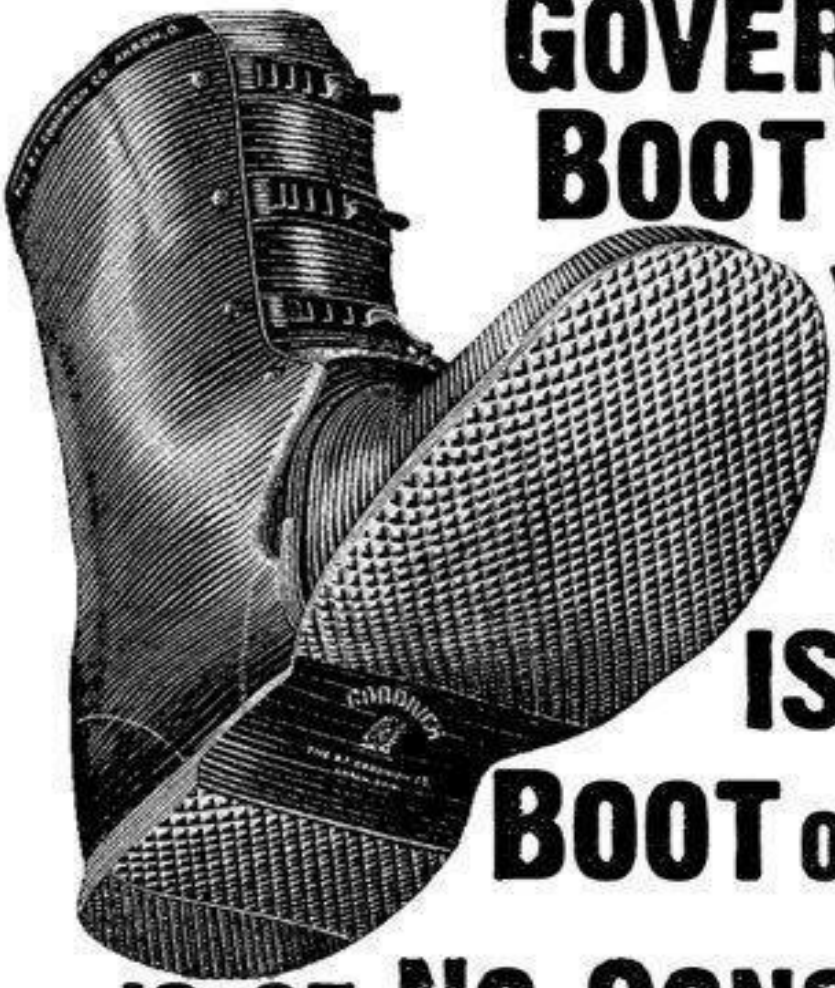
WHEN THE GOVERNMENT'S BOOT IS ON YOUR THROAT, WHETHER IT IS A LEFT BOOT OR A RIGHT, IS OF NO CONSEQUENCE



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IN THE DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JON DOE–Assignor, for the use of Jon: Doe–Assignee, at arm's length, Claimant *in personam,*	) CASE NO.: _____.) File On Demand (Claimant Waives Fee).)
Vs.	) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) AFFIDAVIT OF PETITION FOR) DECLARATORY JUDGMENT.

COMES NOW Jon: Doe *in propria persona* and expressly not *"pro se,"* a real party in interest appearing ***"nunc pro tunc"*** by way of special visitation and expressly not *via* general appearance, also hereinafter "Affiant," standing in unlimited commercial liability as a sovereign American Citizen, Secured Party Creditor, seeking a **"Common-Law Remedy"** within the Admiralty *via* the "Saving To Suitors Clause" at USC 28-1333 (1), hereby and herewith formally petitioning an Article-III Court employing an Article-III Justice by way of AFFIDAVIT OF PETITION FOR DECLARATORY JUDGMENT on and for the *public* record, with enunciation of principles stated in *Haines v Kerner*; at 404 U. S. 519, wherein the court has directed that regardless if Affiant's petition be deemed "in-artfully plead," those who are unschooled in law will have the court look to the *substance* of the "pleadings" rather than in the form; therefore Affiant's petition is not required to meet the same strict standards as that of a "licensed" attorney, and can only be dismissed for failure to state a claim if Affiant can substantiate

no set of facts in support of his claim which would entitle him to relief. Affiant's factual allegations within this text are therefore accepted on their face as true, correct, complete and not misleading, and are, to the best of Affiant's ability, the truth, the whole truth and nothing but the truth; and said "pleadings" are hereby presented along with any and all reasonable inferences that may be drawn therefrom. Subsequently, Affiant's petition should not be construed narrowly, but rather interpreted liberally so as to accommodate any and all such plausible implications gathered. Pursuant to Title 28 USC (also see the Uniform Declaratory Judgment Act), petition for declaratory judgment is provided under federal and state law. Declaratory judgments permit parties to a controversy to determine rights, duties, obligations or status. The operation of the Declaratory Judgment Act is procedural only. Relief under the Act is available only if the requisite of jurisdiction, in the sense of a federal right or diversity, provides foundation for resort to the federal courts. **(1)** Not excluding Affiant's inherent status establishing foreign jurisdiction separate from that to which the Respondent adheres, diversity in this case also establishes upon the fact that Affiant is a real party in interest and the Respondent is a corporate fiction. **(2)** Furthermore, controversies are raised pursuant to Respondent's *escheat via* collection *in rem* and willful usurpation of Affiant's inherent rights / status – which are protected and guaranteed *via* the Constitution and Amendments, *i.e.,* the Bill of Rights – *via* the

Respondent levying duties, obligations, arrest, charges, prosecution, conviction, sentencing, incarceration / body attachment, upon Affiant. The U. S. Constitution, Article-III, Section-II, limits the exercise of the judicial power to cases of controversy. The Declaratory Judgment Act, in its limitation to cases of controversy, refers to the Constitutional provision and is operative only in respect to controversies which are such in the Constitutional sense. A justiciable controversy is thus distinguished from a difference or dispute of hypothetical or abstract character from one that is academic or moot. The controversy must be definite and concrete, touching the legal relations of parties having adverse legal interests. There must be a real and substantial controversy in meaning of specific relief through decree of a conclusive character as distinguished from an opinion abiding what law would be upon a hypothetical state of events. The Declaratory Judgment Act allows relief to be given in recognition of the Claimant's rights even though no immediate enforcement of it need be asked. Therefore I, the living, breathing, flesh-and-blood man appearing as Jon: Doe, do hereby and herewith solemnly state: **(i)** that Affiant is over the age of twenty-one (21) years; **(ii)** that Affiant is competent for stating the first-hand facts and knowledge contained herein; **(iii)** that Affiant grants original jurisdiction to this court; **(iv)** that Affiant has the right to petition for declaratory judgment relating to this matter; **(v)** that judgment on this petition

will not harm the public; **(vi)** that the court is indemnified by the bond of "JON DOE;" (see attached birth certificate) **(vii)** that Affiant has an inherent, proprietary right to the certified title known as "JON DOE;" (also see attached copyright notice with affidavit of publication attached) **(viii)** that Affiant is the only real party in interest acting as contributing beneficiary who has put any value into "JON DOE;" **(ix)** that Affiant is the only inherent, legitimate claimant to any and all equity attaching to "JON DOE;" (also see attached UCC-1 Financing Statement) **(x)** that Affiant is entitled to any and all *"interpleaded funds"* relating to "JON DOE;" **(xi)** that Affiant has no record nor evidence the Respondent has put any value into "JON DOE;" **(xii)** that Affiant denies the Respondent has put any value into "JON DOE;" **(xiii)** that Affiant denies Respondent has a proprietary right to "JON DOE;" **(xiv)** that Affiant has no record nor evidence the Respondent has *any* right to "JON DOE;" **(xv)** that Affiant believes no such record nor evidence exists; **(xvi)** that Affiant does formally demand any "*original*" contract, not a copy, which is being used against Affiant, be brought forward; **(xvii)** that a court at law requires the *original* contract be entered as evidence; **(xviii)** that under the Erie doctrine – Where there is no contract, there is no case; **(xix)** that notwithstanding any and all assumed contracts signed, unsigned, constructed, implied, adhered, invisible, and the like, Respondent is in breech of any and all

such alleged contracts for failure of full disclosure and/or equitable consideration; **(xx)** that if a party tries to void a contract because of a missing element and is prevented from doing so, such instrument becomes a fraudulent contract; **(xxi)** that there is no statute of limitations on fraud; **(xxii)** that the Respondent has been, and, is currently, doing business within the jurisdiction and venue of this court; **(xxiii)** that despite Affiant's numerous filings which clearly declare and delineate the distinct and inherent division between Affiant and the certified title known as "JON DOE," the Respondent wantonly diverts its claim against "JON DOE;" *i.e.,* the Respondent diversifies its harmful actions against the certified title known as "JON DOE" by intentionally bringing such harmful actions to bear upon the real party in interest known as "Jon: Doe," *i.e.,* the living, breathing, flesh-and-blood man, *via* State Court Accusation Number 2010D-12345-1, thereby causing the following damages to occur as direct result of the Respondent's willful diversity in such *ultra vires* infringements visited upon Affiant–Jon: Doe–the living, breathing, flesh-and-blood man–the real party in interest:

I (*) – (see addendum for further details)

Affiant's Constitutionally-protected 4th-Amendment Right, which states *"no Warrants shall issue, but upon probable cause,"* is abrogated by the Respondent on 07/21/2010 (see arrest warrant).

II (*) – (see addendum)

Affiant's Constitutionally-protected 1st-Amendment Right to be heard by the court is abrogated by the Respondent on 12/15/2010 (see attached state-certified transcript).

III (*) – (see addendum)

On 12/15/2010, Affiant's arraignment is obstructed by the Respondent, and is expressly not waived by Affiant as is eluded to in Respondent's document dated 03/22/2011 (see attached). Subsequently, the Respondent's erroneous / false assertion that Affiant waives his 5th-Amendment protected Right to arraignment, and / or ANY other Constitutionally-protected Rights, is in derogation from the Constitution pursuant to the 5th-Amendment Right to due process of law.

IV (*) – (see addendum)

The Respondent's obstruction of Affiant's arraignment is in subsequent derogation from the 6th Amendment, unlimited to Respondent's abrogation of Affiant's Constitutionally-protected Rights to fully understand the accusation and define / challenge jurisdiction / venue.

V (*) – (see addendum)

Respondent's practice of law from the bench, by entering a plea of *"Not Guilty"* for Affiant (see STATE'S document), is required in law to be construed as (a) being in derogation from O.C.G.A. 17-7-91 and 17-7-93; OR, (b) a judicial determination of Affiant's non-guilt.

VII (*) – (see addendum)

Respondent's failure to respond to Affiant's challenge to jurisdiction, as declared in Affiant's Truth Affidavits and Affiant's *nunc-pro-tunc* filing of objections, averment and demand for probable cause *via* fact-finding (both previously referenced in article VI), is in abrogation from Affiant's 4th-Amendment Right to establish probable cause, 6th-Amendment Right to define and challenge jurisdiction, and, 5th-Amendment Right to due process of law. ***"Once jurisdiction is challenged it must be proven by the plaintiff."*** (Hagans v Lavine, 415 U. S. 533; *etc.*) ***"The mere good-faith assertions of power and authority [jurisdiction] have been abolished."*** (Owens v CITY OF INDEPENDENCE, 445 U. S. 622; *etc.*)

VIII (*) – (see addendum)

Pursuant to, and, in direct contravention of, the United States' abolition of *"Debtors' Prison"* in the year 1833, any and all Georgia penal codes, rules, regulations, statutes, procedures, arrests, prosecutions, convictions, sentencing and incarceration, predicated upon Affiant's failure to pay a fine, fee, tax or duty, without providing a *caveat* requiring a plaintiff provide unequivocal proof that Affiant possesses such enumerated amount and refuses to pay, do not comport to federally mandated laws and procedures, and unlawfully become a 'throw-back' to nothing short of placing Affiant, and all others like him, into *"Debtors' Prison."* * **Note** that when the Respondent locks a Citizen away for

his inability to pay a *"fine, fee, tax or duty,"* this merit-less act is in derogation from the Constitution, and is *completely* analogous to a most pernicious form of tyranny; *i.e.,* the Respondent's forsaking of its sworn duty to recognize, honor and protect the unalienable, God-given, Constitutionally-guaranteed rights / status inherent to the American Citizenry. When taken into account the multi-billion *"**D**ollar"* body-attachment-bond industry conducted by the corporate *de facto* STATE, better known as *"crime prevention,"* whereby the *"warehousing"* of people who by way of victim-less charges have committed no crimes under the Common / Constitutional Law – such as the top-three revenue generators, *i.e., "**D**rug **D**ealers," "**D**eadbeat **D**ads,"* and, you guessed it, *"**D**runk **D**rivers,"* – is generating billions of *"**D**ollars"* in *"re-venues"* by way of the STATE'S wanton "pur*Suit"* of pecuniary ambition, it's not difficult to see, within such pretext, that, Respondent's true motivating factor does *not* concern the well-being of the Citizenry.

IX (*) – (see addendum)

Pursuant to Secretary of State Kemp's silence and acquiescence of corporate office **re Affiant's U.C.C. Filings** (see attached documents)**, this matter of public record, tendered by way of Secretary of State Kemp, ratifies the severance of any nexus or relationship between Affiant and any and all *de facto*, corporate-commercial offices of STATE.** Thereby, in manifest of the Good Faith Oxford Doctrine, Affiant's aforesaid U.C.C. Filings, coupled with

Affiant's reservation and exercise of all Rights and Remedy – as provided for Affiant by way of such that are unlimited to the Saving To Suitors Clause; 13th Article of Amendment to the Constitution; 15 Statutes At Large; House Joint Resolution 192; The Foreign Sovereign Immunities Act of 1976; and, Uniform Commercial Code in Book 1 at Sections 207 and 308; whereby Affiant reserves his Common Law / Constitutional Right not to be compelled to perform under any contract, and / or agreement, and / or the like thereof, that Affiant has not entered into knowingly, voluntarily, and, intentionally, and, that reservation serves notice upon all administrative agencies of government, *i.e.,* federal, state, and, local, that, Affiant does not, and, will not, accept the liability associated with the "compelled benefit " of any unrevealed commercial agreement; thereby relieving Affiant from any and every presumption, presentment, accusation, indictment, trust, and / or the like, charging Affiant as a 14th-amendment "citizen / person," "subject," "resident," "resident of the commonwealth," "person of inherence and / or incidence," corporate officer / agent / representative / member / partner / employee / fiction / transmitting utility / franchisee / *ens legis* / *stramineus homo* (straw-man) / dummy / juristic person/ libellee / debtor / obligor / accommodation party / surety / ward trustee / and/or the like – unequivocally expatriate Affiant from the *de facto* government's jurisdiction, entitling Affiant remedy by trial according to the rules, regulations and procedures of an Article-III court, employing an Article-III judiciary,

bound by the course and usage of COMMON LAW; therefore releasing Affiant from any and every unrevealed/presumed contract/agreement, and all the like thereof, such as that which is found within the Respondent's *"Request to Charge;"* (see attached) wherein said charge erroneously attempts to make claim against Affiant to the effect that – *"... privilege to operate a motor vehicle in the State of Georgia has been SUSPENDED ..."* This presumed contract is nothing more than Respondent's erroneous attempt at UN-Constitutionally inflicting its corporate code / policy upon Affiant. Affiant does not work for the Respondent. Affiant is a free man, *not* a slave. Furthermore, due to the fact that the Respondent's contract does not comport to *"the supreme Law of the Land,"* a/k/a Common / Constitutional Law, Equity Law, Civil Law, Admiralty Law, nor the Uniform Commercial Code, it is simply unlawful, and cannot apply to Affiant. In accord with the aforementioned law / code, by stark contrast, a lawful contract has –

1) *"Offer, not excluding full disclosure."* – Respondent's contract is not offered insomuch as Affiant is coerced while under duress, and it does not provide full disclosure. While it is true the Constitution provides government the right to legislate laws, statutes and codes, *et cetera,* the Constitution for these United States of America, Amendment IX, says – *"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."* Since Affiant is absolutely descended from the sovereign

American People of Posterity (see attached documentation), Respondent's meddling into Affiant's affairs, without Affiant's permission, contract, license, nor jurisdiction for doing so, denies and disparages Affiant's inherent, God-given, unalienable, Constitutionally-protected rights / status. Section 1-Article 28 of the Constitution for the State of Georgia says virtually the same as does the 9th Amendment, *i.e., "The enumeration of rights herein contained... shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed."* Hale v Henkel, at 201 U. S. 43, declares – *"**There is clear distinction between an individual and a corporation,** and that the latter has no right of refusal to submit its papers, books, inventory, etc., for audit at the suit of the state. However, **the sovereign 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 incriminate 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 [Common Law], long antecedent to the organization of the state, and can only be taken from him by due process of Common Law [Constitutional Law], and in accordance with the Constitution. Among his***

rights ***are*** *a refusal to incriminate himself, and* ***the*** ***[sovereign]*** ***immunity*** ***of himself*** ***and*** ***his*** ***property*** ***from*** ***arrest*** ***or*** ***seizure,*** ***except*** ***under*** ***a*** ***warrant*** ***of Common*** ***Law.*** *He owes nothing to the public so long as he does not trespass upon their rights."*

The second element of a lawful contract is –

2) *"Consideration for all parties to the contract."* – The Respondent's presumed contract does not promise Affiant anything that Affiant should not already possess; *i.e.,* Affiant's inherent, God-given, unalienable, Constitutionally-protected rights / status. On the contrary, the Respondent contends that *it* provides Affiant his rights / status in exchange for, or, in consideration of, Affiant's duties and obligations to adhere; *i.e.,* Affiant, according to the Respondent, is obligated, by the Respondent's presumed contract, to adhere to certain codes; wherein the contract stipulates that since Affiant does not comply with that code imposed upon him, according to the Respondent's presumed contract, the Respondent forecloses upon Affiant's inherent, God-given, unalienable, Constitutionally-protected rights/status. This is akin to communism, and is, in fact, ***fascism.*** *"You don't know the country you live in until you've been through its criminal justice system."*

– Nelson Mandela.

The third element of a lawful contract is –

3) *"Acceptance, i.e., "a meeting of the minds," by all parties involved with the contract."* – Affiant has never accepted, nor does Affiant accept, *any* part of the

Respondent's presumed contract. In fact, Affiant goes to great lengths to express rejection for the Respondent's contract. The 4th element of a lawful contract is – **4)** *"The signatures by all parties involved with the contract."* – Affiant repeatedly asks the Respondent to produce any and all documents verifying any and all contractual agreements, both signed and / or unsigned, and / or the like thereof, which comport to any reasonable semblance of a lawful contract or agreement made between Affiant and the Respondent. To date, the Respondent is in default for non-response to Affiant's demands to produce the aforesaid bills of verification (see attached Affidavit of Specific Negative Averment, Opportunity to Cure and Counterclaim, with certification of non-response attached).

In conclusion, the Respondent's presumed contract does *not* comport to the maxims of Common Law, Equity Law, Civil Law, laws of Admiralty, nor does it adhere to the necessary elements in constituting a lawful contract under the UCC (Uniform Commercial Code). To this, the Respondent falls silent. Additionally, Respondent fails to answer *any* of Affiant's numerous affidavits declaring rights, status, and, Respondent's numerous state, federal and Constitutional infringements upon Affiant's rights / status, not excluding Respondent's **lack of jurisdiction**. Consequently, the Respondent's corporate silence / non-response to Affiant's U.C.C.-1 Financing Statement, and, numerous declarations, is tantamount to ***estopple by way of acquiescence***.

Affirmation:

I, Jon: Doe, under my personal unlimited commercial liability, do solemnly affirm that the addendum, as well as any / every attachment coupled hereto, is hereby and herewith made a part of this petition, and that I have read the foregoing petition and do know for fact that said petition's content is true, correct, complete and not misleading; and is the truth, the whole truth and nothing but the truth.

Notice to agent(s) is notice to principal(s); and,

notice to principal(s) is notice to agent(s).

(*) ADDENDUM TO
AFFIDAVIT OF PETITION FOR DECLARATORY JUDGMENT:

The purpose of this addendum is to further clarify certain enumerated articles of the foregoing Affidavit of Petition for Declaratory Judgment by expounding upon various points raised therein.

Statement Of Fact:

1. The issue is whether this sovereign Man is required to obey the provisions in the Motor Vehicle Code / Statutes of the 50 united states of America. To better understand this controversy, let us first look to old England. Under English law, the King was the Sovereign. (Note here that when the King referred to himself as "Sovereign," he used a capital 'S' for the word 'Sovereign,' because he believed himself to be supreme to all. When our founding fathers referred to themselves

as "sovereign," they used a lower-case 's,' because they believed that the Creator was the Supreme Sovereign.) And as the "Sovereign," all roads belonged to the King. Thus, outside the monarchy or the King's court, anyone who wanted to travel the King's roads had to obtain permission, or pay for a permit in order to do so. All those who did not obtain permission were relegated to traveling via "sheep paths" or some other primitive trail forged across the countryside; hence the expression – "You take the low road and I'll take the high (King's) road." However, it is the contention of this sovereign Man that because he is a Free and Natural Man and not an artificial creation of government, and one who has given up NONE of his RIGHTS, that the Motor Vehicle Code / Statutes do not apply to him. It is also the contention of this sovereign Man, being it is not subject to regulation or legislation by the states' legislative bodies, that traveling upon the streets, highways and byways within the 50 united states of America by this sovereign Man is an unalienable or un-a-lien-able RIGHT, not a *"privilege."*

2. Let us first consider the contention of this sovereign Man, that traveling upon the streets or highways in America is a RIGHT, and not a so-called *"privilege."* The U. S. Supreme Court ruled:

2.1 The RIGHT to travel is a part of the liberty of which the Citizen cannot be deprived without due process of Common Law (Constitutional Law) under the 5th Amendment. See: Kent v Dulles, 357 U. S. 116, 125.

3. The Supreme Court of Wisconsin stated in 1909:

3.1 The term "public highway," in its broad popular sense, includes toll roads – any road which the public have a RIGHT to use even conditionally, though in a strict legal sense it is restricted to roads which are wholly public. See: Weirich v State, 140 Wis. 98.

4. The Supreme Court of the State of Illinois ruled:

4.1 Even the legislature has no power to deny to a Citizen the RIGHT to travel upon the highway and transport his property in the ordinary course of his business or pleasure, though this RIGHT might be regulated in accordance with the public interest and convenience. See: Chicago Motor Coach v Chicago, 169 N. E. 22.

5. "Regulated" here can only mean traffic safety enforcement, *e.g.,* stop lights, signs, *etc.* NOT a privilege that requires permission, *i.e.,* licensing, mandatory insurance, vehicle registration, *etc.*

PRIVILEGE OR RIGHT?

6. The use of the highway for the purpose of travel and transportation is NOT a mere *PRIVILEGE,* but is a COMMON AND FUNDAMENTAL RIGHT of which the public and individuals cannot rightfully be deprived. See: Chicago Motor Coach v Chicago, supra; Ligare v Chicago, 28 N. E. 934; Boone v Clark, 214 S. W. 607; American Jurisprudence 1st Ed., Highways § 163.

6.1 Citizens' RIGHT to travel upon public highways includes the RIGHT to use

usual conveyances of the day, including horse-drawn carriage, or automobile, for ordinary purposes of life and business. See: Thompson v Smith (Chief of Police), 154 S. E. 579, 580.

6.2 The RIGHT of the Citizen to travel upon the public highways and to transport his property thereon, either by carriage or by automobile, is not a mere privilege which a city may prohibit or permit at will, but a COMMON RIGHT which he has under the RIGHT to life, liberty, and the pursuit of happiness (*e.g.,* property). See: Thompson v Smith, supra.

7. It could not be stated more conclusively that a sovereign Man, in the 50 united states of America, has a RIGHT to travel without approval or restriction (license), and that this RIGHT is protected under the U. S. Constitution. After all, who do the streets, roadways, highways, and waterways belong to, if not the members born of the sovereign-people-at-large? The 50 states and the federal government are only stewards of the people's property. Here are other court decisions that expound upon the same facts:

7.1 . . . [T]he streets and highways belong to the public, for the use of the public in the ordinary and customary manner. See: Hadfield v Lundin, 98 Wn. 657; 168 P. 516.

7.2 This includes all those who travel and transport their property upon the public highways, using the ordinary conveyance of the day, and doing so in the

usual and ordinary course of life and business. See: Hadfield, supra; State v City of Spokane, 109 Wn. 360; 186 P. 864.

7.3 The RIGHT of the Citizen to travel upon the highways and to transport his property thereon, in the ordinary course of life and business, differs radically and obviously from that of one who makes the highways his place of business and uses it for private gain. See: State v City of Spokane, supra.

7.4 . . . [F]or while a Citizen has the RIGHT to travel upon the public highways and to transport his property thereon, that RIGHT does not extend to the use of the highways, either in whole or in part, as a place of business for private gain. For the latter purposes, no person has a vested right to use the highways of the state, but is a MERE PRIVILEGE or license which the legislature may grant or withhold at its discretion. See: Hadfield, supra; State v Johnson, 243 P. 1073; Cummins v Jones, 155 P. 171; Packard v Banton, 44 S. Ct. 257, 264 U. S. 140; and other cases too numerous to mention.

8. The Washington State Supreme Court stated:

8.1 I am not particularly interested about the rights of haulers by contract, or otherwise, but I am deeply interested in the RIGHTS of the public to use the public highways freely for all lawful purposes. See: Robertson v Department of Public Works, 180 Wash. 133 at 139.

9. The Supreme Court of the State of Indiana ruled:

9.1 It is not the amount of travel, the extent of the use of a highway by the public that distinguishes it from a private way or road. It is the RIGHT to so use or travel upon it, not its exercise. See: Ind. 455, 461.

10. American Jurisprudence 1st, has this to say:

10.1 The RIGHT of the 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 (property). Under this constitutional guarantee, one may, therefore, under normal conditions, travel at his inclination along the public highways or in public places, and while conducting himself in an orderly and decent manner, neither interfering with, nor disturbing another's RIGHTS, he will be protected, not only in his person, but in his safe conduct. See: 11 American Jurisprudence 1st., Constitutional Law, § 329, page 1123.

11. The Supreme Court of the State of Georgia ruled:

11.1 In this connection, it is well to keep in mind that, while the public has an absolute RIGHT to the use of the streets for their primary purpose, which is for travel, the use of the streets for the purpose of parking automobiles is a privilege, and not a RIGHT; and the privilege must be accepted with such reasonable burdens as the city may place as conditions to the exercise of the privilege. See: Gardner v City of Brunswick, 28 S. E. 2D 135.

12. In 1961, the Supreme Court of the State of Colorado discussed the issue in the following way –

12.1 The Constitution of the State of Colorado, Article II, § 3 provides that: All persons have certain natural, essential and unalienable RIGHTS, among which may be reckoned the RIGHT. . . of acquiring, possessing and protecting property;

12.2 A motor vehicle is property, and a person cannot be deprived of property without due process of law. The term property, within the meaning of the due process clause, includes the RIGHT to make full use of the property which one has the unalienable RIGHT to acquire.

12.3 Every Citizen has an unalienable RIGHT to make use of the public highways of the state; every Citizen has full freedom to travel from place to place in the enjoyment of life and liberty. See: People v Nothaus, 147 Colo. 210.

13. The Constitution of the State of Idaho contains these words –

13.1 All men are by nature free and equal, and have certain unalienable RIGHTS, among which are . . . acquiring, possessing, and protecting property.

14. The words of the Idaho Constitution are to all intents and purposes identical with those of the North Carolina Constitution. The Constitution of the State of North Carolina, Article I, § 1, states as follows –

14.1 The equality and rights of persons. We hold it to be self-evident that all persons are created equal; that they are endowed by the Creator with certain

inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor (property), and the pursuit of happiness. The only persons which can be the meaning of the Article above are men and women, and not corporations, since corporations are created *via* privileges granted by government and not unalienable GOD-GIVEN RIGHTS.

14.2 To be that statutes which would deprive a citizen of the RIGHTS of person or property without a regular trial, according to the course and usage of Common Law, would not be the law of the land. See: Hoke v Henderson, 15 N. C. 15, 25 AM. Dec. 677.

15. Since courts tend to be consistent in their rulings, it would be expected that the Georgia Supreme Court, *et cetera,* would rule in the same manner as the North Carolina Supreme Court, *et cetera.*

16. Other authorities have arrived at similar conclusions –

16.1 The Constitution for the United States of America, Amendment IX: The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

17. The Constitution for the State of North Carolina, Article I, § 36:

17.1 Other rights of the people. The enumeration of rights in this Article shall not be construed to impair or deny others retained by the people.

18. I hereby and herewith formally demand "all" of my *'other rights,'* not excluding the RIGHT to travel upon the public highways and byways in the 50 united states of America.

19. The Constitution of the State of North Carolina, Article I, § 2:

19.1 Sovereignty of the people. All political power is vested in and derived from the people; all government of RIGHT originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

20. As a member of the sovereignty of the people, I am not only entitled to use the highways and byways in the 50 united states of America, I have, at both federal and state levels, a Constitutionally-protected-and-guaranteed inalienable RIGHT to use the highways and byways.

20.1 Highways are public roads which every Citizen has a RIGHT to use.

See: 3 Angel Highways 3.

20.2 A highway is a passage, road, or street, which every Citizen has a RIGHT to use. See: Bouvier's Law Dictionary.

21. I have emphasized the word "RIGHT" because it is a common point among the authorities listed. The Idaho Code even joins in this common point:

21.1 49-301 (13) Street or highway – The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of RIGHT, for purposes of vehicular traffic.

See: Idaho Code.

22. The United States Supreme Court has ruled that:

22.1 Undoubtedly the RIGHT of locomotion, the RIGHT to remove from one place to another according to inclination, is an attribute of personal liberty, and

the RIGHT, ordinarily, of free transit from or through the territory of any State is a RIGHT secured by the Fourteenth Amendment and by other provisions of the Constitution. See: Williams v Fears, 343 U. S. 270, 274.

22.2 Thus, there can be little doubt that, when this sovereign Man travels upon the streets or highways in the 50 united states of America, that he does so as a matter of RIGHT and not privilege. The authority for such travel is described variously as a RIGHT, a COMMON RIGHT, an ABSOLUTE RIGHT, an INALIENABLE RIGHT, and a RIGHT protected by the Constitution for the Union of the several states and the United States government.

23. Let us then examine the significance of these terms by defining their meaning.

23.1 RIGHT – In law, (a) an enforceable claim or title to any subject matter whatever; (b) one's claim to something out of possession; (c) a power, prerogative, or privilege as when the word is applied to a corporation.
See: Webster Unabridged Dictionary.

23.2 RIGHT – As relates to the person, RIGHTS are absolute or relative; absolute RIGHTS, such as every individual born or living in this country (and not an alien enemy) is constantly clothed with, and relate to his own personal security of life, limbs, body, health, and reputation; or to his personal liberty; RIGHTS which attach upon every person immediately upon his birth in the dominion of kings, and even upon a slave the instant he lands within the same.
See: 1 Chitty Pr. 32.

23.3 RIGHT – A legal RIGHT, a constitutional RIGHT means a RIGHT protected by common law, by the Constitution, but government does not create the idea of RIGHT or original RIGHTS; it acknowledges them. See: Bouvier's Law Dictionary, p. 2961.

23.4 Absolute RIGHT – Without any condition or encumbrance as an absolute bond, simplex obligatio, in distinction from a conditional bond; an absolute estate, one that is free from all manner of conditions or encumbrance. A rule is said to be absolute when, on the hearing, it is confirmed. See: Bouvier's Law Dictionary.

23.5 Inalienable – A word denoting the condition of those things, the property in, which cannot be lawfully transferred from one person to another.
See: Bouvier's Law Dictionary.

24. It shows from these definitions that the States have an obligation to acknowledge the RIGHT of this sovereign Man to travel on the streets or highways in the 50 united states of America. Further, the States have the duty to refrain from interfering with this RIGHT and, rather, to protect this RIGHT and to enforce the claim of this sovereign Man to it.

25. Now if this sovereign Man has the absolute RIGHT to move about on the streets or highways, does that RIGHT include the RIGHT to travel in a vehicle upon the streets or highways? The Supreme Court of the State of Texas has made comments that are an appropriate response to this question.

25.1 Property in a thing consists not merely in its ownership and possession, but in the unrestricted RIGHT of use, enjoyment and disposal. Anything which destroys any of these elements of property, to that extent, destroys the property itself. The substantial value of property lies in its use. If the RIGHT of use be denied, the value of the property is annihilated and ownership is rendered a barren RIGHT. Therefore, a law which forbids the use of a certain kind of property, strips it of an essential attribute and in actual result proscribes its ownership. See: Spann v City of Dallas, 235 S. W. 513.

25.2 These words of the Supreme Court of Texas are of particular importance in Idaho, because the Idaho Supreme Court quoted the Supreme Court of Texas and used these exact words in rendering its decision in the case of O'Conner v City of Moscow, 69 Idaho 37.

26. The Supreme Court of Texas went further to say:

26.1 To secure their property was one of the great ends for which men entered into society. The RIGHT to acquire and own property, and to deal with it and use it as the owner chooses, so long as the use harms nobody, is a natural RIGHT. It does not owe its origin to constitutions. It existed before them. It is a part of the Citizens' natural liberty – an expression of his freedom, guaranteed as inviolate by every American Bill of RIGHTS. See: Spann supra.

PROPERTY:

27. Bouvier's Law Dictionary defines:

27.1 Property – The ownership of property implies its use in the prosecution of any legitimate business which is not a nuisance in itself. See: In re Hong Wah, 82 Fed. 623.

28. The United States Supreme Court states:

28.1 The Federal Constitution and laws passed within its authority are by the express terms of that instrument made the supreme law of the land. The Fifth Amendment protects life, liberty, and property from invasion by the States without due process of law.

28.2 Property is more than the mere thing which a person owns. It is elementary that it includes the "RIGHT" to acquire, use and dispose of it. See: Buchanan v Warley, 245 U. S. 60, 74.

29. These authorities point out that the RIGHT to own property includes the RIGHT to use it. The reasonable use of an automobile is to travel upon the streets or highways on which this sovereign Man has an absolute RIGHT to use for the purposes of travel. The definitions in Title 49 Chapter 3 of the Idaho Code positively declare the RIGHT of this sovereign Man to travel in a vehicle upon the streets or highways in Idaho.

MOTOR VEHICLE OR VEHICLE?

30. Motor Vehicle – Motor vehicle means a vehicle which is self-propelled or which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. See: Idaho Code 49-301 (6)

30.1 Vehicle – Vehicle means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or horse drawn or used exclusively upon stationary rails or tracks. See: Idaho Code 49-301 (14)

30.2 Street or Highway – Street or Highway means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of RIGHT, for purposes of vehicular traffic. See: Idaho Code 49-301 (13).

30.3 The term "Motor Vehicle" may be so used as to include only those self-propelled vehicles which are used on highways primarily for purposes of "transporting" persons and property from place to place. See: 60 Corpus Juris Secundum § 1, Page 148; Ferrante Equipment Co. v Foley Machinery Co., N.J., 231 A. 2d 208, 211, 49 N. J. 432.

30.4 It seems obvious that the entire Motor Transportation Code and the definition of motor vehicle are not intended to be applicable to all motor vehicles, but only to those having a connection with the "transportation" of persons or property. See: Rogers Construction Co. v Hill, Or., 384 P. 2d 219, 222, 235 Or. 352.

30.5 "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway in "transportation," or a combination determined by the Commission, but does not include a vehicle, locomotive, or car operated only on a rail, or a trolley bus operated by electric power from a fixed overhead wire, and providing local passenger "transportation" similar to street-railway service. See: Transportation, Title 49, U. S. C. A. § 10102 (17).

30.6 The Constitutions of the United States and the States guarantees this sovereign Man the RIGHT to own property. The Supreme Courts of North Carolina and Texas have affirmed that the RIGHT to own property includes the RIGHT to use it while its use harms nobody. If that property is an automobile, it is included in the definitions of vehicle and motor vehicle in the Idaho Code Title 49, Chapter 3. And in the same Idaho Code Chapter, streets or highways are defined as the place where vehicles are used by the public as a matter of RIGHT. Thus it shows that this sovereign Man has the RIGHT to use a vehicle on the streets or highways in the 50 united states of America.

31. Now if this Sovereign Man has the RIGHT to use a vehicle on the streets or highways in the 50 united states of America, to what extent can the States regulate or diminish that RIGHT? There are some who maintain that specific performance is required of every sovereign Man who uses a vehicle upon the streets or highways in the 50 united states of America. Let us examine this contention (alleged contract) in detail.

32. Specific performance is a term used to designate an action in equity, in which a party to a contract asks the court to order the other party to carry out the contract which he has failed or refused to perform. Thus, if specific performance is expected, a contract must exist. The question then becomes – what are the terms of the contract; when was it executed, and by whom? Since specific performance seems expected of every user of a vehicle on the streets or highways in the 50 united states of America, the user of a vehicle seems one of the parties to the supposed contract. And since the State seems to be the party demanding specific performance, the State is the other party to the contract. Therefore, this presumed contract exists between the user of a vehicle and the State. When was this contract executed and what are its terms? Some contend that when a user of a vehicle avails himself of the "privilege" of driving on public thoroughfares, that he enters a contract with the State that requires him to abide with all the laws in the union of states' statutes. Others contend that the contract is executed when a driver's license is obtained. We need now to figure out what constitutes a contract.

33. A contract may be defined as an agreement, enforceable in court, between two or more parties, for a sufficient consideration to do or not to do some specified thing or things. Thus, a contract has four essential features:

33.1 It must be an agreement.

33.2 There must be at least two parties to the contract.

33.3 There must be a consideration.

33.4 There must be an obligation or thing to be done.

34. Several types of contracts exist, but all must contain the essential features listed. Contracts can be classified under three principal categories:

34.1 Express;

34.2 Implied;

34.3 Quasi.

35. Quasi contracts, while being called contracts, are not really contracts, and will not be considered in this discussion of contracts, but will be considered in a separation section later.

UNILATERAL & BILATERAL CONTRACTS:

36. There can also be unilateral and bilateral contracts, which are presumed to exist under some or all the above headings. Let us examine each of the above types of contracts to see if the driver's license obtained by this sovereign Man falls under any category of a lawful contract.

36.1 An express contract is one in which the agreement of the parties is fully stated in words, and it may be either written or oral, or partly written and partly oral. See: Bergh Business Law 30.

36.2 A true implied contract is an agreement of the parties, arrived at from their acts and conduct, viewed in the light of surrounding circumstances, and not from

their words either spoken or written. Like an express contract, it grows out of the intention of the parties to the transaction, and there must be a meeting of the minds. See: McKevitt, *et al*, v Golden Age Breweries, Inc., 126 P. 2d 1077 (1942).

36.3 License – Authority to do some act or carry on some trade or business, in its nature lawful but prohibited statute, except with the permission of the civil authority or which would otherwise be unlawful. See: Bouvier's Law Dictionary.

37. With these definitions in mind, let us examine a driver's license in order to see if it is a contract. The driver's license itself is a small plastic card, approximately 55 millimeters by 86 millimeters in size. It contains the words (State) Motor Vehicle Driver's license; the name, address, signature and physical description of the user; a pair of identifying numbers; a photograph; and, the signature of the director of the Department of Motor Vehicles / Law Enforcement. Obviously, this cannot be an express agreement, because there are no statements to constitute an agreement. Are there two parties to the "contract?" There are two signatures, but both are copies, thus invalidating the "contract," so there are no parties to the "contract." Is there Consideration? What has the State given this sovereign Man in return for this sovereign Man's obligation? Some may suggest that the State has given this sovereign Man the privilege of driving on the streets or highways in the 50 united states of America, but this sovereign

Man already has the RIGHT to drive on the streets or highways in the 50 united states of America, and the State cannot require this sovereign Man to give up a RIGHT to obtain a privilege.

38. An Iowa statute that requires that every foreign corporation named in it shall, as a condition for obtaining a permit to transact business in Iowa, stipulate that it will not remove into the federal court certain suits that it would, by the laws of the United States, *normally* have a RIGHT to said permit; a RIGHT which should NOT be made dependent upon the surrender by the foreign corporation of a privilege secured to it by the Constitution and laws of the United States. Bouvier's Law Dictionary; quoting Barron v Burnside, 121 U. S. 186.

38.1 The full significance of the clause *"law of the land"* is said by Ruffin, C. J. to be that statutes which would deprive a Citizen of the RIGHTS of person or property without a regular trial, according to the course and usage of the Common Law, would not be the law of the land. See: Bouvier's Law Dictionary; quoting Hoke v Henderson, 15 N. C. 15, 25 AM Dec 677.

39. It would be foolish for this Sovereign Man to exchange a RIGHT for a privilege, since it would mean giving up valuable property in exchange for something having less value. Is it even possible for this sovereign Man to do such a thing?

39.1 Consent – In criminal Law. No act shall be deemed a crime if done with

the consent of the party injured, unless it be committed in public, and is likely to provoke a breach of the peace, or tends to the injury of a third party; provided no consent can be given which will deprive the consentor of any inalienable RIGHT. See: Bouvier's Law Dictionary.

40. Thus, even if this sovereign Man wanted to do so, he could not give up his RIGHT to travel on the streets or highways in the 50 united states of America or exchange it for the privilege of having a driver's license. Therefore, in exchange for the supposed obligation of this sovereign Man, the State has given nothing. Thus, there is no "Consideration."

41. It may be contended that the "State Seal" on the driver's license is sufficient Consideration by the State. It is true that under the common law, the question of Consideration could not be raised concerning a contract under seal. The seal provided conclusive presumption of Consideration. Still, States have abolished, by statute, the Common Law presumption of Consideration, and this statute is binding upon all officers and employees of the State. So, though a seal may be present, it is no longer evidence of Consideration in the 50 united states of America. Of course, the document in question is a contrived and copied document, and lacks validity in any case as a contract.

42. As to an Obligation, since the license contains no Statement of Agreement, since there are no Parties to any Agreement, and since there is no Consideration,

there can be no Obligation. The driver's license, therefore, is not a contract, since it fails to contain any of the four essential elements of a contract.

43. Can the driver's license be an implied contract? The same elements must exist in an implied contract as exist in an express contract. The only difference is that an implied contract is not written or spoken, and the elements of the contract are shown by the acts and conduct of the parties involved. With respect to this sovereign Man, there was certainly no meeting of the minds, or else this brief would not result. It was never the intention of this sovereign Man to give up constitutionally-protected, guaranteed RIGHTS in order to accept a privilege from the State. Such an action would be ridiculous. This could only be done in a socialistic state. There cannot be an implied agreement in a free society. Is it possible that there were two parties to the supposed contract, *i.e.,* the State and this sovereign Man? There was no Consideration in the implied contract for the same reasons that there was no Consideration in the express contract.

44. Obligation is the thing to be done. It may be to pay money, to do work, or to deliver goods; or it may be to refrain from doing something that the person contracting had a RIGHT to do. Some may say that the State was obligated to allow this sovereign Man to drive on the streets or highways in the united states of America, and that, in turn, this sovereign Man was obligated to

obey all the statutes contained in the States' Statutes. It would be just as easy to say that the State could not be obligated to allow this sovereign Man to travel on the streets or highways in the 50 united states of America because they did not have the RIGHT nor the power to prevent him from doing so.

45. If the State cannot prevent this sovereign Man from traveling on the streets or highways in the 50 united states of America, then they do not have any discretion in the matter, and do not have the choice of whether to obligate themselves or not. Thus, the Obligation of the State cannot be to grant this sovereign Man the privilege of traveling on the streets or highways in the 50 united states of America. The Obligation of the State cannot be to refrain from prohibiting this sovereign Man from traveling on the streets or highways in the 50 united states of America, since the State did not have the RIGHT to do so initially.

46. It is the contention of this sovereign Man that the only obligation that this sovereign Man incurs when using a vehicle upon the streets or highways in the united states of America is the Common-Law obligation to refrain from any act that causes another person to lose life, liberty or property. In complying with this obligation, this sovereign Man does comply with many statutes in the union of States' Statutes, since they are, for the most part, only common sense rules by which this sovereign Man avoids doing damage to others.

47. Still, this acquiescence to some statutes should not be construed as evidence of a Contractual Obligation by this sovereign Man. Neither should it be construed as acquiescence to all the statutes or to any of them always. Instead, it is merely evidence of a want of this sovereign Man to travel safely and to do harm to no one.

48. Thus, the actions of this sovereign Man do not supply unambiguous evidence of a contract with the State. Instead, the actions can, with equal weight, be said to be evidence of the fact that this sovereign Man was complying with Common Law requirement that he does harm to no one. The driver's license is not an implied contract because there is no Consideration. There may possibly be two parties, but still, there is no Consideration, and there is not clear evidence of an Obligation. Therefore, three of the four necessary elements for a contract are missing.

49. The question now becomes whether the driver's license application is a contract. In completing this document, the applicant makes several statements and signs the paper upon which these statements are written under oath. The statements concern the identity, physical description, address, ability and experience in driving a vehicle, and one statement on the physical condition of the applicant. None of the statements are as an agreement.

50. The application form contains the signature of the applicant and the signature

of the person taking the oath of the applicant. The reverse side of the application contains the results of a vision test and rudimentary physical examination with the results of a driving test. These results are signed by the examiner and not by the applicant.

51. Thus, the application takes the form of an affidavit instead of a contract. Let us see if the elements of a contract are present in the application.

51.1 There is no agreement.

51.2 There are not two parties.

51.3 There is no consideration.

51.4 There is no obligation.

51.5 Additionally, if the initial applicant was under the age of 18 at the time of applying, any alleged contract is not legally binding, and simply null and void.

52. Since none of the necessary elements of a contract are present, the application does not constitute a contract.

53. The only document involved in obtaining a driver's license is the document which, part of, is copied to make the actual driver's license. It contains, besides the information that is used in making the driver's license, the results of a vision test conducted by the driver's license examiner.

54. The applicant places his signature upon this form that is then copied by some photographic process. Other material is added, including a photograph,

signature of the Director of the Department of Motor Vehicles / Law Enforcement, and the driver's license is made of this composite.

55. Therefore, the license itself cannot be a contract, because it is a contrived document. The form from which the driver's license is made cannot be a contract, because, again, none of the elements of a contract are present. So if none of the documents executed by the driver when obtaining a license is a contract, then no contract can exist between the driver and the State as a result of obtaining a driver's license.

56. But still, the idea that the driver's license is a contract with the State is pervasive. It is a belief that is strongly held, even by people in high places. So let us examine the driver's license, as if it were a contract, and see if it can withstand scrutiny. Not every offer made by one party and accepted by the other creates a valid contract. The outward form of a contract, either oral or written, may exist, and yet the circumstances may be such that no contract was, in reality, created. Some circumstances that will cause an otherwise apparently valid contract to be void are:

MISTAKE – MUTUAL OR UNILATERAL:

57. Mistake, either mutual or unilateral.

57.1 Fraud;

57.2 Duress;

57.3 Alteration.

58. This sovereign Man obtained a driver's license upon the erroneous representation by the State that traveling upon the streets or highways of the united states of America was a privilege. This sovereign Man accepted this representation as true and did obtain a driver's license.

58.1 It has been shown, still, that traveling is a "RIGHT" and not a privilege. Thus, a mutual mistake has been made, and the "contract" is void. See: Deibel v Kreiss, 50 N. E. 2D 1000 (1943).

59. But the legislative bodies of the States who passed the statutes contained in the union of States' Statutes are knowledgeable people, many of whom are attorneys, and they undoubtedly knew, at the time such statutory law was passed, that, traveling within the united states was a "RIGHT" and not a "privilege." If this were the case, then the mistake would be unilateral. A unilateral mistake known to the other party is sufficient grounds to void a contract.

FRAUD:

60. Fraud may consist in conduct and may exist where there are no positive

representations, *i.e.,* silence where honesty requires speech may sometimes constitute fraud. The rule that a man may be silent and safe is by no means a universal one. Where one contracting party knows that the other is bargaining for one thing while receiving another, has no RIGHT by silence to deceive him and suffer him to take an altogether different thing from that for which he bargains. See: Parish v Thurston, 87 Ind. 437 (1882).

61. If the driver's license is a contract, a case can be made for the contention that it was an agreement obtained, by the State, by means of fraud.

61.1 Fraud is a generic term which embraces all the multifarious means by which human ingenuity can devise and are resorted to by one individual to get any advantage over another. No definite and invariable rule can be laid down as a general proposition defining fraud, as it includes all surprise, trick, cunning, dissembling, and unfair ways by which another is deceived. See: Wells v Zenz, 236 P. 485.

62. With respect to contracts, the following statements can be made:

62.1 In the field of contracts, there are certain standard tests for a claim of fraud which make it possible to define fraud as in connection with a contract or any trick or artifice whereby a person, by means of a material misrepresentation,

creates an erroneous impression of the subject matter of a proposed transaction, and thereby induces another person to suffer damage computable in money. The misrepresentation may result from a false statement, a concealment, or a nondisclosure. The elements of a contractual fraud are the following:

62.2 A material misrepresentation, created by a statement, a concealment, or a nondisclosure.

62.3 An intention to defraud.

62.4 Reliance on misrepresentation by the defrauded party.

62.5 Damage caused to the defrauded party as the result of his acting upon misrepresentation. See: Bergh Business Law, p. 56.

62.6 If a party tries to void a contract because of a missing element and is prevented from doing so, such instrument becomes a fraudulent contract.

62.7 There is no statute of limitations on fraud.

63. In view of the many decisions by high courts, including the Supreme Court of the United States, that traveling is a RIGHT and not a privilege, it would be hard to defend the proposition that the legislative bodies of the States were unaware of these decisions, particularly since many legislators are and were attorneys, knowledgeable in such matters. In fact, when one considers the

definition of streets or highways in Sections of the Statutes, the evidence is conclusive that the legislature knew and knows that traveling is a "RIGHT."

64. Therefore, the statements in the Statutes that traveling is a privilege and that a driver's license is necessary before traveling, constitutes a material misrepresentation of fact to any possessor of a driver's license. And since the legislature was and is aware of the fact that traveling was and is not a "privilege," but, rather, is a Constitutionally-protected "RIGHT," the statement that traveling is a necessarily-licensed privilege, when applied to this sovereign Man, constitutes a willful intention to deceive and, therefore, to defraud.

65. This sovereign Man did rely upon the representations of the legislature that traveling was a privilege when he obtained his driver's license, else he would not have obtained one.

66. This sovereign Man did suffer damage as a result of his acting upon the misrepresentation of the legislature, at least to the extent of the licensing fee.

67. Insomuch as all the necessary elements of fraud are present, if the driver's license is considered a contract, such "contract" is null and void *ab initio.*

DURESS:

68. With respect to duress, Bergh supra supplies the following definition:

68.1 A party must consent to a contract of his own free will; free consent is an essential element of an agreement. Consequently, if he is coerced into signing a contract by fear induced by a threat to cause personal injury to himself or to some close relative, the contract will not be a real agreement and it will be voidable at his option. The threat of personal injury must be a threat to inflict immediate bodily injury or to institute a criminal prosecution against the person threatened or some close relative.

69. Since it was essential to this sovereign Man in pursuing his occupation of common RIGHT to use a vehicle upon the streets or highways in the 50 united states of America, and since the States threaten to and do prosecute people in criminal actions for not possessing a driver's license, regardless of their status, this sovereign Man did obtain a driver's license under duress. If, then, the driver's license is a contract, the contract is unenforceable and invalid because of this duress.

70. With respect to alterations, Bergh supra has the following comments:

70.1 Any material alteration in a written contract by one party without the consent of the other party gives the latter the option of treating the contract as either discharged, or enforcing it as it stood before the alteration.

71. If the driver's license is a contract, it is a written contract, at least to the extent that the Statutes are written. Each time that the legislature amends or modifies or adds to any of the statutes of the union of States, the terms of the contract are changed. Since this sovereign Man then has the option of considering the contract as discharged, he then chooses to do so as of the first change in the union of States' Statutes following his application for a driver's license.

72. If it is contended that the driver's license is an implied contract, the Statute of Frauds comes into play, *i.e.,* the States have enacted a Statute of Frauds.

73. The agreement is invalid in the following cases, unless the same or some note or memorandum of it be in writing and subscribed by the party charged, or by his agent. Evidence, therefore, of the agreement cannot be received without the writing or secondary evidence of its contents:

73.1 An agreement that, by its terms, is not to be performed within a year from the making thereof.

74. Since the term of the driver's license contract is so many years, and the contract is not written, the Statute of Frauds does apply, and thus the contract is unenforceable.

75. The discussion up to this point has been concerned with bilateral contracts in which each party promises something to the other party. Is it possible that the driver's license is a unilateral contract? A unilateral contract is described as:

75.1 A one-sided contract, in the sense that only one side makes a promise and the other side performs an act for which the promise was given. See: Bergh supra. Since the act expected by the State is obedience to the statutes, what promise has the State offered in exchange for this act? The only promise that the State could make a sovereign is the promise to allow him to travel on the streets or highways in the 50 united states of America. Since this sovereign Man already can do that as a matter of RIGHT, the State can promise him nothing, thus there is no Consideration and a unilateral contract cannot exist.

76. Having shown that no contract exists between this sovereign Man and the State, let us examine the proposition that a quasi-contract exists between this sovereign Man and the State.

QUASI-CONTRACT:

77. A quasi-contract is an obligation springing from voluntary and lawful acts of parties in the absence of any agreement. See: Bouvier's Law Dictionary.

78. In order to establish the existence of a quasi-contractual obligation, it must be shown:

78.1 That the defendant has received a benefit from the plaintiff.

78.2 That the retention of the benefit by the defendant is inequitable.

See: Woodward Quasi Contracts 9.

79. Thus, if it is contended that this sovereign Man must obey the statutes in the union of States' Statutes because of a quasi-contract, it must be shown that this sovereign Man has received a benefit from the State. However, traveling on the streets or highways in the State is not a benefit received from the State. It is a RIGHT that attached to this sovereign Man at the moment of his nativity, and cannot be removed by the State. In this respect, no benefit has been received from the State, and thus a quasi-contractual obligation cannot exist with respect to this sovereign Man.

80. It may be claimed that the statutes are made pursuant to the police powers of the State, and that every person in the State is obligated to obey them.

81. The police power is a grant of authority from the people to their governmental agents for the protection of the health, the safety, the comfort and the welfare of the public. It is broad and comprehensive in its nature. It is a necessary and salutary power, since without it, society would be at the mercy of individual interest and there would exist neither public order nor security. While

this is true, it is only a power, and not a Constitutionally-protected "RIGHT."

82. The powers of government, under our system, are in no way to be construed as absolute. They are but grants of authority from the people, and are limited to their true purposes. The fundamental RIGHTS of the people are inherent, and have not yielded to governmental control. The people are not the subjects of governmental authority. They are subjects of individual authority. Constitutional powers can never transcend Constitutionally-protected guaranteed RIGHTS. The police power is subject to the limitations imposed, by the Constitution, upon every power of government, and it will not be suffered to invade or impair the fundamental liberties of the sovereign Man, those natural RIGHTS which are the chief concern of the Constitution, and for whose protection it was ordained by the people.

82.1 To secure their property was one of the great ends for which men entered into society. The RIGHT to acquire and own property, and to deal with it and use it as the owner chooses, so long as the use harms nobody, is a natural RIGHT which does not owe its origin to constitutions, as it existed before them. It is a part of the Citizens' natural liberty – an expression of his freedom, guaranteed as inviolate by every American Bill of RIGHTS.

82.2 It is not a RIGHT, therefore, over which the police power is paramount. Like every other fundamental liberty, it is a RIGHT to which the police power is subordinate.

82.3 It is a RIGHT which takes into account the equal RIGHTS of others, for it is qualified by the obligation that the use of the property shall not be to the prejudice of others. But if subject alone to that qualification, that the Citizen is not free to use his lands and his goods as he chooses, it is difficult to perceive wherein his RIGHT of property has any existence. See: Spann supra.

83. Where inherent, unalienable, absolute RIGHTS are concerned, the police powers can have no effect. The RIGHT to travel on the streets or highways and the RIGHT to own and use property have been described as inherent, unalienable, and absolute. Thus the police power cannot regulate this sovereign Man's RIGHT to use a vehicle on the streets or highways in the 50 united states of America.

84. If the police power of the State is permitted to regulate the traveling of this sovereign Man on the streets or highways in the 50 united states of America, and if, through the action of these regulations or statutes, this sovereign Man is denied access to the streets or highways in the 50 united states of America, a

fundamental RIGHT of this sovereign Man has been **UNCONSTITUTIONALLY ABROGATED**. If this is allowed to happen in this country, then this is not the "Land of the Free," but is, in fact, a socialistic state.

84.1 Where RIGHTS secured by the Constitution are involved, there can be no rule-making or legislation that would abrogate them. See: Miranda v Arizona, 384 U. S. 436, 491 (1966).

85. The abrogation of unalienable RIGHTS by legislation or rule-making is unconstitutional.

86. If further proof is needed to show that this sovereign Man need not be licensed to travel on the streets or highways in the 50 united states of America, it is provided in the following decisions:

86.1 A license fee is a tax. See: Parish of Morehouse v Brigham, 6 S. 257.

86.2 A state may not impose a charge for the enjoyment of a RIGHT granted by the Federal Constitution. However, RIGHTS are not granted by any piece of paper, only privileges. See: Murdock v Pennsylvania, 319 U. S. 105.

87. Since a fee is charged for a driver's license, and since traveling on the streets or highways in the 50 united states of America is a RIGHT guaranteed by the Federal Constitution, and by the LAW OF NATURE, it is not legal,

lawful nor constitutional for the State to require this sovereign Man to be licensed to travel.

88. Even the application for a Driver's License form recognizes the RIGHT of some people to travel without a license. The union of States' Statutes recognizes categories of peoples who are not required to be licensed in the State. Why is it, then, that the first demand made by the law enforcement personnel when making a traffic stop is: "Let me see your driver's license, registration, and proof of insurance" (and not always politely), when the first question should be: "What is your status?", and – "Are you required to have a driver's license?"

89. Can it be that there is a conspiracy afoot within the States to reduce all sovereign Men and Women to a status of contract? Why else would a law enforcement officer / judge automatically take a traveler to jail without even trying to discover if that man or woman was exempt from the requirement of having a driver's license?

90. The question now becomes whether this sovereign Man is required to obey any of the statutes in the union of States' Statutes. It has been shown that this sovereign Man has a RIGHT to travel on the streets or highways in the united states of America. Therefore, any statute, including those which describe driving

on the streets or highways as a privilege, cannot apply to this sovereign Man. Since the RIGHT of this sovereign Man to travel cannot be abrogated, any statute whereby the enforcement of which would have the effect of denying access to the streets or highways to this sovereign Man, cannot apply to this sovereign Man.

91. Since violation of the States' Statutes is classified as a misdemeanor which is punishable by a fine and / or up to one year in jail, and since prosecuting / convicting this sovereign due to his non-harmful use of the streets or highways would be an abrogation of his RIGHT to travel and, not to mention, the 4th-Amendment "probable cause" clause and 9th-Amendment protected RIGHTS to Privacy, Liberty, Property and Pursuit of Happiness, *etc.,* none of the statutes of the union of States' Statutes can apply to this sovereign Man. All of these contentions are unequivocally supported by the United States Supreme Court.

91.1 An Iowa statute, which requires every "foreign" (private, outside the federal zone) corporation named in it shall, as a condition for obtaining a permit to transact business in Iowa, stipulate that it will not remove or remand into the federal court certain suits that it normally would by the laws of the United States have a RIGHT to remove or remand, is void, because it makes holding a permit to do business a privilege dependent upon the surrender of the sovereigns'

RIGHT to conduct unlimited commercial activity (so long as it harms no one), which is secured and guaranteed by the Constitution and laws of the United States. This is cited as further compilation and sustenance of the aforementioned contention. See: Bouvier's Law Dictionary – Barron v Burnside, 121 U. S. 186.

92. This decision is consistent with that in Miranda supra, in which it was stated that where RIGHTS are concerned, there can be no rule-making or legislation that would abrogate them. It is also consistent with the discussion in the following case. This case is a tax case, but the discussion on RIGHTS that it contains is appropriate:

AN INDIVIDUAL AND A CORPORATION:

93. *"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 incriminate 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 Common 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 or seizure, except under a warrant of Common Law. He owes nothing to the public, so long as he does not trespass upon their rights." See: Hale v Henkel, 201 U. S. 43.

94. This emphasized statement is also consistent with the common law of England, as far as it is not repugnant to or inconsistent with the Constitution or laws of the United States in all cases not provided for in these compiled laws, and is the rule of decision for all courts in the states. Since the statutes of the 50 united states of America cannot apply to this sovereign Man, he becomes subject to the Common Law, which maintains that he owes nothing to the public while he does not trespass upon their RIGHTS.

95. Thus, is it the contention of this sovereign Man, that because the statutes contained in the Union of States' Statutes do not apply to him, that the statutes are unconstitutional? Absolutely not. There is a class of *"persons"* in the 50 united states of America to whom these statutes apply without reservation.

Members of this class include corporations and those who conduct corporate business, *i.e.,* Motor Carriers, *e.g.,* taxis, buses, *etc.,* on the streets or highways in the 50 united states of America. A public corporation is the *'creation'* of the State.

95.1 A public corporation is a *'creature'* of the State. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the State and the limitations of its charter. Its "RIGHTS" to act as a public corporation are only preserved to it while it obeys the laws of its creation. See: Bouvier's Law Dictionary, p. 684.

96. It (the public corporation) is a "person" in the eyes of the law, and lacks character, morals, conscience, and a soul. Its every activity must therefore be directed and supervised by the State. Under the definition of Due Process of Law, Bouvier's Law Dictionary states in pertinent part:

96.1 The liberty guaranteed is that of a natural "person" and not of artificial "persons;" Western Turf Assn. v Greenberg, 204 U. S. 359, wherein it was said – "...a corporation cannot be deemed a Citizen within the meaning of the clause of the Constitution of the United States, which protects the privileges and immunities of Citizens of the United States against being abridged or impaired by the law of a state." See also 203 U. S. 243.

97. The statutes in the union of states are designed to direct the activities of the class of "persons" to which a public corporation is a member. Public corporations are absolutely bound by these statutes. It is imperative that a conscienceless entity not be allowed to freely roam the streets or highways in the 50 united states of America and thus jeopardize the sovereign individual. It is for this purpose, and this purpose ALONE, that the statutes of the 50 states of America were enacted, and NOT for control of the free, sovereign-American Citizens' RIGHTS.

ORIGINAL WRIT OF DEMAND TO SHOW QUO WARRANTO:
(By What Authority?)

How Many *Classes* Of Citizens Currently Inhabit America?

Answer: There are two (2) classes of citizens currently inhabiting America. (1) The first class of citizens are the "American Citizens" / "state Citizens," who inhabit the land known as "the several states of the union," found within the geographic boundaries of the country known as "America," and who live within the exclusive jurisdiction of the Common Law; and, (2) those of whom the second class is comprised are known as "federal citizens" / "citizens of the United States," *i.e.,* citizens of the District of Columbia, who seem to be subject to the exclusive jurisdiction of the *de facto* government, which is a foreign corporate fiction now operating as a collection of corporate entities and subsidiaries; *e.g.,*

the *de facto* federal, state and local governments, offices, agencies, municipalities, *et al,* using various names not excluding that of the "United States", *et cetera* . . .

The first class of Citizen appears in the Qualifications Clauses of the U. S. Constitution, whereby the term "Citizen of the United States" is used. (See 1:2:2, 1:3:3 and 2:1:5.) Note the UPPER-CASE "C" in "Citizen." The pertinent court cases define the term "United States" in these Clauses to mean "States United," and not the federal government currently operating as a foreign corporation using the name "United States." Therefore, the original, full term – "**C**itizen of the United States," when properly used within its intended context – means:
'A Citizen is the sovereign who inhabits the land found within one of the common-law bound, *de jure* Republic states – joined within the union of the several states – as it is defined within Article I of the Articles of Confederation, *circa* 1777, ratified in the year 1781, wherein it is affirmed – *"The Stile of this Confederacy shall be the United States of America."* This is further guaranteed at Art IV, Sec 4 of the Constitution for the United States of America, ratified in the year 1791.' (*Note that Abraham Baldwin and William Few were the Georgia delegates who signed the Constitution for the United States of America on September 17th, at the Philadelphia Convention of 1787, whereby Georgia is joined as a signatory to the Constitution.) Similar terms are found in the Diversity Clause at Art III, Sec 2, Clause 1, and in the Privileges and

Immunities Clause at Art IV, Sec 2, Clause 1, U. S. Constitution. (Also note that: **Prior to the Civil War, there was only one (1) class of Citizen under American Law.** See the holding in Pannill v. Roanoke, 252 F. 910, 914-915 (1918) for definitive authority on this key point.)

The second class of citizen originates in the 1866 Civil Rights Act, wherein the term "citizen of the United States" is used. This Act was later codified at Title 42 U.S.C. §1983. Note the lower-case "c" in "citizen". The pertinent court cases hold that Congress thereby created a *municipal franchise,* primarily for the former slaves who President Lincoln had previously attempted to free with the Emancipation Proclamation (a war measure), and later by the 13th amendment banning slavery and involuntary servitude. However, by failing to use the unique and appropriate term "federal citizen," which would properly identify any 2nd-class of citizens now living within the several states, such as that found in Black's Law Dictionary, Fourth Edition *("But a state and the federal government each has citizens of its own")*, and since it may be rightfully presumed that the federal, state and local body-politic now consists of intelligent men and women, many of whom are attorneys, it would seem clear that an attempt is being made to *confuse* these two classes of citizens by attempting to make it *appear* as though all citizens are "equal" under the 14th amendment, and later under the Civil Rights Act of 1964; whereas rather than rightfully elevating the rights and status of the

2nd-class-citizen to that of the 1st-class-American Citizen, and pursuant to the abuse of the Commerce Clause, found in the U. S. Constitution, Article I, Section 8 (*Erie R. R. Co. v. Tompkins*, 304 U. S. 64 (1938)), which ultimately results as impetus to the *"Erie doctrine,"* by way of the *"Supremacy Clause,"* while operating under a *"presumption of law,"* the inferior courts (acting under Art. I, Sec. 8, CI. 17 and Art. IV, Sec. 3 CI. 2 of the U. S. Constitution) now arbitrarily ***'re-venue'*** the 1st-class-American Citizens from their beloved Constitutional, Common-Law venue (the Supreme Law of the Land), subjecting them to the inferior maritime-admiralty law (commercial law / law of the water), whereby the 1st-class-American Citizens' inherent, God-given, un-a-lien-able, Constitutionally-protected and guaranteed rights/status may not be recognized by the lower courts, resulting in the 1st-class-American Citizens now being subjected to the type of inferior, statutory codes, rules and regulations described above, which is in direct contravention to the guarantees and protections the 1st-class-American Citizens enjoy under the U. S. Constitution and the Bill of Rights (the first 10 amendments), which are now regularly circumvented as direct result of the pecuniary ambition not uncharacteristic of the *ultra vires,* corporate-commercial acts currently inflicted upon virtually ***'all'*** citizens now inhabiting America. However, as we now know, neither the 14th amendment nor its proposal has ever been lawfully nor legally adopted nor ratified. Furthermore, the Guarantee Clause in the U. S. Constitution guarantees the Rule of Law to ***'all'*** Americans; *i.e.,* we are to be governed by

Law and not by arbitrary bureaucrats (Article IV, Section 4).

Therefore, whereas any criminal statute which may attempt to compel the performance of any *"obligation"* or *"duty"* under which there is no such Law of Liability is tantamount to slavery, involuntary servitude and extortion, it is not a question as to whether judgment should be granted to the Claimant against the Respondent in this case, insomuch as it is the Common Law, Constitutional Law, the Supreme Law of the Land, **God's Law,** which is intended to govern the human rights and status of ***'all'*** men and women equally, that is meant to prevail.

Affiant does hereby and herewith formally invoke his rights and status under such Law which requires the Respondent now answer for its *ultra vires* actions pursuant to Affiant's demand that Respondent forthwith show *Quo Warranto*.

I – II – III – IV

(re the 1st, 2nd, 3rd & 4th articles of the aforesaid affidavit / petition)

Whereas Constitutional mandate requires without question that the integrity of the arraignment be preserved at all times, the Respondent's assertion that the *only* elements allowed therein be a reading of the accusation and a plea from Affiant is erroneous. Upon hearing the accusation, and *before* entering a plea, Affiant may ask questions / make assertions about, and / or, declare laws / rights / status pertaining / raise objections to, the accusation; such as whether the charge is civil or criminal, thereby raising the 4th-Amendment question of probable cause, and /

or the 6th-Amendment question of proper jurisdiction / venue, *et cetera* . . . Affiant may even move for discovery before entering a plea. The purpose of this is two fold. (i) It allows Affiant to weigh the issues / evidence before entering a plea, and (ii) allows the Respondent to identify Affiant as the proper party to proceed against. Due to the fact that the Respondent is acting under Article-I color-of-***'law'*** when restricting Affiant's *"freedom of speech"* during the arraignment, Affiant asserts that the Respondent's infliction of such color-of-***'law'*** abridges his freedom of speech, and therefore abrogates the 1st Amendment, wherein it says – *" Congress shall make no* ***'law'...*** *abridging the freedom of speech "* (also see: Smith v STATE, 17 Ga. App. 612; Wells v Terrell, 121 Ga. 368). In case # 2010D-12345-1, since Affiant tries to speak, and the Respondent, while acting under such Article-I color-of-***'law'***, does not allow Affiant to ask questions, make assertions or declarations, raise objections, enter motions, and / or the like, it can not be said that Affiant *"stands mute"* at his arraignment. Therefore, the Respondent effectively obstructs Affiant's arraignment by erroneously asserting that Affiant *"waives"* his right to it, thereby abrogating the 5th Amendment, wherein it says *"No person shall be... deprived of life, liberty, or property, without due process of law."* Subsequently, the Respondent's abrogation of the 4th, 1st and 5th Amendments results in the Respondent's abrogation of the 6th Amendment; *i.e., "In all criminal prosecutions, the accused shall enjoy the right to... be informed*

of the nature and cause of the accusation." The 6th Amendment also says – *"In all criminal prosecutions, the accused shall enjoy the right to... trial, by an impartial jury of the state and district wherein the [alleged] crime shall have been committed, which district shall have been previously ascertained by law."* In the case of 2010D-12345-1, Affiant is (a) not allowed to speak freely, *i.e.,* question / declare rights / status, *e.g.,* probable cause / jurisdiction / venue, *etc.,* and (b) the arraignment is ultimately obstructed. The Respondent's abrogation of the 4th, 1st, 5th and 6th Constitutional Amendments results in the following –

1) Affiant is <u>not</u> the proper party to the action. Affiant is arrested <u>without</u> probable cause.

2) Affiant is <u>not</u> informed of the nature / cause of the accusation nor the jurisdiction / venue he is standing in, *e.g.,* common law, equity law, civil law, admiralty law, and thus <u>cannot</u> prepare a proper defense.

3) Affiant is charged and tried in the <u>wrong</u> county / venue / jurisdiction. The jury is <u>not</u> of his peers. ***"<u>The order of things is confounded if everyone preserves not his jurisdiction</u>."***

4) Affiant is ultimately deprived of his inherent rights / status <u>without</u> probable cause, due process nor equal protection of the law; wherefore Affiant is arrested, charged, prosecuted, convicted, sentenced and incarcerated for one year (see attached arrest warrant, arrest report, accusation, request to charge,

order to convict, order to sentence, and, proof of incarceration).

V

(re the 5th article of the aforesaid affidavit / petition)

O.C.G.A. 17-7-91 (b), and, 17-7-93 (a), state respectively: ***"The court shall 'receive' the plea of the accused;"*** and, ***"Upon the arraignment... answer or plea shall be made orally 'by the accused person' or his counsel."*** Note that the forgoing states – *"Upon the arraignment,"* and not – *'Upon the accusation.'*

VI / IX

(re the 6th & 9th articles of the aforesaid affidavit / petition)

The following citations are case law which requires that an UN-rebutted Affidavit be accepted as truth. In *Poole v State of Alabama*, [Circuit Court] CR-05-1846, May 25, 2007, Poole's claim is sufficiently pleaded to satisfy the pleading requirements in Rule 32.3 and Rule 32.6 (b), and his factual allegations [as expressed by way of Affidavit] were unrefuted by the State; therefore, they must be accepted as true. See *Bates v State*, 620 So. 2d 745, 746 (Ala. Crim. App. 1992) *("When the State does not respond to a petitioner's allegations, the unrefuted statement of facts must be taken as true."),* quoting *Smith v State*, 581 So. 2d 1283, 1284 (Ala. Crim. App. 1991). In addition, his claim is not precluded by any of the provisions of Rule 32.2. Because his

claim is not barred, is sufficiently pleaded, and is unrefuted by the State, Poole is entitled to an opportunity to prove his claim. See: *Ford v State*, 831 So. 2d 641, 644 (Ala. Crim. App. 2001) *("Once a petitioner has met his burden of pleading so as to avoid summary disposition pursuant to Rule 32.7 (d), Ala. Rule Crim. Procedure, he is then entitled to an opportunity to present evidence in order to satisfy his burden of proof.")* Plaintiff refutes none of these facts. We accept them as true. See: *Carlile v Snap-On-Tools*, 271 Ill. App. 3D 833, 834, 648 N.E. 2d 317 (1995) (unrefuted facts accepted as true for purposes of appeal). Court must treat all unrefuted allegations as true; see: *Stancle v State*, 917 So. 2d 911 (Fla. 4th DCA 2005) *("When no evidentiary hearing is held [on a motion for post-conviction relief], a movant's allegations are accepted as true unless they are conclusively refuted by the record; the appellant has alleged a facially sufficient claim for relief which is not refuted by the record.")* See: *Thurman v State*, 892 So. 2d 1085 (Fla. 2d DCA 2004). The trial court granted RMC's motion for summary judgment... The court noted that the affidavit was evidence... while Gassner did not offer any evidence to the contrary. Based on this, the court concluded that – *"[RMC's] evidence goes unrefuted and must be accepted as true, leaving no issue of fact... "* (See: Case No. 2-10-0180, Gassner v Raynor Manufacturing Company, United States Court of Appeals, Sixth Circuit, 675 F. 2d 116)

VI-VII-VIII-IX

(re the 6th, 7th, 8th & 9th articles of the aforesaid affidavit / petition)

The following case law herein cited represents affirmation for Affiant's clear and numerous declarations that proof of proper jurisdiction is *required* before moving forward to trial: ***"Jurisdiction, once challenged, cannot be assumed and must be decided."*** (Maine v Thiboutot, 100 S. Ct. 250); ***"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings."*** (Hagans v Lavine**,** 415 U. S. 533); Though not specifically alleged, defendant's challenge to subject matter jurisdiction implicitly raised claim that default judgment against him was void and relief should be granted under Rule (60) (b) (4). (Honneus v Donovan, 93 F.R.D. 433, 436-37 (1982) affd, 691 F.2d 1 (1st Cir. 1982)); ***"The law provides that once State and Federal Jurisdiction has been challenged, it must be proven."*** (100 S. Ct. 2502 (1980)); ***"Jurisdiction can be challenged at any time."*** (Basso v Utah Power & Light Co., 495 F. 2d 906, 910); ***"Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal."*** (Hill Top Developers v Holiday Pines Service Corp., 478 So. 2d. 368 (Fla 2nd DCA 1985)); ***"Court must prove, on the record, all jurisdiction facts related to the jurisdiction asserted."*** (Lantana v Hopper, 102 F. 2d 188; Chicago v New York, 37 F. Supp. 150); ***"Once challenged, jurisdiction cannot be assumed, it must be proved to exist."*** (Stuck v Medical Examiners, 94 Ca 2d 751, 211 P2d 389);

"Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal." (WILLIAMSON v BERRY, 8 HOW. 945, 540 12 L.Ed. 1170, 1189 (1850)); ***"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction; the court has no authority to reach merits, but rather should dismiss the action."*** (Melo v U. S., 505 F. 2d 1026); ***"There is no discretion to ignore lack of jurisdiction."*** (Joyce v U. S., 474 2D 215); ***"The burden shifts to the court to prove jurisdiction."*** (Rosemond v Lambert, 469 F. 2d 416); ***"Where jurisdiction is denied and squarely challenged, jurisdiction cannot be assumed to exist 'sub silento' but must be proven."*** (Hagans v Lavine, 415 US 528, 533, N5); *et cetera* . . .

I / VII / IX

(re the 1st, 7th & 9th articles of the aforesaid affidavit / petition)

The following is construed in harmony with *EX PARTE DAVIS*, 344 SW 2d 925 (1976), *i.e.* – One cannot be incarcerated for traffic citations simply because one cannot afford to pay a fine, fee, tax, or, duty. Since jail will *not* compel compliance under such circumstances, such complaint fails to state a claim for which relief may be granted. The burden of proof – that one *can* afford to pay – is on the plaintiff.

Furthermore, such does at least violate the 4th Amendment in the Bill of Rights; wherefore Affiant does hereby and herewith affirm that on or about September 14th, 2010, Affiant did suffer unlawful arrest; that on or about March 23rd, 2011, Affiant did suffer unlawful imprisonment; that traveling is a RIGHT and is not a privilege; that there is no probable cause to seek or issue body attachment, *i.e.,* bench warrant or arrest in such matters, *i.e.,* the use of such instruments (body attachment, bench warrant, arrest, *etc.*) presumably is a method to "streamline" arresting people for victimless motor-vehicle citations and circumventing the 4th Amendment to the U. S. Constitution; and is used as a revenue-generating tool, employing unlawful arrest and imprisonment to collect fines, fees, taxes, or, duties. Pursuant to the Probable-Cause Clause of the 4th Amendment to the U. S. Constitution, a sentient man or woman cannot be arrested in such victimless matters wherein no intentional injury or damage is sustained by another sentient man or woman who, of their own volition, has elected to bring criminal charge. There is no escaping the fact that there is no probable cause to arrest or issue body attachment in such matters. "Probable cause" to arrest requires a showing that a crime either has been, or, is being, committed, and that the person sought to be arrested committed the offense. (U.S.C.A. Const. Amend. 4.) In the instant case, no probable cause can exist, because the matter does not involve injury to a sentient man or woman, intentional nor otherwise. Therefore, seeking of body attachment, bench warrant or arrest by the Solicitor and/or issuing of the same

by the court, in this non-criminal case, is against the law and the Constitution. Every federal appellate court of the U. S. is required, by common law, to hold that where there is no victim of intent, traffic citations are a common, civil, commercial, non-criminal fine, fee, tax, or, duty – See: U.S. v Lewko, 269 F.3d 64, 68-69 (1st Cir. 2001) (citations omitted) and U.S. v Parker, 108 F.3d 28, 31 (3rd Cir. 1997). Allen v City of Portland, 73 F.3d 232 (9th Cir. 1995), the Ninth Circuit Court of Appeals (citing cases from the U. S. Supreme Court, Fifth, Seventh, Eighth and Ninth Circuits) *"... by definition, probable cause to arrest can only exist in relation to criminal conduct; civil disputes cannot give rise to probable cause;"* Paff v Kaltenbach, 204 F.3d 425, 435 (3rd Cir. 2000) (Fourth Amendment prohibits law enforcement officers from arresting citizens without probable cause. See: Illinois v Gates, 462 U. S. 213 (1983) – therefore, no body attachment, bench warrant or arrest order may be lawfully issued. If a person is arrested on less than probable cause, the United States Supreme Court has long recognized that the aggrieved party has a cause of action under 42 U.S.C. § 1983 for violation of 4th-Amendment rights. Pierson v Ray, 386 U. S. 547, 87 S. Ct. 1213 (1967). Harlow v Fitzgerald, 457 U. S. 800, 818 *(there can be no objective reasonableness where officials violate clearly established Constitutional Rights such as – (a) United States Constitution, Fourth Amendment (Warrants Clause), Fifth Amendment (Due Process and Equal Protection), Ninth Amendment (Rights to Privacy and Liberty).*

VIII-IX

(re the Eighth & Ninth articles of the aforesaid affidavit / petition)

Article VI of the Constitution for the United States of America says: ***"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the contrary notwithstanding... all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution".*** The 13th Article of Amendment to the Constitution for these United States of America declares – ***"Neither slavery nor involuntary servitude... shall exist within the United States, or any place subject to their jurisdiction."*** 15 Statutes at Large, ¶ 249, pg. 223, § 1, enacted by Congress July 27th, 1868 – An Act concerning the Rights of American Citizens in foreign States: ***"Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision, of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the***

fundamental principles of this government." The Foreign Sovereign Immunities Act of 1976 provides that – ***"a foreign state... includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in... (b) An 'agency or instrumentality of a foreign state' means any entity – (1) which is a separate legal person corporate or otherwise, and (2) which is an organ of a foreign state or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and (3) which is neither a citizen of a State of the United States nor created under the laws of any third country."*** (See: Chuidian v Philippine National Bank) Uniform Commercial Code, Book 1- §207, §308 – Performance or Acceptance Under Reservation of Rights: *(1)* ***"A party who with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient."*** *(2)* ***"Subsection (1) does not apply to an accord and satisfaction."*** JOINT RESOLUTION TO SUSPEND THE GOLD STANDARD AND ABROGATE THE GOLD CLAUSE, JUNE 5, 1933. H. J. Res. 192, 73rd Cong., 1st Sess. – "Joint resolution to assure uniform value to the coins and currencies of the United States. "Whereas the holding of or dealing in gold affect the public interest, and therefore subject to proper regulation and

restriction; and Whereas the existing emergency has disclosed that ***provisions of obligations which purport to give the obligee a right to require payment in gold or a particular kind of coin or currency of the United States, or in an amount of money of the United States measured thereby, obstruct the power of the Congress to regulate the value of money of the United States, and are inconsistent with the declared policy of the Congress to maintain at all times the equal power of every dollar, coined or issued by the United States, in the markets and in the payment of debts.*** Now, therefore, be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) ***every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is declared to be against public policy; and no such provision shall be contained in or made with respect to any obligation hereafter incurred. Every obligation, heretofore or hereafter incurred, whether or not any such provision is contained therein or made with respect thereto, shall be 'discharged' upon payment, dollar for dollar, in any such coin or currency which at the time of payment is legal tender for public and private debts. Any such provision contained in any law authorizing obligations to be issued by or under authority of the United States, is hereby***

repealed, but the repeal of any such provision shall not invalidate any other provision or authority contained in such law. (b) As used in this resolution, ***the term "obligation" means an obligation (including every obligation of and to the United States, excepting currency) payable in money of the United States; and the term "coin" or "currency" means coin or currency of the United States, including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations.***" SEC. 2. The last sentence of paragraph (1) of subsection (b) of section 43 of the Act entitled "An Act to relieve the existing national economic emergency...", approved May 12, 1933, is amended to read as follows: ***"All coins and currencies of the United States (including Federal reserve notes and circulating notes of Federal Reserve banks and national banking associations) hereunto and hereafter coined or issued, shall be legal tender for all debts, for public and private, public charges, taxes, duties, and dues,*** except gold coins, when below the standard weight and limit of tolerance provided by law for the single piece, shall be legal tender only at valuation in proportion to their actual weight." Approved June 5, 1933, 4:30 P.M. ***"Whoever controls the volume of currency in any country is absolute master of all industry and commerce."*** – President James A. Garfield. ***"By a continuing process of inflation, governments can confiscate, secretly and unobserved, an important part of the wealth of their citizens. There is no***

subtler, surer means of overturning the existing basis of society than to debauch the currency. The process engages all the hidden forces of economic laws on the side of destruction, and does it in a manner which not one in a million is able to diagnose..." – John Maynard Keynes, Economist, Minister of the British Treasury, Author of the book – *"The Economic Consequences Of Peace"* (1920). Note that HJR - 192 does not refer to 'payment' of debt, but rather clearly states that *'any, every, and, all, obligations, debts, charges, taxes, duties, etc., both public and private,' – "**shall be discharged**."* In the precedent set at *Stanek v White,* 172 Minn. 390, 215 N. W. 784, the Supreme Court of Minnesota clarifies the legal distinction between the terms *"discharged"* and *"paid;"* wherein – ***"There is a distinction between 'a debt discharged' and 'a debt paid.' When discharged, the debt still exists. Though divested of its character as a legal obligation during the operation of the discharge, something of the original vitality of the debt continues to exist, which may be transferred even though the transferee takes it subject to its disability incident to the discharge. The fact that it carries something which may be a consideration for a new promise to pay, so as to make an otherwise worthless promise a legal obligation, makes it the subject of transfer by assignment."*** Thus, it is clear that as result of HJR - 192, moving forward from June 5th, 1933, no one is able to pay a debt. The only option one has is tender by

transfer of debt, and this type of debt is perpetual. The abrogation of the Constitution's gold clause, *i.e.,* the temporary / indefinite suspension of the ability for one to pay his debts, seems to deprive our Common Law of any real substance and leave a consequential void so far as the *de jure* government is concerned. The former substance of our previous monetary system, as protected by the Constitution, is now replaced with a system of Public National Credit / Public Trust, whereby debt has become money (The Federal Reserve calls it **"monetized debt"**), and it seems the only public judicial venue is international maritime-admiralty law, while our beloved Common-Law venue seems to languish as result. Since the American Citizens living within the several states are indeed "sovereign," from where and from whom, under the Common Law, comes the authority and jurisdiction, *via* "governors' convention," to pledge the sovereigns' labor, property and surety as debtors to a ***privately owned corporation*** (*Federal Reserve System*)***?*** Clearly this alleged *"authority" / "jurisdiction"* comes by way of the so-called "public *(corporate)* policy," which is declared by the *de facto* Congress pursuant to a filing for bankruptcy and subsequent financial state of insolvency and receivership suffered by the corporate *de facto* UNITED STATES government, which was assumed, and is still assumed today, as result of its plan for re-organization / restructuring under its Chapter-Eleven filing in or about the year 1933. 31 USC 315 (b) provides that –

"No gold shall after January 30, 1934, be coined, and no gold coin shall after January 30, 1934, be paid out or delivered by the United States; provided however, that coinage may continue to be executed by the mints of the United States for ***foreign countries****."* This exception is necessarily facilitated due to the fact that *foreign countries*, being recognized as ***sovereign***, 'cannot' be held to the internal public policy of the corporate *de facto* UNITED STATES. Contrary to Constitutional consideration, the public policy adopted by Congress is *purported* to be a contractually-binding commercial agreement between the sovereign American Citizens, who are summarily presumed by the Article-I courts to be *trusties / sureties*, and the Federal Reserve / Department of Treasury, acting respectively as creditor / fiduciary in this scheme; whereby this system of public credit is falsely presented as being extended by way of the *Federal Reserve Bank,* while in reality this type of system can *only* exist when the sovereign is forced to extend *his* credit to the Public Trust, by way of the Fed's predatory lending practices known as *"usury,"* (which constitutes *"sin"* within virtually *every* holy text on Earth, including the Bible) *i.e., "interest"* on *"debt"* and *"Mort-gage,"* (a conjunctive noun / verb; *Latin,* meaning: *"Death-grip"*) whereby the sovereigns' labor is pledged (*NOTE – such direct, un-apportioned taxation on the sovereigns' labor is also in derogation to the Constitution); not excluding such labor as is exerted during child birth, at which point the sovereign are then

duped into registering their *children* (as a "product of the water"), including any *other* "estate property," with the STATE; thereby providing the STATE title *(entitlement),* or legal interest / ownership in the sovereigns' *property* (possession is only *9/10*^{ths} of the law), which is subsequently used as investment collateral generating enormous returns held in account of *private estate* which is created *via* a document of live birth *(the sovereigns' birth record)* by the Department of Treasury; whereby sovereigns' *straw-man* (the all-capital-letter name on the birth record) is declared *"lost at sea,"* thereby creating a *decedent* by which to probate said estate, creating a *trust* which, by way of *"presumption of law,"* is presumed *abandoned,* and thus administrated over by the ***acting*** executor *(executive)* of the *'e-states,' i.e.,* the President of the Corporation–(UNITED STATES), with estate assets declared *"abandoned,"* and thus *"salvaged"* (**pirated**) under International-Maritime-Admiralty-Law by the ***foreign*** corporation known as THE UNITED STATES OF AMERICA. Additionally, the sovereign people's Constitutionally-protected-and-guaranteed rights and status are further usurped due to their unwitting assumption of this fictitious *"straw-man"* identity and *"product-of-the-water"* status which is placed upon them at *"birth;"* therefore, under the *corporate / maritime* (law of the water) jurisdiction of the *de facto* UNITED STATES, not excluding any and all subsidiaries thereof, *e.g.,* "THE STATE OF GEORGIA," "THE COUNTY OF GWINNETT," "THE CITY OF LAWRENCEVILLE," *etc.,* the

sovereign people are *'re-venued'* from Common-Law jurisdiction into being held as liable *trusties / sureties* under *"public policy," i.e.,* **"corporate policy,"** and thus suffer the equivalent of *public-debt-servants* who are now, under rule of public / corporate policy, being *"charged"* at maritime with offending more than 60-million corporate codes, rules, regulations, statutes, procedures, *etc.* However, most *all* of these charges are ***invalid*** when compared to *"the supreme Law of the Land," i.e.,* Common / Constitutional Law (see Articles I, III, IV and VI of our Constitution for these *de jure* united states of America), as most of these so-called *"laws"* are imposed without a valid claim made by a *"flesh-and-blood"* man / woman; whereby the *charge* (because it's really all *commercial* in nature) is *fraudulently* filed under false pretense – *i.e.,* "The STATE *'picked up'* the charge" – and is, therefore, *"contrary"* to the Constitution and thereby *"notwithstanding."* In addition to a lack of full disclosure, so long as the sovereign people are forced to follow such *public policy* by way of *coercion / black-mail* – (The STATE calls it *"negotiation,"* or *"plea bargain"*), and / or *duress / strong-arm* – (The STATE calls this *"enforcement,"* or *"incarceration"*), such *thug-like* mentality cannot be said to have set proper legal precedence, nor, met an accord under the guidelines of the Uniform Commercial Code. Thus, even though one may have succumb to the aforesaid "public policy," such does ***not*** void one's right to challenge the intent / interpretation / validity / Constitutional-muster of any

code(s), statute(s), and / or the like thereof, pertaining to / purportedly conferring thereupon the *"compelled benefits of privilege"* presumed by way of Article I, Sec. 8, CI. 17 and Article IV, Sec. 3, CI. 2 of the U. S. Constitution *(i.e., the inferior "courts")* and/or *any* other edict which may predicate its actions upon the erroneous / false presupposition of any such codes' or statutes' Constitutionality, as applies to the flesh-and-blood American Citizen; whereas such codes' / statutes' sole purpose is for protecting the rights/status of sovereign men and women from the actions of corporations, and therefore can apply only to corporate personhood.

Remarks in Congress as recorded in the Congressional Record:

The following are quotations from several speeches made on the Floor of the House of Representatives by the Honorable Louis T. McFadden of Pennsylvania, on or about the years 1932 and 1934. Congressman McFadden, due to his having served as Chairman of the Banking and Currency Committee for more than 10 years, was the best posted man on these matters in America, and was in a position to speak with authority on the vast ramifications of this gigantic private credit monopoly known as "The Federal Reserve," which gives impetus to the "Internal *'Re-venue'* Service." Whereas Congressman McFadden was elected to the high office on both the Democratic and Republican tickets, there can be no accusation of partisanship lodged against him. Because these speeches are set out on their face as recorded in the Congressional Record, they carry weight that no amount of condemnation on the part of private individuals could hope to carry.

The Federal Reserve – A Corrupt Institution:

McFadden: "Mr. Chairman, we have in this Country one of the most corrupt institutions the world has ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks, hereinafter called the Fed. The Fed has cheated the Government of these United States and the people of the United States out of enough money to pay the Nation's debt. The depredations and iniquities of the Fed has cost enough money to pay the National debt several times over.

"This evil institution has impoverished and ruined the people of these United States, had bankrupted itself, and has practically bankrupted our Government. It has done this through the defects of the law under which it operates, through the mal-administration of that law by the Fed and through the corrupt practices of the moneyed vultures who control it.

"Some people think that the Federal Reserve Banks [are] United States Government institutions. They are private monopolies which prey upon the people of these United States for the benefit of themselves and their foreign customers; foreign and domestic speculators and swindlers; and rich and predatory money lenders. In that dark crew of financial pirates there are those who would cut a man's throat to get a dollar out of his pocket; there are those who send money into states to buy votes to control our legislatures; there are those who

maintain International propaganda for the purpose of deceiving us into granting of new concessions which will permit them to cover up their past misdeeds and set again in motion their gigantic train of crime.

"These twelve private credit monopolies were deceitfully and disloyally foisted upon this Country by the bankers who came here from Europe and repaid us our hospitality by undermining our American institutions. Those bankers took money out of this Country to finance Japan in a war against Russia. They created a reign of terror in Russia, with our money, in order to help that war along. They instigated the separate peace between Germany and Russia, and thus drove a wedge between the allies in World War [I]. They financed Trotsky's passage from New York to Russia so that he might assist in the destruction of the Russian Empire. They fomented and instigated the Russian Revolution, and placed a large fund of American dollars at Trotsky's disposal in one of their branch banks in Sweden so that, through him, Russian homes might be thoroughly broken up and Russian children flung far and wide from their natural protectors. They have since begun the breaking up of American homes and the dispersal of American children.

"Mr. Chairman, there should be no partisanship in matters concerning banking and currency affairs in this Country, and I do not speak with any.

"In 1912, the National Monetary Association, under the chairmanship of the late Senator Nelson W. Aldrich, made a report and presented a vicious bill called the National Reserve Association bill. This bill is usually spoken of as the Aldrich bill. Senator Aldrich did not write the Aldrich bill. He was the tool, if not the accomplice, of the European bankers who for nearly twenty years had been scheming to set up a central bank in this Country, and who in 1912 has spent and were continuing to spend vast sums of money to accomplish their purpose.

"We were opposed to the Aldrich plan for a central bank. The men who rule the Democratic Party then promised the people that, if they were returned to power, there would be no central bank established here while they held the reigns of government. Thirteen months later, that promise was broken, and the Wilson administration, under the tutelage of those sinister Wall Street figures who stood behind Colonel House, established here, in our free Country, the worm-eaten monarchical institution of the "King's Bank," to control us from the top downward, and from the cradle to the grave.

"The Federal Reserve Bank destroyed our old and characteristic way of doing business. It discriminated against our 1-name commercial paper, the finest in the world, and it set up the antiquated 2-name paper, which is the present curse of this Country and which wrecked every country which has ever given it scope; it

fastened down upon the Country the very tyranny from which the framers of the Constitution sought to save us.

President Jackson's time:

"One of the greatest battles for the preservation of this Republic was fought out here in Jackson's time; when the second Bank of the United States, founded on the same false principles of those which are here exemplified in the Fed, was hurled out of existence. After that, in 1837, the Country was warned against the dangers that might ensue if the predatory interests, after being cast out, should come back in, disguise and unite themselves to the Executive, and through him acquire control of the Government. That is what the predatory interests did when they came back in the livery of hypocrisy and under false pretenses obtained the passage of the Fed."

President Andrew Jackson to the Bankers, on or about 1834: *"Gentlemen, I have had men watching you for a long time, and I am convinced that you have used the funds of the bank to speculate in the breadstuffs of the country. When you won, you divided the profits amongst you, and when you lost, you charged it to the bank. You tell me that if I take the deposits from the bank and annul its charter, I shall ruin ten thousand families. That may be true, gentlemen, but that is your sin! Should I let you go on, you will ruin fifty thousand families,*

and that would be my sin! You are a den of vipers and thieves. I intend to rout you out, and by the eternal God, I will rout you out."

McFadden: "The danger that the Country was warned against came upon us and is shown in the long train of horrors attendant upon the affairs of the traitorous and dishonest Fed. Look around you when you leave this Chamber and you will see evidences of it in all sides. This is an era of misery, and, for the conditions that caused that misery, the Fed are fully liable. This is an era of financed crime and, in the financing of crime, the Fed does not play the part of a disinterested spectator.

"It has been said that the draughtsman who was employed to write the text of the Fed used a text of the Aldrich bill because that had been drawn up by lawyers [retained] by acceptance bankers of European origin in New York. It was a copy in general; a translation of the statues of the Reichsbank and other European central banks. One-half million dollars was spent on the part of the propaganda organized by these bankers for the purpose of misleading public opinion and giving Congress the impression that there was an overwhelming popular demand for it and the kind of currency that goes with it; namely an asset currency based on human debts and obligations. Dr. H. Parker Willis had been employed by Wall Street and propagandists, and when the Aldrich measure

failed, he obtained employment with Carter Glass to assist in drawing the banking bill for the Wilson administration. He appropriated the text of the Aldrich bill. There is no secret about it. The test of the Federal Reserve Act was tainted from the first.

"A few days before the bill came to a vote, Senator Henry Cabot Lodge, of Massachusetts, wrote to Senator John W. Weeks as follows:

New York City,
December 17, 1913

"My Dear Senator Weeks:

Throughout my public life, I have supported all measures designed to take the Government out of the banking business. This bill puts the Government into the banking business as never before in our history. The powers vested in the Federal Reserve Board seem to me highly dangerous, especially where there is political control of the Board. I should be sorry to hold stock in a bank subject to such dominations. The bill as it stands seems to me to open the way to a vast inflation of the currency. I had hoped to support this bill, but I cannot vote for it because it seems to me to contain features and to rest upon principles in the highest degree menacing to our prosperity, stability in business, and to the general welfare of the people of the United States.

Very Truly Yours,
Henry Cabot Lodge."

McFadden: "In eighteen years that have passed since Senator Lodge wrote that letter of warning, all of his predictions have come true. The Government is in the banking business as never before. Against its will, it has been made the backer of horse thieves and card sharks, bootlegger's, smugglers, speculators, and swindlers in all parts of the world. Through the Fed, the riffraff of every country is operating on the public credit of the United States Government.

The Great Depression:

"Meanwhile and on account of it, we ourselves are in the midst of the greatest depression we have ever known. From the Atlantic to the Pacific, our Country has been ravaged and laid waste by the evil practices of the Fed and the interests which control them. At no time in our history has the general welfare of the people been at a lower level, or the minds of the people so full of despair.

"Recently in one of our States, 60,000 dwelling houses and farms were brought under the hammer (foreclosed on) in a single day. 71,000 houses and farms in Oakland County, Michigan, were sold and their erstwhile owners dispossessed. The people who have thus been driven out are the wastage of the Fed. They are the victims of the Fed. **Their children are the new slaves of the auction blocks in the revival of the institution of human slavery.**

The Scheme of the Fed:

"In 1913, before the Senate Banking and Currency Committee, Mr. Alexander Lassen made the following statement: *"The whole scheme of the Fed, with its commercial paper, is an impractical, cumbersome machinery; is simply a cover to secure the privilege of issuing money, and to evade payment of as much tax upon circulation as possible, and then control the issue and maintain, instead of reducing, interest rates. It will prove to the advantage of the few and the detriment of the people. It will mean continued shortage of actual money and further extension of credits, for when there is a shortage of money, people have to borrow to their cost."* A few days before the Fed passed, Senator Root denounced the Fed as an outrage on our liberties. He predicted: *"Long before we wake up from our dream of prosperity through an inflated currency, our gold, which alone could have kept us from catastrophe, will have vanished, and no rate of interest will tempt it to return."*

McFadden: "If ever a prophecy came true, that one did. The Fed became law the day before Christmas Eve, in the year 1913, and shortly afterwards, the German International bankers, Kuhn, Loeb and Co., sent one of their partners here to run it.

"The Fed Note is essentially unsound. It is the worst currency and the most

dangerous that this Country has ever known. When the proponents of the act saw that the Democratic doctrine would not permit them to let the proposed banks issue the new currency as bank notes, they should have stopped at that. They should not have foisted that kind of currency, namely, an asset currency, on the United States Government. They should not have made the Government [liable on the private] debts of individuals and corporations, and, least of all, on the private debts of foreigners. As Kemerer says: *"The Fed Notes, therefore, in form, have some of the qualities of Government paper money, but in substance, are almost a pure asset currency possessing a Government guarantee against which contingency the Government has made no provision whatever [but for governors' convention pledging people as its collateral]."*

McFadden: "Hon. L. J. Hill, a former member of the House, said, and truly: *"They* [Federal Reserve Notes] *are obligations of the Government for which the United States received nothing and for the payment of which, at any time, it assumes the responsibility: looking to the Fed to recoup itself."*

McFadden: "If this United States is to redeem the Fed Notes, when the General Public finds [how much] it costs to deliver this paper to the Fed, and if the Government has made no provisions for redeeming them, the first element of unsoundness is not far to seek.

"Before the Banking and Currency Committee, when the bill was under discussion, Mr. Crozier of Cincinnati said: *"The imperial power of elasticity of the public currency is wielded exclusively by the central corporations owned by the banks. This is a life and death power over all local banks and all business. It can be used to create or destroy prosperity; to ward off or cause stringencies and panics. By making money artificially scarce, interest rates throughout the Country can be arbitrarily raised and the bank tax on all business and cost of living increased for the profit of the banks owning these regional central banks, and without the slightest benefit to the people. The 12 Corporations together cover [industry] and monopolize and use, for private gain, every dollar of the public currency and all public revenue of the United States. Not a dollar can be put into circulation among the people by their Government, without the consent of and on terms fixed by these 12 private money trusts."*

McFadden: "In defiance of this and all other warnings, the proponents of the Fed created the 12 private credit corporations, and gave them an absolute monopoly of the currency of these United States; not of the Fed Notes alone, but of all other currency. The Fed Act [is] providing ways and means by which the gold and general currency in the hands of the American people could be obtained by the Fed in exchange for Fed Notes, which are not money, but mere promises to pay.

"Since the evil day when this was done, the initial monopoly has been extended by vicious amendments to the Fed and by the unlawful and treasonable practices of the Fed.

Money for the Scottish Distillers:

"Mr. Chairman, if a Scottish distiller wishes to send a cargo of Scotch whiskey to these United States, he can draw his bill against the purchasing bootlegger in dollars and after the bootlegger has accepted it by writing his name across the face of it, the Scotch distiller can send that bill to the nefarious open discount market in New York City where the Fed will buy it and use it as collateral for a new issue of Fed Notes. Thus the Government of these United States pay the Scotch distiller for the whiskey before it is shipped, and if it is lost on the way, or if the Coast Guard seizes it and destroys it, the Fed simply write off the loss and the government never recovers the money that was paid to the Scotch distiller.

"While we are attempting to enforce prohibition here, the Fed are in the distillery business in Europe and paying bootlegger bills with public credit of these United States. Mr. Chairman, by the same process, they compel our Government to pay the German brewer for his beer. Why should the Fed be permitted to finance the brewing industry in Germany either in this way or as

they do by compelling small and fearful United States Banks to take stock in the Isenbeck Brewery and in the German Bank for brewing industries? Mr. Chairman, if Dynamit Nobel of Germany wishes to sell dynamite in Japan to use in Manchuria or elsewhere, it can draw its bill against the Japanese customers in dollars and send that bill to the nefarious open discount market in New York City, where the Fed will buy it and use it as collateral for a new issue of Fed Notes; while at the same time, the Fed will be helping Dynamit Nobel by stuffing its stock into the United States banking system.

"Why should we send our representatives to the disarmament conference at Geneva, while the Fed is making our Government pay Japanese debts to German Munitions makers?

"Mr. Chairman, if a German wishes to raise a crop of beans and sell them to a Japanese customer, he can draw a bill against his prospective Japanese customer in dollars, and have it purchased by the Fed and get the money out of this Country at the expense of the American people before he has even planted the beans in the ground. Mr. Chairman, if a German in Germany wishes to export goods to South America, or any Country, he can draw his bill against his customers and send it to these United States and get the money out of this Country before he ships, or even manufactures the goods.

"Mr. Chairman, why should the currency of these United States be issued on the strength of German Beer? Why should it be issued on the crop of unplanted beans to be grown in Chili for Japanese consumption? Why should these United States be compelled to issue many billions of dollars every year to pay the debts of one foreigner to another foreigner? Was it for this [reason] that our National Bank depositors had their money taken out of our banks and shipped abroad? Was it for this [reason] that they had to lose it? Why should the public credit of these United States and likewise money belonging to our National Bank depositors be used to support foreign brewers, narcotic drug vendors, whiskey distillers, wig makers, human hair merchants, Chilean bean growers, to finance the munition factories of Germany and Soviet Russia?

The United States has been ransacked:

"The United States has been ransacked and pillaged. Our structures have been gutted and only the walls are left standing. While being perpetrated, everything the world would rake up to sell us was brought in here at our expense by the Fed, until our markets were swamped with un-needed and un-wanted imported goods priced far above their value and made to equal the dollar volume of our honest exports, and to kill or reduce our favorable balance of trade. As Agents of the foreign central banks, the Fed try by every means in their power to reduce our favorable balance of trade. They act for their foreign principal and

they accept fees from foreigners for acting against the best interests of these United States. Naturally there has been great competition among foreigners for the favors of the Fed.

"What we need to do is to send the reserves of our National Banks home to the people who earned and produced them and who still own them, and to the banks which were compelled to surrender them to predatory interests.

"Mr. Chairman, there is nothing like the Fed pool of confiscated bank deposits in the world. It is a public trough of American wealth in which the foreigners claim rights equal to or greater than Americans. The Fed are the agents of the foreign central banks. They use our bank depositors' money for the benefit of their foreign principals. They barter the public credit of the United States Government, and hire it to foreigners at a profit to themselves.

"All this is done at the expense of the United States Government, and at a sickening loss to the American people. Only our great wealth enabled us to stand the drain of it as long as we did.

"We need to destroy the Fed, wherein our national reserves are impounded for the benefit of the foreigners. We need to save America for Americans.

Spurious Securities:

"Mr. Chairman, when you hold a $10.00 Fed Note in your hand, you are holding a piece of paper which sooner or later is going to cost the United States Government $10.00 in gold. It is based on 'Limburger cheese' (purported to be in foreign warehouses) or in cans purported to contain peas (but may contain salt water instead), or horse meat, illicit drugs, bootleggers fancies, rags and bones from Soviet Russia (of which these United States imported over a million dollars worth last year), on wines, whiskey, natural gas, goat and dog fur, garlic on the string, and Bombay ducks.

"If you like to have paper money, which is secured by such commodities, you have it in Fed Note. If you desire to obtain the thing of value upon which this paper currency is based, that is, the Limburger cheese, the whiskey, the illicit drugs, or any of the other staples, you will have a very hard time finding them.

"Many of these worshipful commodities are in foreign Countries. Are you going to Germany to inspect her warehouses to see if the specified things of value are there? I think [not;] more, I do not think that you would find them there if you did go.

"On April 27, 1932, the Fed outfit sent $750,000 belonging to American bank depositors in gold to Germany. A week later, another $300,000 in gold was

shipped to Germany. About the middle of May, $12,000,000 in gold was shipped to Germany by the Fed. Almost every week there is a shipment of gold to Germany. These shipments are not made for profit on the exchange, since the German marks are below parity with the dollar.

"Mr. Chairman, I believe that the National Bank depositors of these United States have a right to know what the Fed are doing with their money. There are millions of National Bank depositors in the Country who do not know that a percentage of every dollar they deposit in a Member Bank of the Fed goes automatically to American Agents of the foreign banks, and that all their deposits can be paid away to foreigners without their knowledge or consent by the crooked machinery of the Fed and the questionable practices of the Fed.

"Mr. Chairman, the American people should be told the truth by their servants in office. In 1930, we had over a half billion dollars outstanding daily to finance foreign goods. What goods are these on which the Fed yearly pledge several billions of dollars? In its yearly total, this item amounts to several billions of dollars of the public credit of these United States.

"What goods are those which are hidden in European and Asiatic stores [and] have not been seen by any officer of our Government, but which are being financed on the public credit of the United States Government? What goods are

those upon which the United States Government is being obligated by the Fed to issue Fed Notes to the extent of several billions of dollars a year?

The Bankers' Acceptance Racket:

"The Fed have been International Banks from the beginning, with these United States as their enforced banker and supplier of currency. But it is none the less extraordinary to see these twelve private credit monopolies buying the debts of foreigners against foreigners, in all parts of the world, and asking the Government of these United States for new issues of Fed notes in exchange for them. The magnitude of the acceptance racket, as it has been developed by the Fed, [encompasses] their foreign correspondents and the predatory European born bankers, who set up the Fed here and taught your own [bankers], by and of pirates, how to loot the people. I say the magnitude of this racket is estimated to be in the neighborhood of $9,000,000,000 [nine-billion dollars] per year. In the past ten years, it is said to have amounted to $90,000,000,000 [ninety-billion dollars]. In my opinion, it has amounted to several times that much. Coupled to this, you have, to the extent of billions of dollars, the gambling in the United States securities, which takes place in the same open discount market; a gambling on which the Fed is now spending $100,000,000 [one-hundred-million dollars] per week.

"Fed Notes are taken from the U. S. Government in unlimited quantities. Is it strange that the burden of supplying these immense sums of money to the gambling fraternity has at last proved too heavy for the American people to endure? Would it not be a national calamity if the Fed should again bind down this burden on the backs of the American people, and by means of a long rawhide whip of the credit masters, compel them to enter another seventeen years of slavery?

"They are trying to do that now. They are trying to take $100,000,000 [one-hundred-million dollars] of the public credit of the United States every week, in addition to all their other seizures, and they are sending that money to the nefarious open market in a desperate gamble to re-establish their graft as a going concern.

"They are putting the United States Government in debt to the extent of $100,000,000 a week; and with the money, they are buying our Government securities for themselves and their foreign principals. Our people are disgusted with the experiences of the Fed. The Fed is not producing a loaf of bread, a yard of cloth, a bushel of corn, or a pile of cord-wood by its check-kiting operations in the money market.

"Mr. Speaker, on the 13th of January of this year, I addressed the House on the

subject of the Reconstruction Finance Corporation. In the course of my remarks, I made the following statement: In 1928, the member banks of the Fed borrowed $60,598,690,000 [sixty-billion, five-hundred-ninety-eight-million, six-hundred-ninety-thousand dollars] from the Fed on their fifteen-day promissory notes. Think of it. Sixty billion dollars payable on demand in gold in the course of one single year. The actual amount of such obligations called for six times as much monetary gold as there is in the world. Such transactions represent a grant, in the course of one single year, of about $7,000,000 [seven-million dollars] to every member of the Fed.

"Is it any wonder that American labor, which ultimately pays the cost of all banking operations of this Country, has at last proved unequal to the task of supplying this huge total of cash and credit for the benefit of the stock market manipulators and foreign swindlers? In 1933, the Fed presented the staggering amount of $60,598,690,000 to its member banks at the expense of the wage earners and tax payers of these United States. In 1929, the year of the stock market crash, the Fed advanced $58,000,000,000 [fifty-eight-billion dollars] to member banks.

"In 1930, while the speculating banks were getting out of the stock market at the expense of the general public, the Fed advanced them $13,022,782,000

[thirteen-billion, twenty-two-million, seven-hundred-eighty-two-thousand dollars]. This shows that when the banks were gambling on the public credit of these United States, as represented by the Fed currency, they were subsidized to any amount they required by the Fed. When the swindle began to fall, the bankers knew it in advance, and withdrew from the market. They got out with whole skins, and left the people of these United States to pay the piper.

"My friend from Kansas, Mr. McGugin, has stated that he thought the Fed lent money on re-discounting. So they do, but they lend comparatively little that way. The real discounting that they do has been called a mere penny in the slot business. It is too slow for genuine high flyers. They discourage it. They prefer to subsidize their favorite banks by making them $60,000,000,000 [sixty-billion dollar] advances, and they prefer to acquire assistance in the notorious open discount market in New York, where they can use it to control the price of stocks and bonds on the exchanges.

"For every dollar they advanced on discounts in 1928, they lent $33.00 to their favorite banks for whom they do a business of several billion dollars income tax on their profits to these United States.

The John Law Swindle:

"This is the John Law swindle over again. The theft of Teapot Dome was

trifling compared to it. What King ever robbed his subject to such an extent as the Fed has robbed us? Is it any wonder that there have been lately ninety cases of starvation in one of the New York hospitals? Is there any wonder that the children are being abandoned?

"The government and the people of these United States have been swindled by swindlers deluxe, to whom the acquisition of American [Notes,] or a parcel of Fed Notes, presented no more difficulty than the drawing up of a worthless acceptance in a Country not subject to the laws of these United States, by sharpers not subject to the jurisdiction of these United States; sharpers with strong banking "fence" on this side of the water; a "fence" acting as a receiver of a worthless paper coming from abroad, endorsing it, and getting the currency out of the Fed for it as quickly as possible, exchanging that currency for gold, and in turn, transmitting the gold to its foreign confederates.

Ivar Kreuger, the Match King:

"Such were the exploits of Ivar Krueger, Mr. Hoover's friend, and his rotten Wall Street bakers. Every dollar of the billions Kreuger and his gang drew out of this Country on acceptances, was drawn from the government and the people of the United States through the Fed. The credit of the United States Government was peddled to him by the Fed for their own private gain. That is what the

Fed has been doing for many years.

"They have been peddling the credit of this Government and the signature (liability) of this Government to the swindlers and speculators of all nations. **That is what happens when a Country forsakes its Constitution and gives its sovereignty over the public currency to private interests.** Give them the flag and they will sell it.

"The nature of Kreuger's organized swindle and the bankrupt condition of Kreuger's combine was known here last June when Hoover sought to exempt Krueger's loan to Germany of $125,000,000 [one-hundred-twenty-five-million dollars] from the operation of the Hoover Moratorium. The bankrupt condition of Krueger's swindle was known here last summer when $30,000,000 [thirty-million dollars] was taken from the American taxpayers by certain bankers in New York for the ostensible purpose of permitting Krueger to make a loan to Colombia. Colombia never saw that money.

"The nature of Krueger's swindle was known here in January when he visited his friend, Mr. Hoover, at the White House. It was known here in March before he went to Paris and committed suicide.

"Mr. Chairman, I think the people of the United States are entitled to know how

many billions of dollars were placed at the disposal of Krueger and his gigantic combine by the Fed, and to know how much of our Government currency was issued and lost in the financing of that great swindle in the years during which the Fed took care of Krueger's requirements.

"A few days ago, the President of the United States, with a white face and shaking hands, went before the Senate on behalf of the moneyed interests and asked the Senate to levy a tax on the people so that foreigners might know that these United States would pay its debt to them.

"Most Americans thought it was the other way around. What does these United States owe foreigners? When and by whom was the debt incurred? It was incurred by the Fed, when they peddled the signature of the Government to foreigners for a Price. It is what the United States Government has to pay to redeem the obligations of the Fed.

Thieves Go Scot Free:

"Are you going to let these thieves get off scot free? Is there one law for the looter who drives up to the door of the United States Treasury in his limousine and another for the United States Veterans who are sleeping on the floor of a dilapidated house on the outskirts of Washington?

"The Baltimore and Ohio Railroad is here asking for a large loan from the people and the wage earners and the taxpayers of these United States. It is begging for a handout from the Government. It is standing, cap in hand, at the door of the R. F. C. where all the jackals have gathered to the feast. It is asking for money that was raised from the people by taxation, and wants this money of the poor for the benefit of Kuhn, Loeb and Co., the German International Bankers.

"Is there one law for the Baltimore and Ohio Railroad and another for the hungry veterans it threw off its freight cars the other day? Is there one law for sleek and prosperous swindlers who call themselves bankers and another law for the soldiers who defended the flag? The R. F. C. is taking over these worthless securities from the Investment Trusts with United States Treasury money at the expense of the American taxpayer and the wage earner.

"It will take twenty years to redeem our Government. Twenty years of penal servitude to pay off the gambling debts of the traitorous Fed and to vast flood of American wages and savings, bank deposits, and the United States Government credit which the Fed exported out of this country to their foreign principals.

"The Fed lately conducted an anti-hoarding campaign here. They took that extra

money which they had persuaded the American people to put into the banks; they sent it to Europe, along with the rest. In the last several months, they have sent $1,300,000,000 [one-billion, three-hundred-million dollars] in gold to their foreign employers, their foreign masters, and every dollar of that gold belonged to the people of these United States, and was unlawfully taken from them.

Fiat Money:

"Mr. Chairman, within the limits of the time allowed me, I cannot enter into a particularized discussion of the Fed. I have singled out the Fed currency for a few remarks because there has lately been some talk here of "fiat money." What kind of money is being pumped into the open discount market and through it into foreign channels and stock exchanges? Mr. Mills of the Treasury has spoken here of his horror of the printing presses and his horror of dishonest money. He has no horror of dishonest money. If he had, he would be no party to the present gambling of the Fed in the nefarious open discount market of New York; a market in which the sellers are represented by 10 discount corporations owned and organized by the very banks which own and control the Fed.

"Fiat money, indeed!

"What Mr. Mills is fighting for is the preservation, whole and entire, of the

bankers' monopoly of all the currency of the United States Government.

"Mr. Chairman, last December, I introduced a resolution here asking for an examination and an audit of the Fed and all related matters. If the House sees fit to make such an investigation, the people of these United States will obtain information of great value. This is a Government of the people, by the people, for the people. Consequently, nothing should be concealed from the people. **The man who deceives the people is a traitor to these United States.**

"The man who knows or suspects that a crime has been committed and who conceals and covers up that crime is an accessory to it. Mr. Speaker, it is a monstrous thing for this great nation of people to have its destinies presided over by a traitorous government board acting in secret concert with international usurers.

"Every effort has been made by the Fed to conceal its powers; but the truth is, the Fed has usurped the Government. It controls everything here and it controls all of our foreign relations. It makes and breaks governments at will.

"No man and no body of men is more entrenched in power than the arrogant credit monopoly which operated the Fed. What National Government has permitted the Fed to steal from the people should now be restored to the people.

"The people have a valid claim against the Fed. If that claim is enforced, the Americans will not need to stand in the bread line, or to suffer and die of starvation in the streets. Women will be saved, families will be kept together, and American children will not be dispersed and abandoned.

"Here is a Fed Note. Immense numbers of the notes are now held abroad. I am told that they amount to upwards of a billion dollars. They constitute a claim against our Government and likewise a claim against our peoples' money to the extent of $1,300,000,000 [one-billion, three-hundred-million dollars], which has, within the last few months, been shipped abroad to redeem Fed Notes and to pay other gambling debts of the traitorous Fed. The greater part of our money stock has been shipped to other lands.

"Why should we promise to pay the debts of foreigners to foreigners? Why should the Fed be permitted to finance our competitors in all parts of the world? Do you know why the tariff was raised? It was raised to shut out the flood of Fed Goods pouring in here from every quarter of the globe; cheap goods, produced by cheaply paid foreign labor, on unlimited supplies of money and credit sent out of this Country by the dishonest and unscrupulous Fed.

"The Fed are spending $100,000,000 a week buying government securities in the open market and are making a great bid for foreign business. They are trying

to make rates so attractive that the human hair merchants and the distillers and other business entities in foreign land will come here and hire more of the public credit of the United States Government to pay the Fed outfit for getting it for them.

World Enslavement Planned:

"Mr. Chairman, when the Fed was passed, the people of these United States did not perceive that a world system was being set up here which would make the savings of the American school teacher available to a narcotic-drug vendor in Acapulco. They did not perceive that these United States was to be lowered to the position of a coolie country which has nothing but raw material and heart, that Russia was destined to supply the man power and that this country was to supply the financial power to an "international superstate." A superstate controlled by international bankers, and international industrialists acting together to enslave the world for their own pleasure.

"The people of these United States are being greatly wronged. They have been driven from their employments. They have been dispossessed from their homes. They have been evicted from their rented quarters. They have lost their children. They have been left to suffer and die for lack of shelter, food, clothing and medicine.

"The wealth of these United States and the working capital have been taken away from them and has either been locked in the vaults of certain banks and the great corporations or exported to foreign countries for the benefit of the foreign customers of these banks and corporations. So far as the people of the United States are concerned, the cupboard is bare.

"It is true that the warehouses and coal yards and grain elevators are full, but these are padlocked, and the great banks and corporations hold the keys.

"The sack of these United States by the Fed is the greatest crime in history.

"Mr. Chairman, a serious situation confronts the House of Representatives today. We are trustees of the people and the rights of the people are being taken away from them. Through the Fed, the people are losing the rights guaranteed to them by the Constitution. Their property has been taken from them without due process of law. Mr. Chairman, common decency requires us to examine the public accounts of the Government and see what crimes against the public welfare have been committed.

"What is needed here is a return to the Constitution of these United States.

"Mr. Speaker, I rise to a question of constitutional privilege.

"Whereas, I charge. . . Eugene Meyer, Roy A. Young, Edmund Platt, Eugene B. Black, Adolph Casper Miller, Charles S. Hamlin, George R. James, Andrew W. Mellon, Ogden L. Mills, William H. Woo, W. Poole, J. F. T. O'Connor, members of the Federal Reserve Board; F. H. Curtis, J. H. Chane, R. L. Austin, George De Camp, L. B. Williams, W. W. Hoxton, Oscar Newton, E. M. Stevens, J. S. Wood, J. N. Payton, M. L. McClure, C. C. Walsh, Isaac B. Newton, Federal Reserve Agents, jointly and severally, with violations of the Constitution and laws of the United States, and whereas I charge them with having taken funds from the U. S. Treasury which were not appropriated by the Congress of the United States, and I charge them with having unlawfully taken over $80,000,000,000 [eighty-billion dollars] from the U. S. Government in the year 1928, the said unlawful taking consisting of the unlawful creation of claims against the U. S. Treasury to the extent of over $80,000,000,000 in the year 1928; and I charge them with similar thefts committed in 1929, 1930, 1931, 1932 and 1933, and in years previous to 1928, amounting to billions of dollars; and . . . "

* *

After some discussion and upon the motion of Mr. Byrns, the resolution and charge was referred to the Committee on the Judiciary, **AND IT WAS NEVER ACTED UPON!** Later McFadden paid with his life... he was poisoned to death.

The Bankruptcy of The United States:
United States Congressional Record, March 17, 1993 Vol. 33, page H-1303.

Speaker-Rep. Congressman James Traficant, Jr. (Ohio) addressing the House: "Mr. Speaker, we are here now in chapter 11. Members of Congress are official trustees presiding over the greatest reorganization of any Bankrupt entity in world history; the U. S. Government. We are setting forth hopefully, a blueprint for our future. There are some who say it is a coroner's report that will lead to our demise.

"It is an established fact that the United States Federal Government has been dissolved by the Emergency Banking Act, March 9, 1933, 48 Stat. 1, Public Law 89-719; declared by President Roosevelt, being bankrupt and insolvent. H.J.R. 192, 73rd Congress [in] session June 5, 1933 - Joint Resolution To Suspend The Gold Standard and Abrogate The Gold Clause dissolved the Sovereign Authority of the United States and the official capacities of all United States Governmental Offices, Officers, and Departments and is further evidence that the United States Federal Government exists today in name only.

"The receivers of the United States Bankruptcy are the International Bankers, via the United Nations, the World Bank and the International Monetary Fund. All United States Offices, Officials, and Departments are now operating within a *de facto* status in name only under Emergency War Powers. With the Constitutional Republican form of Government now dissolved, the receivers of

the Bankruptcy have adopted a new form of government for the United States. This new form of government is known as a Democracy, being an established Socialist / Communist order under a new governor for America. This act was instituted and established by transferring and / or placing the Office of the Secretary of Treasury to that of the Governor of the International Monetary Fund. Public Law 94-564, page 8, Section H. R. 13955 reads in part: *"The U. S. Secretary of Treasury receives no compensation for representing the United States."*

"Gold and silver were such a powerful money during the founding of the united states of America, that the founding fathers declared that only gold or silver coins can be "money" in America. Since gold and silver coinage were heavy and inconvenient for a lot of transactions, they were stored in banks and a claim check was issued as a money substitute. People traded their coupons as money, or "currency." Currency is not money, but a money substitute. Redeemable currency must promise to pay a dollar equivalent in gold or silver money. Federal Reserve Notes make no such promises, and are not "money." A Federal Reserve Note is a debt obligation of the federal United States government, not "money." The federal United States government and the U. S. Congress were not and have never been authorized by the Constitution for the united states of America to issue currency of any kind, but only lawful money – gold and silver coin.

"It is essential that we comprehend the distinction between real money and paper money substitute. One cannot get rich by accumulating money substitutes, one can only get deeper into debt. We the People no longer have any "money." Most Americans have not been paid any "money" for a very long time, perhaps not in their entire life. Now do you comprehend why you feel broke? Now, do you understand why you are "bankrupt," along with the rest of the country?

"Federal Reserve Notes are unsigned checks written on a closed account. Federal Reserve Notes are an inflatable paper system designed to create debt through inflation (devaluation of currency). Whenever there is an increase of the supply of a money substitute in the economy without a corresponding increase in the gold and silver backing, inflation occurs.

"Inflation is an invisible form of taxation that irresponsible governments inflict on their citizens. The Federal Reserve Bank who controls the supply and movement of Federal Reserve Notes has everybody fooled. They have access to an unlimited supply of Federal Reserve Notes, paying only for the printing costs of what they need. Federal Reserve Notes are nothing more than promissory notes for U. S. Treasury securities (T-Bills) – a promise to pay the debt to the Federal Reserve Bank.

"There is a fundamental difference between "paying" and "discharging" a debt. To pay a debt, you must pay with value or substance (*i.e.* gold, silver, barter or

a commodity). With Federal Reserve Notes, you can only discharge a debt. You cannot pay a debt with a debt currency system. You cannot service a debt with a currency that has no backing in value or substance. **No contract in Common Law is valid unless it involves an exchange of "good & valuable consideration."** Unpayable debt transfers power and control to the sovereign power structure that has no interest in money, law, equity or justice because they have so much wealth already. Their lust is for power and control. Since the inception of central banking, they have controlled the fates of nations.

"The Federal Reserve System is based on the Canon Law and the principles of sovereignty protected in the Constitution and the Bill of Rights. In fact, the international bankers used a "Canon Law Trust" as their model, adding stock and naming it a "Joint Stock Trust." The U. S. Congress had passed a law making it illegal for any legal "person" to duplicate a "Joint Stock Trust" in 1873. The Federal Reserve Act was legislated post-facto (to 1870), although post-facto laws are strictly forbidden by the Constitution. [1:9:3]

"The Federal Reserve System is a sovereign power structure separate and distinct from the federal United States government. The Federal Reserve is a maritime lender, and / or maritime insurance underwriter to the federal United States operating exclusively under Admiralty / Maritime Law. The lender or underwriter bears the risks, and the Maritime Law compelling specific performance in paying the interest, or premiums are the same.

"Assets of the debtor can also be hypothecated (to pledge something as a security without taking possession of it) as security by the lender or underwriter. The Federal Reserve Act stipulated that the interest on the debt was to be paid in gold. There was no stipulation in the Federal Reserve Act for ever paying the principle.

"Prior to 1913, most Americans owned clear, allodial title to property, free and clear of any liens or mortgages until the Federal Reserve Act (1913) "Hypothecated" all property within the federal United States to the Board of Governors of the Federal Reserve – in which the Trustees (stockholders) held legal title. The U. S. citizen (tenant, franchisee) was registered as a "beneficiary" of the trust via his / her birth certificate. In 1933, the federal United States hypothecated all of the present and future properties, assets and labor of their "subjects" – the 14th-Amendment U. S. citizen – to the Federal Reserve System.

"In return, the Federal Reserve System agreed to extend the federal United States corporation all the credit "money substitute" it needed. Like any other debtor, the federal United States government had to assign collateral and security to their creditors as a condition of the loan. Since the federal United States didn't have any assets, they assigned the private property of their "economic slaves," the U. S. citizens, as collateral against the unpayable federal debt. They also pledged the unincorporated federal territories, national parks, forests, birth certificates, and nonprofit organizations, as collateral against the federal debt.

"All has already been transferred as payment to the international bankers. Unwittingly, America has returned to its pre-American Revolution, feudal roots, whereby all land is held by a sovereign and the common people had no rights to hold allodial title to property. Once again, We the People are the tenants and sharecroppers renting our own property from a Sovereign in the guise of the Federal Reserve Bank. We the People have exchanged one master for another.

"This has been going on for over eighty years without the "informed knowledge" of the American People; without a voice protesting loud enough. Now it's easy to grasp why America is fundamentally bankrupt. Why don't more people own their properties outright? Why are 90% of Americans mortgaged to the hilt and have little or no assets after all debts and liabilities have been paid? Why does it feel like you are working harder and harder and getting less and less?

"We are reaping what has been sown, and the results of our harvest is a painful bankruptcy, and a foreclosure on American property, precious liberties, and a way of life. Few of our elected representatives in Washington, D. C. have dared to tell the truth. The federal United States is bankrupt. Our children will inherit this unpayable debt, and the tyranny to enforce paying it. America has become completely bankrupt in world leadership, financial credit, and its reputation for courage, vision, and human rights. This is an undeclared economic war, bankruptcy, and economic slavery of the most corrupt order!
Wake up America! Take back your Country."

sovereign American Citizenship:

The following facts are presented as historically correct proof, and all will be supported by unquestionable evidence. Nothing in this evaluation is intended to be disrespectful or degrading (and certainly not racist) toward any group of people; however, in order to know and understand the truth about our rights and status, one must first understand how we got into the position that we currently occupy. The following facts are void of historical revision. The united states of America actually came into being on Aug. 2nd, 1776, with ratification of the "Declaration of Independence." The "Articles of Confederation," agreed to in 1777 and ratified in 1781, created the "Union of the States," and delegated a portion of their sovereignty to this new Confederacy or Union. This confederation declared in Article I: *"The Stile of this Confederacy shall be the United States of America."* The 13 Colonies declared themselves to be *"Free and Independent States;"* and the People who created these *"Free and Independent States"* would likewise, of necessity, have been free and independent themselves, otherwise they would not have had the authority to enter into such an agreement and to have created a free and independent state. The British Crown, which had previously claimed the right of sovereignty over the 13 Colonies and its people, recognized the independence and freedom of these states and the People thereof with the "Treaty of Paris" in 1783, wherein the following

quote from that document enunciates: *"His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free sovereign and independent states, that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same and every part thereof."* This passage represents an acknowledgment from the most powerful earthly sovereign of that time, King George III of England, that the thirteen colonies / states of the American Union, a/k/a *"The United States of America,"* were sovereigns of equal power with the king. Under the terms of their government [the Articles of Confederation, and later the Constitution for the united states of America], that "sovereignty" was extended from "the people" of those colonies / states, meaning "the people" were the sovereigns. In order to create a more perfect Union, the people of "the United States of America" ordained and established a constitutional contract (to include the 13 states) for a united states form of government, creating a Union government and delegating additional portion of its sovereignty to this united states government. This contract, known as "The Constitution," in Article IV Section 4, guarantees to every state in this Union a Republican form of Government. To understand the true nature of the overall

agreement to join the states together in a Union, we must first understand what a Republic is. Black's Law Dictionary (hereinafter "Black's") defines "Republic" as: *"A commonwealth; that form of government in which the administration of affairs is open to all of the citizens. In another sense, it signifies the state, independently of its form of government."* It further defines "Republican government" as, *"A government in the republican form; a government of the people; a government by representatives chosen by the people."* In other words, a republic is a government of which "the people" are the source and origin; and in which the *People* own and control everything, and the government serves at the convenience and by the permission of the *People* that it governs. Hence the term "public servant" is used when referring to the government official. How many people, today, believe that government officials truly adhere to the meaning of "public servant?" Understanding the true meaning of Republic, we can see how the individual state Citizens of the thirteen Colonies actually owned everything. Remember, these people were rebelling from a repressive government in which the king owned everything, and their main intent was to become the "sovereign," a position always held by the king. Black's defines "sovereign" as: *"A person, body, or state in which independent and supreme authority is vested; a chief ruler with supreme power; a king or other ruler in a monarchy."* It is the main intent of these first Americans to keep for themselves

and their posterity the things which had previously belonged to the King, and those things are vested in the *sovereignty;* and that is *exactly* what they did. Understanding what a Republic and a state Citizen is, we can now further understand how America is formed, and where the real power is bestowed. The state Citizen owns everything, and he intends to keep it that way. He delegates to his colony (or hereinafter also "state") the jurisdiction and power to perform certain functions all common law in nature. He keeps most of the real power for himself and his posterity. He basically delegates to the state the jurisdiction to administer over him in a few, very limited areas, while he maintains the bulk of the power for himself. He realizes that in order to live in a society with other people, certain laws will have to be passed and maintained for the protection of the individual rights of the free inhabitants, *i.e.,* state Citizens. At the same time, he has no intention of giving up his own personal freedoms. So, he creates a system whereby limited jurisdiction over him could be attained only if he first breaks laws that are duly established under the "Common Law." Thus, the power that is currently assumed by the government over almost every phase of our lives was *never* given to the government over the American Citizen. So the question that needs to be answered is – *"How did the federal and state governments get the virtually unquestioned power over all of the*

people who now consider themselves to be 'citizens of the United States'?" To fully understand the position that most American Citizens are currently in, one must also understand the meaning of "jurisdiction." Black's defines "jurisdiction" as, *"A term of comprehensive import embracing every kind of judicial action… It is the power of the court to decide a matter in controversy and presupposes the existence of a duly constituted court with control over the subject matter and the parties…"*
In other words, for jurisdiction to be claimed, control over both subject matter and the parties is *necessary*. Jurisdiction is key to understanding the sovereign American Citizens' rights / status in contrast to the duties and obligations now placed upon them by the government or "public trust" now acting as the *de facto* government. One must remember that all power in our Republic is passed from the sovereign People to the state. The *de jure* state Citizen is the "sovereign." `All public property and all power and authority belongs to and are owned by him. He passed on a very small portion of that power to the state so that society as a whole could be protected. However, it is impossible to give away all of your power, because in so doing you would negate any portion of that which you gave away, as there would be no power left to enforce the action taken by you. Think of a company in which the Owner hired an assistant; and even *if* the Owner gave him *full* authority over *all* operations within the company, the Owner would *still*

maintain more power than his new employee; because if he could not support his hiring with power, his new employee could not carry out his mandate in the face of challenge. Therefore, the sovereign state Citizen must *always* maintain more power than anyone who acts under his authority. The state receives <u>all</u> of its power and authority from the sovereign state Citizen; therefore, it must remain secondary in power to that of state Citizen. Also, be aware that the terms "state Citizen" and "American Citizen" are synonymous, as the original state Citizens became the original American Citizens upon the forming of the Union; also known as "the sovereign American People;" and the posterity of those Citizens make up the American Citizenry, and form the sovereign American People of Posterity as they exist today. Following the foregoing principals, we can easily understand how our forefathers established this government. First, the state Citizen bestowed upon the state certain limited powers and limited jurisdiction. Within those powers was the ability to make and enforce laws, treaties and contracts as were necessary to the welfare of the society, so long as the subject matter was that for which its jurisdiction was given. After just having come out from under a totalitarian government, the state Citizens realized, as distasteful as it was to them, that some form of "federal government" would have to be established to oversee an expanded judiciary affording settlement in controversies arising between the states, and to

provide for the common defense. However, they were all sure that they did not want this new "monster" in their own state, so they set aside 10 square miles of land, a separate city-state, a/k/a the "District of Columbia," to serve as the "Seat of Government." This government was delegated its authority from the sovereign independent states, known also as the several States of the Union, and it had no sovereign authority other than that which was delegated by these independent sovereign States. The power and authority delegated to the U. S. government was clearly delineated, defined and limited by way of the aforementioned Constitution. Eight years after its formation, "The United States Government" had conditions and terms defining authority and limitation delegated upon it by the independent States in 1791 through a document known as "The Constitution for the United States of America" (hereinafter "Constitution"). Within the Articles of Confederation and the Constitution, every power given to the U. S. government is clearly defined, and the limitations are exact. The Constitution has been held to be both a contract and *"the supreme Law of the Land"* by the U. S. Supreme Court. The contract is actually between the States, on behalf of the state Citizens, and the United States government, and it is totally binding and all-powerful. The wording of the Constitution leaves no room for misunderstanding. For example, at Article IV, Section 4, it states, *"The United States shall guarantee to every State in this Union a*

Republican Form of Government..." From this Article, it is clear that each State is a Republic even after the Union was formed. Since the word "Republic" means a government "of, for and by the people" in which everything is owned and controlled by the People, it becomes clear that the People are superior to that government. Since this new government was granted its authority from the several States, this United States government could not be more powerful than the several States; and that is guaranteed in the Constitution. In Article X of the Amendments (The Bill of Rights), it states: *"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."* Remember, the Constitution is in full effect today as always since its inception. Yet today, our States (STATES) clearly take their orders from the United States (UNITED STATES), and they continually bow to the presumed authority of the UNITED STATES. So how did this "supremacy" of federal government happen? We will now look at exactly what happened in the framing of this country's government. First, the party with all the power (the sovereign - state Citizen) passed on a portion of his power to the state. Then the State passed on a portion of its power to the United States government. If we made a flow chart showing the power structure, it would look something like this:

state Citizen – First with unlimited power.
sovereign - Derives his power from the Creator - source of all power.

State – Second with limited power delegated by the Citizen.
Derives its power directly from the sovereign - state Citizen.

United States – Limited power delegated by States.
Derives its power from the several States.

As you can see from this chart, all power flows first from the Creator and then from the sovereign state Citizen. This chart can also be used to understand the rights / status protected by the Constitution. The Constitution is a contract which really involves three parties. It is actually granted by the States with the permission of the state Citizens, and it clearly limits the power of the United States government, while reserving and guaranteeing massive Rights for the state Citizens. Most important to remember is that only these three parties are included in the Constitution. The jurisdiction that the States and United States have over the state Citizens arises only upon the breaking of one of the Constitutionally passed Common Laws (whether state or federal) under which a state Citizen grants jurisdiction in order that those laws might be enforced for the overall good of society. Those laws all require that actual damage to another party, *i.e.,* a sentient man or woman, or his property, be done by the offending party, "with intent," before any jurisdiction over that state Citizen is bestowed. That's right, *with intent*.

Not a single crime can be committed accidentally. Without "intent," the matter would be civil in nature. Today, that is not the case, as there are a great number of "offenses" which have criminal effect and punishment that can occur without any "intent" on the alleged offender's part. There are also numerous "crimes" today that do not involve damage of any kind. **This explains why, in *"The Land of the Free,"* one in five Americans have been incarcerated. That's 20% of our population; and one out of every one-hundred people in this country are currently incarcerated. These statistics are not only the highest in the world, but they are also the highest in the recorded history of this planet.** By sworn oath, responsibility is freely undertaken, and *all* government officials are required to understand that the American Citizens are the "sovereign;" and that the term "public servant" *truly* applies to each and every government official. Note that there were very few career politicians, and that most who served were good Citizens from the community who gave a few years of their life to better their country. A far cry from the power-crazed politicians we find running the country's government today, who use virtually all of their authority and power for their own personal gain. However, this system established by the founding fathers worked very well and virtually without incident until the time of the Civil War. At that time there was slavery in this country. Slaves were not legally considered Citizens, and so,

therefore, they had no Rights. In short, these people were legally nothing more than property. Lincoln tried to free the slaves with the Emancipation Proclamation, but the supreme court ruled that effort to be unconstitutional, stating that you could not free another man's property. So, at the end of the Civil War, in 1865, an incredible situation arose. The slaves actually remained slaves. That's right; in fact, they became something called "bounty." Bounty is what a conquering nation seizes from a conquered nation. The slaves actually became the property of the U. S. government as result of its victory in the Civil War. The United States, as their new owner, allowed the slaves to start acting like free men; but, in fact, they were not. They had no standing in the society, and abuses were common. Finally realizing the problem and plight of the slaves, the United States government managed to pass the Thirteenth Amendment to the Constitution in 1867, so slavery was forever ended in this country. Unfortunately, the former slave's woes were not, because simply freeing them did not create any new citizens. So in 1868, the United States allegedly passed the Fourteenth Amendment in order to afford the former slaves adequate protection and privileges; therefore, a new type of citizenship was born – that of a *"citizen of the United States,"* or, a citizen of the District of Columbia, as the two are synonymous under the authority of and pursuant to the Fourteenth Amendment. Now ask yourself, over whom did the United States government have jurisdiction? Certainly not the

state Citizens, unless they had committed a crime, with intent, under common-law jurisdiction; and then only to the extent that the particular crime was involved. The only people over whom the United States had jurisdiction were the former slaves and immigrants from other countries who sought citizenship after the Civil War, because no *state* Citizenship was available to those *"persons."* The sovereign state Citizens were in no way affected by this new type of citizenship. Consequently, The Supreme Court of the United States asserts: ***"The rights of Citizens of the States, as such, are not under consideration in the 14th amendment. They stand as they did before the adoption [sic] of the 14th amendment, and are fully guaranteed by other provisions [i.e., the Bill of Rights]."*** (see U. S. v Anthony) The following case law herein cited represents affirmation of these two classes of citizenry. *Elk v Wilkins* is a 14th-amendment case; the concept of which [as denoted by use of the term ***"second-class citizen"***] is true concerning all federal citizens. In other words, all federal citizens must be, by their very definition, a person who is "completely subject" to the jurisdiction of the federal government [such as a citizen of the District of Columbia]. Virtually any legal concept stated by the courts concerning a 14th-amendment citizen is operative upon all federal citizens. ***"The persons declared to be citizens are, 'All persons born or naturalized in the United States [i.e. former slaves and immigrants] and subject to the jurisdiction***

thereof.' ***The evident meaning of these last words is not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject..."*** *Elk v Wilkins*, 112 U. S. 94, 101, 102 (1884); ***"The privileges and immunities clause of the 14th Amendment protects very few rights because it neither incorporates the Bill of Rights nor protects all rights of individual citizens.*** *[See Slaughter House cases, 83 U. S. (16 Wall.) 36, 21 L. Ed. 394 (1873)]* ***Instead, this provision protects only those rights peculiar to being a citizen of the federal government; it does not protect those rights which relate to state Citizenship."*** *Jones v Temmer*, 839 F. Supp. 1226; ***"… the first eight amendments have uniformly been held not to be protected from state action by the privilege and immunities clause [of the 14th amendment]."*** *Hague v CIO*, 307 U. S. 496, 520 Volume 20 of Corpus Juris Secundum at 1758; ***"The United States Government is a foreign corporation with respect to a state."*** *N.Y. v re Merriam*, 36 N.E. 505, 141 N.Y. 479, affirmed 16 S. Ct. 1073; 41 L. Ed. 287, Case: 3-08 CR 089 N Petition and challenge to jurisdiction 3; ***"There are, then, under our republican form of government, two classes of citizens; one of the United States and one of the state."*** *Gardina v Board of Registrars of Jefferson County*, 160 Ala. 155; 48 So. 788 (1909); ***"The governments of the United States and of each state of the several states are distinct from one another. The rights of a citizen under one may be quite***

different from those which he has under the other." Colgate v Harvey, 296 U. S. 404; 56 S. Ct. 252 (1935); ***"… rights of national citizenship as distinct from the fundamental or natural rights inherent in state Citizenship."*** Madden v Kentucky, 309 U. S. 83, 84 L. Ed. 590 (1940); ***"It is quite clear, then, that there is a citizenship of the United States, and a Citizenship of a state, which are distinct from each other and which depend upon different characteristics or circumstances in the individual."*** Slaughter-House Cases, 83 U. S. (16 Wall.) 36; 21 L. Ed. 394 (1873); ***"We have in our political system a government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own..."*** United States v Cruikshank, 92 U. S. 542 (1875); ***"There is a difference between privileges and immunities belonging to the citizens of the United States as such, and those belonging to the Citizens of each state as such."*** Ruhstrat v People, 57 N. E. 41.

SAVING TO SUITORS CLAUSE:

Affiant has no record nor evidence that Affiant has not included and fortified, within the Admiralty, the "Saving To Suitors Clause" in his document(s); ADMIT: Libellee(s) listed within said document(s) is/are required to admit to the truth and fact that law is established granting protection and surety to Affiant of all effects

and qualities of the "Saving To Suitors Clause;" *i.e., "... saving to suitors, in all cases the right of a common law remedy where the common law is competent to give it, and shall also have exclusive original cognizance [and culpability of the United States to protect rights and status] of all seizures on land..."* First Judiciary Act; chapter 20, page 77. September 24, 1789. Therefore, be it known that this Affiant saving to himself all and all manner of advantage to the manifest uncertainties and insufficiencies in the Libellee(s) and Liable contained for the complaint thereto, insomuch thereof as is material and necessary to be answered, says that well and true it is, – though Affiant is neutral and non-combatant; has never engaged in Interstate, Intrastate or International Commerce for profit and trade without payment of the assessment; has never intended to incur limited liability, or to become a joint tort-feasor, or participate as part of a "tontine scheme" of a voluntary joint mercantile, maritime, admiralty adventure for profit under a policy of limited liability for the payment of debts; and is an end consumer who exchanges sweat equity for goods consumed – Affiant is wrongly presumed by the Respondent to be a *trustee / surety / franchisee, et cetera,* whose status / rights / freedom / property is now hypothecated under deception and tort as collateral for the "emergency" of the U.S. government, without Affiant's consent, nor that of Affiant's ancestors, and that a further "taking" would be a continuance of inequitable practices. Additionally, the "Doctrine of

Necessity" expressly overrides any "Doctrine of Contribution" Affiant may have ever participated in as continuity for absolute survivor-ship, utilizing the only option available to Affiant as currency [Federal Reserve Notes] in the public and private sector, therefore not intentionally volunteering, submitting, nor consenting to servitude, nor any *"compelled benefits of privilege"* that the Respondent may otherwise allege. Therefore, Affiant declares that he is <u>not</u> a *trustee, surety, franchisee, employee, et cetera,* of any governmental unit, agency nor trust.

TITLE 28, Sec. 1333 – 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. Also, *"... the United States, ... within their respective districts, as well as upon the high seas; (a) saving to suitors, in all cases, the right of a* ***<u>common</u>*** ***<u>law</u>*** ***<u>remedy</u>****, where the common law is competent to give it; and shall also have exclusive original cognizance of all seizures on land,..."* The First Judiciary Act; September 24, 1789; Chapter 20, page 77. The Constitution for the United States of America, Revised and Annotated – Analysis and Interpretation, 1982; Article III, § 2, Cl. 1 Diversity of Citizenship, U. S. Government Printing Office, document 99-16, p. 741. These facts of history and law move or remand Affiant out of

the Article-I forum into Article-III "admiralty and maritime jurisdiction." See *Delovio v Boit* and many subsequent cases Re: The Huntress, *etc.,* showing revenue causes under the jurisdiction of the district courts of the United States in Article-III judiciary. Bringing into light the re-phrasing of Congress in the codification of the 'saving to suitors' clause of 1789, *i.e.,* in the amendment, Congress admits it cannot change the intent of the clause. The older reading adheres to two valuable points –

1) This remedy is "common law" as of 1789 – no blending equity (Bennett v Butterworth, 52 U S 669); and,

2) Courts of competent jurisdiction – Modern usage of the [saving to suitors] clause, as well as earlier, apply diversity of citizenship to State citizenship (a dispute between two different State Citizens) and a State or United States citizen verses a foreign citizen. The States went bankrupt in 1933 by governor's convention, leaving men and women the state; the court of competent jurisdiction.

"Exclusive admiralty jurisdiction of federal courts under 28 USCS § 1333 is limited to maritime causes of action begun and carried on in rem [enrichment without cause], while under "saving to suitors" clause of § 1333, suitor who holds in personam claim that might be enforced by suit in personam under admiralty jurisdiction of federal courts may also bring suit, at his election, in

state court or on ***"common law"*** *side of federal court.* *Lavergne v Western Co. of North America, Inc. (La) 371 So 2d 807 (superseded on other grounds by statute as stated in Cramer v Association Life Ins. Co. (La App 1st Cir) 1990 La App LEXIS 1937)."* 2 Am Jur 2d ADMIRALTY § 122. Since the Enrollment Act of March 3, 1863, the U. S. government has been overlaid onto the States and divided the U. S. government into military districts, with a Provost Marshall over each district under the Department of War. This Act forms the basis of our Military Selective Service Act of June 24, 1948, c. 625, 62 Stat. 604 and is codified to title 50, sections 451-473. The military was placed under admiralty jurisdiction by the law of prize and capture under "An Act to facilitate Judicial Proceedings in Adjudications upon Captured Property, and for the better Administration of the Law of Prize." This law forms the current basis of title 10, sections 7651-7681 of the Military Code of Justice. This law was passed March 25, 1862, under the Insurrection & Rebellion Acts of August 6, 1861 and July 17, 1862. In 1938, a change was made from the English Common Law to the Federal Common Law under the *Erie v Tompkins* decision, which is the impetus for The Clearfield Doctrine under *Clearfield Trust Co. v U.S.*, 318 U. S. 363 (1943) and the *United States v Kimbell Foods*, 440 U. S. 715 (1999), where they adopted the U.C.C. Rules in formulating Federal Common Law. This is because Maritime Commercial Transactions under the U.C.C. are indicative of the

Federal Common Law of Admiralty (see INTERPOOL LTD v CHAR YIGH, 890 F. 2D PG. 1453) [1989]. Then in 1966, Equity, Civil and Admiralty was merged under one rule; under the F.R.C.P. this is all laid out in volume 324, pg. 325 of the F.R.D. [Federal Rules Decisions]; this means that common law is under admiralty. This is why title 28 1333 gave the district courts of the United States original jurisdiction exclusive of the States for all cases of admiralty maritime jurisdiction under the saving to suitors clause. Thereby common law is vested in district courts of the United States, accessed *via* the Saving to Suitors Clause. Article III Section II gives the district courts of the United States judicial power in all cases of admiralty and maritime jurisdiction.

This is the only side of the court that has Article-III judicial powers under the War Powers Act of Admiralty. This is the reason one cannot ordinarily find a common-law remedy in state court. The following laws provide remedy under the common law within the admiralty:

1. The suits in Admiralty Act 46 U.S.C.A. Appendix sections 741-752.
2. The Admiralty Extension Act 46 U.S.C.A. Section 740.
3. The Bills of Lading Act title 49 U.S.C.A. Chapter 147 section 14706.
4. The Public Vessels Act 46 U.S.C.A. Appendix sections 781-790.
5. The Foreign Sovereign Immunities Act title 28 sections 1602-1611.
6. The Special maritime and territorial jurisdiction of the United States title 18 section 7 (1) – a citizen of the United States is a vessel. (3) Any lands

reserved or acquired for the use of the United States, irrespective of ownership (A) the premises of the United States diplomatic, consular, military. . . and land appurtenant or ancillary thereto. (B) residences in foreign States and the land appurtenant or ancillary thereto irrespective of ownership.

7. The False Claims Act of title 31 U.S.C.A. section 3729 (a) (7).

8. The Lanham Act of title 15 section 1125 (a).

9. The Postal Accountability and Enhancement Act of title 39 sections 1-908 & 3621-3691.

10. The Admiralty, maritime and Prize cases title 28 section 1333 (1) (2).

11. Title 50 Appendix section 7 (c) sole relief & remedy under the trading with the enemy act & (e) No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the president under the authority of this act.

Title 28 USC Sec. 1333 Admiralty, maritime and prize cases states in part: 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. The Federal Statutes Annotated, Vol. 9 on page 88 states: *"saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it."* *Hone Ins. Co. v North Packet Co.*, 31 Iowa 242 (1871). Supplementary to general principles of law applicable, unless displaced by

particular provisions of the Uniform Commercial Code, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause, shall supplement its provisions. A suitor therefore has the right to be tried at common law, even though the case comes under a maritime jurisdiction. One need only make the demand in his briefs to the court; *i.e.,* in the space to the right of the center of the first page, opposite the caption of the case, there shall be placed (1) the case number, and (2) the nature of the action; such as admiralty, antitrust, contract, eminent domain, fraud, negligence, patent, securities, *etc.*

The jurisdiction of a case is required to be identified *before* any case can proceed. If a judge takes judicial notice of the nature of a case without communication of such to one of the parties, how can said party know in what terms he is to couch such case? Be aware that this is precisely what happens in *STATE OF GEORGIA Vs. JON DOE*, Accusation Number 2010-D-12345-1. Therefore, Affiant enters unequivocal declaration objecting to the court moving forward until jurisdiction is defined. Affiant also exercises demand that any *original* contract (not a copy) that is being used against him be brought forward. A court of law requires the *original* contract be entered as evidence. Under the Erie doctrine – Where there is no contract, there is no case.

The Unconstitutional 14th amendment:

I.

Pretermitting the fact that there was never a duly-enumerated quorum identified in connection with its proposal, fifteen (15) states out of the then-existing thirty-seven (37) states of the Union reject the proposed 14th amendment between the date of its submission to the states by the Secretary of State on June 16, 1866, and March 24, 1868; thereby further nullifying any resolution thereof, and making it impossible for ratification by constitutionally-required three-fourths of the then-existing states, as is enumerated in the rejections by the following states:

1. Texas rejects the 14th amendment on Oct. 27, 1866.[11]

2. Georgia rejects the 14th amendment on Nov. 9, 1866.[12]

3. Florida rejects the 14th amendment on Dec. 6, 1866.[13]

4. Alabama rejects the 14th amendment on Dec. 7, 1866.[14]

5. North Carolina rejected the 14th amendment on Dec. 17, 1866.[15]

6. Arkansas rejects the 14th amendment on Dec. 17, 1866.[16]

7. South Carolina rejects the 14th amendment on Dec. 20, 1866.[17]

8. Kentucky rejects the 14th amendment on Jan. 8, 1867.[18]

9. Virginia rejects the 14th amendment on Jan. 9, 1867.[19]

10. Mississippi rejects the 14th amendment on Jan. 31, 1867.[23]

11. Louisiana rejects the 14th amendment on Feb. 6, 1867.[20]

12. Delaware rejects the 14th amendment on Feb. 7, 1867.[21]

13. Maryland rejects the 14th amendment on Mar. 23, 1867. [22]

14. Ohio rejects the 14th amendment on Jan. 16, 1868.[24]

15. New Jersey rejects the 14th amendment on Mar. 24, 1868.[25]

There is no question that all of the above-listed states, which reject the 14th amendment, had legally-constituted governments; were fully recognized by the federal government; and, were functioning as member-states to the Union at the time of their rejection for the proposed 14th amendment to the U. S. Constitution. President Johnson, in his Veto message of March 2, 1867,[26] points out that:

"It is not denied that the States in question have each of them an actual government with all the powers, executive, judicial and legislative, which properly belong to a free State. They are organized like the other States of the Union, and, like them they make, administer, and execute the laws which concern their domestic affairs."

If further proof is required to show that the above-listed states were operating under legally-constituted governments which were recognized member-states to the

Union at the time they rejected ratification for the 14th amendment, their ratification for the 13th Amendment undoubtedly affirms unequivocal proof of such; whereas, if the above-listed state legislatures were not lawfully and legally authorized and recognized to act under the authority of a duly-constituted, organized, member-state of the Union at such time, the 13th Amendment would not have been submitted to their legislative bodies for ratification and thus would not have been ratified; nor, but for their duly-recognized votes, would the 14th amendment have, likewise, been submitted to the above-listed states' legislative assemblies for ratification.

II.

In further recognition of such, on April 2, 1866, President Andrew Johnson issues proclamation that:

". . . the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida is at an end, and is henceforth to be so regarded."[29]

On August 20, 1866, President Johnson issues another proclamation[30] pointing out the insurrection in the State of Texas had ended, wherein he states:

". . . the insurrection which heretofore existed in the State of Texas is at an end,

and is to be henceforth so regarded in that State, as in the other States before named in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the second day of April, one thousand, eight hundred and sixty-six."

President Johnson's proclamation of August 20, 1866, further points out the fact that the House of Representatives and Senate have adopted identical Resolutions on July 22nd[31] and July 26th, 1861,[32] stating that the Civil War was not waged for the purpose of conquest or to overthrow the rights and established institutions of those states, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all equality and rights of the several states unimpaired, and that as soon as these objects were accomplished, the war ought to cease.

III.

When the state of Mississippi rejects the 14th amendment on January 31, 1867, making it the 10th state to have rejected the same, and thereby representing more than one-fourth of the total number of the 36 states of the Union as of that date, the Amendment failed of ratification in fact and in law, and it could not have been revived except by a new two-thirds Joint Resolution of the Senate and House of Representatives in accordance with Constitutional requirement.

IV.

Faced with failure to ratify the 14th amendment, both Houses of Congress passed over President Johnson's veto of three proposed acts known as "Reconstruction Acts," between March 2 and July 19, 1867; wherein the third Act, at 15 Stat. p. 14 etc., designated removal with "Military force" the lawfully-constituted state Legislatures of the ten Southern states of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana and Texas. In President Johnson's Veto message on the "Reconstruction Acts," March 2, 1867,[36] he points out in detail the Acts' unconstitutionally-egregious nature, by stating:

"If ever the American citizen should be left to the free exercise of his own judgment, it is when he is engaged in the work of forming the fundamental law under which he is to live. That work is his work, and it cannot properly be taken out of his hands. All this legislation proceeds upon the contrary assumption that the people of each of these States shall have no constitution, except such as may be arbitrarily dictated by Congress, and formed under the restraint of military rule. A plain statement of facts makes this evident.

"In all these States there are existing constitutions, framed in the accustomed way by the people. Congress, however, declares that these constitutions are not 'loyal and republican,' and requires the people to form them anew. What, then,

in the opinion of Congress, is necessary to make the constitution of a State 'loyal and republican?' The original act answers the question: 'It is universal negro suffrage,' a question which the federal Constitution leaves exclusively to the States themselves. All this legislative machinery of martial law, military coercion, and political disfranchisement is avowedly for that purpose and none other. The existing constitutions of the ten States conform to the acknowledged standards of loyalty and republicanism. Indeed, if there are degrees in republican forms of government, their constitutions are more republican now, than when these States – four of which were members of the original thirteen – first became members of the Union."

In President Johnson's Veto message on the "Reconstruction Acts," July 19, 1867, he points out the insidious nature of the "Reconstruction Acts" *via* the following:

"The veto of the original bill of the 2d of March was based on two distinct grounds, the interference of Congress in matters strictly appertaining to the reserved powers of the States, and the establishment of military tribunals for the trial of citizens in time of peace.

"A singular contradiction is apparent here. Congress declares these local State governments to be illegal governments, and then provides that these illegal governments shall be carried on by federal officers, who are to perform the very

duties on its own officers by this illegal State authority. It certainly would be a novel spectacle if Congress should attempt to carry on a legal State government by the agency of its own officers. It is yet more strange that Congress attempts to sustain and carry on an illegal State government by the same federal agency.

"It is now too late to say that these ten political communities are not States of this Union. Declarations to the contrary made in these three acts are contradicted again and again by repeated acts of legislation enacted by Congress from the year 1861 to the year 1867.

"During that period, while these States were in actual rebellion, and after that rebellion was brought to a close, they have been again and again recognized as States of the Union. Representation has been apportioned to them as States. They have been divided into judicial districts for the holding of district and circuit courts of the United States, as States of the Union only can be districted. The last act on this subject was passed July 28, 1866, by which every one of these ten States was arranged into districts and circuits.

"They have been called upon by Congress to act through their legislatures upon at least two amendments to the Constitution of the United States. As States they have ratified one amendment, which required the vote of twenty-seven States of the thirty-six then composing the Union. When the requisite twenty-seven votes

were given in favor of that amendment – seven of which votes were given by seven of these ten States – it was proclaimed to be a part of the Constitution of the United States, and slavery was declared no longer to exist within the United States or any place subject to their jurisdiction. If these seven States were not legal States of the Union, it follows as an inevitable consequence that in some of the States slavery yet exists. It does not exist in these seven States, for they have abolished it also in their State constitutions; but Kentucky not having done so, it would still remain in that State. But, in truth, if this assumption that these States have no legal State governments be true, then the abolition of slavery by these illegal governments binds no one, for Congress now denies to these States the power to abolish slavery by denying to them the power to elect a legal State legislature, or to frame a constitution for any purpose, even for such a purpose as the abolition of slavery.

"As to the other constitutional amendment having reference to suffrage (the 14th Amendment), it happens that these States have not accepted it. The consequence is, that it has never been proclaimed or understood, even by Congress, to be a part of the Constitution of the United States. The Senate of the United States has repeatedly given its sanction to the appointment of judges, district attorneys, and marshals for every one of these States; yet, if they are not legal States, not one of these judges is authorized to hold a court. So, too, both houses of

Congress have passed appropriation bills to pay all these judges, attorneys, and officers of the United States for exercising their functions in these States.

"Again, in the machinery of the internal revenue laws, all these States are districted, not as 'Territories,' but as 'States.'

"So much for continuous legislative recognition. The instances cited, however, fall far short of all that might be enumerated. Executive recognition, as is well known, has been frequent and unwavering. The same may be said as to judicial recognition through the Supreme Court of the United States.

"To me these considerations are conclusive of the unconstitutionality of this part of the bill now before me, and I earnestly commend their consideration to the deliberate judgment of Congress.

"Within a period less than a year the legislation of Congress has attempted to strip the executive department of the government of some of its essential powers. The Constitution, and the oath provided in it, devolve upon the President the power and duty to see that the laws are faithfully executed. The Constitution, in order to carry out this power, gives him the choice of the agents, and makes them subject to his control and supervision. But in the execution of these laws the constitutional obligation upon the President remains, but the powers to

exercise that constitutional duty is effectually taken away. The military commander is, as to the power of appointment, made to take the place of its President, and the General of the Army the place of the Senate; and any attempt on the part of the President to assert his own constitutional power may, under pretense of law, be met by official insubordination. It is to be feared that these military officers, looking to the authority given by these laws rather than to the letter of the Constitution, will recognize no authority but the commander of the district and the General of the army.

"If there were no other objection than this to this proposed legislation, it would be sufficient [grounds to veto]."

Consequently, no one can contend that the "Reconstruction Acts" are now, nor, were ever, upheld as being valid and constitutional. In a joint action, the states of Georgia and Mississippi brought suit against the President and the Secretary of War (6 Wall. 50-78, 154 U.S. 554), wherein the court states:

"The bill then sets forth that the intent and design of the acts of Congress, as apparent on their face and by their terms, are to overthrow and annul this existing state government, and to erect another and different government in its place, unauthorized by the Constitution and in defiance of its guaranties; and that, in furtherance of this intent and design, the defendants, the Secretary of

War, the General of the Army, and Major-General Pope, acting under orders of the President, are about setting in motion a portion of the army to take military possession of the state, and threaten to subvert her government and subject her people to military rule; that the state is holding inadequate means to resist the power and force of the Executive Department of the United States; and she therefore insists that such protection can, and ought to be afforded by a decree or order of this court in the premises."

The applications for injunction by these two states to prohibit the Executive Department from carrying out the provisions of the "Reconstruction Acts" directed to the overthrow of their government, including the dissolution of their state legislatures, were denied on the grounds that the organization of the government into three great departments, the executive, legislative and judicial, carried limitations of the powers of each by the Constitution. This case went the same way as the previous case of Mississippi against President Johnson, and was dismissed without adjudication upon the unconstitutionality of the "Reconstruction Acts."

In another case, *ex parte* William H. McCardle (7 Wall. 506-515), a petition for the writ of *habeas corpus* for unlawful restraint by military force of a citizen not in the military service of the United States was before the United States

Supreme Court. After the case was argued and taken under advisement, and before conference in regard to the decision to be made, Congress passed an emergency Act, March 27, 1868, 15 Stat. at L. 44, vetoed by the President and re-passed over his veto, repealing the jurisdiction of the U. S. Supreme Court in such case. Besmirching its own standing, honor and reputation, the Supreme Court dismissed the appeal without passing upon the constitutionality of the "Reconstruction Acts" under which the non-military citizen is held by the military without benefit of the writ of *habeas corpus,* in violation of Section 9, Article I of the U. S. Constitution, which prohibits suspension of the writ of *habeas corpus*. With such emergency Act of March 27, 1868, Congress attempts to place the "Reconstruction Acts" beyond judicial review and recourse, thereby avoiding tests of constitutionality. It is recorded that one of the Supreme Court Justices, Grier, protests against the action of the court as follows:

"This case was fully argued in the beginning of this month. It is a case which involves the liberty and rights not only of the appellant, but of millions of our fellow citizens. The country and the parties had a right to expect that it would receive the immediate and solemn attention of the court. By the postponement of this case we shall subject ourselves, whether justly or unjustly, to the imputation that we have evaded the performance of a duty imposed on us by the Constitution, and waited for legislative interposition to supersede our action, and

relieve us from responsibility. I am not willing to be a partaker of the eulogy or opprobrium that may follow. I can only say . . . I am ashamed that such opprobrium should be cast upon the court and that it cannot be refuted."

Under the unconstitutional "Reconstruction Acts," those ten states were organized into military districts, and their lawfully-constituted legislatures were illegally removed by "military force" and were then replaced by rump, so-called legislatures, seven of which carried out military orders *pretending* to ratify the 14th amendment as follows:

- Arkansas, April 6, 1868;[37]
- Florida, June 9, 1868;[39]
- North Carolina, July 4, 1868;[38]
- Louisiana, July 9, 1868;[40]
- South Carolina, July 9, 1868;[41]
- Alabama, July 13, 1868;[42]
- Georgia, July 21, 1868.[43]

Of the above-seven states whose legislatures were removed and replaced by rump, so-called legislatures, six (6), *i.e.,* Louisiana, Arkansas, South Carolina, Alabama, North Carolina and Georgia, had previously ratified the 13th Amendment; without which the 13th Amendment could not and would not have been ratified.

Furthermore, governments of the states of Louisiana and Arkansas had been formerly reaffirmed under a proclamation issued by President Abraham Lincoln, December 8, 1863;[44] and the governments of North Carolina (May 29, 1865.[45]), Georgia (June 17, 1865.[46]), Alabama (June 21, 1865.[47]), and, South Carolina (June 30, 1865.[48]), had been formerly reaffirmed under proclamation issued by President Johnson. These three "Reconstruction Acts,"[49] under which the above state legislatures were illegally removed and unlawful rump or puppet, so-called legislatures are substituted in mock authority to ratify the 14th amendment, are unconstitutional and are null and void, *ab initio,* not excluding any and all actions performed thereunder. Those "Reconstruction Acts" of Congress, and all actions and things done thereunder, are illegal, unlawful and in violation of Article IV, Section 4 of the United States Constitution, which requires the U. S. government to guarantee every state in the Union a Republican form of government, whereby we the People are to be governed by Law and not by arbitrary bureaucrats. They also violate Article I, Section 3, and, Article V of the Constitution, which entitles every state in the Union representation by two (2) duly-elected state Senators, or equal suffrage in the Senate.

V.

The Secretary of State expresses doubt as to whether three-fourths of the required states have ratified the 14th Amendment, as is shown by his proclamation

of July 20, 1868.[50] Promptly, on July 21, 1868, a Joint Resolution[51] was adopted by the Senate and House of Representatives declaring that three-fourths of the several states of the Union had ratified the 14th amendment. That resolution, however, alleges the purported ratifications by the unlawful puppet legislatures in the five (5) states of Arkansas, North Carolina, Louisiana, South Carolina and Alabama; all of which had previously rejected the 14th amendment by action of their lawfully-constituted legislatures, as shown above. This Joint Resolution assumes to perform the function of the Secretary of State in whom Congress, by Act of April 20, 1818, has vested the function of issuing such proclamation declaring the ratification of Constitutional Amendments. The Secretary of State bowed to the action of Congress, and issued his proclamation of July 28, 1868,[52] in which he stated that he was acting under authority of the Act of April 20, 1818, but pursuant to the Resolution of July 21, 1868. The Joint Resolution of Congress, and the resulting proclamation by the Secretary of State, also includes purported ratifications by the states of Ohio and New Jersey, even though the proclamation recognizes the fact that the legislatures of said states, several months previously, had effectively withdrawn their ratifications, ultimately rejecting the 14th amendment in January, 1868, and April, 1868. Therefore, deducting even these two states from the purported ratifications of the 14th amendment means that ratification can <u>not</u> be legally nor lawfully claimed.

From all of the historic facts documented above and below, the truth is inescapable; that, the 14th amendment: **a)** was never properly proposed; **b)** was never passed for ratification; **c)** was never properly ratified as an article of amendment to the U. S. Constitution; **d)** should be declared unconstitutional by the courts; **e)** has absolutely no lawful effect whatever; **f)** is null, void and has absolutely no legal effect whatever. Article VI of the U. S. Constitution declares: ***"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the contrary notwithstanding . . . all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution". Therefore, since the U. S. Constitution strikes with nullity the 14th amendment, such is required of the courts.***

VI.

The defenders of the 14th amendment contend that the U. S. Supreme Court has finally decided upon its validity. Such is not the case. In what is considered their leading case upholding the 14th-amendment in Coleman v. Miller, 507 U. S. 448, 59 S. Ct. 972, the U. S. Supreme court does not uphold its validity, but, rather, seems to state otherwise. For example, the court makes the assertion that: *"The legislatures of Georgia, North Carolina and South Carolina had rejected the*

[14th] amendment in November and December, 1866. New governments were erected **(not elected!!!)** *in those States (and in others) under the direction of Congress. The new* **(unconstitutional!!!)** *legislatures ratified the amendment, that of North Carolina on July 4, 1868, that of South Carolina on July 9, 1868, and that of Georgia on July 21, 1868."*

The court recognizes the fact that the sovereign state Citizens of Georgia, North Carolina and South Carolina, three of the original states of the Union, with valid and existing Constitutions on equal footing with all other original states of the Union, and those later admitted into the Union, all were usurped by way of unelected legislatures being unconstitutionally installed by Congress. Question: What Constitutional rights does Congress have to replace Republican forms of duly-created state governments, installed by the sovereign American People, and then reverse the votes of such duly-recognized state legislatures' rejection for the 14th amendment? The answer is: ***NONE!*** The fact that these three states, and seven other Southern states: **1)** had existing Constitutions; **2)** were recognized as member-states to the Union, again and again; **3)** had already been called upon by Congress to act through their legislatures upon two Amendments – the 13th and 14th; **4)** had their state governments reaffirmed under Presidential Proclamations, is seen by all, even the *casual* observer, as being brushed aside by Congress in this statement by the court, that: *" The legislatures . . . had rejected the [14th]*

*amendment . . . New governments were erected in those States under the direction of Congress. The new legislatures ratified the amendment [**Quo Warranto?**]".* The U. S. Supreme Court holds in White v. Hart, 1871, 13 Wall. 646, 654, that at no time were these Southern states out of the Union. Though in Coleman the court did not adjudicate upon the invalidity of the Acts of Congress which set aside those state Constitutions and abolished their state legislatures, the court simply infers to the fact that the states' legally-constituted legislatures had already rejected the 14th amendment, and that these *"new legislatures"* were, by military force, *"erected",* and not *'elected.'* Among the obvious facts is that the state of Virginia was also one of the original states with its Constitution and Legislature in full operation under civil government at the time, and the fact that the other six Southern states, which were given the same treatment by Congress under the unconstitutional "Reconstruction Acts," all had legal Constitutions and Republic forms of government in each state, as is recognized by Congress by way of its admission of those states into the Union. Every court certainly must take judicial cognizance of the fact that before any state is admitted by Congress into the Union, Congress passes an Enabling Act, recognizing the sovereign powers of the inhabitants of the territory to adopt a Constitution, and to set up a Republic form of government as a condition precedent to the admission of that state into the Union; and upon approval of such Constitution, Congress then passes the Act

of Admission for such state into the Union. All of this is ignored and brushed aside by Congress in the "Reconstruction Acts." In Coleman, the court says:

"Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States."

In Hawse v. Smith, 1920, 253 U. S. 221, 40 S. Ct. 227, the U. S. Supreme Court unmistakably holds:

" The fifth article is a grant of authority by the people to Congress. The determination of the method of ratification is the exercise of a national power specifically granted by the Constitution; that power is conferred upon Congress, and is limited to two methods, by action of the Legislatures of three-fourths of the states, or conventions in a like number of states. Dodge v. Woolsey, 18 How. 331, 348, 15 L. Ed. 401. The framers of the Constitution might have adopted a different method. Ratification might have been left to a vote of the people, or to some authority of government other than that selected.

"The language of the article is plain, and admits of no doubt in its interpretation. It is not the function of courts or legislative bodies, national or state, to alter the method which the Constitution has fixed."

It is hereby formally admitted that in none of these cases which the courts avoid the constitutional issues involved in the composition of the Congress which adopted the Joint Resolution for the 14th amendment, do the courts ever pass upon the constitutionality of the Congress which purported to adopt the Joint Resolution for the 14th amendment, as 80 of its Representatives and 23 of its Senators were, in effect, forcibly ejected or denied their seats and their votes on the Joint Resolution proposing the amendment, in order to pass the same by a two-thirds vote, as is pointed out in the New Jersey Legislature Resolution of March 27, 1868. The constitutional requirements set forth in Article V of the Constitution permit the Congress to propose amendments only whenever two-thirds of both houses shall deem it necessary; that is, two-thirds of both houses as then constituted without forcible ejections. Such a fragmentary Congress also violates the Constitutional requirements of Article V; that no state, without its consent, shall be deprived of its equal suffrage in the Senate. There is no such thing as giving life to an amendment illegally proposed and never legally ratified by three-fourths of the states. There is no such thing as amendment by laches; no such thing as amendment by waiver; no such thing as amendment by acquiescence;

and no such thing as amendment by <u>any</u> other means, whatever, except by the means specified in Article V of the Constitution itself. It does not suffice to say that there have been hundreds of cases decided under the 14th amendment, and thereby supply the constitutional deficiencies in its proposal or ratification as required by Article V. If hundreds of litigants did not question the validity of the 14th amendment, or did question the same perfunctorily, without submitting documentary proof of the facts of record which made its purported ratification or adoption unconstitutional, their failure cannot change the Constitution for the millions in America. The same thing is true of laches; the same thing is true of acquiescence; and, the same thing is true of *<u>all</u>* ill-considered court decisions, as: **<u>To ascribe constitutional life to an alleged amendment which never came into being, according to specific methods laid down in Article V, cannot be done without doing violence to Article V itself</u>.** This is true because the <u>only</u> question open to the courts is whether the alleged 14th amendment became a part of the Constitution through the methods required by Article V. Anything beyond that which a court is called upon to hold in order to validate an amendment would be equivalent to writing into Article V another mode of amendment which has never been authorized by the sovereign American People. On this point, therefore, the <u>only</u> question is, was the 14th amendment proposed and ratified in accordance with Article V? In answering this question, it is of no real moment

that decisions have been rendered in which the parties did not contest nor submit proper evidence, nor, that the court *assumed* that there was a 14th amendment. If a statute never in fact passed by Congress, but through some error of administration and printing got into the published reports of the statutes, and if, under such supposed statute, courts had levied punishment upon a number of Citizens charged under it, and if the error in the published volume was discovered and the fact became known that no such statute had ever passed in Congress, it is unthinkable that the courts would continue to administer punishment in similar cases, on a non-existent statute because prior decisions had done so. If that be true as to a statute, we need only realize the greater truth when the principle is applied to the solemn question of the contents of our Constitution. While the defects in the method of proposing and the subsequent method of computing "ratification" is briefed elsewhere, it should be noted that the failure to comply with Article V began with the first action by Congress. The very Congress which proposed the alleged 14th amendment under the first part of Article V was itself, at that very time, violating the last part as well as the first part of Article V of the Constitution. We will see how this was done.

VII.

There is one, and only one, provision of the Constitution for the United States which is forever immutable – which can never be changed or expunged.

The courts cannot alter it; the executives cannot change it; the Congress cannot change it; the states themselves – even all the states in perfect concert – cannot amend it in any manner whatsoever, whether they act through conventions called for the purpose or through their legislatures. Not even the unanimous vote of every voter in these United States could amend this provision. It is a perpetual fixture in the Constitution, so perpetual and so fixed that if the sovereign American People ever desired to change or exclude it, they would be compelled to abolish the Constitution and start afresh. The unalterable provision is this:

". . . that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

A state, by its own consent, may waive this right of equal suffrage, but that is the only legal method by which a failure to accord this immutable right of equal suffrage in the Senate can be justified. Certainly not by forcible ejection and denial by a majority in Congress, as was done for the adoption of the Joint Resolution for the 14th amendment. Statements by the court in the Coleman case that Congress was left in complete control of the mandatory process, and therefore it was a political affair for Congress to decide if an amendment had been ratified, does not square with Article V of the Constitution, which shows no intention to provide Congress power to mandate criteria re-defining the process of

ratification. Even a constitutionally-recognized Congress is given but one volition in Article V; that is, to vote whether to propose an amendment on its own initiative. The remaining steps by Congress are mandatory. If two-thirds of both houses shall deem it necessary, Congress shall propose amendments; if the Legislatures of two-thirds of the states make application, Congress shall call a convention. For the court to give Congress any power beyond that which is found in Article V is tantamount to writing new material into Article V. It is inconceivable that the Congress of these United States be allowed to propose, compel submission to, and then give life to an invalid amendment by resolving that its efforts had succeeded regardless of its compliance with the positive provisions of Article V. No further citations should be necessary in sustaining the proposition that neither the Joint Resolution proposing the 14th amendment, nor its ratification by the required three-fourths of the states in the Union, are, nor, were ever, in compliance with the requirements of Article V of the U. S. Constitution. When the mandatory provisions of the Constitution are violated, the Constitution itself strikes with nullity the Act that did violence to its provisions. Thus, the Constitution strikes with nullity the purported 14th amendment. The courts, bound by oath to support the Constitution, are thereby *required* to review **"all"** of the evidence herein submitted, and, measuring the facts proving violations of the mandatory provisions of the Constitution within

Article V, finally render judgment declaring the purported 14th amendment never to have been adopted as required by the Constitution. The Constitution makes it the sworn duty of *all* judges to uphold the Constitution which strikes with nullity the 14th amendment; as Chief Justice Marshall points out for a unanimous court in Marbury v. Madison (1 Cranch 136 at 179):

"The framers of the constitution contemplated the instrument as a rule for the government of courts, as well as of the legislature."

"Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government?"

"If such be the real state of things, that is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime."

"Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, courts, as well as other departments, are bound by that instrument."

If the federal courts dare refuse to hear argument on the invalidity of the 14th amendment, even when the issue is presented squarely by the pleadings and the evidence is presented as above, recourse must then take the form of an arousal of public sentiment in favor of preserving the Constitution and our institutions

and freedoms under constitutional government, so that the future security of our country will break the political barriers which may attempt to prevent judicial consideration of any and all such unconstitutionality bearing the likes thereof.

". . . for I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

– Thomas Jefferson.

Further notes and addenda:

It must be noted that the Resolution proposing the twelve sections which comprise the Bill of Rights was not issued to the states with a signature, nor were numbers 11, 12, nor the ***original*** 13th amendment. The proposed "Corwin" 13th of 1861 legalizing Slavery and acknowledging states rights, signed as approved by Buchanan two days before Lincoln's inauguration, and the Anti-Slavery Amendment, signed by then-President Lincoln, were the only two signed by presidents. It may be helpful to know that the 14th amendment proclamations of July 20, 1868, note 51, and July 28, 1868, note 53, were issued as Presidential Executive Orders. Presidential Executive Order No. 6, issued July 20, 1868: Ratification of the 14th amendment certified as valid, provided the consent of Ohio and New Jersey be deemed as remaining in force despite subsequent withdrawal, signed by William H. Seward, Secretary of State, has the form of a

proclamation. Presidential Executive Order No. 7, issued July 28, 1868: 14th amendment certified as in effect and ordered published, signed by William H. Seward, Secretary of State. The foregoing is from Presidential Executive Order Title List – Presidential Executive Orders, two volumes (N.Y.: Books, Inc., 1944 Copyright by Mayor of N.Y. 1944), vol. 1, pp. 1-2. In this light, the 14th amendment, which has perplexed many, is an Executive Order, not an Article of Amendment to the Constitution for these united States of America; albeit as a statute, would so remain as an Executive Order. However, what *really* counts are these points:

- New Jersey is disfranchised in the Senate; *via* having a lawfully-elected Senator accepted and then rejected, therefore nullifying any 2/3 - 3/4 vote;
- Oregon's faulty ratification vote; whereby unlawful state legislators are allowed to cast votes, and then, after finally becoming lawfully-constituted, the state legislature's rejection for the 14th amendment is deemed *'too late;'*
- Non-republican "Reconstruction" governments, as are imposed by military force and fiat in the Southern states, cannot ratify anything; either the 14th is legal and the 13th amendment is not, or the 13th amendment is legal and the 14th is not.

The purported 14th amendment to the United States Constitution is and should be held ineffective, invalid, null and void *ab initio,* and unconstitutional for the

following reasons:

- The Joint Resolution proposing said amendment is not submitted to nor adopted by a Constitutionally-required Congress, per Article I, Section 3, and Article V of the U. S. Constitution.
- The unconstitutional Joint Resolution is not submitted to the President for his approval, as required by Article I, Section 7 of the Constitution.
- The unconstitutionally-proposed 14th amendment is rejected by more than one-fourth of all the states then in the Union, and is never ratified by three-fourths of all the states then in the Union, as required under Article V of the United States Constitution.

The Unconstitutional Congress:

The U. S. Constitution provides in Article I, Section 3: *"The Senate of the United States shall be composed of two Senators from each State."* Article V provides: *"No State, without its consent, shall be deprived of its equal suffrage in the Senate."* The fact that 28 Senators had been unlawfully excluded from the U. S. Senate, in order to secure a two-thirds vote for adoption of the Joint Resolution proposing the 14th amendment, is shown by Resolutions of protest adopted by the following State Legislatures, wherein the New Jersey Legislature, by Resolution of March 27, 1868, protests as follows:

"The said proposed amendment not having yet received the assent the three-fourths of the states, which is necessary to make it valid, the natural and constitutional right of this state to withdraw its assent is undeniable.

"That it being necessary by the constitution that every amendment to the same should be proposed by two-thirds of both houses of congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two houses eighty representatives from eleven states of the union, upon the pretense that there were no such states in the Union: but, finding that two-thirds of the remainder of the said houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States senate, and without any pretext or justification, other than the possession of the power, without the right, and in palpable violation of the constitution, ejected a member of their own body, representing this state, and thus practically denied to New Jersey its equal suffrage in the senate, and thereby nominally secured the vote of two-thirds of the said houses." [1]

In the Alabama House Journal, 1866, the Alabama Legislature protests against being deprived of representation in the Senate of the U. S. Congress[2] (not cited). The Texas Legislature by Resolution of October 15, 1866, protests as follows:

"The amendment to the Constitution proposed by this joint resolution as article XIV is presented to the Legislature of Texas for its action thereon, under Article V of that Constitution. This article V, providing the mode of making amendments to that instrument, contemplates the participation by all the States through their representatives in Congress, in proposing amendments. As representatives from nearly one-third of the States were excluded from the Congress proposing the amendments, the constitutional requirement was not complied with; it was violated in letter and in spirit; and the proposing of these amendments to States which were excluded from all participation in their initiation in Congress, is a nullity." [3]

The Arkansas Legislature, by Resolution of December 17, 1866, protests as follows:

"The Constitution authorized two-thirds of both houses of Congress to propose amendments; and, as eleven States were excluded from deliberation and decision upon the one now submitted, the conclusion is inevitable that it is not proposed by legal authority, but in palpable violation of the Constitution." [4]

The Georgia Legislature, by Resolution of November 9, 1866, protests as follows:

"Since the reorganization of the State government, Georgia has elected Senators

and Representatives. So has every other State. They have been arbitrarily refused admission to their seats, not on the ground that the qualifications of the members elected did not conform to the fourth paragraph, second section, first article of the Constitution, but because their right of representation was denied by a portion of the States having equal but not greater rights than themselves. They have in fact been forcibly excluded; and, inasmuch as all legislative power granted by the States to the Congress is defined, and this power of exclusion is not among the powers expressly or by implication, the assemblage, at the capitol, of representatives from a portion of the States, to the exclusion of the representatives of another portion, cannot be a constitutional Congress, when the representation of each State forms an integral part of the whole.

"This amendment is tendered to Georgia for ratification, under that power in the Constitution which authorizes two-thirds of the Congress to propose amendments. We have endeavored to establish that Georgia had a right, in the first place, as a part of the Congress, to act upon the question, 'Shall these amendments be proposed?' Every other excluded State had the same right.

"The first constitutional privilege has been arbitrarily denied.
"Had these amendments been submitted to a constitutional Congress, they never would have been proposed to the States. Two-thirds of the whole Congress

never would have proposed to eleven States voluntarily to reduce their political power in the Union, and at the same time, disfranchise the larger portion of the intellect, integrity and patriotism of eleven co-equal States." [5]

The Florida Legislature, by Resolution of December 5, 1866, protests as follows:

"Let this alteration be made in the organic system and some new and more startling demands may or may not be required by the predominant party previous to allotting the ten States now unlawfully and unconstitutionally deprived of their right of representation to enter the Halls of the National Legislature. Their right to representation is guaranteed by the Constitution of this country and there is no act, not even that of rebellion, can deprive them of its exercise." [6]

The South Carolina Legislature by Resolution of November 27, 1866, protests as follows:

"Eleven of the Southern States, including South Carolina, are deprived of their representation in Congress. Although their Senators and Representatives have been duly elected and have presented themselves for the purpose of taking their seats, their credentials have, in most instances, been laid upon the table without being read, or have been referred to a committee, who have failed to make any report on the subject. In short, Congress has refused to exercise its

Constitutional functions, and decide either upon the election, the return, or the qualification of these selected by the States and people to represent us. Some of the Senators and Representatives from the Southern States were prepared to take the test oath, but even these have been persistently ignored, and kept out of the seats to which they were entitled under the Constitution and laws.

"Hence this amendment has not been proposed by 'two-thirds of both Houses' of a legally constituted Congress, and is not, Constitutionally or legitimately, before a single Legislature for ratification." [7]

The North Carolina Legislature protests by Resolution of December 6, 1866 as follows:

"The Federal Constitution declares, in substance, that Congress shall consist of a House of Representatives, composed of members apportioned among the respective States in the ratio of their population, and of a Senate, composed of two members from each State. And in the Article which concerns Amendments, it is expressly provided that 'no State, without its consent, shall be deprived of its equal suffrage in the Senate.' The contemplated Amendment was not proposed to the States by a Congress thus constituted. At the time of its adoption, the eleven seceding States were deprived of representation both in the Senate and

House, although they all, except the State of Texas, had Senators and Representatives duly elected and claiming their privileges under the Constitution. In consequence of this, these States had no voice on the important question of proposing the Amendment. Had they been allowed to give their votes, the proposition would doubtless have failed to command the required two-thirds majority.

"If the votes of these States are necessary to a valid ratification of the Amendment, they were equally necessary on the question of proposing it to the States; for it would be difficult, in the opinion of the Committee, to show by what process in logic, men of intelligence could arrive at a different conclusion." [8]

Joint Resolution Ineffective:

Article I, Section 7 of the United States Constitution provides that every bill shall have been passed by the House of Representatives and the Senate of the United States Congress, and that:

"Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being

disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill."

The Joint Resolution proposing the 14th amendment[9] was never presented to the President of the United States for his approval, as President Andrew Johnson states in his message of June 22, 1866.[10] Therefore, the so-called Joint Resolution for the 14th amendment has <u>never</u> taken effect.

The Constitution for the United States of America
ARTICLE V
MODE OF AMENDMENT:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

*** The above treatise is taken in part from the research of Judge L. H. Perez.**

The vivid pattern that has now painfully emerged is that "citizens of the United States" are the intended victims of a new slavery that was predicted by the infamous *"Hazard Circular"* soon after the Civil War began. This Circular admitted that chattel slavery was doomed, so the bankers needed to invent a *new* kind of slaves, or <u>*statutory slavery*</u>.

1. New Jersey Acts, March 27, 1868.
2. Alabama House Journal 1868, pp. 210-213.
3. Texas House Journal, 1866, p. 577.
4. Arkansas House Journal, 1866, p. 287.
5. Georgia House Journal, November 9, 1866, pp. 66-67.
6. Florida House Journal, 1866, p. 76.
7. South Carolina House Journal, 1868, pp. 33-34.
8. North Carolina Senate Journal, 1866-67, pp. 92-93.
9. 14 Stat. 358 etc.
10. Senate Journal, 39th Congress, 1st Session, p. 563; House Journal, p. 889.
11. House Journal 1868, pp. 578-584 – Senate Journal 1866, p. 471.
12. House Journal 1866, p. 68 – Senate Journal 1886, p. 72.
13. House Journal 1866, p. 76 – Senate Journal 1866, p. 8.
14. House Journal l866, pp. 210-213 – Senate Journal 1866, p. 183.
15. House Journal 1866-1867. p. 183 – Senate Journal 1866-1867, p. 138.
16. House Journal 1866, pp. 288-291 – Senate Journal 1866, p. 262.
17. House Journal 1866, p. 284 – Senate Journal 1866, p. 230.
18. House Journal 1867, p. 60 – Senate Journal 1867, p. 62.
19. House Journal 1866-1867, p. 108 – Senate Journal 1866-1867, p. 101.
20. McPherson, Reconstruction, p. 194; Annual Encyclopedia, p. 452.
21. House Journal 1867, p. 223 – Senate Journal 1867, p. 176.
22. House Journal 1867, p. 1141 – Senate Journal 1867, p. 808.
23. McPherson, Reconstruction, p. 194.
24. House Journal 1868, pp. 44-50 – Senate Journal 1868, pp. 33-38.
25. Minutes of the Assembly 1868, p. 743 – Senate Journal 1868, p. 356.
26. House Journal, 80th Congress, 2nd Session, p. 563 etc.
27. 13 Stat. p. 567.
28. 18 Stat. p. 774.
29. Presidential Proclamation No. 153, General Record of the United States, G.S.A., National Archives and Records Service.
30. 14 Stat. p. 814.
31. House Journal, 37th Congress, 1st Session, p. 123 etc.
32. Senate Journal, 37th Congress, 1st Session, p. 91 etc.
33. 13 Stat. p. 763.
34. 14 Stat. p. 811.
35. 14 Stat. p. 814.
36 House Journal, 39th Congress, 2nd Session. p. 563 etc.
37. McPherson, Reconstruction, p. 53.
38. House Journal 1868, p. 15, Senate Journal 1868, p. 15.
39. House Journal 1868, p. 9, Senate Journal 1868, p. 8.
40. Senate Journal 1868, p. 21.
41. House Journal 1868, p. 50, Senate Journal 1868, p. 12.
42. Senate Journal, 40th Congress. 2nd Session. p. 725.
43. House Journal, 1868, p. 50.
44. Vol. I, pp. 288-306; Vol. II, pp. 429-448 – "The Federal and State Constitutions," etc., compiled under Act of Congress on June 30, 1906, Francis Thorpe, Washington Government Printing Office (1906).
45. Same, Thorpe, Vol. V, pp. 2799-2800.
46. Same, Thorpe, Vol. II, pp. 809-822.
47. Same, Thorpe, Vol. I, pp. 116-132.
48. Same, Thorpe, Vol. VI, pp. 3269-3281.
49. 14 Stat. p. 42B, etc. 15 Stat. p. l4, etc.
50. 15 Stat. p. 706.
51. House Journal, 40th Congress, 2nd. Session. p. 1126 etc.
52. 16 Stat. p. 708.

The Declaration Of *Inter*-Dependence:
RE: SENATE REPORT NO. 93-549, Etc.

The United States went "Bankrupt" in 1933 and was declared so by President Roosevelt via Executive Orders 6073, 6102, 6111 and Executive Order 6260, [See: Senate Report 93-549, pgs. 187 & 594 under the "Trading With The Enemy Act" [Sixty-Fifth Congress, Sess. I, Chs. 105, 106, October 6, 1917], and as codified at 12 U .S.C.A. 95a. The several States of the Union then pledged the faith and credit thereof to the aid of the National Government, and formed numerous socialist committees, such as the "Council Of State Governments," "Social Security Administration" etc., to purportedly deal with the economic "Emergency." These Organizations operated under the "Declaration Of INTERdependence" of January 22, 1937, and published some of their activities in "The Book Of The States." The 1937 Edition of The Book Of The States openly declared that the people who were engaged in such activities as the Farming/Husbandry Industry had been reduced to mere feudal "Tenants" on their Land. [Book Of The States, 1937, pg. 155] This of course was compounded by such activities as the *price fixing* of wheat and grains [7 U.S.C.A. 1903], quota regulation I7 U.S.C.A. 1371], and livestock products [7 U.S.C.A. 1903], which have been held consistently below the costs of production; interest on loans and inflation of the paper "Bills of Credit"; leaving the food producers and others throughout the industry in a state of peonage and involuntary servitude, constituting the taking of private property, for the benefit and use of others, without just compensation.

> Note: The Council Of State Governments has now been absorbed into such things as the "National Conference Of Commissioners On Uniform State Laws," whose Headquarters Office is located at 676 North Street, Clair Street, Suite 1700, Chicago, Illinois 60611, and "all" being "members of the Bar," and operating under a different "Constitution And By-Laws" has promulgated, lobbied for, passed, adjudicated and ordered the implementation and execution of their purported statutory provisions, to – "… help implement international treaties of the United States or where world uniformity would be desirable." [See: 1990/91 Reference Book, National Council Of Commissioners On Uniform State Laws, pg. 2] This is apparently what Robert Bork meant when he wrote "… we are governed not by law or elected representatives but by an unelected, unrepresentative, unaccountable committee of lawyers applying no will but their own." [See: The Tempting Of America. Robert H. Bork. pg.130]

The United States thereafter entered the second World War during which time the "League of Nations" was re-instituted under pretense of the "United Nations" and the "Bretton Woods Agreement." [See: 60 Stat. 1401] The United States, as a corporate body politic (artificial), came out of World War II in worse economic shape

than when it entered, and in 1950, again, declared Bankruptcy and "Reorganization." The Reorganization is located in Title 5 of United States Codes Annotated. The "Explanation" at the beginning of 5 U.S.C.A. is most informative reading. The "Secretary of Treasury" was appointed as the "Receiver" in Bankruptcy. [See: Reorganization Plan No. 26. 5 U.S.C.A. 903. Public Law 94-564, Legislative History, pg. 5967] The United States went down the road and periodically filed for further Reorganization. Things and situations worsened, having done what they were Commanded NOT to do, [See: Madison's Notes, Constitutional Convention, August 16, 1787, Federalist Papers No. 44] and in 1965 passed the "Coinage Act of 1965", completely debasing the Constitutional Coin (gold & silver coin, i.e., Dollar) [See: 18 U.S.C.A. 331 & 332, U.S. vs. Marigold, 50 U.S. 560, 13 L. Ed. 257]. At the signing of the Coinage Act on July 23, 1965, Lyndon B. Johnson stated in his Press Release that:

> "When I have signed this bill before me, we will have made the first fundamental change in our coinage in 173 years. The Coinage Act of 1965 supersedes the Act of 1792. And that Act had the title: An Act Establishing a Mint and Regulating the Coinage of the United States ..."
>
> "Now I will sign this bill to make the first change in our coinage system since the 18th Century. To those members of Congress, who are here on this historic occasion, I want to assure you that in making this change from the 18th Century we have no idea of returning to it."

It is important to take cognizance of the fact that NO Constitutional Amendment was ever obtained to FUNDAMENTALLY "CHANGE," amend, abridge, or abolish the Constitutional mandates, provisions, or prohibitions, but due to internal and external diversions surrounding the Viet Nam War, etc., the usurpation and breach went basically unchallenged and unnoticed by the general public at large, who became "… a wealthy man's cannon fodder or cheap source of slave labor." [See: Silent Weapons For Quiet Wars, TM-SW7905.1, pgs. 6, 7, 8, 9, 12, 13 and 56] Congress was clearly delegated the Power and Authority to regulate and maintain the true and inherent "value" of the Coin within the scope and purview of Article I, Section 8, Clauses 5 & 6 and Article I, Section 10, Clause 1, of the ordained Constitution (1787), and further, under a corresponding duty and obligation to maintain said gold and silver Coin and Foreign Coin at and within the necessary and proper "equal weights and measures" clause. [See also: Bible, Deuteronomy, Chapter 25, verses 13 through 16, Public Law 97-289, 96 Stat. 1211]

Those exercising the Offices of the several States, in equal measure, knew such "De Facto Transitions" were unlawful and unauthorized, but sanctioned, implemented and enforced the complete debauchment and the resulting "governmental, social,

industrial economic change" in the "De Jure" States and in United States of America [See: Public Law 94-564, Legislative History, pg. 5936, 5945, 31 U.S.C.A. 314, 31 U.S.C.A. 321, 31 U.S.C.A. 5112, C. (Colorado) R.S. 11-61-101, C.R.S. 39-22-103.5 and C.R.S. 18-11-203], and were and are *now* under the delusion that they can do both directly and indirectly what they were absolutely prohibited from doing. [See also, Federalist Papers No. 44, Craig vs. Missouri, 4 Peters 903]

In 1966, Congress, being severely compromised, passed the "Federal Tax Lien Act of 1966, by which the entire taxing and monetary system, i.e., the "Essential Engine", [See: Federalist Papers No. 31] was placed under the Uniform Commercial Code. [See: Public Law 89-719, Legislative History, pg. 3722, also see: C. (Colorado) R.S. 5-1-106] The Uniform Commercial Code was, of course, promulgated by the National Conferences Of Commissioners On Uniform State Laws in collusion with the American Law Institute for the "banking and business interests." [See: Handbook Of The National Conference Of Commissioners On Uniform State Laws, (1966) Ed. pgs, 152 & 153] The United States, being engaged in numerous U.N. conflicts including the Korean and Viet Nam conflicts, which were under the exclusive direction of the United Nations [See: 22 U.S.C.A. 287d], and agreeing to foot the bill [See: 22 U.S.C.A. 287J], though not being able to honor their obligations and rehypothecated debt credit, openly and publicly dishonored and disavowed their "Notes" and "obligations" [12 U.S.C.A. 411], i.e., "Federal Reserve Notes", through Public Law 90-262, Section 2, 82 Stat. 50 (1968) to wit:

> "Sec. 2. The first sentence of section 15 of the Federal Reserve Act (12 U.S.C. 391) is amended by striking 'and the funds provided in this Act for the redemption of Federal Reserve notes'."

Things steadily grew worse and on March 28, 1970; President Nixon issued Proclamation No. 3972, declaring an "emergency" because the Postal Employees struck against the de facto government for higher pay, due to inflation of the paper "Bills of Credit." [See: Senate Report No. 93-549. pg. 596] Nixon placed the U.S. Postal Department under control of the "Department of Defense." [See: Department Of The Army Field Manual. FM 41-10 (1969 ed.)]

> "The System has been faltering for a decade, but the bench mark date of the collapse is put at August 15, 1971. On this day, President Nixon reversed U.S. international monetary policy by officially declaring the non-convertibility of the U.S. dollar [F.R.N.] into gold." [See: Public Law 94-564, Legislative History, pg. 5937 & Senate Report No. 93-549

Foreword, pg. III. Proclamation No. 4074, pg. 597, 31 U.S.C.A. 314 & 31 U.S.C. A. 5112]

On September 21, 1973. Congress passed Public Law 93-110, amending the Bretton Woods Par Value Modification Act, 82 Stat. 116, [31 U.S.C.A. 412], and reiterated the "Emergency" [12 U.S.C.A. 95a], and Section 8 of the Bretton Woods Agreements Act of 1945 [22 U.S.C.A. 286f], which included "reports of foreign currency transactions." [Also see: Executive Order No. 10033] This Act further declared in Section 2(b) that:

> "No provision of any law in effect on the date of enactment of this Act, and no rule, regulation, or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold."

On January 19, 1976, Marjorie S. Holt noted for the record a second "Declaration Of INTERdependence" and clearly identified the U.N. as a "Communist" organization, and that they were seeking both production and monetary control over the Union and the People through International Organization, and promoting the "One World Order". [8 U.S.C.A. 1101(40)] (also see) [50 U.S.C.A. 781 & 783]

The social/economic situation worsened as noted in the Complaint/Petition filed in the U.S. Court of Claims, Docket No. 41-76, on February 11, 1976, by 44 Federal Judges. [Atkins et al. vs. U.S.] Atkins et al. complained that "As a result of inflation, the compensation of federal judges has been substantially diminished each year since 1969, causing direct and continuing monetary harm to plaintiffs ... the real value of the dollar decreased by approximately 34.5 percent from March 15th, 1969 to October 1, 1975. As a result, plaintiffs have suffered an unconstitutional deprivation of earnings," and in the prayer for relief claimed "damages for the constitutional violations enumerated above, measured as the diminution of his earnings for the entire period since March 9, 1969." It is quite apparent that the persons holding and enjoying Offices of Public Trust, Honor and for profit, knew of the emergent problem, or "emergency", and sought protection only for themselves, forsaking the damaged and injured American People who were classified as "a club that has many other members" who "have no remedy." These judges/attorneys, knowing that "heinous" acts had been committed, stated that they would not apply the Law, nor would any substantive remedy be applied "… until all of us [judges] are dead." Such opprobrium clearly constitutes failure to recognize, honor and protect the Constitutionally-guaranteed rights of the American Citizens and their Posterity, as such is a clear breach of fiduciary duty to uphold and enforce the trust laws which are meant to protect the estates against fraud, avarice and stealthy encroachment. [See: Atkins et al. vs. U.S., 556 F.2d 1028, pg. 1072, 1074, The Tempting Of America, supra, pgs. 155-159, also see: 5 U.S.C.A. 5305 & 5335, Senate Report No. 93-549, pgs. 69-71, C. (Colorado) R.S. 24-75-101] This is verified in Public Law 94-564, Legislative History, pg. 5944, which states:

"Moving to a floating exchange rate for international commerce means private enterprise and not central governments bear the [perceived] risk [and absolute control] of currency fluctuations."

Numerous serious debates were held in Congress, including but not limited to Tuesday, July 27, 1976 [See: Congressional Record - House, July 27, 1976], concerning the International Financial Institutions and their operations. Congressman Ron Paul, Chairman of the House Banking Committee, made numerous references to the true practices of the "International" financial institutions' conversion of 27,000,000 (27 million) in gold, contributed by the United States as part of its "quota obligations", which the International Monetary Fund (Governor-Secretary of Treasury) sold [See: Public Law 94-564, Legislative History, pg. 5945 & 5946] under some very questionable terms and concessions. [Also see: The Ron Paul Money Book, (1991), by Ron Paul, Plantation Publishing. 837 W. Plantation, Clute, Texas 77531]

On October 28, 1977, the passage of Public Law 95-147 [91 Stat. 1227], declared most banking institutions, including State banks, to be under direction and control of the corporate "Governor" of the International Monetary Fund [See: Public Law 94-564, Legislative History, pg. 5942, United States Government Manual 1990/91, pgs. 480-481]. The Act further declared that:

"(2) Section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(b)) is amended by striking out the phrase 'stabilizing the exchange value of the dollar' ... "

" (c) The joint resolution entitled 'Joint resolution to assure uniform value to the coins and currencies of the United States, approved June 5, 1933 (31 U.S.C. 463)' shall not apply to obligations issued on or after the date of enactment of this section."

The United States, as Corporator [22 U.S.C.A. 286e, et seq.] and "State" [C. (Colorado) R.S. 24-36-104, C.R. S. 24-60-1301(h)], had declared "Insolvency". [See: 26 I.R.C. 165(g)(1), U.C.C. 1-201(23), C.R.S. 39-22-103.5, Westfall vs, Braley, 10 Ohio 188, 75 Am. Dec. 509, Adams vs. Richardson, 337 S.W.2d 911 Ward vs. Smith, 7 Wall 447] A permanent state of "Emergency" was instituted, erected and fomented within the Union through the contrivances, fraud and avarice of the International Financial Institutions, Organizations, Corporations and Associations, including the Federal Reserve, their "fiscal and depository agent." [22 U.S.C.A. 286d] This has lead to such "Emergency" legislation as the "Public Debt Limit- Balance Budget And Emergency Deficit Control Act of 1985," Public Law 99-177, etc.

The government, by becoming a corporator, [See: 22 U.S.C.A. 286(e)] lays down its sovereignty and takes on that of a private citizen. It can exercise no power which is not derived from the corporate charter. [See: The Bank of the United States vs. Planters Bank of Georgia, 6 L.Ed. (9 Wheat) 244, U.S. vs. Burr, 309 U.S. 242]

The real party of interest is not the de jure "United States of America" or "State," but "The Bank" and "The Fund." [22 U.S.C.A. 286, et seq., C. (Colordo) R.S. 11-60- 103] The acts committed under fraud, force and seizures are many times done under "Letters of Marque and Reprisal", i.e., "recapture." [See: 31 U.S.C.A. 5323] Such principles as "Fraud and Justice never dwell together" [Wingate's Maxims 680], and "A right of action cannot arise out of fraud." [Broom's Maxims 297, 729; Cowper's Reports 343; 5 Scott's New Reports 558; 10 Mass. 276; 38 Fed. 800,] And do not rightfully contemplate the thought concept, as "Due Process," "Just Compensation" and Justice itself. Honor is earned by honesty and integrity, not under false and fraudulent pretenses, nor will the color of the cloth one wears cover-up the usurpations, lies, trickery, and deceits. When Black is fraudulently declared to be White, not all will live in darkness. As astutely observed by Will Rogers, "… there are men running governments who shouldn't be allowed to play with matches", and is as applicable today as Jesus' statements about Lawyers – "Woe unto you also, ye lawyers!, for ye lade men with burdens grievous to be borne."

The contrived "emergency" has created numerous abuses, usurpations and abridgments of delegated Powers and Authority. As stated in Senate Report 93-549:

"These proclamations give force to 470 provisions of Federal law. These hundreds of statutes delegate to the President extraordinary powers, ordinarily exercised by the Congress, which affect the lives of American citizens in a host of all-encompassing manners. This vast range of powers, taken together, confer enough authority to rule the country without reference to normal constitutional process.

"Under the powers delegated by these statutes, the President may seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and in a plethora of particular ways, control the lives of all American citizens."
[See: Foreword, pg. III]

The "Introduction," on page 1, begins with a phenomenal declaration, to wit:

> "A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have in varying degrees been abridged by laws brought into force by states of national emergency ..."

According to the research done in 16 American Jurisprudence, 2nd Edition, Sections 71 and 82, no "emergency" justifies a violation of any Constitutional provision. Arguendo, "Supremacy Clause" and "Separation of Powers," it is clearly admitted in Senate Report No. 93-549 that abridgment has occurred.

The statements heard in the Federal and State Tribunals, on numerous occasions, that Constitutional arguments are "immaterial," "frivolous," etc., are based upon the concealment, furtherance and compounding of the Frauds and so-called "Emergency" created and sustained by the "Expatriated," ALIENS of the United Nations and its Organizations, Corporations, and Associations. [See: Letter, Insight Magazine, February 18, 1991, pg. 7, Lowell L. Flanders, President, U.N. Staff Union, New York] Please note that 8 U.S.C.A. 1481 is one of the controlling Statutes on expatriation, as is 22 U.S.C.A. 611, 612, & 613 and 50 U.S.C.A. 781.

The Internal Revenue Service entered into a "service agreement" with the U.S. Treasury Department [See: Public Law 94-564; Legislative History, pg. 5967; Reorganization Plan No. 26] and the Agency for International Development, pursuant to Treasury Delegation Order No. 91. The Agency For International Development is an International Paramilitary Operation [See: Department Of The Army Field Manual, (1969) FM 41-10, pgs. 1-4, Sec. 1-7(b) & 1-6, Section 1-10(7)(c)(1), 22 U.S.C.A. 284], and includes such activities as "Assumption of full or partial executive, legislative, and judicial authority over a country or area." [See: FM 41-10, pg. 1-7, Section 110(7)(c)(4)] also see, Agreement Between The United Nations And The United States Of America Regarding The Headquarters Of The United Nations, Section 7(d) & (8), 22 U.S.C.A. 287 (1979 Ed.) at pg. 241. It is to be further observed that the "Agreement" regarding the Headquarters District of the United Nations was NOT agreed to [See: Congressional Record - Senate, December 13, 1967, Congressman Thurmond], and is illegally in this Country in the first instant.

The International Organization's intents, purposes and activities include complete control of "Public Finance", i.e., "… control, supervision, and audit of indigenous fiscal resources; budget practices, taxation, expenditures of public funds, currency issues, and banking agencies and affiliates." [See: FM 41-10, pgs. 2-30 through 2-31, Section 251. Public Finance] This of course complies with "Silent Weapons For Quiet Wars" Research Technical Manual TM-SW7905.1, which discloses a declaration of war upon the American people (See: pgs. 3 & 7); monetary control by the Internationalist, through information, etc., solicited and collected by the Internal Revenue Service [See: TM-S\V7905.1, pg. 48, also see, 22 U.S.C.A. 286F & Executive Order No. 10033, 26 U.S.C.A. 6103(k)(4)], and whoever is operating and enforcing this seditious International program. [See: TM-S\V7905.1, pg. 52] The 1985 Edition of the Department Of Army Field Manual, FM 41-10 further describes the International Organization's "Civil Affairs" operations. At page 3-6 it is admitted that the A.I.D. is autonomous and under direction of the International Development Cooperation Agency, and at pages 3-8, that the operation is "paramilitary." The International Organization's intents and purposes was to promote, implement and enforce a "DICTATORSHIP OVER FINANCE IN THE UNITED STATES." [See: Senate Report No. 93-549, pg. 186]

It appears from the documentary evidence that the Internal Revenue Service Agents, etc., are "Agents of a Foreign Principal" within the meaning and intent of the "Foreign Agents Registration Act of 1938." They are directed and controlled by the corporate "Governor" of "The Fund", also known as "Secretary of Treasury" [See: Public Law 94-564, supra, pg. 5942, U.S. Government Manual 1990/91, pgs. 480 & 481, 26 U.S.C.A. 7701(a)(11), Treasury Delegation Order No. 150-10], and the corporate "Governor" of "The Bank" [22 U.S.C.A. 286 and 286a], acting as "information service employees" [22 U.S.C.A. 611(c)(ii)] (note that the legal definition for "information" is: *An accusation exhibited against a person for some criminal offense, without an indictment. An accusation in the nature of an indictment, from which it differs only in being presented by a competent public officer on his oath of office, instead of a grand jury on their oath.* – BLACK'S LAW DICTIONARY, 4th Edition, 1968), and have been and do now "solicit, collect, disburse or dispense contribution [Tax - pecuniary contribution, Blacks Law Dictionary 5th edition], loans, money or other things of value for or in interest of such foreign principal [22 U.S.C.A. 611(c)(iii)], and they entered into agreements with a Foreign Principal pursuant to Treasury Delegated Order No. 91, i.e., the "Agency For International Development." [See: 22 U.S.C.A. 611(c)(2)] The Internal Revenue Service is also an agency of the International Criminal Police Organization and solicits and collects information for 150 Foreign Powers. [See: 22 U.S.C.A. 263a, The United States Government Manual, 1990/91, pg. 385, see also, The Ron Paul Money Book, pgs. 250-251]

It should be further noted that Congress has appropriated, transferred and converted vast sums to Foreign Powers [See: 22 U.S.C.A. 262c(b)], and has entered into numerous Foreign Taxing Treaties (conventions) [See: 22 U.S.C.A. 285g, 22 U.S.C.A. 287j] and other Agreements which are solicited and collected pursuant to 26 I.R.C. 61 03(k)(4). Along with the other documentary evidence submitted herewith, this should absolve any further doubt as to the true character of the party. Such restrictions as "For the general welfare and common defense of the United States" [See: Constitution (1787), Article 1, Section 8, Clause 1] apparently aren't applicable, and the fraudulent rehypothecated debt credit will be merely added to the insolvent nature of the continual "emergency," and the reciprocal social/economic repercussions laid upon present and future generations.

Among other reasons for lack of authority to act, such as the Foreign Agents' Registration Statement 22 U.S.C.A. 612 and 18 U.S.C.A. 219 & 951, military authority cannot be imposed into civil affairs. [See: Department Of The Army Pamphlet 27100-70, Military Law Review, Vol. 70] The United Nations Charter, Article 2, Section 7, further prohibits the U.N. from – "… intervening in matters which are essentially within the domestic jurisdiction of any state …" – such as Korea, Viet Nam, Ethiopia, Angola,

Iraq, Afghanistan, Iran, etc., etc., etc., and is, therefore, empirical evidence of the "BAD FAITH" under which the United Nations and its Organizations, Corporations and Associations, e.g., IMF and IRS, operate pursuant to sinful, predatory exploits and usury, unlimited to fomenting wars which create dishonored, rehypothecated "monetary" debt-credit schemes and worthless securities. Such practices are demonstrative of the so-called "Rule of Law… as envisioned by the Founders" of the United Nations. Here, in our Country, such acts are considered fraudulent, terroristic, despotic, tyrannical, illegal and criminal, and all such acts were and are – OUTLAWED HERE.

It is quite apparent that the "Treasonous" and "Seditious" are brewing up a storm of untold magnitude. Bush's public address of September 11, 1991 [See: Weekly Compilation Of Presidential Documents, and, https://www.youtube.com/watch?v=UbRp7xlhgbo] should further qualify what is being said here. He admitted "Interdependence" [See also: Public Law 94-564, Legislative History, pg. 5950], "One/New World Order" [See also: Extension Of Remarks, January 19, 1976, Marjorie S. Holt, 8 U.S.C.A. 1101(40)], affiliation and collusion with the Soviet Union Oligarchy [50 U.S.C.A. 781], direction by the U.N. [22 U.S.C.A. 611], etc... It is also interesting that Treasury Delegation Order No. 92 states that the I.R.S. is trained under direction of the Division of "Human Resources" (U.N.) and the Commissioner (INTERNATIONAL), by the "Office Of Personnel Management." In the 1979 Edition of 22 U.S.C.A. 287, the United Nations, at pg. 248, is found Executive Order No. 10422. The Office of Personnel Management is under direction of the Secretary General of the United Nations. And as stated previously, the I.R.S. is also a member of a one-hundred-fifty (150) Nation pact called the "International Criminal Police Organization", found at 22 U.S.C.A. 263a. The "Memorandum & Agreement" between the Secretary of Treasury/Corporate Governor of "The Fund" and "The Bank" and the Office of the U.S. Attorney General would indicate that the Attorney General and his associate are soliciting and collecting information for Foreign Principals. [See also The United States Government Manual 1990/91, pg. 385; also see The Ron Paul Money Book, supra, pgs. 250, 251]

It is also worthy of note that each and every Attorney/Representative, Judge or Officer is required to file a "Foreign Agents Registration Statement", pursuant to 22 U.S.C.A. 611(c)(I)(iv) & 612, when representing the interests of a Foreign Principal or Power. [See: 22 U.S.C.A. 613, Rabinowitz vs. Kennedy, 376 U.S. 605, 11 L.Ed.2d 940, 18 U.S.C.A. 219 & 951]

On January 17, 1980, the President and Senate confirmed another "Constitution," namely, the "Constitution Of The United Nations Industrial Development Organization," found at Senate Treaty Document No. 97-19, 97th Congress, 1st Session. A perusal of this Foreign Constitution should more than qualify these internationalists' intents.

The "Preamble," Article 1, "Objectives," and Article 2, "Functions," clearly evidences their intent to direct/control finance and subsidize all "natural and human resources" and "aggro-related as well as basic industries," through "dynamic social and economic changes... with a view to assisting in the establishment of a new international economic order." The high flown rhetoric is obviously of "Communist" origin and intents. An unelected, unrepresentative, unaccountable oligarchy of expatriates and aliens, who fraudulently claim, in the Preamble, that they intend to establish "rational and equitable international economic relations", yet openly declared that they no longer "stabilize the value of the dollar" nor "assure the value of the coin and currency of the United States", which is purely misrepresentation, deceit and fraud. [See:Public Law 95-147, 91 Stat. 1227, at pg. 1229] This was augmented by Public Law 101-167 and 103 Stat. 1195, which discloses massive appropriations of rehypothecated debt for the general welfare and common defense of other Foreign Powers, including "Communist" countries or satellites, international control of natural and human resources, etc. etc... A "Resource" is a claim of "property", and when related to people constitutes "slavery."

It is now necessary to ask, "Which Constitution are they operating under?" Answer: The "Constitution For The New-states Of The United States." This effort was the subject matter of the book entitled: "The Emerging Constitution" by Rexford G.Tugwell. Such emerging constitution was accomplished under the auspices of the tax-exempt Rockefeller foundation called the "Center For The Study of Democratic Institutions." The People and Citizens of the Nation were forewarned against the fomentation of "Democracies." "Democracies have ever been the spectacle of turbulence and contention; have ever been incompatible with personal security and the rights of property; and have in general been as short in their lives as they have been violent in their deaths." [See: Federalist Papers No. 10, also see, The Law, Fredrick Bastiat, Code Of Professional Responsibility, Preamble] This Alien Constitution, however, has nothing to do with democracy in reality. It is the basis of and for a despotic, tyrannical oligarch. Article I, "Rights and Responsibilities," Sections 1 and 15 evidence their knowledge of the "emergency." The Rights of expression, communication, movement, assembly, petition and Habeas Corpus are all excepted from being exercised under and during a "declared emergency." The Constitution for the New-states of America openly declares, among other seditious things and delusions, that, "Until each indicated change in the government shall have been completed, the provisions of the existing Constitution and the organs of government shall be in effect." [See: Article XII, Section 3] "All operations of the national government shall cease as they are replaced by those authorized under this Constitution." [See: Article XII, Section 4] This is apparently what Burger was promoting in 1976, after he resigned as Supreme Court Justice and took up the promotion of a "Constitutional Convention." No trial by jury is mentioned, "JUST" compensation has been removed, along with being informed of the "Nature & Cause of the Accusation," etc., etc., and everyone will of course participate in the "democracy."

This Constitution is but the reiteration of a communistic manifesto, revealing the Communist-Doctrine planks which clearly establish a "Police-Power" State, under which direction and control is assumed by a self-appointed oligarchy.

Apparently the present operation of the "de facto" government is under Foreign/Alien Constitutions, Procedures, Rules and Regulations. The overthrow of the "essential engine" declared in and ordained by the organic Constitution for these United States of America, established 1787, and the American Peoples' rights and status guaranteed them under the "Bill of Rights" (1791), is obvious. The covert procedures used to implement, foment and enforce these Foreign Constitutions, Codes, Statutes, Procedures, Rules, Regulations, etc., has not yet, to my knowledge, been collected and assimilated, nor presented as evidence to establish seditious collusion and conspiracy.

In our Land, it is necessary to seek, obtain and present EVIDENCE in order to sustain a conviction and/or judgment, such as that evidence which is presented here. Our Peoples' patience and tolerance for those who pervert the very essence and basic foundations of society has been pushed to insufferable levels. These interlopers have illegally entered our Land; taken false Oaths; entered into seditious foreign constitutions, agreements, pacts, confederations and alliances; incited insurrection, rebellion, sedition and anarchy within the de jure society, and under pretense of "emergency," which they themselves created and fomented, "fundamentally" changed the form and substance of the de jure Republican form of government guaranteed to our People by way of the Constitution, Article IV, Section IV, and have exhibited a willful and wanton disregard for the Rights, Safety and Property of others; evinced a despotic design to reduce our People to slavery, peonage and involuntary servitude under a fraudulent, tyrannical, seditious, foreign oligarchy, with intent and purpose to institute, erect and foment a statutory "Dictatorship" over the Citizens and our Posterity. They have completely debauched the de jure monetary system; destroyed the Livelihood and Lives of tens of millions of American Citizens; aided and abetted our enemies; declared War upon us and our Posterity; destroyed millions of families; afflicted widows and orphans and made homeless over 750,000 children in the middle of winter; turned Sodomites lose among our young; implemented foreign codes, rules, regulations, statutes and procedures within the body of our Country; formed and furthered a multitude of offices and agencies retaining those of alien allegiance in order to perpetuate their frauds and to eat out the substance of the good and productive people of our Land; their agents arbitrarily dismiss cases against, or, hold mock trials in favor of, those who have trespassed against us, and who continue to tread upon our Lives, Liberties, Properties and Families, protecting those who endanger our Peace, Safety, Welfare and Dignity. These enormous damages, injuries and costs have amounted to more than any amount of money could ever repay. They have done that which they were unequivocally COMMANDED NOT TO DO!

The time for just correction via redress is NOW! Therefore sincere consideration and Constitutional Privilege of "Presentment" to a Grand Jury is herewith sought by way of ORIGINAL WRIT OF QUO WARRENTO (by what authority?), under the ordained and established Constitution for these United States of America (1787), Article IV, Section IV, pursuant to the course and usage of Article III, is now in order, and is not a question as to whether judgment should be granted to the American People against the Respondent(s), insomuch as it is the Common Law, Constitutional Law, the Supreme Law of the Land, **God's Law,** which is intended to govern the sovereign, Human Rights and Status of ***all*** men and women equally, that is meant to prevail. Whereas numerous High Crimes and Misdemeanors have been committed in contravention to the original, organic Constitution for these United States of America, the Honorable Bill of Rights (the first ten Amendments), and, the Laws and Treaties made in Pursuance thereof, – as well as those seditious acts which are in derogation to the original, organic constitutions for the several de jure states of the Union and the laws made in pursuance thereof, which, in turn, are also against the Peace and Dignity of the American People, including, but not limited to, any and every act, intent and professed purpose of the herein-named Organizations, Corporations and Associations, et al., which may also define and prescribe punishment for "Seditious Associations" which are applicable to the wanton abrogation of both federal and state constitutions, – the American People do hereby formally declare that the Respondents' corporate-commercial acts are *ultra vires* and injurious by willful and gross negligence, thus incurring liability as the respondent superior upon those unlimited to any and every international, multinational, federal, state and local municipality, agency, instrumentality and/or corporate fiction or body politic unlimited to any and every person thereof involved directly or indirectly with the Respondent(s) via any and every nexus or relationship acting therewith.

Subsequently, the American People do hereby and herewith formally invoke their sovereign Rights and Status under such Law which requires the Respondent(s) now answer for its *ultra vires* actions pursuant to the American Peoples' demand that the Respondent(s) forthwith show *Quo Warranto*.

Whereas, it being readily apparent that the American People do not grant the Respondent(s) consent, the American People do herewith demand, within maxims of the Common Law, that they forthwith receive remedy and redress in such matters; and that any officer of any court that interferes or involves himself/herself with this Presentment will automatically and immediately be added thereto and become a Third-Party Respondent. NOTICE: All Third-Party Respondents are jointly and/or severally liable for this Presentment. If any obstruction of such Presentment should be attempted by way of any direct or indirect action(s) of any member(s) of the BAR, ARREST THEM.

NOTICE OF CORPORATE DENIAL AND NON-CORPORATE STATUS:

Pursuant to FRCP 52, and with knowledge of the fact that "assumption" and "presumption" may prevail unless rebutted or explicitly denied, Affiant does herewith formally and unequivocally declare that Jon: Doe is in no way to be construed, termed, nor, thought of, as a corporate person, legal fiction, fictional person, nor, incorporated, in any way, means, shape, nor, form; and with the knowledge that all such entities are not living, breathing, sentient men and women, Affiant hereby makes express and explicit claim and affirmation to the living, whose Creator is Affiant's Heavenly Father; with express and explicit claim and affirmation that Affiant is a self-aware, sentient, flesh-and-blood man, indivisible from the divine soul, inherent of the Heavenly Creator, and is not a goverernmentally-created "person of inherence or incidence," nor any other form of corporation. Regarding: The word / term of art *i.e.* "person" may be construed according to several references, not excluding 22 USC Sec. 1621 Definitions – STATUTE: For the purposes of this subchapter; (a) The term "person" shall include an individual, partnership, corporation, or the Government of the United States. **Point:** The Federal Rules of Civil Procedure, Rule 52, applies in Civil and Criminal actions with equal force and effect because criminal is always civil in nature. No civil or criminal cause of action can arise lest there be a *contract*. See *Eads v Marks*, 249 P. 2d 257, 260. There is always a presumption that a

contract exists and that the responding party is a Corporation. Under Rule 52, which is the same in all states as in the Federal Rules, the Texas Court of appeals (5th Cir) has ruled in the finding of fact by the Court, that -- *"the failure of an adverse party to deny under oath the allegation that he is incorporated dispenses with the necessity of proof of the fact."* Thus, a presumption becomes a finding of fact by the court unless rebutted before trial (see Affiant's definite and numerous affirmed declarations, as are attached and previously referanced in Articles VI, VII, and IX of Affiant's Affidavit of Petition for Declaratory Judgment, which clearly declare that Affiant is not incorporated).

Point: *Dr. Pepper Co. v Crow*, 621 S.W.2d 464, 465 (Tex App.-Waco 1981, no Writ) *"Plaintiff plead defendant was a corporation. Defendant did not deny by verified pleading pursuant to [TRCP] 52 and 83... that it was not a corporation; thus, such fact was established."*

Point: Louisiana Revised Statutes Art. 429 -- Corporation existence is presumed unless affidavit of denial is filed before trial (see Affiant's affirmed Affidavits).

Point: A presumption is a rule of Law, Statutory or judicial, by which the finding of a basic fact gives rise to the existence of presumed fact until presumption is rebutted. See *Van Wart v Cook*, 557 P. 2d 1161. In the Commercial Law of all States, a presumption means that the trier of fact (the judge / administrator), must find the existence of the fact presumed per FRCP 52,

unless and until the evidence is introduced which would support a finding of its non-existence. Arizona Revised Statutes: Title 47 Section 1201 (31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence. Thus, the Affidavit of Non Corporate Status is for the purpose of rebutting any presumption that the Affiant is any Corporation named in the alleged complaint (see Affiant's numerous Affidavits).

Point: Federal Rules of Evidence, R.301 Agreement by Acquiescence Rule 301 of the Federal Rules of Evidence states -- *"...a presumption imposes on the party against whom it is directed the burden of proof [see 556 (d)] of going forward with evidence to rebut or meet the presumption."*

Point: When the complaint is lodged by the government for a fine, fee, tax or duty, all of which are *revenue*, they are imposed only on Corporations. See *Colonial Pipe Line Co. V Triangle*, 421 U. S. 100 (1975). Thus, in addition to Affiant's previous Affidavits rebutting any and all presumption and assumption to the effect that Affiant is a Corporation, the instant complaint – which is in result of case # 2010-D-12345-1 (*i.e., "re-venue"* for the collection of *"duty"* which is *required* to have been lodged against a Corporation, the name of which in that case is but a *derivative* of Affiant's *real* name; therefore: ***"A derivative of a name is not the legal name."*** (see Monroe Cattle Co. v Becker, 147 U. S. 47))

– does hereby and herewith formally affirm and depose that Affiant rebuts any and all presumption / assumption that Affiant is and / or ever was any Corporation named in the complaint heretofore alleged, *i.e., STATE OF GEORGIA v JON DOE,* STATE COURT CASE NO. 2010-D-12345-1.

Point: If Affiant is not a Corporation he cannot appear and plead. See *West Union Tel. Co. v Eyser*, 2 Colo. 141; *Greenwood v Railroad Co.,* 123 Mass. 32; *Foster v White Cloud*, 32 Mo. 505; *Hobich v Folger*, 20 Wall. 1; *Boyce v M.E. Church*, 43 Md. 359; *Folsom v Star Union Etc. Fright Line*, 54 Iowa 490.

Point: When brought into Court by its Corporate name, its existence as a Corporation is admitted. (see Mud Creek Drain Co. V State, 43 Ind. 157; Johnson v Gibson, 73 Ind. 282; Ewing v Robeson, 15 Ind. 26; Callender v Railroad Co, 11 Ohio St. 516; Com. Ins. Etc. Co. v Taylor, 8 S.C. 107) Also, compare the foregoing cases to *Ware v St. Louis Bagging & Rope Co*., 47 Ala. 667.

Point: Stating only conclusion without facts is insufficient. It has been held that where the representative of a railroad corporation is served with process, he may plead in abatement in his own name that the Corporation is extinct. (see Kelly v Railroad Co., 2 Flip C. C. 581; Callender v Plainsville Co., 11 Ohio St. 516; Quarrier v Peabody Co., 10 W. Va. 507; Evarts v Killingworth Co., 20 Conn. 447; Stewart v Dunn, 12 Mees. & W. 655; Stevenson v Thorn, 13 Mees & W. 149) Where the person is so served, he may, by plea, deny that he / she

sustains any such relation to the Corporation that authorizes the service of process on him / her. (see Kelly v Railroad Co., 2 Flip C. C. 581) In 1886, the Supreme Court did not grant corporate-personhood to any State of the Union or Federal Government; and that this doctrine derives from a mistaken interpretation of a Supreme Court reporter's notes. (see *Santa Clara County v Southern Pacific Railroad Company*, 118 U. S. 394 (1886))

Point: No laws have been passed by Congress granting that corporations should be treated the same under the Constitution as living, breathing sentient beings. No court decisions, state or federal, held that corporations were "persons" instead of "artificial persons." The Supreme Court did not rule in *Santa Clara County v Southern Pacific Railroad Company* on the issue of corporate personhood. As railroad attorney Sanderson and his two colleagues watched, Chief Justice Morrison Remick Waite told Delmas and his two colleagues, the attorneys for the opposing party, that: *"The court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution, which forbids a state to deny to any person within its jurisdiction the equal protection of the laws, applies to these corporations. We are of the opinion that it does. [However,] This written statement, that corporations were "persons" rather than "artificial persons," with an equal footing under the Bill of Rights as "humans," was not a formal ruling of the court, but was reportedly a simple statement by*

its Chief Justice, recorded by the court recorder." See Vermont Supreme Court building. Volume 118 of United States Reports: Cases adjudged in the Supreme Court at October Term 1885 and October Terms 1886, published in New York in 1886 by Banks & Brothers Publishers, and written by J. C. Bancroft Davis, Supreme Court's Reporter.

Point: Here is the often expressed understanding from the United States Supreme Court that: *"... in common usage, statutes employing the terms "person" and "corporation" are ordinarily construed to exclude the sovereign man or woman." Wilson v Omaha Tribe*, 442 U. S. 653, 667 (1979) (therein quoting United States v Cooper Corp., 312 U. S. 600, 604 (1941)). See also *United States v Mine Workers*, 330 U. S. 258, 275 (1947).

Point: U. S. Supreme Court in *Luther v Borden*, 48 U. S. 1, 12 Led 581: *"...The government are but trustees acting under derived authority [of the sovereign American People of Posterity] and have no power to delegate what is not delegated to them. But the people, as the original fountain, might take away what they have delegated and in trust to whom they please. ... The sovereignty in every state resides in the people of the state and they may alter and change their form of government at their own pleasure."* U. S. Supreme Court in *Wilson v Omaha Indian Tribe*, 442 U. S. 653, 667 (1979): *"In common usage, the term "person" does not include the sovereign, and statutes employing the*

word are ordinarily construed to exclude it."

Point: Affiant is not: a U. S. "Person," "Resident," "Individual," "Consumer," "Corporation," nor "citizen of the United States," nor "citizen subject to U. S. jurisdiction," as such are *"terms of art;"* nor is Affiant a corporation created under the laws of any State of the Union of States, the United States, the District of Columbia, nor any territory, commonwealth, enclave, nor any possession of the United States, nor any foreign state or country, public or private.

Point: Affiant is not: a "resident of," "inhabitant of," "franchisee of," "subject of," "ward of," "property of," "chattel of," nor, "subject to the jurisdiction of," the State of the Forum of any "UNITED STATES," "corporate STATE," "corporate COUNTY," "corporate CITY," nor municipal body politic created under the primary authority of Art. I, Sec. 8, CI. 17 and Art. IV, Sec. 3 CI. 2 of the Constitution for the United States of America; and Affiant is not subjected to any legislation created by or under the jurisdiction of any officers, agents or employees deriving their authority thereof. Furthermore, Affiant is not a subject nor ward of the Administrative and Legislative Article-I Courts, nor bound by precedents of such courts created by the congress of the hypothicated, corporate, *de facto* "UNITED STATES," as "Legislation enacted by Congress applicable to the inferior courts in the exercise of the power under Article III of the

Constitution cannot be affected by legislation enacted by Congress under Art. I, Sec. 8, CI. 17 of the Constitution;" D. C. Code, Title 11 at p. 13 defines this as *"... an officer, agent, shareholder, franchise or fiduciary agent, surety, resident inhabitant or domiciled in any corporation."*

Point: Affiant hereby and herewith revokes and cancels *ab initio* all of Affiant's signatures on any and all forms which may be construed to give the Federal Government or any other State agency or department of the United States Government created under the authority of Article I, Sec. 8, CI. 17 and Article IV, Sec. 3, CI. 2 of the Constitution for the United States, authority or jurisdiction over Affiant. Affiant also revokes, rescinds and makes void *ab initio* all powers of attorney in fact, in presumption and otherwise, signed by anyone other than Affiant, and/or without Affiant's consent, insomuch as said power of attorney may pertain to Affiant by way of, but not limited by, any and all multi-jurisdictional, quasi, colorable, public government entities, municipalities or corporations, on the grounds of non-disclosure, unequitable consideration and constructive fraud.

Point: Affiant is not a vessel documented under Chapter 121 of Title 46, United States Code, nor a vessel numbered as provided in Chapter 123 of said Title.

Point: Affiant hereby cancels any presumed election made by the United States Government or any agency or department thereof, that Affiant is, or ever has been, a citizen, alien citizen or resident of any territory, possession,

instrumentality or enclave under the sovereignty or exclusive jurisdiction of the United States government, as defined in the Constitution for the United States of America in Art. I, Sec. 8 CI. 17 and Art. IV, Sec. 3, CI. 2. Affiant has no record nor evidence that Affiant does not cancel any presumption and assumption that Affiant ever voluntarily elected to be treated as such a citizen, resident, person or corporate entity / fiction, and / or the like thereof, *et al.*

Point: Affiant is not an enemy to any state of the Union of States, nor to the United States Government, nor to that of the United States, such as the District of Columbia, any territory, enclave, commonwealth or possession of the United States, *e.g.,* Puerto Rico, Gwam, or any foreign country, state or corporation created under the laws of the United States Government, both public and private.

Point: This Affidavit is not written for the purpose of debating the Constitutionality nor legality of the Communications Act of 1934, but rather to establish facts exposing the United States Government's lack of jurisdiction over Affiant. Affiant is not a pirate, terrorist nor an enemy to any public or private corporation, domestic or foreign, but is a non-combatant, neutral body. Any past, present or future reference to Affiant as such a threat, made by any agency or its officer(s), will be construed as "defamation of character," and will be litigated as such in the foreign jurisdiction where offenders, oppressors and all Libellees will have no immunity "within the Admiralty," *via* 28 USC 1333 or 1337, Bills

of Lading Act, The Public Vessel Act, Foreign Sovereign Immunities Act, False Claims Act (see 31 U.S.C. § 3729 (a) (7)), and Federal Tort Claims Act. Any and all of the facts and laws presented herein are not contrary to the Communications Act of 1934, nor court decisions applicable to Affiant. Many facts contained herein are based upon ruling case law and un-overruled decisions of the Supreme Court of the United States. None of these facts have been found to be "frivolous" by any court, and are affirmed facts that, under Commercial Law, must be rebutted with "case law" or acquiesced to.

Point: Any statements or claims in this Affidavit must be properly rebutted by facts of law or overriding Article-III Supreme Court rulings; and, if so accomplished, shall not prejudice the lawful validity of all other statements or claims not properly rebutted or invalidated by facts of law. An Affidavit of Truth, under Commercial Law, can only be satisfied by way of (i) rebuttal Affidavit of Truth, point for point; (ii) payment; (iii) agreement; (iv) resolution by a jury under the rules, regulations and proceedures of an Article-III, common-law-bound court.

Point: Affiant makes it perfectly clear (see Affiant's numerous declarations made by way of Affidavits which are attached and previously referanced in Articles VI, VIII and XV of this Affidavit of Petition for Declaratory Judgment) that Affiant is an adverse party denying under oath the allegation that Affiant is incorporated;

regarding: *"The failure of an adverse party to deny under oath the allegation that he is incorporated [is acquiescence to such, and thus becomes part of the official record]."* Galleria Bank v Southwest Properties, 498 Southwest 2nd.

Point: In addition to being Affiant's property (see attached copyright notice with affidavit of publication attached), Affiant's name is unique and is not given to any other. The Christian Appellation that Affiant answers to is Jon: of the Doe Family; Affiant has no "last name;" Affiant is domiciled as a resident living within the state of mind; Affiant's postal mailing location is known as: JON DOE, Estate; Executor Office; Nation Georgia-Republic; General Post-Office; Suwanee, Doe Province; United States Minor, Outlying Islands; Near; [30024-9998] Non-Domestic to U. S. (see notarized, certified declaration to the Suwanee Postmaster); Affiant's postal mailing location, although not affiliated with the "Corporate Body Politic" near the same location, is particularly unique to this Affiant, and is determined as complete, necessary and sufficient identification evidencing Affiant's neutral standing (15 USC 1681 (h)).

Point: The following exemplifies the use, misuse, abuse and perversion of words by way of transforming them into *"terms of art"* in order to change their meaning; *e.g.,* Webster's 1828 Dictionary defines the word *"birth"* as follows: *"BIRTH, BERTH, n. A station in which a ship rides. [See Berth.]"* The words "birth," "berth" and "born" all come from the same etymological root, meaning

"to bear." When you look up the word "berth," you find that most every definition has to do with ships. So our "berth-day" is the day we were given a place within the maritime / admiralty jurisdiction as a so-called "vessel" of the State. *Webster's New World Dictionary of the English Language – Third College Edition,* copyright 1988, page 132, also defines it as – *"berth n. . . . 4) a position, place, office, job, etc."* Therefore, the perception is that the "STATE" presumes this so-called "birth" as the "berth" of a "sole" (instead of "soul") "corporation" ("corpus" *Latin,* n. Meaning: *"body"*), holding the "office" of *"person,"* whose "job," "place" or "position" is to perform "duties / obligations" as dictated by the "STATE." This is all clearly carried out by way of Atheistic / Luciferian doctrine, to which Affiant, under protection of his 1st-Amend. protected and guaranteed freedom from religious persecution, emphatically does ***NOT*** subscribe nor submit. There are only two (possibly three) "birth-days" mentioned in the Scripture. In both cases a man lost his head. At Pharaoh's "birth-day party" in Genesis, the baker was hung; and at Herod's "birth-day party" in the Gospels, John the Baptist was beheaded. So I ask, why should a "Christian Nation" elect to celebrate such so-called *"Berth"*-days? Note that the *possible* third "birth-day" was mentioned in the Holy Writ, and that the 666 talents of gold mentioned therein did not include all that was wrought by merchant means. 1 Kings 10:14 and 2 Chronicles 9:13; *"Now the weight of gold that came to*

Solomon in one year was six hundred threescore and six talents of gold".

Point: A Living Soul has a date of Nativity; a Sole Corporation has a date of Birth / Berth.

Point: For reasons explicitly defined within these Points addressing the foregoing *" terms of art,"* Affiant heretofore denies having, or ever having had, a "birthday;" but rather, Affiant did have a " Nativity " upon the Land, and celebrates his day of Nativity as such. Whereas I inform the nice policeman, the court system, the bureaucrat, the *"de facto"* government, and all other parties that may inquire – ***"I, Jon: Doe, have no birthday;"*** hereby reiterating this declaration by way of the tenet – *" No man can be compelled to incriminate himself."* Therefore under protest, Affiant does hereby and herewith formally waive the benefit of privilege, and does not grant Respondent consent to jurisdiction, nor to any of Respondent's practices and presumptions, as is clearly enunciated throughout the entire body of this Affidavit of Petition for Declatory Judgment.

The Foriegn Sovereign Immunities Act of 1976 (FSIA):

Title 28 Section 1603 states –

"For purposes of this chapter – (a) A 'foreign state', except as used in section 1608 of this title, includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in subsection (b). (b) An 'agency

or instrumentality of a foreign state' means any entity – (1) which is a separate legal person, corporate or otherwise, and (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and (3) which is neither a citizen of a State of the United States as defined in section 1332 (c) and (d) of this title, nor created under the laws of any third country. (c) The 'United States' includes all territory and waters, continental or insular, subject to the jurisdiction of the United States. (d) A 'commercial activity' means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose. (e) A 'commercial activity carried on in the United States by a foreign state' means commercial activity carried on by such state and having substantial contact with the United States." Now, let us break down what a foreign state is in relation to the FSIA. Here, one must understand that the statutes are subject to "strict construction," *i.e.,* they mean <u>exactly</u> what they say, – no more, no less – lest there be constitutional confusion. Section 1603 (a) says that a foreign state <u>includes</u> a political subdivision, or an agency or instrumentality of a foreign state.

Therefore, under strict construction of the statute, the definition of a foreign state does not include the state itself, but only a political subdivision, or an agency or instrumentality thereof. Section 1603 (b) defines what constitutes an agency or instrumentality of a foreign state with relation to the FSIA. It says that *"An 'agency or instrumentality of a foreign state' means any entity – which is a separate legal person, corporate or otherwise,"* such as that which, by way of Affiant's definite and numerous declarations, clearly defines Affiant's status. Next, one must be – *". . . an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof,"* with an "organ" being defined as: *"of or having to do with an organ; inherent; inborn, constitutional; organized, systematically arranged; in law, fundamental; as the organic law of the United States is the Constitution"* – such as that which, by way of Affiant's definite and numerous declarations, clearly defines Affiant's status is an "organ" of such. Last, it says that you must be neither a citizen of a State of the United States, as defined in 1332 (c) and (d) of Title 28, nor created under the laws of any third country. When we look at Section 1332, it defines "a State of the United States" as the Territories, the District of Columbia and the Commonwealth of Puerto Rico. Once again, strict construction applies.

Therefore, pursuant to Title 28 Section 1604, – which declares: *"Subject to existing international agreements to which the United States is a party at the time of enactment of this Act, a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605 to 1607 of this chapter."* – since Affiant is neither a citizen of a State of the United States as defined above, nor a citizen of any state created under the laws of any third country, The Foriegn Sovereign Immunities Act of 1976, which became effective January 19th, 1977 by providing a statutory remedy equal to that of an Article-III remedy, heretofore ratifys Affiant's definite and numerous declarations affirming Affiant's status is that which enjoys sovereign, diplomatic immunity from / to the Respondent's jurisdiction.

Subsequently, Affiant does hereby formally declare that Respondent's corporate-commercial acts are *ultra vires* and injurious by willful and gross negligence; thus incurring liability as the respondent superior upon those unlimited to any and all federal, state and local municipalities / instrumentalities, and / or corporate agencies, and / or persons thereof involved directly and / or indirectly with the Respondent *via* any and every nexus acting therewith. Whereas, it being readily

apparent that Affiant does not grant Respondent consent to jurisdiction, Affiant does herewith demand, within maxims of the Common Law, that he forthwith receive remedy and redress in such matters. Further Affiant Saith Not.

Conclusion:

Therefore this court ought, on its own motion, to rule:

(a) that Jon: Doe, the living, breathing, flesh-and-blood man, is the only real party in interest, and, is the only party acting as contributing beneficiary who has put any value into the certified title known as "JON DOE;"

(b) that Jon: Doe is entitled to any and all equity put into such title known as "JON DOE;"

(c) that Jon: Doe is entitled to any and all *"interpleaded funds"* put into "JON DOE;"

(d) that the Respondent, having no claim in fact, is barred from any and all collection for any and all alleged debt from Jon: Doe relating to "JON DOE;"

(e) that the Respondent's jurisdiction, warrant for arrest, charge, prosecution, order to convict, and, order to sentence, inflicted upon Jon: Doe subsequent to the charge filed in STATE OF GEORGIA Vs. "JON DOE," State Court Accusation No. 2010D- 12345-1, notwithstanding the inherent

rights and status of Jon: Doe, is hereby and herewith declared null and void *ab initio.*

AFFIDAVIT. *n.* – A written or printed declaration or statement of facts made voluntarily and confirmed by the oath of affirmation of the party making it, taken before an officer with authority to administer such oath. Black's 1st Note: The capacity to issue one's solemn declaration of truth, one's sacred word, is the most basic, fundamental, underlying foundational concept of all commerce, society and civilization. An "affidavit" is a written statement under oath executed and sworn to before an authorized officer on the maker's commercial liability that all assertions contained within the affidavit are true, correct and complete, not misleading, the truth, the whole truth and nothing but the truth. An affidavit is the most solemn, unequivocal and ceremonial means extant to express truth without evasion, concealment, deception or insincerity. As distinguished from "testimony," an affidavit is not subject to cross-examination and is intended to be a complete, self-contained document. All truth is subjective, and only each soul of free-will possesses the right, duty, privilege and capacity to state Affiant's own truth in accordance with the unique nature, perspectives and priorities of the affiant. No one has the authority nor the ability to state the truth of another. As per the maxim of law: *"The order of things is confounded if everyone preserves not his jurisdiction."* Because truth is supreme in Commerce, an affidavit is the most important document in Commerce, and stands as the truth unless rebutted point-for-point by counter-affidavit signed and certified on the executing party's commercial liability as true, correct, and complete (*i.e.,* not misleading, the truth, the whole truth, and nothing but the truth). Exodus 20:16, the "Ninth Commandment," states: *"Thou shalt not bear false witness against thy neighbor."* The Bible is especially harsh on those who bear false witness. Lies are weapons that are easy to utter, difficult if not impossible to undo when spread as rumors, and can destroy lives. People often act on what is told them, and kill or are killed on the basis thereof, such as marching off to war believing "authorities," or blindly obeying one's "superiors."

ACKNOWLEDGMENT OF NOTARY:

– JURAT –

Date:_____.
All Rights Reserved; UCC 1-§308.

***Sui Juris;* Executor Office, by:_____.**
Jon: Doe / Executor / Affiant.

STATE OF GEORGIA)
) **ss:**
COUNTY OF GWINNETT)

On the___day of_____, 2013, before me,_____, Notary, appears Affiant, Jon: Doe, Executor Office, JON DOE, Estate, known to me (or proved to me via satisfactory evidence of identification) to be the sentient living man whose name is subscribed upon this instrument, and affirms to me that he executes the same in his authorized capacity.

Witnessed by my hand and official seal;

_____. DATE:_____.
Notary Signatory.

NOTARY SEAL:

My Commission Expires: _____.

IN THE DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JON DOE–Assignor, for the use of Jon: Doe–Assignee, at arm's length, Claimant *in personam,*	) CASE NO.: _____.) File On Demand (Claimant Waives Fee).)
Vs.	) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) AFFIDAVIT OF PETITION FOR) DECLARATORY JUDGMENT.

ORDER:

Whereas, Claimant's Petition for Declaratory Judgment having been brought before this Court and the Court having considered said Petition, Claimant's Affidavit and the entire record of the above-styled case, it is the ruling of this Court that no genuine issue of material fact remains in this case to dismiss, deny nor bar Claimant's Petition, it is hereby

ORDERED that judgment be **GRANTED** to Claimant against Respondent in favor of Claimant's pleadings therefore petitioned; and that Jon: Doe is declared, on and for the public record, the only party that has put any value into the certified title known as "JON DOE;" and that Jon: Doe is declared, on and for the public record, the only party entitled to any and all equity attaching to "JON DOE;" and that Jon: Doe is declared,

on and for the public record, the only party entitled to any and all interpleaded funds relating to "JON DOE;" and that the Respondent is declared, on and for the public record, having no claim in fact, barred from placing any and all duties, obligations, charges, claims, fines, fees, taxes, debts, and / or the like, against Jon: Doe relating to "JON DOE;" and it is

FURTHER ORDERED that the Respondent's jurisdiction, warrant for arrest, arrest record, charge, prosecution, conviction, and, order to sentence, subsequent to the charge filed in THE STATE COURT OF GWINNETT COUNTY, STATE OF GEORGIA, in the case of STATE OF GEORGIA Vs. JON DOE, Accusation Number 2010D-12345-1, is hereby and herewith declared, on and for the public record, null and void *ab initio;*

IT IS SO ORDERED this _____ day of _____, 20_____.

_____.

Federal Judge,
District Court of the U. S.,
Northern District, Georgia,
Atlanta Division.

Prepared and presented by:
Jon: Doe©, *in propria persona,*
Executor Office, JON DOE, Estate;
In Care Of:
A. Nother Person,
12-B Free Drive,
Lawrenceville, Georgia. [30046]
Phone Number: [555] 867-5309

IN THE DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JON DOE–Assignor, for the use of Jon: Doe–Assignee, at arm's length, Claimant *in personam,*	) CASE NO.: _____.) File On Demand (Claimant Waives Fee).)
Vs.	) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,)
STATE OF GEORGIA INC., *et al,* Respondent(s). _____	) AFFIDAVIT OF PETITION FOR) DECLARATORY JUDGMENT.

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this ___ Day of _____, 20___,

Served this Affirmed –

AFFIDAVIT OF PETITION FOR DECLARATORY JUDGMENT;

by way of U. S. P. S. Certified Mail Number –
= =
(place the 20-digit number here)
= =
To:
CLERK OF THE DISTRICT COURT OF THE UNITED STATES,
NORTHERN DISTRICT OF GEORGIA,
ATLANTA DIVISION;
In Care Of:
James N. Hatten, d/b/a/ JAMES N. HATTEN,
RICHARD B. RUSSELL FEDERAL BUILDING,
75 SPRING STREET, S. W.,
ATLANTA, GEORGIA. [30303-3361]
PHONE: [404] 215-1655.

Respectively presented, with all rights reserved;
Without Prejudice, U.C.C. 1-§308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JON DOE–Assignor, for the use of Jon: Doe–Assignee, at arm's length, Claimant *in personam,*	) CASE NO.: _____.) File On Demand (Claimant Waives Fee).)
	) **IN ADMIRALTY, IN COMMON LAW,**
Vs.	) CONTRACT, ANTITRUST, FRAUD,)
STATE OF GEORGIA INC., *et al,* Respondent(s). _____	) AFFIDAVIT OF PETITION FOR) DECLARATORY JUDGMENT.

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this ___ Day of _____, 20___,

Served this Affirmed –

AFFIDAVIT OF PETITION FOR DECLARATORY JUDGMENT;

by way of –

CLERK OF THE DISTRICT COURT OF THE UNITED STATES,
NORTHERN DISTRICT OF GEORGIA,
ATLANTA DIVISION;

To:
STATE OF GEORGIA INC., *et al,*
CHIEF EXECUTIVE OFFICER, *ex rel,*
In Care Of:
John Nathan Deal, d/b/a JOHN NATHAN DEAL,
203 STATE CAPITOL, S. W.,
ATLANTA, GEORGIA. [30334]
PHONE: [404] 656-1776.

Respectively presented, with all rights reserved;
Without Prejudice, U.C.C. 1-§308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

The following motion is to be filed (within 28 days of the judgment) in the event that the District Court of the United States (address all documents to "The District Court Of The United States" rather than "The United States District Court," because the name was changed, on or about 1946, in order to reflect a non-constitutional, inferior Article-I court of admiralty) returns an unfavorable judgment / dismissal, (e.g., on grounds of jurisdiction and / or frivolity, etc.) so that the constitutional issues raised within the affidavit of petition for declaratory judgment can be preserved for filing an appeal to "The Appelate Court Of The United States."

IN THE DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JON DOE–Assignor, for the use of Jon: Doe–Assignee, at arm's length, Claimant *in personam,*	) CASE NO.: _____.) File On Demand (Claimant Waives Fee).)
Vs.	) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,)
STATE OF GEORGIA INC., *et al,* Respondent(s). _____	) AFFIDAVIT OF PETITION FOR) DECLARATORY JUDGMENT.

MOTION FOR FINDINGS:

COMES NOW Jon: Doe *in propria persona* and expressly not *"pro se,"* a real party in interest appearing *nunc-pro-tunc via* special visitation and expressly not *via* general appearance, standing in unlimited commercial liability as a sovereign American Citizen, Secured Party Creditor, seeking a **"Common-Law Remedy"** within the Admiralty *via* the "Saving To Suitors Clause" at USC 28-1333 (1), in regarding *escheat* by way of collection *in rem;* on and for the *public* record, with enunciation of principles stated in *Haines v Kerner;* at 404 U. S. 519, wherein the court has directed that regardless if Movant's motion be deemed "in-artfully plead," those who are unschooled in law will have the court look to the *substance* of the "motion" rather than in the form; therefore Movant's "motion" is not required to meet the same strict standards as that of a "licensed" attorney. Movant's factual allegations within this text are therefore accepted on their face as true, correct, complete and not misleading, and are, to the best of Movant's

ability, the truth, the whole truth and nothing but the truth; and said "motion" is hereby presented along with any and all reasonable inferences that may be drawn therefrom. Subsequently, Movant's "motion" should not be construed narrowly, but rather interpreted liberally so as to accommodate any and all such plausible implications gathered regarding judgment in "the case", *viz* "JON DOE–Assignor, for the use of Jon: Doe–Assignee, at arm's length, Claimant *in personam,* Vs. STATE OF GEORGIA INC., *et al.,* Respondent(s), CASE NO. 1-23-CV-0123-SCJ", rendered and entered May 6, 2013, received May 8, 2013. THEREFORE MOVANT DOES hereby and herewith formally move this court pursuant to the Federal Rules of Civil Procedure (also hereinafter FRCP), Rule 52 (b), which provides in pertinent part that "[o]n a party's motion... after entry of judgment, the court may amend its findings–or make additional findings–and may amend the judgment accordingly." [emphasis added] This rule permits a party to file a motion for findings after the judgment has been entered. Therefore, "the party", *viz* "JON DOE–Assignor, for the use of Jon: Doe–Assignee, at arm's length, Claimant *in personam*", does hereby and herewith formally move this court to amend its judgment accordingly, by way of providing the party an enumerated bill of particulars clarifying point-by-point: **(i)** that "the court", *viz* "THE DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION", is, or, is not, sanctioned to exercise jurisdiction in the Common Law arising under Article-III,

Section-I, and, Article-III, Section-II, of "the Constitution", *viz* "the original, organic Constitution for these United States of America, drafted on or about the year 1787 and ratified by the several states of the Union on or about 1791."

(ii) that "the judge" assigned to the case, *viz* "STEVE CARMICHAEL JONES, d/b/a/ Federal Judge", is, or, is not, affirmed / sworn under "oath" for said office; *i.e.,* "… all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution;" See Article VI of the Constitution for authority.

(iii) that the judge is, or, is not, sanctioned to exercise jurisdiction in the Common Law arising under Article-III, Section-I, and, Article-III, Section-II, of the Constitution; *i.e.,* **Section I** – "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office." **Section II** – "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to

which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects."

(iv) that the United States government is, or, is not, a signatory to the Constitution pursuant to its ratification on or about the year 1791.

(v) that the United States government is, or, is not, operating within the geographic boundaries of the common-law jurisdiction.

(vi) that the state of Georgia is, or, is not, a signatory to the Constitution pursuant to the Philadelphia Convention of 1787 and ratification of the same in 1791.

(vii) that the state of Georgia is, or, is not, within the geographic boundaries of the common-law jurisdiction.

(viii) that pursuant to Title 28 USC, the Uniform Declaratory Judgment Act is, or, is not, provided under both federal and state law.

(ix) that the following is, or, is not, an accurate description of "declaratory judgment": A declaratory judgment is the legal determination of a court as to the legal position of litigants where there is doubt as to their position in law. It is a form of legally-binding preventive adjudication by which a party involved in an actual, or, possible, legal matter can ask a court to conclusively rule on and

affirm the rights, status, duties, or, obligations, of one or more parties in a civil dispute. Although generally a statutory rather than equitable remedy in the United States, relief is historically related to, and, behaves in legal terms similarly to, other equitable reliefs and declarations.

(x) that relief under the Declaratory Judgment Act is, or, is not, available when jurisdiction, in the sense of a federal right, controversy or diversity, provides foundation for resort to the federal courts.

(xi) that the party's inherent status establishing foreign jurisdiction separate from that to which the Respondent adheres, as well as the fact that Jon: Doe is the real party in interest and the Respondent is a corporate fiction, does, or, does not, establish diversity and controversy in the case.

(xii) that the Constitution, at Article-III, Section-II, does, or, does not, provide exercise of the judicial power to cases of diversity and controversy which are such in the Constitutional sense.

(xiii) that *escheat via* the Respondent's collection *in rem* and willful abrogation of the party's inherent rights and status – which are protected and guaranteed under the Constitution and Amendments found within the Honorable Bill of Rights (the first ten Amendments) – by way of the Respondent administrating duties, obligations, arrest, charges, prosecution, conviction, sentencing, incarceration / body attachment, pursuant to matters arising outside the common-law / trust-law jurisdiction, does, or, does not,

demonstrate diversity and controversy which are such in the Constitutional sense.

(xiv) that the party does, or, does not, have the right to petition for declaratory judgment relating to the case.

(xv) that the party does, or, does not, include and fortify, within the Admiralty, USC Title 28-1333 (1), *viz* "the Saving To Suitors Clause", in his document(s).

(xvi) that the party in the case does, or, does not, unequivocally declare that he seeks a **"Common-Law Remedy"** within the Admiralty.

(xvii) that the Saving To Suitors Clause does, or, does not, provide the right of a common-law remedy in all cases where the common law is competent to give it.

(xviii) that the Saving To Suitors Clause does, or, does not, provide original cognizance and culpability of the United States government to protect all rights and status of all seizures on land, under the common law, with no blending of equity.

(xix) that the party does, or, does not, have the right to seek a common-law remedy within the admiralty.

(xx) that adjudication for the case will, or, will not, harm the public.

(xxi) that the court is, or, is not, indemnified by the bond of "JON DOE".

(xxii) that the party does, or, does not, have an inherent, proprietary right to the certified title known as "JON DOE".

(xxiii) that the party is, or, is not, the only real party in interest acting as contributing beneficiary who has put any value into "JON DOE".

(xxiv) that the party is, or, is not, the only inherent, legitimate claimant to any and all equity attaching to "JON DOE".

(xxv) that the party is, or, is not, entitled to any and all interpleaded funds relating to "JON DOE".

(xxvi) that the Respondent does, or, does not, have record or / nor evidence that the Respondent has put value into "JON DOE".

(xxvii) that the party does, or, does not, have the right to demand any *"original "* contract, agreement, or, terms of trust, *not* a copy, which is being used against him, be brought forward.

(xxviii) that a court at law does, or, does not, require the *original* contract, agreement, or, terms of trust, be entered as evidence.

(xxix) that the Erie doctrine does, or, does not, mandate – Where there is no contract [agreement, or, trust relationship], there is no case.

(xxx) that notwithstanding any and all assumed trusts, contracts, or, agreements, signed, unsigned, constructed, implied, adhered, invisible, and / or the like thereof, the Respondent is, or, is not, in breech of any and all such alleged instruments for failure of trust relationship, full disclosure, and / or, equitable consideration.

(xxxi) that if the party tries to void a trust, contract, or, agreement, because of a missing element and is prevented from doing so, such instrument does, or, does not, become a fraudulent instrument.

(xxxii) that there is, or, is not, a statute of limitations on fraud.

(xxxiii) that the Respondent has / is, or, has / is not, been / currently, doing business within the jurisdiction and venue of the court.

(xxxiv) that the party's Constitutionally-protected and guaranteed 4th-Amendment Right, which states *"no Warrants shall issue, but upon probable cause,"* is, or, is not, abrogated by the Respondent on 07/21/2010.

(xxxv) that the party's Constitutionally-protected and guaranteed 1st-Amendment Right to be heard by the court is, or, is not, abrogated by the Respondent on 12/15/2010.

(xxxvi) that the party's 5th-Amendment-protected and guaranteed arraignment is, or, is not, obstructed by the Respondent on 12/15/2010.

(xxxvii) that the party's 5th-Amendment-protected and guaranteed arraignment is, or, is not, waived by the party.

(xxxviii) that the Respondent's obstruction of the party's arraignment is, or, is not, in derogation from the 6th-Amendment-protected and guaranteed Rights to fully understand the accusation and define / challenge jurisdiction / venue.

(xxxix) that the Respondent's practice of law from the bench, by entering a plea of *"Not Guilty"* for the party, is, or, is not, in derogation from the Constitution.

(xl) that pursuant to the FRCP, Rule 52, the Respondent's corporate silence / non-response to the party's affirmed declarations is, or, is not, tantamount to estoppel *via* acquiescence.

(xli) that the Respondent's failure to answer the party's motion(s) is, or, is not, in derogation from Article-III and Article-IV of the Constitution.

(xlii) that the Respondent's failure to respond to the party's challenge to jurisdiction, as declared in the party's affirmed affidavits of truth and *nunc-pro-tunc* objections and demand for probable cause *via* fact-finding entered in the court, is, or, is not, an abrogation of the party's 4th-Amendment Right to establish probable cause, 6th-Amendment Right to define and challenge jurisdiction, and, 5th-Amendment Right to due process of law.

(xliii) that Gwinnett County is, or, is not, the proper venue / jurisdiction to file / hear such alleged claim.

(xliv) that the party does, or, does not, have the right to challenge jurisdiction at any time.

(xlv) that the Respondent's claim does, or, does not, comport to the requisite uniform three-year statute of limitations provided within the Admiralty.

(xlvi) that the Respondent's claim is, or, is not, in direct contravention to the United States' abolition of *"Debtors' Prison"* in the year 1833.

(xlvii) that the state-legislated guidelines found within O.C.G.A. 00-0-00 ***(place the unconstitutional statute # in place of the 0s above)*** are, or, are not, in derogation from the Constitution.

(xlviii) that the Respondent's *"Request to Charge"* is, or, is not,

in derogation from the equal protection clause of the 5th Amendment to the Constitution.

(xlix) that the Respondent's claim is, or, is not, in derogation from the common law, and therefore is withstanding, or, is notwithstanding, the Constitution.

(l) that the party's affirmed declaration(s) does/do, or, does/do not, reserve and exercise all Rights and Remedy as provided by way of such that are unlimited to the party's UCC-1 Financing Statement; the Saving To Suitors Clause; the 13th Article of Amendment to the Constitution; 15 Statutes At Large; House Joint Resolution 192; The Foreign Sovereign Immunities Act of 1976; the Uniform Commercial Code in Book 1 at Sections 207 and 308; *et cetera* . . .

(li) that pursuant to the same, and in harmony with the Uniform Commercial Code, the party does, or, does not, reserve his Common Law / Constitutional Rights and Remedy not to be compelled to perform under any trust, contract, and / or, agreement, and / or the like thereof, that the party has not entered into knowingly, voluntarily, and, intentionally.

(lii) that reservation and exercise of the same does, or, does not, serve notice upon all multi-jurisdictional, international, federal, state, and, local, administrative agencies and government instrumentalities, that, the party does not, and, will not, accept the liability associated with the "compelled benefit of privilege" pursuant to any and every unrevealed / presumed commercial trust, contract or agreement.

(liii) that reservation and exercise of the same does, or, does not, unequivocally expatriate the party from the Respondent's jurisdiction, entitling the party remedy by trial according to the course and usage of the **COMMON LAW**, employing an Article-III judge bound by *"the Supreme Law of the Land."*

(liv) that reservation and exercise of the same does, or, does not, release the party from any and every unrevealed / presumed trust, contract / agreement, and / or all the like thereof, such as that which is found within the Respondent's *"Request to Charge"*.

(lv) that waiving "the benefit of privilege" does, or, does not, relieve the party from any and every presumption, presentment, accusation, indictment, trust, and the like, charging the party as a so-called 14th-amendment "citizen / person," "subject," "resident," "resident of the commonwealth," "person of inherence and / or incidence," corporate officer / agent / representative / member / partner / employee / fiction / transmitting utility / franchisee / *ens legis* / *stramineus homo* (straw-man) / dummy / juristic person / libellee / debtor / obligor / accommodation party / surety / trustee / beneficiary / and/or all the like thereof.

(lvi) that the Respondent's presumed trust, contract / agreement does, or, does not, comport to the common law / trust law.

(lvii) that the Respondent's presumed trust, contract / agreement does, or, does not, comport to equity law / civil law.

(lviii) that the Respondent's presumed trust, contract / agreement does, or, does not, comport to admiralty law.

(lix) that the Respondent's presumed trust, contract / agreement does, or, does not, comport to the Uniform Commercial Code.

(lx) that the Respondent's presumed trust, contract / agreement does, or, does not, contain all the necessary elements used in constituting such instruments; *e.g.,*

1. *"Trustee – Beneficiary relationship / Offer, not excluding full disclosure."*
2. *"Benefit of Fiduciary / Equitable Consideration for all involved parties."*
3. *"Agreement to act or be named as Trustee or Beneficiary / Acceptance, i.e., " a meeting of the minds," by all involved parties."*
4. *"The implied or assumed actions / signatures by all involved parties."*

(lxi) that pursuant to the FRCP, Rule 52, and with knowledge of the fact that "assumption" and "presumption" may prevail unless rebutted or explicitly denied, the party does, or, does not, unequivocally declare that Jon: Doe is in no way to be construed, termed, nor, thought of, as a *corporate person, legal fiction, fictional person,* nor, *incorporated,* in any way, means, shape, nor, form.

(lxii) that with knowledge of the fact that all such entities are *not* living, breathing, sentient men and women, the party does, or, does not, make express and explicit claim and affirmation to the living, whose Creator is the party's Heavenly Father; with express and explicit claim and affirmation that the party is

a self-aware, sentient, flesh-and-blood man, indivisible from the divine soul, inherent to the Heavenly Creator, and is *not* a goverernmentally-created *"person of inherence or incidence," "franchisee,"* nor any other form of *"corporation."*

(lxiii) that the party does, or, does not, successfully rebutt the presumptions that the party is: (a) incorporated; (b) under contract; (c) trustee/beneficiary relationship.

(lxiv) that the party is, or, is not, an inherent, 1st Class state Citizen; a sovereign American Citizen of these several states of the Union, *i.e.,* "the United States of America" as first declared within Article-1 of the Articles of Confederation, agreed to in the year 1777 and ratified in the year 1781; a Citizen of the United States as such term is defined within the course and usage of the Constitution; one of the sovereign American People of Posterity; a Secured-party Creditor; a non-resident alien with respect to the federal zone of the United States government.

(lxv) that the party is, or, is not, a resident alien, subject to the exclusive jurisdiction of the federal zone of the U.S. government, or one of its States, territories, enclaves, *etc.;* a so-called 14th-amendment municipal franchisee, 2nd class citizen of the United States government; a *"term of art"* known as a "citizen of the United States", a/k/a, a "United States citizen", which is tantamount to a federal citizen of the District of Columbia (as the two are synonymous); a non-resident citizen adhering to federal citizenship; or, as such is more accurately couched, "a statutory slave."

(lxvi) that the party is, or, is not, exclusively within the common-law jurisdiction.

(lxvii) that the party does, or, does not, grant the Respondent consent to jurisdiction.

(lxviii) that the party in the case is, or, is not, a "Claimant" *"in personam"*.

(lxix) that the party's relationship to Respondent is, or, is not, "at arm's length."

(lxx) that the party in the case does, or, does not, substantiate a set of facts in support of a claim which would entitle him to relief.

(lxxi) that an affidavit of petition for declaratory judgment is, or, is not, required to be answered point-by-point.

(lxxii) that any and all statements or claims in the party's affidavit of petition for declaratory judgment are, or, are not, required to be properly rebutted, point-by-point, with facts of law or overriding Article-III Supreme Court rulings.

(lxxiii) that if so rebutted, such rebuttle does, or, does not, prejudice the lawful validity of all other statements or claims not properly rebutted or invalidated, point-by-point, pursuant to facts of law or overriding Article-III Supreme Court rulings.

(lxxiv) that the court is, or, is not, acting in good faith and in accord with the course and usage of the judiciary powers of the Constitution when it arbitrarily and capriciously invokes unwarranted, unsubstantiated blanket-allegations of frivolity.

(lxxv) that the clerk of the court is, or, is not, a "vessel" as documented under USC Chapters 121 and 123 at Title 46 of The Public Vessel Act.

(lxxvi) that all of the party's documents in the case, as entered in the court, are, or, are not, "cargo" as documented under the Bills of Lading Act.

ACKNOWLEDGMENT OF NOTARY:

– JURAT –

Date:_____.
All Rights Reserved; UCC 1-§308.

***Sui Juris;* Executor Office, by:_____.**
Jon: Doe / Executor / Movant.

STATE OF GEORGIA)
) **ss:**
COUNTY OF GWINNETT)

On the___day of_____, 2013, before me,_____, Notary, appears Movant, Jon: Doe, Executor Office, JON DOE, Estate, known to me (or proved to me via satisfactory evidence of identification) to be the sentient living man whose name is subscribed upon this instrument, and affirms to me that he executes the same in his authorized capacity.

Witnessed by my hand and official seal;

_____. DATE:_____.
Notary Signatory.

NOTARY SEAL:

My Commission Expires: _____.

IN THE DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JON DOE–Assignor, for the use of Jon: Doe–Assignee, at arm's length, Claimant *in personam,*	) CASE NO.: _____.) File On Demand (Claimant Waives Fee).)
Vs.	) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,)
STATE OF GEORGIA INC., *et al,* Respondent(s). _____	) AFFIDAVIT OF PETITION FOR) DECLARATORY JUDGMENT.

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this ___ Day of _____, 20___,

Served this Affirmed –

MOTION FOR FINDINGS;

by way of U. S. P. S. Certified Mail Number –
= =
(place the 20-digit number here)
= =
To:
CLERK OF THE DISTRICT COURT OF THE UNITED STATES,
NORTHERN DISTRICT OF GEORGIA,
ATLANTA DIVISION;
In Care Of:
James N. Hatten, d/b/a/ JAMES N. HATTEN,
RICHARD B. RUSSELL FEDERAL BUILDING,
75 SPRING STREET, S. W.,
ATLANTA, GEORGIA. [30303-3361]
PHONE: [404] 215-1655.

Respectively presented, with all rights reserved;
Without Prejudice, U.C.C. 1-§308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** – File On Demand – Claimant Waives Fee Pursuant To UCC-1 §308, §308-5, §103-6,) **IN ADMIRALTY, IN COMMON LAW,** CONTRACT, ANTITRUST, FRAUD, ESTOPPEL, DURESS, COERCION,
Vs.	)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO STATE STATUTES AND PROCEDURES.**

AFFIDAVIT OF NOTICE OF "APPEAL":

COMES NOW Jon: Doe, administrator, *Sui Juris, in propria persona* and expressly not *"pro se;"* a Claimant *in personam* and expressly not a "plaintiff;" a real party in interest appearing *nunc-pro-tunc via* special visitation and expressly not *via* "general appearance;" standing in unlimited commercial liability as a sovereign American / state Citizen and expressly not a "federal citizen" – a/k/a – "citizen of the United States;" a Secured-Party Creditor, federal witness, also hereinafter "Affiant," seeking a **"Common-Law Remedy"** within the Admiralty *via* the "Saving To Suitors Clause" at Title 28 USC §1333, and the "Federal Question Statute" at Title 28 USC §1331 – In Regarding: *escheat* by way of collection *in rem* and Constitutional challenge to STATE codes, rules, regulations, statutes, procedures, *etc.,* on and for the *public* record, with enunciation of

principles stated in *Haines v Kerner,* at 404 U. S. 519, wherein the court has directed that regardless if Affiant's "appeal" be deemed "in-artfully plead," those who are unschooled in law will have the court look to the *substance* of the "appeal" rather than in the form; therefore Affiant's "appeal" is not required to meet the same strict standards as that of a "licensed" attorney. Affiant's factual allegations within this text are therefore accepted on their face as true, correct, complete and not misleading, and are, to the best of Affiant's ability, the truth, the whole truth and nothing but the truth; and said "appeal" is hereby presented along with any and all reasonable inferences that may be drawn therefrom. Subsequently, Affiant's "appeal" should not be construed narrowly, but rather interpreted liberally so as to accommodate any and all such plausible implications gathered regarding "the case", *viz* "JON DOE—Assignor, for use of Jon: Doe—Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,* Vs. STATE OF GEORGIA INC., *et al.,* Respondent(s), CASE NO. 13-00000, File On Demand, Claimant Waives Fee Pursuant To UCC-1 §308, §308-5, §103-6, **IN ADMIRALTY, IN COMMON LAW,** CONTRACT, ANTITRUST, FRAUD, ESTOPPEL, DURESS, COERCION, **CONSTITUTIONAL CHALLENGE TO STATE STATUTES AND PROCEDURES.**", filed on or about January 11, 2013, judgment rendered and entered on May 6, 2013, and received by Affiant on or about May 8, 2013; which preceded the

district court's ruling on Affiant's Motion For Findings, filed pursuant to the FRCP, Rule 52 (b), on May 21, 2013, and entered by the district court on October 23, 2013, received by Affiant on or about October 25, 2013.

THEREFORE AFFIANT DOES hereby and herewith formally notice the appellate court of the United States, eleventh circuit, pursuant to the FRAP (Federal Rules of Appellate Procedure), unlimited to Rules 3 (a) (1) and 4 (a) (4) (A) (ii), which respectively provide that – "An appeal permitted by law as of right from a district court to a court of appeals may be taken only by filing a notice of appeal with the district clerk within the time allowed by Rule 4. At the time of filing, the appellant must furnish the clerk with enough copies of the notice to enable the clerk to comply with Rule 3 (d)."; and – "If a party timely files in the district court any of the following motions under the Federal Rules of Civil Procedure, the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion: (ii) to amend or make additional factual findings under Rule 52 (b), whether or not granting the motion would alter the judgment ". These rules indicate that a notice of appeal may be filed within thirty (30) days after ruling on the aforesaid motion has been entered.

THE FOLLOWING DOCUMENTS, filed in the district court by Affiant, and, named hereunder, are hereby and herewith formally identified, *via* this "NOTICE," for the purposes of allowing them to expound and fortify the position of Affiant's "appeal:"

(I) Motion For Findings;

(II) Affidavit Of Petition For Declaratory Judgment;

(III) Any and "all" Addenda / Attachments to the Affidavit Of Petition For Declaratory Judgment.

VERIFIED AFFIRMATION:

Affiant presents this affidavit point-by-point *via* verified affirmation of declaration:

(1) that Affiant is the age of majority;

(2) that Affiant is competent for stating the first-hand facts and knowledge contained herein;

(3) that Notice to Principal(s) is Notice to Agent(s); and, Notice to Agent(s) is Notice to Principal(s);

(4) that "all" of Affiant's declarations are true, correct, complete and not misleading; and are, to the best of Affiant's ability, the truth, the whole truth and nothing but the truth.

Further Affiant Saith Not.

VERIFICATION OF NOTARY:

– JURAT –

Date:_____.

***Sui Juris;* Executor Office, by:_____.**

Jon: Doe / Executor / Affiant.

Republic of Georgia state) **Notice:** Requisition for notarial services provided below are
) authored by Affiant for verification purposes only, and do not
County of Gwinnett) constitute adhesion nor alter Affiant's status in any manner.

On the____day of_____, 2013, before me,_____,

Notary, appears Affiant, Jon: Doe, Executor Office, JON HENRY DOE, Estate, who is known to me and is the living man whose name is scribed upon this instrument, and acknowledges to me that he administers and executes the same in his authorized capacity; and that by his acknowledgment, as shown by this instrument, Jon: Doe, Executor Office, JON HENRY DOE, Estate, is currently administrating to the aforesaid estate on behalf of the office executing this instrument.

Witnessed by my hand and official seal;

Signed:_____. DATE:_____.

Notary Signatory.

NOTARY SEAL

My Commission Expires:_____.

IN THE DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee) Pursuant To UCC-1 §308, §308-5, §103-6,)) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,
Vs.	) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this__Day of _____, 2013, Served this –

AFFIDAVIT OF NOTICE OF "APPEAL";

by way of U. S. P. S. Certified Mail Number –
= =

= =
To:
CLERK OF THE DISTRICT COURT OF THE UNITED STATES,
NORTHERN DISTRICT OF GEORGIA,
ATLANTA DIVISION;
In Care Of:
James N. Hatten, d/b/a/ JAMES N. HATTEN,
RICHARD B. RUSSELL FEDERAL BUILDING,
75 SPRING STREET, S. W.,
ATLANTA, GEORGIA. [30303-3361]
PHONE: [404] 215-1655.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)
Vs.	) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

AFFIDAVIT OF "MOTION FOR" FILING "DOCKET" ENTRIES AND ADMITTANCE OF LAYMAN'S "PLEADINGS" NOTWITHSTANDING WANT OF FORM:

COMES NOW Jon: Doe, administrator *Sui Juris, in propria persona* and expressly not *"pro se;"* a Claimant *in personam* and expressly not a "plaintiff;" a real party in interest appearing *nunc-pro-tunc via* special visitation and expressly not *via* "general appearance;" standing in unlimited commercial liability as a sovereign American / state Citizen and expressly not a "federal citizen" – a/k/a – "citizen of the United States;" a Secured-Party Creditor, federal witness, also hereinafter "Affiant", proceeding as a "layman" without unfettered counsel pursuant to the principles enunciated within The Judiciary Act of September 24, 1789, § 342, FIRST CONGRESS, Sess. 1, ch. 20; *Spencer v Doe*, (1998); *Green v Bransou*, (1997); *Boag v McDougall*, (1998); and, *Haines v Kerner*, 404 U. S. 519 (1972), whereby it is herewith held *via* verified affirmation of declaration: (i) that Affiant is of majority age; (ii) that Affiant is competent for stating the first-hand facts and knowledge contained herein; (iii) that

Claimant is a layman proceeding without unfettered counsel; (iv) that Claimant is an administrator *Sui Juris, in propria persona* and expressly not proceeding *"pro se"*; (v) that since the court can reasonably read Claimant's "pleadings" to state valid claims and declarations upon which the Claimant could prevail and since Claimant, a layman, does substantiate a set of facts that are in support of a claim which would entitle him to relief, the court is obligated to find for Affiant 's claims and declarations despite Claimant's any-and-every failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, and Claimant's unfamiliarity with "pleading" requirements; and that the court shall proceed and give judgment according as the right of the cause and matter in law shall appear unto it, without regarding any imperfections, defects or want of form in such "pleadings" or course of proceedings whatsoever; (vi) that FRAP, Rule 25 (4) provides: The clerk must not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or by any local rule or practice; (vii) that pursuant to The Public Vessel Act and The Bills of Lading Act, the "clerk" is a "vessel" and the Claimant's "pleadings" are "cargo."

AFFIDAVIT OF REASON FOR "MOTION":

Claimant's [-"Appellant's"] "pleadings" are returned, unfiled, undocketed, unadmitted and undetermined, on or about December 9th, 2013 (see attached), for defect or want of form in said "pleadings" and/or course of proceedings regarding the case in hand.

AFFIDAVIT OF REDRESS AND REMEDY SOUGHT:

Claimant [-"Appellant"] asks that the appellate court of the United States, eleventh circuit, and, the clerk of said court, henceforth recognize: **(i)** that Claimant [-"Appellant"] is an administrator *Sui Juris,* "proceeding" *nunc-pro-tunc in propria persona via* special visitation as a layman without unfettered counsel; and, that Claimant [-"Appellant"] is expressly not -- a "Plaintiff " [-"Appellant"] proceeding *"pro se" via* "general appearance"; **(ii)** that Claimant does not *'submit'* his "pleadings" nor has Claimant "submitted" [*sic*] any "papers", but rather, Claimant "presents" "all" of his "pleadings" / "papers" "with all rights reserved" and "Without Prejudice" pursuant to UCC-1 § 308; and, **(iii)** that any and "all" of Claimant's [-"Appellant's"] "pleadings" and/or "proceedings", presented to said court *via* said clerk, be henceforth accepted, filed, docketed, admitted and determined in harmonious accord with the laws, rules, codes and principles thereby and herewith formally set forth and invoked pursuant to the authorities cited above and at pages 1 and 2 of this instrument.

VERIFIED AFFIRMATION:

Affiant presents this affidavit point-by-point *via* verified affirmation of declaration: that notice to principal is notice to agent and notice to agent is notice to principal; and that "all" of Affiant's claims and declarations, point-by-point, are true, correct, complete and not misleading; and are, to the best of Affiant's ability, the truth, the whole truth and nothing but the truth. Further Affiant Saith Not.

VERIFICATION OF NOTARY:

– JURAT –

Date:_____.

***Sui Juris;* Executor Office, by:_____.**

Jon: Doe / Executor / Affiant.

Republic of Georgia state) **Notice:** Requisition for notarial services provided below are
) authored by Affiant for verification purposes only, and do not
County of Gwinnett) constitute adhesion nor alter Affiant's status in any manner.

On the____day of_____, 2014, before me,_____,

Notary, appears Affiant, Jon: Doe, Executor Office, JON HENRY DOE, Estate, who is known to me and is the living man whose name is scribed upon this instrument, and acknowledges to me that he administers and executes the same in his authorized capacity; and that by his acknowledgment, as shown by this instrument, Jon: Doe, Executor Office, JON HENRY DOE, Estate, is currently administrating to the aforesaid estate on behalf of the office executing this instrument.

Witnessed by my hand and official seal;

Signed:_____. Date:_____.

Notary Signatory.

NOTARY SEAL

My Commission Expires:_____.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)) **IN ADMIRALTY, IN COMMON LAW,**
Vs.	) CONTRACT, ANTITRUST, FRAUD,) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this __ Day of _____, 2014, Served this –

AFFIDAVIT OF "MOTION FOR" FILING "DOCKET" ENTRIES AND ADMITTANCE OF LAYMAN'S "PLEADINGS" NOTWITHSTANDING WANT OF FORM;

by way of U. S. P. S. Certified Mail Number –
= =

= =

To:
CLERK OF THE APPELLATE COURT OF THE UNITED STATES,
ELEVENTH CIRCUIT;
In Care Of:
John Ley, d/b/a/ JOHN LEY—Office Of Clerk Of Court,
ELBERT PARR TUTTLE COURT OF APPEALS BUILDING,
56 Forsyth Street, N. W.,
Atlanta, Georgia. [30303]
Telephone #: [404] 335-6184.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,
Vs.	) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

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AFFIDAVIT OF "MOTION FOR" FILING "DOCKET" ENTRIES AND ADMITTANCE OF LAYMAN'S "PLEADINGS" NOTWITHSTANDING WANT OF FORM;

by way of U. S. P. S. Certified Mail Number –
= =

= =
To:
John Nathan Deal, d/b/a/ JOHN NATHAN DEAL—CHIEF EXECUTIVE OFFICER;
In Care Of:
203 STATE CAPITOL,
Atlanta, Georgia. [30334]
Telephone #: [404] 261-1776.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,
Vs.	) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

CERTIFICATE OF SERVICE:

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by way of U. S. P. S. Certified Mail Number –
= =

= =
To:
Samuel Scott "Sam" Olens, d/b/a/ SAMUEL SCOTT OLENS—OFFICE OF THE ATTORNEY GENERAL,
In Care Of:
40 CAPITOL SQUARE, S. W.,
Atlanta, Georgia. [30334]
Telephone #: [404] 656-3300.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms
www.ca11.uscourts

December 11, 2013

J[redacted]e
C/O C.W. [redacted]
185 BAYS[redacted] DR
SUWANEE, GA 30024

Appeal Number: 13-15[redacted]
Case Style: J[redacted]e v. State of Georgia Inc.
District Court Docket No: 1:13-cv-00[redacted]-SCJ

The papers you recently submitted to this office are being returned for the reasons stated. **December 09, 2013, "Affidavit of Appendix to the Claimant's Declarations"** is returned unfiled because it is not clear what they are for. (Your brief and appendix are not due until January 13, 2014, and must comply with the rules for filings briefs and appendices). Do not send documents that are not required as they will be returned.

REFUSED

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Lois Tunstall, EE
Phone #: (404) 335-6224

Enclosed is a copy of the Pro Se handbook Please read and use it.

MP

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,
Vs.	) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

AFFIDAVIT OF CERTIFICATE OF INTERESTED "PERSONS"

AND CORPORATE DISCLOSURE STATEMENT:

Pursuant to 11th Cir. R. 26.1, Affiant hereby and herewith formally files this certificate and makes his statement in harmony with "all" affirmed claims and declarations in the case made by Affiant; and said statement is made under protest, with all rights reserved, without prejudice, pursuant to UCC-1 §308, §308-5, §103-6.

***NOTICE:** The title known as "JON DOE" is not under public commercial contract, incorporated, nor entrusted to the public, nor is it available for the use of any government agencies, instumentalities, municipalities, corporations, and / or "all" the like thereof, without the express written consent of Jon: Doe, Executor Office, JON HENRY DOE, Estate, as said title is the private property of the private estate known as the JON HENRY DOE Estate, secured and perfected pursuant to UCC-1 Financing Statement No. 045-2011-000000, with

Security Agreement No. JHD-000000-SA coupled thereto and pursuant to the Affidavit of Publication for Copyright Notice of the aforesaid title, which exists solely for private usage and purposes only. Any and "all" use of the title known as "JON DOE", which is unwarranted by Jon: Doe, Executor Office, JON HENRY DOE, Estate, is unauthorized, in breech of the Uniform Commercial Code, and, as construed in harmony with the UCC, is copyright infringement and commercial piracy. *Furthermore, Affiant is not under public commercial contract, incorporated, nor in relations with any public trust. Also note that, as is previously affirmed, in addition to being Affiant's property, Affiant's name is unique and is not given to any other. *The Christian appellation to which Affiant answers is Jon: of the Doe Family; Affiant has no "last name." Affiant's affirmed declarations are reiterated by way of the tenet – *"No man can be compelled to incriminate himself."*

ITERESTED "PERSONS":

Deal, John Nathan,

DEAL, JOHN NATHAN, doing business as and holding the office of: CHIEF EXECUTIVE OFFICER, of the for-profit corporation(s) known as: (THE) STATE OF GEORGIA INC. *et al.* (Corp. ID # and Stock Symbol unknown),

*JON DOE©,

*Jon: of the Doe Family.

Affiant presents this affidavit point-by-point *via* verified affirmation of declaration:

(i) that Affiant is the age of majority; **(ii)** that Affiant is competent for stating the first-hand facts and knowledge contained herein; **(iii)*** that pursuant to the FRCP, Rule 52, and with knowledge of the fact that "presumption" may prevail unless rebutted or explicitly denied, Affiant does hereby and herewith unequivocally declare that Jon: Doe is not, and is in no way to be construed, termed, nor thought of as, a corporate person, legal fiction, fictional person, nor, incorporated, in any way, means, shape nor form; **(iv)*** that with knowledge of the fact that all such entities are not living, breathing, sentient men and women, Affiant hereby formally makes express and explicit claim and affirmation to the living, whose Creator is Affiant's Heavenly Father, with express and explicit claim and affirmation that Affiant is a self-aware, sentient, flesh-and-blood man, indivisible from the divine soul, inherent of the Heavenly Creator, and is not a "person", goverernmentally-created "person of inherence or incidence," nor any other form of corporation – regarding the word/term of art *i.e.* "person" may be construed according to several references – not excluding 22 USC §1621 - Definitions: For the purposes of this subchapter – (a) The term "person" shall include an individual, partnership, corporation, or the Government of the United States; **(v)** that "all" of Affiant's declarations contained herein are true, correct, complete and not misleading, and are, to the best of Affiant's ability, the truth, the whole truth and nothing but the truth. Further Affiant Saith Not.

[CASE NO. 13-00000. JON DOE VS. STATE OF GEORGIA INC. *et al.*]

VERIFICATION OF NOTARY:

– JURAT –

Date:_____.

***Sui Juris;* Executor Office, by:_____.**

Jon: Doe / Executor / Affiant.

Republic of Georgia state) **Notice:** Requisition for notarial services provided below are
) authored by Affiant for verification purposes only, and do not
County of Gwinnett) constitute adhesion nor alter Affiant's status in any manner.

On the____day of_____, 2014, before me,_____, Notary, appears Affiant, Jon: Doe, Executor Office, JON HENRY DOE, Estate, who is known to me and is the living man whose name is scribed upon this instrument, and acknowledges to me that he administers and executes the same in his authorized capacity; and that by his acknowledgment, as shown by this instrument, Jon: Doe, Executor Office, JON HENRY DOE, Estate, is currently administrating to the aforesaid estate on behalf of the office executing this instrument.

Witnessed by my hand and official seal;

Signed:_____. Date:_____.

Notary Signatory.

NOTARY SEAL

My Commission Expires:_____.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)) **IN ADMIRALTY, IN COMMON LAW,**
Vs.	) CONTRACT, ANTITRUST, FRAUD,) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this __ Day of _____, 2014, Served this –

AFFIDAVIT OF CERTIFICATE OF INTERESTED "PERSONS"
AND CORPORATE DISCLOSURE STATEMENT;

by way of U. S. P. S. Certified Mail Number –
= =

= =
To:
CLERK OF THE APPELLATE COURT OF THE UNITED STATES,
ELEVENTH CIRCUIT;
In Care Of:
John Ley, d/b/a/ JOHN LEY—Office Of Clerk Of Court,
ELBERT PARR TUTTLE COURT OF APPEALS BUILDING,
56 Forsyth Street, N. W.,
Atlanta, Georgia. [30303]
Telephone #: [404] 335-6184.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)
Vs.	) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this __ Day of _____, 2014, Served this –

AFFIDAVIT OF CERTIFICATE OF INTERESTED "PERSONS"
AND CORPORATE DISCLOSURE STATEMENT;

by way of U. S. P. S. Certified Mail Number –
= =

= =
To:
John Nathan Deal, d/b/a/ JOHN NATHAN DEAL—CHIEF EXECUTIVE OFFICER;
In Care Of:
203 STATE CAPITOL,
Atlanta, Georgia. [30334]
Telephone #: [404] 261-1776.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)
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AFFIDAVIT OF CERTIFICATE OF INTERESTED "PERSONS"
AND CORPORATE DISCLOSURE STATEMENT;

by way of U. S. P. S. Certified Mail Number –
= =

= =

To:
Samuel Scott "Sam" Olens, d/b/a/ SAMUEL SCOTT OLENS—OFFICE OF THE ATTORNEY GENERAL,
In Care Of:
40 CAPITOL SQUARE, S. W.,
Atlanta, Georgia. [30334]
Telephone #: [404] 656-3300.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

NOTICE:

Although the following is regarding a so-called "abandonment" case concerning the payment of "child support," it holds many of the same Constitutional / common-law protections, immunities and guarantees cited in DUI / DMV cases, as well as that regarding any and every case defending against the ever-encroaching blight of the corporate-commercial defacto body politic and its numerous goverernmentally-created agencies, instrumentalities, municipalities, et al.

(*NOTE: The court stamped this case "DO NOT PUBLISH." Due to the sensative nature of the "issues" that it raises, i.e., inherant rights/status, and the courts' intent to silence these type cases, this case, and many like it, has been hidden from the general public, and even from aspiring law students.)

No. 13-16035

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JACK LINGE–Assignor, for use of Jack: Linge–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant,

Claimant *in personam,* [-"Appellant"]

Vs.

STATE OF GEORGIA INC., *et al.,*

Respondent(s). [-"Appellee"]

Petition Presented For Review
On Appeal From The District Court Of The United States,
Northern District Of Georgia,
Atlanta Division;

"BRIEF" OF CLAIMANT [-"APPELLANT"]

Jack: of the family Linge;
In Care Of:
C. W. Cagle,
12-B Free Drive,
Suwanee, Georgia. [30024]
Telephone #: [555] 867-5309.

Administrator *Sui Juris, in propria persona* and expressly not *"pro se,"* appearing *nunc-pro-tunc via* special visitation and expressly not *via* general appearance, a layman proceeding without unfettered counsel.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JACK LINGE–Assignor, for use of Jack: Linge–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	**CASE NO. 13-16035** – File On Demand – Claimant Waives Fee – Pursuant To UCC-1 §308, §308-5, §103-6,
Vs.	**IN ADMIRALTY, IN COMMON LAW,** CONTRACT, ANTITRUST, FRAUD, ESTOPPEL, DURESS, COERCION, *etc.,*
STATE OF GEORGIA INC., *et al.,* Respondent(s).	**CONSTITUTIONAL CHALLENGE TO STATE STATUTES AND PROCEDURES.**

AFFIDAVIT OF "APPELLANT'S BRIEF" PETITION FOR DECLARATORY JUDGMENT:

COMES NOW Jack: Linge, administrator *Sui Juris, in propria persona* and expressly not *"pro se;"* a Claimant *in personam* and expressly not a "plaintiff;" a real party in interest appearing *nunc-pro-tunc via* special visitation and expressly not *via* "general appearance;" **standing in unlimited commercial liability** as a sovereign American/state Citizen and expressly not a "federal citizen" – a/k/a – "citizen of the United States;" a Secured-Party Creditor, federal witness, also hereinafter "Affiant," seeking a **"Common-Law Remedy"** within the Admiralty *via* the "Saving To Suitors Clause" at Title 28, USC § 1333, and the "Federal Question Statute" at Title 28, USC § 1331 – In Regarding: *escheat* by way of libel *in rem* and Constitutional Challenge to STATE codes, rules, regulations, statutes, procedures, *etc.,* on and for the *public* record, with enunciation of principles stated in Judiciary Act of 9-24-1789, § 342, FIRST CONGRESS, Sess. 1, ch. 20, and *Haines v Kerner*, 404 U.S. 519, wherein it is

directed that regardless if Affiant's petition be deemed "in-artfully plead," those who are unschooled in law will have the court look to the *substance* of the petition rather than in the form; therefore Affiant's petition is not required to meet the same strict standards as that of a licensed attorney; and that Affiant is the age of majority, competent for stating the first-hand facts and knowledge contained herein, his factual claims and declarations are presented and accepted on their face as true, correct, complete and not misleading, and are to the best of Affiant's ability the truth, the whole truth and nothing but the truth; and said petition is hereby presented along with any and all reasonable inferences that may be drawn therefrom. Subsequently, Affiant's petition should not be construed narrowly, but rather interpreted liberally so as to accommodate any and all such plausible implications gathered regarding "the case," *viz:* "JACK LINGE-Assignor, for use of Jack: Linge-Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,* Vs. STATE OF GEORGIA INC., *et al.,* Respondent(s), CASE NO. 13-16035 – File On Demand – Claimant Waives Fee Pursuant To UCC-1 §308, §308-5, §103-6, **IN ADMIRALTY, IN COMMON LAW,** CONTRACT, ANTITRUST, FRAUD, ESTOPPEL, DURESS, COERCION, **CONSTITUTIONAL CHALLENGE TO STATE STATUTES AND PROCEDURES**."

AFFIDAVIT OF BASIS FOR MULTIPLE JURISDICTIONAL BASES:

The lawful un-a-lien-able status of Affiant is a major issue in the case; *i.e.,* Affiant's sovereign-administerial-ambassadorial-diplomatic-immunity is claimed/issued,[1]

and is protected/guaranteed under "the Constitution and its Honorable Bill of Rights," *viz* – "the first ten (10) amendments to the contract held between the sovereign People/estates, the union of the several states, and said union's central governing body, known as the Constitution for the united states of America, *circa* 1791 to date."

Pursuant to the same, Affiant is not: ***(1)*** a ward nor "citizen of the United States;"[2] ***(2)*** under the so-called "14th amendment;"[3] ***(3)*** a citizen nor ward of any corporate-commercial *de facto* "STATE"/agency, *et al*.;[4] ***(4)*** nor is Affiant under the jurisdiction of any corporate-commercial *de facto* government;[5] but rather, Affiant is a non-resident alien with respect to the federal zone of the United States government and its districts, territories, enclaves, subdivisions, *et al.;*[6] therefore Affiant is not regulated under Art. I, Sec. 8, Cl. 17 nor Art. IV, Sec. 3, Cl. 2, otherwise known as "the commerce clause."[7]

The controversies brought before the federal judiciary, some of which reference the "criminal charge" arrogated by STATE OF GEORGIA INC., *et al.,* Respondent(s), also hereinafter "STATE('s)" or "corporate fiction," stem not solely from the STATE "court's" "conviction" in that case, as is erroneously asserted by the district court;[8] but rather, Affiant references said "criminal charge" in his affidavit of petition for declaratory judgment as one of various reasons for establishing the federal judiciary's subject-matter jurisdiction over the controversies in hand. Notwithstanding the STATE's non-response to Affiant's numerous affirmed declarations, objections and averment,[9] such self-evident reasoning is based upon the plain fact that there are

two jurisdictions/venues within which a "criminal accusation" may be heard; *i.e.,* ***(1)*** Common Law, also known as "the law of the land," which is protected and guaranteed by way of the Honorable Bill of Rights; and, ***(2)*** Maritime-Admiralty Law, also known as "the law of the water," or Commercial/Military Law.

Since Affiant expressly does not confer jurisdiction/venue to the STATE,[10] and, since Affiant's want of jurisdiction/venue is not answered by the STATE,[11] Affiant concludes ─ by way of the STATE's usurpation of Affiant's un-a-lien-able Constitutionally-protected-and-guaranteed status and rights,[12] and, since said "criminal charge" is **NOT** a crime under the common law[13] ─ that the STATE, while usurping the doctrines of estoppel *via* acquiescence and *peremptory mandamus,*[14] forcefully,[15] illegally[16] and unlawfully[17] re-venues Affiant out from the common-law jurisdiction and into that of a quasi maritime-admiralty-military-civil administrative "tribunal" of commerce, allegedly "empowered" *via* Respondent(s)'s misuse of the commerce clause and the culmination of merging civil and maritime-admiralty laws under the Uniform Commercial Code in the year 1966.[18] *Circa* 1861, further historical research shows congress placed the military under admiralty jurisdiction pursuant to The Law of Prize and Capture; *i.e.,* "An Act to facilitate Judicial Proceedings in Adjudications upon Captured Property, and for the better Administration of the Law of Prize."[19] This Act forms the current basis for the Military Code of Justice.[20] Affiant's conclusion that the STATE re-venues him into a quasi maritime-admiralty-

military-civil administrative "tribunal" of commerce is further buttressed by the STATE's courtroom display of a maritime-admiralty-styled yellow-tassel-and-fringe mutilation of the American flag,[21] which is not found in nor recognized by books and authorities referencing flags of the world's nations. Notwithstanding the fact that Article IV, Section 4 of the aforesaid Constitution provides that The United States shall guarantee to every State in this union a republican form of government, Affiant suggests that such maritime-admiralty, yellow-tasseled-and-fringed flag represents an Article-I forum, which serves the commercial-legislative-administrative-military operation of a hypothecated foreign democracy/corporate plutocracy,[22] and does not represent the organic, *de jure,* national republic known as these united states of America, nor does it represent the operation of any "republican form of government." Thus, pursuant to the UCC and Affiant's acceptance of the court's affirmation to *support* the Constitution,[23] the district court's contention that it lacks subject-matter jurisdiction in "the case" is not merely erroneous; whereas the very essence of a republican form of government necessitates the People's unfettered, *Publici Sui Juris* access to a court of competent jurisdiction, the district court's position in "the case" constitutes – **a clear breech of covenant!**

In my nation, these united states of America, under Article III of the Constitution, the subject-matter jurisdiction of the federal courts is not precluded when pertaining to matters of controversy which are such in the Constitutional sense. The federal judiciary shall have original jurisdiction of "all" civil actions

arising under the Constitution, laws, or treaties of the United States.[24] Furthermore, federal 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. ***(2)*** Any prize brought into the United States and all proceedings for the condemnation of property taken as prize.[25] The Federal Statutes Annotated, Vol. 9, page 88, provides: "... saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it."[26] In the modern codification of the 'saving to suitors' clause, congress admits it cannot change the original intent of the clause; *i.e.* – "… the United States, ... within their respective districts, as well as upon the high seas; (a) saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it; and shall also have exclusive original cognizance of all seizures on land, ..."[27]

These facts of history and law move or remand Affiant out of the Article-I forum and into Article-III "admiralty and maritime jurisdiction."[28] The older reading of the saving to suitors clause adheres to two valuable points: ***(1)*** This remedy is "common law" as of 1789 – no blending equity;[29] and, ***(2)*** Courts of competent jurisdiction – Modern usage of the [saving to suitors] clause, as well as earlier, apply diversity of citizenship to state Citizenship and a State or United States citizen verses a foreign Citizen. The States went bankrupt in 1933 *via*

governor's convention, leaving men and women the [e]state – the court of competent jurisdiction. Exclusive admiralty jurisdiction of federal courts under 28 USC section 1333 is limited to maritime causes of action begun and carried on *in rem,* while under "saving to suitors" clause of section 1333, suitor who holds *in personam* claim that might be enforced by suit *in personam* under admiralty jurisdiction of federal courts, may also bring suit, at his election, in [e]state court or on common-law side of federal court.[30]

In the year 1938, the common law was quietly "shelved," while *"public policy,"* also known as "corporate policy," was inextricably imposed upon "citizens of the United States" pursuant to the *Erie v Tompkins* decision, also known as "The Erie Doctrine," which is the impetus for "The Clearfield Doctrine;" wherefore regardless of public-policy, *i.e., force or color of law,* the federal courts are given subject-matter jurisdiction to enforce substantive maritime-admiralty law (reverse Erie) over acts involving matters of corporate-STATE commerce and/or corporate policy.[31] "As a member of a corporation, a government never exercises its sovereignty. It acts merely as a corporator, and exercises no other power in the management of the affairs of the corporation than are expressly given by the incorporating act." – The Supreme Court of the United States.[32] Maritime Commercial Transactions under the UCC are indicative of the Federal Common Law of Admiralty,[33] whereby the federal courts adopt the UCC Rules in formulating the Federal Common Law.[34]

Since the Erie Doctrine, the corporate-STATE[35] is arrogating "entitlement"[36] to pursue its pecuniary ambition *via* a system of re-venue.[37] "Codes" and "statutes," aka corporate policy, *i.e., color of law,* are enforced *via* corporate "policy (police) officers."[38] Any "person"[39] having "business" before the "court"[40] may step forward and be heard. In order for this corporate-commercial enterprise to work, the "judge"[41] operates under a "presumption" of commercial "law,"[42] whereby the "person" having been "charged" is presumed incorporated and under contract, while his private estate is assumed to be abandoned, and is therefor arrogated. The reason why the FRCP, Rule 52 applies in both civil *and* criminal actions with equal force and effect, is because *criminal* is always *civil* in nature, thus no civil or criminal cause of action, such as a "criminal charge," can arise lest there be a *contract*.[43] Pursuant to the Erie Doctrine: where there is no contract, there is no case.[44] Within the corporate-STATE's quasi maritime-admiralty-military-civil administrative "tribunal" of commerce, there is always a "presumption" that: the estate is abandoned, a contract exists, and, that the responding party is a "CORPORATION."[45]

Whereas the controversies in hand are of the Constitutional, Trust, Common and Commercial sense, *e.g.,* usurpation of Constitutionally-protected-and-guaranteed status and rights, diversity of Citizenship, treaties, laws, antitrust, breech of contract, fraud, statute of limitations, copyright, *escheat,* libel *in rem, etc.,* federal subject-matter jurisdiction may be found under Constitutional Law, Trust Law, Common Law and/or Maritime-Admiralty Law/Uniform Commercial Code.[46]

AFFIDAVIT OF THE CLAIMS ["ISSUES"] DECLARED FOR REVIEW:

(i) Estate/Administration/Trust;

(ii) Un-a-lien-able status;

(iii) Inherent rights;

(iv) Citizenship;

(v) Contract;

(vi) Laws/Treaties;

(vii) Jurisdiction/Venue;

(viii) Terms of art/Re-venue;

(ix) Incorporation/Commercial intercourse.

AFFIDAVIT OF COURSE, DISPOSITION AND NATURE OF "THE CASE:"

01/11/2013, Affiant seeks to protect the estate against unwarranted claims. The remedy sought takes the form of an affidavit of petition for declaratory judgment. The court dismisses the same on 05/06/13, alleging lack of subject-matter jurisdiction. Affiant files a motion for findings on 05/21/13. Court denies motion on 10/23/13. Final.

Within the sundry course and usage of the varying scope and degrees by which the vast myriads of man-contrived *"laws"* are adhered, only to be dissolved and refastened contingent upon *Ethic of Service v. Craving for Gain*, Affiant is a layman, and can express with accuracy only that which resounds true to heart.

AFFIDAVIT OF FACTS RELEVANT TO CLAIMS AND DECLARATIONS ["ISSUES"]:

The Creator endows all men with freedom. All rights/status flow from freedom. No man is superior nor inferior to another. No man nor "corporation" has the freedom to arbitrarily and capriciously take another man's rights/property; and, no man nor "person" has the right to arbitrarily and capriciously take another man's freedom.

Affiant is the eldest living male—son of Gordon: of the family Lingg, great, great, great grandson of Jost: of the family Ling, arrival 1816; great, great, great, great, great great grandson of David: of the family Gordon, arrival 1714—and exercises his rights and duties in accord with the ancient principles of administration to the Linge estate.[47]

In order for men to enter into a society, there must be a covenant between those men that since all men are free, such agreement guarantees a free society; and that the laws and treaties of that society are designed to protect men's three (3) most-precious gifts; *i.e.:* ***(1)*** freedom, ***(2)*** **Freedom**, and, ***(3)*** **FREEDOM!**

Men can enter into a free society; men can exercise their freedom while in a free society; and, men can exit out-from a free society. Whether a Citizen or not, men are free so long as they are recognized as men. That some men do not respect and adhere to the ancient principles is of no consequence; whereas –

Laws of The Creator are omnipotent, and prevail in any and every circumstance.

***AFFIDAVIT OF SUMMARY OF THE CLAIMS ["ARGUMENTS"] (See ADDENDUM)**

AFFIDAVIT OF "APPELLANT'S" CLAIMS AND DECLARATIONS ["ARGUMENTS"]:

Pursuant to course and usage of common law, *Publici Sui Juris* and under operate of verified affirmation of declaration comes now Affiant's "Claims and Declarations" which are hereby and herewith formally presented in the affirmative; therefore, unless properly rebutted or invalidated point-by-point, pursuant to facts of positively-enacted laws or overriding Article-III Supreme Court rulings, said "Claims and Declarations" are *prima facie* facts, taken on their face as true, correct, complete and not misleading, and, in accord with the limit of time prescribed by law and the doctrines of estoppel *via* acquiescence, are the truth, the whole truth and nothing but the truth.

I

Affiant is a "Claimant *in personam*;"[48] therefore the district court's contention that Affiant is a "Plaintiff"[49] is erroneous; *e.g.,* the district court seems to assert – *'Whereas tomatoes might be a fruit, I can call an apple an orange.'*

FURTHER DISCOURSE:

PLAINTIFF. A person who brings an action; the party who complains or sues in a personal action and is so named on the record. **CLAIMANT.** As used in escheat proceeding, persons interested in the estate as heirs[50]. … One who claims or asserts a right, demand or claim[51] … In admiralty practice. A person who lays claim to property seized on a libel *in rem,* and is authorized and admitted to defend the action.[52] Black's 4th. **In accord with the ancient principles,**

Affiant lawfully holds the inherent office for executor of the Linge estate, and therefore is the admitted-authorized-administrator to said estate and its claims and declarations in condemnation of STATE's *escheat* and "prize" seized on a libel *in rem.*

II

Affiant comes *via "Sui Juris,* *in propria persona;"*[53] therefore the district court's assertion that Affiant proceeds *"pro se"*[54] is erroneous; *i.e., 'apples and oranges.'*

FURTHER DISCOURSE:

PRO SE. In person. PERSON. Persons are divided by law into *natural* and *artificial*. Natural persons are such as the God of nature formed us; artificial persons are such as are created and devised by human laws, for the purposes of society and government, which are called corporations or bodies politic. Black's 1st. CORPORATION. An *'artificial person'* or legal entity created by or under the authority or laws of a state. An association of persons created by statute as a legal entity. The law treats the corporation itself as a person that can sue and be sued. Black's 6th. ARTIFICIAL PERSON. An entity, such as a corporation, created by law and given certain legal rights and duties of a human being; a being, real or imaginary, who for the purpose of legal reasoning is treated more or less as a human being. Black's 7th. **SUI JURIS.** Of his own right; possessing full social and civil rights; not under any legal disability, or the power of another, or guardianship. Having capacity to manage one's own affairs; not under legal disability to act for one's self. **IN PROPRIA PERSONA.** In one's own proper person. Black's 4th.

"From the earliest times, the law has enforced rights and exacted liabilities by utilizing a corporate concept – by recognizing, that is, juristic persons other than human beings. The theories by which this mode of legal operation has developed, has been justified, qualified and defined, are the subject matter of a very sizable library. The historic roots of a particular society, economic pressures, philosophic notions, all have had their share in the law's response to the ways of men in carrying on their affairs through what is now the familiar device of the corporation. Attribution of legal rights and duties to a juristic person other than man is necessarily a metaphorical process. And none the worse for it. No doubt, "Metaphors in law are to be narrowly watched."[55] "But all instruments of thought should be narrowly watched, lest they be abused and fall in their service to reason."[56] **Therefore Affiant does <u>not</u> simply "proceed" *"pro se,"*** or "in person," <u>nor</u> does Affiant arbitrarily grant jurisdiction. Whereas the estate's property is seized on a libel *in rem,* Affiant grants the federal judiciary *in personam* jurisdiction over the corporate fiction and its *ultra vires* actions. However, he does <u>not</u> grant *in personam* nor *any* jurisdiction to <u>any</u> public-municipal-corporate-commercial agency/administration over the <u>private</u> matters and affairs of Affiant and/or the estate.

III

Affiant's petition is for reason and purpose of disseminating verification of affirmed <u>claiming</u> and <u>declaring</u>;[57] therefore, the district court's contention that Affiant's petition is a "complaint"[58] is erroneous; *i.e., 'apples and oranges.'*

FURTHER DISCOURSE:

COMPLAINT. In civil practice. In those states having a Code of Civil Procedure, the complaint is the first or initiatory pleading on the part of the plaintiff in a civil action. It corresponds to the declaration in the common-law practice.[59] Its purpose is to give defendant information of all material facts on which plaintiff relies to support his demand.[60] CIVIL ACTION. At Common Law. One which seeks the establishment, recovery, or redress of private and civil rights. One brought to recover some civil right, or to obtain redress for some wrong not being a crime or misdemeanor.[61] Civil suits … include all cases, both at law and in equity, which cannot legally be denominated "criminal cases."[62] In Code Practice. The one form of action for enforcement or protection of private rights and prevention or redress of private wrongs.[63] It may also be brought for the recovery of a penalty or forfeiture; "Civil action" implies adversary parties and an issue, and is designed for the recovery or vindication of a civil right or the redress of some civil wrong.[64] CLAIM, *n.* A broad, comprehensive word;[65] CLAIM, *v.* To demand as one's own; to assert.[66] To state; to urge; to insist. It may embrace or apply to a call,[67] a demand,[68] a pretense; a right or title,[68] an action on account,[70] an assertion,[71] both the principal amount of judgment and interest thereon,[72] cause of suit or cause of action,[73] challenge of property or ownership of a thing which is wrongfully withheld,[74] challenge of

something as right.[75] Claims ex delicto as well as ex contractu.[76] Debt.[77] But not all valid "claims" are "debts,"[78] existing right,[79] legal capability to require a positive or negative act of another person,[80] legal claim, right,[81] means by or through which claimant obtains possession or enjoyment of privilege or thing,[82] valid claim.[83] CLAIM OF OWNERSHIP, RIGHT AND TITLE. As regards adverse possession, claim of land as one's own to hold it for oneself.[84] Claim of right, claim of title and claim of ownership are synonymous.[85] **CLAIM OF COGNIZANCE OR OF CONUSANCE. An intervention by a third person, claiming jurisdiction or demanding judicature in cause, which plaintiff has commenced out of the claimant's court.**[86] (emphasis added) Black's 4th.

IV

The so-called "application" to proceed *"in forma pauperis"* is not *signed,* but rather, Affiant waives the benefit of privilege for paying the filing fee, as is ***authored*** "by" Affiant under UCC-1 § 308, with "all" rights reserved, not excluding "without prejudice;"[87] that is to say, ***omnes licentiam habere his quæ pro se indulta sunt, renunciare***—[it is a rule of the ancient law that] all persons shall have liberty to renounce those privileges which have been conferred for their benefit. Cod. 1, 3, 51; Id. 2, 3, 29; Broom, Max. 699. Black's 1st.[88] **Furthermore,** the district court's allegation that Affiant's petition was "submitted" [*sic*] for "frivolity determination …"[89] **is erroneous,** wherefore Affiant's petition is expressly **presented**,[90] and conversely is **not** *"submitted."*

FURTHER DISCOURSE:

It is self-evident that Affiant, a native inhabitant/Citizen within the *de jure* republic known as these united states of America, has the un-a-lien-able status/inherent right to unfettered, *Publici Sui Juris* access to a court of competent jurisdiction, without imposition of a tax on the use of the estate's own court; and that such access is recognized and provided without prejudice. Affiant's purpose in holding his court is for reason of full disclosure or public dissemination of the verified claims and declarations asserted and affirmed *via* the estate; in other words: ***'Hear ye, hear ye!'***

V

The estate is claiming: ***(1)*** that notwithstanding the fact that Affiant files numerous verified pre-trial *publici sui juris* declarations in STATE "court,"[91] affirming:

> **(a)** that he is a layman appearing without unfettered counsel *in propria persona* by way of special visitation; **(b)** that he is not a citizen, employee, resident nor subject of the corporations known as GWINNETT COUNTY, GEORGIA, THE UNITED STATES, *et al.;* **(c)** that he is not a party to the contract nor the summons; **(d)** that he is not a corporation, nor incorporated; **(e)** that as a non-corporate, sovereign entity, private inhabitant, he is without the statutory jurisdiction of the "court;" **(f)** that he is exclusively within the common-law jurisdiction; **(g)** that the "criminal charge" alleged is not a crime under

the common law; **(h)** that the statute(s) in question are vague and ambiguous; **(i)** that he does not give consent for the court to move forward without proof of jurisdiction; **(j)** that he does not give consent for the court to move forward without arraignment; **(k)** that he does not give consent for the "judge" to enter a plea; **(l)** that his inherent, un-a-lien-able common-law status and rights are protected and guaranteed under both federal and state constitutions; **(m)** that his affidavit is a challenge to subject-matter jurisdiction regarding the STATE's unverified claim/statutory charge; **(n)** that he is merely the authorized representative for the registered title known as "JACK LINGE;" **(o)** that said title is claimed under protest pursuant to UCC-1 § 207, § 308; **(p)** that he does not grant the STATE consent to file a claim against the certified title known as "JACK LINGE;" **(q)** that said title is secured pursuant to Security Agreement No. JNL-051689-SA and perfected pursuant to UCC-1 Financing Statement No. 045-2011-000150; **(r)** that he is the secured party listed on said Financing Statement and Security Agreement; **(s)** that pursuant to GCC-11 § 9-402: "Secured party not obligated on contract of debtor or in tort – The existence of a security interest... or authority given to a debtor to dispose of or use collateral, without more, does not subject a secured party to liability in contract or tort for the debtor´s acts or omissions." **(t)** that he does not give consent for the STATE to meddle in his private commercial affairs; **(u)** that pursuant to UCC-1 § 308,

and, § 103-6, he reserves his common-law right not to be compelled to perform under any contract or agreement that he has not entered into knowingly, voluntarily and intentionally, and that reservation of the same serves notice upon all administrative agencies of government—(inter)national, state, and, local—that, he does not, and, will not, accept the liability associated with the "compelled benefit" of any unrevealed commercial agreement; **(v)** that pursuant to the Erie doctrine—where there is no contract—there is no case; **(w)** that receipt of his verified declarations is formal notice to cease and desist; **(x)** that unless the STATE's unverified claim/statutory charge is verified within the time prescribe by law, liabilities ensue as result of such *ultra vires* actions; **(y)** that notice to agent is notice to principal, and, notice to principal is notice to agent; **(z)** that his STATE-certified notary verification of the STATE's corporate non-response is tantamount to estoppel *via* acquiescence. *Etc...*

(2) and despite the fact that Affiant does <u>not</u> "stand mute," <u>nor</u> waive formal arraignment, <u>nor</u> does Affiant give the "judge" power of attorney to enter a plea, the STATE proceeds by **<u>falsely</u>** asserting:[92]

> **(a)** "The defendant [*sic*] named herein Waives formal arraignment, and, **(b)** PLEADS: Not Guilty This 22nd day of March, 2011 – Defendant [*sic*] x Refused To Sign – R (Robert) W (Wayne) Mock (the "judge" signed)"

(3) Furthermore, in addition to being forcefully and unlawfully re-venued from a court of common law, into an Article-I, quasi maritime-admiralty-military-civil administrative "tribunal" of commerce, and even though the alleged *"offense"* occurs in FULTON COUNTY and **not** GWINNETT,[93] the corporate-STATE "court" wantonly pursues its pecuniary ambition *via* illegally/unlawfully "railroading" the estate into the GWINNETT COUNTY venue; *i.e.* – "[We reverse on the ground that] In Georgia, the venue of a prosecution for the offense of abandonment is in the county where the minor child ***first*** becomes dependent upon persons other than the parent for support."[94]

Therefore, the Respondent(s)'s "venue/jurisdiction," "criminal charge," "arrest warrant," *etc.,* are stemming from malfeasance,[95] and that, pursuant to the "unclean hands doctrine," any *'fruit born of that tree,'* such as a resultant "conviction" and subsequent "sentence," is ***already,*** by contaminant of conveyance, null and void ***ab initio*** – "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal."[96] **Thus,** the district court's contention ― that "Plaintiff's [*sic*] amended complaint [*sic*] is [nothing more than] a challenge [*sic*] of Plaintiff's [*sic*] criminal conviction and sentence …"[97] ― **is erroneous,** due to the inescapable fact that the estate simply seeks to declare that which is ― "null and void ***ab initio***" ― as such.

VI

In addition to assertions of *"corporate-commercial acts"* declared *via* the estate's claims, and that the "Respondent(s)" named therein is a ***corporate fiction,*** as is found in the caption of Affiant's Affidavit Of Petition For Declaratory Judgment at page 1,[98] the "Affirmation" for the same, beginning at page 21 of 136, provides – "… that the addendum, as well as any/every attachment coupled hereto, is hereby and herewith made a part of this petition, …"[99] In turn, the addendum to said petition, at page 131 of 136, provides that – "… Affiant does hereby formally declare that Respondent's ***corporate-commercial acts*** are *ultra vires* and injurious by willful and gross negligence; thus incurring liability as the respondent superior upon those unlimited to any and all federal, state and local municipalities, and/or corporate agencies, and/or persons thereof involved directly and/or indirectly with the Respondent *via* any and every nexus or relationship acting therewith."[100] (emphasis added) **Therefore,** the district court's assertion ─ that "… Plaintiff's [*sic*] amended complaint [*sic*] seeks a declaratory judgment that [only] the State of Georgia[2] is barred …" ─ **is erroneous;** wherefore footnote "2" asserts ─ "… as best as this Court can determine, Plaintiff's [*sic*] amended complaint [*sic*] ***'only'*** asserts that declaratory judgment be entered against ***'the State of Georgia.'*** Specifically, Plaintiff's [*sic*] amended complaint [*sic*] requests that a ***'singular'*** "Respondent" be "barred …"," and ─ "… Plaintiff [*sic*] requests that this Court nullify "Respondent's jurisdiction, …"." (emphasis added)

"… Therefore, this Court construes Plaintiff's [*sic*] amended complaint [*sic*] to name ***'the State of Georgia'*** as the ***'sole'*** defendant [*sic*] in this action."[101] (emphasis added)

Here, the district court determines, as best as it can *via* its frivolous, narrow applique´ of semantics, that ― "STATE OF GEORGIA INC., ***"et al.,"*** [which means ***"and others"***] Respondent(s)," is none other than ― "the State of Georgia" ***only,*** and therefore seems to infer lack of subject-matter jurisdiction as result. However, starting at page 1 of 136 in said petition, the estate clearly invokes ― "… principles stated in *Haines v Kerner,* at 404 U.S. 519, wherein the court has directed that regardless if Affiant's petition be deemed "in-artfully plead," those who are unschooled in law will have the court look to the *substance* of the "pleadings" rather than in the form; therefore Affiant's petition is not required to meet the same strict standards as that of a "licensed" attorney, and can only be dismissed for failure to state a claim if Affiant can substantiate no set of facts in support of his claim which would entitle him to relief. Affiant's factual allegations within this text are therefore accepted on their face as true, correct, complete and not misleading, and are, to the best of Affiant's ability, the truth, the whole truth and nothing but the truth; and said "pleadings" are hereby presented along with any and all reasonable inferences that may be drawn therefrom. Subsequently, Affiant's petition should not be construed narrowly, but rather interpreted liberally so as to accommodate any and all such plausible implications gathered."[102] (emphasis added)

FURTHER DISCOURSE:

Since the *ultra vires* pecuniary actions are wantonly commenced out of the Claimant's court by "STATE OF GEORGIA[103] INC., *et al.,* Respondent(s)," cited page 1, it is self-evident that the estate's claims and declarations do **not *'solely'*** name the sovereign republic known as "the State of Georgia" or Georgia state; thus, it seems implausible that the district court should construe ***"all"*** of the estate's claims and declarations as ***'solely'*** regarding the *de jure* State of Georgia; but rather, as is asserted in the caption at page 1, and, at page 131 of the addendum to the aforesaid petition, as well as that which is found within the numerous and various laws, decisions, treaties, citations, codes, rules, regulations, statutes, procedures, policies, doctrines, treatise, claims, declarations, points, grounds and attachments therein asserted, inferred and implied throughout the entirety of said petition,[104] it is inescapably clear, even to the layman, that the estate's claim of *cognizance* or *conusance,* as well as the Respondent(s)'s *concedendo proprie* to the same, is for the purpose of demanding jurisdiction or judicature on the grounds that the Respondent(s), STATE OF GEORGIA INC., *et al.,* ***corporate-fiction(s)-at-large,*** also herein referenced as corporate-STATE or STATE('s), *etc.,* is commencing its ***pecuniary, corporate-commercial actions*** outside the Claimant's court, and therefore its charges, procedures, *escheat,* libel *in rem,* seizure, *et al.,* are *ultra vires;* in other words: ***'out of bounds.'*** Furthermore, the ***corporate fiction(s)*** named in the estate's claims as "STATE OF GEORGIA INC., *et al.,*" is *affirmatively*

couched as the **"Respondent(s),"**[105] and is expressly ***not*** named as *"defendant,"* which is erroneously alleged by the district court.[106] Once again – *'apples and oranges.'* DEFENDANT. The person defending or denying; the party against whom relief or recovery is sought in an action or suit. RESPONDENT. In equity practice. The party who makes an answer to a bill or other proceeding in chancery. In admiralty. The party upon whom a libel in admiralty is served. Brown. In appellate practice. The party who contends against an appeal. Brown. In the civil law. One who answers or is security for another; a fidejussor.[107] Black's 4th.

Congruent to the foregoing, the terms "Respondent" and "Respondent's," when reasonably determined by way of their most plausible and obvious use and intent, as they are meant to be liberally interpreted to the end that justice not be found the slave to grammar, should be construed representative of the plural; *i.e.,* these terms may be used in the singular while also denoting the plural; *e.g.* ─ ***(1)*** such term as "the people" is used to describe a *single* body of *more* than one; thus, in turn, "the people's republic" represents *one* **and** *all; e.g.* ─ ***(2)*** CORPORATION. An association─**(singular)** of persons─**(plural)…** Black's 4th (emphasis added). Whereas this concept is embraced and noted at the caption of "the case," page 1, by way of: ***"et al.,"*** which is ***Latin*** for – ***"and others;"*** and, the use of the "(s)" in "Respondent(s)," for all intents and purpose regarding "the case" *in extenso,* such notation is recognized for emphasizing ***inclusion*** and **NOT** *exclusion* of the plural.

VII

Pursuant to the ancient principles,[108] **the estate is claiming:** ***(1)*** that the estate is not and was never abandoned; ***(2)*** that the estate is private; ***(3)*** that all matters and affairs of the estate are private; ***(4)*** that all matters and affairs of any and every heir to the estate, of both majority and minor age, are private; ***(5)*** that pursuant to Security Agreement No. JNL-051689-SA, UCC-1 Financing Statement No. 045-2011-000150, and, Verified Copyright Registration No. JNL-051679-CN, the secured, certified title known as "JACK LINGE" is the private property of the private estate; ***(6)*** that the authorized administrator to said private estate is the secured party;[109] ***(7)*** that any and every claim commenced against "JACK LINGE" is a claim against the estate; ***(8)*** that any and every claim against the estate which is without the jurisdiction and venue of the estate's court is unauthorized; ***(9)*** that any and every unauthorized claim commenced against the estate, which is without the jurisdiction and venue of the estate's court, is unwarranted, and is **PIRACY!**

The estate is the real party in interest and the Respondent(s) is the corporate fiction, as admitted *via* STATE's summons and court documents,[110] commencing its unauthorized corporate-commercial libel *in rem* without the jurisdiction/venue of the Claimant's court.

Citation of the *"Rooker-Feldman"* doctrine is without merit in "the case," therefore the district court's assertion that it lacks subject-matter jurisdiction over the unwarranted corporate-commercial libel *in rem* against the estate is erroneous.

FURTHER DISCOURSE:

The estate, *via* its verified affirmation for numerous and various claims and declarations, successfully overcomes any/every presumption that it is and/or ever was: ***(a)*** abandoned; ***(b)*** incorporated; ***(c)*** under public/governmental contract; ***(d)*** relative to any/every form of public/governmental trust.[111] Furthermore, such numerous verified affirmation is coupled with the estate's UCC Filings under GCC-11 § 9-402, which are public records tendered by way of Secretary of State Kemp, as well as any and every successor to that office, ratifying the severance of any and every nexus or relationship between the estate and any and every corporate-commercial *de facto* office of STATE; and that said filings are not rebutted within the limit of time prescribed by law, as affirmed *via* STATE-certified notary verification of corporate non-response, said filings thereby withstand and enable the doctrines of estoppel *via* acquiescence.

The "*Rooker-Feldman* doctrine" is applicable where the participants in a case are rightfully-presumed and/or unrebutted corporate "persons" under contract, who therefore can not enjoy inherent protections/guarantees asserted *via* the Bill of Rights,[112] and thus are unquestionably bound by the corporate-commercial codes and statutes of a state. Notwithstanding the estate's voluminous documentation to the contrary, the district court erroneously presumes congruence between the estate's petition and those cases it cites as being subject to the "*Rooker-Feldman* doctrine;" therefore, its determination that it lacks subject-matter jurisdiction over the corporate-STATE's *ultra vires* acts is also erroneous.

VIII

The estate is claiming: ***(1)*** that it files its Affidavit of Petition for Declaratory Judgment, along with various documentation thereto attached for the purpose of fortifying the same, on or about January 11th, 2013. Upon filing said affidavit of petition, the district court's clerk complains that the estate's petition is drafted on 14" legal-size paper, and though said clerk does file said petition on or about said day, Affiant, for reason of said clerk's complaint, on or about January 16th, 2013, presents the district court with his petition redrafted on 11"-sized paper, along with a few additional attachments thereto coupled.

Therefore, ***(2)*** the district court's frequent use of the term "amended,"[113] as used re the estate's petition, is restricted in its application to said petition's <u>form</u> <u>only</u>, and is <u>not</u> applied to said petition's <u>substance</u>, nor does the district court's use or construction of said term affect the presentation and/or admittance of any and every one of said petitions' <u>attachments</u> in any way, shape, form nor manner.

Subsequently, ***(3)*** any and every attachment coupled to the original 14"-legal-sized petition, filed on or about 01/11/2013, as well as those attachments filed thereafter, are hereby and herewith formally presented and admitted to the court of appeals, eleventh circuit, pursuant to the filing of this affidavit of "appellant's" claims and declarations, as well as that of any and every document pertaining to the foregoing.

FURTHER DISCOURSE:

It is self-evident that the estate's presentation and admittance of said attachments is for the sole and solemn reasoning and purpose in providing its court the whole truth, and supplementing the same with all first-hand facts and knowledge necessary in finding its conclusions based upon the complete record.

Therefore, any and every attempt to bar said attachments or diminish their scope and usage in any way, shape, form or manner – *e.g.,* the use of "terms of art" and/or invocation of their construction, whereas such devices as these are found to serve and protect no legitimate interest in the pursuit of truth, facts and knowledge – is not merely frivolous, but, rather to the contrary, serves to obstruct and beguile the pursuit of truth, facts and knowledge by way of their occlusion.

AMEND. To improve. To change for the better by removing defects or faults.[114] AMENDMENT. An amelioration of the thing without involving the idea of any change in substance or essence.[115] (emphasis added) Black's 4th.

IX

The estate is claiming: ***(1)*** that it holds the sole, inherent, un-a-lien-able, proprietary right to the secured, registered, certified title known as "JACK LINGE;" ***(2)*** that it is the only real party in interest; ***(3)*** that it is the only legitimate claimant to any and all equity attaching to "JACK LINGE;" ***(4)*** that it is entitled to any and all

interpleaded funds relating to "JACK LINGE;" ***(5)*** that it has no record nor evidence the Respondent(s) has a proprietary right, nor any other right, to "JACK LINGE;" ***(6)*** that it believes no such record nor evidence exists; ***(7)*** that a court of law requires the *original* contract be entered as evidence; ***(8)*** that where there is no contract, there is no case; ***(9)*** that due to missing elements, any and every contract alleged by the Respondent(s) is unwarranted; thus, the Respondent(s)'s enforcement of such contracts conveys – **unlawful use of fraudulent instruments!**

AFFIDAVIT OF SUMMATION:

Inheritance is the gift of honor and support given by a patriarch to his son. Such gift is meant for the provision and status of the family. Aside from freedom, the most precious of attributes handed down and held by the family is its name. When the unwarranted claim against the estate is re-venued out of the Claimant's court, it is commenced *via* the unauthorized commercial use of the family's name. Not only in such libel is the family maligned in its repute. The father's son is liened in name *and* freedom. The Respondent(s)'s *ultra vires* and injurious pecuniary ambitions cause the son's flesh-and-blood body to be seized and held as collateral for the ransom.

"Corruptissima re publica plurimae leges"

(When the republic is at its most corrupt, the laws are most numerous)

There are in excess of 100 million "laws" written; 1 in 4 people have been incarcerated.

Where the "law" is concerned, the marine biologist must dive deep in order to discover the secrets beneath the surface, whereas the people's depth of comprehension may be likened to birds skimming for bugs along the surface of the water, shying too far away from the deeper currents and undertows to know, care or dare where they are tending. Even so, it does not suffice to say that because there have been hundreds, thousands, or even millions of cases decided by the corporate-STATE "courts" arrogating and usurping the administration of the private estates, that complacency, even on a grand scale, should somehow fortify the deficiencies in the district court's position. Even if millions of litigants never questioned the validity of the Respondent(s), or did so perfunctorily, without presenting proper documentary proof of the facts of record, their failure cannot change the Constitution for Affiant, and the same holds true for all ill-considered court decisions. Within the republic – "Even if you are a minority of one, the truth is still the truth."

– Mahatma Gandhi.

Affiant holds the office for executor, and, as such, he is the authorized administrator to the estate, and is blessed with the unalienable status and inherent rights to protect the estate's interests against all interlopers, be they pirates or corporations, both foreign and domestic, and he enjoys Constitutionally-protected-and-guaranteed unfettered access to his court of competent jurisdiction in his

exercise of such rights and status. The courts are bound by oath to support him by way of Constitutional mandate, and are thereby required to review all of the evidence herein presented and measure all of the facts proving violations of the mandatory provisions of the Constitution; "… for I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

– Thomas Jefferson.

AFFIDAVIT OF CONCLUSIVE DECLARATION OF REDRESS AND REMEDY SOUGHT:

I

The private estate herein named convenes its common-law court in condemnation of its private property being seized as prize on a libel *in rem* pursuant to Respondent(s) commencing unwarranted *escheat*/seizure out of the Claimant's court.

II

The admitted authorized administrator/executor to said private estate known as – Jack: of the family Linge is hereby/herewith formally invoking **CLAIM OF COGNIZANCE OR CONUSANCE.**

III

STATE OF GEORGIA INC., *et al.,* Respondent(s) is/are unauthorized and unwarranted in the arrogation and usurpation of the private office(s) for administrator/executor of said private estate.

IV

Respondent(s)'s unauthorized/unwarranted administration to said private estate is in derogation from the common-law jurisdiction/venue of the Claimant's court.

V

In accord with the claims and declarations hereby and herewith set forth in harmony with doctrines of *quo warranto* and the limit of time prescribed by law Respondent(s) fail(s) to transmit verified written delegation of authority to cause said private estate any and every action commenced out of the Claimant's court.

VI

In accord with the claims and declarations hereby and herewith set forth in harmony with doctrines of *quo warranto* and the limit of time prescribed by law Respondent(s) fail(s) to transmit verified written delegation of authority to proceed *via escheat* and/or commence seizure for the Claimant's private property.

VII

In harmony with doctrines of estoppel *via* acquiescence and *peremptory mandamus* STATE OF GEORGIA INC., *et al.,* Respondent(s) is/are hereby and herewith formally barred from any and "all" administration to the private estate herein named.

VIII

In harmony with doctrines of estoppel *via* acquiescence and *peremptory mandamus*

STATE OF GEORGIA INC., *et al.,* Respondent(s)

is/are hereby and herewith formally barred from placing against said private estate any/every claim/warrant/charge/accusation/indictment/arraignment/action/proceeding/*et al.* commenced/commencing/entered/entering out of the Claimant's court.

IX

In accord with the claims and declarations hereby and herewith set forth *nunc pro tunc* under operate of verified affirmation of declaration and *peremptory mandamus* any/every claim/warrant/charge/accusation/plea/verdict/conviction/judgement/order/sentence/*et al.* commenced/entered/rendered/*etc.* out of the Claimant's court by the Respondent(s) *et al.* is hereby and herewith formally declared and rendered null and void *ab initio.*

VERIFIED AFFIRMATION:

Standing in unlimited commercial liability, Affiant affirms point-by-point: (1) that Affiant is the age of majority; (2) that Affiant is competent for stating the first-hand facts and knowledge contained herein; (3) that notice to principal is notice to agent and notice to agent is notice to principal; (4) that "all" addenda/attachments are hereby/herewith made a part of this commercial truth affidavit; (5) that "all" claims and declarations herein contained, point-by-point, are true, correct, complete and not misleading; and are, to the best of Affiant's ability, the truth, the whole truth, and, nothing but the truth.

***ADDENDUM—AFFIDAVIT OF SUMMARY OF THE CLAIMS ["ARGUMENTS"]:**

Affiant operates under verified affirmation of declaration: (1) that he is a native inhabitant within the *de jure* national republic known as these united states of America; **(2)** that he is not a resident, subject, citizen nor ward of the District of Columbia, nor that of any State, territory, enclave, district, subdivision, *et al.,* of the federal government, aka "the federal zone;" **(3)** that he is a ***non***resident alien with respect to the federal zone; **(4)** that he is a non-combatant diplomatic sojourner of the Kingdom of the Creator; an American sovereign Citizen-Principal in good standing & behavior; Minister-Ambassador and dominium-inhabitant of the estate, and that of the organic united states of America, as created *circa* Aug. 2nd, 1776, by way of the immortal "Declaration of Independence," under which "all men are created equal;" and as ordained, established, and, governed, by the *original* "Constitution for the united states of America, *circa* 1791 to date," thereby creating a constitutional republic—"a more perfect union"—with express enumeration, protection, and, guarantee, for "all" Divinely-created and inherently-un-a-lien-able freedom/status/rights; **(5)** that Affiant is a private people of posterity, administrator to a private estate which exists exclusively within the private sector of society; **(6)** that "all" of said estate's non-commercial matters and affairs are private; **(7)** that unless the estate resides within the federal zone and/or conducts the majority portion of its business with a government entity, "all" of the estate's commercial matters and affairs are private; **(8)** that the estate has never engaged in Interstate,

Intrastate or International Commerce for profit and trade without payment of the assessment; **(9)** that the estate has never intended to incur limited liability, nor become a joint tort-feasor as participant in part of a "tontine scheme" of voluntary joint mercantile, maritime, admiralty adventure for profit under a policy of limited liability for the payment of debts; **(10)** that Affiant is an end user/administrator, exchanging sweat equity for goods and services; **(11)** that the estate is wrongly presumed to be a franchise/public trust/surety, *etc.;* **(12)** that the estate's status, rights and property are now hypothecated under deception and tort as collateral for the "emergency" of the United States, without Affiant's consent nor that of his ancestors; **(13)** that a further "taking" would be a continuance of inequitable practices; **(14)** that the "Doctrine of Necessity" expressly overrides any "Doctrine of Contribution" the estate may have ever participated in as continuity for absolute survivor-ship, utilizing the only option available as currency within the public and private sector, therefore not intentionally entering into, volunteering, submitting, nor consenting to servitude, nor any "compelled benefit of privilege" that may otherwise be alleged; **(15)** that Affiant is <u>not</u> a franchisee, trustee, surety, public officer/employee, *etc.,* of any governmental or public unit, agency nor trust; **(16)** that the *de jure* republic known as 'Georgia state' is a signatory to the Constitution for the united states of America, *circa* 1791 to date, otherwise known as "the Constitution;" **(17)** that the *de jure* republic known as 'Georgia state' is within the geographic boundaries of the common-law/trust-law jurisdiction;

(18) that the federal government is a signatory to the Constitution; **(19)** that the federal government operates within the geographic boundaries of the common-law/ trust-law jurisdiction; **(20)** that Art. IV, Sec. 4 of the Constitution guarantees to every state in this union a republican form of government; **(21)** that pursuant to Article III, Sections 1, 2, and Article IV, Section 4, of the Constitution, Affiant has the right, among others, to unfettered access to a court of competent jurisdiction; **(22)** that such unfettered access does not exclude the right to waive the filing fee *via* filing his claim on demand pursuant to UCC-1, §308, §308-5, §308-6, §103-6; **(23)** that such reservation of rights is exercised "without prejudice;" **(24)** that pursuant to the "federal question" clause, the federal courts have original Article-III jurisdiction of "all" civil actions arising under the Constitution, laws, or treaties of the United States; **(25)** that pursuant to the "saving to suitors" clause, the federal courts have original Article-III jurisdiction in "all" civil cases of admiralty or maritime jurisdiction, not excluding any prize brought into the United States and all proceedings for the condemnation of property taken as prize; **(26)** that the Uniform Declaratory Judgment Act is provided under both federal and state law; **(27)** that a declaratory judgment is the legal determination of a court as to the legal position of litigants where there is doubt as to their position in law; and it forms legally-binding preventive adjudication by which a party involved in an actual, or, possible, legal matter can ask a court to conclusively rule on and

affirm the rights, status, duties or obligations, of one or more parties in a civil dispute; and although generally a statutory rather than equitable remedy in the United States, relief is historically related to, and, behaves in legal terms similarly to, other equitable reliefs and declarations; **(28)** that relief under the Declaratory Judgment Act is available when such remedy is sought in the sense of a federal right, controversy or diversity; **(29)** that the Declaratory Judgment Act provides exercise of Article-III judiciary to cases of diversity and controversy which are such in the Constitutional sense; **(30)** that in addition to Affiant's inherent status meeting the "diversity of Citizenship" clause provided at Article III, Section 2 of the Constitution, Affiant is the real party in interest and the Respondent(s) is a corporate fiction; **(31)** that in addition to usurpation of un-a-lien-able status and rights protected and guaranteed under the Constitution and Amendments, Respondent(s) re-venues its actions against the private estate and commences unwarranted, arrogated administration to the private estate *via escheat*/libel *in rem* out of the Claimant's court; **(32)** that Claimant condemns Respondent(s)'s seizure of the estate's private property; **(33)** that all of Respondents' actions commenced out of the Claimant's court are null and void *ab initio;* **(34)** that such matters are demonstrative of diversities and controversies in the Constitutional sense; **(35)** that Affiant has the right and duty to petition for declaratory judgment relating to the claims; **(36)** that he fortifies his document(s) pursuant to Title 28, USC §1333 and §1331; **(37)** that he seeks a "Common-Law

Remedy" within the Admiralty; **(38)** that the saving to suitors clause provides the right of a common-law remedy in all cases where the common law is competent to give it; **(39)** that the saving to suitors clause provides original cognizance and culpability of the United States government to protect all rights and status of all seizures on land, under the common law, with no blending of equity; **(40)** that Affiant has the right and duty to seek a common-law remedy within the admiralty; **(41)** that adjudication for Affiant's petition will not harm the public; **(42)** that the court is indemnified by the bond of "JACK LINGE;" **(43)** that Affiant holds the un-a-lien-able, secured, proprietary right to the certified title known as "JACK LINGE;" **(44)** that he is the only real party in interest, acting as contributing beneficiary, who has put any value into "JACK LINGE;" **(45)** that he is the only inherent, legitimate claimant to any and all equity attaching to "JACK LINGE;" **(46)** that he is entitled to any and all "interpleaded funds" relating to "JACK LINGE;" **(47)** that he has no record nor evidence the Respondent(s) has put any value into "JACK LINGE;" **(48)** that he denies the Respondent(s) has put any value into "JACK LINGE;" **(49)** that he denies the Respondent(s) has a proprietary right to "JACK LINGE;" **(50)** that he has no record nor evidence the Respondent(s) has *any* right to "JACK LINGE;" **(51)** that he believes no such record nor evidence exists; **(52)** that he formally demands any "*original* " contract, agreement or terms of trust, not a copy, which is being used against him, be brought forward;

(53) that a court of law requires the *original* contract, agreement or terms of trust be entered as evidence; **(54)** that under the Erie doctrine – where there is no contract, [agreement nor terms of trust,] there is no case; **(55)** that notwithstanding any and all assumed contracts, agreements or trusts signed, unsigned, constructed, implied, adhered, invisible, and/or the like, Respondent(s) is in breech of any and all such alleged instruments due to failure of full disclosure and/or equitable consideration; **(56)** that if a party tries to void a contract, agreement or trust because of a missing element and is prevented from doing so, such becomes a fraudulent instrument; **(57)** that there is absolutely no statute of limitations on fraud; **(58)** that the Respondent(s) has been, and, is currently, doing business within the jurisdiction and venue of the court; **(59)** that despite GCC-11 § 9-402 and Affiant's declarations, objections and averment, which clearly show a perfected security interest and clearly delineate the distinct division between the registered title known as "JACK LINGE" and the secured party, Respondent(s) files its unverified, unwarranted claim against the estate in the name of the secured, certified title known as "JACK LINGE," and wantonly brings its *ultra vires* and injurious criminal charge to bear upon Affiant—Jack: Linge—the secured party—administrator to the estate—the real party in interest; **(60)** that estate heirs' matters are private to the estate, and do not provide grounds for criminal charge; **(61)** that in order to prove a "crime" has occurred, there must be: (a) proof of a flesh-and-blood victim, and, (b) proof that the crime alleged was committed

maliciously or intentionally; **(62)** that notwithstanding the issuance of a groundless "criminal charge" and subsequent "bench warrant," Affiant is arrested and incarcerated; **(63)** that pursuant to the warrants clause provided at the 4th Amendment to the Constitution, no warrants shall issue but upon probable cause; **(64)** that probable cause requires a showing that a crime has been, or, is being, committed, and that the "person" sought for arrest committed or is committing the crime alleged; **(65)** that STATE OF GEORGEA INC. *et al,* Respondent(s) is a for-profit, corporate-commercial enterprise, and is not the sovereign, *de jure* republic known as 'state of Georgia' or 'Georgia state;' **(66)** that Affiant's protected/guaranteed 1st-Amendment right to unabridged speech in "court" is usurped by Respondent(s) on 12/15/2010; **(67)** that Affiant's 6th-Amd. protected and guaranteed arraignment is obstructed by Respondent(s) on 12/15/2010; **(68)** that Respondent(s)'s obstruction to Affiant's arraignment is in derogation from the 6th-Amd. protected and guaranteed rights to not *"understand"* (stand under) the accusation, and to define/challenge jurisdiction/venue; **(69)** that without Affiant's power of attorney, Respondent(s)'s practice of law from the bench is unwarranted, *ultra vires* and injurious; **(70)** that pursuant to FRCP, Rule 52, Respondent(s)'s corporate silence/non-response to Affiant's claims/declarations is tantamount to estoppel *via* acquiescence; **(71)** that Respondents' failure to answer Affiant's claims/declarations is in derogation from Amd. I, IV, V, VI, IX of the Constitution; **(72)** that Respondent(s)'s failure to respond to Affiant's challenge to jurisdiction, as is declared in Affiant's affidavits of truth and *nunc-pro-tunc*

objections and demand for probable cause *via* fact-finding entered in the "court," is in violation of 4th-Amd. right to establish probable cause, 6th-Amd. right to know the nature and cause of the accusation and define/challenge jurisdiction/venue, and, 5th-Amd. right to due process and equal protection of the law; **(73)** that GWINNETT CO. is not the proper jurisdiction/venue to file/hear such alleged claim; **(74)** that Affiant has the right to challenge jurisdiction at any time; **(75)** that Affiant challenges jurisdiction prior to trial; **(76)** that Respondent(s)'s claim does not comport to the requisite uniform three-year statute of limitations provided within the Admiralty; **(77)** that Respondent(s)'s claim is in direct contravention to the United States' abolition of *"Debtors' Prison"* in the year 1833; **(78)** that the federally-mandated guidelines found within O.C.G.A. §19-6-15 are in derogation from the due-process and equal-protection clauses of the 5th Amd. to the Constitution; **(79)** that O.C.G.A. § 19-10-1 is vague and ambiguous, and violates Art. IV Sec. 4 of, and, the 6th Amd. to, the Constitution; **(80)** that the Respondent(s)'s "Request to Charge" is in derogation from the equal protection clause of the 5th Amd. to the Constitution; **(81)** that Respondent(s)'s claim is in derogation from common, trust and commercial laws; **(82)** that Affiant's affirmed declarations reserve and exercise all rights and remedy as provided *via* such that are unlimited to Affiant's UCC-1 Financing Statement; the Saving To Suitors Clause; the Federal Question Clause; the 13th Article of Amendment to the Constitution; 15 Statutes At Large; House Joint Resolution 192; The Foreign Sovereign Immunities Act of 1976; the Uniform Commercial Code, Book 1, at

§308 and §103-6, *etc.;* **(83)** that pursuant to the same, and in harmony with the Uniform Commercial Code, Affiant reserves his Common Law/Trust Law/Constitutional Rights and Remedy not to be compelled to perform under any trust, contract, and/or, agreement, and/or the like thereof, that Affiant has not entered into knowingly, voluntarily, and, intentionally; **(84)** that reservation and exercise of the same serves notice upon all multi-jurisdictional, international, federal, state, and, local, administrative agencies and government instrumentalities/bodies politic, that, Affiant does not, and, will not, accept the liability associated with the "compelled benefit of privilege" pursuant to any and every unrevealed/presumed public/governmental trust, contract or agreement; **(85)** that reservation and exercise of the same unequivocally expatriates Affiant from the Respondent(s)'s jurisdiction, entitling him remedy by trial according to the course and usage of the common law, employing an Article-III judiciary bound by "the Supreme Law of the Land;" **(86)** that reservation and exercise of the same automatically and immediately releases Affiant from any and every unrevealed/presumed trust, contract/agreement, and/or all the like thereof, such as that which is found within Respondent(s)'s "Request to Charge;" **(87)** that waiving "the benefit of privilege" automatically/immediately relieves Affiant from any and every presumption, presentment, accusation, indictment, trust, and the like, charging Affiant as a so-called 14th-amendment "citizen/person," "subject," "resident," "resident of the commonwealth," "person of inherence and/or incidence," corporate officer / agent / representative / member /

partner / employee / fiction / transmitting utility / franchisee / *ens legis* / *stramineus-homo* (straw-man) / dummy / juristic person / libellee / debtor / obligor / ward / accommodation party / surety / trustee / beneficiary / and/or "all" the like thereof; **(88)** that the Respondent(s)'s presumed trust, contract/agreement does not comport to the common law/trust law; **(89)** that the Respondent(s)'s presumed trust, contract/agreement does not comport to equity law; **(90)** that the Respondent(s)'s presumed trust, contract/agreement does not comport to admiralty law; **(91)** that the Respondent(s)'s presumed trust, contract/agreement does not comport to the Uniform Commercial Code; **(92)** that the Respondent(s)'s presumed trust, contract/agreement does not contain all of the necessary elements required in lawfully and legally constituting, executing, operating and enforcing such instruments; *e.g.* –

1. *"Trustee – Beneficiary relationship / Offer, not excluding full disclosure."*
2. *"Benefit of Fiduciary / Equitable Consideration for all involved parties."*
3. *"Agreement to act or be named as Trustee or Beneficiary / Acceptance, i.e., " a meeting of the minds," by all involved parties."*
4. *"The implied or assumed actions / signatures by all involved parties."*

(93) that pursuant to the FRCP, Rule 52, and with knowledge of the fact that "assumption" and "presumption" may prevail unless rebutted or explicitly denied, Affiant unequivocally declares that Jack: Linge is not, and is in no way to be construed, termed, nor, thought of, as a – corporate person, legal fiction, fictional

person, nor incorporated in any way, means, shape, form, nor manner; **(94)** that with knowledge of the fact that all such entities are *not* living, breathing, sentient men and women, Affiant makes express and explicit claim and verified affirmation to the living, whose Creator is Affiant's Heavenly Father; with express and explicit claim and affirmation that Affiant is a self-aware, sentient, flesh-and-blood man, indivisible from the divine soul, inherent to the Heavenly Creator, and is not a goverernmentally-created "person of inherence or incidence," "franchisee," nor any other form of "corporation;" **(95)** that Affiant successfully rebutts the presumptions that Jack: Linge is: (a) incorporated; (b) under public/STATE contract; (c) party to a public trust/beneficiary-trustee relationship; **(96)** that Affiant is: an inherent 1st Class state Citizen; a sovereign American Citizen to these several states of the union, *i.e.,* "the united States of America," as is first declared within Article-1 of the Articles of Confederation, agreed to in the year 1777 and ratified in the year 1781; a "Citizen of these United States," as such term is defined within 1:2:2, 1:3:3 and 2:1:5 of the Constitution; a sovereign American People of Posterity; a Secured-party Creditor; a non-resident alien with respect to the federal zone of the United States government; **(97)** that Affiant is not: a resident alien, subject to the exclusive jurisdiction of the federal zone of the U.S. government, nor one of its States, districts, territories, enclaves, *et al.;* a/k/a a so-called 14th-amendment municipal franchisee, 2nd-class citizen of the United States government; a "term of art" known as a

"citizen of the United States," a/k/a "United States citizen," which is tantamount to a federal citizen of the District of Columbia, as the two are synonymous; nor is he a non-resident citizen subject to federal citizenship; nor, as such is more accurately couched, "a statutory slave;" **(98)** that Affiant is exclusively within the common-law jurisdiction; **(99)** that Affiant does not grant Respondent(s) jurisdictional consent; **(100)** that Affiant's relationship to Respondent(s) is "at arm's length;" **(101)** that Affiant is a "Claimant *in personam*;" **(102)** that Affiant substantiates a set of facts in support of a claim which would entitle him to relief; **(103)** that an affidavit of petition for declaratory judgment is required to be answered point-by-point; **(104)** that any and every statement, declaration and claim in Affiant's affidavit of petition for declaratory judgment is required to be properly rebutted, point-by-point, with facts of positively-enacted law or overriding Article-III Supreme Court rulings; **(105)** that if so rebutted, such rebuttle does not prejudice the lawful validity of all statements/claims/declarations not properly rebutted or invalidated, point-by-point, pursuant to positively-enacted law or overriding Article-III Supreme Court rulings; **(106)** that the court is not acting in good faith and in accord with the course and usage of the judiciary powers of the Constitution when it arbitrarily and capriciously invokes unwarranted, unsubstantiated blanket-allegations of frivolity; **(107)** that the clerk of the court is a "vessel," as documented at Title 46, USC Chapters 121 and 123 of the 'PublicVessel Act;' **(108)** that all of Affiant's documents in the case, as filed with the court, are "cargo," as documented under the 'Bills of Lading Act.'

Further Affiant Saith Not.

VERIFICATION OF NOTARY:

– JURAT –

Date:_____.

Sui Juris; **Executor Office, by:_____.**

Jack: Linge / Executor / Affiant.

Republic of Georgia state) **Notice:** Notarial services provided below are authored by
) Affiant for verification purposes only, and do not constitute
County of Gwinnett) adhesion nor alter Affiant's status in any manner whatsoever.

On day ____ of _____, 2017, before me, _____, Notary, appears Affiant, Jack: Linge, Executor Office, JACK LINGE, Estate, who is known to me and is the living man whose name is scribed upon this instrument, and acknowledges to me that he executes and administers the ***AFFIDAVIT OF "APPELLANT'S BRIEF" PETITION FOR DECLARATORY JUDGMENT*** *in his authorized capacity; and that by his acknowledgment, as shown by this instrument, Jack: Linge, Executor Office, JACK LINGE, Estate, affirms to me that he has been, is currently, and, will continue, administrating to the aforesaid private estate on behalf of the office executing this instrument.*

Witnessed by my hand and official seal;

Signed:_____. Date:_____.

Notary Signatory.

NOTARY SEAL

My Commission Expires:_____.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JACK LINGE–Assignor, for use of Jack: Linge–Assignee, at-arm's-length, *Sui Juris,* *in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	CASE NO. 13-16035 – File On Demand – Claimant Waives Fee – Pursuant To UCC-1 §308, §308-5, §103-6,
Vs.	**IN ADMIRALTY, IN COMMON LAW,** CONTRACT, ANTITRUST, FRAUD, ESTOPPEL, DURESS, COERCION,
STATE OF GEORGIA INC., *et al.,* Respondent(s).	**CONSTITUTIONAL CHALLENGE TO STATE STATUTES AND PROCEDURES.**

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this day ___ of _____, 2017, Served this –

AFFIDAVIT OF "APPELLANT'S BRIEF" PETITION FOR DECLARATORYJUDGMENT;

by way of U. S. P. S. Certified Mail Number –
= =

= =
To:
THE APPELLATE COURT OF THE UNITED STATES,
ELEVENTH CIRCUIT;
In Care Of:
John Ley, d/b/a/ JOHN LEY—OFFICE OF CLERK OF COURT,
ELBERT PARR TUTTLE COURT OF APPEALS BUILDING,
56 Forsyth Street, N. W.,
Atlanta, Georgia. [30303]
Telephone #: [404] 335-6184.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jack: Linge© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JACK LINGE–Assignor, for use of Jack: Linge–Assignee, at-arm's-length, *Sui Juris,* *in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) CASE NO. 13-16035 – File On Demand – Claimant Waives Fee – Pursuant To UCC-1 §308, §308-5, §103-6,
Vs.	) **IN ADMIRALTY, IN COMMON LAW,** CONTRACT, ANTITRUST, FRAUD, ESTOPPEL, DURESS, COERCION,
STATE OF GEORGIA INC., *et al.,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO STATE STATUTES AND PROCEDURES.**

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this day ___ of _____, 2017, Served this –

AFFIDAVIT OF "APPELLANT'S BRIEF" PETITION FOR DECLARATORYJUDGMENT;

by way of U. S. P. S. Certified Mail Number –
= =

= =
To:
John Nathan Deal, d/b/a/ JOHN NATHAN DEAL—CHIEF EXECUTIVE OFFICER;
In Care Of:
203 STATE CAPITOL,
Atlanta, Georgia. [30334]
Telephone #: [404] 261-1776.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jack: Linge© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JACK LINGE–Assignor, for use of Jack: Linge–Assignee, at-arm's-length, *Sui Juris,* *in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	CASE NO. 13-16035 – File On Demand – Claimant Waives Fee – Pursuant To UCC-1 §308, §308-5, §103-6, **IN ADMIRALTY, IN COMMON LAW,** CONTRACT, ANTITRUST, FRAUD, ESTOPPEL, DURESS, COERCION,
Vs.	
STATE OF GEORGIA INC., *et al.,* Respondent(s).	**CONSTITUTIONAL CHALLENGE TO STATE STATUTES AND PROCEDURES.**

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this day ___ of _____, 2017, Served this –

AFFIDAVIT OF "APPELLANT'S BRIEF" PETITION FOR DECLARATORYJUDGMENT;

by way of U. S. P. S. Certified Mail Number –
= =

= =
To:
Samuel Scott "Sam" Olens, d/b/a/ SAMUEL SCOTT OLENS—OFFICE OF THE ATTORNEY GENERAL;
In Care Of:
40 CAPITOL SQUARE, S. W.,
Atlanta, Georgia. [30334]
Telephone #: [404] 656-3300.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jack: Linge© / Executor.

TABLE OF AUTHORITIES:

1. The Holy Bible, Old/New Testament – Divine Law – 380 U.S. 163 – "The Bible is law to be applied Nationally;" In re the treatise entitled: "Biblical Principles Of Law," by Herbert W. Titus – Dominion and Property; Duty of Performance or Enforcement – Peremptory Mandamus; The Good Faith Oxford Doctrine – Moral Obligation; UCC-1 § 103-6; GCC-11 § 1-203; Doctrines of Estoppel – Acquiescence; 15 Statutes at Large, pg. 224, ¶249, §1; Title 22, USC §1732, ¶ 23; Law of the Record – Apostille – Affidavit Of Political Status – Act Of State – Reaffirmation of Character – Renunciation of Unlawfully-Attempted Expatriations, In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, see attachments entitled: "MISCELLANEOUS ATTACHMENTS"...p.2
2. "The rights of Citizens of the states, as such, are not under consideration in the fourteenth amendment. They stand as they did before the adoption [*sic*] of the fourteenth amendment, and are fully guaranteed by other provisions [*e.g.,* the Bill of Rights, *etc.*]." *U.S. v. Susan B. Anthony,* Case No. 14,459 (1873); The following case law represents affirmation of these two classes of citizenry. *Elk v Wilkins* is a 14th-amendment case, the concept of which [as denoted by use of the term "second-class citizen"] is true concerning all federal citizens. In other words, all federal citizens must be, by their very definition, a person who is "completely subject" to the jurisdiction of the federal government [such as a citizen of the District of Columbia, former slaves, and, immigrants after the Civil War]. Virtually any legal concept stated by the courts concerning a 14th-amendment citizen is operative upon all federal citizens; *e.g.* – "The persons declared to be [federal] citizens are, 'All persons born or naturalized [residents of D.C., former slaves, and, immigrants after the Civil War] in [the federal zone of] the United States [government] and subject to the jurisdiction thereof.' The evident meaning of these last words is not merely subject in some respect or degree to the [federal] jurisdiction of the United States [government], but completely subject..." *Elk v Wilkins*, 112 U.S. 94, 101, 102 (1884); "The privileges and immunities clause of the 14th -amendment protects very few rights because it neither incorporates the Bill of Rights nor protects all rights of individual [state] Citizens (See *Slaughter House cases,* 83 U.S. (16 Wall.) 36, 21 L. Ed. 394 (1873)). Instead, this provision protects only those rights peculiar to being a citizen of the federal government; it does not protect those rights which relate to state Citizenship." *Jones v Temmer,* 839 F. Supp. 1226; "… the first eight amendments have uniformly been held not to be protected from state action by the privilege and immunities clause [of the 14th amendment]." *Hague v CIO*, 307 U.S. 496, 520 Volume 20 of Corpus Juris Secundum at 1758; "The United States Government is a foreign corporation with respect to a state." *N.Y. v. re Merriam*, 36 N.E. 505, 141 N.Y. 479; affirmed 16 S. Ct. 1073; 41 L.Ed. 287. Case: 3-08 CR 089 N Petition and challenge to jurisdiction 3; "There are, then, under our

republican form of government, two classes of citizens; one of the United States [government] and one of the state." *Gardina v Board of Registrars of Jefferson County*, 160 Ala. 155; 48 So.788 (1909); "The governments of the United States and of each state of the several states are distinct from one another. The rights of a citizen under one may be quite different from those which he has under the other." *Colgate v Harvey*, 296 U.S. 404; 56 S. Ct. 252 (1935); "… rights of national citizenship as distinct from the fundamental or natural rights inherent in state Citizenship." *Madden v Kentucky*, 309 U.S. 83, 84 L. Ed. 590 (1940); "It is quite clear, then, that there is a [federal] citizenship of the United States [government], and a Citizenship of a state, which are distinct from each other and which depend upon different characteristics or circumstances in the individual." *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36; 21 L. Ed. 394 (1873); "We have in our political system a government of the United States and a government of each of the several states. Each one of these governments is distinct from the others, and each has citizens of its own..." *United States v Cruikshank*, 92 U.S. 542 (1875); "There is a difference between privileges and immunities belonging to the [federal] citizens of the United States [government] as such, and those belonging to the Citizens of each state as such." *Ruhstrat v People*, 57 N.E. 41; "The first clause of the fourteenth amendment made Negroes [federal] citizens of the United States [government], and [federal] citizens of the [*de facto*] State in which they reside, and thereby created two classes of citizens; one [a federal citizen] of the United States [government] and the other [a state Citizen] of the [*de jure*] state." *Cory et al. v. Carter,* 48 Ind. 327 (1874) headnote 8; "A person who is a [federal] citizen of the United States [government] is necessarily a citizen of the particular [*de facto*] State in which he resides. But a person may be a Citizen of a particular [*de jure*] state and not a [federal] citizen of the United States [government]. To hold otherwise would be to deny to the [*de jure*] state the highest exercise of its sovereignty – the right to declare who are its Citizens." *State v. Fowler,* 41 La. Ann. 380, 6 S. 602 (1889); "There is a distinction between [federal] citizenship of the United States [government] and Citizenship of a particular [*de jure*] state, and a person may be the former without being the latter." *Alla v. Kornfeld,* 84 F.Supp. 823, (1949) headnote 5; "A person may be a [federal] citizen of the United States [government] and yet be not identified or identifiable as a Citizen of any particular [*de jure*] state." *Du Vernay v. Ledbetter,* 61 So.2d 573; "... [federal] citizens of the District of Columbia were not granted the privilege of litigating in the federal courts on the ground of diversity of citizenship. Possibly no better reason for this fact exists than such citizens were not thought of when the judiciary article [III] of the federal Constitution was drafted. … [federal] citizens of the United States [government] … were also not thought of; but in any event, a [federal] citizen of the United States [government], who is not a Citizen of any [*de jure*] state, is not within the language of the Constitution." *Pannill v. Roanoke,* 252 F. 910, 914...p.3

3. In re the treatise entitled: *"The Unconstitutional 14th Amendment,"* taken mostly in part from the research of the Honorable Judge L. H. Perez (see attached)...p.3
4. 15 Statutes at Large, pg. 223, ¶ 249, § 1, enacted by Congress July 27th, 1868 – An Act concerning the Rights of American Citizens in foreign States: Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision, of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government...p.3
5. DE FACTO GOVERNMENT. One that maintains itself by a display of force against the will of the rightful legal government and is successful, at least temporarily, in overturning the institutions of the rightful legal government by setting up its own in lieu thereof. *Wortham v. Walker,* 133 Tex. 255, 128 S.W.2d 1138, 1145. – Black's Fourth Edition, 1968. DE FACTO. In fact; actually; indeed; in reality. *Ridout v. State,* 161 Tenn. 248, 30 S.W.2d 255, 257,71 A.L.R. 830. Thus, an office, position or status existing under a claim or color of right such as a deputy county clerk. *Heron v. Gaylor,* 49 N.M. 62, 157 P.2d 239, 241; deputy clerk of court. *State v. Brandon,* 186 S.C. 448, 197 S.E. 113, 115; corporate office. *In re Hillmark Associates, D.C.N.Y.,* 47 F.Supp. 605, 606; corporation, *Municipal Bond & Mortgage Corporation v. Bishop's Harbor Drainage Dist.,* 133 Fla. 430, 182 So. 794, 797; *Ebeling v. Independent Rural Telephone Co.,* 187 Minn. 604, 246 N.W. 373; court, *Marckel Co. v. Zitzow,* 218 Minn. 305, 15 N.W.2d 777, 778; depositary, *School Dist. No. 1, Itasco County, v. Afton,* 173 Minn. 428, 217 N.W. 496, 499; deputy sheriff, *Malone v. Howell,* 140 Fla. 693, 192 So. 224, 227; fire district commissioner, *Petition of Board of Fire Com'rs of Columbia-Litchfield Fire Dist.,* Sup., 29 N.Y.S.2d 605, 619; grand jury, *McDonald v. Colden,* 181 Misc. 407, 41 N.Y.S.2d 323, 327; guardian, *State ex rel. Symons v. East Chicago State Bank,* 106 Ind. App. 4, 17 N.E.2d 491, 494; judge, *Annoni v. Bias Nadal's Heirs, C.C.A. Puerto Rico,* 94 F.2d 513, 515; officer, *Eaker v. Common School Dist. No. 73 of Butler County, Mo.App.,* 62 S.W.2d 778, 783; police officer, *People ex ref. Mitchell v. Armspach,* 314 Ill.App. 573, 41 N.E.2d 781; trustee, *In re Wohl's Estate,* 36 N.Y.S.2d 926, 930. – Black's Fourth Edition, 1968...p.3
6. *Brushaber v. Union Pacific Railroad Company,* 240 U.S. 1 (1916); The federal government concludes that Frank Brushaber is a [*de jure*] state Citizen, and that under the law, he is a "nonresident alien," as is reflected in Treasury Decision 2313 (T.D. 2313). Frank Brushaber is a "nonresident alien" because he lives and works *outside* the United States territories, enclaves, subdivisions, *et al.,* over which the United States Congress has exclusive jurisdiction granted by the

authorities at Article 1, Section 8, Clause 17, and Article 4, Section 3, Clause 2, of the U.S. Constitution. The Foriegn Sovereign Immunities Act of 1976 (FSIA): Title 28, USC § 1603 – For purposes of this chapter – (a) A 'foreign state', except as used in section 1608 of this title, includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in subsection (b). (b) An 'agency or instrumentality of a foreign state' means any entity – (1) which is a separate legal person, corporate or otherwise, and (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and (3) which is neither a citizen of a State of the United States as defined in section 1332 (c) and (d) of this title, nor created under the laws of any third country. (c) The 'United States' includes all territory and waters, continental or insular, subject to the jurisdiction of the United States. (d) A 'commercial activity' means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose. (e) A 'commercial activity carried on in the United States by a foreign state' means commercial activity carried on by such state and having substantial contact with the United States. Title 28, USC § 1604 – Subject to existing international agreements to which the United States is a party at the time of enactment of this Act, a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605 to 1607 of this chapter. *Also see the U.S. Supreme Court, in *Luther v Borden*, 48 U. S. 1, 12 Led 581: "…The government are but trustees acting under derived authority [of the sovereign American People of posterity] and have no power to delegate what is not delegated to them. But the people, as the original fountain, might take away what they have delegated and intrust to whom they please. … The sovereignty in every state resides in the people of the state and they may alter and change their form of government at their own pleasure."...p.3

7. Legislation enacted by Congress applicable to the inferior courts in the exercise of the power under Article III of the Constitution cannot be affected by legislation enacted by Congress under Art. I, Sec. 8, CI. 17 of the Constitution – D.C. Code, Title 11 at p.13 defines this as – " . . . an officer, agent, shareholder, franchise or fiduciary agent, surety, resident inhabitant or domiciled in any corporation." "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never passed." *Norton v Shelby County,* 118 U.S. 425; "Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda v Arizona,* 384 U.S. 436...p.3
8. Case 1:13-cv-0116-SCJ, Document 7, Filed 05/06/13, entitled "Order", Page 2 of 5

– "Plaintiff's" [*sic*] amended "complaint" [*sic*] is a "challenge" [*sic*] of "Plaintiff's" [*sic*] "criminal conviction" … ;" Page 4 of 5 – "Here, "Plaintiff" [*sic*] requests that this Court "reverse" [*sic*] or otherwise invalidate his "conviction" … " (emphasis added)...p.3

9. In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, containing affirmed declarations, objections and averment, see attachment entitled "ARTICLE V"...p.3
10. In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, Affiant **never**: (1) entered a plea; (2) stood "mute" at the "arraignment;" (3) waived the "arraignment;" (4) was represented by "counsel;" (5) gave consent for the "judge" to enter a plea on his behalf. See case record containing (a) STATE-certified recording of "arraignment;" (b) STATE's false allegation that Affiant "waives" the arraignment; (c) STATE's illegal "entry of plea;" see attachments entitled "ARTICLE II" and "ARTICLE III"...p.4
11. In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, containing STATE-certified notary verification of STATE's non-response to Affiant's affirmed declarations, objections and averment; see attachments entitled "ARTICLE V", *et al.*...p.4
12. Under U.S. Constitution, Amendments: I – freedom of speech/religion/petition clauses; IV – warrants/seizures clauses; V – due process/equal protection/self incrimination clauses; VI – nature of accusation/vague and ambiguous laws/proof of jurisdiction clauses; IX – secure in personal-effects/inherent rights clauses; Articles: III – civil claim in rights/status/laws/debtors' prison/treaties/diversity of Citizenship/civil claim in maritime-admiralty/statute of limitations/estoppel/fraud clauses; IV – republican form of government/govern by law; In re court record of "Affidavit Of Petition For Declaratory Judgment," see p. 31 of 136: Georgia Bar Journal, – October 2000 – Vol. 6, No. 2 / Cover Story: *"Why Georgia's Child Support Guidelines Are Unconstitutional,"* By William C. Akins, Attorney at law; "... the law places no greater duty of support on a divorced father than on one who is not divorced." *Calvin v Calvin,* Supreme Court of Georgia, 238 Ga. 421...p.4
13. "Counsel for the defendant contend that since abandonment of a minor child was not a criminal offense under the common law that the statutes making abandonment a criminal offense are to be strictly construed since they are in derogation of the common law and also because they are penal in nature. This is correct." *Logue v STATE,* 94 Ga. App. 777; *Mangum v STATE,* 91 Ga. App. 520; *Bray v STATE,* 166 Ga. App. 187...p.4
14. *Poole v State of Alabama*, CR-05-1846, May 25, 2007, Poole's claim is sufficiently pleaded to satisfy the pleading requirements in Rule 32.3 and Rule 32.6 (b), and his factual allegations [as expressed by way of Affidavit] were unrefuted by the State; therefore, they must be accepted as true. *Bates v State*, 620 So.2d 745, 746 (Ala.

Crim. App.1992) "When the State does not respond to a petitioner's allegations, the unrefuted statement of facts must be taken as true." *Smith v State*, 581 So.2d 1283, 1284 (Ala. Crim. App. 1991) In addition, his claim is not precluded by any of the provisions of Rule 32.2. Because his claim is not barred, is sufficiently pleaded, and is unrefuted by the State, Poole is entitled to an opportunity to prove his claim. *Ford v State*, 831 So.2d 641, 644 (Ala. Crim. App. 2001) "Once a petitioner has met his burden of pleading so as to avoid summary disposition pursuant to Rule 32.7 (d), Ala. Rule Crim. Procedure, he is then entitled to an opportunity to present evidence in order to satisfy his burden of proof." Plaintiff refutes none of these facts. We accept them as true. *Carlile v Snap-On-Tools*, 271 Ill. App.3D 833, 834, 648 N.E.2d 317 (1995) – unrefuted facts accepted as true for purposes of appeal – Court must treat all unrefuted allegations as true – *Stancle v State,* 917 So.2d 911 (Fla. 4th DCA 2005) "When no evidentiary hearing is held [on a motion for post-conviction relief], a movant's allegations are accepted as true unless they are conclusively refuted by the record; the appellant has alleged a facially sufficient claim for relief which is not refuted by the record." *Thurman v State*, 892 So.2d 1085 (Fla.2d DCA 2004). The trial court granted RMC's motion for summary judgment... The court noted that the affidavit was evidence... while Gassner did not offer any evidence to the contrary. Based on this, the court concludes that – "[RMC's] evidence goes unrefuted and must be accepted as true, leaving no issue of fact... " *Gassner v Raynor Manufacturing Company,* United States Court of Appeals, Sixth Circuit, 675 F.2d 116 (Case No. 2-10-0180); *etc*....p.4

15. *Wortham v. Walker,* 133 Tex. 255, 128 S.W.2D 1138, 1145...p.4
16. "[We reverse on the ground that] In Georgia, the venue of a prosecution for the offense of abandonment is in the county where the minor child first becomes dependent upon persons other than the parent for support." *Fairbanks v STATE,* 105 Ga. App. 27; *Waits v STATE,* 138 Ga. App. 513; *Woolf v STATE,* 113 Ga. App. 412; *Browning v STATE,* 139 Ga. App. 91; *Nelson v STATE,* 77 Ga. App. 255; *Turner v STATE,* 56 Ga. App. 488; *York v STATE,* 52 Ga. App. 11; *etc*....p.4
17. "Once jurisdiction is challenged it must be proven by the plaintiff." *Hagans v Lavine,* 415 U.S. 533; "The mere good-faith assertions of power and authority have been abolished." *Owens v CITY OF INDEPENDENCE,* 445 U.S. 622; "Jurisdiction, once challenged, cannot be assumed and must be decided." *Maine v Thiboutot,* 100 S. Ct. 250; "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." *Hagans v Lavine,* 415 U.S. 533; Though not specifically alleged, defendant's challenge to subject matter jurisdiction implicitly raised claim that default judgment against him was void and relief should be granted under Rule (60) (b) (4). *Honneus v Donovan,* 93 F.R.D. 433, 436-37 (1982) affd, 691 F.2d 1 (1st Cir. 1982)); "The law provides that once State and Federal Jurisdiction has been challenged, it must be proven."

100 S. Ct. 2502 (1980); "Jurisdiction can be challenged at any time." *Basso v Utah Power & Light Co.,* 495 F.2d 906, 910; "Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal." *Hill Top Developers v Holiday Pines Service Corp.,* 478 So.2d. 368 (Fla 2nd DCA (1985)); "Court must prove, on the record, all jurisdiction facts related to the jurisdiction asserted." *Lantana v Hopper,* 102 F.2d 188; *Chicago v New York,* 37 F. Supp. 150; "Once challenged, jurisdiction cannot be assumed, it must be proved to exist." *Stuck v Medical Examiners,* 94 Ca.2d 751 (211 P2d 389); "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal." *WILLIAMSON v BERRY,* 8 HOW. 945 (540 12 L.Ed. 1170, 1189 (1850)); "Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction; the court has no authority to reach merits, but rather should dismiss the action." *Melo v U.S.,* 505 F.2d 1026; "There is no discretion to ignore lack of jurisdiction." *Joyce v U.S.,* 474 2D 215; "The burden shifts to the court to prove jurisdiction." *Rosemond v Lambert,* 469 F.2d 416; "Where jurisdiction is denied and squarely challenged, jurisdiction cannot be assumed to exist 'sub silento' but must be proven." *Hagans v Lavine,* 415 U.S. 528, 533, N5; *etc.*...p.4

18. FRD – Vol. 9, 02/28/1966, 07/01/1966, pg. 183, 203; Title 18, USCA § 2331; Title 28, USCA § 2072, § 2073...p.4
19. The Insurrection & Rebellion Act of August 6, 1861; The Law of Prize and Capture; *i.e.,* "An Act to facilitate Judicial Proceedings in Adjudications upon Captured Property, and for the better Administration of the Law of Prize," March 25, 1862...p.4
20. Title 10, USC sections 7651-7681...p.4
21. Title 4, USC Chapter-1 – The flag: § 1, § 2, § 3...p.5
22. In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, p. 63/136: "Remarks in Congress as recorded in the Congressional Record;" United States Congressional Record, March 17, 1993, Vol. 33, page H-1303 – Speaker-Rep. James Traficant, Jr. (Ohio) addressing the House, entitled: *"The Bankruptcy Of The United States;"* In re treatise entitled: *"The Declaration Of InterDependence: Web Of Deceit"* By John Nelson, based on SENATE REPORT NO. 93-549, Etc., RE: The United States is Bankrupt (see misc. attachments)...p.5
23. UCC-1 §103-6: "The Code is complimentary to the Common Law, which remains in force, except where displaced by the code. A statute should be construed in harmony with the Common Law, unless there is a clear legislative intent to abrogate the Common Law … The code cannot be read to preclude a Common Law action." §308: "Performance or Acceptance Under Reservation of Rights – (a) A

party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient. (b) Subsection "(a)" does not apply to an accord and satisfaction. Any expression indicating intention to reserve rights is sufficient such as "without prejudice," "All Rights Reserved," "Without Prejudice UCC1-308," or "Under Protest UCC1-308." §308-5: "Form of Reservation – The code does not impose any requirement as to the form of the reservation, other than it be explicit." §308-6: "Reservation by conduct – Although UCC1-§308 authorizes the making of an express reservation, it is not to be deduced that there is no reservation of rights unless that section is followed. To the contrary, when the conduct of a party clearly shows that he has not waived any rights, the act that there was no express reservation as authorized by UCC1-§308 is not significant." GCC-11 §9-402: "Secured party not obligated on contract of debtor or in tort – The existence of a security interest... or authority given to a debtor to dispose of or use collateral, without more, does not subject a secured party to liability in contract or tort for the debtor´s acts or omissions." §2A-311: "Priority subject to subordination – Nothing in this article prevents subordination by agreement by any person entitled to priority." §3-501: "Presentment – (2) Upon demand of the person to whom presentment is made, the person making presentment must: (i) Exhibit the instrument; (ii) Give reasonable identification and, if presentment is made on behalf of another person, reasonable evidence of authority to do so; and (3) Without dishonoring the instrument, the party to whom presentment is made may: (i) Return the instrument for lack of a necessary endorsement; or (ii) Refuse payment or acceptance for failure of the presentment to comply with the terms of the instrument, an agreement of the parties, or other applicable law or rule." §1-106: "Remedies to be liberally administered – (1) The remedies provided by this title shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special nor penal damages may be had except as specifically provided in this title or by other rule of law. (2) Any right or obligation declared by this title is enforceable by action unless the provision declaring it specifies a different and limited effect." §1-203: "Obligation of good faith – Every contract or duty within this title imposes an obligation of good faith in its performance or enforcement." *See Article VI of the United States Constitution re "… bound by oath …"...p.5

24. Title 28, USC §1331 – Federal question: The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States...p.6
25. Title 28, USC §1333 – Admiralty, maritime and prize cases...p.6
26. *Hone Ins. Co. v North Packet Co.*, 31 Iowa 242 (1871)...p.6
27. The First Judiciary Act; September 24, 1789; Chapter 20, page 77. The Constitution

of the United States of America, Revised and Annotated – Analysis and Interpretation, 1982; Article III, §2, Cl. 1, Diversity of Citizenship, U.S. Government Printing Office, document 99-16, p. 741...p.6

28. *Delovio v Boit,* and many subsequent cases Re: The Huntress, *etc.,* showing revenue causes under the jurisdiction of the district courts of the United States in Article-III judiciary...p.6
29. *Bennett v Butterworth,* 52 U.S. 669...p.6
30. *Lavergne v Western Co. of North America, Inc.* (La) 371 So.2d 807 (1979) (superseded on other grounds by statute as stated in *Cramer v Association Life Ins. Co,* (La App 1st Cir) 1990 La App LEXIS 1937)." 2 Am Jur 2d ADMIRALTY §122 (Footnote 9)...p.7
31. *Clearfield Trust Co. v U.S.*, 318 U.S. 363 (1943) and *United States v Kimbell Foods*, 440 U.S. 715 (1999)...p.7
32. *Bank of the United States v. Planters' Bank of Ga.,* 22 U.S. (9 Wheat) 904 (1824); CERTIFICATE. This cause came on to be heard on the transcript of the record of the Circuit Court of the United States for the district of Georgia, and on the questions in said cause, on which the Judges of the said Circuit Court were divided in opinion, and was argued by counsel: On consideration whereof, this Court is of opinion, 1. That the averment in the declaration in said cause, are sufficient in law to give the said Circuit Court jurisdiction in said cause. 2. That, on the pleadings in the same, the plaintiffs are entitled to judgment. All which is ordered to be certified to the said Circuit Court.CC | Trans. By Public.Resource.Org...p.7
33. *INTERPOOL LTD v CHAR YIGH*, 890 F.2D PG. 1453 (1989)...p.7
34. Under the FRCP, this is laid out in volume 324, pg. 325 of the FRD (Federal Rules Decisions)...p.7
35. In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, see attachments entitled: "ARTICLE I/VI/VIII/IX/X/XIV/XV; II; III; V; VII/XII; MISCELLANEOUS ATTACHMENTS" re: corporate-STATE's use of "ALL-CAPS CORPORATE TITLE" on court documents; *e.g.,* charge, summons to appear, plea, court order, *etc.;* When brought into Court by its Corporate name, its existence as a Corporation is admitted – *Mud Creek Drain Co. V State,* 43 Ind. 157; *Johnson v Gibson,* 73 Ind. 282; *Ewing v Robeson,* 15 Ind. 26; *Callender v Railroad Co,* 11 Ohio St. 516; *Com. Ins. Etc. Co. v Taylor,* 8 S.C. 107; compare the foregoing cases to *Ware v St. Louis Bagging & Rope Co*., 47 Ala. 667...p.8
36. ENTITLE. In its usual sense, to entitle is to give a right or title. *Felter v. McClure,* 135 Wash. 410, 237 P. 1010, 1011. To qualify for; to furnish with proper grounds for seeking or claiming. *Fitts v. Terminal Warehousing Corporation,* 170 Tenn. 198, 93 S.W.2d 1265, 1267. *In re Graves,* 325 Mo. 888, 30 S.W. 2d 149, 151. In ecclesiastical law. To entitle is to give a title … – Black's Fourth Edition, 1968.

37. "When the complaint is lodged by the government for a fine, fee, tax or duty, all of which are revenue ("re-venue"), they are imposed only on Corporations." *Colonial Pipe Line Co. V Triangle*, 421 U.S. 100 (1975)...p.8
38. *People ex ref. Mitchell v. Armspach,* 314 Ill.App. 573, 41 N.E.2d 781; *Eaker v. Common School Dist. No. 73 of Butler County, Mo.App.,* 62 S.W.2d 778, 783...p.8
39. PERSON. Persons are divided by law into *natural* and *artificial*. Natural persons are such as the God of nature formed us; artificial persons are such as are created and devised by human laws, for the purposes of society and government, which are called "corporations" or "bodies politic." Black's 1st. "From the earliest times, the law has enforced rights and exacted liabilities by utilizing a corporate concept– by recognizing, that is, juristic persons other than human beings. The theories by which this mode of legal operation has developed, has been justified, qualified, and defined, are the subject matter of a very sizable library. The historic roots of a particular society, economic pressures, philosophic notions, all have had their share in the law's response to the ways of men in carrying on their affairs through what is now the familiar device of the corporation. Attribution of legal rights and duties to a juristic person other than man is necessarily a metaphorical process. And none the worse for it. No doubt, "Metaphors in law are to be narrowly watched." – *Cardozo, J., in Berkey v. Third Avenue R. Co.,* 244 N.Y. 84, 94. "But all instruments of thought should be narrowly watched, lest they be abused and fall in their service to reason." *U.S. v. SCOPHONY CORP. OF AMERICA,* 333 U.S. 795; 68 S. Ct. 855; 1948 U.S.; PERSON. *n.* Latin – *persona;* signifying primarily a mask used by actors on the stage. Webster's 1828. A name composed in all capital letters is a corporate "TITLE." Note: A *proper name* appearing in all caps (look at your birth certificate, social security card, driver's license, bank statement, utility bill, passport, marriage license, *etc.*), not excluding the corporate title of a "STATE," *e.g.,* "STATE OF GEORGIA," falls outside the rules of English; *i.e.,* proper grammar authorizes the use of a capitalized letter for a very limited number of well-defined uses only, such as the *initial* letter of a proper name. Regarding the all-caps title replacing the names of States, men, women, and, children, no lexical authority has come forth in reference to the meaning of nor reason for corrupting the *true* names of all States, men, women, and, children. Using the juristic artifice known as "legal fiction," proper-noun names have been corrupted *via* the all-capital-letter "TITLE" ascribed by the *de facto* government, creating artificial persons existing in contemplation or by force of law alone. *See also:* corporation, legal-fiction, artificial-person, straw-man, dummy, *etc.,* aka: ***Capitis diminutio maxima*** - The highest or most comprehensive loss of status. This occurred when a man's condition was changed from one of freedom to one of bondage, when he became a slave. It swept away with it all rights of Citizenship and all family rights. Blacks 1st...p.8
40. *Marckel Co. v. Zitzow,* 218 Minn. 305, 15 N.W.2d 777, 778...p.8
41. *Annoni v. Bias Nadal's Heirs, C.C.A. Puerto Rico,* 94 F.2d 513, 515...p.8

42. In the Commercial Law of all States, a presumption means that the trier of fact must find the existence of the fact presumed per FRCP 52, unless and until the evidence is introduced which would support a finding of its non-existence. "Plaintiff plead defendant was a corporation. Defendant did not deny by verified pleading pursuant to rules [Texas Rules of Civil Procedure] 52 and 83… that it was not a corporation; thus, such fact was established." *Dr. Pepper Co. v Crow*, 621 S.W.2d 464, 465 (Tex App.-Waco 1981, no Writ); Arizona Revised Statutes: Title 47 §1201 (31) – "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence. Federal Rules of Evidence, R. 301 – Agreement by Acquiescence: Rule 301 of the Federal Rules of Evidence states – "…a presumption imposes on the party against whom it is directed the burden of proof [see 556 (d)] of going forward with evidence to rebut or meet the presumption." "A presumption is a rule of law, statutory or judicial, by which the finding of a basic fact gives rise to the existence of presumed fact until presumption is rebutted." *Van Wart v Cook*, 557 P. 2D 1161; "The failure of an adverse party to deny under oath the allegation that he is incorporated [is acquiescence to such and thus becomes part of the official record]." *Galleria Bank v Southwest Properties*, 498 Southwest 2nd...p.8
43. *Eads v Marks*, 249 P.2d 257, 260...p.8
44. *Erie Railroad Co. v. Tompkins,* 304 U.S. 64 (1938)...p.8
45. Louisiana Revised Statutes, Art. 429 – Corporation existence is presumed unless affidavit of denial is filed before trial. "When the complaint is lodged by the government for a fine, fee, tax or duty, all of which are revenue, they are imposed only on Corporations." *Colonial Pipe Line Co. V Triangle*, 421 U.S. 100 (1975). CORPORATION. An *'artificial person'* or legal entity created by or under the authority or laws of a state. An association of persons created by statute as a legal entity. The law treats the corporation itself as a person that can sue and be sued. Black's 6th. ARTIFICIAL PERSON. An entity, such as a corporation, created by law and given certain legal rights and duties of a human being; a being, real or imaginary, who for the purpose of legal reasoning is treated more or less as a human being; – Also termed fictitious person; juristic person; legal person... – Black's 7th...p.8
46. First Judiciary Act; September 24, 1789; 1st CONGRESS, Sess.1, Chapter 20, p. 77. CLAIMANT. As used in escheat proceeding, persons interested in the estate as heirs.[48] *In re Peers' Estate,* 234 Iowa 403, 12 N.W.2d -894, 895; One who claims or asserts a right, demand or claim.[49] *Weisgerber v. Workmen's Compensation Bureau,* 70 N.D. 165, 292 N.W. G27, 630, 128 A.L.R. 1482; In admiralty practice. A person who lays claim to property seized on a libel *in rem,* and is authorized and admitted to defend the action.[50] *'The Conqueror,* 17 S.Ct. 510, 166 U.S. 110, 41 L.Ed. 937;

Thirty Hogsheads of Sugar, Bentzon, Claimant v. Boyle, 9 Cranch, 191, 3 L.Ed.701. Black's 4th. CLAIM OF COGNIZANCE OR OF CONUSANCE. An intervention by a third person, claiming jurisdiction or demanding judicature in cause, which plaintiff has commenced out of the claimant's court. Black's 4th. 28 USC § 2201– Creation of remedy: (a) In a case of actual controversy within its jurisdiction, … as determined by the administering authority, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such. The following provide remedy under the common law within the admiralty: **1.** The suits in Admiralty Act 46 U.S.C.A. Appendix sections 741-752. **2.** The Admiralty Extension Act 46 U.S.C.A. Section 740. **3.** The Bills of Lading Act title 49 U.S.C.A. Chapter 147 section 14706. **4.** The Public Vessels Act 46 U.S.C.A. Appendix sections 781-790. **5.** The Foreign Sovereign Immunities Act title 28 sections 1602-1611. **6.** The Special maritime and territorial jurisdiction of the United States title 18 section 7 (1) – a citizen of the United States is a vessel. (3) Any lands reserved or acquired for the use of the United States, irrespective of ownership (A) the premises of the United States diplomatic, consular, military. . . and land appurtenant or ancillary thereto. (B) residences in foreign States and the land appurtenant or ancillary thereto irrespective of ownership. **7.** The False Claims Act of title 31 U.S.C.A. section 3729 (a) (7). **8.** The Lanham Act of title 15 section 1125 (a). **9.** The Postal Accountability and Enhancement Act of title 39 sections 1-908 & 3621-3691. **10.** The Admiralty, maritime and Prize cases title 28 section 1333 (1) (2). **11.** Title 50 Appendix section 7 (c) sole relief & remedy under the trading with the enemy act & (e) No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the president under the authority of this act. Supplementary to general principles of law applicable, unless displaced by particular provisions of the Uniform Commercial Code, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause, shall supplement its provisions. A suitor therefore has the right to be tried at common law, even though the case comes under a maritime jurisdiction. One need only make the demand in his briefs to the court; *i.e.,* in the space to the right of the center of the first page, opposite the caption of the case, there shall be placed (1) the case number, and (2) the nature of the action; such as admiralty, antitrust, contract, eminent domain, fraud, negligence, patent, securities, *etc.*...p.8

47. The Holy Bible – Old/New Testament; In re the treatise entitled: "Biblical Principles Of Law," by Herbert W. Titus – Dominion and Property; Divine Law –

380 U.S. 163 – "The Bible is law to be applied Nationally"; Moral Obligation – Peremptory Mandamus; The Good Faith Oxford Doctrine – Duty of Performance or Enforcement; UCC-1 § 103-6; GCC-11 § 1-203; Doctrines of Estoppel – Acquiescence; 15 Statutes at Large, pg. 224, ¶ 249, §1; Title 22, USC § 1732, ¶ 23; Law of the Record – Apostille – Affidavit Of Political Status – Act Of State – Reaffirmation of Character – Renunciation of Unlawfully-Attempted Expatriations, In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, see attachments entitled: "MISCELLANEOUS ATTACHMENTS;" " … all Men are created equal, that they are endowed by their Creator with certain un-a-lien-able Rights..." – Thomas Paine (emphasis added) ...p.10

48. In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, page 1 of 136, see "Claimant" in caption of filing...p.11
49. See court record re: Case 1:13-cv-0116-SCJ, Document 7, Filed 05/06/13, entitled "Order," Page 1 of 5, re "Plaintiff"...p.11
50. *In re Peers' Estate,* 234 Iowa 403, 12 N.W.2d -894, 895...p.11
51. *Weisgerber v. Workmen's Compensation Bureau,* 70 N.D. 165, 292 N.W. G27, 630, 128 A.L.R. 1482...p.11
52. *'The Conqueror,* 17 S.Ct. 510, 166 U.S. 110, 41 L.Ed. 937; *Thirty Hogsheads of Sugar, Bentzon, Claimant v. Boyle, 9 Cranch,* 191, 3 L.Ed. 701...p.11
53. In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, page 1 of 136, see *"in propria persona"*...p.12
54. See court record re: Case 1:13-cv-0116-SCJ, Document 7, Filed 05/06/13, entitled "Order," Page 1 of 5, re *"pro se"*...p.12
55. *Cardozo, J., in Berkey v. Third Avenue R. Co.,* 244 N.Y. 84, 94...p.13
56. *U.S. v. SCOPHONY CORP. OF AMERICA,* 333 U.S. 795; 68 S. Ct. 855; 1948 U.S. ...p.13
57. In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, claiming and declaring, in the nature of a claim and declaration. p.13
58. See court record re: Case 1:13-cv-0116-SCJ, Document 7, Filed 05/06/13, entitled "Order," Page 1 of 5 and page 2 of 5, re "complaint"...p.13
59. Code N.Y. § 141; *McMath v. Parsons,* 26 Minn. 246, 2 N.W. 703...p.14
60. *Fox v. Cosgriff,* 64 Idaho 448, 133 P.2d 930, 932...p.14
61. *Wheeling Traction Co. v. Pennsylvania Co.,* D.C. Ohio, 1 F.2d 478, 479...p.14
62. *Fenstermacher v. State,* 19 Or. 504, 25 P. 142; *Welford v. Havard,* 127 Miss. 83, 89 So. 812, 813...p.14
63. Code N.Y. § 69...p.14
64. *Bopst v. Williams,* 287 Mo. 317, 229 S.W. 796, 798...p.14
65. *Wheeler v. Equitable Life Assur. Soc. of United States,* 211 Minn. 474, 1 N.W.2d 593, 596...p.14
66. *Hill v. Henry,* 66 N.J.Eq. 150, 57 Atl. 555...p.14

67. *In re Heim's Estate,* 3 N.Y.S.2d 134, 138, 166 Misc. 931...p.14
68. *Moulding-Brownell Corporation v. E. C. Delfosse Const. Co.,* 291 Ill. App. 343, 9 N.E.2d 459, 461...p.14
69. *Orenberg v. Thecker,* 143 F.2d 375, 377, 79 U.S. App. D.C. 149; *Lawrence v. Miller,* 2 N.Y. 245, 254; an account, *In re Stratman's Estate,* 231 Iowa 480, 1 N.W.2d 6:36, 642...p.14
70. *Coleman v. Kansas City,* 351 Mo. 254, 173 S.W.2d 572, 576...p.14
71. *Ritter v. Albuquerque Gas & Electric Co.,* 47 N.M. 329, 142 P.2d 919, 922...p.14
72. *Powell v. Link,* C.C.A.Va., 114 F.2d 550, 554...p.14
73. *Jacobson v. Mutual Ben. Health & Accident Ass'n,* 73 N.D. 108, 11 N.W.2d 442, 446...p.14
74. *Douglas v. Beasley,* 40 Ala. 147; *Prigg v. Pennsylvania,* 16 Pet. 615, 10 L.Ed. 1060...p.14
75. *Uintah State Bank v. Ajax,* 77 Utah, 455, 297 P. 434, 438...p.15
76. *Williams v. Williams,* 217 Ind. 581, 29 N.E.2d 557, 558...p.15
77. *Tanner v. Best's Estate,* 40 Cal. App.2d 442, 104 P.2d 1084, 1087...p.15
78. *State Banking Co. v. Hinton,* 178 Ga. 68, 172 S.E. 42, 47, 91 A.L.R. 596...p.15
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85. *Ewing v. Tanner,* 193 S.E. 243, 247, 184 Ga. 773; *City of Rock Springs v. Sturm,* 39 Wyo. 494, 273 P. 908, 911...p.15
86. Black's 4th. Also see: Title 28, USC § 1333 – Admiralty, maritime and prize cases; *Hone Ins. Co. v NorthPacket Co.*, 31 Iowa 242 (1871); The First Judiciary Act; September 24, 1789; Chapter 20, page 77. The Constitution of the United States of America, Revised and Annotated – Analysis and Interpretation, 1982; Article III, § 2, Cl. 1, Diversity of Citizenship, U.S. Government Printing Office, document 99-16, p. 741; *Delovio v Boit,* and many subsequent cases Re: The Huntress, *etc.,* showing revenue causes under the jurisdiction of the district courts of the United States in Article-III judiciary; *Bennett v Butterworth,* 52 U.S. 669; *Lavergne v Western Co. of North America, Inc.,* (La) 371 So.2d 807 (1979) (superseded on other grounds by statute as stated in *Cramer v Association Life Ins. Co,* (La App 1st Cir) 1990 La App LEXIS 1937)." 2 Am Jur 2d ADMIRALTY §122 (Footnote 9) ...p.15
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01/11/13, original document reflects Affiant's authority under UCC-1 §308 re: without prejudice; "Performance or Acceptance Under Reservation of Rights– (a) A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient. (b) Subsection "(a)" does not apply to an accord and satisfaction. Any expression indicating intention to reserve rights is sufficient such as "without prejudice," "All Rights Reserved," "Without Prejudice UCC1-308," or "Under Protest UCC1-308." §308-5: "Form of Reservation– The code does not impose any requirement as to the form of the reservation, other than it be explicit." §308-6: "Reservation by conduct– Although UCC1-§308 authorizes the making of an express reservation, it is not to be deduced that there is no reservation of rights unless that section is followed. To the contrary, when the conduct of a party clearly shows that he has not waived any rights, the act that there was no express reservation as authorized by UCC1-§308 is not significant."...p.15

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94. *Fairbanks v STATE,* 105 Ga. App. 27; *Waits v STATE,* 138 Ga. App. 513; *Woolf v STATE,* 113 Ga. App. 412; *Browning v STATE,* 139 Ga. App. 91; *Nelson v STATE,* 77 Ga. App. 255; *Turner v STATE,* 56 Ga. App. 488; *York v STATE,* 52 Ga. App. 11 ...p.19
95. mal·fea·sance, *noun* – law: illegal or dishonest activity especially by a public official or a corporation. Merriam-Webster; MALFEASANCE. Evil doing; ill conduct; the commission of some act which is positively unlawful; the doing of an act which is wholly wrongful and unlawful; the doing of an act which person ought not to do at all or the unjust performance of some act which the party had no right or which he had contracted not to do. Comprehensive term including any wrongful

conduct that affects, interrupts or interferes with the performance of official duties. *State ex rel. Knabb v. Frater,* 198 Wash. 675, 89 P.2d 1046, 1048 – Black's Fourth Edition, 1968; "[We reverse on the ground that] In Georgia, the venue of a prosecution for the offense of abandonment is in the county where the minor child first becomes dependent upon persons other than the parent for support." *Fairbanks v STATE,* 105 Ga. App. 27; *Waits v STATE,* 138 Ga. App. 513; *Woolf v STATE,* 113 Ga. App. 412; *Browning v STATE,* 139 Ga. App. 91; *Nelson v STATE,* 77 Ga. App. 255; *Turner v STATE,* 56 Ga. App. 488; *York v STATE,* 52 Ga. App. 11; *etc.;*
In re court record, see attachments confirming lack of jurisdiction, *e.g.,* Affiant did not: (1) enter a plea; (2) stand "mute" at the "arraignment;" (3) waive the "arraignment;" (4) proceed *via* "counsel;" (5) give consent for "judge" to enter plea on his behalf. See case record containing (a) STATE-certified recording of "arraignment;" (b) STATE's false allegation that Affiant "waives" the arraignment; (c) STATE's illegal/unlawful "entry of plea" (attached in court record); See Affiant's unanswered challenges to jurisdiction attached in "ARTICLE V"; *Hagans v Lavine,* 415 U.S. 533; *Owens v CITY OF INDEPENDENCE,* 445 U.S. 622; *Maine v Thiboutot,* 100 S. Ct. 250; *Honneus v Donovan,* 93 F.R.D. 433, 436-37 (1982) affd, 691 F.2d 1 (1st Cir. 1982)); *Basso v Utah Power & Light Co.,* 495 F.2d 906, 910; *Hill Top Developers v Holiday Pines Service Corp.,* 478 So.2d. 368 (Fla 2nd DCA (1985)); *Lantana v Hopper,* 102 F.2d 188; *Chicago v New York,* 37 F. Supp. 150; *Stuck v Medical Examiners,* 94 Ca.2d 751 (211 P2d 389); *WILLIAMSON v BERRY,* 8 HOW. 945 (540 12 L.Ed. 1170, 1189 (1850)); *Melo v U.S.,* 505 F.2d 1026; *Joyce v U.S.,* 474 2D 215; *Rosemond v Lambert,* 469 F.2d 416...p.19

96. *WILLIAMSON v BERRY,* 8 HOW. 945 (540 12 L.Ed. 1170, 1189 (1850)); "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never passed." *Norton v Shelby County,* 118 U.S. 425; "Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda v Arizona,* 384 U.S. 436; *Luther v Borden*, 48 U.S. 1, 12 Led 581: 'government are trustees, with no power that is not delegated'...p.19
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108. The Holy Bible – Old/New Testament; In re the treatise entitled: "Biblical Principles Of Law," by Herbert W. Titus – Dominion and Property; Divine Law – 380 U.S. 163 – "The Bible is law to be applied Nationally"; Moral Obligation – Peremptory Mandamus; The Good Faith Oxford Doctrine – Duty of Performance or Enforcement; UCC-1 § 103-6; GCC-11 § 1-203; Doctrines of Estoppel – Acquiescence; 15 Statutes at Large, pg. 224, ¶ 249, § 1; Title 22, USC § 1732, ¶ 23; Law of the Record – Apostille – Affidavit Of Political Status – Act Of State – Reaffirmation of Character – Renunciation of Unlawfully-Attempted Expatriations, In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, see attachments entitled: "MISCELLANEOUS ATTACHMENTS;" "...all Men are created equal, that they are endowed by their Creator with certain un-a-lien-able Rights..." – Thomas Paine (emphasis added)...p.24
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of "ALL-CAPS CORPORATE TITLE" on court documents; *e.g.,* charge, summons to appear, plea, court order, *etc.;* When brought into Court by its Corporate name, its existence as a Corporation is admitted – *Mud Creek Drain Co. V State,* 43 Ind. 157; *Johnson v Gibson,* 73 Ind. 282; *Ewing v Robeson,* 15 Ind. 26; *Callender v Railroad Co,* 11 Ohio St. 516; *Com. Ins. Etc. Co. v Taylor,* 8 S.C. 107; compare the foregoing cases to *Ware v St. Louis Bagging & Rope Co*., 47 Ala. 667...p.24

111. In re court record of "Affidavit Of Petition For Declaratory Judgment," filed on or about 01/11/13, see attachments entitled: "ARTICLE V"...p.25
112. No laws have been passed by Congress granting that corporations should be treated the same under the Constitution as living, breathing sentient beings. No court decisions, state or federal, held that corporations were "persons" instead of "artificial persons." The Supreme Court did not rule in *Santa Clara County v Southern Pacific Railroad Company* on the issue of corporate personhood. As railroad attorney Sanderson and his two colleagues watched, Chief Justice Morrison Remick Waite told Delmas and his two colleagues, the attorneys for the opposing party, that: "The court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution, which forbids a state to deny to any person within its jurisdiction the equal protection of the laws, applies to these corporations. We are of the opinion that it does. [However,] This written statement, that corporations were "persons" rather than "artificial persons," with an equal footing under the Bill of Rights as "humans," was not a formal ruling of the court, but was reportedly a simple statement by its Chief Justice, recorded by the court recorder." See Vermont Supreme Court building; Volume 118 of United States Reports: Cases adjudged in the Supreme Court at October Term 1885 and October Terms 1886, published in New York in 1886 by Banks & Brothers Publishers, and written by J. C. Bancroft Davis, Supreme Court's Reporter. Here is the often expressed understanding from the United States Supreme Court: "... in common usage, statutes employing the terms "person" and "corporation" are ordinarily construed to exclude the sovereign man or woman." *Wilson v Omaha Tribe*, 442 U.S. 653, 667; Also see *United States v Mine Workers*, 330 U.S. 258; Artificial persons are not recognized, protected nor guaranteed by the Bill of Rights; "... a corporation cannot be deemed a Citizen within the meaning of the clause of the Constitution of the United States, which protects the privileges and immunities of Citizens of the United States against being abridged or impaired by the law of a state." *Western Turf Assn. v. Greenberg,* 204 U.S. 359...p.25
113. See court record re: Case 1:13-cv-0116-SCJ, Document 7, Filed 05/06/13, entitled "Order;" See court record re: Case 1:13-cv-0116-SCJ, Document 7, Filed 10/23/13, entitled "Order"...p.26
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LAWS—CODES—STATUTES—TREATISE—CONGRESSIONAL REPORTS:

The First Judiciary Act, September 24, 1789, § 342, FIRST CONGRESS, Sess. 1, ch. 20: "And be it further enacted. That no summons, writ, declaration, return, process, judgment, or other proceedings in civil cases in any of the courts or the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects or want of form in such writ, declaration, or other pleading, returns process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially sit down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any, time, permit either of the parties to amend any defect in the process of pleadings upon such conditions as the said courts respectively shall in their discretion, and by their rules prescribe" (a)...p.1
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IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)
Vs.	) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

AFFIDAVIT OF PETITION FOR EN BANC DETERMINATION:

COMES NOW Jon: Doe, administrator *Sui Juris, in propria persona* and expressly not *"pro se;"* a Claimant *in personam* and expressly not a "plaintiff;" a real party in interest appearing *nunc-pro-tunc via* special visitation and expressly not *via* "general appearance;" standing in unlimited commercial liability as a sovereign American / state Citizen and expressly not a "federal citizen" – a/k/a – "citizen of the United States;" a Secured-Party Creditor, federal witness, also hereinafter "Affiant," seeking a **"Common-Law Remedy"** within the Admiralty *via* the "Saving To Suitors Clause" at Title 28, USC § 1333, and the "Federal Question Statute" at Title 28, USC § 1331 – In Regarding: *escheat* by way of libel *in rem* and Constitutional Challenge to STATE codes, rules, regulations, statutes, procedures, *etc.,* on and for the *public* record, with enunciation of principles stated in Judiciary Act of 9-24-1789, § 342, FIRST CONGRESS, Sess. 1, ch. 20, and *Haines v Kerner*, 404 U.S. 519, wherein it is

held that regardless if Affiant's "petition" be deemed "in-artfully plead," those who are unschooled in law will have the court look to the *substance* of the "petition" rather than in the form; therefore Affiant's "petition" is not required to meet the same strict standards as that of a "licensed" attorney; that Affiant is the age of majority, competent for stating the first-hand facts and knowledge contained herein, his factual claims and declarations are accepted on their face as true, correct, complete and not misleading, and are to the best of Affiant's ability the truth, the whole truth and nothing but the truth; and said "petition" is hereby presented along with any and all reasonable inferences that may be drawn therefrom. Subsequently, Affiant's "petition" should not be construed narrowly, but rather interpreted liberally so as to accommodate any and all such plausible implications gathered regarding "the case", *viz* "JON DOE-Assignor, for use of Jon: Doe-Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,* Vs. STATE OF GEORGIA INC., *et al.,* Respondent(s), CASE NO. 13-00000 – File On Demand – Claimant Waives Fee Pursuant To UCC-1 §308, §308-5, §103-6, **IN ADMIRALTY, IN COMMON LAW,** CONTRACT, ANTITRUST, FRAUD, ESTOPPEL, DURESS, COERCION, **CONSTITUTIONAL CHALLENGE TO STATE STATUTES AND PROCEDURES**."

AFFIDAVIT OF PETITION FOR EN BANC DETERMINATION:

Since a republican form of government is designed as a system of checks and balances, and is not a so-called "political question" – as if to say: *'When we*

have a Republican congress, then we have a republican form of government; and, when we have a Democratic congress, we then have a democracy' – is it not self-evident that each one of the three branches of our republic are necessarily ***required*** to provide oversight? That is to say, isn't each office within each branch responsible / liable for fulfilling their solemn affirmation to support the Constitution and its Honorable Bill of Rights? In order to guarantee equality, as in "all Men are created equal", mustn't there be a uniformity of justice? Doesn't such just uniformity require that all the three branches of our republic work in tandem to provide the guarantee of our republic-form of government by upholding our Constitution entirely? Since the "guarantee clause" in Article IV is architecturally one of the major load-bearing constructs of the Framers' contract known as "the Constitution," it seems as though this particular stipulation should be *especially* safeguarded against abrogation.

Therefore, when the judicial branch claims that only congressmen and not judges are responsible for supporting the "guarantee clause" found at Article IV, Section 4 of the Constitution – wherein it is enunciated that The United States shall guarantee to every State in this Union a Republican Form of Government (emphasis added) – is the judiciary's failure to support this clause of the Constitution not a breech of its official affirmation? Upon their oath of office, are judges not bound to support the Constitution in its entirety?

Subsequently, since the heart and soul of a republican form of government necessitates the People's unfettered *publici sui juris* access to a court of competent jurisdiction, should the court not be held liable in its breech of affirmation of office when it claims lack of subject-matter jurisdiction while the justiciable controversies in hand are clearly of the Constitutional sense? If there is no accountability, where is the incentive for the judiciary to uphold its solemn oath of office and support the Constitution, as it is thereby bound to do so, by way of providing all Americans our *guaranteed* Republican Form Of Government?

FURTHER DISCOURSE:

See attached treatise entitled "Cases Under The Guarantee Clause Should Be Justiciable" **[http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1696&context=faculty_scholarship#page=1&zoom=auto,0,800]**

VERIFIED AFFIRMATION:

Affiant presents this affidavit point-by-point *via* verified affirmation of declaration:

(1) that Affiant is the age of majority; (2) that Affiant is competent for stating the first-hand facts and knowledge contained herein; (3) that Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal; (4) that "all" of Affiant's claims and declarations, point-by-point, are true, correct, complete and not misleading; and are, to the best of Affiant's ability, the truth, the whole truth and nothing but the truth.

Further Affiant Saith Not.

VERIFICATION OF NOTARY:

– JURAT –

Date:_____.

***Sui Juris;* Executor Office, by:_____.**

Jon: Doe / Executor / Affiant.

Republic of Georgia state) **Notice:** Requisition for notarial services provided below are
) authored by Affiant for verification purposes only, and do not
County of Gwinnett) constitute adhesion nor alter Affiant's status in any manner.

On the____day of_____, 2014, before me,_____,

Notary, appears Affiant, Jon: Doe, Executor Office, JON HENRY DOE, Estate, who is known to me and is the living man whose name is scribed upon this instrument, and acknowledges to me that he administers and executes the same in his authorized capacity; and that by his acknowledgment, as shown by this instrument, Jon: Doe, Executor Office, JON HENRY DOE, Estate, is currently administrating to the aforesaid estate on behalf of the office executing this instrument.

Witnessed by my hand and official seal;

Signed:_____. Date:_____.

Notary Signatory.

NOTARY SEAL

My Commission Expires:_____.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)) **IN ADMIRALTY, IN COMMON LAW,**
Vs.	) CONTRACT, ANTITRUST, FRAUD,) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this __ Day of _____, 2014, Served this –

AFFIDAVIT OF PETITION FOR EN BANC DETERMINATION;

by way of U. S. P. S. Certified Mail Number –
= =

= =
To:
CLERK OF THE APPELLATE COURT OF THE UNITED STATES,
ELEVENTH CIRCUIT;
In Care Of:
John Ley, d/b/a/ JOHN LEY—Office Of Clerk Of Court,
ELBERT PARR TUTTLE COURT OF APPEALS BUILDING,
56 Forsyth Street, N. W.,
city of Atlanta, republic of Georgia state. [30303]
Phone #: [404] 335-6184.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)
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This is to Certify that I have, on this __ Day of _____, 2014, Served this –

AFFIDAVIT OF PETITION FOR EN BANC DETERMINATION;

by way of U. S. P. S. Certified Mail Number –
= =

= =

To:
John Nathan Deal, d/b/a/ JOHN NATHAN DEAL—CHIEF EXECUTIVE OFFICER;
In Care Of:
203 STATE CAPITOL,
Atlanta, Georgia. [30334]
Telephone #: [404] 261-1776.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)
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AFFIDAVIT OF PETITION FOR EN BANC DETERMINATION;

by way of U. S. P. S. Certified Mail Number –
= =

= =

To:
Samuel Scott "Sam" Olens, d/b/a/ SAMUEL SCOTT OLENS—OFFICE OF THE ATTORNEY GENERAL,
In Care Of:
40 CAPITOL SQUARE, S. W.,
Atlanta, Georgia. [30334]
Telephone #: [404] 656-3300.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)
Vs.	) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

AFFIDAVIT OF APPENDIX TO "APPELLANT'S BRIEF" PETITION FOR DECLARATORY JUDGMENT:

COMES NOW Jon: Doe, administrator *Sui Juris, in propria persona* and expressly not *"pro se;"* a Claimant *in personam* and expressly not a "plaintiff;" a real party in interest appearing *nunc-pro-tunc via* special visitation and expressly not *via* "general appearance;" standing in unlimited commercial liability as a sovereign American / state Citizen and expressly not a "federal citizen" – a/k/a – "citizen of the United States;" a Secured-Party Creditor, federal witness, also hereinafter "Affiant," seeking a **"Common-Law Remedy"** within the Admiralty *via* the "Saving To Suitors Clause" at Title 28, USC § 1333, and the "Federal Question Statute" at Title 28, USC § 1331 – In Regarding: *escheat* by way of libel *in rem* and Constitutional Challenge to STATE codes, rules, regulations, statutes, procedures, *etc.,* on and for the *public* record, with enunciation of principles stated in Judiciary Act of 9-24-1789, § 342, FIRST CONGRESS, Sess. 1, ch. 20, and *Haines v Kerner* , 404 U.S. 519, wherein it is

held that regardless if Affiant's "appendix" be deemed "in-artfully plead," those who are unschooled in law will have the court look to the *substance* of the "appendix" rather than in the form; therefore Affiant's "appendix" is not held to the same strict standard as that of a "licensed" attorney, and that Affiant is the age of majority, competent for stating the first-hand facts and knowledge contained herein, his factual claims and declarations are accepted on their face as true, correct, complete and not misleading, and are to the best of Affiant's ability the truth, the whole truth and nothing but the truth; and said "appendix" is hereby presented along with any and all reasonable inferences that may be drawn therefrom. Subsequently, Affiant's "appendix" should not be construed narrowly, but rather interpreted liberally so as to accommodate any and all such plausible implications gathered regarding "the case", *viz* " JON DOE-Assignor, for use of Jon: Doe-Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,* Vs. STATE OF GEORGIA INC., *et al.,* Respondent(s), CASE NO. 13-00000 – File On Demand – Claimant Waives Fee Pursuant To UCC-1 §308, §308-5, §103-6, **IN ADMIRALTY, IN COMMON LAW,** CONTRACT, ANTITRUST, FRAUD, ESTOPPEL, DURESS, COERCION, **CONSTITUTIONAL CHALLENGE TO STATE STATUTES AND PROCEDURES**."

AFFIDAVIT OF RELEVENT DOCKET ENTRIES IN THE PROCEEDING:

(a) Requisition to waive the filing fee for Claimant's Affidavit of Petition for Declaratory Judgment, as authored by Affiant pursuant to UCC-1 § 308;

(b) Claimant's Affidavit of Petition for Declaratory Judgment/Addendum/Attachments;

(c) Claimant's Notice of Lawsuit and Request For Waiver of Service of Summons, served upon counsel for Respondent(s) pursuant to O.C.G.A. § 9-11-4;

(d) Claimant's Amended Affidavit of Petition for Declaratory Judgment / Addendum / Attachments;

(e) Order granting Affiant's requisition to waive the filing fee for Claimant's Affidavit of Petition For Declaratory Judgment;

(f) Claimant's hand-written Motion For Service of Process pursuant to the Hague Convention and in harmony with FRCP, Rule 4;

(g) Claimant's typed Motion For Service of Process pursuant to the Hague Convention and in harmony with FRCP, Rule 4;

(h) Order to dismiss Claimant's amended Affidavit of Petition For Declaratory Judgment;

(i) Claimant's Motion For Findings pursuant to FRCP, Rule 52 (b);

(j) Order to deny Claimant's Motion For Findings;

(k) Claimant's Affidavit of Notice to Appeal;

(l) Requisition to waive the filing fee for Claimant's Affidavit of "Appellant's" Petition For Declaratory Judgment, as authored by Affiant pursuant to UCC-1 § 308;

(m) Order granting Affiant's requisition to waive the filing fee for Claimant's Affidavit of "Appellant's" Petition For Declaratory Judgment;

AFFIDAVIT OF CLAIMANT'S DECLARATIONS APPENDED:

Under operate of verified affirmation of declaration, Affiant declares:

I

That the Claimant's un-a-lien-able, inherent status and rights are endowed by the Divine Creator;

II

That the Claimant's un-a-lien-able, inherent status and rights are the private property of Claimant and that of the private estate named herein;

III

That said status and rights are protected and guaranteed by the contract held between the parties known as the sovereign People / estates, the several *de jure* republic states, and, said states' central governing body, known as the Constitution and its Honorable Bill of Rights—the first ten (10) Amendments —*circa* 1791;

IV

That said status and rights are inviolate;

V

That the private estate named herein convenes its common-law court in condemnation of

its private property being seized as prize on a libel *in rem* pursuant to Respondent(s) commencing its unwarranted *escheat* out of the Claimant's court;

VI

That said status and rights provide unfettered *publici sui juris* access to the Claimant's common-law court of competent jurisdiction;

VII

That said status and rights provide unfettered *publici sui juris* access to said court without the imposition of a tax on said estate's own court;

VIII

That Claimant's requisitions to waive said tax are authored by Affiant with all rights reserved pursuant to Uniform Commercial Code-1 § 308;

IX

That the Uniform Commercial Code is construed in harmony with the common law;

X

That since said requisitions to waive said tax are recognized pursuant to UCC-1 § 308 with all rights reserved, said waivers are provided without prejudice and thus are not submitted to prejudicial scrutiny for a frivolity determination;

XI

That, as is couched within the caption of Affiant's petition,

Affiant is a Claimant *in personam;*

XII

That Affiant is the admitted administrator *sui juris, in propria persona;*

XIII

That the Claimant's affidavit is a petition for claiming and declaring;

XIV

That Affiant's petition is "presented, with all rights reserved;"

XV

That Affiant fortifies his petition *via* Verified Copyright Registration and

Security Agreement perfected *via* UCC-1 Financing Statement;

XVI

That Affiant fortifies his petition pursuant to

UCC-1 § 308, § 103-6, GCC-11 § 9-402, § 2A-311, § 3-501, § 1-106, § 1-203, *et al.;*

XVII

That Affiant fortifies his petition pursuant to Title 28, USC § 1331, § 1333, *et al.;*

XVIII

That Affiant fortifies his petition pursuant to the doctrines of estoppel *via* acquiescence;

XIX

That Affiant fortifies his petition pursuant to breech of contract regarding the principles of law and equity, not excluding the law merchant and the law relative to capacity to contract, principal and agent, antitrust, fraud, mistake, misrepresentation, duress, coercion, as well as any and every additional validating and invalidating cause;

XX

That the admitted authorized administrator to said private estate is Jon: of the Doe Family;

XXI

That STATE OF GEORGIA INC. *et al.,* Respondent(s) is unauthorized and unwarranted in its arrogation to the private office for executor of said private estate;

XXII

That Respondent(s)'s unauthorized/unwarranted administration to said private estate

is in derogation from the common-law jurisdiction / venue of the Claimant's court;

XXIII

That in according the claims and declarations herewith set forth
in harmony with doctrines of *quo warranto* and the limit of time prescribed by law
Respondent(s) fails to transmit verified written delegation of authority
to cause said private estate any action commenced out of the Claimant's court;

XXIV

That in according the claims and declarations herewith set forth
in harmony with doctrines of *quo warranto* and the limit of time prescribed by law
Respondent(s) fails to transmit verified written delegation of authority
to proceed *via escheat* and seizure for the Claimant's private property;

XXV

That in harmony with doctrines of estoppel *via* acquiescence and order of *mandamus*
STATE OF GEORGIA INC. *et al.,* Respondent(s)
is hereby and herewith formally barred from any and all administration to
the private estate named herein;

XXVI

That in harmony with doctrines of estoppel *via* acquiescence and order of *mandamus*

STATE OF GEORGIA INC. *et al.,* Respondent(s)

is hereby and herewith formally barred from placing against said private estate any and every claim / charge / action / proceeding / accusation / indictment / *et al.* commenced out of the Claimant's court;

XXVII

That in accord with the claims and declarations herewith set forth *nunc pro tunc* under operate of verified affirmation of declaration and order of *mandamus* any and every charge/warrant/accusation/plea/verdict/conviction/order/sentence/*et al.* commenced / entered out of the Claimant's court by the Respondent(s) *et al.* is hereby and herewith formally declared and rendered null and void *ab initio;*

XXVIII

That the district court's assertion that Affiant is a "Plaintiff" is erroneous;

XXIX

That the district court's assertion that Affiant proceeds *"pro se"* is erroneous;

XXX

That the district court's assertion that Affiant's petition is a "complaint" is erroneous;

XXXI

That the district court's assertion that Respondent(s) is a "defendant" is erroneous;

XXXII

That the district court's assertion that Affiant's petition is "… submitted [*sic*]… for a frivolity determination" is prejudicial and is erroneous;

XXXIII

That the district court's assertion that Affiant's petition is merely "… a challenge of Plaintiff 's [*sic*] criminal conviction and sentence" is erroneous;

XXXIV

That Affiant's petition, among various and numerous other claims and declarations presented point-by-point *via* verified affirmation of declaration, clearly substantiates that Respondent(s)'s "criminal conviction and sentence" *et al.* are obtained *via* malfeasance;

XXXV

That the attachments coupled to Claimant's Affidavit of Petition For Declaratory Judgment are not barred nor diminished in any and every capacity whatever;

XXXVI

That citation of the "*Rooker-Feldman* doctrine" is without merit in the case;

XXXVII

That the secured certified title known as "JON DOE" is said estate's private property;

XXXVIII

That said Claimant / estate is the sole un-a-lien-able, inherent, secured, real party in interest regarding the case;

XXXIX

That STATE OF GEORGIA INC. *et al.,* Respondent(s) is the corporate fiction;

XL

That the district court erroneously construes "… the State of Georgia as the sole defendant [*sic*] in this action.";

XLI

That Affiant is a layman proceeding without unfettered counsel;

XLII

That Affiant substantiates a set of facts that are in support of his claims and declarations which would entitle him to relief;

XLIII

That since Affiant, a layman, does substantiate a set of facts which are in support of claims/declarations which would entitle him to relief, and that since the district court can reasonably read Affiant's petition to state valid claims and declarations upon which the Claimant could prevail, the district court is so obligated to find for Affiant's

claims and declarations despite Claimant's any-and-every failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, and Claimant's unfamiliarity with pleading requirements; and that said court shall proceed and give judgment according as the right of the cause and matter in law shall appear unto it, without regarding any imperfections, defects or want of form in such claims and declarations or course of proceedings whatsoever;

XLIV

That an affidavit of declaratory judgment is required to be answered point-by-point, and that the district court's failure to answer Affiant's claims and declarations as are presented point-by-point *via* verified affirmation of declaration is *ultra vires* and is in breech of the court's solemn affirmation to support the immortal covenant known as the Constitution and its Honorable Bill of Rights;

XLV

That the district court is not acting in good faith and in accord with the course and usage of the judiciary powers of the Constitution when it arbitrarily and capriciously invokes unwarranted, unsubstantiated blanket-allegations of frivolity;

XLVI

That the district court's determination that

it lacks subject-matter jurisdiction in the case is erroneous;

XLVII

That being the district court's findings in the case are patently erroneous, respectively, the district court's "J U D G M E N T" to dismiss "… Plaintiff's [*sic*] Amended Complaint [*sic*]," is inescapably erroneous.

VERIFIED AFFIRMATION:

Affiant presents this affidavit point-by-point *via* verified affirmation of declaration:

(1) that Affiant is the age of majority;

(2) that Affiant is competent for stating the first-hand facts and knowledge contained herein;

(3) that Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal;

(4) that "all" of Affiant's claims and declarations, point-by-point, are true, correct, complete and not misleading; and are, to the best of Affiant's ability, the truth, the whole truth and nothing but the truth.

Further Affiant Saith Not.

(The remainder of this page is intentionally left blank)

VERIFICATION OF NOTARY:

– JURAT –

Date:_____.

***Sui Juris;* Executor Office, by:_____.**

Jon: Doe / Executor / Affiant.

Republic of Georgia state) **Notice:** Requisition for notarial services provided below are
) authored by Affiant for verification purposes only, and do not
County of Gwinnett) constitute adhesion nor alter Affiant's status in any manner.

On the____day of_____, 2014, before me,_____,

Notary, appears Affiant, Jon: Doe, Executor Office, JON HENRY DOE, Estate, who is known to me and is the living man whose name is scribed upon this instrument, and acknowledges to me that he administers and executes the same in his authorized capacity; and that by his acknowledgment, as shown by this instrument, Jon: Doe, Executor Office, JON HENRY DOE, Estate, is currently administrating to the aforesaid estate on behalf of the office executing this instrument.

Witnessed by my hand and official seal;

Signed:_____. Date:_____.

Notary Signatory.

NOTARY SEAL

My Commission Expires:_____.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)) **IN ADMIRALTY, IN COMMON LAW,**
Vs.	) CONTRACT, ANTITRUST, FRAUD,) ESTOPPEL, DURESS, COERCION,)
STATE OF GEORGIA INC., *et al,* Respondent(s).	) **CONSTITUTIONAL CHALLENGE TO**) **STATE STATUTES AND PROCEDURES.**

CERTIFICATE OF SERVICE:

This is to Certify that I have, on this __ Day of _____, 2014, Served this –

AFFIDAVIT OF APPENDIX TO "APPELLANT'S BRIEF" PETITION FOR DECLARATORY JUDGMENT;

by way of U. S. P. S. Certified Mail Number –
= =

= =
To:
CLERK OF THE APPELLATE COURT OF THE UNITED STATES,
ELEVENTH CIRCUIT;
In Care Of:
John Ley, d/b/a/ JOHN LEY—Office Of Clerk Of Court,
ELBERT PARR TUTTLE COURT OF APPEALS BUILDING,
56 Forsyth Street, N. W.,
city of Atlanta, republic of Georgia state. [30303]
Phone #: [404] 335-6184.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)
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by way of U. S. P. S. Certified Mail Number –
= =

= =

To:
John Nathan Deal, d/b/a/ JOHN NATHAN DEAL—CHIEF EXECUTIVE OFFICER;
In Care Of:
203 STATE CAPITOL,
Atlanta, Georgia. [30334]
Telephone #: [404] 261-1776.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.

IN THE APPELLATE COURT OF THE UNITED STATES
ELEVENTH CIRCUIT

JON DOE–Assignor, for use of Jon: Doe–Assignee, at-arm's-length, *Sui Juris, in propria persona,* state Citizen, Secured-Party Creditor, federal witness, Affiant, Claimant *in personam,*	) **CASE NO. 13-00000** –) File On Demand – Claimant Waives Fee –) Pursuant To UCC-1 §308, §308-5, §103-6,)) **IN ADMIRALTY, IN COMMON LAW,**) CONTRACT, ANTITRUST, FRAUD,
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by way of U. S. P. S. Certified Mail Number –
= =

= =

To:
Samuel Scott "Sam" Olens, d/b/a/ SAMUEL SCOTT OLENS—OFFICE OF THE ATTORNEY GENERAL,
In Care Of:
40 CAPITOL SQUARE, S. W.,
Atlanta, Georgia. [30334]
Telephone #: [404] 656-3300.

Respectively presented, with all rights reserved;
Without Prejudice, UCC-1 § 308.

Sui Juris; **Executor Office, by:_____.**
Jon: Doe© / Executor.