)

They define the IRS income tax in Title 26 of the US code in Section 1: "there is hereby imposed on the taxable income of every individual, a tax" This is clearly a direct tax, even if we knew what they were taxing, in direct violation of the constitution. This is confirmed by the courts: "such a tax would be by nature a capitation rather than excise tax." Peck & Co. v. Lowe, 247 US 165 (1918)

"Our tax system is based upon VOLUNTARY assessment and payment, not upon distraint." - U.S. Supreme Court in Flora v. U.S. (1959) {"Voluntary" means "acting or done without any present legal obligation to do the thing done" Webster's Third World International Dictionary}

"Statutes levying taxes should be construed, in case of doubt, against the government and in favor of the citizen." Miller v. Gearing, 258 F. 225

"The legal right of a taxpayer to decrease the amount of what otherwise would be his taxes, OR ALTOGETHER AVOID THEM, by means which the law permits, cannot be doubted." Gregory vs. Helvering, 293 U.S. 465

"The explanations and examples in this publication reflect the official interpretation by the IRS of tax laws enacted by Congress and Court decisions The publication covers some subjects on which certain courts have taken positions more favorable to taxpayers than the official position of the service. Until these interpretations are resolved by higher court decisions, or otherwise {like when there is no higher court, in the case of a Supreme Court decision! -FF}, the publication will continue to present the viewpoint of the Service." IRS Publication 17

"One does not derive taxable income by rendering services and charging for them. IRS cannot enlarge the scope of the statute." Edwards v. Keith, 231 F 110,113

"An income tax is neither a property tax nor a tax on occupations of common right, but is an excise tax. The legislature may declare as 'privileged' and tax as such for state revenue, those pursuits not matters of common right, but it has no power to declare as a 'privilege' and tax for revenue purposes, occupations that are of common right." Sims v. Ahrens, 271 SW 720 (1925)

"Income is realized gain." Schuster v. Helvering, 121 F 2nd 643

"The word profit, as ordinarily used, means the gain made upon any business or investment - a different thing altogether from mere compensation for labor. There is a clear distinction between profit and wages or compensation for labor. Compensation for labor cannot be regarded as profit within the meaning of the law." Oliver v. Halstead, 196 Va. 992

"Decided cases have made the distinction between wages and income and have refused to equate the two." Central Illinois Publishing Service v. U.S., 435 U.S. 31, p.90

"Income, as used in the statute should be given the meaning so as NOT to include everything that comes in. The TRUE function of the words 'gains' and 'profits' is to LIMIT the meaning of the word 'income'." So. Pacific v. Lowe, 238 F. 847

"the provisions of the Sixteenth 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 and being placed in the category of direct taxation" Stanton v. Baltic Mining Co., 240 U.S. 103.

"A tax laid upon the happening of an event, as distinguished from its tangible fruits, is an indirect tax" Tyler v. U.S., 281 U.S. 497

"The conclusion reached in the Pollock Case did not in any degree involve holding that income taxes generically and necessarily came within the class of direct taxes on property, but on the contrary recognized the fact that taxation on income was in its nature an excise entitled to be enforced as such" Brushaber v. Union Pacific R.R. Co., 240 U.S. 1

"Excises are taxes laid upon licenses to pursue certain occupations, and upon corporation privileges. The tax under consideration may be described as an excise upon the particular privilege of doing business in a corporate capacity. The requirement to pay such taxes involves the exercise of privileges." Flint v. Stone Tracy Co., 220 U.S. 107.

"The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but the individuals' rights to live and own property are natural rights for the enjoyment of which an EXCISE cannot be imposed." Redfield v. Fisher, 292 P. 813.

"The right to labor and to its protection from unlawful interference is a constitutional as well as a common-law right. Every man has a natural right to the fruits of his own industry." 48 Am Jur 2d, section 2, page 80.

"[K]eeping in mind the well settled rule that the citizen is exempt from taxation unless the same is imposed by clear and unequivocal language, and that where the construction of a tax law is doubtful, the doubt is to be resolved in favor of those upon whom the tax is sought to be laid." Spreckels Sugar Refining Co. vs McLain, 192 U.S. 397 (1903).

"In the interpretation of statutes levying taxes it is the established rule not to extend their provisions, by implication, beyond the clear import of the language used, or to enlarge their operations so as to embrace matters not specifically pointed out. In case of doubt they are construed most strongly against the Government, and in favor of the citizen." U.S. v Wigglesworth, 2 Story 369.

What about the 1st Amendment?

Freedom of speech per se doesn't usually come up too often, but note that this amendment also gives us freedom of (OR FROM) religion, the right to speak or not speak (i.e., remain silent), etc. Bear this in mind when reading the following

"The several states has no greater power to restrain individual freedoms protected by the First Amendment than does the Congress of the United States." Wallace v Jaffree, 105 S Ct 2479; 472 US 38, (1985).

"Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. Though First Amendment rights are not absolute, they may be curtailed only by interests of vital importance, the burden of proving which rests on their government." Elrod v. Burns, 96 S Ct 2673; 427 US 347, (1976).

The right of parents to educate children

Pierce v. Society of Sisters of the Holy Names of Jesus and Mary, 268 U.S. 510 (1925): "The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations We think it entirely plain that the Act of 1892 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control."

[Note that this case touched on the "Fourteenth Amendment" as well. Ignore it, just like you ignore all "amendments" past the ten that came first. They're the only ones that count.] West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943): "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."

Griswald v. Connecticut, 381 U.S. 497 (1965): "The right to educate one's child as one chooses is made applicable to the states by the First and Fourteenth Amendments to the U.S. Constitution." [Again, ignore the 14th Amendment reference.]

Perchemlides v. Frizzle, CA-16641 (Massachusetts Superior Court, 1979): "Without doubt, the Massachusetts compulsory attendance statute might well be constitutionally infirm if it did not exempt students whose parents prefer alternative forms of education. Under our system the parents must be allowed to decide whether public education, including its socialization aspects, is desirable or undesirable for their children."

14th Amendment: Unnecessary and even harmful

"Both before and after the Fourteenth Amendment to the federal Constitution, it has not been necessary for a person to be a citizen of the United States in order to be a citizen of his state." Supreme Court of Maryland, Crosse v. Board of Elections, (1966) 221 A.2d. 431, 433

Miscellaneous

"The word 'shall' in a statute may be construed to mean 'may', particularly in order to avoid a constitutional doubt." Fort Howard Paper Co. v Fox River Heights Sanitary Dist., 26 NW 2d 661

"If necessary, to avoid unconstitutionality of a statute, 'shall' will be deemed equivalent to 'may.'" Gow v Consolidated Copper Mines Corp., 165 Atl 136.

"'Shall' in a statute may be construed to mean 'may' in order to avoid constitutional doubt." Grover Williams College v Village of Williams Bay, 7 NW 2d 891.

"Because of what appears to be a lawful command on the surface, many citizens, because of their respect for what only appears to be law, are cunningly coerced into waiving their rights due to ignorance." U.S. vs. Minker, 350 U.S. 179 at 187

From the Roger Sherman Society:

The question is often asked, "How can one individual stand alone against 'City Hall'?" After serious practice combined with continued faith, study, and prayer, our answer came:

1. Obtain, and study carefully, a copy of West's Annotated California Codes, Government Code, Title 2, Div. 3, Ch. 5 Administrative Adjudication sections 11500-11528. If you have difficulty understanding it, ask a lawyer to explain it. If the lawyer discourages you and tells you it does not apply to the letter, bill, ticket, or other accusation you received from the IRS, DMV, FTB, Licensing Agency or other ABC government administrative agency/officer, then find another lawyer, or a paralegal, or even a teacher of the English language. Find someone who can help you UNDERSTAND this legal procedure; not necessarily someone to do it for you. (For those living in other states, see #7 below.)

2. Upon receipt of the accusation, send the Agency Hearing Board a NOTICE OF DEFENSE (sec. 11506) and be sure to ask for a hearing. (Bender form 15.)

3. The Administrative Hearing is the place where you will put ON THE RECORD your Evidence of substantive Rights. This is the place where you enter your Recessions and Waivers and Claims and Declarations, etc., on the RECORD. You may also enter questions of Discovery such as "Where does the Agency have an Interest in Respondent (that's you) to convert his right to travel/contract into the privilege to drive/be employed?" or "What evidence does the Agency depend upon to show that Respondent is subject to the licensing requirements and state administrative police powers in this instant case?" or "Is a Tax Identification Number mandatory or voluntary and what section of the Code says that?" or "As I do not have a license, by what section of the Code does the Licensing Agency claim it may regulate Respondent?" (Do not become angry with any answers you may receive, as all of this information is entered here for the Record.)

4. If/When the Administrative Hearing Board rules against you, you may take their Decision for a review in the Superior Court of your County by a Petition for Writ of Mandate (CCP secs. 1085, 1086) to Review Administrative Decision (CCP sec. 1094.5) cost of bringing this Writ of Mandate is included in the Petition. There is no charge to file it.

5. If you are denied the Administrative Hearing, you have been denied due process of law (Gov't Code Sec. 11506) and you might want to file the Mandate for Review of the Administrative Decision (Bender form 35) and claim some damages.

6. If you followed the above instructions you may have eliminated any or all of the following: going to Justice Court, Municipal Court, Tax Court, losing your property, and even going to jail; AND you may be rewarded for being vigilant and claiming your Rights just by following the Forms. Be sure to read carefully the instructions following each Form, and Gov't Code secs. 11500-11528.

7. Every State in the Union must have equivalent statutes and Forms. You legal researchers out there get busy and find your state's codes which are equivalent to Calif. Govt. Code 11500-11528 and the procedural code sections for the Review Mandate--Calif. CCP secs. 1085, 1086, and 1094,5, and the equivalent to Bender Form Numbers 15 and 35. Let the people in your state know the forms they can use to stand up and claim their Rights so that the agencies will get the message to do their job of regulating the business of the state and nothing more.

Maybe we should begin to entertain the possibility that we, the individual sovereigns, DID SOMETHING to change our sovereign status to that of a 14th Amendment subject who is in debt (the validity of which cannot be questioned).

We do have the right to contract (somehow) out of the jurisdiction of sovereignty secured (though not granted) by the Constitution; and maybe we did exercise that right to contract into a commercial status and abandoned our sovereign status.

We submit that we were registered at birth into an eleemosynary corporate estate which made us eligible to apply for benefits and privileges. Did we not make application for the benefits of the social security insurance policy and other benefits which are in the commercial jurisdiction?

REMEMBER: Commerce is a subject of the U.S. If you are registered in commerce, you are registered as a subject. Birth Certificates are registered in the U.S. Department of Commerce; ALSO, the commercial jurisdiction is the one that uses NOTES (which are evidences of debt) and not SUBSTANCE to pay debts. (For purposes of this discussion we will not address the validity of the NOTES or PROMISES TO PAY nor will we address the subject of discharge of debt in contrast to the extinguishment of debt. However, to discourage perpetual debt, always offer to pay debts with unborrowed substantive money, and afford those indebted the opportunity to do likewise.)

We at the Judge Roger Sherman Society have concluded that if an individual has sovereign status, he may simply BAR the state/legislative courts-for-subjects (see Art.1, sec.8, cl.9 & Art.3, sec.1, cl.1 U.S. Constitution) from exercising the jurisdiction of THEIR courts ("COURT-- the person and suit of the sovereign" Black's Law Dictionary, 3rd Ed. pg. 457) against another sovereign. They recognize that the law does not give them jurisdiction over another sovereign. But they HAVE jurisdiction over their subjects (those who signed in and showed a birth certificate).

Ed. Note: Reader is cautioned to check and verify all information before using any of it. Use the Internet and Google™ the particular case and notice what is written about it. Develop study groups. If you are a product of the public school system consider your education to be in deficit and be prepared to rearrange and alter your thinking. This FAQ was produced in 1990's and was edited in the year 2007. If you are under 30 years of age consider yourself to have been 'dumbed' down during your educational experience; and consider anyone who is trying to control you to be lying to you. Ask them to show their authority!