AMICUS IN TREATISE:
INTERPRETING THE UNCONSTITUTIONAL HISTORY OF FEDERAL AND NATIONAL GOVERNANCE OF THE PATRIOTIC "*PEOPLE*" AND OTHER "*FREE PERSONS*" INHABITING THE UNITED STATES

Who exactly are the capital "P" "***P****eople*" (proper noun) and their "***P****osterity*" of the organic Constitution? Further, what is their real relationship (class-wise / nexus) to the capital "P" "***P****erson*" and "*free* ***P****ersons*" of the Constitution, to the small "p" "***p****eople*" (common noun) of the Bill of Rights, to the capital "C" "***C****itizen*" (proper noun) of said Constitution and the 11th Amendment, the small "c" "***c****itizens*" (common noun) of the Fourteenth Amendment, and the general terms "*person*", "*whoever*", and "*individual*" (common nouns) found in the Acts of Congress?

Too often in error, court litigants wishing to be recognized as flesh-and-blood creations of God end up in the court record appearing in the status of "*propria persona*", meaning one's mask[1], requiring the mask (body-corporate) to be "*represented*" ("*in place*") of the live "***P****erson*" recognized by the organic Constitution of the United States. Most often that body-corporate "*citizen*" is represented instead by a lawyer; and to be certain, that is what is persistently recommended to such litigants by all other members of the state BAR, including judges.

For clarification, the litigants being "*presented*" to this court in this case as capital "P" "*Persons*" are in their true nature[2] the real and physical Man (*Homo sapiens Europeus albescens*)[3], each of whose inherited nature comes from the "*Divine Providence*" of "*Nature's God*" as recognized by the body-politic of Aristocracy[4] that signed the *Declaration of Independence* and created, through their States, "***The United States of America*****"** (Union / "USA") in 1777; and further, that personally reorganized its government, the "***United States***", in 1787.

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[1] Lewis, Charlton; Short, Charles. *A Latin Dictionary*, Harper and Brothers, New York, NY, 1879

[2] "*E.g., the Court has read the preamble as bearing witness to the fact that the Constitution emanated from the people* [sic] *and was not the act of sovereign and independent States* ... .[emphasis added]". Eig, Larry M. (editor). *THE CONSTITUTION of* [sic] *the UNITED STATES OF AMERICA, ANALYSIS AND INTERPRETATION* ("**CONAN**"). Washington D.C., U.S. Senate, 2014, doc. no. 112-9 (under **Congressional Seal**), p. 55, footnote 2. Congress is declaring that it was an act of the People, the Creator / Principal of the USA, in their "*sovereign and independent*" **nature**. (As found on 9/17/18 at: **https://www.gpo.gov/fdsys/pkg/GPO-CONAN-2002/pdf/GPO-CONAN-2002.pdf**)

[3] When Thomas Jefferson, an anthropologist, wrote "*all men are created equal*" in the Declaration of Independence, he was only referring to members of the Europeus race. Jefferson owned members of the Africanus race; wrote to Gov. Harrison in 1803 to find a way to drive the Americanus race across the Mississippi; and until the 1950s, Congress would not allow citizenship for many of the Asiaticus race.

[4] "*If the body of the nation . . . intrust it to a* ***certain number*** *of citizens, to a senate, it establishes an* ***Aristocratic*** **republic** . . . [bold in the original, emphasis added]", De Vattel, Emer, *The Law of Nations*, 1758 (London, ENG, Robinson, 1797 edition), Bk. 1, ch. 1, sec. 3.

Hence, the true nature of the "***P****erson*" is that of a real physical body, a creation of energy in the form of what is classified in anthropology as *Homo sapiens Europeus albescens*. Therefore, each ***P****erson* is who He or She says He or She is, and not who or what the United States purports Him or Her to be. Further, Standing (body-politic) is as secondary beneficiary-parties[5] in the enacting clause (preamble) of the Aristocracy's contract, the *Constitution of the United States for the United States of America*, in the **exclusive** and definitive phrase, "*and **secure** the Blessings of Liberty* [6] ***to** ourselves and our Posterity*"; making the United States the fiduciary to the "*Posterity*" of both the capital "P" "***P****eople*,"[7] and the capital "P" "***P****ersons*," from which Representatives and Electors shall be chosen and Taxed directly through apportionment of the several States.

The following simple narrative illustrates the hierarchy between God's natural creations (flesh-and-blood human beings as men and women) and the fictions (Federal and National governments) otherwise created by Man. It also illustrates the maxim, "*in the presence of the major the power of the minor ceases*" (*In presentia majoris cessat potentia minoris*):

> Group X (body-politic), via a charter, created a Company ("*The United States of America*") and elected group Y (a subset of X) to operate within the restrictions of the charter (as the Federal government of the Union of States known as the "*United States*"). Y hired group Z (subset of X and additional outsiders as the National government), subject to Company policies, to facilitate operations for Y.
>
> **Is any of group X subject to the restrictions of the charter set up between X and Y, and/or policies, rules of procedure, and regulations created by Y to manage their employees and contractors in group Z?**
>
> No, only those of X who opted to be elected as Y or hired as Z are subject to the policy restrictions, rules and regulations set up between X and Y and/or between Y and Z.
>
> **Group X is thus, the "*body-politic*"; and group Y (the *fiduciary* party) and group Z together constitute the "*body-corporate*".**

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[5] Maxim: "*He who is first or before in time, is stronger in right*" (*Qui prior est tempore, potior est jure*). This instant "*Amicus in Treatise...*" recognizes that the *primary* beneficiary parties are the ancestors of the capital "P" "*People*," being the descendants of hundreds of verified direct bloodline great grandparents who constituted the Aristocracy that owned the colonial lands and created and controlled the various colonial governments long before the *United States* was created as a collective fiduciary.

[6] "*Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them*." *Miranda v. Arizona*, 384 US 436 at 491. The "*rights*" identified by the body-politic are "*privileges*" given to the body-corporate.

[7] The proper noun / capitonym "*People*" is only used twice in the Constitution to identify the Aristocratic families (the original body-politic); and further the common noun "*people*" from the amendments is a different class of individuals (the first body-corporate). Compare: p. 55, footnote 2 to p. 1567, starting at line 22 [quoting *United States v. Verdugo-Urquidez*, 494 U.S. 259, 265 (1990)] from: **CONAN** (*supra*)

The "*United States*" (a.k.a. "*Congress assembled*") is thus perpetually contracted as a fiduciary of the "*1 %'ers*" consisting of the "*People***"** (the "*Posterity*" of the Aristocracy that created the original Contract of the *Constitution of the United States* ***for*** *the United States of America*) **and the "*99 %'ers*" consisting of the "***Persons***"** (those inhabiting the Land of the Union of several States), **of the United States of America**. Therefore, from the start, any refusal to honor the Standing of "***P****eople*" or "***P****ersons*," as referenced in the *Constitution of the United States* would be a "*Bill of Attainder*" and a "*Corruption of Blood*" against such "***P****eople*" and "***P****ersons*," their Ancestors who work for, fought for and died while maintaining their own such Standing, and their future Heirs to such same Standing.

Moreover, the Creators of the "*United States*" (being the capital "P" "*People*" by and through their "*Posterity*") cannot be made subject to any "*oath of faith and allegiance*" that is to their own creations.[8] **Neither can the "*free Persons*" (body-politic identified by the *Constitution of the United States* as being "*voted*" for and taxed directly by apportionment) be converted to "*Fourteenth Amendment*"[9] creations (of little "c" "*citizens*") and taxed somehow as some type of body-corporate office holders made subject to the "*United States,*" whether by "*oath or affirmation,*"[10]**

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8 Maxim: "*The power which is derived cannot be greater than that from which it is derived.*" (*Derativa potestas non potest esse major primitive*).

9 Amendment XIV states, "*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.*"

10 In the U.S. District Court case of "*UNITED STATES OF AMERICA v. DOREEN M. HENDRICKSON*" (COA case no. 15-1446) the U.S. Court of Appeals in 2016 upheld a lower court felony criminal conviction against one of the "*free Persons*" described herein as a *Grievants/Crime Victims/Claimants* referenced by this instant "*DC District Court*" case in which the "*federal*" district court "*judge*" ordered Doreen Hendrickson (who is the spouse of the acclaimed author Peter Eric Hendrickson, of the book "*Cracking the Code: The Fascinating Truth About Taxation in America*") to swear, under "*oath or affirmation*" on an IRS form, that which violated her own conscience and waived her right to control the content of her own speech and professed faith and belief.

As articulated in Mrs. Hendrickson's "*United States Supreme Court*" cause no. 16-259, a case that both the 6th Circuit Court of Appeals and the U.S. Supreme Court dismissed as a matter not even worthy enough for "*publishing*" in the law journals: "*[I]n 2007, a federal district court, without ever conducting so much as a single hearing or ever having laid eyes on anyone involved in the case summarily commanded Doreen Hendrickson to falsely declare under oath that she believes, and adopts as her own testimony, statements dictated to her by the court. The District Court, at the request of executive branch officials who were then suing Mrs. Hendrickson, commanded Mrs. Hendrickson to declare agreement with fact allegations of unexamined third parties that the government relied upon as the basis for its financial claims against her.* ***The content Mrs. Hendrickson was commanded to produce and falsely swear to be her own words is directly contradictory of her own freely- and repeatedly-made sworn testimony concerning the same matters on affidavits executed long before the government brought its suit, and on affidavits and under oath in live testimony in court since the issuing of these orders.*** *At no time has any evidence or testimony ever been produced which even simply asserts that Mrs. Hendrickson believes what she has been ordered to say, or that she does not believe her freely-made, contrary testimony.*"

or by perhaps simply reciting the "*Pledge of Allegiance,*"[11] without being first fully informed – without full disclosure about the nature of that "*conversion*" – and/or without the unconditional "*consent of the governed.*"[12] (Bold emphasis)

"*Mrs. Hendrickson was also ordered to never make future testimonial declarations contrary to what the executive branch would want her to say in circumstances similar to those involved in the ongoing suit. (This second order was constructed as an injunction against filing tax returns based on the notion falsely ascribed to the book Cracking the Code – The Fascinating Truth About Taxation In America by Peter Hendrickson that only government workers are subject to the income tax by a judge who had never read the book. However, as demonstrated in the indictment of Mrs. Hendrickson which included an allegation of violation of this injunction for filing a return which simply disagreed with a W-2, the second order amounts to an injunction against any filing the government dislikes.) That is,* ***Mrs. Hendrickson was ordered in perpetuity to adopt as her own testimony, to never dispute, and to always declare under oath that she believes to be true, future unproven allegations by unknown third parties which, if left unrebutted, would result in a financial benefit to the government at Mrs. Hendrickson's expense, even if she believes those allegations to be erroneous***."

11 The organic *Constitution of the United States* dictates that the President, Senators and Representatives, the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, "*shall be bound by Oath or Affirmation, to support this Constitution*" as a Qualification to any Office or public Trust under the body-corporate *United States*.

NOTE that the 1945 case of *In Re: Summers*, 325 U.S. 561 recognized the fact that a natural person with an oath of *faith and allegiance* to *serve* the Divine Providence of his God could not also subscribe to another oath of faith and allegiance to *serve* the body-corporate State. In that case, the "*supreme Court*" denied a Christian the ability to take a modified oath, but shifted the issue away from religion and found that without the prescribed oath to the State, his moral character and moral fitness to be an officer of the court could not be certified. That reasoning hinged upon an earlier event when petitioner Clyde Summers could not uphold a state constitutional requirement to serve in the state militia due to his religious beliefs. Thus, the "*supreme Court*" upheld the denial, by the state BAR association, of Summer's license to practice law. Hence, in citing *Selective Draft Law Cases* (245 U.S. 378) and *Minor v. Happersett* (21 Wall. 162, 88 U. S. 166), the fiduciary body-corporate has made clear that because "*[g]overnment, federal and state, each in its own sphere, owes a duty to the people within its jurisdiction...And every* ***citizen*** *owes the reciprocal duty, according to his capacity, to support and defend government against all enemies*..." that Summers' religious beliefs (i.e., his "*study of the New Testament and literal acceptance of the teachings of Christ as he understand them*") precluded his ability to earn a living in the practice of his chosen private profession as a lawyer, which otherwise required his oath of "***faith and allegiance***" to serve as an "*officer of the court.*"

12 Excerpted from the *Declaration of Independence* (1776): "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the* ***consent of the governed****, - That whenever any Form of Government becomes destructive of these ends, it is the Right of the* ***P****eople to alter or to abolish it, and to institute new Government, laying its foundation*

I. Statement of Facts: Regarding "*Who is Who*" and "*What is What*": Identifying the parties to this instant case

The following statements of facts place real contractual and historical facts into the record; which is unlike the continual **display** of fictional body-corporate statutes and procedures typically found in party and counter-party arguments of BAR attorneys and the reasoning of "*judges.*" This is yet simply to mention their total lack of adherence to the *Law of Contract* and *Law of Nations* [13] upon which all matters pertaining to the *Bills of Attainder* and *Corruption of Blood* – caused by the actions of the "*Counter-parties*" operating as the body-corporate ("*National*") side of the "*government of the United States*" against the "*99 %'ers*," and for which the resulting *Claims of Damages in Commerce* of the capital "P" "***P****ersons*" as the aggrieved "*Parties*" – are constitutionally based.

A. Articles of Confederation and perpetual Union

In reviewing the historical landscape for this case, the best place to start is with the *Articles of Confederation*, which set up a fiction – a "*federation*" and "*union*" – between the "*several States*," which themselves have always been fictions originally set up by the "***P****eople*." Thus, it was not the masses of small "p" *people*, but the capital "P" ***P****eople* (Aristocrats) acting in concert with one another, through their States, who were the Parties to the 1777 "*Articles of Confederation and the perpetual Union*" ("*Articles*"). This "*Federal government*" was a *new* sovereignty created by the sovereigns, with the ***P****eople* themselves otherwise holding the "*First Right of Command.*" Hence, the ***P****eople* had attempted to use their States as their sovereignties in an economic union of sorts, with an expressly *limited* Federal government.

Art. I of the *Articles* delineates the "*Stile of this confederacy*" as "*The United States of America*", and is referred to in the 1783 Treaty of Paris and the 1787 "*Constitution of the United States for the United States of America*" ("Constitution") as "*the United States of America*".

Art. II delineates the "*United States*" as "*in Congress assembled.*"

Art. IV equates the common noun "*people*" (used twice more) to the common noun "*citizens*" (used just this once).

Art. IV and VIII delineates the proper noun "*Person*" in regards to a specific individual who is either a "*free inhabitant of each of these states*" (IV) or one involved with land ownership (VIII).

The common noun "*person*" is found elsewhere in the Articles referencing individuals in general.

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on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

[13] *See* Article I, Section 8, Clause 10 of the organic *Constitution of the United States* which assigns the power and the duty of the legislature "*[t]o define and punish Piracies and Felonies committed on the high Seas, and Offences Against the Law of Nations.*"

The proper noun "*Union*" is found twice in the title of the Articles, and six times as a common noun "*union*" and almost always with the word "*perpetual*."

Art. VIII lists property tax collection to be "*in proportion to the value of all land [etc.] within each state . . . [and] shall be laid and levied by the authority and direction of the legislatures of the several states.*" [14]

Art. X states that "*[t]he committee of the states, or any nine of them*" could convene and make changes. This became the basis for the Constitutional Convention. The "***P****eople*" came out from behind their States (legal sovereigns) and held their convention to reorganize the internal workings of the United States ("*in Congress assembled*"). The Convention's "***P****eople*" then submitted the finished Constitution to themselves in conventions held in the several states. Ratification did not come through the legislatures of the several states, but directly from the "***P****eople*" themselves.

Art. XIII states that "*the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state*." The Union could have been altered, or even dissolved, if a congress of the "*United States*" and every state, through their legislatures, agreed, but there exists no publicly published record this ever happened. In fact, the Hon. Oliver Ellsworth wrote the legislation threatening a trade embargo against Rhode Island, coercing it into ratifying the Constitution.[15] After the "***P****eople*" in nine States had signed on, the other four had no other choice as per Art. X.

The ***P****eople* quickly found however, that like the more recent European Union, there were many deficiencies in that plan. Therefore, the ***P****eople* set forth a reorganizational plan, as afforded under the Articles, to amend ("*a more perfect Union*") the Articles. Thus, "*Congress assembled*" decided to meet outside of itself in *Committee*, to reorganize itself, and to present the new operational format directly to the ***P****eople* of the States, bypassing the individual State congresses.[16] This method, according to the *Articles of Confederation*, required nine affirmatives.

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14 If the Articles had been terminated and replaced by the Constitution, as is popularly believed, the United States would not have to insert a property tax exemption to any State's admission into the Union in regards to United States governed land within said State. However, as is otherwise shown, when California was admitted into the Union on September 9, 1850, an exemption was required for the United States "*that they* [the people of California] *shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States*."

15 Oliver Ellsworth was a main member of the committee that devised the May 11, 1790 nonintercourse act that threatened Rhode Island into ratify the Constitution (Bates, Frank Greene. *Rhode Island and the Formation of the Union*, New York, NY, Columbia University, 1898, pp. 192 - 200).

16 *See again* Eig, Larry M. (editor), "*THE CONSTITUTION of* [sic] *the UNITED STATES OF AMERICA, ANALYSIS AND INTERPRETATION*", Washington D.C., U.S. Senate, 2014, doc. no.

Notwithstanding the above, the general public, as well as the majority of legal professionals and scholars, have been conditioned to believe that the Articles have been extinguished by the ratification of the Constitution, but no "*quit claim deed*" of property by the USA to the United States is in any publicly published record.[17]

B. Treaty of Paris (1783) ("*Treaty*")

The *Preliminary Articles of Peace* (1782) clearly lists the parties as "*his Britannic Majesty . . . on the one part*" and the "*United States of America [(Union)]. . . on the other part*" at the beginning of the document, but in the same sentence identifies the real first party as the "*Crown* [(the "***P****eople*" in charge of the financial center known as the "*City*")] *of Great Britain* [(Union)]."

At the time of the *Treaty of Paris* (1783) the "*United States*" was only the name of "*in Congress assembled*", and is used in said *Treaty* [18] as an abbreviation of the "*United States of America* [(Union)]."

Art. 1st of said *Treaty* is the King's "*quit claim*" of title to both the lands controlled by the USA and the government operations.

1129, p. 55, footnote 2, which states: "*[T]he Court has read the preamble as bearing witness to the fact that the Constitution emanated from the people and was not the act of sovereign and independent States. McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316 (1819) Chisholm v. Georgia, 2 U.S. (2 Dall.) 419 (1793); Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304 (1816), and that it was made for, and is binding only in, the United States of America. Downes v. Bidwell, 182 U.S. 244 (1901); In re Ross, 140 U.S. 453, 464 (1891).*"

[17] To surmise what really happened, it would seem that the *Articles* consist of a Union with the name ***United States of America***, recognized internationally for trade, etc., and used as a land trust, with the ***United States*** (legal sovereign) as its fiduciary. This is evidenced by Congress' joint resolution annexing the Hawaiian Islands on December 6, 1897, "*that all and singular the property and rights hereinbefore mentioned are vested in the* ***United States of America***" and "*they [Hawaiian Islands] are hereby, annexed as a part of the territory of the* ***United States*** *and are subject to the sovereign dominion thereof.*" **The *Union* holds title (tithe) to the land and the *United States* is the fiduciary responsible for operating and bettering the Union.**

[18] Treaties clearly list countries and their representatives at the beginning, yet at the beginning of said *Treaty*, Prince George, as a legal sovereign, is the only real physical body connected to all the titles following his name, leaving the phrase, "*Arch- Treasurer and Prince Elector of the Holy Roman Empire etc.. and* ***of*** *the United States of America*" (per the National Archives and Records Administration copy) ambiguous as to whether he is connected to the USA. The word "***of***" could refer back to "*Hearts*", Prince George, or both. Do results dictate intent? The "*Crown's*" involvement with the banking of the USA, and the exclusive pedigrees of the Presidents are altogether separate matters.

Art. 2nd is the property description marking the boundaries in accordance with those dictated within the Royal Proclamation of 1763, which were from Canada south to Florida, and from the Atlantic Ocean west to the Mississippi River.

Art. 3rd delineates the proper noun "*People*" once, in the phrase "*the People of the United States* [of America]", and never the common noun "*people*".

Art. 7th and 8th delineate the proper noun "*Citizen*" three times, twice in regards to the "*States* [(Union)]", and once as "*the Citizens of the United States* [of America (Union)]" who are compared, on a nation to nation basis, to "*the Subjects of Great Britain* [(Union)]", and never as "*citizen(s)*". **The capitonym term "*Citizen*" was carried into the Constitution and is clearly included within the qualification requirements of the Senators, Representatives, and the President; however its real nature is entirely different than the phrase "*citizens of the United State*s" found in the fourteenth *Article of Amendment* of the Constitution and Title 42, §1982.[19]** (Bold emphasis)

Art. 5th and 9th delineate the proper noun "*Arms*" three times, not counting the "*Seals of our Arms*" at the end of the *Treaty*, and was carried into the Constitution's second *Article of Amendment*, which allowed the "***p****eople*" to "*keep and bear*" (store and use, not own) the "*Arms*" belonging to the "***P****eople*".

From the language contained within the *Treaty* it is clear that "*the Crown of Great Britain*"[20] ("***P****eople*" / Aristocracy), represented by the King, was contracting not with the "***p****eople*", but with the "*People's*" cousins,[21] the "***P****eople*" (Aristocracy) of the USA. Said *Treaty* is similar to the Magna Carta in the sense that it is a contract written strictly for the Barons (Aristocracy) and not for the "*commoners*"; though many throughout time have erroneously claimed it as their own, including those who today mistakenly believe they are "*sovereign state citizens*" and

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19 In forecasting the meaningful direction of this "*Amicus in Treatise*...", it can be stated here that the capital-C "***C****itizen*" is believed to denote the sovereignty of State citizenship inherently possessing inalienable "*rights*" without the government as opposed to the subjectivity of the 14th Amendment federal "*citizen*" having rights in the form of "*privileges and immunities*" granted within a "*sovereign*" government. In each case, the relationship is one revolving around status, *enumerated* rights, and ownership of the other.

20 The bloodline descendant ("*Posterity*") of the capital "P" ***P****eople* integrates several Lord Mayors of the City of London (Crown, financial district) where the "*People*" (Aristocrats) of the British Empire have operated for over 800 years, as evidenced by one of the few remaining Magna Carta clauses (no. 13): "*The city of London shall enjoy all its ancient liberties and free customs, both by land and by water*."

21 To surmise what really happened, it would seem that the "*People*" (Aristocracy) in both countries used the war to reorganize their world business holdings for their mutual benefit and accelerate their ability to control and financially profit off the backs of the commoners. In such a view, the Revolutionary War, involving the deaths of commoners and others without voting rights at the time, may even be construed to have been a major "*false flag*" operation to enrich to elite and draw boundaries to their respective dominion.

therefore a party to the Constitution.[22] Since no such thing exists as a "***sovereign state citizen,***"[23] the gravity of this error speaks for itself.

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[22] At the time the *Articles of Confederation* were formally declared as ratified and binding all 13 States (being March 1, 1781) together into "*The United States of America*," Article 12 of that document read,

> "*All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pleged.* [sic]"
> (*See* **http://avalon.law.yale.edu/18th_century/artconf.asp**)

Thus, the *Articles of Confederation* acknowledged a pre-Revolutionary War debt, which was owed to King George, III by way of a series of 21 itemized post-Revolutionary War debts received by foreign minister Benjamin Franklin from King George, III on behalf of "*Congress assembled*." (There are some of the belief that the post-Revolutionary War events may have been staged between the aristocracy of Britain and the United States so as to turn the common people of the States into debtors of the Royal Crown from the onset to pay for the debts up to that time.) Those loans are listed in the United States Statutes at Large (Vol. 18, Part 2), beginning on p.214, as located under the heading of "*CONTRACT BETWEEN HIS MOST CHRISTIAN MAJESTY AND THE THIRTEEN UNITED STATES OF NORTH AMERICA RELATIVE TO PAYMENT OF LOAN, ENTERED INTO BY THE COURT OF DE VERGENNES AND MR. FRANKLIN, THE 16TH OF JULY, 1782; RATIFIED BY CONGRESS JANUARY 22, 1783*." As found on 9/26/18 at:
https://books.googleusercontent.com/books/content?req=AKW5QadQnhl0NJpzd28-xQ5dsVksRUeN9_DxOGtSRTnk9OYTA84lwSZC7ApS-MH9Yj5FffJef7dMhrfmm3rtYzVlCxISAhFkBaFMOdbKM45p7_ToS7s5_soPeT5ZVHK24GU9Xuo4Nl6D03by-LJasdbBC-9DFQhvtKp-JIQpDswm4KpbM_JP8b7JKtzeJaGTU5L8gjCX6NvqPLmukrl4mHVjQ0TGGw6icYBS8L9RpBeHoWjtmzCgDdV8382BfQJ4cq2slBN0ABZutjMdqDyhHcZ54D3_XT2YEg

As depicted above, the 21 separate loans were renegotiated under a new contract between De Vergennes and Franklin on July 16, 1782 with a payoff date of January 1, 1788. The *Treaty of Paris of 1783*, signed on behalf of the United States by Franklin along with John Adams and John Jay, reinforced that renegotiated debt through *Article IV* of the *Treaty* which stated,

> "*It is agreed that Creditors on either **S**ide shall meet with no lawful **I**mpediment to the **R**ecovery of the full **V**alue in **S**terling **M**oney of all bona fide **D**ebts heretofore contracted*."

As found published by the U.S. National Archives and Records Administration on 9/26/18 at: **http://www.ourdocuments.gov/doc.php?doc=6&page=transcript**

Subsequently, beginning on September 11, 1786, there began a series of meetings (in Annapolis, Maryland) called the "*Proceedings of Commissioners to Remedy Defects of the Federal Government*" to address the States' collective inability or unwillingness to pay back this consolidation of 21 itemized debts and the negative impact that this had upon the States' economic instability, and the instability of the nation as a whole as it related to trade in international commerce under the Articles of Confederation. Only five States attended the meetings in Annapolis, so there was not enough States present to lawfully revise the Articles. Therefore, those in attendance determined to hold another meeting the following year on May 14, 1787 in Philadelphia, Pennsylvania for the same purpose. That series of meetings became known as the

C. Constitution *of* the United States *for* the United States of America

The correct title is not the "*Constitution of the United States **of** America*" as CONAN[24] has been titled by Congress, but by extracting the last part of the President's oath to defend, "*the Constitution of the United States* [(Congress converted into a legal sovereign)]" and adding to it the end of the enacting clause (preamble), "***for** the United States of America* [(Union)]", the correct title is discovered. As Chief Justice Taney stated, "*No word in the instrument, therefore, can be rejected as superfluous or unmeaning*."[25]

Further, the proper noun / capitonym "*Union*" is referenced six times to something already existing, yet many scholars have attempted to interpret the preamble phrase "*to form a more perfect Union*" as the dissolution of the former Union and the recreation of another. With what has been stated prior, along with the historical record following, there can be no doubt that the present Union was "*perfect*" and the intent was to "*form*" (reorganize) its Congress (government) into something "*more*" central and efficient. [26]

Constitutional Convention that resulted in the creation of the *Constitution **for** the United States*. (See the previous link above as provided within this footnote, as well as at: **http://avalon.law.yale.edu/subject_menus/debcont.asp**

[23] The case of *Chisholm v. Georgia*, 2 U.S. 419 (1793), is purported as being the "*first great constitutional case decided by the Supreme* [sic] *Court*." Barnett, Randy. *THE PEOPLE OR THE STATE?: CHISHOLM V. GEORGIA AND POPULAR SOVEREIGNTY*. "*The case adopted an individual concept of popular sovereignty rather than the modern view* [in which popular sovereignty was '*repudiated by the adoption by the states to the 11th Amendment*'] *that limits popular sovereignty to collective or democratic self-government.*"

[24] **CONAN**. (*supra*)

[25] "*In expounding the Constitution **of** the United States, every word must have its due force and appropriate meaning, for it is evident from the whole instrument that no word was unnecessarily used or needlessly added . . . [e]very word appears to have been weighed with the utmost deliberation, and its force and effect to have been fully understood. **No word in the instrument, therefore, can be rejected as superfluous or unmeaning*** [emphasis added]", *Holmes v. Jennison*, 39 US at 570, 571 (1840) (quoted in *Wright v. United States*, 302 U.S. 583 (1938)), and referenced in ***CONAN***, *Ibid*, five (5) times.

[26] This footnote picks up from the previous footnote regarding the consolidated (21) loans owed to King George, III and the effort to address a debt that on July 16, 1782 appeared so large (i.e., at the point of the "*contract*" signed by De Vergennes and Franklin was for 18 million French *livres*) that paying it back all at once was said to possibly "*greatly injure the finances of the Congress of the United States, and it may be even impractical on that footing*".

On September 17, 1787, twelve State delegates approved the *Constitution*, and those State delegates, at the point of their signing became "*constitutors*." According to Black's Law Dictionary (8th ed.) the term "*constitutor*" means, *"A person who, by agreement, becomes responsible for the payment of another's debt.*" For this reason, the *Constitution* included *Article VI, Clause 1* which reads:

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

During the Constitutional Convention, Edmund Randolph had successfully renamed the government to the "*National Government of United States*", but the Hon. Oliver Ellsworth (a founder of Windsor, CT and signer of the Fundamental Orders) countermanded Randolph by having the words "*National Government*" removed so the government would continue to be called the "*United States*". Further, Ellsworth was recorded as stating that,

> "*[i]t would be highly dangerous not to consider the* ***Confederation as still subsisting****. He wished also the plan of the Convention to go forth as an amendment to the articles of Confederation, since under this idea the authority of the Legislatures could ratify it* [(Art. XIII)]. *If they are unwilling, the people* [sic] *will be so too. If the plan goes forth to the people* [sic] *for ratification several succeeding Conventions within the States* [(Art. X)] *would be unavoidable* [emphasis added]."[27]

D. Congress' Legislative Acts *for* the United States

Besides establishing the court system for the United States, Congress' *Judiciary Act of 1789*,[28] at sec. no. 35, created the Office of United States Attorney General ("AG") and the several United States Attorney Offices ("US/AOs"). Additionally the same section states that "***parties*** *may plead and manage their own causes personally or by assistance*", which renders a Faretta hearing moot, especially in regards to a member of the "*body-politic*" referring to himself or herself as one of the "*Posterity*" of the ***P****eople* or "*free* ***P****ersons.*"

The States were at that time liable for the debt owed to the King, but the ***p****eople* of America were not. The ***p****eople*, referred to in the Constitution as "*free* ***P****ersons*" were not a party to the Constitution, and it never was put to them for a vote. Soon afterwards, in order to affect the legal binding of the otherwise free ***p****eople/****P****ersons* of the States to the payment for that debt, Federal Districts were set up with each District assigned a portion of the debt. The next step was for the States to reorganize their governments, which most did around 1790. Since originally the State constitutions had never been submitted to the free ***p****eople* for a vote, governments wrote new constitutions, submitting them to the people for a vote and thereby binding the people to the debts owed to Great Britain. The ***p****eople* then, as citizens of the State(s) where they domiciled, *ipso facto* had dual citizenship, being also citizens of the United States. As such, these "*citizens*" were considered "*subjects*" of *corporate* fictional entities. [See *Respublica v. Sweers*, 1 U.S. 41 (1779), *"From the moment of their association, the United States necessarily became a body corporate; for, there was no superior from whom that character could otherwise be derived.*" As found on 9/26/18 at: **https://supreme.justia.com/cases/federal/us/1/41/case.html**]

[27] Farrand, Prof. Max (editor). *The Records of the Federal Convention of 1787*, New Haven, CT, Yale University Press, (1911), v. 1, p. 335.

[28] It is popularly understood that the *Judiciary Act of 1789* established "*the organization of the 'federal' court system of the United States, which had been sketched only in general terms in the U.S. Constitution. ... The Judiciary Act of 1789, officially titled 'An Act to Establish the Judicial Courts of the United States,' was principally authored by Senators Oliver Ellsworth and William Paterson and signed into law by Pres. George Washington on September 24, 1789.*" Encyclopedia Britannica as found on 9/26/18 at: **https://www.britannica.com/topic/Judiciary-Act-of-1789**.

Eighty (80) years later in 1870, Congress placed the Attorney General within the newly formed Department of Justice ("DOJ"). By AG Order no. 8-53 (in 1953), the Executive Office for United States Attorneys ("EOUSA") was created and incorporated the US/AOs into it.

In short, the chain of fiduciary command relative to all of these actions is laid out as follows:

God – Creator of the flesh-and-blood creatures comprising the body-politic of "***People***" and "***Persons***" referenced in the organic Constitution.

People – Creators of the *United States of America* (Union) and the *United States* (**Federal government**), the former being comprised of a "*Compact*" of states and the latter being comprised of a "*Contract*" between the "***People***" as the ***primary*** **beneficiaries** of the contract, and "*fiduciary Offices*" of "*Upper Management*" operating as their "*legal fictions*" in Federal government. [29]

Persons – Those designated by the **People** to be ***secondary*** **beneficiaries** to the fiduciary obligations of the Federal government under the Contract of the *Constitution of the United States for the United States of America*, being identifiable simply as those taxed directly and proportionally according to the Census, or by Enumeration.

"*Upper Management*" – being the Federal government known as the "*United States*" and consisting of the "*Congress of the United States*" as grounded in the Senate and the House of Representatives, the President and Vice-President, the "*one supreme Court*," the "*inferior Courts*" and their "*Judges*" as enunciated in the organic ("*federal*") Constitution.

The never-ending supply of bureaucratic "*Departments*," "*Bureaus*," "*Sections*," "*Divisions*," and "*Offices*" cumulatively comprise the **National government**[30] that the "*court*" has long been allowing to be represented as "*UNITED STATES OF AMERICA*", which is not the same as **the** "*United States of America*".

Thus, in this "*one nation **under God***," the "*Posterity*" of the aristocratic "*People*" ("1%'ers") and the "*free Persons*" ("99%'ers") hold the highest command because they preceded both Federal and National governments. "*What is first is truest; and what comes first in time, is best in law*"; and further, "*An argument [(position)] drawn from authority [(command)] is the **strongest** in law*." [31]

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[29] These limited number of fiduciary Offices of the **Federal** government, as enunciated in the Constitution, are comprised of the two Houses of Congress, the President and Vice-President, the "*one supreme Court*," the "*inferior Courts*" and their "*Judges*".

[30] In short, a fundamental difference between "*Federal*" and "*National*" governments is that a federal government is run by different states making the whole economy of the country. A national government just refers to the country's central government.
As found on 9/26/18 at: **http://www.differencebetween.info/difference-between-federal-and-national**

[31] Latin, "*Argumentum ab authoritate est fortissimum in lege*."

II. Statement of Facts Regarding "*Where is Where*": Where the "*United States*" Does and Does Not Have Nexus

The following statements of facts place real contractual and historical facts into the record that underscore the continual **misapplication** of fictional body-corporate statutes and procedures – in violation of the *Law of Contract* and *Law of Nations* and resulting in *Bills of Attainder* and *Corruption of Blood* – caused by the actions of the "*Counter-parties*" operating as the body-corporate ("*National*") side, as the "*government of the United States*" and as the UNITED STATES OF AMERICA, against the "*99 %'ers*" – for which the resulting *Claims of Damages in Commerce* of the capital "P" "***P****ersons*" as the aggrieved "*Parties*" are constitutionally based.

A. Geographical Nexus: "*Fences*" (i.e., the physical limits) between the "*United States*" and the "*several States*"

Under the *Articles of Confederation*, the United States ("*in Congress assembled*") was authorized to set "*the time agreed upon*" for the States to pay their "*proportion*" of the national debt, but enforcement powers were limited. The "***P****eople*" (Aristocracy) of the States granted their legal sovereigns (States) the political nexus – termed herein as various body-corporate "*nets*" draped over the political landscape of the "*several States*" (as discussed further down) – to tax real property within their well defined "*fences*" (State boundaries).

Art. 1, §8, cl. 17 of the *Constitution* sets the "*fences*", of the United States (government) for "*unlimited*" self-rule to that of a "*District (not exceeding ten Miles square)*" and to "*exercise like Authority over all Places* ***purchased***" and "***needful***" for government operations.

In 1885 the "***s****upreme Court*" explained "*fences*" as follows:

> "*The consent of the states to the purchase of lands within them* ***for the special purposes named****, is, however, essential, under the constitution, to the transfer to the general government, with the title, of* ***political jurisdiction*** *and dominion. Where lands are acquired without such consent, the* ***possession*** *of the United States,* ***unless political jurisdiction be ceded to them in some other way****, is simply that of an ordinary proprietor. The property in that case, unless used as a means to carry out the* ***purposes*** *of the government, is* ***subject*** *to the legislative authority and control of the states equally with the property of private individuals* [emphasis added]."[32]

In 1894 the "*supreme Court*" explained further:

> "*The laws of Congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of*

[32] **CONAN**. (*supra*) pp. 357, 509, footnotes *Fort Leavenworth R.R. v. Lowe*, 114 U.S. 525 (1885).

> *Columbia, and **other places** that are within the exclusive jurisdiction of the **national** government* [emphasis added]."[33]

In 1939 the "*supreme Court*" explained again,

> "*[a]fter **exclusive jurisdiction** over lands within a state has been ceded to the United States, Congress **alone** has the power to punish crimes committed within the ceded territory . . . [i]f these statutes did not give to the United States exclusive jurisdiction over the Park, the **indictment did not charge a crime** cognizable under the authority of the United States* [emphasis added]."[34]

> "*Yet how can it be that time and time again, constitutionally protected private property is being subjected to 'asset forfeiture' by government fiduciaries, and the national government's overreach of jurisdiction and ownership of land within the states leads to wrongful claims, prosecutions, and even deaths to those on the other side of the governments' geographical 'fence(s)'?*"

One prime example resides in the recent case of the *UNITED STATES OF AMERICA* (the "*National*" government) *versus Ammon Bundy, et al* regarding ownership of the Malhuer National Wildlife Refuge in the State of Oregon. In that case, constitutional *Separation of Powers* and *Principles of Federalism* were at issue when a congregation of "*free **P**ersons*" consisting of "*Mr. Bundy and others.... [brought] new entry and other possessory claims*" and "*stak[ed] a perfectly legal disseizen and ouster of the government in January 2016*" after discovering and asserting an instant of the "*Executive Branch squatting on the refuge land for decades*, [even also] *in defiance of Congressional action...in 1936 waiving any application of federal jurisdiction on the issue*." [35]

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[33] **CONAN**. *Ibid*. p. 82, footnotes. See also, *Caha v. United States*, 152 U.S. 211, at 215 (1894). Other cases of a similar nature are: *Rogers v. Squier*, 157 F. 2d 948 (9th Cir. 1946); and *United States v. Townsend*, 474 F. 2d 209 (5th Cir. 1973).

[34] **CONAN**, *Ibid*. p. 351, citing from *Bowen v. Johnston*, 306 U.S. 19 (1939).

[35] *See* U.S. District Court case (for the District of Oregon) 3:16-cr-00051-BR; Document 1248; (as filed 09/12/16). In this case, the prosecutors acting on behalf of the National government intentionally misled the Court and subsequently did nothing about the Court erring in denying numerous jurisdictional motions of Mr. Bundy and others, based upon the judge misdirected to a presumption that "*the entire Refuge was 'part of the public domain' when Oregon was admitted to the Union*" when actually the chain of such title had long before been broken and "*Oregon law control[led]*" the competing claims of that land ownership and the claims of adverse possession by Mr. Bundy and his associates.

In the periphery of actual and potential legal cases surrounding *UNITED STATES OF AMERICA versus Ammon Bundy, et al*, the **wrongful actions of the government(s)** resulted in the alleged murder of one of Mr. Bundy's colleagues (LaVoy Finicum) and the criminal abduction and false incarceration of many others before any direct attention was made by the government to the ultimate question of property rights. Here it is important to explain, and for the reader to

comprehend, the difference between "*positive*" and "*negative*" rights and the commission of wrongdoings, criminal or civil, against those rights of "*free **P**ersons*" by the so-called "*State*." Hence, there is also the need to recognize the division of *rights and duties* into two kinds, distinguishable as *perfect* and *imperfect*, which is further elaborated upon below in quotations from: Salmond, John. *Jurisprudence* or *The Theory of the Law*. Stevens and Hayes; 1902.

> "*A perfect right is one which corresponds to a perfect duty; and a perfect duty is one which is not merely recognised by the law, but directly enforced. All others are imperfect, being enforced indirectly only, or not at all. A duty is directly enforceable when an action or other legal proceeding, civil or criminal, will lie for the breach of it, and when judgment will be executed against the defendant, if need be, through the physical force of the state....Lapse of time, therefore, does not destroy the right, but merely reduces it from the rank of one which is perfect to that of one which is imperfect. It remains valid for all purposes save that of enforcement....An imperfect right may possess the capacity of becoming perfect. The right of action may not be nonexistent; but may be merely dormant....*[However,]*...The only legal rights that receive no enforcement at all are those which are available against the state itself, and the only legal duties of this description are those which are owing by the state itself....We have said that rights against the state are the only legal rights which are destitute of any form of legal enforcement. The reason is, that in all other cases legal recognition, to be a practical reality and not a mere pretence, must be accompanied by legal enforcement. In the case of the state's own duties, on the other hand, such enforcement is as needless as it is impossible. What is requisite in this case, is not legal recognition and enforcement, but legal recognition and fulfilment. **I have a legal right against the state not because my right will be maintained by any form of forcible constraint, but because it will be recognised and respected in due course of law by the state in the administration of justice.*** [Bold emphasis]
>
> (From the chapter on "*The Kinds of Legal Rights: Perfect and Imperfect Rights*" p.239-243.)

As found on 9/26/18 at:
https://ia800203.us.archive.org/27/items/cu31924021182112/cu31924021182112.pdf]

As such,

> *In respect of their contents, rights are of two kinds, being either positive or negative. A positive right corresponds to a positive duty, and is a right that he on whom the duty lies shall do some positive act on behalf of the person entitled. A negative right corresponds to a negative duty, and is **a right that the person bound shall refrain from some act which would operate to the prejudice of the person entitled.** The same distinction exists in the case of wrongs. **A positive wrong or wrong of commission is the breach of a negative duty and the violation of a negative right. A negative wrong or wrong of omission is the breach of a positive duty, and the infringement of a positive right.** A negative right entitles the owner of it to the maintenance of the present position of things; a positive right entitles, him to an alteration of such position for his advantage. The former is merely a right not to be harmed; the latter is a right to be positively benefited. The former is a*

right to retain what one already has; the latter is a right to receive something more than one already has. [Bold emphasis]

In the case of a negative right the interest which is its de facto basis is of such a nature that it requires for its adequate maintenance or protection nothing more than the passive acquiescence of other persons. All that is asked by the owner of the interest is to be left alone in the enjoyment of it. In the case of a positive right, on the other hand, the interest is of a less perfect and self-sufficient nature, inasmuch as the person entitled requires for the realisation and enjoyment of his right the active assistance of other persons. In the former case I stand in an immediate and direct relation to the object of my right, and claim from others nothing more than that they shall not interfere between me and it. In the latter case I stand in a mediate and indirect relation to the object, so that I can attain to it only through the active help of others. My right to the money in my pocket is an example of the first class ; my right to the money in the pocket of my debtor is an instance of the second.

Salmond (*supra*) p.243-244 (section on "*Positive and Negative Rights*")

Thus,

"*The distinction between real and personal rights is closely connected but not identical with that between negative and positive rights. It is based on a difference in the incidence of the correlative duties. A real right corresponds to a duty imposed upon persons in general; a personal right corresponds to a duty imposed upon determinate individuals. A real right is available against the world at large; a personal right is available only against particular persons.* ***The distinction: is one of great prominence and importance in the law...expressed by the terms right in rem (or in re) and right in personam.*** *These expressions are derived from the commentators on the civil and canon law. Literally interpreted, jus in rem means a right against or in respect of a thing, jus in personam a right against or in respect of a person. In truth, however, every right is at the same time one in respect of some thing, namely its object, and against some person, namely the person bound. In other words, every right involves not only a real, but also a personal relation....*

In real rights it is the real relation that stands in the forefront of the juridical conception; such rights are emphatically and conspicuously in rem. In personal rights, on the other hand, it is the personal relation that forms the predominant factor in the conception; such rights are before all things in personam....[T]he real right is a relation between the owner and a vague multitude of persons, no one of whom is distinguished from any other; while a personal right is a definite relation between determinate individuals, and the definiteness if this personal relation raises it into prominence.... the source or title of a real right is commonly to be found in the character of the real relation, while a personal right generally derives its origin from the personal relation. In other words, if the law confers upon me a real right, it is commonly because I stand in some special relation to the thing which is the object of the right. If on the contrary it confers on me a personal right, it is commonly because I stand in some special relation to the person who is the subject

B. Political Nexus – the "'*Tax' Net*"

Generally, in terms of Early American history, "*external*" taxes were applied to exchanges in and out of the colonies, states, or the nation as a whole while primarily affecting those engaged in specific product exchanges. External taxes are principally used by governments to regulate commerce in general. "*Internal*" taxes, on the other hand, were applied to merchant goods and other forms of property within the state as purchased locally by consumers. They were principally applied by local governments as the means for raising money so to benefit the majority of those purchasing and owning such properties.[36]

Art. 1, §8, cl. 1 of the *Constitution* authorizes the collection of **uniform** "*Duties, Imposts*" (tariffs / **external**) on imports and exports through the ports (which brought in the majority of all revenues), and "*Excises*", which were applied **internally**, via the political nexus ("net") of the United States districts (Judiciary Act of 1789), to distilled spirits, tobacco, refined sugar, etc. These sources, along with territorial land sales, comprised most of the *United States*' revenues well into the 20th Century. Note that the capitonym term "*Taxes*" is not included in the phrase "*shall be uniform throughout the United States*" (and the information following will expound upon its connection to the term "*uniform*", and whether its application is **external** and/or **internal**).

Art. 1, §9, cl. 1 imposes a "*Tax or duty*", **uniform** and **external** in application, on "*such Importation . . . for each Person*". The capitonym "***P****erson*" is used here to identify the class of natural men and women without property rights, depicted oftentimes as indentured to the Aristocrats (e.g., as tenants to landlords or workers dependent upon a landowners for their sustenance), or being as the "*property*" of the (immigrants joining the "*99%'ers*" in servitude to the "*1%'ers*" and being taxed, as by head count, as chattel property, as like cattle branded by their owners).

Elsewhere in the Constitution, the (capitonym form of) "*branding*" of the ***P****eople's* other "*property*;"[37] is identified as being those "*holding any Office*," those "*charged in any State . . .*

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of the correlative duty. Salmond (*supra*) p.246-253 (section on "*Real and Personal Rights*")

[NOTE: Again, the chapter references to "*Positive and Negative Rights*" and to "*Real and Personal Rights*" are to be found in the online resource provided by the link above.]

36 What was so upsetting and offensive about the 1765 Stamp Act to the American colonists prior to the Revolutionary War was that the British Parliament imposed a tax upon each item of paper used, as a direct attempt by England to raise money without the consent of the "***P****eople*" through their colonial legislatures (i.e., "*taxation without representation*").

37 "*[T]he chief purpose of the [income] tax is not financial, but social. It is not primarily to raise money for the state, but to regulate the* [Fourteenth Amendment] *citizen and to regenerate the moral nature of man . . . according the notions of virtue at the moment prevailing in Washington*", Evans, Lawrence. *Samuel W. McCall, Governor of Massachusetts*, Boston, MA /New York, NY, Houghton Mifflin Company, 1916, p. 98, Speech concerning the Sixteenth Amendment on July 12th, 1909 in the United States House of Representatives.

flee[ing] from Justice," and those included in the "*Enumeration*".[38] Note that the "*People's*" own physical bodies are never included within said "*property*" class.

Art. 1, §9, cl. 4 states that "*[n]o Capitation, or other direct, Tax shall be laid, unless in **Proportion** to the Census or Enumeration herein*", clearly linking the capitonym term "***T**ax*" to **uniform** and **internal**, this time in relation to a head (poll) count, which is further supported by the phrase "*direct Taxes shall be **apportioned***" (**uniform** and **internal**) by "***P**erson*" from Art. 1, §2, cl. 3.

Art. 1, §9, cl. 5 again links the terms "*Tax or **D**uty*" together. From the above, the capitonym terms "*Tax*" / "*Taxes*" are specifically linked **externally** to the terms "*duty*" / "*Duty*" / "***D**uties*", and **internally** applied as "*direct*" and **uniform** (not progressive) to the ***P**eople's* property, e.g. the "***Person***" as indentured servants, immigrants and slaves. There is no reference to the term "***indirect***" within the Constitution.

> "*So how was it that the 16th Amendment came about to time and time again change the constitutional condition that the 'free **P**ersons' are only to be taxed directly through Enumeration or in proportion to the Census by apportionment among the States?*"

The answer to the above question is explained below in underscoring how the tethers for the political "*net*" grew to include "*moveable soil*" of "*new*" Fourteenth Amendment "*citizens*" who "*voluntarily*" but unwarily (via ignorance, misinterpretation, or coercion) happened to apply the new and improved "*cattle brand*" of the "*United States*" on the backside of their own "*persons*".

C. **Political Nexus – the "*Fourteenth Amendment little 'c' 'citizen' Net*"**

Consider the maxim, "*Misera est servitus, ubi jus est vagum aut incertum*" ("*It is a miserable slavery where the law is vague or uncertain*") in the context of post-Civil War legislation and the controversy surrounding the ratification of the Fourteenth Amendment.

The first clause of the *Fourteenth Amendment* reads:

> *"1: All **persons** born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.*[39] *No **State** shall make or enforce any law which shall abridge the privileges*

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[38] **Further, the *Bill of Rights* added the (capitonym) "*brand*" of the People (as identifying ownership to the Aristocracy)** to "***M**ilitia*" and "***A**rms*" (II); "***S**oldiers*" and "***O**wners*" (III); "***W**arrants*" and "***O**ath*" (IV); "***G**rand **J**ury*", "***M**ilitia*", and "***W**ar*" (V); "***A**ssistance of **C**ounsel*" (VI); "***S**uits*" and "*any **C**ourt*" (VII); and "***C**onstitution*" (IX and X).

[39] **"***Property*" in Latin is "*res*." Thus, property located within a particular Territory or State would be a place of "*residence*;" and a "*resident*" is property (an "*artificial person*") located within the jurisdiction of a certain government. Almost all state statutes and federal codes apply to "*persons*"

> *or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."*

Note that the subject of the first sentence is "***persons***" in determining that they are "***citizens*** *of the* ***United States***" and "***citizens*** *of the* ***State*** *wherein they* ***reside***." The subject of the second sentence is "*State*" in commanding what liberties any State shall *not* exercise with regard to such *persons* as "*citizens*." [40]

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who are *citizens* and *residents*, and are "*subject to the jurisdiction thereof*." Such state statutes and federal codes, thus, rarely apply to "*natural persons*."

[40] According to Salmond (*supra*), in all civilized communities, having a status of membership into the common body-politic affords two classes of titles: *citizenship* and *residence*.

> "*The former* ['citizenship'] *is a personal, the latter* ['residence'] *merely a territorial bond between the state and the individual. The former is a title of permanent, the latter one of temporary membership of the political community. The state, therefore, consists, in the first place, of all those who by virtue of this personal and permanent relationship are its citizens or subjects, and in the second place, of all those who for the time being reside within its territory, and so possess a temporary and territorial title to state-membership. Both classes are equally members of the body politic, so long as their title lasts; for both have claims to the protection of the laws and government of the state, and to such laws and government both alike owe obedience and fidelity* [as by such as an oath of allegiance]"
>
> *These two titles of state-membership are to a great extent united in the same persons....Yet the coincidence is far from complete, for many men belong to the state by one title only. They are British subjects, but not resident within the dominious of the Crown; or they are resident within these dominions, but are not British subjects. In other words, they are either non-resident subjects or resident aliens. Non-resident aliens, on the other hand, possess no title of membership, and stand altogether outside the body politic. They are not within the power and jurisdiction of the state; they owe no obedience to the laws, nor fidelity to the government; it is not for them or in their interest that the state exists.*
>
> *[Though] [c]itizenship is a title to [political] rights which are not available for aliens...The distinction between [citizen] subject and alien may exist under a despotic government, neither class possessing any political rights at all....The historical origin of the conception of citizenship is to be found in the fact that the state has grown out of the nation. Speaking generally we may say that the state is in its origin the nation politically organised. It is the nation incorporated for the purposes of government and self-defence. The citizens are the members of the nation which has thus developed into a state. Citizenship is nationality that has become political. Men become united as fellow-citizens, because they are, or are deemed to be, already united by the bond of common kinship. It is for their benefit and protection that the body politic has been established, and they are its only members. Their citizenship is simply a legal and artificial bond of union superimposed upon the pre-existing bond of a common nationality. With aliens this*

As shown, such *citizens* are to be "*subjects [to the jurisdiction]*" of the *United States* (i.e., which the *Articles of Confederation* has defined as the fiduciary of the "*several States*", being "*Congress assembled*"). As also shown, by the wording of the Fourteenth Amendment in the context of the circumstances of its ratification by the States, Congress – being the author of the Fourteenth Amendment (as opposed to the ***P****eople* having "*ordained and established*" the main or "*prime*" body of the Constitution) and being the States' fiduciary fiction of the "*United States*" – appears to be establishing certain limitations upon all States; and thus, ascertaining that the States too are "*subjects [to the jurisdiction]*" of the United States.

Hence, the Fourteenth Amendment marks what some see as the beginning of a profound change in the purpose and direction of the "*United States*" FEDERAL government from being a "*fiduciary*" of a "*contract*" with the ***P****eople* on behalf of the States under the *Constitution* (in conjunction with the "*United States*" being the fiduciary for the "*several States*" under the "*compact*" of the *Articles of Confederation*) to becoming a tyrannical NATIONAL government with self-governing limitations that, to say the least, are *arbitrary and capricious*.

By analyzing and defining the terms used in the wording of the Fourteenth Amendment, the "*99%'ers*," constituting the populace of what is commonly referred to as "*America*" (being the common abbreviation for the "*United States of America*"), should be able to determine by the wording of this Amendment in what ways the government "*of the people, by the people, for the people*"[41] will be working for them, or working for their respective States, as their fiduciaries.

> *national state has no concern. It was not created on their behalf, and they have no part or lot in it. Its law and government are the exclusive birth-right of it« citizens....*
>
> *The relation between a state and its members is one of reciprocal obligation. The state owes protection to its members, while they in turn owe obedience and fidelity to it. Men belong to a state in order that they may be defended by it against each other* [including those members operating treasonously in '*government'* corporations as *domestic* terrorists] *and against external enemies....This special duty of assistance, fidelity, and obedience, is called allegiance, and is of two kinds, corresponding to the two classes of members from whom it is required. Subjects owe permanent allegiance to the state, just as they are entitled to its permanent protection.*" Salmond (*supra*) p.192-199 (chapter on "*The Membership of the State*")

[NOTE: The reference to "*The Membership of the State*" is to be found in the above-referenced online resource of Google Books on p.99.]

41 This now-famous three-part phrase was purported coined in 1384, John Wycliffe wrote in the prologue to his translation of the Bible, "*The Bible is for the Government of the People, by the People, and for the People*" (*See Familiar Quotations* by John Bartlett, 1951 edition and *The Colombia Dictionary of Quotations* by Robert Andrews to name a few). Bartlett purportedly cited Theodore Parker using this phraseology in a sermon in Boston's Music Hall on July 4, 1858, noting that Abraham Lincoln's law partner, William H. Herndon, had visited Boston and returned to Springfield, Ill., to share some of Parker's sermons and addresses with Lincoln, which also included the portion of the Music Hall address, "*Democracy is direct self-government, over all the people, by all the people, for all the people*." Subsequently, when honoring the dead with his *Gettysburg Address*, Lincoln sought to ensure that those who fought

However, this is easier said than done because of the vagueness and/or special meanings applied to the terms used in this Amendment.

The term "*person*" is one such example. The legal definition of "*person*," according to the *Universal Commercial Code*,[42] "*means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity*" constituting the "*body-corporate*." Notably, this legal definition does not include the popular or "*common*" belief of the "*99%'ers*" that a "*person*" simply refers to a "*human being*," being the "*body-politic*." Importantly, this is a convoluted misunderstanding of the term "*person*" – being the world of difference between the ***artificial* person of the body-corporate** and the ***natural* person of the body-politic** – that Congress may have intended to use to their advantage to entrap the "*free [capital-P] 'Persons'*," and to later subjugate them to direct taxation as "*little-c 'citizens'*", such as by the *Sixteenth Amendment*, without apportionment.

Compare and contrast the above definitions of "*person*" with how the "*supreme Court*" defined the State in the 1793 pivotal case of *Chisholm v. Georgia*, 2 Dall (U.S.) 419 456-480 (p.470) that ultimately compelled Congress to usher in the *Eleventh Amendment* to the Constitution:

> "*As the State has claimed precedence of the people, so, in the same inverted course of things, the government has often claimed precedence of the state, and to this perversion in the second degree, many of the volumes of confusion concerning sovereignty owe their existence... **By a 'state,' I mean a complete body of free persons united together for their common benefit** to enjoy peaceably what is their own and to do justice to others. It is an artificial person. It has its affairs and its interests; **it has its rules; it has its rights: And it has its obligations.** It may acquire property distinct from that of its members. It may incur debts to be discharged out of the public stock, not out the private fortunes of individuals. It may be bound by contracts, and for damages arising from the breach of those contracts."...*

Justice James Iredell continued,

> "*In all our contemplations, however, concerning this feigned and artificial person, we should never forget that, in truth and nature, those who think and speak and act are **men**.*"...

Hence, the Federal government, being subordinate to the ***P**eople*, has recognized since the beginning that the fictional "*body-corporate*" of every State is comprised of the "*body politic*" as human beings, being composed of "*men*" (and later women and all others human beings such as those *people of color* who, as slaves, were previously not even considered to be legal

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in the Civil War "*shall not have died in vain*" by enshrining the people's rule in his fervent pledge that, "***under God***," this government "*of the People, by the People, and for the People, shall not perish from the earth*."

[42] *See* online as found on 9/26/18 at: **https://www.law.cornell.edu/ucc/1/1-201**

"*persons*").[43] Importantly, as also articulated by the "*supreme*" Court "*opinion*" of that same case of *Chisholm v. Georgia*, the so-called "***[C]****citizens*"[44] are "*sovereigns without subjects*," being collectively recognized as "*joint tenants in the sovereignty*" of the so-called "*State*."[45]

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[43] The free online book, *The Controversial Person* by GM Fletcher, makes frequent references to two other books, *Jurisprudence or the Theory of the Law* by John W. Salmond (Stevens and Hayes; 1902) and *A First Book of Jurisprudence for Students of the Common Law* by Sir Frederick Pollock (MacMillan and Co.; 1918), when depicting **two types of *legal* persons** (Salmond), being "*natural*" (human beings comprising the body-politic) and "*artificial*" (either sole or aggregate corporations comprising the body-corporate) persons and their associated **legal rights and duties** (Pollock). Rights (and legal wrongs) are to be determined (according to law by an administration of justice by the State in the case of wrongs) based on the influence of these legal acts upon or interests of men. (Moral rights and wrongs are outside the scope of the law.) Legal *rights* then – each involving some form of freedom with conditions attached – have associated *duties* (to act in accordance with the laws promoting some type of interest of men).

Thus, it was reasoned that **only an entity capable of rights and duties was a "*person,*"** and the difference between what is "*natural*" or "*artificial*" was merely whether the entity was formed by nature or by men; and that a "*legal person*" was any such entity permitted by law with the ability and capacity of rights and duties. (A key legal capacity and advantage of being an artificial person is on longevity, being legally permitted by law to live beyond the human natural lifespan in perpetuity by the award of immortality.) Thus, it reasons that because such rights and duties are recognized by the State only after legislators (men) have created them, the "*rights*" are not inherent (as in created by nature in human beings) and inalienable (or unalienable) but instead are treated as "*privileges*" under the maxim that "*He who has a right to give, has the right to dispose of the gift*" ("*Cujus est dare ejus est disponere*"). Note however, that the aforementioned written "*opinion*" of Justice Iredall's regarding the sovereignty of *men* served as a reminder in the *Chisholm* case of the overriding maxim: "*He who is before in time, is preferred in right*" ("*Prior tempore, potior jure* ") referring to "*men*" being definite and manifested creatures of Nature existing well before "*states*" as ideological and artificial creatures of *men* subject to indefinite and ever-changing legal personalities and life-spans.

In such a light and in the early recordings of time in American History, women and slaves did not fit the definitions of "*legal persons*" and, as such, were afforded no "*rights and duties*;" and so they were not recognized by law as anything other than the possible "*property*" of those suited for holding such a *class* and *status* as (equal to) men. While there has been legal progress on both fronts, it is still debated as to what extent such progress has reached a level of class and status as "*joint tenants in sovereignty*" with the aristocratic ***P****eople* that originally "*established and ordained*" the Federal government and its *Constitution*.

Further, it must be remembered that during the post-Revolutionary War period most States limited voting rights to only the ***C****itizens* that owned property since they were believed to be the only ones to have an economic stake in the voting results; thus preventing poor people from voting and leading legislatively to "*universal white manhood suffrage*," which effectively shifted the "*rights*" from property to race and gender while intensifying the discrimination against those human beings not yet recognized with the *class* and *status* of "*legal persons*."

[44] There is great confusion with regard to the use of capitonyms when referencing Federal and National documents, primary out of the ignorance of those writing or republishing the wording of those documents. Generally speaking, capitonyms were used by the aristocracy in establishing and

ordaining the Federal *Constitution* to demarcate what was to be considered as relating to them, to their class and status, or of their property. Subsequently, such capitonyms were omitted in the Amendments to the Constitution, except in instances when new terms were presented demarcating more of that which the aristocracy claimed as their own unalienable property (e.g., such as **A**rms, **M**ilitia, **S**oldier, **G**rand **J**ury, **S**tate, **T**erritory, **C**itizens, **S**ubjects, etc.).

Notably, nearly a century later and after the Fourteenth Amendment, that "*one supreme Court*" delivered other rulings reintroducing the term "*sovereign*" as "*the source of all law*" (which could include the fiduciary "*State*," or the Federal government, as opposed to or instead of God) and determining that constitutional guarantees of the rights of "***c****itizens*" did not extent to all places or to all "*persons*" under *United States*' control, such as in unincorporated territories. *See* for example, *Yick Wo v. Hopkins*, 118 U.S. 356 (1886) and the *Insular Case*s, by which *DeLima v. Bidwell*, 182 U.S. 1 (1901).

Essentially, and in short, before the Fourteenth Amendment was purportedly "*ratified*" in 1868, sovereign Americans (both "*capital-P 'People'*" and "*capital-P 'Persons'*") were called ***C****itizens* (of the united States of America), having been born of the aristocracy (or at least thought of as the constitutionally protected "*property*" of the sovereigns until suffrage was achieved) with inalienable rights. When the Thirteenth Amendment was ratified at the end of the Civil War however, the abolishing of slavery created a new dilemma for state and federal legislators as it pertained to the "*rights*" (and duties) of the newly freed slaves. They were not yet legally recognized "*persons*." The Fourteenth Amendment was thus proposed to alleviate this problem by creating a new legal class of "*citizenship*" called the "*United States citizen*" (alternatively, "*U.S. **c**itizen*"). This new "***c****itizen*" was therefore, legally recognized and written into the Constitution with a lower case "c," perhaps to signify a lower class of citizenship "*subject to*" the *United States* and granted *privileges* by the Federal and National governments, because they were not of equal *status* as sovereign landowners with inalienable rights inherited directly from their only Sovereignty by faith, being God.

45 As depicted by Justice Iredall's "*opinion*" in the "*supreme Court*" case of *Chisholm v. Georgia*, the "*[S]state*" is comprised of a "*body*" – a body of "*[free] persons united together for a common **benefit***" – being also referred to as a "*body corporate.*" As mentioned already, of the two types of *legal* persons (Salmond), being "*natural*" (human beings comprising the body-politic) and "*artificial*" (either sole or aggregate corporations comprising the body-corporate) the law reasons that because rights (and duties) are recognizable only after legislators (men) have created them, such "*rights*" are not inherent (as in created by nature in human beings) and inalienable (or unalienable) but instead are treated as "*privileges.*" Thus, Justice Iredall's reasoning, that there are supposed advantages to being legally "*incorporated*."

In *The Controversial Person*, (*supra*), Fletcher refers to *Blackstone's Commentaries* for defining *artificial persons* (or "*corporations*") in terms of their division between either sole or aggregate types: "*Corporations aggregate consist of many persons united together into one society, and are kept up by a perpetual succession of members, so as to continue forever... Corporations sole consist of one person only and his successors, in some particular station, who are incorporated by law, in order to give them some legal capacities and advantages, particularly that of perpetuity, which in their natural persons they could not have had."* (*Commentaries on the Laws of England in Four Books* by William Blackstone, Philadelphia: J.B. Lippincott Co., 1893, p.467) Fletcher then goes on to present the root application of the term "*corporation*" by the Romans to universities, and "*government*" municipalities: "*A municipal corporation, therefore, is*

So in the 75 years between the time of the written ruling on <u>*Chisholm v. Georgia*</u> in 1793 and the so-called "*ratification*" of the Fourteenth Amendment in 1868 something happened to convert the "*men*" as "*sovereigns without subjects*" (i.e., "***<u>P</u>****eople*," "***<u>P</u>****ersons*" and "***<u>C</u>****itizens*") into a subordinate ***rank*** or "***office***"[46] of the "*citizen of the United States*," being "*subject(s) to*" the

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a civil corporation aggregate, established for the purpose of investing the inhabitants of a particular borough or place with the power of self-government and with certain other privileges and franchises." (Fletcher citing from "<u>*A Treatise on the law relating to Municipal Corporations in England and Wales*</u>" by Thomas Arnold, Third edition 1863, p. 3.) A "*corporation sole*", on the other hand, "*...consist of one person only and his successors, in some particular station, who are incorporated by law, in order to give them some legal capacities and advantages, particularly that of perpetuity, which in their natural persons they could not have had*." [Here, Fletcher has again cited from Blackstone (*supra*), p.469.]

So here we have two legal definitions of a single individual identified as a "*legal person*," with one being referenced as a "*natural person*" and the other, being an "*artificial person*" classified by characteristics (also called a "*legal personality*") as having *legal capacities and advantages* – or "*privileges*" – and referred to as a "*corporation sole*." John W. Salmond (Stevens and Hayes, *supra*, pp. 349-350) put it like this: "*In the case of corporations sole, the fictitious nature of their personality is equally apparent.* ***The chief difficulty in apprehending <u>the true nature of a corporation of this description</u> is that it <u>bears the same name as the natural person</u> who is its sole member for the time being, and who <u>represents</u> it and acts for it.*** *Each of them is the sovereign, or the bishop, or the solicitor to the treasury. Nevertheless under each of these names two persons live.* ***One is a human being, <u>administering</u> for the time being the duties and affairs of the <u>office</u>. He alone is visible to the eyes of laymen. The other is a mythical being whom only lawyers know of, and whom only the eye of the law can perceive. He is the true <u>occupant</u> of the <u>office</u>****; he never dies or retires; the other, the person of flesh and blood, is merely his agent and representative, through whom he performs his functions. The living official comes and goes, but this offspring of the law remains the same for ever*."

46 In delivering the history and etymology of the word "*person*" (Greek meaning "*mask*") as stemming also originally from "*persona*" (Roman meaning "*mask*") GM Fletcher (*supra*) concluded that "*a person was meant as someone with status like an official or personage*," as a representation of character or *personality*, being a set of defining qualities by which one is recognized by an identity. He, while citing from Salmond (*supra*), follows that etymology in English history to demonstrate how legal definitions of "*person*" differ according to *classes* and *titles* ascribed to certain persons of *status* having *rank* or *offices*, where by some *men* (such as slaves and women) may not be considered legal persons, thus being the objects (or property) of those *subject* to such rights and duties *under the law* (formerly of the king). Most people today are aware that, historically, this class system was used by the British aristocracy to oppress the majority of the population (i.e., the "*99%'ers*") as peasantry, so to somehow benefit the upper classes, which bore status such as the gentry, the aristocracy, and the other subjects of the class royalty. See also, <u>*Jurisprudence or the Theory of the Law*</u> by John W. Salmond (*supra*) p.334 ("*The Nature of Personality*" chapter): "*In the law there may be men who are not persons; slaves, for example, are destitute of legal personality, in any system which regards them as incapable of either rights or liabilities. Like cattle, they are things and the objects of rights; not persons and the subjects of them. Conversely there are, in the law, persons who are not men. A joint-stock company or a municipal corporation is a person in legal contemplation. It is true that it is only a*

jurisdiction of both the fictional entities of the *United States* and the corporate "*State[s]*[47] *wherein they* ***reside***,"[48] where there is otherwise supposed to be the *reciprocal duty* to *allegiance*

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fictitious, not a real person ; but it is not a fictitious man. It is personality, not human nature, that is fictitiously attributed by the law to bodies corporate."

[47] **"***A citizen of the United States is a citizen of the Federal Government and at the same time a citizen of the State in which he resides. Determination of what is qualified residence within a State is not here necessary. Suffice it to say that one possessing such double citizenship owes allegiance and is entitled to protection from each sovereign to whose jurisdiction he is subject.*" Kitchen v. Steele, 112 F.Supp. 383 (1953).

See also, Colgate v. Harvey, 296 U.S. 404, 1935:

> *Thus, the dual character of our citizenship is made plainly apparent. That is to say a citizen of the United States is ipso facto and at the same time a citizen of the state in which he resides. And, while the Fourteenth Amendment does not create a national citizenship, it has the effect of making that citizenship 'paramount and dominant' instead of 'derivative and dependent' upon state citizenship.*"

[48] *See again* the Fourteenth Amendment: "*All* ***persons*** *born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and* ***of the State wherein they reside***." Note that it does not specify "*citizens [or '**C**itizens'] of the United States of America*" (as if those "*born or naturalized*" citizens "*reside*" in the **Federal** and are thus afforded constitutional guarantees of protections as "***P****ersons*"). It simply refers to citizens of the "*United States*" ("*Congress assembled*").

Contrast the above in reference to the Fourteenth Amendment to what was stated a century earlier in "Chisholm v. Georgia" (Justice Iredell; *supra*): "*As a citizen, I know the government of that state to be republican; and my short definition of such a government is one constructed on this principle – that* ***the supreme power resides in the body of the people***. *As a judge of this court, I know, and can decide upon the knowledge that the citizens of Georgia, when they acted upon the large scale of the Union, as a part of the 'People of the United states,'* [sic] *did not surrender the supreme or sovereign power to that state, but, as to the purposes of the Union, retained it to themselves. As to the purposes of the Union, therefore, Georgia is NOT a sovereign state*."... Note the consistency in the meaning as it pertains to subject's **ranking** character based upon whether it performs the action of "*residing*" or whether it constitutes the "*[artificial] body*" in which the subject resides (and from whence it gets its source of power and authority).

Clearly, there are such cases, as in the above two examples, the meanings to the term "*reside*" can become quite complex. In the former example above, the term "*reside*" is generally assumed to imply that a "*State*" is a physical location marked by boundaries within the Union of States known as "*The United States of America*." In the second example, Justice Iredell presents a more "*incorporeal*," abstract or figurative meaning to the word "*reside*," inferring that the authority for the "*supreme Court's*" power and its "*rights*" is derived from the corporeal "*body*" of *men* constituting the body-politic of the "*little p 'people*'," being the equivalent of the "*free **P**ersons*" comprising the "*99%'ers*."

As pointed out by Salmond (*supra*), proving "*material property*" rights of ownership when referring to real estate as a location of "*residence*" is theoretically easy because the "*concrete reference to the material object [real estate] relieves us from the strain of abstract thought [i.e., right to property ownership]*." However, *incorporeal* or *immaterial* property rights, being "*dim abstractions....becomes a fertile source of confusion of thought*." In appears that there are many

cases besides that of the Fourteenth Amendment in which the "*United States*" ("*Congress assembled*") has sought to co-opt such complexities in definitions and understandings so to shift the sovereign power, authority and rights from the ***People*** (1%'ers comprising the Founding Aristocracy and their ***Posterity***) and *free* ***Persons*** (99%'ers) to themselves in tradeoff for certain advantages, privileges or immunities awarded by the National government to ***persons*** as "***citizens of the United States***."

> "*Ownership may conceivably be in all cases a relation to a material object; or it may in all cases be a relation to a right; but it cannot be sometimes the one and sometimes the other. So long as we remember that the ownership of a material thing is nothing more than a figurative substitute for the ownership of a particular kind of right in that thing, the usage is one of great convenience; but so soon as we attempt to treat it as anything more than a figure of speech, it becomes a fertile source of confusion of thought.*" (pp. 270–271, chapter on "*Ownership*")

Take as another example "*immaterial debts*" owed to individually named "*free* ***Persons***," such as those presented by this instant case as brought "*Ex Rel*" by David Schied, by reference to an unending list of predicate cases proving various forms of criminal activities and what amounts to a widespread perception by the public that acts of *domestic terrorism* are being carried out by those "*officials*" employed and operating in the "*persona*" of state and federal government "*titles*" who are otherwise presenting themselves with, and relying upon, various forms of "*immunity*" to unlawfully protect them from having proper accountability for their crimes against the "*body of free persons*" comprising the "*state*" (as referenced by Justice James Iredell).

Yet another abstract example could be the exorbitant debt that continues to rise by the National government's use of the Federal Reserve Notes in a system dominated by "*fractional reserve lending*" practices, in which Congress is aware that: a) *"The Federal Reserve is not an agency of government. It is a private banking monopoly."* (Rep. John R. Rarick, *"Deficit Financing,"* Congressional Record (House of Representatives), 92nd Congress, First Session, Vol. 117—Part 1, February 1, 1971, p. 1260; and, b) *"100 percent of what is collected [in income tax] is absorbed solely by interest on the Federal debt . . . . In other words, all individual income tax revenues are gone before one nickel is spent on the services which taxpayers expect from their Government."* (J. Peter Grace, "*President's Private Sector Survey on Cost Control: A Report to the President*," dated and approved January 12 and 15, 1984, p. 3.)

In such cases as the above two examples of the *immaterial debt* or "*chose in action*," the named *people* (i.e., "*free Persons*") of the individual cases are indeed owed the "*right*" to certain encumbrances as *liens* upon material properties otherwise claimed by those committing Treason, as depicted by the claims against the proven crimes as domestic terrorist events. Similarly, the American public at large, being the collective "*state*" (which is the "*body of free persons*"), is owed the right to certain encumbrances as *liens* upon the *material properties* otherwise claimed by the "*State*" and/or the "*United States*" as the fiduciaries of the *People* and such free *Persons*.

When it comes to legal rights, the above boils down to the distinctive difference between "*proprietary*" rights and "*personal* rights." Notably, Salmond (*supra*) points out (pages 487 and 253-254 respectively) the term "*res*" is derived from the Latin "*status*," being literally "*condition of a country*" and referring to the attributes or *rank* of a person. Thus, "*[t]he law of proprietary rights was termed by the Roman lawyers 'jus quod ad res pertinent' – res denoting all the elements*

in return for protection "*against **all** enemies, foreign and **domestic***."[49] (Bold / underlined emphasis added)

QUESTION: So what happened to drastically change the *sovereign* status of "capital P '*Persons*'" and "capital C '*Citizens*'" of *The United States of America* to that of "little p '*people*'" and "little c '*citizens*'" as depicted in the Fourteenth Amendment being "*subject to the jurisdiction [of the 'United States']*"? [50]

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which went to make up a man's estate or patrimonium.... (*The aggregate of a man's proprietary rights constitutes his estate, his assets, or his property in one of the many senses of that most equivocal of legal terms*.) ... *The sum total of a man's personal rights, on the other hand, constitutes his status or personal condition, as opposed to his estate. If he owns land, or chattels, or patent rights, or the good will of a business, or shares in a company, or if debts are owing to him,* ***all these rights pertain to his estate****. But if he is a free man and a citizen, a husband and a father, the rights which he has as* ***such pertain to his status or standing in the law****.*

[49] *See* the previous footnote regarding the relation between a state and its members being one of "*reciprocal obligation*." Salmond (supra) p.192-199 (chapter on "*The Membership of the State*")

[50] The question of who the "*capital C 'Citizen'*" actually referred to in the Constitution, being either the Aristocracy of "*We, the People*" that wrote the Constitution, or the "*free Persons*" that were to be taxed directly only upon the condition of apportionment and a Census, is a matter for a later debate. **What is important is that both classes of "*People*" (as "*1%'ers*") and "*Persons*" (as "*99%'ers*") were "*free*" of all Federal government encumbrances under the Constitution unless otherwise expressly contracted under common law practices, in international commerce, and/or as otherwise governed under the Law of Nations.** Hence, the "*supreme Court*" ruling in *Chisholm v. Georgia* (*supra*) which stated, "*The only reason, I believe, why a free man is bound to human laws is that he binds himself*." In political philosophy, this constitutes "*government by consent*," the idea that a government's legitimacy and moral right to use state power is only justified and legal when consented to by the people or society over which that political power is exercised. This theory of ***consent*** is similar to that of Article 21 of the United Nation's 1948 *Universal Declaration of Human Rights* which states, "*The will of the people shall be the basis of the authority of government*". (Bold emphasis)

So when did anyone give permission to the National government to bankrupt the "*United States*" and force the monopolistic services of attorneys (i.e., "*Esquires*") in the Courts, or force the use of Federal Reserve Notes in defiance of the Constitution's expressive stipulations that "*No 'State' shall... grant any Title of Nobility...[or]...make any Thing but gold and silver Coin a tender in Payment of Debt...*"? By whose consent did the National government act to devalue the dollar, to spend trillions of dollars every year, to levy a taxation upon the "*99%'ers*" so only to pay the interest on such so-called "*Public Debt*" to the private corporation of the "*Internal Revenue Service*," to forcibly take or sell private property as their own by "*asset forfeitures*" without due process or just compensation, or to take over the healthcare industry and require every "*citizen's*" compliance?

Since the Fourteenth Amendment, *"our relationship as individuals to our government doesn't look much like a consensual relationship. If you don't vote or participate, your government will just impose rules, regulations, restrictions, benefits, and taxes upon you.... You have no*

Presumably, the answer lay in the following circumstances surrounding the certain key early events in American History about the time of the Civil War, which are listed below and discussed at length in the following pages.

a) At the onset of the Civil War, the Southern States, being determined to secede, left behind a *sine die* Congress without a quorum for lawfully adjourning or reconvening;
b) President Abraham Lincoln thereafter instituted *martial law*, suspended *habeas corpus*, and engaged the Union States against the Southern States in outright war;
c) After the Civil War was declared to be over, the Thirteenth Amendment was ratified by the Union (to include Lincoln-sponsored State governments). Subsequently, that radical *de facto* Republican Congress drafted the Fourteenth Amendment, and the first Act of the ("*Military*") *Reconstruction Acts* was to forcibly oust the duly elected representatives of the body-politic of the former Confederate states, and to put federal military appointees into their places;
d) The research shows that the Fourteen Amendment was never properly ratified and that the actions of the *de facto* "*Congress*" created what has since been known as the "*Thirteenth-Fourteenth Amendment Paradox*."
e) "*To increase the Revenue*" Congress changed the meanings of "*State*" and "*United States*," while reorganizing the National government into a "*body-corporate for municipal purposes*."

At the onset of the Civil War, the Southern States, being determined to secede, left behind a *sine die* Congress without a quorum for lawfully adjourning or reconvening

The ***Confederate States of America***, commonly referred to as the ***Confederacy***, was a self-proclaimed nation of 11 secessionist slave-holding states of the United States, existing from 1861 to 1865. [51] From February 4, 1861, to February 17, 1862 the Southern States of Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas set up what was known as the *Provisional Government of the Confederate States of America*, which consisted of a governing body, a "*congress*," of deputies and delegates. They drafted and approved the *Confederate States Constitution* on February 8, and elected Jefferson Davis as President of the

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reasonable way of opting out of government rule. Governments control all the habitable land, and most of us don't have the resources or even the legal permission to move elsewhere.... [G]overnments require you to obey their rules, pay taxes, and the like, even when they don't do their part. The U.S. Supreme Court has repeatedly ruled that the government has no duty to protect individual citizens. Suppose you call the police to alert them that an intruder is in your house, but the police never bother [to] dispatch someone to help you, and as a result the intruder shoots you. The government still requires you to pay taxes for the protection services it chose not to deploy on your behalf. So, in summary, it looks like in general our relationship to our governments lacks any of the features that signify a consensual transaction." (Brennen, Jason. *Our relationship to democracy is nonconsensual*. Princeton University Press (blog) as found on 9/26/18 at: **http://blog.press.princeton.edu/2016/01/26/jason-brennan-our-relationship-to-democracy-is-nonconsensual/)**

[51] See *Congressional Globe*, Senate, 36th Congress, 2nd Session, pp. 484-496.

Confederate States on February 9. It sat in Montgomery, Alabama, until May 20, 1861, when it adjourned to meet in Richmond, Virginia, on July 20, 1861. As other states seceded from the Union, it became a "*permanent*" government known as the *Congress for the Confederate States* with an election held on November 6, 1861.[52]

During the congressional session held on January 21, 1861 amidst Senators of the South announced their States as seceding from the Union[53] without reasonable objection from his Congressional peers, and despite his soliciting any other reasonable explanation for what had occurred that day in Congress. Immediately, Willard Saulsbury, Sr. the Senator of Delaware, implored those remaining in Congress [54] to "*save [what remained of] the Union of States [so that] the Union will not be permanently dissolved*" and the Presiding Officer Trusten Polk, the Senator of Missouri, simply changed the topic to another motion left pending on the Congressional floor.

Thus, when the Southern States left Congress "*sine die*" and without a quorum for lawfully adjourning or reconvening[55], the "*compact*" of the "*perpetual Union*" of "*The United States of America*" and the "*Congress assembled*" (of the "*United States*") that was established by the *Articles of the Confederation* were both technically dissolved, at least for the Civil War period (1861-1865); despite that the "*contract*" of the *Constitution* remained between the *People* and what remained of their fiduciary Federal government (being an unconstitutional "*de facto*" Congress, the President, Vice-President, and the "*one supreme Court*"). (Bold emphasis)

Purportedly, no foreign government officially recognized the Confederacy as an independent country even though Britain and France granted it belligerent status so Confederate warships were given the same rights as U.S. warships in foreign ports, which also allowed Confederate agents to contract with private concerns for arms and other supplies. Ultimately, the Federal government of the "*United States*," rejected the claims of secession and considered the Confederacy illegitimate.[56] As will be further shown, such a stance with regard to these "*Southern States*" was to be the beginning of a long history of "*arbitrary and capricious*" activity by the Federal and National governments, **ultimately leading to the logical conclusion today that for well over this past century and a half the National government has usurped, displaced and superseded the Federal government.** (Bold emphasis)

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52 *See* Voorhees, David William; Bok, H. Abigail, *eds.* (1983). *Concise Dictionary of American History*. New York: Charles Scribner's Sons. ISBN 0-684-17321-2. *See also*, Coulter, E. Merton. *The Confederate States of America* (1950, 1962), Louisiana State University Press, ISBN 978-0-8071-0007-3, p. 23, 25.

53 *Id*. Senator James Mason from Virginia announced on the record (p.495), "*the Union is dissolved – gone*"

54 *Id.* (p.496)

55 See *Congressional Globe*, Senate, Congress, 4th Session, pp. 1516-1526.

56 *See* the case of *Texas v. White*, 74 U.S. 700 (1868).

President Abraham Lincoln thereafter instituted *martial law*, suspended *habeas corpus*, and engaged the Union States against the Southern States in outright war. [57] After the Civil War was declared to be over, the Thirteenth Amendment was ratified by the Union (to include Lincoln-sponsored State governments). Subsequently, that radical *de facto* Republican Congress drafted the Fourteenth Amendment, and the first Act of the ("*Military*") *Reconstruction Acts* to forcibly oust the duly elected representatives of the body-politic of the former Confederate states, and to put federal military appointees into their places [58]

Following Lincoln's assassination in April 1865, on May 29, 1865, President Andrew Johnson issued two significant proclamations. The first afforded amnesty (except for Confederate civil or diplomatic officials and those who actively aided the South) to all who took an *oath of allegiance* to the Union.[59] "*The second named a provisional governor for North Carolina and directed him to call for a convention to frame a new constitution for that state. In the next few weeks, Johnson issued similar proclamations for six other Southern states, and recognized Lincoln-sponsored governments in Louisiana, Arkansas, Tennessee, and Virginia. By the time Congress met in December [1865], all the Southern states had formed constitutions and elected governments which were in full operation.*" [60]

As a result of those actions, the votes of the Southern States were *certified* by "*official notice*" of the United States' Secretary of State William Seward as included in the ratification of **38th** Congress' legislation of the Thirteenth Amendment, by twenty-seven of the total thirty six "*several states*" of *United States* at that time; thus, signifying that all States had validly seated *Representatives* in governments for inclusion in that ratification process. Notably, of the twenty-

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[57] Though the sources of information about the events leading up to and into the Civil War are abundant, for purposes herein it suffices to refer readers to the following website for Presidential Proclamations No.'s 80 through 86 issued by Abraham Lincoln:
http://www.presidency.ucsb.edu/proclamations.php?year=1861
and The Lieber Code (April 24, 1863), called *Instructions for the Government of Armies of the United States in the Field*, as found on 9/26/18 at:
http://avalon.law.yale.edu/19th_century/lieber.asp

Notably, as both Presidents of Abraham Lincoln and Andrew Johnson adopted the theory of "*indestructible states*" to justify Lincoln's "*amnesty and reconstruction*" policies, it was noted that the Civil War (i.e., the "*rebellion*") was fought by individuals, not states. "*These individuals might be punished [for treason], but the states retained all of their constitutional rights*." McPherson, James. *Ordeal by Fire: The Civil War and Reconstruction*, 2nd ed. (1992). McGraw-Hill (New York)

[58] "*Just as secession had tested the Constitution, a new threat to that grand document arose as Radical Republicans in Congress sought to 'punish, plunder, and reconstruct the South'.*" Bryant, Douglas. *Unorthodox and Paradox: Revisiting the Ratification of the Fourteenth Amendment*. Alabama Law Review (Vol 53:2:555-581) p.255, citing Forrest McDonald, *Was the Fourteenth Amendment Constitutionally Adopted?* 1 GA. J.S. LEGAL HISTORY 1. 1 (1991).

[59] *See* Proclamation No. 37, 13 Stat. 758 (May 29, 1865); Proclamation No. 38, 13 Stat. 760 (May 29, 1865)

[60] *Id*. Bryant, pp. 556-7.

seven ratifying states, eight were from the old Confederacy, expressly rejecting the view that ratification of the Thirteenth Amendment was an exclusively Northern affair.[61]

Yet, even as Secretary of State William Seward was publishing the above-referenced *official notice* on December 18, 1865, Republican members of the **39th** Congress, which had entered session beginning December 4, 1865, refused to seat any Southern representatives while declaring that "*no legal State governments exist....in the rebel states*...." Thus, "*The Southern states were refused representation in Congress throughout the entire period in which the Fourteenth Amendment was proposed and ratified.*"[62]

> "*More importantly, in holding that no legitimate republican state governments existed in the South, with the exception of Tennessee, Congress had trapped itself in an interesting inconsistency. These same governments had been called upon to ratify the Thirteenth Amendment. Five Southern states had ratified the Thirteenth Amendment and their votes had been counted towards the required two-thirds majority. How could these governments have been legitimate enough to ratify the Thirteenth Amendment, but not legitimate when they rejected the Fourteenth? Once again, then, we are faced with the "Thirteenth-Fourteenth Amendment paradox which plagues the Fourteenth Amendment from proposal to ratification. For, if Congress was right, and no legitimate state governments actually existed in the South, then Secretary of State Seward's proclamation that the Thirteenth Amendment was ratified is also illegitimate. Therefore the "Thirteenth Amendment" has not really been ratified, and slavery has not constitutionally been abolished.* ***But if Congress was wrong, and the Southern governments were legitimate, then the Fourteenth Amendment is dead at this point.*** *Therefore the Reconstruction Act is unconstitutional because the South's legitimate governments had been denied representation in Congress during the Amendment's proposal and had rejected the "proposed" amendment once submitted to them*." (p.555)
>
> *"Senator Doolittle of Wisconsin, in a statement before Congress, demonstrated quite clearly the new strategy Congress would pursue to ensure the ratification of the Fourteenth Amendment: '[Tlhe people of the South have rejected the constitutional amendment, and therefore we will march upon them and force them to adopt it at the point of bayonet, and establish military power over them until they do adopt it.*"[63]

Senator Doolittle elaborated further about that first "*Reconstruction Act*", as found in those same Congressional records, pertaining to what Congress was then calling "*House Resolution Bill No. 1143 to provide for the more efficient government of the insurrectionary states*":

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61 *Id*. Bryant citing McKitrick, Eric. *Andrew Johnson and Reconstruction* (University of Chicago Press, 1960); note 8, at 169.

62*Id.* Bryant, p. 555.

63 Here Bryant cites (p. 565) from the *Congressional Globe* 39th Cong., 2d Sess. 1644 (1867), p.1440.

"I stand here today to plead for the life of the Republic, and to plead for that spirit for which it lives...and without which it is dead already...It is because my soul is filled with sentiment which my language can hardly utter. Never was there a time in my life when my heart could go up to ask Almighty God to grant me the power to give utterance to the truth as it goes up now.

Sir let us look into the matters now pending. No such measures were ever before presented in the American Congress. What are they? Call them what you name you will, they are, in substance a declaration of war against ten States of this Union. They are nothing more; they are nothing less. We know that every armed soldier of the rebellion from the Potomac to the Rio Grande has surrendered his arms and pledged anew his allegiance to the Constitution, the Union, and the flag. We know that there is not one armed soldier against this Republic throughout the whole of our vast domain. We know that in these ten States civil government in form, and in fact, have been reestablished by the voice of their people, and that, with all the machinery of civil governments, they are in full operation. We know that peace has been proclaimed by the authorities of this Republic, pursuant to the acts of Congress conferring that power. In all the States of this Union peace has come.

But sir, what do these bills propose? They propose open, direct war on every form of civil government within these states. They propose to supersede and annul them all, and take from the people, and all the people, in these states, all voice in the power which is to govern them. The bayonet, and the bayonet alone, in the hands of the soldier is to be the law of these ten States. All resistance is to be overcome; the States are to be taken into military possession; and all civil authority is to be subjected to the bayonet. That is war. ...No man could doubt that would be war; nothing more nor less than war. These propositions now pending, by whatever specious nature they may be called, are declarations of war and subjugation against ten States and eight million people.

Now Mr. President, upon what ground is war thus to be declared on these ten states and upon these eight million people? The first ground is because they have not accepted the constitutional [14th] amendment which was submitted for their acceptance or rejection by Congress at the last session. Let us look for one moment at the logic of this proposition. ...What is implied for submitting a constitutional amendment to those States for ratification or rejection? ...[It] implies of necessity that they are States, and that they have the power either to accept it or reject it. If they have no power to reject, why go to war with them because they have rejected it? And if they have Legislatures capable of accepting or rejecting they have valid State governments, and Congress has no more power to impose or force a constitutional amendment upon them than upon the State of New York. ...Congress has no right to say that these States shall not have their rights in this Union under the Constitution. And yet this is precisely what you say. ...It is a most flagrant usurpation in this Congress.

...As to the charges so often repeated, so industriously circulated, so often published in the newspapers of the North for the purpose of exciting and inflaming the passions of the people of the North against the people of the South, to goad them on to the point of sustaining the military subjugation of the people of the South, I undertake to say that they are most grossly exaggerated, and in very many instances absolutely, unqualifiedly, false. Upon that subject I have some facts....

The insidious plea under which military despotism is usually established is threefold: First, it is necessary; second, it is temporary; third, it will be very mild in its operations.

Sir, the last is perhaps the most insidious and dangerous of the three. It should never be forgotten that, in the establishment of a military-despotism, ***the milder that despotism when it begins the more dangerous it becomes. The milder its form, the juster the hand that wields the sword, the more dangerous is the despotism which flows from it; for it accustoms the people to it; the yoke is made so easy upon their necks,*** *the burden is placed so lightly upon their shoulders, that before they are aware they find themselves held with an iron hand in a silken glove, and that it is easier to wear their chains than break them. ...*

[G]rant the theory of Union that a government is established by the Constitution for the whole United States, and it follows of necessity, that a Senator, during his term of office, must legislate for the whole country and not for that State alone which elects him. He should know no North, no South, no East, no West, but discharge his duty to the country and to the whole country. Without a violation of his oath, therefore, he cannot in times of great public danger acquiesce in this doctrine of instructions, surrender his convictions of duty, or abandon the post of high responsibility. ...

First as to my course upon the civil rights [14th Amendment] bill. ... So far as that bill takes from the State judiciary and transfers to the Federal judiciary the protection of the private rights of the citizens of the several states who were not emancipated by the constitutional amendment – I mean free white citizens of those states – it is clearly a usurpation on the part of Congress of the reserved rights of the States. ... [a]nd a consolidation of unlimited power in this Government over the private rights of the citizens. ...But sir, I do not propose to go into that question any further. I pass on at once to the great question of reconstruction, which involves Freedman Bureau bills, civil rights bills, and military bills. All bills are concentrated and brought together in these two propositions now pending, which abolish all the laws of those States except the absolute will of the brigadier generals, who are to be put into command over the districts into which they are divided. ...

When Congress unanimously resolved, in 1861, that the whole purpose of the war was not to destroy the southern States, was not to deprive them of representation or the right to representation; was not to establish negro suffrage, or to interfere with the right of the States for themselves to determine the question of suffrage, but to preserve and defend the Union

and the States, and the rights of all the States in the Union, 'with their equality, rights, and dignity unimpaired,' I believed in those ideas and that purpose then, and I believe in them now. Who has deserted them? Who has abandoned them?

I believe also that the proclamations of amnesty of President Lincoln in 1862 and 1863, and of President Johnson in 1865, were not only constitutional under the power which the Constitution gives, but they were sanctioned by the express authority of Congress itself. I hold that it was founded upon a basis which cannot be shaken, it is as firm as the rock of Gibraltar itself, that every man who accepted pardon and amnesty upon those terms...has been restored all his rights as a citizen; and there is no power in Congress, and no power on this earth that can justly deprive him of them. Sir, the good faith of this nation is pledged in the most solemn form; and though this pledge was given to men who were once enemies, and been accepted by them as the condition of their return to friendship and to allegiance as citizens of this Republic, that pledge cannot be broken without covering this nation with infamy. Infamy does not express what ought to be said of the proposition thus to break this plighted faith. ... [I]t is just as inherently wrong by any ex post facto law or proceeding to undertake to annul the pardons thus given and thus accepted as it would be to try to condemn a person who has once been tried and acquitted. It is a violation of the national faith. It is in my judgment an outrage upon the rights of civilized man either in peace or in war. ...

I believe in the resurrection and the life of great truths upon which the Republic and civil liberty depend. In this Government and under this system of ours, with a Federal government for general purposes, and with State governments to defend local rights and interests, liberty, equality and fraternity between the States and all the States under the Constitution are essential to that life. If that equality of the States, if that liberty of the States, if that fraternity of the States is to be trampled under foot by the consolidation, usurping powers of Congress overriding the Constitution, then, sir, the Republic is gone – forever gone; anarchy or empire has come. ...

Mr. President, I arraign these measures and denounce them before the country and before the civilized world, because they overthrow the Constitution of the United States in ten States of the Union; because instead of guaranteeing a republican form of government, they establish a military despotism in each of those States, with absolute power of life and death, without any appeal beyond the uniformed gentleman who, under the title of brigadier general, holds the life, liberty, and property of every man, woman, and child, black and white, at his absolute control. Great God! Has it come to this, that in this age, in this country, a republican people and a pretended Republican party shall propose such a dictatorship, such a despotism as this? ... This proposed [14th] constitutional amendment has proved to be a cheat, a sham, a lie, a mere contrivance... Sir, how did the republic of Rome pass from its republican condition to become an empire? It was by passing

> *from the power of its consuls and tribunes to the power of the general of the army...*
>
> *I arraign these measures as an open, shameless confession before our country and before the civilized world that republican institutions are a failure; that republicanism, constitutional liberty regulated by law, for which the good men of all ages have longed and prayed, which our ancestors fought and struggled for and hoped that they obtained, with all that longing, praying, hoping, and struggling, is here in the home of republican institutions, in this land of liberty, in this Senate, in the very house of its friends, after all is admitted to be nothing more than a terrible, bloody dream; and that dream is over.*
>
> *I arraign these measures as a stupendous folly, equaled only by the more stupendous crime contained in them against this age and against civilization. No man, it seems to me, to believe for one moment that thirty million freemen of the northern States can deprive eight million of their fellow citizens of the South, of all liberty, and hold them in vassalage under absolute, unqualified military despotism by a standing army, and be able to maintain republican liberty for themselves and for their children. It concerns not merely the South; the South is wasted, almost ruined and destroyed; but it concerns people of the North more than the people of the South whether we shall enter upon this folly and crime.*[64]

Nevertheless, despite all that was stated above by Wisconsin Senator Doolittle,

> "*[O]n March **2,** 1867, Congress passed the first Reconstruction Act over President Johnson's veto. The Act stated that 'no legal State governments . . . exist in the rebel States,' and divided the South, with the exception of Tennessee, into military districts. The Act served to enfranchise black males and to disenfranchise large numbers of white voters. Moreover, the Act required these voters in each state to form new constitutions, to be approved by Congress, and to ratify the Fourteenth Amendment. Even then, however, before the 'State shall be declared entitled to representation in Congress,' the Fourteenth Amendment must have 'become a part of the Constitution of the United states. The Act further proclaimed that 'until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same.*"[65]
>
> "*[T]he Reconstruction Act seemed to run afoul of a recent decision of the Supreme Court. In Ex parte Milligan, the Court held that military trials of civilians in times of peace and outside of war zones were unconstitutional, and stated that '[m]artial rule can never exist where the courts are open.'*

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64 *Congressional Globe*, Senate, 39th Congress, 2nd Session, February 16, 1867, pp. 1440-46
65 Bryant, *supra*, p.566-567

> *Since the Civil War had been over for almost two years prior to the passage of the Reconstruction Acts and because Southern governments and courts had been operating for some time, the Reconstruction Act seemed to run counter to the Court's ruling in Milligan. Further, the Court spoke of martial law in strong terms:*
>
> > *'If . . . the country is subdivided into military departments for mere convenience . . . republican government is a failure, and there is an end of liberty regulated by law. Martial law, established on such a basis, destroys every guarantee of the Constitution, and effectually renders the military independent of and superior to the civil power.'* "[66]

President Andrew Johnson also responded by vetoing the Reconstruction Acts on March 2, 1867 by stating, in part, as follows:

> *"**[H]ere is a bill of attainder against 9,000,000 people at once.** It is based upon an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence. Not one of the 9,000,000 was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands and degrades them all, even those who are admitted to be guiltless, from the rank of freemen to the condition of slaves."* [67]

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[66] *Id*. Bryant, p. 567

[67] *Id*. Bryant, *supra*, p.566-567

The research shows that *the Fourteenth Amendment was never properly ratified* [68] and that the actions of the *de facto* "*Congress*" created what has since been known as the "*Thirteenth-Fourteenth Amendment Paradox*."[69]

Even as President Andrew Johnson vetoed the Reconstruction Acts as a "*bill of attainder against 9,000,000 people at once*,"[70] Congress persisted while holding that no legitimate republican state governments existed in the South, thus.....

> ***"Congress had trapped itself in an interesting inconsistency. These same governments had been called upon to ratify the Thirteenth Amendment. Five Southern states had ratified the Thirteenth Amendment and their votes had been counted towards the required two-thirds majority. How could these governments have been legitimate enough to***

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[68] *Id.* Bryant, p. 578.

> *"It seems quite clear that the Fourteenth Amendment was not ratified, if proposed, even loosely within the text of Article V of the Constitution. Article V does not give Congress the power to deny a state representation in Congress without its consent. In fact, it prohibits such conduct. Nor does Article V give Congress the power to abolish a state government when it refuses to ratify a proposed amendment. And certainly, Article V does not allow Congress to deny a state its representation until it ratifies a desired amendment."*

A full treatise on "*The Unconstitutionality of the Fourteenth Amendment*" can be found online at:
http://www.screamforfreedom.com/freedom_documents/constitution_study/14uncon.php

[69] As delineated by the research of Bryant (pp.555-63), the "*Thirteenth-Fourteenth Amendment Paradox*" is a multi-faced line of reasoning "*that plagues the Fourteenth Amendment from proposal to ratification*." The *first* problem with it was with the proposal of the Fourteenth Amendment in the first place, for...

> "*[i]f the Southern States' governments were legitimate enough to ratify the Thirteenth Amendment, how is it they could be denied representation in Congress at the very same time of that ratification? Secondly, while the proposal of the Fourteenth Amendment seems troublesome, the ratification process is even more perplexing and irregular. Once the Amendment had been 'proposed' in Congress it was sent to all existing state governments, North and South. Here lies an interesting inconsistency: If there were no legitimate republican governments in the South, why did Congress send these illegitimate governments the proposed Fourteenth Amendment? It seems the very fact that Congress sent the Fourteenth Amendment to the South for ratification serves as a tacit endorsement that the Southern states had legitimate governments, or at least that these states were 'still full-fledged members of the Union.' Yet these very governments had been denied representation in Congress, and, as we shall see, would be abolished and the South divided into military districts after their refusal to ratify [the Fourteenth Amendment].*"

[70] *See* the previous citation

ratify the Thirteenth Amendment, but not legitimate when they rejected the Fourteenth? Once again, then, we are faced with the 'Thirteenth-Fourteenth Amendment paradox,'[71] which plagues the Fourteenth Amendment from proposal to ratification. For, if Congress was right, and no legitimate state governments actually existed in the South, then Secretary of State Seward's proclamation that the Thirteenth Amendment was ratified is also illegitimate. Therefore the 'Thirteenth Amendment' has not really been ratified, and slavery has not constitutionally been abolished. But if Congress was wrong, and the Southern governments were legitimate, then the Fourteenth Amendment is dead at this point. Therefore the Reconstruction Act is unconstitutional because the South's legitimate governments had been denied representation in Congress during the Amendment's proposal and had rejected the 'proposed' amendment once submitted to them. [72]

"....***Even placing aside the coercive nature of the Reconstruction Act, there is a further unavoidable problem with the Act's inconsistent internal logic. The Act stated that no legal republican state governments existed in the South. According to the Act, in order for Congress to legally recognize Southern governments, the Fourteenth Amendment must have been ratified by the Southern states, and must have become part of the Constitution. The key inconsistency is that the Amendment must have been ratified by the provisional government of a Southern state before that government was legally recognized. Yet, what good is ratification by a government that is not legally recognized or entitled to representation in Congress? And if ratification by a congressionally unrecognized state government is allowed, why can't an unrecognized state government reject an [14th] amendment?"*** [73]

"*Both North and South realized the Reconstruction Acts stood on unstable constitutional grounds, and that the Supreme Court would likely have the final say. In fact, after the Milligan decision, Congress had introduced a flurry of bills and constitutional amendments seeking to limit the power of the Supreme Court. The House passed a bill which would have required a two-thirds Court majority to overturn legislation deemed unconstitutional, but the bill did not make it out of the Senate. Some congressional Republicans even sought to have the Supreme Court abolished. These Republican attacks on the Supreme Court may have convinced some justices 'that discretion was the better part of valor,' because the Court would dismiss two suits by state officials in the South to enjoin the enforcement of the Reconstruction Acts.*

In Mississippi v. Johnson the Supreme Court refused to issue an injunction against enforcement of the Reconstruction Acts by the President.

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71 *See* the previous footnote for further elaboration and history on the basis for this descriptive expression.

72 Bryant, *supra*, p.568.

73 *Id*. p. 569.

The Court noted that if it did grant the injunction against the President on the grounds of unconstitutionality, the President might very well be impeached by the House for complying with the Court order and refusing to enforce the Act. The Court cited this 'collision . . . between the executive and legislative departments' in refusing to grant the injunction, and therefore dodged the question of the Reconstruction Acts' constitutionality.

In Georgia v. Stanton, the Supreme Court dismissed an action by the State of Georgia to restrain the Secretary of War and other executive officials from enforcing the Reconstruction Acts. The Court noted that the Acts' execution would 'annul, and totally abolish the existing State government of Georgia, and establish another and different one in its place; in other words, would overthrow and destroy the corporate existence of the State.' However, the Court held that this was a political question and was not justifiable. Again the Supreme Court had dodged the issue of the constitutionality of the Reconstruction Acts. The Court did hint, however, that if an action was brought relating to the rights of 'persons or property,' it would hear the matter.

The Supreme Court's language in Stanton left the door open for one more challenge to the Constitutionality of the Reconstruction Acts in Ex parte McCardle. McCardle, the editor of the Vicksburg Times, was arrested by military authorities in Mississippi for publishing an editorial denouncing the constitutionality of the Reconstruction Acts. He was charged with impeding reconstruction; inciting insurrection, disorder, and violence; libel; and disturbance of the peace, and was to be tried before a military court. McCardle filed for a writ of habeas corpus on the ground that the Reconstruction Act was unconstitutional. The district court refused to grant this petition for a writ of habeas corpus and McCardle appealed to the Supreme Court. The Supreme Court agreed to hear the case and denied the government's motion to dismiss for lack of jurisdiction.

After the Court denied the government's motion to dismiss, word soon reached congressional leaders that the Supreme Court would be forced to declare the Reconstruction Acts unconstitutional. The Congressional response was quick. Republicans passed a bill that repealed the Habeas Corpus Act of 1867, the act under which McCardle had appealed, thereby removing the Supreme Court's jurisdiction in the case. ***Congress noted that the purpose of this bill was to prevent the Supreme Court from passing on the validity of the Reconstruction Acts.*** *The case had already been argued about two weeks before Congress passed its bill striping the Supreme Court of its jurisdiction, giving the Court time to issue a decision.* ***The Court, however, backed down from congressional authority, fearing that if they ruled on the Reconstruction Acts, the Republicans in Congress might retaliate by inflicting even more damage upon the Court's institutional independence.***

Despite a strong dissent by Justice Grier, the Court decided to wait for the bill stripping its jurisdiction to become law. The Court dismissed McCardle's case for want of jurisdiction and refused to find the jurisdiction

stripping legislation unconstitutional. The Court had again, though just barely and for the last time, dodged the question of the Reconstruction Act's constitutionality."[74]

The Fourteenth Amendment has been considered a part of the Constitution ever since. Yet, 130 years after Secretary of State Seward's proclamation, no one has answered the question of how the original reconstruction Southern governments were to be counted when they said 'yes' to the Thirteenth Amendment, but when they said 'no' to the Fourteenth Amendment, Congress had a right to destroy these governments, and then keep the new governments in the cold until they said 'yes'?"

"For one to assume the constitutionality of the Amendment, they must accept its method of proposal and ratification as constitutional. Therefore, one who accepts the constitutionality of the Fourteenth Amendment must also accept the premise that, at least in certain circumstances, Congress may deny states their representation in Congress in order to compel ratification of a desired amendment. This cannot be right, but the dilemma is heightened by the recognition that the Fourteenth Amendment is a cornerstone of federal jurisprudence. There is simply no acceptable outcome if we are forced to choose between accepting a doctrine of congressional coercion or the Fourteenth Amendment. The only answer, besides ignoring the question, is to repropose the Fourteenth Amendment."[75]

"*To increase the Revenue*" Congress changed the meanings of "*State*" and "*United States*," while reorganizing the National government into a "*body-corporate for municipal purposes*."

What is depicted above, of course, constitutes wholesale fraud and treason to the Constitution on the part of Congress, and connivance therewith on the part of every *supreme Court* justice and district, magistrate, and circuit judge of the purported "*United States*," because no government official or officer is authorized to do anything other than what it is granted under the *Constitution* as the "*supreme Law of the Land*."[76]

Similarly, no government official or officer is authorized to construe "*United States*" to mean anything other than what it means in the *Articles of Confederation* (as "*Congress assembled*"), being extended by the *Constitution* to also include the offices of the President and Vice-President, and the "*one supreme Court*." Yet this is exactly what they did....from near the very beginning.

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[74] *Id*. pp. 570-573.
[75] *Id*. p. 578
[76] *See* Article VI of the U.S. Constitution

Prior to the Civil War, on February 27, 1801, the 6th Congress,[77] in the aftermath of the *Residence Act of 1790* establishing a permanent location for the Federal government of the "*United States*" in the District of Columbia, enacted the *District of Colombia Organic Act of 1801* (i.e., *see* 2 Stat. 103 dated February 27, 1801 and 2 Stat. 115 dated March 3, 1801), in accordance with *Article 1, Section 8* of the United States Constitution, to additionally incorporate Alexandria, Virginia and Georgetown, Maryland.[78]

Just after that, in 1805, the "*supreme Court*"[79] ruled that only the members of the united confederacy of States of America (i.e., the union of States) were considered as falling under the definition of being "*states*," so to exclude Washington, DC and to exclude the definition of "*state*" derived from the *Law of Nations*.[80]

Just over a decade later in the case of *Corporation of New Orleans v. Winter*,[81] the ruling reaffirmed *Hepburn* [82] stating that **the District of Columbia was not a State**; and the *supreme*

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[77] *See* 6th Congress, 2nd Session; Ch. 15, 2 Stat. pp. 103-108

[78] *See also, Metropolitan R. Co. v. District of Columbia*, 132 U.S. 1 (1889) –

> "*On May 3, 1802, an act was passed to incorporate the City of Washington. [2 Stat. 195]....Various amendments from time to time were made to this* ***charter****, and additional powers were conferred. A general revision of it was made by act of Congress passed May 15, 1820. 3 Stat. 583. A further revision was made, and additional powers were given, by the Act of May 17, 1848, 9 Stat. 223, but* ***nothing to change the essential character of the corporation****. The powers of the levy court extended more particularly to the country, outside of the cities, but also to some matters in the cities common to the whole county.*
>
> *It was reorganized and its powers and duties more specifically defined in the Acts of July 1, 1812, 2 Stat. 771, and of March 3, 1863, 12 Stat. 799. By the last act, the members of the court were to be nine in number, and to be appointed by the President and Senate....*
>
> *This general review of the form of government which prevailed in the District of Columbia and City of Washington prior to 1871 is sufficient to show that it was strictly municipal in its character, and that the government of the United States, except so far as the protection of its own public buildings and property was concerned, took no part in the local government, any more than any state government interferes with the municipal administration of its cities. The officers of the departments, even the President himself, exercised no local authority in city affairs. It is true, in consequence of the large property interests of the United States in Washington, in the public parks and buildings, the government always made some contribution to the finances of the city, but the residue was raised by taxing the inhabitants of the city and District just as the inhabitants of all municipal bodies are taxed.*"

[79] *See Hepburn & Dundas v. Ellzey*, 6 U.S. 445, 452, 2 Cranch 445, 2 L.Ed. 332 (1805)

[80] Note that it was from the *Law of Nations* from which "*supreme Court*" Justice Iredell derived his definition of the "*State*" in the 1793 case of *Chisholm v. Georgia*, as discussed in a previous footnote above.

[81] 14 U.S. 1 Wheat. 91 (1816)

[82] *Metropolitan R. Co. v. District of Columbia, (supra)* –

> *"[I]n the case of Hepburn v. Ellzey, 2 Cranch 445, 6 U. S. 452, [t]here [was] the question was whether a citizen of the District could sue in the circuit courts of the United States as a citizen of a state. The court did not deny that the District of Columbia is a state in the sense of being a distinct political community, but held that the word 'state' in the Constitution, where it extends the judicial power to cases between citizens of the several*

Court added that **there was also no distinction between the District of Columbia and the Mississippi "*territory*."**

Just after the Civil War began, in July 1862, the same *de facto* 37th Congress that had been left behind *sine die* by the Southern States, issued legislation that amounted to redefining the term "*person*" so as "***to mean and** [exclusively] **include partnerships, firms, associations, or corporations**, when not otherwise designated or not otherwise manifestly incompatible with the intent thereof [to mean 'human being']."*[83]

Subsequently, on June 30, 1864,[84] the 38th Congress redefined "*state*" to "*include*" Washington, District of Columbia. Specifically named, "*An act to provide Internal Revenue to support the Government, to pay interest on the Public Debt, and for other Purposes*," the Act (*see* pp. 223 and 306) stated, "*Sec. 182. And be it further enacted, [t]hat whenever the word state is used in this act, it shall be construed to include the territories and the District of Columbia, where such construction is necessary to carry out the provisions of this act*."

Importantly, in law the word "*include*" means, "'*to confine within*'....*thus, when used in a statute it is not the same as ordinary usage. This is one of the fundamental guides to statutory construction and interpretation, which are expressed in a famous maxim:* ***Expressio unius est exclusio alterius (The express mention of one thing excludes all others)****..."*[85]

> *'states,' refers to the states of the union. It is undoubtedly true that the District of Columbia is a separate political community in a certain sense, and in that sense may be called a state; but* ***the sovereign power of this qualified state is not lodged in the corporation of the District of Columbia, but in the government of the United States. Its supreme legislative body is Congress. The subordinate legislative powers of a municipal character, which have been or may be lodged in the city corporations or in the District corporation, do not make those bodies sovereign.*** *Crimes committed in the District are not crimes against the District, but against the United States. Therefore, while the District may in a sense be called a state, it is such in a very qualified sense. No more than this was meant by Chief Justice Taney when, in Bank of Alexandria v. Dyer, 14 Pet. 141, 39 U. S. 146, he spoke of the District of Columbia as being formed by the acts of Congress into one separate political community, and of the two counties composing it (Washington and Alexandria) as resembling different counties in the same state, by reason whereof it was held that parties residing in one county could not be said to be 'beyond the seas,' or in a different jurisdiction, in reference to the other county, though the two counties were subject to different laws.*
>
> ***We are clearly of opinion that [Washington, DC] is a municipal corporation, having a right to sue and be sued, and subject to the ordinary rules that govern the law of procedure between private persons.***"

83 *See* 37th Congress, 2nd Session, pp.459-460 regarding tax duties on "*Manfactures, Articles, and Products*")

84 *See again, Metropolitan R. Co. v. District of Columbia, (supra) –* **"***The [District of Columbia] was chartered by an Act of Congress dated July 1, 1864, and amended March 3, 1865. By these acts, it was authorized to construct and operate lines or routes of double-track railways in designated streets and avenues in Washington and Georgetown*."

85 GM Fletcher, (*supra*). *See also*, Law, Jonathan; Martin, Elizabeth. *A Dictionary of Law*, 7th ed., Oxford University Press (2009); and the *USLegal.com* online dictionary.

Thus, on June 30, 1864, notwithstanding the clarity of the *supreme Court* in both *Hepburn* and *New Orleans* (above) the 38th Congress redefined the meaning of the word "*state*" to mean only the District of Columbia and all of the Territories, which at that time consisted of the Arizona Territory, Colorado Territory, Dakota Territory, Indian (Oklahoma) Territory, Montana Territory, Nebraska Territory, Nevada Territory, New Mexico Territory, Utah Territory, and Washington Territory, and no other thing – **as that Congress deliberately excluded, by deliberate choice of the meaning of the definition of the word "*state*," the thirty-six (36) Commonwealths united by and under the authority of the Constitution and admitted into the Union as of that particular date.** (Bold emphasis)

Then, on February 21, 1871, the 41st Congress[86] wrote the *Organic Act of 1871*, otherwise referred to as "*An Act to provide a Government for the District of Columbia*."[87] In layman terms, this was an act "*to put the lunatics in charge of the asylum*."[88] In other words, this act reorganized the District of Columbia into a municipal corporation under the Constitutional authority of *Art. I, Sec. 8, Cl. 17*; but that is where the relationship between that corporation and the Constitution both began and ended, because **the selfsame provision conferred upon Congress**, *exclusive* (territorial, personal, and subject-matter) legislation of everything within the District of Columbia, and therefore, ***carte blanche* for Congress to legislate whatever they want for that municipal corporation**.[89]

The problems that have effectively derived from the Organic Act of 1781, though multifold, appear to stem from two primary focal points:

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86 41st Congress, Session 3, Ch. 62

87 *See* 16 Stat. pp.419-29

88 The suspected underlying purpose of the *Organic Act of 1781* was essentially to create a reorganized "*National*" government to do all of the administrative dirty work for the elected officials of the "*Federal*" government in the aftermath of the unconstitutional usurpations of Congressional and other powers as described, in part, by Senator Doolittle as referenced in earlier footnotes pertaining to the Reconstruction Acts.

89 *Metropolitan R. Co. v. District of Columbia*, s*upra,* citing also from *Barnes v. District of Columbia*, 91 U. S. 540 –

> *"In 1871 an important modification was made in the form of the District government. A legislature was established, with all the apparatus of a distinct government. By the Act of February 21st of that year, entitled 'An act to provide a government for the District of Columbia,' 16 Stat. 419, it was enacted (§ 1) that all that part of the Territory of the United States included within the limits of the District of Columbia be created into a government by the name of the 'District of Columbia,' by which name it was constituted 'a body corporate for municipal purposes,' with power to make contracts, sue and be sued, and 'to exercise all other powers of a municipal corporation* ***not inconsistent with the Constitution and laws of the United States****.' A governor and legislature were created, also a board of public works; the latter to consist of the governor, as its president, and four other persons, to be appointed by the President and Senate.... The acts of this board were held to be binding on the municipality of the District in Barnes v. District of Columbia, 91 U. S. 540. It was regarded as a mere branch of the District government, though appointed by the President and not subject to the control of the District authorities.*"

First, via the Act, the Corp. U.S. (a.k.a. "*U.S.A., Inc.*"), Congress adopted their own National constitution of the "CONSTITUTION OF THE UNITED STATES,"[90] which was nearly identical to the organic Federal "*Constitution of the United States of America*" except that it was missing the original constitution's *Thirteenth Amendment*,[91] deceptively replacing it during a period of national turmoil with another "*THIRTEENTH AMENDMENT*" abolishing slavery, and incorporating subsequent Amendments to their Corp. U.S. Constitution while passing their corporate National constitution off to the public at large as the "*amended*" original, organic Federal constitution tailored by the capital "P" ***P****eople*.[92]

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[90] *This constitution lasted until June 20, 1874, when an act was passed entitled 'An act for the government of the District of Columbia, and for other purposes.' 18 Stat. 116. By this act,* ***the government established by the act of 1871 was abolished****, and the President, by and with the advice and consent of the Senate, was authorized to appoint a commission, consisting of three persons, to exercise the power and authority then vested in the governor and board of public works, except as afterwards limited by the act. By a subsequent act, approved June 11, 1878, 20 Stat. 102,* ***it was enacted that the District of Columbia should 'remain and continue a municipal corporation,'*** *as provided in § 2 of the Revised Statutes relating to said District, and the appointment of commissioners was provided for, to have and to exercise similar powers given to the commissioners appointed under the act of 1874. All rights of action and suits for and against the District were expressly preserved in statu quo.*

[91] The TONA ("***T****itles* ***O****f* ***N****obility* ***A****mendment*") Research Committee is a group of "*free* ***P****ersons*," being also ordinary, concerned American citizens who ferreted out the history of the "*original Thirteenth Amendment*" and posted their research results online. A principal find of their work is found in the *Journal of the Senate* for the days of Thursday, January 18, 1810 (p. 427) and of Thursday, April 26th, 1810 (pp. 503-504). Other docs can be found on the following two websites as found on 9/26/18 at: **http://www.amendment-13.org** as elsewhere.

[92] *Metropolitan R. Co. v. District of Columbia*, *supra* – By means of the above-referenced legislative changes, and in the immediate shadow of the *Reconstruction Acts*, the radical Congress enabled itself to deceptively present the public with the appearance of having legislative control over the ***p****eople* of all States as well as the ***p****eople* of all Territories. Without further fanfare however, the U.S. Supreme Court clarified,

> *"Under these different [legislative] changes, the administration of the affairs of the District of Columbia and City of Washington has gone on in much the same way, except a change in the depositaries of power, and in the extent and number of powers conferred upon them. Legislative powers have now ceased, and the municipal government is confined to mere administration. The identity of corporate existence is continued, and all actions and suits for and against the District are preserved unaffected by the changes that have occurred.*
>
> *In view of these laws, the counsel of the plaintiff [Metropolitan R. Co.] contend that the government of the District of Columbia is a department of the United States government, and that the corporation is a mere name, and not a person, in the sense of the law, distinct from the government itself. We cannot assent to this view. It is contrary to* ***the express language of the statutes****. That language* ***is that the District shall 'remain and continue a municipal corporation'*** *with all rights of action and suits for and against it. If it were a department of the government, how could it be sued? Can the Treasury Department be sued? or any other department?*
>
> *We are of opinion that the corporate capacity and corporate liabilities of the District of Columbia remain as before, and that its character as a mere municipal*

Courts constituted by Congress under authority of *Article I, Sec. 8, Cl. 9* then have always been courts of limited jurisdiction, exercising only personal and subject matter jurisdiction within the District of Columbia, with no power of personal or territory jurisdiction over person or property anywhere in the Union, such jurisdiction being the exclusive domain of each respective member of the union; to wit:

> "*[W]ithin any state of this Union the preservation of peace and the protection of person and property are the functions of the state governments... The laws of congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia and other places that are within the exclusive jurisdiction of the national goverment* [sic]"[93]

As such, the only Federal corporation that possesses agencies, departments, commissions, boards, instrumentalities, and other entities is the municipal corporation of the District of Columbia. Yet, the general naiveté of the average American "*citizen*," being unfamiliar with the Constitution and the legalese written into such legislation, has enabled district, magistrate and circuit judges of the District of Columbia Municipal Corporation to usurp and wrongfully exercise jurisdiction throughout the union of States, under the pretense of being the "*United States*," (i.e., "*Congress assembled*"), by calling themselves (in all caps of lettering) "*UNITED STATES DISTRICT COURT(S)*" and "*UNITED STATES COURT OF APPEALS [FOR THE (___th) CIRCUIT]"*.

> *corporation has not been changed. The mode of appointing its officers does not abrogate its character as a municipal body politic.* ***We do not suppose that it is necessary to a municipal government, or to municipal responsibility, that the officers should be elected by the people. Local self-government is undoubtedly desirable where there are not forcible reasons against its exercise. But it is not required by any inexorable principle.***
>
> *All municipal governments are but agencies of the superior power of the state or government by which they are constituted, and are invested with only such subordinate powers of local legislation and control as the superior legislature sees fit to confer upon them. The form of those agencies and the mode of appointing officials to execute them are matters of legislative discretion. Commissioners are not unfrequently appointed by the legislature or executive of a state for the administration of municipal affairs, or some portion thereof, sometimes temporarily, sometimes permanently. It may be demanded by motives of expediency or the exigencies of the situation -- by the boldness of corruption, the absence of public order and security, or the necessity of high executive ability in dealing with particular populations. Such unusual constitutions do not release the people from the duty of obedience or from taxation, or the municipal body from those liabilities to which such bodies are ordinarily subject. Protection of life and property are enjoyed, perhaps, in greater degree than they could be in such cases under elective magistracies, and the government of the whole people is preserved in the legislative representation of the state or general government. 'Nor can it in principle,' said Mr. Justice Hunt in the Barnes case, 'be of the slightest consequence by what means these several officers are placed in their position, whether they are elected by the people of the municipality or appointed by the President or a governor.* ***The people are the recognized source of all authority, state and municipal, and to this authority it must come at last, whether immediately or by a circuitous process.'*** *Barnes v. District of Columbia, 91 U. S. 540, 91 U. S. 545.*"

93 *Caha v. U.S.*, 152 U.S. 211, 215 (1894)

Whereas, there is nothing inherently wrong with a judicial officer of the District of Columbia Municipal Corporation exercising general (territorial, personal and subject matter) within his territory of (or "*state*" of) the District of Columbia, there is everything wrong with such officer usurping and exercising general jurisdiction anywhere else (i.e., geographically outside of the District of Columbia), except for those jurisdictional locations expressly authorized by *Art. I, Sec. 8, Cl. 17* of the Constitution, being "*Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings*".

Subsequently, as found in the *Revised Statutes of the United States 1873 –'74*,[94] the Congress changed the legal meaning of the word "*State*" as follows: "*the word 'State' when used in this Title, shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out its provisious* [sic]"[95]

Then again, just over forty years later on September 8th, 1916, and again related to the income tax laws,[96] **Congress changed the word**s "*State*" and **"*United States*"** to mean, "*[W]hen used in this title shall be construed to* ***include*** *any Territory, the District of Columbia, Porto Rico, and the Philippine Islands, when such construction is necessary to carry out its provisions*."[97]

Thereafter, in the very same *Revenue Act of September 8th, 1916* [98] the 64th **Congress defined "*United States*" to mean**, "*only the* ***States****, the Territories of Alaska and Hawaii, and the District of Columbia*" (with the term "*person*" meant to "*include[s] partnerships, corporations and associations*" to the exclusion of all else). The third and only other definition of "*United States*" in the *Revenue Act of September 8th, 1916* [99] is identical to the meaning previously depicted by the 64th Congress (i.e., in Title II, Section 200) and with the term "*person*" also having the same meaning as that also depicted elsewhere in that same Act.

Thus, to find any semblance of clarity to the above-related ambiguity in these definitions of "*United States*" and the fact that, while Section II of *Revenue Act of September 8th, 1916* uses the term "*States*" in Section 200 but provides no definition of "*State*," the average ***P****erson* must look elsewhere to resolve the discrepancy and ambiguity between these multiple definitions. Essentially, there are two options regarding the meaning of "*States*" in Section 200 of the *Revenue Act of September 8th, 1916*:

1) The first is inferred by taking into account that: a) "*When the law is special, but its reason is general, the law is to be generally understood*" ("*Quando lex est specialis, ratio autem generalis, generaliter lex est intelligenda*"); b) since Title I, Part III, Section 15 of the said Act (under "*General Administrative Provisions*") provides the only definition of the word

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94 The *Revised Statutes of the United States 1873 –'74* were passed at the First Session of the 43rd Congress.

95 *See Revised Statutes of the United States 1873 –'74* at Title XXXV, Ch. 1, Section 3140, p.604**.**

96 The Act was formally captioned as "*An act to increase the revenue and for other purposes*".

97 *See* Title I, Part III, Section 15 of 39 Stat. 756 and 773 of the 64th Congress' of the *Revenue Act of September 8th, 1916*.

98 *See* Title II, Section 200 of the *Revenue Act of September 8th, 1916*. (p.777)

99 *See* Title III, Section 300 of the *Revenue Act of September 8th, 1916*. (p.780)

"*State*;" and, c) that "*An Act must be construed as a whole, so that internal inconsistencies can be avoided*;"[100] it is reasonable to conclude that the meaning of "*States*" in Section 200 to be the same as in Section 15, being "*the Territories and the District of Columbia*."[101]

2) The second is inferred by considering that in matters relating to internal revenue, except for the definition of "*State*" in Section 15 of the Revenue Act of September 8th, 1916 (*supra*), the extant controlling definition of "*State*" is that in Section 3140 of the *Revised Statues of 1873-1874*, as depicted above,[102] being "*the Territories and the District of Columbia*."

Ten years later, due to *Act of June 30, 1926*,[103] yet another set of legal definitions were introduced in the form of United States Codes,[104] referred to as 28 U.S.C. § 3002 ("*Definitions*") which states, "*...(15) 'United States' means... (A) a federal corporation; (B) an agency, department, commission, board, or other entity of [a Federal corporation] the United States; or, (C) an instrumentality of [a Federal corporation] the United States.*" This means that every appearance of the "*United States*" in anything to do with civil or criminal proceedings in any district court means "*a Federal corporation*." **Note that "*a Federal corporation*" refers to the "*National*" government (i.e., the fiduciary of the *Federal* government) that has usurped the power and authority that the *Constitution*, written by the *People*, which had *expressly* granted power and authority to only "*Congress assembled*", to the President and Vice-President, and to the "*one supreme Court*," as the fiduciary of the *People* and of the "*free Persons*."**

As noted by John Parks Trowbridge, Jr.,[105] "*taxing statutes are subject to strict construction*".[106] So "*Congress assembled*," having acted as the fiduciary of the *aristocratic People* and the *free Persons* in being tasked to operate the Federal government under the Constitution, "*have given the said term 'United States' multiple definitions with differing language, and redundant, superfluous content instead of a single controlling definition*," even in the instant of a single Act (e.g., *Act of September 8, 1916*), in as few words as possible. This is *Evidence* of constructive fraud in the form of *circumlocution*, *pleonasm*, *tautology*, and *obscurantism*, defined in pertinent part as follows in excerpt from Trowbridge's "*Memorandum of Law*"[107]:

> *cir" cum-lo-cu'-tion*...indirect or roundabout expression. The use of many words where few would suffice.

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[100] *See A Dictionary of Law supra*, p.3

[101] *See also*, Burton, William. Burton's Legal Thesaurus, 5th edition.

[102] *See* the recent previous footnote.

[103] *See 44 Stat. 777, Ch. 712*

[104] *See* (U.S.C.) Title 28, Ch. 176, Sec. 3002

[105] John Parks Trowbridge, Jr. is one of a nationwide number of the many cases presented herein that serve as examples of a cross-country membership of "*free Persons*" who are to be referenced as *Grievants/Crime Victims/Claimants*.

[106] Oxford University Press, *supra*, p.3

[107] **Note that this above-referenced "*Memorandum of Law*" by Trowbridge, which is incorporated in its entirety as written herein verbatim, was found on the Internet on 9/26/18 at: https://archive.org/stream/TrowbridgeMemorandumOfLawRevised081415WebsiteSigned1/Trowbridge%20memorandum-of-law-revised-081415-website-signed1_djvu.txt**

Synonyms... *pleonasm* is the expression of an idea already plainly implied;
tautology is the restatement in other words of an idea already stated, or a useless repetition of a word or words

ple' o-nasm...*Rhet*. The use of more words than are needed for the full expression of a thought; redundancy as in saying "*the very identical thing itself*".... a violation of grammatical precision.

tau-tol'o-gy... *Rhet*. That form of pleonasm in which the same word or idea is unnecessarily repeated; unnecessary repetition, whether in word or sense; useless iteration...

ob-scu-ran-tism...*n*. 1. Opposition to the increase and spread of knowledge. 2. Deliberate obscurity or evasion of clarity.

Importantly, with regard to all of the above changes to the meaning of "*United States*" and "*States*" by Congress, as enforced by the "*Federal*" courts, Article VI, Clause 1 of the organic Constitution states, "*All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the [Articles of] Confederation.*" Hence, because there was an "*Engagement*" consummated by the *Articles of Confederation* as a "*compact*" of a "*Perpetual Union Between the States*" designating the "*United States*" – as "*Congress assembled*" – as the entity which has the "*power[s], jurisdiction[s] and right[s]...expressly delegated*," **Congress had no successive right to change the "*United States*" to any other entity than the one so designated by the States by that previous "*Engagement,*" or according to the terms of the original, organic *Constitution* which created a "*more perfect Union*" with the *expressed* addition of Federal offices of the President and Vice-President, and of the (implied "*[chief] judge*" of the) "*one supreme Court.*"**

Equally important, is that that Article VI, Clause 2 (the "*Supremacy Clause*") maintains that "*the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*" Thus, for the "*United States*" to mean anything else, is a hoax, and bogus, and void, to wit:

> *"**A provision of the Constitution, it is hardly necessary to say, does not admit of two distinctly opposite interpretations. It does not mean one thing at one time and an entirely different thing at another time**. . . .Chief Justice Taney, in Dred Scott v. Sandford, 19 How. 393, 426, said that, **while the Constitution remains unaltered, it must be construed now as it was understood at the time of its adoption; that it is not only the same in words, but the same in meaning, and as long as it continues to exist in its present form, it speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, and was voted on and adopted by the people of the United States.** Any other rule of construction would abrogate the judicial character of this court, and make it the mere reflex of the popular opinion or passion of the day. And in South Carolina v. United States, 199 U.S. 437, 448-449, in an opinion by Mr. Justice Brewer, this court quoted these words with approval, and said: '**The Constitution is a written instrument. As such, its meaning does not***

> ***alter. That which it met when adopted, it means now****. . . .'* [Bold emphasis added.]" [108]

Moreover,

> *"It is a proposition too plain to be contested, that the constitution controls any legislative act repugnant to it..... Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that* ***an act of the legislature repugnant to the constitution is void****.... **If then the courts are to regard the constitution; and he [sic] constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply****."*[109] (Bold emphasis added.)

[108] Home Building & Loan Association v. Blaisdell, 290 U.S. 398, 448-450 (1934).
[109] Marbury v. Madison, 5 U.S. 137, 177-178 (1803)

III. Statement of Facts Regarding "*Where is Where*": Where the "*United States*" Does and Does Not Have Nexus (*continued*)

The following is a continuation of statements of facts, placing real contractual and historical facts into the record that underscore the continual **misapplication** of fictional body-corporate statutes and procedures – in violation of the *Law of Contract* and *Law of Nations* and resulting in *Bills of Attainder* and *Corruption of Blood* – caused by the actions of the "*Counter-parties*" operating as the body-corporate ("*National*") side, as the "*government of the United States*" and as the UNITED STATES OF AMERICA, against the "*99 %'ers*" – for which the resulting *Claims of Damages in Commerce* of the capital "P" "***P****ersons*" as the aggrieved "*Parties*" are constitutionally based.

D. Political Nexus – the "*illegitimate ratification of the* '*Sixteenth Amendment*' *Net*" [110]

As has been the principal theme throughout this instant "*Amicus in Treatise: Interpreting the Unconstitutional History of Federal and National Governance of the Patriotic 'People' and Other 'Free Persons' Inhabiting the United States*," there is no provision of the Constitution that authorizes any of the types of legislative acts as has been elaborated upon above and in the accompanying documents depicting examples of the countless cases that have repeatedly begged the "*State*" and "*Federal*" courts to answer "*by what constitutional authority*" they have operated. Unfortunately, those "*redress of grievances*" have only been met in return by silence on those and very many other matters...along with repeated injuries. The Evidence revealing the malicious reasons for this silence, and the tortuous causes for the repeated injuries, has long been pointing to the "*National*" debt, and the enslavement of the working-class "*free* ***P****erson*" through tax-collection for the benefit of and sustenance of an ever-growing National government's lust for ever more *illegitimate* power and authority.

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[110] The court transcript in the case of *Donald Sullivan (Lieutenant Colonel) v United States of America, et al* (pp. 22-23 of the hearing dated 03/21/03 in Case No. 03-cv-39 in the UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA) clearly shows that the "*Federal*" Courts are well aware that the Sixteenth Amendment was never ratified. In this case, like that of the Fourteenth Amendment, the Court reasoned that "*[fraud by Congress] over a long course of history does in fact change the Constitution [without legitimate Acts by a legitimate Congress*." In that case, the "*judge*" James C. Fox, Sr. stated in open court:

> "*I believe I'm correct on this. I think if you were to go back and try to find and review the ratification of the 16th Amendment, which is the Internal Revenue Income Tax, I think if you went back and examined that carefully, you would find that a sufficient number of states never ratified that amendment... Nevertheless, I think it's fair to say that it's part of the CONSTITUTION OF THE UNITED STATES, and I don't think that any court would ever....set it aside... I think I'm correct in saying that actually the ratification never really properly occurred*."

See the above-referenced transcript as found on 9/26/18 at:
http://www.whatreallyhappened.com/WRHARTICLES/SullivanVUSA.pdf

The proof is found throughout American history where there have been many references made, with subtle distinctions, to both the "*federal*" and "*national*" governments, as found often in court cases and other records. One such distinction was made by President William H. Taft in his letter dated June 16, 1909 [111] recommending that Congress raise needed money for the "*United States*" – so to increase the power of the National government [112] – by taxing the sprawling bureaucracy of the National government through the Federal government "*adopti[ng] a joint resolution by two-thirds of both Houses proposing to the States an amendment to the Constitution* ***granting to the Federal Government the right to levy and collect an income tax without apportionment among the States according to population***." [113] (Bold emphasis)

Taft's letter to Congress, being clearly a "*letter of intent*," is the "*smoking gun*" that soon after led to the drafting of the Sixteenth Amendment [114] to the Constitution, which has long been since

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[111] *See* 61st Congress, 1st Session, Senate Doc. No. 98, AD1909 as can be most easily located online as found on 9/26/18 at: **http://famguardian.org/TaxFreedom/History/Congress/1909-16thAmendCongrRecord.pdf** (*See* pp. 214-216 of this online document.)

[112] Taft's letter was written in the immediate aftermath of "*one supreme Court's*" ruling in the case of *Pollock v. Farmers' Loan and Trust Co*. (157 U.S., 429) which, in Taft's view, "*deprived the National government of a power, which by reason of previous decision of the court, it was generally supposed that Government had...[and]...undoubtedly a power the National government ought to have*."

[113] Taft wrote Congress with a virtual "*wink*" and a "*nod*" by **first calling out the fact that, as pointed out by the "*supreme Court*" ruling in the *Pollock* case, it was "*therefore not within the power of the Federal Government to impose [a direct tax] unless apportioned among the several States according to population*," and then proceeding in the final paragraph of his letter to implore Congress to do exactly that with a constitutional amendment.**

[114] Notably, as reflected in the Federalist Papers (No. 84), Hamilton warned against such "*colorable pretext*" being used to mistake "*rights*" for "*privileges*" when cautioned about erroneously titling the first ten *Amendments* to the Constitution as the "*Bill of Rights*". In citing a prime example of how the true nature of the term "*P(p)ower(s)*" from that of "*expressed*" (limited) in the 1777 *Articles of Confederation*, being undefined in the body of the said Constitution, to that of "*delegated*" (expansive), as stated in the tenth Article of Amendment (i.e., the "*Tenth Amendment*"), Hamilton wrote:

> "*. . .bills of rights are . . . abridgments of prerogative in favor of* ***privilege*** *. . . they have no application to constitutions professedly founded upon the* ***power*** *of the people, and executed by their immediate representatives and servants. Here, in strictness, the people surrender nothing; and as they retain every thing, they have no need of particular reservations . . . I go further, and affirm that bills of rights, in the sense and in the extent in which they are contended for, are not only unnecessary in the proposed constitution, but would even be dangerous. They would contain various exceptions to* ***powers*** *which are not granted; and on this very account, would afford a colorable pretext* [**bills of 'attainder'**] *to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why for instance, should it be said, that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? I will not contend that such a provision would confer a regulating* ***power*** [**bills of 'attainder'**]*; but it is evident that it would furnish, to men disposed to* ***usurp****, a plausible pretense for claiming that* ***power*** [emphasis added]. *They might urge with a semblance of reason, that the Constitution ought not to be charged with the absurdity of providing against the abuse*

used by the National government to unconstitutionally assess taxes against ALL "***P**ersons*" inhabiting the States, without apportionment, awarding the National government an *assumed* power over the ("*little-p*") "*people*" (inclusive of both the "*capital-P '**P**eople*'" and the "*capital-P '**P**ersons*'") when there is otherwise no such constitutional justification of power or authority to do so.[115]

Importantly, Taft's acknowledging the dividing line between the Federal and National governments gives way to the assumption that he also knew that all of the Acts of Congress executed under the guise of Art. IV, § 4, Cl. 2 of the organic *Constitution* could be imposed upon an unwary public consisting of "*free **P**ersons*," being the "*99%'ers*," without anyone except the elite sitting in government offices being the wiser about it.

Art. IV, § 4, Cl. 2 states,

> "*The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States...,*"

It is to be noted herein that one prevailing allegation of those "*similarly situated*" at the "*capital-P 'free **P**ersons**'***" as *Grievants/Crime Victims/Claimants* in this case is that the National government has, similarly to the apparent misapplication of the Sixteenth Amendment, also been intentionally misapplying Art. I § 8 so as to "*make all Laws which shall be **necessary and proper** for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof*;" and so to capture further jurisdiction over the States in the same "*pattern and practice*" used to neuter and subjugate the power and authority over the free ***P**ersons* inhabiting the States. These are people who are being dispossessed of their unalienable Rights and their ownership of Property through unscrupulous methods of wealth transference.

E. **Political Nexus – the "*Oath of 'faith and allegiance' Net*"**

Oaths of office, of faith, and of allegiance clearly matter. They have long been marked the metes and bounds of state authority; and typically, a person is not able to enter into public office and

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> *of an authority which was not given, and that the provision against restraining the liberty of the press afforded a clear implication, that a power to prescribe proper regulations concerning it was intended to be vested in the national government. This may serve as a specimen of the numerous handles which would be given to the doctrine of constructive powers, by the indulgence of an injudicious zeal for bills of rights*."

[115] This was more recently exemplified by the case of "*UNITED STATES OF AMERICA v. DOREEN M. HENDRICKSON*" (COA case no. 15-1446). Doreen Hendrickson and her husband Peter Hendrickson are two more of the "*capital-P **P**ersons*" about which this instant case has been brought, by their too being *Grievants, Crime Victims,* and *Claimants in Commerce for Damages,* based upon the tort, trespass, "*Bills of Attainder*," and "*Corruption of Blood*" levied against them by the agents of the National government. *See* the previous footnote explaining more about the Hendricksons' causes of action, in both the previous case and currently, as *Grievants,* as *Crime Victims,* and as *Claimants in Commerce.*

exercise official power until an appropriate oath or affirmation is duly made. They are unquestionably an act of religion. Even the most secular pledges of commitment invoke, even if implicitly, the higher power of some secular, divine, or dark transcendental force.

All social, political and legal relations are structured by something like an oath – being a mutual promise to trust the words of one another. "*The problem that the oath addresses concerns what he calls 'the opacity of the other' - the mundane fact that we cannot know what another is thinking and must therefore accept their promises 'on trust.' Our reliance on oaths and solemn affirmations is testimony to the faith that we must invest in each other, especially those who rule over us.*" [116]

> "*[Oaths....] bind office-holders to their duties of office, but they do so by invoking divine or religious sanction for the performance of those duties. This divine witness to the oath of office appears to stand in as a guarantor of the political order, but also looms large as an authority that is separate from, and in some sense stands above, the political order.*
>
> *This opens up the possibility that this other sovereign may make moral demands that supersede those of the political order and the duties incumbent upon the office holder.*
>
> *This is the paradox of the oath of office. It both guarantees the performance of official duties and subjects the content of those duties to external judgement. It is a paradox embedded in the very nature of the oath of office, which captures within its short compass the very large question of the relationship between religious conviction, moral principle and political power.*"[117]

Though oaths can be construed on one hand as a religious action, the world is full of examples of those who fail to live up to them, and those who abuse them. As such, "*they simultaneously reveal the location of our highest religious commitments and the grounds upon which the coercive powers of government are exercised*."[118]

For instance, the *ex officio* oath – which requires defendants to swear to answer questions even if their answers might incriminate them – is widely used today in America's traffic courts, by magistrates and judges, against those challenging traffic tickets, creating nationwide "*bills of attainder*" under the auspices of being "*informal*" hearing. *Ex officio* oaths were also particularly useful tools in the hands of the Star Chamber and High Commission of Britain. Thus, the erection of such courts in America was denounced by the *Bill of Rights*, being considered (as was the case in Britain) as "*illegal and pernicious*." The "*right*" against self-incrimination enjoyed by

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[116] Aroney, Nicholas. *Faith in Public Office: The Meaning, Persistence, and Importance of Oaths*. Found online on 9/26/18 at:
http://www.abc.net.au/religion/articles/2015/11/23/4358054.htm

[117] *Id.*

[118] *Id.*

defendants today is largely a result of the common law's reaction against the use of the *ex officio* oath.[119]

With regard to American legal history, the *Judiciary Act of 1789* created a "*net*" over the several States called "*districts*", which collected the "*Taxes, Duties, Imposts and Excises*", via "*the Laws of the United States*", and adjudicated actions under the Constitution. At that time, the average "***P****erson*" (a "*99 %'er*"), within the States, had very little contact with the "*United States,*" so the "*net*" had expressly limited "*tethers*" in the States. Also, at that time the body-corporate of the *United States* consisted of the elected ("*Group Y*" as referenced in the story narrative of the opening pages of this instant "*Amicus in Treatise*...") and the appointed / hired / immigrants (Group Z of the illustrative narrative), who "*shall be bound by Oath or Affirmation, to support this Constitution*." This landscape lasted until the Civil War.

Prior to the Civil War, Congress also had established a simple 14-word Oath as commanded by the *People* in the organic *Constitution* which read, "*I do solemnly swear (or affirm) that I will support the Constitution of the United States*." [120]

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[119] *Id.* Aroney also quotes Brian Cummings ("*Swearing in Public: More and Shakespeare*"; March, 1997) in describing *ex officio*:

> *"It was a procedure whereby a charge of heresy could be pursued even where there were no independent witnesses, when the defendant was accused instead by clamosa insinuatio, that is by 'public scandal'. In such a case the judge or ordinary was empowered to act* ex officio *(on the authority of his office), and to ask the accused to take an oath to answer truthfully and absolutely any question that was asked of him. There was thus no specific bill of charges, no indictment providing the limits of allowable questioning. There was also no legal counsel for the accused. The judge effectively took the part also of prosecution and even (more or less disingenuously) of defense. The odds against the accused in such circumstances were catastrophic. Unless he was himself expert in theology, he was virtually certain to convict himself of some heresy or other under such open rules of examination."*

[120] *See* also the *United States Statutes at Large, Vol. I, Statute I, Chapter I, §§ 1-5*, June 1, 1789, which in pertinent part reads:

> "*STATUTE I. Chapter I. – An Act to regulate the Time and Manner of administering certain Oaths.*
>
> *Sec. 1. Be it enacted by the Senate and [House of] Representatives of the United States of America in Congress assembled, That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit:* ***"I, A.B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States."*** *[…]*
>
> *Sec. 3. And be it further enacted, That the members of the several State legislatures[…], and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or appointed […] shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation[…].*

From the founding of the new government until the Civil War era, this simple oath adequately served its intended purpose. However, in April 1861, in light of the conflicts surrounding the Civil War, President Abraham Lincoln demanded that all national, executive branch employees take an expanded oath in support of the Union.[121] Shortly thereafter, legislation was enacted requiring all employees to take the expanded oath. By the end of the year, Congress had revised the expanded oath and added a new section, creating what came to be known as the "*Ironclad Test Oath*" or "*Test Oath*" which was signed into law on July 2, 1862 and stated as follows:

> "***Every person*** ***elected or appointed to any office of honor or profit****, either in the civil, military, or naval service, excepting the President […], shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following oath:*
>
> > *'I, AB, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true* ***faith and allegiance*** *to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties* ***of the office*** *on which I am about to enter,* ***so help me God.*** *'"*[122]

Subsequently, on December 8, 1863, Lincoln issued his *Proclamation of Amnesty and Reconstruction*, also referred to as the "*Ten Percent Plan*" that included the following oath:

> "*I, ____ ____, do solemnly swear, in the presence of Almighty God, that I will faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of congress passed during the existing rebellion...and that I will, in like manner, abide by*

> *Sec. 4. And be it further enacted, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take the same oath or affirmation[…].*"

[121] *See* Rudd, Jonathan. *Our Oath of Office: A Solemn Promise*. (2009) as found on 9/26/18 at: **https://itmattershowyoustand.com/2017/02/our-oath-of-office-a-solemn-promise-by-jonathan-l-rudd-j-d/**

[122] *See U.S. Congressional Documents and Debates, 1774-1875*, 37th Congress, Session II, Ch. 128, p. 502; as found on 9/26/18 at: **http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=012/llsl012.db&recNum=533**

> *and faithfully support all proclamations of the President... **So help me God.**"*[123]

Note that both Congress and the President integrated these religious tests with respect to the oaths they mandated for government officers, in defiance of the expressed terms of the Constitution (*Article VI, Clause 3*), specifically forbidding such religious tests.[124]

The oath mandated by Congress to be subscribed to be taken by "*federal*" judges, however, requires a similar religious test as a qualification to the office of district judge; to wit:

> *"§ 453. Oaths of justices and judges 'Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: 'I, ____ ____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ____ under the Constitution and laws of the United States. **So help me God**.'"*[125] (Bold emphasis added):

Clearly, today the phrases "*faith and allegiance*" and "*[s]o help me God*" are still in use,[126] in such a fashion as to subject the body-corporate to the "*United States*" as some form of a "*church*" for passing judgments on a ***p**erson's* moral character and fitness. **Nowadays, the**

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[123] *See* also as found on the internet on 9/26/18 at: **http://legisworks.org/sal/13/stats/STATUTE-13-Pg737.pdf**

[124] *Article VI, Clause 3* states, **"***The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; **but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States**."*

[125] See the *United States Code* (U.S.C.) *Title 28, § 453*

[126] *See* Title 5, USC §3331, which exempts the President. Notably, Title 5 (United States Code) § 3331 states that all other...

> ..."*individual[s], except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. **So help me God**."*

As shown, the oath at 5 US Code §3331 still includes "*So help me God*", but the "*supreme Court*" neutralized "God" in *Torcaso v. Watkins*, 367 U.S. 488 (1961), leaving the "***P**eople*" (creators) of the Constitution (i.e., the "*bible*" of the body-corporate) as "*god.*" Apparently forgotten to history however, is the everlasting phrase from the final paragraph of the *Articles of Confederation*, "*it hath pleased the Great Governor of the World*."

phrase "*penalties of perjury*"[127] also invokes the spirit[128] of the oath, and every voter's (not the same as "*Elector*") registration has the very same effect.[129]

More recently, in a "*Memorandum Opinion for the Vice-President and General Counsel for the United States Postal Service*" dated 2/2/05, the Acting Deputy Assistant Attorney General ("ADAAG") for the "*United States*" attempted to address the *Religious Freedom Restoration Act* by response to various religious objections from the "*99 %'ers*" being compelled to take an oath to "*bear true faith and allegiance*" before "*discharging*" the duties of their new *office* once hired into the U.S. Postal Service. In that memorandum, the ADAAG acknowledged...

> "*[S]ome prospective employees object to affirming that they will 'support . . . the Constitution,' stating that they [first] object to placing allegiance to a temporal power above allegiance to God. Second, others object to affirming that they will 'defend the Constitution,' stating that they object to promising to take up arms or use force in defense of the country. Third, still others object to affirming that they will 'bear true faith and allegiance' to the Constitution, stating that they object to placing allegiance to a temporal power above allegiance to God*; and **with the *'great majority' of objections involv[ing] 'support' and 'defend'...[implying] that 'defend' suggested military service and 'true faith and allegiance' suggested 'devotion to an entity other than God'.***"

In that "*Memorandum Opinion...*" the ADAAG concluded "*from an analysis of the terms of the statutory oath that, properly understood, the oath does **not** in those circumstances burden a person's exercise of religion*." (Bold emphasis)

Contrast the above however with the case of *In Re: Summers* [130] (325 U.S. 561) of 1945 in which the "*supreme Court*" denied a Christian the ability to take a modified oath, but shifted the issue away from religion and found that without the prescribed oath to the State, his moral character and moral fitness to be an officer of the Court could **not** be certified. Such a standard as that which

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[127] See *28 U.S. Code § 1746* – "*Unsworn declarations under penalty of perjury*"

[128] As noted by Aroney (*Id.*), "*dark oaths*" also exist as "*conspiratorial and subversive*."

[129] There is a growing belief in the grassroots of America that the driver's license and the voter registration card are being used by the so-called "*State*" to entrap unwary "*free **P**ersons*" into implied or "*adhesion*" contracts with the State, placing such persons under the jurisdiction of the State and converting inalienable "*rights*" under God into "*privileges*" awarded at the sole discretion of the State. (*See* additional footnote on this topic elsewhere in this "*Amicus in Treatise...*") This corresponds in some ways to Aroney's (*Id.*) reference to "*Dietrich Bonhoeffer's observation that there are two ways in which untruthfulness can undermine an oath: 'either it may actually insinuate itself into the oath (perjury), **or else disguise itself in the form of an oath by invoking some secular or divine power instead of the living God.**'*" (Bold emphasis added)

[130] *See* earlier footnote for additional details about that case.

was imposed upon Clyde Summers in 1945 exceeded even the perpetual standard required by the Constitution that the President merely do his "*best*."[131]

That the *28 U.S.C. § 453* oath of office requires a religious test as a qualification to every judicial office means that no taker of said oath may assume or hold any *federal* judicial office under the organic "*United States*" of the Constitution—but said religious test, however, does not preclude a taker from holding a *national* judicial office under the statutory "*United States*" as defined by *28 U.S.C. § 3002(15)*. This, of course, is wholesale *fraud* and treason to the Constitution on the part of Congress, and connivance therewith on the part of every "*supreme Court*" justice and district, magistrate, and circuit judge of the purported *28 U.S.C. § 3002(15)* "*United States*" – **again, simply because no government official or officer is authorized to construe "*United States*" to mean anything other than what it means in the Constitution.**[132]

F. **Political Nexus – the "'*Seventeenth Amendment' Net*"**

Federalism is the constitutional division of powers between the Federal and State governments. To function correctly as the "*United States*," this kind of political system first required at least the one binding agreement that specified the distribution of powers between the central government and the states, being the *Constitution* itself; and second, effective controls were needed for enforcing and maintaining that primary agreement.

The *Articles* of that *Constitution* outline the *expressly* limiting "*enumerated powers*" delegated to the Federal government, first defined by the *Articles of Confederation* as "*Congress assembled*" in Article I, as the one President and Vice President in Article II, and as the "*one supreme Court*" in Article III. Not only does the Constitution specify what powers are granted to the Federal government, through its Amendments it was meant to prohibit the Federal government from exercising any powers not *expressly* delegated to it.

Unfortunately, the devices for maintaining our *federal* system have long been intentionally violated in one way or another. As already shown in this instant "*Amicus in Treatise*...," although the President and the "*supreme Court*" both have the authority – indeed the duty – to contravene against unconstitutional laws enacted by Congress, they seldom do so. The Court has even ruled that "*Congress is not limited by the direct grants of legislative power found in the Constitution*."[133] Over the last several decades, such neglect of constitutional restraints has

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[131] Article II, Section 1, Clause 8 of the *Constitution*: "*I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States*."

[132] See again, previous case citation and footnote regarding *Home Building & Loan Association v. Blaisdell*, 290 U.S. 398, 448-450 (1934).

[133] Taylor, Earl. *Federalism and the 17th Amendment*. National Center for Constitutional Studies. (4/18/1995) quoting from *U.S. v. Butler* , 297 U.S. 65, 66 (1936) in which the "*one Supreme Court*" opined that because "*Congress is expressly empowered to lay taxes to provide for the general welfare [of the 'United States' as 'Congress assembled']*," and because under *Art. I, § 9, cl. 7* the

allowed Washington to become increasingly abusive toward the states and the citizens of this country.[134]

For more than a century, senators were elected by state legislators rather than by popular vote. The founders said they had organized Congress in such a way that "*the people will be represented in one house, the state legislatures in the other*." [135] Thus the states were an integral part of the federal government and had a strong voice in the formation of federal policy. According to George Mason of Virginia, the object of this design was to arm the state legislatures with "*some means of defending themselves against encroachments of the national government...And what better means can we provide than [to give] them some share in, or rather to make them a constituent part of, the national establishment?*" [136]

As pointed out by the National Center for Constitutional Studies,

> ***"[James] Madison explained that the House of Representatives was always regarded as a 'national' institution because its members were elected directly by the people, but 'the Senate, on the other hand, will derive its powers from the states.[and in this respect] the government is federal, not national.' In***

"*Funds in the Treasury as a result of taxation may be expended only through appropriation*," such appropriations could not be possible without first having the power to tax; and that therefore, "*the power to appropriate is as broad as the power to tax*." The Court in that case, in weighing the political assertions of James Madison against Alexander Hamilton pertaining to the General Welfare Clause (*Art. I, § 8, cl. 1*), decided that "*Congress consequently has a* ***substantive*** *power to tax and to appropriate, limited only by the requirement that it shall be exercised to provide for the general welfare of the United States [under Art. I, § 9, cl. 7],*" and thus, "*not limited by the direct grants of legislative power found in the Constitution*." This was the Court's conclusion despite acknowledging that the "*[e]xistence of a situation of national concern resulting from similar and widespread local conditions cannot enable Congress to ignore the constitutional limitations upon its own powers and usurp those reserved to the States*." (297 U.S. 74)

[134] Kidd, Devvy. *States Must Force 17th Amendment Showdown*, (published on 2/4/05)

> "*The courts, including the U.S. Supreme Court have been very specific on the rigid requirements for ratification. There can be no mistake fraud was committed and that every U.S. senator since 1913 sits in office under a law that does not exist. U.S. senators ratify treaties, confirm federal judges, U.S. Supreme Court justices and hold impeachment trials. Legally, our participation in the United Nations, every destructive trade treaty, i.e., NAFTA, GATT, Roe v. Wade and any other legislative acts committed by U.S. senators these past 92 years are invalid.*" As found on 9/26/18 at: **http://www.wnd.com/2005/02/28776/**

[135] Taylor (*supra*) quoting from James Iredell, remarks in the North Carolina ratifying convention, 25 July 1788; in Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, 2d ed. Rev., 5 vols. (Philadelphia: J. B. Lippincott, 1907), 4:38.

[136] *Id*. Taylor references [R]emarks in the Constitutional Convention, 7 June 1787; in Max Farrand, ed., *The Records of the Federal Convention of 1787*, rev. ed., 4 vols. (New Haven, Conn.: Yale University Press, 1937), 1:155-56.

> ***other words, <u>the government in Washington is a 'federal' government only if it incorporates the states into its very structure</u>."***[137]

In continuing,

> **"*The founders even cautioned us about the dangers of altering this arrangement. For example, Fisher Ames of Massachusetts declared in 1788: 'The state governments are essential parts of the system...The senators represent the sovereignty of the states;...they are in the quality of ambassadors of the states... [<u>But suppose] that they [were] to be chosen by the people at large</u>...Whom, in that case, would they represent? Not the legislatures of the states, but the people. <u>This would totally obliterate the federal features of the Constitution</u>. What would become of the state governments, and on whom would devolve the duty of defending them against the encroachments of the federal government?*"**[138]

Nevertheless, in 1913 the 62nd Congress rejected this counsel[139] and adopted the Seventeenth Amendment under very questionable circumstances. [140] In retrospect, the Seventeenth has not

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137 *Id*. Taylor references <u>*Federalist Papers* , No. 39</u>, p. 244

138 *Id.*

139 At the time, those in favor of popular elections for senators believed that legislative corruption and electoral deadlocks were two primary problems caused by the original Constitutional provisions for the Senate. Many believed that senatorial elections were "*bought and sold*", changing hands for favors and sums of money rather than because of the competence of the candidate. Some states could not suitably agree, and thus delayed sending representatives to Congress, which sometimes led to system breakdowns to the point where states completely lacked representation in the Senate.

140 The "*ratification*" of the Seventeenth Amendment, like that of the Sixteenth Amendment, is froth with controversy. Extensive research was done, first by Bill Benson and then by Devvy Kidd, into what had supposedly led up to three-quarters of the states having *ratified* the proposed amendment by April 8, 1913, and the Seventeenth Amendment being declared as ratified by then Secretary of State William Jennings Bryan on May 31, 1913, despite the evidence that Bryan had known that the required number of states had *not* actually ratified it properly.

What was purportedly uncovered amounts simply to the fact that, according to the Rules of the House of Representatives, "*no State, without its Consent, shall be deprived of its equal Suffrage in the Senate*" and for those states that chose <u>not</u> to ratify the Seventeenth Amendment and for those states that were out of session at the time and did not vote [being collectively Utah (explicitly rejected amendment); Alabama; Florida; Georgia (refused to vote on it); Kentucky; Maryland; Delaware, Mississippi; Rhode Island; South Carolina; and Virginia], they never provided their consent to being deprive of their equal suffrage in the Senate. Moreover, despite that "*under the provisions of the Constitution a legislature is not authorized to alter in any way the amendment proposed by Congress, the function of the legislature consisting merely in the right to approve or disapprove the proposed amendment*," dozens of states had nevertheless made changes to the text of the Seventeenth Amendment in one form or another. Further, despite California being credited with ratifying the Seventeenth Amendment, there has been no evidence whatsoever found proving that had actually occurred, making the overall ratification one state short even if all of the amendment alterations by the states during the ratification process were

only abrogated the state legislatures' right to appoint United States Senators, being a failure in the federalist structure, it has led to federal deficit spending, an increased vulnerability to the influence of special interest groups, numerous inappropriate federal mandates, federal control over a number of state institutions, and new campaign finance issues that were otherwise nonexistent before Senators were elected directly by the populace. No doubt, what was once a constitutional fixture supporting the Federal government has dramatically changed the power, the role, the size, and the character of the National government. As a result, numerous states are taking steps to bring legislation to abolish the Seventeenth Amendment.

G. **Political Nexus – the "'*Federal Reserve Act*' and '*FRN' Net*"**

At precisely the same time that the Seventeenth Amendment was questionably ratified and added to the federal *Constitution* of the "*United States*," Congress also ushered in the *Federal Reserve Act*, [141] which transformed the currency of the National government into "*fiat*," being arguably backed only by the full faith and credit of the Federal government. Despite its name, it is not "*federal*." It is instead a private banking cartel sanctioned by the federal government that is perceived by many to be a root cause of a series of American financial crises plaguing the United States, with no foreseeable ending in sight. For others, it is the circulation of that "*currency*" that enslaves all "*U.S. citizens*," [142] and helps to establish the jurisdiction and taxation of the National

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disregarded as unimportant. Altogether, this has led to the assertion that "*the Seventeenth Amendment to the U.S. Constitution was clearly not ratified by enough states*." Kidd, Devvy. *36 States Did Not Ratify [the] 17th Amendment – What Will States Do?* (published on 1/16/12), as found on 9/26/18 at: **http://www.newswithviews.com/Devvy/kidd522.htm**

[141] The long title is: "*An Act to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes"* (ch. 6, 38 Stat. 251, enacted December 23, 1913, 12 U.S.C. ch. 3)

[142] Mercier, George. *Invisible Contracts*. *See* the chapter on "*Federal Reserve Notes*" for more about "*adhesion*" contracts and how when Commercial paper is used and then re-circulated by Americans as commercial debt instruments, Federal Benefits are being unwittingly accepted by United States "*citizens*" under subtle or silent contracts.

> *"As 'commercial holders in due course,' you and the [United States Government] are experiencing mutual enrichment from each other. The [United States Government] believes that the mere use of Federal Reserve Notes, those 'circulating evidences of debt' that [the United States Government's] Legal Tender Statutes have enhanced the value of as a co-endorser; and that* ***the mere acceptance and beneficial use of those circulating Commercial equity instruments of debt, constitutes an attachment of Equity Jurisdiction sufficiently related to experiencing Commercial profit or gain in Interstate Commerce as to warrant the attachment of civil liability to [the United States Government's] so-called Title 26 [the "Internal Revenue Code"].*** *Remember, once you get rid of your political contracts to pay taxes (like National Citizenship), Federal Judges will then start examining the record to see if there are any Commercial benefits out there that you have been experiencing. Once you are a Citizen, Federal Judges will generally stop*

government over those who are considered as operating with the "*privilege*" of participating in that circulation.[143]

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looking for other contracts; but once Citizenship is gone, then other normally quiescent Commercial nexuses that attach United States Government's] Equity Jurisdiction suddenly take upon themselves vibrant new importance." Found on the Internet on 9/26/18 at:
http://www.constitution.org/mercier/incon.htm

See also, MacDonald, Ronald; Rowen, Robert. "*They Own It All (Including You)!: By Means of Toxic Currency*" –

*"Most Americans think of FRNs [Federal Reserve Notes] as money issued by the national government. But are they money? FRNs are defined in U.S. law at Title 12 [U.S.C.], Section 411 as 'obligations of the United States'. Let's ask Bouvier's (Law Dictionary) for his definition of obligation. '**OBLIGATION**. In its general and most extensive sense, obligation is synonymous with duty. In a more technical meaning, it is a tie which binds us to pay or do something agreeably to the laws and customs of the country in which the obligation is made.'*

If we have an obligation, we are bound to pay. So can an obligation be money? When looking at a Federal Reserve Note, it has the word dollar on it, doesn't it? Isn't this confusing in the light that it is an obligation as defined in Bouvier's Law Dictionary?

*The code further specifies that these obligations shall be **'denominated'** in dollars. Denominate as defined as 'To issue or express in terms of a given monetary unit.' Hence, these notes are expressed in dollars. Have you been beguiled into believing that the FRN is really a dollar? If so, revisit the Coinage Act of 1792. The Act has not been repealed [see Appendix F]. We suggest that you read the Coinage Act to get a sense of the real money of accounts of the United States. There you will find the only definition of a lawful dollar anywhere in the U.S. law. **A dollar is a specific weight of gold or silver.** End of story."*

[143] *Id*. The Uniform Commercial Code puts the Consideration Doctrine of Merchant Law into Negotiable Instrument Law, which has been adopted into all State statutes making the mere issuance of Federal Reserve Note as a Negotiable Instrument *prima facie* evidence of the user's receipt and enjoyment of Consideration:

"And if the King [i.e., the government] has got you accepting the Consideration inherent in Negotiable Instruments that he is a Holder in Due Course to, and that his Legal Tender Statutes have enhanced the value, and additionally retains a distant Equity interest in, then the King has got an invisible contract on you. ... And in addition to outright Consideration, by your Commercial use and recirculation of Federal Reserve Notes, the King has you strapped into his debt as an 'Automatically Transferred and Joint Obligation Debtor.' Under a very large body of Roman Civil Law, and Jewish Commercial Law going back to Moses and the Talmud, there is a kind of an obligation in law whose source is not contract or promise in the classical sense, but due to a ripple effect of debt, an obligation can be automatically transferred down a line of notes passers and debtors. This Doctrine is elucidated quite well in Jewish Law, where this doctrine is formally known as Shibuda D'Rabbi Nathan (meaning the line of Rabbi Nathan). Under

MacDonald and Rowen summarize what is going on quite succinctly[144]:

"*The FRB [Federal Reserve Bank] is a private foreign corporation.*[145] *It took all of the gold of Americans in 1933, and not one U.S. Citizen, inclusive of any and all domestic corporations, etc., was allowed to own gold.*[146] *Checking the*

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this liability dispersion model, debt ripples from one person to another back up the line, without the appearance of any contract being readily apparent."

[144] Published and distributed by First Edition Design Publishing, Inc. (2013), as found on 9/26/18 at: **https://books.google.com/books?id=wQZyzV-00zEC&printsec=frontcover#v=onepage&q&f=false**

[145] *Id.*

"*It is public knowledge that the Federal Reserve Bank was set up by a consortium of several international banking families. We know that it is a corporation and that it's private. We don't know where it is incorporated (situs). We can only deduce by the evidence. ... A domestic corporation exists by a grant (license) from one of the 50 states or the District of Columbia. For the privilege, it must pay homage to the state. It would be subject to taxes, audits, and all U.S. or state laws that affect corporations. A non-domestic corporation would be subject to the laws of the sovereign that incorporated it. ... [W]e [also] have evidence that it pays no taxes: 'Exemption from taxation – Federal reserve banks, including the capital stock and surplus therein and the income derived therefrom shall be exempted from Federal, State, and local taxation, except taxes upon real estate.' Title 12 [U.S.C.] section 531 (H.R. 7837, Public [Law] No. 43, December 23, 1913)*"

[146] *Id.*

"*In 1933 [per Franklin D. Roosevelt's Executive Order 6102], gold was confiscated from all 'U.S. Persons' Remember, that the term 'Persons' includes corporations. General Motors would have had to turn over its gold. The Federal Reserve did not. In fact, it actually received gold. If GM had to turn int its gold, and the FRB did not, then the move was unconstitutional violating the equal protection clause of the Federal Constitution. This clause would not allow a specific person, such as the FRB, to receive special privileges and immunities over the rest of the citizens of the United States. ... Federal law provides that the banking associations (member banks in the Federal Reserve System) shall buy stock in the Federal Reserve. But note, the purchase must be made in gold or gold certificates. No one else (U.S. citizens and other persons) was legally allowed to possess or transact in gold or gold certificates, or redeem the certificates. But the FRB was mandated in law to issue stock only upon receipt of gold or gold certificates. (12 U.S.C. Section 282)....*

This provides more evidence as to the nature of the bank. You see, in 1933, not only gold coin was confiscated. Gold certificates became irredeemable for John Q. Public. ... In fact, the public was ordered to surrender their gold and gold certificates at local banks. ... What logically follows? Follow closely. Your gold certificates became worthless to you. You were ordered to turn them over to the banks. The banks were enabled to use them to buy stock in the Federal Reserve. It

websites for the Secretaries of State, one will not find any of the Federal Reserve Banks registered as a business or corporation within any of the states. Thus, it is impossible to find a registered agent to serve in the event one has been damaged by the FRB and wants to sue-out the claim. This is compelling evidence that it is a foreign corporation, in that it is not registered with the state to do business. That is unlikely every other form of domestic business, which must be registered with the individual state's Secretary of State. We know that there is an exclusion for business filings for entities dealing in interstate commerce. Hence, the activities of the bank (FRNs) must be empowered by the commerce clause of the Constitution. The FRB issues the world's most prominent reserve currency. The FRB pays the US government print shop to print those FRNs. It marks each with a serial number. Serial numbers deal with products. Conclusion: Federal Reserve Notes are products of the foreign Federal Reserve Bank used to transact interstate and foreign commerce." [147]

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follows clearly that the U.S. would redeem the gold certificates for the FRB; however, you were forced to surrender them because you were told they were worthless. It should now be apparent that the FRB ended up with the gold, which was surrendered by the American people! ...

Afterwards, citizens were forced to transact in paper called 'Federal Reserve Notes', also known as 'legal tender.' Yet Congress provided that the FRB substance, real gold, rather than the bank's own funny paper (Federal Reserve Notes). Why? ...

[I]n excerpt from Congressman Louis McFadden as recorded in the Congressional Record. ...

> *'On April 27, 1932, the Federal Reserve outfit sent $750,000, belonging to the American depositors, in gold to Germany. A week later, another $300,000 in gold was shipped to Germany in the same way. About the middle of May, $12,000,000 in gold was shipped to Germany by the Federal Reserve Board and the Federal Reserve banks. 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. The Federal Reserve Board and the Federal Reserve banks lately conducted an anti-hoarding campaign here. Then they took that extra money which they had persuaded the American people to put into the banks and they sent it to Europe along with the rest. In the last several months, they have sent $1,300,000,000 in gold to their foreign employers, their foreign masters, and every dollar of that gold belonged to the people of the United States and was unlawfully taken from them.' McFadden, 6-10-1932"*
>
> [as found again on 9/26/18 at:
> **http://www.modernhistoryproject.org/mhp?Article=McFadden1932**]

[147] *Id.*

"For the United States of America, MONEY is only a Gold or Silver COIN based on the weight/measure standard authorized. Hence, the FRN is not a dollar but a denomination as a dollar, or is a ***pretend*** *dollar. It is an illusion of a dollar. This we know to be absolutely true.*

With the benefit of "*20/20 hindsight*," on June 10, 1932,[148] Congressman Louis T. McFadden,[149] addressed Congress and the public while referring to the Federal Reserve Banks, providing the following in further description of these "*twelve private credit monopolies*":

> *"Mr. Chairman, we have in this Country one of the most corrupt institutions the world has ever known. I refer to the Federal reserve banks. The Federal*

> *But wait! You retort that the notes are printed in the U.S. Treasury. They must be 'dollars'. The public is steadfastly informed of this fact. They would think the notes are really issued by the government. Hold on! The FRB actually pays the government to print the notes!*
>
> > *'Federal Reserve Banks obtain the notes from our Bureau of Engraving and Printing (BEP). It pays the BEP for the cost of producing the notes...'*
> > (As found again on 9/26/18 at:
> > **https://www.treasury.gov/resource-center/faqs/Currency/Pages/legal-tender.aspx**)
>
> *If you pay a printer, no matter whom, to print your dissertation, who owns it? Here, the Treasury is acting as the print shop for the FRB. Furthermore, it makes senses that the print shop would be the government. The government has to execute the obligation with a signature! Note the U.S. officials' signature on the obligation. You are surely entitled to print a note and take it to a creditor for consideration. Here, the United States prints the note, which obligates it. Its officers (Treasurer and Secretary of the Treasury) sign it. That binds the United States to the obligation. What a ruse to confuse or hide the truth. ...*
>
> *The printed pieces of paper are paid for by the FRB, hence, they must be the* ***property*** *or* ***product*** *of the FRB. ... Let's have the FRB itself declare its product.*
>
> > *'The U.S. economy is the largest economy in the world, with the greatest potential to affect the growth of its trading partners; it is generally less open than the other economies in the sample; we (Federal Reserve Bank) issue (produce)* ***the worlds most prominent reserve currency****; [and our* ***product****, labor, and financial markets are generally considered to be exceptionally flexible.] ...' (notes and emphasis added)"*
> > [*See* the *International Finance Discussion Papers Number 827 of the Board of Governors Federal Reserve System* dated February 2005, as found again on 9/26/18 at:
> > **https://www.federalreserve.gov/pubs/ifdp/2005/827/ifdp827.pdf**]

[148] *See* the entirety of this 25-minute speech before the House of Representatives as found in the *Congressional Record* (pp. 12595–12603), as also found on 9/26/18 at:
https://ia902303.us.archive.org/31/items/pdfy-ed9k_Ns-KZhp3WOn/Congressional-Record-June-10-1932-Louis-T-McFadden.pdf

[149] *McFadden, Louis Thomas*. He was elected as a Republican Representative to the Sixty-fourth Congress in 1914, and successively to the nine Congresses thereafter. He served as Chairman of the *United States House Committee on Banking and Currency* during the Sixty-sixth through Seventy-first Congresses (1920-1931). *Biographical Directory of the United States Congress*. As found on 9/26/18 at:
http://bioguide.congress.gov/scripts/biodisplay.pl?index=M000434

Reserve Board, a Government board,[150] *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 Federal Reserve Board and the Federal reserve banks acting together 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; has bankrupted itself, and has practically bankrupted our Government. It has done this through the defects of the law under which it operates, through the maladministration of that law by the Federal Reserve Board, and through the corrupt practices of the moneyed vultures who control it.* (p.12595)

Some people think the Federal reserve banks are United States Government institutions. They are not Government institutions. They are private monopolies which prey upon the people of the 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 an international propaganda for the purpose of deceiving us and of wheedling 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. (pp.12595–12596)

Through the Fed the riffraff of every country is operating on the public credit of the United States Government. 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. (p.12597)

Recently in one of our States 60,000 dwelling houses and farms were brought under the hammer in a single day. According to the Rev. Father Charles E. Coughlin, who has lately testified before a committee of this House, ***71,000 houses and farms in Oakland County, Michigan, were sold and their erstwhile owners dispossessed****. Similar occurrences have probably taken place in every county in the United States. The people who*

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[150] The first Federal Reserve Board took office on August 10, 1914. There were seven members. The Secretary of the Treasury and the Comptroller of the Currency were members *ex officio*, with five more presidential appointees. The Banking Act of 1935 changed the name to the Board of Governors and switched the two *ex officio* members to additional appointees. ("*United States History -- Federal Reserve System*") Found on 9/26/18 at:
http://www.u-s-history.com/pages/h2049.html

> *have thus been driven out are the wastage of the Federal reserve act. They are the victims of the dishonest and unscrupulous Federal Reserve Board and the Federal reserve banks. Their children are the new slaves of the auction blocks in the revival of the institution of human slavery.* (p.12597)
>
> *In 1913, before the Senate Banking and Currency Committee, Mr. Alexander Lassen made the following statement:*
>
> > *'[T]he whole scheme of a Federal reserve bank with its commercial-paper is an impractical, cumbersome machinery, is simply a cover, to find a way 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 reduce, interest rates. It is a system that, if inaugurated, will prove to the advantage of the few and the detriment of the people of the United States. It will mean continued shortage of actual money and further extension of credits; for when there is a lack of real money people have to borrow to their cost.'*
>
> *A few days before the Federal reserve act[151] was passed, Senator Elihu Root denounced the Federal reserve bill as an outrage on our liberties and made the following prediction:*
>
> > *'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.'*
>
> *If ever a prophecy came true, that one did. ...*" (p.12597)

With regard to *commercial paper* and the *elasticity* of the currency Rep. McFadden sought to add his own statements to those previously shared with Congress by his fellow Congressman, Carter Glass, who had revealed the nefarious relationship the government had developed with the

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151 The *Federal Reserve Act*, also known at the time as the "*Currency Bill*," or the *Owen-Glass Act* was preceded by the "*Aldrich Plan*," which called for a system of fifteen regional central banks, called National Reserve Associations, whose actions would be coordinated by a national board of commercial bankers. The Reserve Association would make emergency loans to member banks, create money to provide an elastic currency that could be exchanged equally for demand deposits, and would act as a fiscal agent for the federal government. Although it was defeated, the *Aldrich Plan* served as an outline for the bill that eventually was adopted. That *Aldrich Plan* resulted from a secret meeting in 1910 held on Jekyll Island that included Senator Nelson Aldrich, Frank Vanderlip (of National City which is today know as Citibank), Henry Davison (of Morgan Bank), Paul Warburg (of the Kuhn, Loeb Investment House), A. Piatt Andrew (appointed by President William Howard Taft as director of the US Mint and later as assistant secretary of the Treasury Department), and Arthur Sheldon (secretary to Sen. Nelson Aldrich and to the National Monetary Commission). That secret meeting was to discuss and formulate banking reform, including plans for a form of central banking. For more on this refer to: Griffin, Edward. *The Creature from Jekyll Island.* Appleton: American Opinion Publishing, Inc. (1995)

Federal Reserve Board for use of *private* Federal Reserve Notes as a National currency[152] rather than a *government* note.[153]

> "(Glass).... '*There is not, in truth, any Government obligation here, Mr. President [Woodrow Wilson],' I exclaimed. 'It would be a pretense on its face. Was there a Government note based primarily on the property of banking institutions? Was there ever a government issue not one dollar of which could be put out except by demand of a bank? The suggested government obligation is so remote it could never be discerned,' I concluded, out of breath.*
>
> *'Exactly so, Glass,' earnest said the President. 'Every word you say is true; the Government liability is a mere thought. And so, if we can hold to the substance of the thing and give the other fellow the shadow, why not do it, if thereby we may save our bill?'*

(McFadden) *Shadow and substance. One can see from this how little President Wilson knew about banking. Unknowingly, he gave the substance to the international banker and the shadow to the common man. Thus was Bryan circumvented in his effort to uphold the Democratic doctrine of the rights of the people. Thus the 'unscientific blur' upon the bill was perpetuated. The 'unscientific blur,' however, was not the fact that the United States Government, by the terms of Bryan's edict, was obliged to assume as an obligation whatever currency was issued. Mr. Bryan was right when he insisted that the United States should preserve its sovereignty over the public currency. The 'unscientific blur' was the nature of the currency itself, a nature which makes it unfit to be assumed as an obligation of the United States Government. It is the worst currency and the most dangerous this country has ever known. When the proponents of the act saw that 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, the private debts of foreigners.* (p.12597)

...The Federal reserve note is essentially unsound. ...As [Professor Walter] Kemmerer says:

> *'... The Federal reserve notes, therefore, in form have some of the qualities of Government paper money, but, in substance, are almost a pure asset*

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[152] *Treasury Bulletin, 2017*. Published by the ("United States") Department of the Treasury's Bureau of the Fiscal Service. *Glossary*, p.68. "***Federal Reserve Notes*" are defined as "*money owed by the Government to the public*...*The Federal Reserve note is the only class of currency currently issued*."** As found on 9/26/18 at:
https://www.fiscal.treasury.gov/fsreports/rpt/treasBulletin/b2017_3.pdf

[153] This story picks up here on pp. 12597–12598 where Senator Carter Glass is with President Woodrow Wilson in discussion about William Jennings Bryan being opposed "*to the plan of allowing the proposed Federal reserve notes to take the form of bank notes, and the manner in which President Wilson and the proponents of the Federal reserve bill yielded to Bryan in return for his support of the measure*."

> *currency possessing a Government guarantee against which contingency the Government has made no provision whatsoever.'*

Hon. E.J. Hill, a former Member of the House, said, and truly:

> *'... They are obligations of the Government for which the United States has received nothing and for the payment of which at any time it assumes the responsibility looking to the Federal reserve bank to recoup itself.'*

If the United States Government is to redeem the Federal reserve notes when the public finds out what it costs to deliver this flood of paper money to the 12 Federal reserve banks, and if the Government has made no provision for redeeming them, the first element of their unsoundness is not far to seek. (p.12597)

Before the Senate Banking and Currency Committee, while the Federal reserve bill was under discussion, Mr. [W. Alfred Owen] Crozier, of Cincinnati, said:

> *'In other words, the imperial power of elasticity of the public currency is wielded exclusively by these 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. These 12 corporations together cover the whole country and monopolize and use for private gain every dollar of the public currency and all public revenues 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.'*

In defiance of this and all other warnings, the proponents of the Federal reserve act created the 12 private credit corporations and gave them an absolute monopoly of the currency of the United States, not the Federal reserve notes alone, but of all the currency, the Federal reserve act providing ways by means of which the gold and the general currency in the hands of the American people could be obtained by the Federal reserve banks in exchange for Federal reserve notes, which are not money but merely promises to pay money. Since the evil day when this was done the initial monopoly has been extended by vicious amendments to the Federal reserve act and by the unlawful and treasonable practices of the Federal Reserve Board and the Federal reserve banks. (p.12597)

.... Mr. Chairman, last December I introduced a resolution here asking for an examination and an audit of the Federal Reserve Board and the Federal reserve banks and all related matters. If the House sees fit to make such an investigation, the people of the 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 the United States. The man who knows or suspects that a crime has been committed and who conceals or 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 Federal Reserve Board to conceal its power but the truth is the Federal Reserve Board has usurped the Government of the United States. It controls everything here and it controls all 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 operates the Federal Reserve Board and the Federal reserve banks. If that claim is enforced, Americans will not need to stand in breadlines or to suffer and die of starvation in the streets. Homes will be saved, families will be kept together, and American children will not be dispersed and abandoned. The Federal Reserve Board and the Federal reserve banks owe the United States Government an immense sum of money. We ought to find out the exact amount of the people's claim. We should know the amount of the indebtedness of the Federal Reserve Board and the Federal reserve banks to the people and we should collect immediately. We certainly should investigate this treacherous and disloyal conduct of the Federal Reserve Board and the Federal reserve banks. (p.12597)

... Mr. Chairman, when the Federal reserve act was passed the people of the United States did not perceive that a world system was being set up here which would make the savings of an American school-teacher available to a narcotic-drug vendor in Macao. They did not perceive that the United States was to be lowered to the position of a coolie country which has nothing but raw materials and heavy goods for export; that Russia was destined to supply manpower and that this country was to supply 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 the United States are being greatly wronged. If they are not then I do not know what "wrongdoing the people" means. They have been driven from their employments. They have been dispossessed of their homes. They have been evicted from their rented quarters. They have lost their children. They have been left to suffer and to die for the lack of shelter, food, clothing, and medicine. (p. 12603)

The wealth of the United States and the working capital of the United States has been taken away from them and has either been locked in the vaults of certain banks and great corporations or exported to foreign countries for the benefit of foreign customers of those 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 the warehouses and coal yards and grain elevators are padlocked and the great banks and corporations hold the keys. The sack of the United States by the Federal Reserve Board and the Federal reserve banks and their confederates is the greatest crime in history.

Mr. Chairman, a serious situation confronts the House of Representatives to-day. We are the trustees of the people and the rights of the people are being taken away from them. Through the Federal Reserve Board and Federal reserve banks, 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 to see what crimes against the public welfare have been or are being committed.

What is needed here is a return to the Constitution of the United States. We need to have a complete divorce of Bank and State. The old struggle that was fought out here in Jackson's days[154] *must be fought over again. The*

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[154] Kinley, David. *The Independent Treasury of the United States and Its Relations to the Banks of the Country*. National Monetary Commission; Government Printing Office. (1910) President Andrew Jackson is well-remembered for his challenge of the constitutionality of the Second Bank of the United States, and his eventual success in destroying that central bank and redistributing its banking power along with federal funds back to the state-chartered banks. His presidential endeavors were met in those days with opposition from Congress, which ultimately determined the national bank to be constitutional. Jackson's public campaign to destroy the Second Bank of the United States became known in the early 1830's as the "*Bank War*," and his principal opponents were the national bank president Nicholas Biddle and Senators Henry Clay and Daniel Webster. Biddle's less effective counter-campaign took the form of redeeming state bank notes, calling in loans, and contracting credit, in effort to create a financial crisis signifying the need for a renewal of the national bank's charter in 1836. Those contravening efforts also served to reinforce the opposition however by demonstrating the potential for abuse by a central power over the nation's economic and finance industries.

Nevertheless, despite Jackson having won the Bank War, the actions by both Jackson and Biddle – coupled with international banking concerns linked to the Bank of England and causing rises in interest rates – carried over in causing some state banks and financial institutions to run out of hard currency reserves, leading to cuts in lending and their refusal to convert paper money into gold or silver. Essentially, Jackson's transfer of specie away from the nation's main commercial centers in New York caused major banks and financial institutions on the East Coast, having lower monetary reserves in their vaults, to scale back their loans. The result was a financial crisis known as the *Panic of 1837*, which was followed by a major recession, high unemployment and bank failures lasting until the mid-1840's, about the time the "*Independent Treasury*" was first being proposed. See more as found on 9/26/18 at:
https://fraser.stlouisfed.org/files/docs/historical/nmc/nmc_587_1910.pdf

Independent United States Treasury[155] *should be reestablished*[156] *and the Government should keep its own money under lock and key in the building*

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[155] The *Independent Treasury* was the system for managing the money supply of the United States federal government through the U.S. Treasury and its sub-treasuries, independently of the national banking and financial systems. It was created on August 6, 1846 by the 29th Congress, with the enactment of the *Independent Treasury Act of 1846* (ch. 90, 9 Stat. 59), and it functioned until the early 20th century, when the Federal Reserve System replaced it.

Kinley (*Id.*) described the history of the "*independent treasury*" up until 1910 as follows:

> "*The history of the independent treasury since the creation of the national banks is a record of gradual departure from independence, both in practice and in law. The increasing revenues and disbursements of the Government and the irregularity of its fiscal operations have produced interference with business to a larger extent with the passage of the years. Efforts by the Treasury to correct or prevent the consequent ill effects have become much more frequent and brought the Government into closer relations with the banks. On some occasions, too, the necessities of the Treasury have compelled it to rely on the help of the banks, and so brought them together in their operations."* (p.111)

He also described the conditions under which, by the time of the *Federal Reserve Act of 1913*, the independent treasury system of at least nine nationwide "*subtreasuries*" was well-poised to be converted into a Federal reserve system with twelve district branches:

> "*The independent treasury, [in 1910], consist[ed] of the Treasury offices at Washington and nine subtreasuries [Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, San Francisco, and St. Louis] under the charge of assistant treasurers. In carrying on its monetary operations in 1908-9 the Government ha[d] also utilized a varying number of designated depositaries, including the treasury of the Philippine Islands, the American Colonial Bank of Porto Rico, the Banco de la Habana, and the National Bank of Cuba. The supervision of the independent treasury [came] under the charge of the chief of the division of public moneys in the Treasury Department*." Importantly, "*The assistant treasurer and all officers authorized by law to act as such [were] required to give bonds for the faithful discharge of their duties, the amount to be fixed by the Secretary of the Treasury, and the sureties to be approved by the Solicitor of the Treasury. ...*" (p. 87)

[156] Note that on May 29, 1920, through H.R. 14100 (41 Stat. 654) the offices of the assistant treasurers were abolished as of July 1, 1920, with Revised Statutes Section 3595 pertaining to the *Independent Treasury* being repealed, and with the subtreasuries similarly discontinued. As such, the Secretary of the Treasury was authorized to transfer all offices, duties, and functions of those assistant treasurers and their respective offices "*to the Treasurer of the United States or the mints or assay offices of the United States, under such rules and regulations as he may prescribe,* ***or to utilize any of the Federal reserve banks acting as depositaries or fiscal agents of the United States, for the purpose of performing any or all of such duties and functions, notwithstanding the limitations of section 15 of the Federal reserve Act, as amended, or any other provisions of law. ... The Secretary of the Treasury is hereby authorized to assign any or all the rooms, vaults,***

> *the people provided for that purpose. Asset currency, the device of the swindler, should be done away with. The Government should buy gold and issue United States currency on it. The business of the independent bankers should be restored to them. The State banking systems should be freed from coercion. The Federal reserve districts should be abolished and state boundaries should be respected. Bank reserves should be kept within the borders of the States whose people own them, and this reserve money of the people should be protected so that international bankers and acceptance bankers and discount dealers can not draw it away from them. The exchanges should be closed while we are putting our financial affairs in order. The Federal reserve act should be repealed and the Federal reserve banks, having violated their charters, should be liquidated immediately. Faithless Government officers who have violated their oaths of office should be impeached and brought to trial. Unless this is done by us, I predict that the American people, outraged, robbed, pillaged, insulted, and betrayed as they are in their own land, will rise in their wrath and send a President here who will sweep the money changers out of the temple.*" (p. 12603)

As the entirety of the above was formally placed on the record by Rep. McFadden on June 10, 1932, enough has been stated on this subtopic within this instant "*Amicus in Treatise*..." to make the point about the National government's political nexus of control over the people and "*bills of attainder*" against the people, being the *Federal Reserve Act of 1913* (Public Law 63-43; December 1, 1913) and the resulting Federal Reserve Note (FRN) "*net*."

H. **Political Nexus – the "*perpetual 'state of national emergency'* and enforcement of the '*law of nonintercourse*' *Net*"**

Early in this treatise in discussing certain key early events in American History about the time of the Civil War, evidence is provided that President Abraham Lincoln had instituted *martial law*, suspended *habeas corpus*, and engaged the Union States against the Southern States in outright war. He did this through the institution of President Proclamations (No. 80 through 86) and the *Lieber Code* (April 24, 1863), which he called *Instructions for the Government of Armies of the United States in the Field*.

Today there is much evidence that since the time of the Civil War there has been numerous other presidential declarations characterized as "*national emergencies*," each overlapping the other. Further, Congress has also been legislating in such fashion that supports the assumed war powers of the Executive branch "*President*" as if the union of States has been, since the Civil War and the subsequent *Reconstruction Act(s)*, in a *perpetual state of emergency* and a "*war*" on or

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equipment, and safes or space in the buildings used by the subtreasuries to any Federal reserve bank acting as fiscal agent of the United States." Thus "*independent treasury*" legislation and system formally came to an end. (See internet resource found on 9/27/18 at: **https://www.loc.gov/law/help/statutes-at-large/66th-congress/session-2/c66s2ch214.pdf)**

against some people or things. Notably, this has all been – and continues to be today – carried out despite the Supremacy of the organic Constitution limiting the power, authority, and fiduciaries duties of the Federal government to ***only*** those expressly delegated for the *sole* purpose of protecting the inalienable rights of the ***P****eople* and free ***P****ersons* inhabiting the States.

As also provided throughout this instant "*Amicus in Treatise*...", the supposed Federal and National "*governments*" have long been giving – at minimum – the *appearance* of regularly operating outside the expressed limits of the powers granted under the Constitution, even to the point of creating a new corporate National governance and a new "CONSTITUTION OF THE UNITED STATES" (without the *original* "*Thirteenth Amendment*") and creating "*bills of attainder*" against a very great many American ***p****eople* as "*United States citizens*."

Actually, the common thread in "*patterns and practices*" of misapplying constitutional power and authority against those "*subjects*" inhabiting the American continent and immigrating to the States from abroad – even as applied by the National government throughout the rest of the world – has gone on since the earliest days of the Constitution unto the present, all under the guise of Federal protectionism, being that of National interests and security. The examples are abundant of such *patterns and practices* of the Federal and National governments justifying such actions under the "'*common law of war,' defined as 'the practice of our own military authorities before the adoption of the Constitution, and during the Mexican and Civil Wars.*"'[157]

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[157] Jens, David Ohlin. *The Common Law of War*. William & Mary Law Review. Vol 58; 493-533 (2016); p.496, referring to the contemporary reference internationally to the "*common law of war*" as delineated by the dissenting opinion of the "*supreme Court justice*" Thomas in *Hamdan v. Rumsfeld, Secretary of Defense* 1, 548 U.S. at 689 [(Clarence Thomas., dissenting) "*The common law of war as it pertains to offenses triable by military commission is derived from the 'experience of our wars' and our wartime tribunals, and 'the laws and usages of war as understood and practiced by the civilized nations of the world.*'" (internal citations omitted) first quoting W. Winthrop, *Military Law and Precedents* 839 (rev. 2d ed. 1920), then quoting Military Comm'ns, 11 Op. Atty. Gen. 297, 310 (1865)]. Importantly, David Jens introduces his research article as follows:

> "*This Article is a story about a single legal term and its history. Despite what the government says, the phrase 'common law of war' simply does not stand for the idea that there is a body of American law of war offenses that can be prosecuted before non-Article III tribunals. In fact, 'common law of war' means something far different, though its meaning can only be understood by reference to a bygone era – the era when international law was defined primarily by natural law. And the term lends no support for the government's position that military commissions can prosecute conspiracy as a violation of the common law of war. This is a story of lost meaning, of concepts that fade away and are then rediscovered, plucked from history and placed out of context, in an attempt to sow confusion with ahistorical arguments.*"

The "*law of nonintercourse*" is historically derived from admiralty, maritime,[158] and international laws,[159] often pertaining to economic and protectionist relationships between sovereigns, or between sovereigns and domestically with subjects,[160] such as is found with economic embargos or naval blockades[161] to force some form of compliance and/or fidelity from *belligerents*.[162]

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[158] See Merrill, John. *The American and English Encyclopedia of Law.* Edward Thompson Company (1890) p.435:

> "*International law is that which is based upon the usages of nations. Maritime law is an illustration. Commerce has given rise to rules of trade which are generally recognized and observed. Unwritten law, originating in custom and growing into favor among enlightened nations because of the convenience and facility which it affords in dealing one with another, is now well established with regard to most of the matters that concern international intercourse.*"

[159] *(Id.)* footnote; p.434):

> "*The expression 'International Law' is (Mr. Justice Stephen argues) inexact, ambiguous and misleading, because it is applied to a variety of rules and principles, some of which are not 'law', while the remainder are not 'international'. 'When it is applied to principles and rules prevailing between independent nations, the word 'law' conveys a false idea, because the principles and rules referred to are not and cannot be enforced by any common superior upon the nations to the conduct to which they apply. When it is applied to parts of the law of each nation in which other nations are interested, the word 'law' is correct, but the word 'international' is likely to mislead, because though such laws are laws in the fullest sense of the word and are enforced as such, they are the laws of each individual nation, and are not laws between nation and nation.' The stipulations of treaties are given as an instance of the first class of rules, and the law that ships may be confiscated for breach of blockade as an example of the second. Lawrence's Essays, p. 28.*"

[160] *(Id.)* p. 435:

> "*This division [between 'customary' and 'common' laws] is... the "customary law of nations" embod[ies] the usages which have been found conducive to the interest, convenience and rightful privileges of different peoples in dealing with each other. What the common law is in a particular country, the habit of nations recognized by christian* [sic] *states as just and equitable, and constituting a system, is to them. And those states hold even barbarous nations to this system, since there is no other rule when there are no compacts to bind them, except the general, natural or moral law, which is not so well defined.*"

[161] *Id*. (footnote, p. 453) "*Older Nonintercourse Laws*" – *Under the nonintercourse laws of the United States....vessels were liable to seizure, capture, and condemnation; and so were their cargos.*" *See* for example, *Little v. Barreme*, 6 U.S. 2 Cranch 170 170 (1804).

[162] March, Francis. *A thesaurus dictionary of the English language: designed to suggest immediately any desired word needed to express exactly a given idea: a dictionary, synonyms, antonyms, idioms, foreign phrases, pronunciations, a copious correlation of words* – (definitions, p. 98) 1) "*Belligerent: A nation or person recognized as rightfully engaged in war"*; 2) "*Belligerent litigant: One who is engaged in a lawsuit".*

Because so often, if not always, the *law of nonintercourse* applies to activities being carried out in commerce, in domestic situations rights can be taken away by sovereigns and their agents and licensed back to subjects and citizens as "*privileges*," even though no actual war has been formally declared.[163] Hence, the "*supreme Court*" has endorsed Congress' application of the international rules of nonintercourse to domestic situations, such as in 1917 at the beginning of World War I when the *Trading With the Enemy Act* (TWEA) was first instituted, and subsequently during WWII when the National government of the "UNITED STATES" seized the property of ***p****eople* of German and Japanese descent and placed Japanese-Americans into internment camps.[164]

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163 Merrill (*supra*). By as late as 1890 there was not any formal notification or public declaration of war that has ever been required when dealing with *belligerents*. "*It is not necessary to adopt the artificial doctrine that notice must be given to an enemy before entering upon war.... Whether there is any proclamation of war or not, a state of war exists when actual hostilities have commenced....* [However,]...*Neutrals have a right to know that a state of war exists, and that early enough to adjust their commercial transactions to the altered state of things, otherwise a great wrong may be done them*." (p. 455) In any event, "*When a sovereign power prosecutes its rights by force of arms against an other sovereign power, public war exists.*" (p. 456)

164 Gross, Daniel. *The U.S. Confiscated Half a Billion Dollars in Private Property During WWI: America's home front was the site of interment, deportation, and vast property seizure*. Published online by Smithsonian.com on July 28, 2014.

> "*America's World War II internment camps have been discussed and disputed, but its camps during World War I were largely forgotten. In retrospect, American internment policies are troubling, but they're dwarfed by a quieter and more sweeping practice of property seizure. ...*
>
> *Under the Trading with the Enemy Act, President Wilson appointed an 'Alien Property Custodian' named A. Mitchel Palmer to take control of property that might hinder the war effort. Among other things, this meant all property belonging to interned immigrants, regardless of the charges (or lack thereof). 'All aliens interned by the government are regarded as enemies,' wrote Palmer, 'and their property is treated accordingly.' ...*
>
> *The war ended in November 1918, just a year after the passage of the Trading with the Enemy Act. In that time, the Alien Property Custodian had acquired hundreds of millions of dollars in private property. In a move that was later widely criticized — and that political allies of the Alien Property Custodian likely profited from directly —Palmer announced that all of the seized property would be 'Americanized,' or sold to U.S. citizens, partly in the hopes of crippling German industries. (His attitude echoed a wider sentiment that the Central Powers deserved to pay dearly for the vast destruction of the war.) In one high-profile example, the chemical company Bayer was auctioned on the steps of its factory in New York. Bayer lost its U.S. patent for aspirin, one of the most valuable drugs ever produced. ...*
>
> *Roosevelt's own policies of internment, meanwhile—which landed 110,000 Japanese-Americans in camps—were even more indiscriminate*

QUESTION: So what happened in United States history to entitle the authorities of every State to seize from *People* and *free Persons* their federally-guaranteed "*right to travel*"[165] and "*right to own*" their own automobiles as American consumers, and to license these rights back to each of them as "*privileges*" for a profitable fee?

While the President is purportedly authorized under the *law of nonintercourse* to license trade and personal intercourse,[166] the power to bar people, state and/or nations from certain activities and transactions extends to those acting as his executive agents in carrying out such orders.[167]

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than President Wilson's, and have arguably overshadowed injustices on the home front during World War I."

[165] *"A highway is a public road, which every citizen of the state has **a right to use for the purpose of travel**."* Shelby County Commissioners v. Castetter, 33 N.E. 986,987; 7 Ind.App.309

*"A highway is a road or way upon which all persons have **a right to travel at pleasure**. It is the right of all persons to travel upon a road."* Gulf & S.I.R. Co. v. Adkinson, 77 So.954, 955; 117 Miss.118

*"The essential feature of a highway is that it is a way over which the public at large has **the right to pass**."* State v. Pierson, 204 A.2d 838,840; 2 Conn.Cir. 660

*"**Every citizen has an inalienable 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."* People v. Nothaus, 147 Colo.210,214

*"A highway according to the common law, is a place in which **all the people have a right to pass**. A common street and public highway are the same, and any way which is common to all the people may be called a 'highway'.* Skinner v. Town of Weathersfield, 63 A. 142,143; 78Vt.410

*"A highway is a passage, road and street which **every person has a right to use**"* Jewett v. State, Ohio, 22 O.L.A. 37

*"**The public have a right of free and unobstructed transit** over streets, sidewalks and alleys, and this is the primary and appropriate use to which they are generally dedicated."*Pugh v. City, 176 Iowa539,599

*"**This right of the people to the use of the public streets** of a city is so well established and so universally recognized in this country, that it has become a part of the alphabet of **fundamental rights of the citizen**."* Swift v. City of Topeka, 43Kan.671, 674

*"Highways are public roads, which **every citizen has a right to use**."* Wild v. Deig, 43 Ind. 455,458; 13 Am.Rep.399.

*"**The right to travel** over a street or highway is a primary **absolute right** of everyone."* Foster's Inc v. Boise City, 118 P.2d 721,728

[166] Merrill, (*supra*); p. 452

[167] *Id.* (*supra*); footnote, p. 452:

"*What one cannot do personally, he cannot do through an agent, so as to avoid the penalties of the nonintercourse laws. Montgomery v. U. S., 5 Ct. of Cl. 648; Howell v. Gordon, 40 Ga. 302; Conley v. Burson, 1 Heisk. (Tenn.) 145. But an agent previously lawfully appointed cannot relieve him self of obligations to his royal principal by becoming an enemy, or remaining in the enemy's country. Sands v. N. Y. etc. Ins. Co. 59 Barb. (N.Y.) 556; Robinson v. International etc.*

This get to the question of how someone likes Brigadier General Mark Martins, the United States Military Commissions Chief Prosecutor can use the term "*martial rule*" to defend against what others around the world were calling "*un-American*" by the actions of the Guantanamo military commission when prosecuting the confessions of prisoners at the United States operated Guantanamo Bay detention camp, where unlawful combatants captured in Afghanistan, Iraq, and other places during the "*War on Terror*" were being held.[168]

> "*Brig. Gen. Mark Martins... and other military commissions' prosecutors have even coined a phrase to describe these martial law cases as 'US domestic common law of war.' According to commissions' prosecutors, these Civil War martial law offenses are equally as applicable to civilians captured on the other side of the world from the US in the 21st Century as they were 150 years ago in US territory under Union Army martial law.*[169]

> *Soc, 42 N. Y. 54. See Furman v. U. S., 5 Ct. of Cl. 579; Faulkner v. U. S., s Ct. of Cl. 612.*

[168] Jens (*supra*). Note that what is presented below in the commentary of U.S. Army Major Todd Pierce is paralleled by a research article pertaining to the specific case of another "*detainee*" of the United States being held prisoner who was placed on trial before a military commission. [See *United States v. Al Bahlul*, 820 F. Supp. 2d. 1141, 1156 (U.S.C.M.C.R. 2011).] The "*The Common Law of War*" research article arrived at a conclusion similar to that of Pierce, as it stated (p.41):

> ***The United States continues to use conspiracy as an inchoate offense to prosecute terrorists. Also, the federal government often uses conspiracy in tandem with other inchoate offenses, such as attempt and material support for terrorism, with the result being double inchoate offenses such as attempt or conspiracy to provide material support for terrorism.*** *[For examples, see United States v. Ahmed, 107 F. Supp. 3d 1002, 1005 (D. Minn. 2015); United States v. Ahmed, 94 F. Supp. 3d 394, 406 (E.D.N.Y. 2015), reh'g denied, No. 12-CR-661 (SLT) (S-2), 2015 WL 1636827 (E.D.N.Y. Apr. 10, 2015).]*"

[169] Pierce, Todd. *The Dark Side of Lieber's Code (or Cheneyite Jurisprudence)*. (April 7, 2014) as found on 9/27/18 at:
http://original.antiwar.com/todd_pierce/2014/04/06/the-dark-side-of-liebers-code-or-cheneyite-jurisprudence/

Here, Pierce is talking about President Lincoln's General Order 100 ("*Lieber's Code*") issued during the Civil War, as elaborated upon earlier in this "*Amicus in Treatise*..." As is seen by the title of his internet article, Pierce is condemning National government officials for their publicly misrepresenting the historical basis for the Lieber Code while simultaneously using it to justify their own actions at the Guantanamo Bay Naval Base that otherwise violate the international laws of war, as founded in Geneva, Switzerland. On this topic he elaborated:

> "*G.O. 100 is described by The Judge Advocate General's Legal Center and School Alumni Association as: 'This directive, General Order No. 100, known as the 'Lieber Code', outlined the Federal army code of conduct during war, as well as the Institution of Martial Law. It would later become the basis for all international treaties, including the Hague Conventions in 1907 and the Geneva Accords of 1954 [sic].*" (Emphasis added.)

U.S. Army Major (retired) Todd Pierce[170] continued:

> "*Why does this matter? Prosecutors representing the US government in 21st Century Military Commissions' cases charging Guantanamo detainees with 'war crimes' have argued that the Guantanamo cases are exactly the same as those cases coming out of the Civil War. They fail to note that the Civil War cases all fell under martial law, which is only legitimate in a nation's domestic territory, as was regulated under G.O. No. 100. Nor do they take note of Article 104 and its declaration that spies and 'war-traitors' cannot be charged unless captured in US territory....*
>
> *In making these arguments, US officials take a principle of the* ***law of war***[171] *that only applies to a nation's domestic territory, within its own boundaries, and deceitfully misstate the legal principles undergirding martial law and the law of war as well, from commentators of Civil War times such as Col. William Winthrop.*[172] *Instead of the principles themselves, stated correctly, prosecutors*

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170 *Id.* "*Todd E. Pierce retired as a Major in the U.S. Army Judge Advocate General (JAG) Corps in November 2012. His most recent assignment was defense counsel in the Office of Chief Defense Counsel, Office of Military Commissions. In the course of that assignment, he researched and reviewed the complete records of military commissions held during the Civil War and stored at the National Archives in Washington, D.C.*"

171 *Id.* In his article, Pierce interchangeably uses "*International Humanitarian Law*" with the "*Law of War*."

172 *Id.* Pierce again points out:

> "*What Col. Winthrop, who was an authority on the law of war as it existed in the 19th Century, wrote in referring to offences cognizable by military commission was: 'Of that class, the second class, of offences in violation of the laws and usages of war, those principally, in the experience of our wars, made the subject of charges and trial,* ***have been-breaches of the law of non-intercourse with the enemy.****' (Emphasis added.)...*
>
> *COL Winthrop explained that the law of non-intercourse was that the '****principle here to be noticed is simply that of the absolute non-intercourse of enemies in war.*** *As frequently reiterated in the rulings of the Supreme Court, not merely the opposed military forces but all the inhabitants of the belligerent nations or districts become, upon the declaration or initiation 'of a foreign war, or of a civil war, (such as was the late war of the rebellion,) the enemies both of the adverse government and of each other,' and all intercourse between them is terminated and interdicted.*
>
> *This means that under this ancient customary principle of war, the law of non-intercourse, when a nation goes to war,* ***an absolute duty of loyalty to the sovereign inheres to all residents of each belligerent's territory, citizen or not.*** *In the language of the 1860's, any departure from this absolute loyalty was therefore deemed a 'violation of the law of war.' Violations of the law of non-intercourse, as provided under Article 86 of G.O.No.100, according to Winthrop, were 'more or less grave in proportion as they render material aid*

> *seem to prefer relying on Abraham Lincoln's historical standing as well as our historical mystification of the Civil War to put this legal history, and their application of it, above any criticism or any analysis*."[173]

In fact, Pierce addressed the parallel misapplications of the *Trading With the Enemy Act* and other Congressional legislation such as the *National Defense Authorization Act* (NDAA) very well in his discussion about the military misapplications of *The Lieber Code* [174] when stating:

> *or information to the enemy or attempt to do so, and....are among the most frequent of the offenses triable and punishable by military commission.'"*

[173] *Id*. In proceeding with his criticism of National government officials (as well as the American public) treating the Civil War events as "*hallowed*" and the grounds upon which men fell and died as consecrated and sacred, Pierce reminds his readers that, despite the high honors bestowed upon Lieber's Code in the celebration of its 150th anniversary, the people and the circumstances behind its design were not beyond reproach. He wrote:

> "*[I]t was still the 1860's and Lincoln presided over the ongoing ethnic cleansing of Native Americans with no thought being given to human rights or 'humanitarianism' in our ongoing war against the Indian tribes. Nor were the Northern states free of racism either, both toward African-Americans but also toward Jewish-Americans as well as other minorities. So some caution may be in order before looking to the Civil War for legal precedents, regardless of who was President.*"

[174] *Id*. Pierce's article served to remind his American readers that "*Lieber's Code, or G.O. No. 100...*

> *...was primarily the regulation for the one period of US history that* ***the entire citizenry of the United States was subject to martial law****.... Apart from Section I, other sections of G.O. No. 100 state what was required and prohibited of residents in the Northern states, now subject to martial rule... Article 86, which provided:* ***All intercourse between the territories occupied by belligerent armies, whether by traffic, by letter, by travel, or in any other way, ceases. This is the general rule, to be observed without special proclamation. . . . Contraventions of this rule are highly punishable."***

So how do the terms imposed upon "*the entire citizenry of the United State*s" by *G.O. No. 100* compare with what we see today, whereby we need "*special proclamations*" and licenses to carry out our inalienable rights to fairly trade our labor or to travel the highways and byways? Note that according to the *The American and English Encyclopedia of Law*:

> "***Commerce, otherwise illegal in war, may be specially permitted. Licenses for the purpose are usually restricted to particular persons****, to certain kinds of goods, to the quantity exchanged, and to time and place.* ***There may be****, however,* ***general licenses when war has been suspended for a period****. Both general and special are granted by supreme authority, or by officers presumably acting under it. ...****Trade licenses*** *have been granted for the protection of an enemy, and also* ***for*** *that of* ***subjects trading with an enemy***." [*See again*, Merrill, (*supra*); p. 453.]

> "*[A] University of St. Thomas law professor, Michael Stokes Paulsen, recently used Lincoln's 1863 'Order of Retaliation' against Confederate soldiers, US citizens, to hypothesize that as Lincoln 'thought it legally proper – within his constitutional power as president and commander in chief to wage war – to employ the war power of the United States against US citizens' and 'felt it within his moral and constitutional authority to apply his interpretation of the law of war, as it then stood, against citizen-enemy war prisoners,' then, according to Paulsen, if 'one judges Lincoln's actions to be proper, much would seem to follow for today's controversies.' This cannot be dismissed as the ignorance of 150 years of legal development by a law professor at a major Catholic law school but* ***must be seen as a suggestive manner of making the illegal, legal, by association with Lincoln's moral authority.*** *Paulsen concludes, 'we should at least ponder whether Lincoln's actions were right or wrong, to identify precisely why, and to appropriate those principles for our public discourse and political ethos today, a century and a half later.' Or, we can look to current law for what is appropriate instead of fabricating a 'Great Man' theory of the law,*[175] *as Lincoln himself would have agreed.*

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[175] Liberty-minded American patriots who herald the grand achievements of President Andrew Jackson in winning the aforementioned "*Bank War*" and "*killing*" the rechartering of the Second (National) Bank of the United States, shall not forget that it was also Jackson who was behind the *Indian Removal Act* and the dreadful events and the abominable cruelty to the Native American Indians, collectively memorialized as the "*Trail of Tears*."

> "*As an Army general, [Jackson] had spent years leading brutal campaigns against the Creeks in Georgia and Alabama and the Seminoles in Florida – campaigns that resulted in the transfer of hundreds of thousands of acres of land from Indian nations to white farmers. As [P]resident, he continued this crusade. In 1830, he signed the Indian Removal Act, which gave the federal government the power to exchange Native - held land in the cotton kingdom east of the Mississippi for land to the west, in the 'Indian colonization zone' that the United States had acquired as part of the Louisiana Purchase. (This 'Indian territory' was located in present-day Oklahoma.)*
>
> ***The law required the government to negotiate removal treaties fairly, voluntarily and peacefully: It did not permit the president or anyone else to coerce Native nations into giving up their land.*** *However, President Jackson and his government frequently ignored the letter of the law and forced Native Americans to vacate lands they had lived on for generations. In the winter of 1831, under threat of invasion by the U.S. Army, the Choctaw became the first nation to be expelled from its land altogether. They made the journey to Indian territory on foot (some 'bound in chains and marched double file,' one historian writes) and without any food, supplies or other help from the government.* ***Thousands of people died along the way.*** *It was, one Choctaw leader told an Alabama newspaper, a "'trail of tears and death.'"*

Published online by History.com, as found on 9/27/18 at:
http://www.history.com/topics/native-american-history/trail-of-tears

> *But that is the use to which Lieber's Code is being put to today; the mystification of current law of war by the substitution of Civil War cases decided under martial law, as regulated in Lieber's Code, and its association with Abraham Lincoln, as in 'Lincoln's Code.' Brig. Gen. Mark Martins particularly emphasizes the association of Pres. Lincoln with the military commissions of the Civil War in speeches he frequently gives touting the military commissions.*"

So the above gives just cause and context for average Americans, being the ***P****ersons*, to be questioning those who are administratively and/or judicially operating the State and Federal "*courts*," which we have long been seeing to bear gold fringed "*United States*" flags signifying somehow that these so-called "*federal*" courts are being administrated under "*martial law*."[176]

This same line of questioning extends also to widespread *National* government policies, as spelled out in Congress and Courts upholding the intrusive searches of person and belongings by the Department of Homeland Security (DHS) and its Transportation Security Administration (TSA), National Security Agency at airports,[177] when those people are simply exercising their federally guaranteed *right to travel* the airways as well as the highways and byways.

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[176] Perhaps this is a case of the evidence being "*hidden in plain sight*." As it is the business of this "*Amicus in Treatise*...." to seek truth from facts rather than conjecture, the "*facts*" relative to the yellow-fringed *national* flag in State and United States courtrooms point to the reason for this being presented as a question. On one hand, as published by the "*global library cooperative*" of "OCLC.org," it is a fact that on April 1, 1924 the "*War Department*" of the UNITED STATES published a document, AR 260-10, as an official Army Regulation, with the specifications for the design of the national flag. In no uncertain terms did it specify that for "*mounted or motorized regiments*," the "*national standard*" for the flag would be "*trimmed on three edges with a knotted fringe of yellow silk 2 ½ inches wide*." Similarly, the "*regimental color and standard*" stipulated that the flag be "*trimmed on three edges with a knotted fringe of silk 2 ½ inches wide. The color of the silk fringe will be yellow."* Thus, the connection is made between the yellow fringe and the military, operating in a time of "*peace*" between WWI and WWII.

Nothing can be found, however, authorizing these military flags to be used in the civil courtrooms. Moreover, there are no other provisions in the law to be found for adding a fourth color (yellow fringe) to the non-military version of the United States flag; as shown by 4 U.S.C. § 3 which provides that **anything** put on the Title 4 U.S.C. 1 and 2 Flag (i.e., gold fringe) MUTILATES the Flag, and carries a one-year prison term.

Given the ruling of "*Ex Parte Milligan*" (see subsequent footnote affiliated with the question below) that military and civil cannot coexist where "*citizens of the States*" are concerned, as by the military being both present and controlling the jurisdiction of the State or Federal civil courtrooms, the question below is a valid one compelling a needed explanation.

[177] A persistent complaint from those opposed to the TSA's '*enhanced'* pat down searches and advanced technology in "*whole body*" scanning is that these practices and devices violate a traveler's *Fourth Amendment* constitutional guarantee against unreasonable searches and seizures, particularly without a valid warrant, based upon "*probable cause*" and *"supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."*

The question is as follows below in a compound context.

QUESTION: Is the *National* government of the "*UNITED STATES*" – being the administrative fiduciary trustees under the employ of the *Federal* government of the "*United States*" who are "*expressly named*" (Congress, President, Vice-President, and "one supreme Court"), as the fiduciary trustees of the "*several States*" known as "*The United States of America,*" currently engaged in an undeclared and perpetual war? If so, is that war against the Federal government, or its "*U.S. citizens*;" or is it still against the States themselves? If not, what constitutional justification is there for so often disregarding the expressed language of the Constitution treating the "*rights*" of the *People* and the rights of *free Persons* (including those articulated in the "*Bill of Rights*") as "*privileges*?" [178]

Yet, such searches have been occurring on daily basis, all over the continental United States of America thanks to the UNITED STATES COURT OF APPEALS FOR THE NINETH CIRCUIT ruling (in "*USA v. SERGIO RAYMON MARQUEZ*", case no. 04-30243, opined 6/7/05) stating simply that "*random selections*" and other select causes for searches are constitutional because they are conducted as *administrative* searches, being "*intrusive*" (both in its duration and scope) to *only* the degree that it is "*necessary*" to ensure the safety of other passengers. Note that many believe the wording of this ruling presented the TSA with a fairly wide range of discretionary power to search essentially any which way they choose. The administrative aspect of this is to be discussed further down in this instant "*Amicus in Treatise*..."

178 It has been duly noted that there is no evidence whatsoever that the *Lieber Code* was ever formally repealed or rendered obsolete as it was applied to the ***p****eople* of the Northern States as well as the Southern States. Indeed, given the international history outlined by Pierce as the cause for celebrating its 150th anniversary in 2013, it is also clear that "*Lieber's Code*" is still being used as the "*law of war*" authority, albeit deceitfully, by U.S. government prosecutors to justify what are otherwise war crimes as defined by the Nuremburg Tribunal and the Geneva Conventions. As such, there are numerous examples – even outside of the cases presented in this instant case as captioned on the cover page of this instant "*Amicus in Treatise*...." as presented by Pierce (*supra*) – that demonstrate, as did the case of "*Ex Parte Milligan*" (71 U.S. 2), that martial law cannot coincide with civil liberty, that military commissions cannot coincide with constitutional "*Article III*" Courts, and that therefore, it is unconstitutional to apply military tribunals against citizens while civilian courts are still operating.

In light of the above, Pierce cited his own examples where this well-documented *domestic policy* established by the Federal court was misrepresented by the National administration for the sole purpose of justifying of violating International Humanitarian Law:

> *"That the Executive branch, under the Commander in Chief as some prefer to call the President today, found 'authority' to criminalize speech as a 'military crime' in violation of the First Amendment was through the proclamation of martial law as regulated by G.O. No. 100, Lieber's Code. General Henry W. Halleck, Union Army Chief of Staff, explained: '**Martial law, which is built upon no settled principles, but is entirely arbitrary in its***

It is no secret now that...

> "*[...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. ... in the United States, actions taken by the Government in times of great crises*** *have--****from, at least, the Civil War*** *in important ways shaped the present phenomenon of a permanent state of national emergency.*" [179]

> ***decisions is in truth and reality no law, but something indulged rather than allowed as a law.'*** *This understanding of the law of war, or martial law, was echoed by US Supreme Court Justice Field, who wrote: 'It may be true, also, that on the actual theatre of military operations what is termed martial law, but which would be better called martial rule, for it is little else than the will of the commanding general, applies to all persons, whether in the military service or civilians. . . . The ordinary laws of the land are there superseded by the laws of war. . . .'*
>
> *But Justice Field added, writing in Ex Parte Milligan where the Supreme Court in 1866 repudiated the military practices of the Civil War: 'This martial rule, in other words, this will of the commanding general . . . . is limited to the field of military operations. In a country not hostile, at a distance from the movements of the army, where they cannot be immediately and directly interfered with, and the courts are open, it has no existence.'*
>
> *Yet 21st Century US government prosecutors are adopting, albeit taking them out of context, these Civil War martial law cases in arguing there is a 'US domestic common law of war,' which is applicable globally, notwithstanding international law. One needn't go back far to find similar arguments.* ***The 20th Century is replete with similar claims of a domestic common law of war; standing above international law, such as were made in Germany, Chile, the U.S.S.R., and South Africa when under apartheid.****...*
>
> *Nevertheless, this practice of declaring outlawry was adopted by the United States when the Department of Justice declared on February 7, 2002 that 'the Taliban forces do not fall within the legal definition of POW.' In this, not only were all Taliban forces declared outlaw but anyone else captured and sent to Guantanamo Bay, or otherwise captured and deemed by the US an 'unlawful combatant.'* ***How blatant this practice of declaring outlawry by the US government was on public display when a Military Commissions Prosecutor argued in a court that a Guantanamo prisoner was a 'savage,' just like those 'savages' whom General Andrew Jackson had summarily executed during the Seminole War in Florida. This practice today is a war crime for which more than a few Nazi military commanders, and their legal advisors, were convicted and sentenced to death for.****"*

[179] Senate Report No. 93-549: *Report of the Special Committee on the Termination of the National Emergency*. (November 19, 1973), p. 1 ("*Introduction*"). Note that the "*40 years*" period dates back from the time of this report precisely to 1933 whereas,...

The Senate Report No. 93-549 referenced by the above citation included on (p. 184) a "*Memorandum*" regarding the "*Emergency Powers*" awarded by Congress to the President of the United States in the *Trading With the Enemy Act*, primarily with focus on Section "*5(b)*" as it originated in 1917 during World War I,[180] and as it was updated in 1933,[181] precisely at the time

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> "*Since March 9, 1933, the United States has been in a state of declared national emergency. In fact, there are now in effect four presidentially proclaimed states of national emergency: In addition to the national emergency declared by President Roosevelt in 1933, there are also the national emergency proclaimed by President Truman on December 16, 1950, during the Korean conflict, and the states of national emergency declared by President Nixon on March 23, 1970, and August 15, 1971.*
>
> *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 processes.*
>
> *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.*" p. iii, ("*Forward*")

[180] *Id.* pp. 184-185. (See also, Public Law no. 65-91, (40 Stat. L. 411), October 6, 1917.
> *"The Act was passed in 1917 to 'define, regulate, and punish trading with the enemy.' 40 Stat. 415. Section 5(b) gave the President power to regulate transactions in foreign exchange, the export or hoarding of gold or silver coin or bullion or currency and transfers of credit in any form 'between the United States and any foreign country, whether enemy, ally of enemy, or otherwise.' 40 Stat. 415 (1917) as amended by 40 Stat. 966 (1918). Section 5(b),* ***at that time, exempted 'transactions to be executed wholly within the United States,' thus appearing to limit its use as a basis for domestic controls.*** *It did not include a provision permitting use of the Act during periods of national emergency nor was its use restricted by its terms to the duration of the First World War or any specified term after the end of the War. A law passed in 1921 terminating certain war powers specifically exempted the Act from termination because of the large amount of property held under the Act by the Alien Property Custodian at that time. See Ellingwood, The Legality of the National Bank Moratorium, 27 Nw. U.L. Rev. 923, 925-26 (1933).*"

[181] Mannheimer, Rita. *Amendments to the Trading With the Enemy Act*, 3 Md. J. Int'l L. 413 (1978). See also, 48 Stat. 1 (1933). Note: "*In 1933* ***Section 5(b) was amended to provide that its authorities could be used in time of a national emergency declared by the President; previously, the grants of power could be used only during wartime.***" (Bold emphasis) (Mannheimer, p. 413).

that Franklin Roosevelt issued his presidential Proclamation 2039 (March 6, 1933) declaring a *national emergency* and "*bank holiday*,"[182]

> "*Subsequently in 1933-34, acting under* ***§ 5 (b), President Roosevelt issued a series of orders***[183] *which prohibited the hoarding of gold and directed that all gold bullion certificates be deposited with the Federal Reserve Banks and which regulated transactions in foreign exchange. ...[and]...In January 1934 Congress ratified all acts which had been performed under the Emergency Banking Act. 48 Stat. 343 (1934); 12 U.S.C. 213 (1970).*"

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[182] Senate Report No. 93-549 (*supra*), p. 185.

> "*Upon taking office in March 1933 President Roosevelt was pressed to deal promptly with a nationwide panic that threatened to drain the liquid resources of most of the banks in the country. The Public Papers and Addresses of Franklin D. Roosevelt, pp. 24-29 (1933) [herein after 'Roosevelt Papers'].* ***He therefore invoked the 'forgotten provisions' of § 5(b) on March 6, 1933 to declare a bank holiday and control the export of gold.*** *Schlesinger, The Coming of the New Deal 4 (1959). The bank holiday proclamation noted that there had been 'heavy and unwarranted withdrawals of gold and currency from our banking institutions for the purpose of hoarding,' and that increasing speculation abroad in foreign exchange had resulted in severe drain on domestic gold supplies,* ***thus creating a 'national emergency.'*** *Therefore it was 'in the best interests of all bank depositors that a period of respite be provided with a view to preventing further hoarding of coin, bullion or currency or speculation in foreign exchange.' In order to prevent export or hoarding of bullion or currency a bank holiday was therefore proclaimed from March 6 through March 9, 1933. Executive Proclamation No. 2039. March 6, 1933, 48 Stat. (Part 2) 1698.*"

[183] *Id*., p. 187. Referenced as: 1) Executive Order 6073 of March 10, 1933, 2) E.O. 6102 of April 5, 1933; 3) E.O. 6111 of April 20, 1933, 4) E.O. 6260 of August 28, 1933; 5) E.O. 6560 of January 15, 1934.

Relevance herein lies in the fact that the *Trading With the Enemy Act*,[184] remains codified today[185] with some aspects remaining intact and mandating "*licensing*" of rights back that have been forcibly denied. Further, any declaration of "*nonintercourse*" by the warring party (i.e., the "*government*") also entitles that power to "*confiscate*" what is otherwise private property, and to "*capture*" and "*condemn*" the *person*, *subject*, or *citizen*.[186]

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[184] *Id.* p. 415; 419. Public Law 95-223, (91 Stat. 1625) (December 28, 1977) was the latest act amending section 5(b), being a result of the aforementioned Senate Report No. 93-549 study.

> "*Both House and Senate Reports on the act note that Presidents have extensively used the authorities of 5(b) to regulate economic transactions unrelated to war or national emergency, and that 5(b) had thus become an almost unlimited grant of power to the President. The purpose of the new act is to redefine and codify the President's authority to regulate international economic transactions in future times of war or national emergency. ...The effect of the new legislation will be to take away the broad Presidential power to regulate international economic transactions during peacetime by using 5(b) of the TWEA. The wartime provisions of the TWEA remain the same. The new Act gives the President specific procedures and guidelines to follow in exercising the act's powers when a national emergency is declared. The President is subject to Congressional review.*"

[185] *See* Title 50, U.S. Code (War and National Defense), Appendix, as found on 9/27/18 at: **https://www.law.cornell.edu/uscode/html/uscode50a/usc_sup_05_50_10_sq1_20_sq1.html** *See also*, Public Law 94-112 (September 14, 1976 – *"To terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies."*). Written as a result of Senate Report No. 93-549, P.L. 94-112 presented one exception to this act in Section 502(a) which stated,

> *"The provisions of this Act shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder:*
> *(1) Section 5(b) of the Act of October 6, 1917, as amended* (12 U.S.C. 95a; 50 U.S.C. App. 5(b);"

This essentially means that "*national emergency*" of 1917, amended in 1933, did NOT come to an end and the American ***p****eople* are still living under emergency rule and martial law, because they are still governed by 12 U.S.C. 95a (95b is shown to have been repealed), which originated with the Act of March 9, 1933. (For further info and context, see the page found online on 9/27/18 at: **http://usa-the-republic.com/revenue/true_history/Chap8.html**)

[186] See also, *Senate Report no. 111: An Act to Define, Regulate, and Punish Trading With the Enemy, and for Other Purposes* (to accompany H.R. 4960); August 15, 1917 (p.19)

> *"**War**, when duly declared or recognized as such by the war making power, **imports a prohibition to the subjects or citizens of all commercial intercourse and correspondence with citizens or persons domiciled in the enemy country.** Upon this principle of public law it is the established rule in all commercial, nations that trading with the enemy, **except under a Government license, subjects the property to confiscation** or to capture and condemnation."* Hanger v. Abbott (1867) (6 Wall., 532, 535)

All of this language above echoes that which "*United States citizens*" are confronted with on a daily basis, via yearly requirements that those believed to be "*free **P**ersons*" must otherwise reinstate their driver's licenses – as operators of their own purchased consumer products, being some type of automobile – in order to continue to freely exercise their "*rights to travel*." Yet, by doing so they find out that their "*right*" instantly becomes a "*privilege*" that is "*subject to the jurisdiction*" of the State, with the powers to compel them to also "*register*" their automobiles with the State, to participate in "*auto insurance programs*" required by the State, to freely pull them over, to detain them, to issue "*citations*" to them for various perceived automobile or "*driving*" defects, to impound their automobiles, and ultimately, to incarcerate them and subject them to some type of corporate-style Article I, maritime, equity "*court*" system that is anything *but* a constitutional Article III Court.

What the language above also echoes is that which United States "*citizens*" across the nation are also experiencing by way of "*civil asset forfeitures*," which originally were legislated with the purpose of crippling large-scale criminal enterprises by diverting the resources of these *enemies of the state*. However, as shown above, just as the U.S. prosecutors twist the reasoning of Lieber's Code to justify their assertion that the U.S. domestic policies of yesteryear provide the basis for their abuses at the Guantanamo military prison, police departments across America are doing the same when pigeonholing average ***p**eople* into their legislative category of "*belligerent*"[187] and

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[187] Mariotti, Steve. *Dear Americans: This Law Makes It Possible to Arrest and Jail You Indefinitely Anytime*. [*Terrorism may not be the worst threat to freedom that we face: The frightening implications of the National Defense Authorization Act (NDAA*).] Published by the Huffington Post (Sept. 27, 2016)

> **"*The NDAA also applies the laws of war on American soil – except under this law, everyone, whether an American citizen or not, is robbed of their rights. Under Section 1021, anyone who has committed a belligerent act, which even the government could not define when questioned in court, can be detained indefinitely, without charges or trial, as a 'suspected terrorist. ... In essence, the 2012 NDAA brought the war on terror home. It is the authority used to kill American citizens abroad and justify the abuses at Guantanamo Bay. And now it applies on American soil. ... The 2012 NDAA's detention provisions apply to anyone, anywhere. But who is most likely to have the NDAA used against them? It depends on how you define the word 'terrorist.' ...The Department of Homeland Security said that individuals or organizations 'reverent of individual liberty' and 'suspicious of centralized federal authority' pose a threat. The state of Georgia calls publishing 'public records' terrorism. The FBI added the director of an anti-fracking film to the terror watchlist; and tells business owners to look for terrorists via 'strange odors,' 'ordering a specific hotel room,' and demanding 'identity privacy' in dozens of their documents. ...The government won't define 'terrorist' in order to keep their options flexible. So it means whatever they want it to mean, at any point. And under the 2012 NDAA, the term 'terrorist' can be applied to whomever they want to apply it to, at any point.*"** (Bold emphasis)

thereafter treating them as war criminals, and their property as wartime "*booty*," without constitutionally-required *due process*.[188]

IV. Statement of Facts Regarding "*Where is Where*": Where the "*United States*" Does and Does Not Have Nexus (continued)

I. Political Nexus – the "'*Collateralization of American lives to pay for the perpetual debt started by the Bankruptcy in 1933*' Net"

During the Civil War, as was the case with the Revolutionary War about a century earlier, both the North and the South reverted to the use of paper money[189] "*to obtain everything necessary for war without surrendering anything of comparable value in exchange*." [190] On February 25, 1862, the 37th Congress passed the Legal Tender Act of 1862 (12 Stat. 345), captioned as "*An Act to authorize the Issue of United States Notes, and for the Redemption or Funding thereof, and for Funding the Floating Debt* [191] *of the*

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[188] *Id.*

> "*The Geneva Conventions created in 1949 were a set of treaties that established international law standards for the humanitarian treatment of people involved in war. The Geneva Conventions split people on a battlefield into two categories:* combatants *(soldiers) and* non-combatants *(civilians). Under the Geneva Conventions, POWs are captured combatants protected by international law from torture, starvation and the denial of medical care.*
>
> *After 9-11, the U.S. government wanted to get around the Geneva Convention's ban on torture of combatants so it created a new category: 'unlawful enemy combatant', i.e. a 'terrorist.' This is a person who took up arms on a battlefield but is not entitled to POW protections. As Department of Defense General Counsel William Haynes wrote in a letter to the Council on Foreign Relations, regarding Guantanamo Bay: 'All of the detainees are unlawful combatants and thus do not as a matter of law receive the protections of the Third Geneva Convention.'*
>
> *In 2009, Congress passed the second Military Commissions Act, which quietly replaced 'unlawful enemy combatant' with 'unprivileged enemy belligerent'. Both noncombatants and civilians could then be categorized as 'enemy belligerents,' and denied their Geneva Conventions rights.*

[189] Prior to the Civil War, it was *The Coinage Act of 1782* (1 Stat. 246) that had originally established the first definition of lawful "*money*," whereas a "*dollar*" was defined by the law as a weighted relationship to gold and silver. As found on 9/27/18 at: **https://famguardian.org/Subjects/MoneyBanking/Money/LegHistory/LegHistoryMoney.htm**

[190] Becraft, Larry. *Memorandum of Law: The Money Issue*, p.18. As found on 9/27/18 at: **http://home.hiwaay.net/~becraft/MONEYbrief.html**

[191] Stamper, Mel. *Fruit From a Poisonous Tree: Secrets that were never to be revealed.* iUniverse, Inc. (2008) p. 59: "*Moving to a floating exchange rate for international commerce means private enterprise and not central government bears the risk of currency fluctuations*."
As found on 9/27/18 at:

United States."[192] This Act authorized the "*Secretary of the Treasury*"[193] to issue up to $150 million to the public "*for payment of all taxes, internal duties, excises, debts, and*

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https://books.google.com/books?id=rlBeM-9BOg8C&pg

[192] See "*A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875*" *Statutes at Large*, 37th Congress, 2nd Session as found on 9/27/18 at: **http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=012/llsl012.db&recNum=376**

[193] The *National Banking Acts of 1863 and 1864* subsequently established a system of national banks, the precursor to the Federal Reserve System. They also established the Office of the Comptroller of the Currency, with the responsibility of chartering, examining and supervising all the national banks, making the Secretary of the Treasury's position one of more focused concentration on public policy. Today, the Office of the Comptroller of the Currency is one of many bureaus of the U.S. DEPARTMENT OF THE TREASURY and the Secretary of Treasury's job is mostly one of management and advisement to the "*President / CEO*" on the corporate National Government's financial infrastructure, the production of coin and currency, the disbursement of payments to the American public, revenue collection, and the borrowing of funds necessary to run the federal government. (*See* the Bloomberg web-page as found on 9/27/18 at: **https://www.bloomberg.com/research/stocks/private/people.asp?privcapId=20499240**)

Notably, although Bloomberg's "*Company Overview of the United States Department of The Treasury*" touts the "*Department*" to be a "*government institution*," a closer look at the "*people*" running this institution today reveals an "*Advisory Committee*" and "*Treasury Board*" that is heavily involved with and influenced by the insurance industry, and with companies such as the American Insurance Group, Inc. ("AIG") that is inextricably linked to underlying civil and criminal claims of this instant case, and the security company operating in the Twin Towers about the time of the "*9/11*" terrorist event. AIG has long been known to operate a complex international network of shell companies and other entities that have been used for clandestine intelligence and other covert activities. Documentation is also aplenty revealing AIG's involvement in drug money laundering, which is suspected of having much to do with the UNITED STATES' motive to invade Afghanistan, which at that time was known to produce over 90% of the world's heroine supply. [*See* the federal case of "*David Schied and Cornell Squires, acting in the capacity of Private Attorney Generals ('PAGs'), State Ex Rel, and on behalf of Sui Juris Grievants/Claimants and Crime Victims David Schied, Cornell Squires and other people similarly situated v. Karen Khalil, et al*" (Sixth Circuit case no. 15-2464; US District Court case no. 2:15-cv-11840) as found on 9/27/18 at:
https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/033116_MyResp2PlunkettCooney&AIG-Mot4SummJudg/MyResponse&Exhibits/BriefinSupportofMyResponse2DefendantFraud&WritofShowCauseAgainstJudge.pdf
and,
see the "*Transcript [dated 3/28/16] of the YouTube Video: '9/11 False Flag Conspiracy Finally Solved (Names, Connections, Motives)*"' filed as an exhibit in the above-referenced case as found on 9/27/18 at:
https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/033116_MyResp2PlunkettCooney&AIG-

demands of every kind due to the United States...and [to] be payment for all debts, public and private, within the United States..." These "*greenbacks*" were not backed by gold or silver specie.[194]

The passage of the Legal Tender Act of 1862 once again showed Congress' defiance of both the previous lessons of history the plain intent of the Framers of the U.S. Constitution.[195] Subsequently, during the National Banking Era between 1873 and 1914 there were a series of

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Mot4SummJudg/MyResponse&Exhibits/MyExhibits2Response+ShowCauseAgainstIncapacitatedJudge/Ex_G_Transcriptof911video.pdf

[194] In the immediate aftermath of the California gold rush, greenbacks were often found to be rejected in the western states, especially California and Oregon.

[195] *See* Becraft, *supra*. Among others, these lessons would include failures of the pre-Revolutionary War "*bills of credit*" issued by Rhode Island during the 1740's and the exorbitantly high inflation caused by the issuance of the Continental Notes used to sustain the colonies during the Revolutionary War. (p.18) Further, Becraft's "*Memorandum of Law*" provides a respectable analysis of the state and federal court cases, as well as the political circumstances surrounding those fluctuating "*decisions*" about the constitutionality or non-constitutionality of the Legal Tender Act of 1862. He concluded:

> "*To determine the full scope of the alleged legal tender powers of Congress, reliance upon the Juilliard v. Greenman [110 U.S. 421, 448 (1884)] decision alone is insufficient. Knox v. Lee [79 U.S. 457, 534 (1871)] merely found the existence of the federal power to emit bills of credit, without specifying any source other than auxiliary or resulting powers; the scope of this power is not mentioned in Knox and can only be found by looking at the style of the case, the names being individuals. But Knox did not in any way destroy Bronson v. Rodes, [74 U.S. (7 Wall.) 229 (1869)], which required specie payment if a contract called for such. Nor did Knox in any way destroy the efficacy of Lane County v. Oregon [74 U.S. (7 Wall.) 71, 77 (1868)], wherein state taxes were required to be paid in specie coin. Juilliard is only important for specifically defining the full scope of the legal tender powers of Congress; there, the Court described* ***the full reach of the Congressional power of legal tender as only affecting the relationship between citizens and the national government, and among citizens, in a federal forum.*** *The decision of Hagar v. Reclamation District No. 108 [111 U.S. 701, 706 (1884), which closely followed Juilliard, continued the principal that* ***federal legal tender powers could not constitutionally affect the relationship between a citizen of a state and his state government.*** *What appears as a broad statement of federal currency powers in Juilliard is not as all encompassing as many would imagine. The limit of Congressional legal tender power is set forth in the Constitution in Article 1, § 10, cl. 1, which is the very subject of this brief. And in accordance with Article 1, § 10, clause 1,* ***both Oregon and California had state laws requiring payment of taxes in specie, and these laws were not voided by the exercise of the Congressional legal tender power."***

In citing from the case of *Ward v. Smith* [74 U.S. 447 (1869)], Becraft additionally concluded that "*a federal currency that is not redeemable in specie coin is repugnant to the Constitution*".

"*Banking Panics*," each associated with either the "*widespread suspension of convertibility*" or "*clearinghouse loan certificates*." [196] One critical "*panic*" occurred in 1907, in "*which many have concluded was caused by deliberate international gold shipments which affected bank reserves. As a result of the damage caused by this panic, the people of our nation and various politicians agitated for monetary reform.*"[197]

As history has more recently popularized, those "*reforms*" came by the Federal Reserve Act of 1913.[198] Two years later, the British ocean liner, the RMS Lusitania that was carrying a

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[196] Calomiris, Charles; Gorton, Gary. *The Origins of Banking Panics: Models, Facts, and Bank Regulations*. Chapter in NBER book *Financial Markets and Financial Crises* (1991), R. Glenn Hubbard, editor (p. 109 - 174) Conference held March 22-24, 1990. Published in January 1991 by University of Chicago Press. Found on 9/27/18 at: **http://www.nber.org/chapters/c11484**

> *"Banks convert their debt claims into cash (at par) to such an extent that the banks suspend convertibility of their debt into cash or, in the case of the United States, act collectively to avoid suspension of convertibility by issuing clearing-house loan certificates. ...which were liabilities of the associations of banks. ... Initially, clearing-house loan certificates traded at a discount against gold. This discount presumably reflected the chance that the clearing house would not be able to honor the certificates at par. When this discount went to zero, suspension of convertibility was lifted. ... Thus, one could rank panics in order of the severity of the coordination problem faced by banks into three sets: suspensions (1873, 1893, 1907, 1914); coordination to forestall suspensions (1884, 1890); and a perceived need for coordination (1896)."*

[197] *See* Becraft, *supra*, p. 25. See also, Bruner, Robert; Carr, Sean. *The Panic of 1907: Lessons Learned From the Market's Perfect Storm*. (2007) John Wiley & Sons; (pp. 30-31) [citations omitted].

> "*In the summer of 1907, a major economic shock hit the American capital markets. In an effort to harbor gold reserves, the Bank of England imposed a prohibition on U.S. finance bills, which were loans with which U.S. firms could import gold. The contemporary economist, O.M. W. Sprague, considered this action 'the most important financial factor in the panic of 1907.' The prohibition slashed the volume of finance bills in the London market from $400 million to $30 million by late in the summer of 1907. This meant that American debtors could not simply refinance their obligations in London. As a result,* ***the flow of gold to America suddenly lurched into reverse as gold was remitted to London to settle the payment on finance bills.*** *This further contracted U.S. gold reserves by nearly 10 percent between May and August and contributed to a national liquidity drought.*
>
> *Despite relatively high U.S. interest rates,* ***the United States exported $30 million in gold to London during the summer of 1907****. ... As a result... the New York money market was left with an uncharacteristically low volume of gold entering the fall season of cash tightness. Meanwhile, the U.S. Treasury withdrew $30 million of deposits from national banks in order to redeem certain U.S. bonds maturing in July. ...*"

[198] Becraft, *supra*, p.25-26.

healthy compliment of American passengers along with around 173 tons of war munitions for the British to use against the Germans, was torpedoed, bringing the UNITED STATES into World War I. At the conclusion of that war, "*the monetary powers in control of the Federal Reserve System schemed a deliberate, premeditated, intentional contraction of the currency supply*."[199]

> "*The Federal Reserve Act as promoted to the American public by its proponents gave the outward appearance that the 'Money Trust' was being destroyed and was being replaced by a governmental agency which would operate for the benefit of the public. It was necessary that the American people be defrauded and deceived* ***because the Act did not dethrone the 'Money Trust' but in fact granted to that Trust theretofore vast and unknown powers.*** *As noted at the beginning of this brief, private groups have always desired to have the power to provide currency to a nation and this act in fact gave the Juilliard powers of Congress to a private, powerful, financial group. "*

Note that the "*Juilliard powers of Congress*" refers to the aforementioned case of '*Juilliard v. Greenman*' upholding Congress as "*authorized*" to establish a national currency in "*lawful money*" in spite of the fact that, as Becraft put it, "*the microscopic examination of the Constitution by Justice Strong in Knox failed to reveal the source of this hidden power*" and that "*Justice Gray [as author of the Juilliard decision] relied upon the sovereign powers of European governments, something which was totally new to [the] construction of the American Constitution*." Becraft added:

> "*The dissents in both Knox and Juilliard were exceptionally well written and documented rebuttals of the* ***erroneous findings of historical fact relied upon by the majority in both cases****. Justice Field aptly stated the case of the dissenters by noting that* ***no jurist or statesman in our country, prior to the Civil War, ever mentioned or alluded to the power so readily found by the majority in both Knox and Juilliard. 'All conceded, as an axiom of constitutional law, that the power did not exist,'*** *110 U.S., at 454. The defects in findings of historical fact, argument and reasoning in both cases were ably pointed out by George Bancroft in his work, A Plea for the Constitution, written in direct response to the Juilliard decision. If Bancroft did not fully destroy the fallacies of Juilliard, Dr. Edwin Vieira in his book, Pieces of Eight, has conclusively done so*."

[199] Becraft, *supra*, (p. 26) – Despite the UNITED STATES being on the "*winning*" side of that international war [WWI], thanks in part to the instant available credit that was provided to the U.S. government-corporation resulting from the Federal Reserve Act, the Federal bonds used in exchange for such credit became the basis upon which Federal Reserve Notes were issued. "*As the war progressed, the paper currency and credit supply greatly expanded and this directly caused inflation [against the people of America after the war]*." Additionally, ...

> "*Since the Federal Reserve Act conveyed to a private banking cartel a very substantial Congressional power, the question naturally arises as to whether this legislation is constitutional on this basis. It is unnecessary to consider the infinite, numerous transactions of the System such as its open market operations, discount operations and flagrant, abusive, tortuous manipulations of the reserve requirement ratio. Since the only crucial link to the Juilliard powers of Congress consists of the fact that Federal Reserve Notes are U.S. obligations, analysis can be limited to this one aspect. Here,* ***Congress in the Act established no discernible***

Thus, ...

> ***policy or purpose insofar as the issuance of such obligations is concerned; there is no standard by which action taken pursuant to such nonexistent policy can be controlled; there are no rules, regulations or procedures to be followed concerning the issuance of these obligations; there are no requirement for finding of facts in reference to issuance of these obligations; and certainly there are no administrative procedures such as public hearings and opportunity to be heard. It appears that the conveyance of Congressional Juilliard powers to these banks was an outright gift to a very powerful, self interested financial group, subject to no control or restraint by Congress. The Federal Reserve System was given unbridled power to expand or contract the number and amount of outstanding federal 'bills of credit.' This legislation is unconstitutional for this reason.*"

Importantly, there were numerous questionable decisions of the "*supreme Court*" both before and after the *Federal Reserve Act* was legislated by Congress, which paved the way for Roosevelt's "*New Deal*" to bring in what has come to be known by many as a "*Fourth Branch*" of the National government's *clusterflock* of administrative agencies constituting what is now referred to as the "*Deep State*." (*See* Turley, Jonathan. "*The rise of the fourth branch of government*." The Washington Post, 2013 as found on 9/27/18 at: **https://www.washingtonpost.com/opinions/the-rise-of-the-fourth-branch-of-government/2013/05/24/c7faaad0-c2ed-11e2-9fe2-6ee52d0eb7c1_story.html?utm_term=.ab3ae3a28e30**)

As Becraft (*supra*, p. 25) wrote with reference to the powers of Congress to delegate legislative functions, and how, over time and by successive court rulings, the administrative powers of the "*deep state*" got its stranglehold upon the American ***people***:

> "*Perhaps one of the most significant cases regarding Congressional delegation of authority is that of Field v. Clark, 143 U.S. 649, 12 S.Ct. 495 (1892), wherein this issue of authority of Congress to delegate was considered. Although the Court there upheld the challenged delegation,* ***the decision plainly stated that the Constitution prevented a delegation of legislative power by Congress to any person or entity.*** *The Court reasoned that there was a distinct difference between delegation of legislative power, which is unlawful, and authority or discretion vested in some official as to execution of the law, which is permitted. In Union Bridge Company v. United States, 204 U.S. 364, 27 S.Ct. 367 (1907), the Court noted the requirement that an administrative agency had to give notice of hearings, conduct hearings and afford an opportunity to be heard in order to proceed against a party adversely. See also Hampton and Company v. United States, 276 U.S. 394, 48 S.Ct. 348 (1928). In United States v. Grimaud, 220 U.S. 506, 31 S.Ct. 480 (1911), the Court upheld the use of agency rules and regulations as the basis for a criminal prosecution, the reason being that Congress had set forth in its legislation standards for such rules. In United States v. Shreveport Grain and Elevator Company, 287 U.S. 77, 53 S.Ct. 42 (1932), the requirement of rules and regulations for agencies was demonstrated.*"

> "*On May 18, 1920, a 'secret meeting of the Federal Reserve Board' devised a criminal plan to severely damage the commerce of our nation, particularly the agriculture industry. During this meeting, plans were made which were shortly thereafter implemented to raise severely the discount rate and reserve requirement ratio. The results were predictable, and agriculture and its support industries received a severe financial blow, all for the purpose of reducing prices. Much financial ruin was caused and those who were damaged were without fault. Nonetheless, the System proved efficient at currency contraction, thus laying the groundwork for the Great Depression*."[200]

In the annuls of American history, the Congressional Records ("*Proceedings and Debates*") for the 67th Congress (*Fourth Session*, pp. 4357–4370),[201] U.S. Senator for North Dakota, Edwin Ladd, on February 23, 1923, stated the following views regarding what the picture looked like in America's political and economic systems at that period of time just after World War I and prior to The Great Depression:

> "*Mr. President...I shall endeavor to show that the germ which made possible this unfortunate condition was planted with the founding of our Government and has continued to develop ever since, until to-day in this country we are witnessing its full fruition for the benefit of a privileged few and at the expense of the masses. ...*
>
> *At the outset I wish to call attention to the blunder that has been made in the private operation of our railroads, our banks, and other great industries and how interlocked has become nearly all lines of so-called big business; how a few men actually control the policy of these industries and institutions; and how they have been enabled to thwart the Government's efforts to have them render a real service to all the people through the instrumentalities that have been intrusted* [sic] *in the hands of individuals and corporations until they have ceased to function in the interests of the people and have become at times even a dangerous weapon in the hands of special privilege. This policy, if continued, will crush our people and drag down the splendid civilization which our forefathers so laboriously built up that we might ever continue a free and independent people, where poverty and suffering should almost be unknown and every man should receive a full share of the fruits of his labor, but which independence is now fast becoming a hollow mockery to many of the best blood of our land. ...*[202]

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[200] *See* Becraft, *supra*, p. 26, in which he makes reference in footnote to the story of this criminal meeting of May 18, 1920 as articulated on upon the pages of the *Congressional Record* of February 23, 1923 (pages 4362 through 4369) as found on 9/27/18 at: **http://home.hiwaay.net/~becraft/CongRec1923.pdf**

[201] As found online on 9/27/18 at: **http://home.hiwaay.net/~becraft/CongRec1923.pdf**

[202] *Id.* Congressional Records ("*Proceedings and Debates*") for the 67th Congress (*Fourth Session*, pp. 4357–4370), p. 4357–58 and p. 4369 adding:

> *"[W]ith the illimitable, inexhaustible resources of this country, with her prodigious increase of wealth-producing power, her marvelous mechanical achievements, and the unprecedented genius of her people for industrial*

The total farm mortgage indebtedness in this country today is over $8,500,000,000. And this appalling debt is borne by the 6,500,000 farm families of the country, whose annual net income is $184 each, out of which sum the children are to be educated, doctor's bills, life and tire insurance paid, buildings repaired and church and fraternal organizations supported. But this distressing condition is not confined to the farm industry. Over 60 per cent of those who work in the manufacturing and mining industries and auxiliary business activities are living in rented houses. Seventy-five per cent of the homes of America are mortgaged. Out of a population approximately 110,000,000, only 4,131,878 own homes free from encumbrance.

OUR EARNING POWER WILL NOT PAY THE INTEREST. The estimated wealth of the United States is 175 billions, and the estimated indebtedness, which includes all interest and dividend-bearing securities, is $140,000,000,000. One thing is certain and that is that these figures show that we are on the verge of national bankruptcy. The earning power of all the people after a bare subsistence is deducted is not sufficient to pay the interest upon this gigantic sum, to say nothing of payment of the principal. The most disgraceful and indefensible feature of this intolerable condition is the incontrovertible fact that over 90 per cent of this prodigious indebtedness is wholly fictitious, not representing one dollar of actual investment, but is the result of dexterous manipulation of financial schemes concocted for the sole purpose of robbing the actual wealth producers of the country. Little by little and bit by bit we have built up a banking and currency system solely for the benefit of stock gamblers, spectators, money sharks, and all sorts of financial bandits and wholly against the real business interests and productive industries of the people. The industrial slavery established under this money system may be more refined than chattel slavery, but it is far more merciless, cruel, and inhuman. When we remember that the key interest on this indebtedness is paid by the people through increased prices we see at once that here is an ignored factor, and overlooked element in the rapidly increasingly prices of the necessaries of life. ...

International bankers...formulated and put through Congress in 1914 their fraudulent gold basis Federal reserve act, granting banking corporations organized for private gain, first, the power to rediscount the debts of borrowers and receive the proceeds in Federal reserve notes from the Government, thus giving banks the power to convert debts into money; second, the astounding privilege of rediscounting the debts of borrowers and having the amount credited

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cooperation and efficiency, it is a perplexing enigma that there should be a single person able and willing to work that can not find remunerative employment sufficient to maintain his family in comfort and contentment. Nevertheless, it is painfully and pitifully evident from every-day experience and common knowledge, substantiated by the reports of investigations made by the Federal, State, and municipal governments, that a very large proportion of our industrial population is as a result of low wages and disemployment, living in a condition that is detrimental to physical health and moral purity, and which deprives the American home of every element of happiness and contentment. ..."

to their 'reserve,' and upon this reserve, so created, loan from eight to ten times the amount, thus putting people deeper and deeper in debt. This afforded the banks the opportunity to make unheard-of profits.

In 1914, when the European war started, tremendous ***war orders from the Allies in Europe were placed with these great trusts and corporations, showing profits running as high as 500 per cent; as a result the stocks of these trusts and corporations, advanced in value to unprecedented high levels, which enabled them to obtain additional loans from the banks to increase the capacity of their manufacturing plants to meet this growing demand.***

This was their situation when the alarm started that the Allies had exhausted their means of making payments on their debts and could not purchase more in the United States unless they were given uncovered credits; in other words, they could put up no more collateral security for loans or pay the debts then due in the United States, amounting to billions of dollars. It was then forced upon the attention of these international bankers that if the Allies were defeated or Europe was bankrupt as a result of the war they would face a total loss.

The resourcefulness of the international bankers in high finance was put in operation and ***the plan put through to shift the obligations owed them by the Allies upon the taxpayers of the United States. This was done by getting Congress to authorize the exchange of United States bonds for the worthless promises to pay of the bankrupt countries of Europe****, with a war debt of over $200,000,000,000, would have to repudiate them.*

Thus the bonds put upon the taxpayers of this country were used to pay the debts of the Allies to the banks, industrial trusts, and corporations in the United States.

This was another gigantic conspiracy of the international bankers to rob the people, that will be more fully exposed in the near future. The people of the world have been financially ruined by a false banking and currency debt manufacturing scheme, built upon a fraudulent and dishonest gold basis, and the present move of international bankers for an economic council of experts to adjust German reparations and stabilize the mark is an international subterfuge to entangle the United States financially with the bankrupt countries of Europe, to reestablish the gold standard, or gold-basis banking and currency scheme, through which international bankers control the money and credit of the different countries of the world. **[203]**

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[203] The "*national emergency*" in 1933 was a really banking crisis brought on by the fact that at the time bank deposits were supposed to have been backed by gold stored in the bank vaults. The problem was that the gold was no longer there, and people were lining up at the banks and demanding to cash in their gold certificates for the gold they were supposed to have on deposit. The banks didn't have the gold to return for the simple reason that, in the UNITED STATES, the value of gold was legally limited to $35 an ounce; but in Europe the value of gold floated and was worth $60 an ounce. The banks therefore sold their gold to the European bankers and made a tidy profit at their customers' expense, leaving these American bankers also with no gold reserves to guarantee the gold certificates they had previously issued to those customers. Thus, the Roosevelt administration and the Federal Reserve ended up being the actual "*hoarders*" of America's gold

> *The people of the United States should resist at any cost this attempt to reestablish the fraudulent gold-basis money scheme as it will inevitably rivet the chains of the industrial slavery upon 90 per cent of our people or end in a civil war.*"[204]

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to the point of eventually taking gold completely out of economic circulation and placing Americans into a perpetual, impossible-to-pay-off debt. *See* more as found on 9/27/18 at: **http://usa-the-republic.com/revenue/true_history/Chap8.html**.

[204] *Id.* p. 4370, Senator Ladd added:

> **"*I am fully justified in stating that the peak of official perfidy and financial iniquity was reached when the Federal reserve system was imposed upon the American people by world's investment bankers.* For defeating the very purpose its sponsors publicly claimed for it, it can not be matched. It was an unpardonable national crime. The few redeeming traits that it posses are rendered nugatory by what its originator, Paul M. Warburg, styled ***'in an administrative way.'***
>
> *Through the notorious dishonest manipulations of this infamous system, the purchasing power of farmers of the country has been deflated $18,000,000,000 in a single year. When we stop to consider that there are 6,500,000 farms in the United States employing 13,000,000 men, we at once realize that the farmer is the largest employer of labor in the country. He produces all our food and clothing and pays nearly 60 per cent of the freight charges, in the capacity of producer and consumer. Every farm is a producing and consuming plant. Just think of the prodigious amount of supplies that are consumed in the aggregate by the farmers of the United States: Threshing machines, reapers, rakes, binders, tractors, wire fencing, tiles, in short farming machinery and implements of all kinds, building material for houses, barns, and outhouses, fruit trees, fertilizers, plants and the scores of things these will suggest. Now,* ***it is as plain as a geometrical axiom, that just in proportion as you reduce the purchasing power of the farmer in the same proportion you diminish the prosperity of the Nation.***
>
> ***In the face of these indisputable facts is not a burning, blistering shame, tantamount to a national scandal*** *that the time of the Congress should be wasted and frittered away* ***considering such an iniquitous measure as the one under consideration while the working farmer is pushed into irredeemable bankruptcy by the force of unjust laws and the dishonest and inefficient administration of others.*** *Can you imagine anything more cruel and merciless than the foreclosure of a farm mortgage that robs industrious thrifty, peaceable country-loving, law-abiding American citizens of years of weary toil, to turn it over to men who never performed a day's labor, produced a dollar's worth of wealth, rendered any useful service to society, who have done nothing, in fact, to aid the advancement of a true civilization or to furnish the slightest pretext for their own existence? To compare them to parasites that fatten on other organisms would be doing injustice to the parasite, as the latter do not intimidate, discriminate, or deceive their prey; they are vampires that with ruthless indifference extract the very lifeblood of their helpless victims. ...*

Nevertheless, despite the clarity in the previous years of numerous warnings, in 1929, the United States had entered the Great Depression.[205] At that time, most of the major economic and

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The conclusion is irresistible, and from this conclusion there is no escape, that peace and prosperity can not be reestablished until we do justice to the farmer who works the farm and an prevent financial bandits from farming the farmer who works the farm. Never before in the history of this Nation was there such an urgent demand for honesty, intelligence, and courage on the part of the people's representatives as there is at this very moment. Their responsibility to the people in this great emergency is grave and serious."

[205] Hamilton, David. *Herbert Hoover: Domestic Affairs*. University of Virginia. "*Causes of the Great Depression*.

The American economy of the 1920s, while prosperous, was fundamentally unsound. The economic collapse that defined the Great Depression did not occur all at once, nor for one particular reason. Historians have identified four interwoven and reinforcing causes of the nation's most severe economic crisis: structural weaknesses in both American agriculture and industry; the frailty of the international economy in the late 1920s and the early 1930s; and the overly speculative and unstable foundations of the American financial sector.

As discussed previously, the nation's agricultural sector during the 1920s was unhealthy, a condition that was due largely to overproduction. But if the economic outlook looked bleak from the nation's fields, they appeared just as dreary from its factory floors. While industrial productivity and profits increased during the decade, wages remained stagnant. These profits, more often than not, were placed in the stock market or in speculative schemes rather than re-invested in new factories or used to fund new businesses, both of which (theoretically) would have created new jobs. The combination of agricultural woes and industrial stagnation conspired to grind America's economy to a halt.

The world economy also suffered from a general slowdown in the late 1920s. The Treaty of Versailles that ended the Great War required Germany to pay reparations to France and Britain, countries which owed money to American banks. The German economy, wrecked by the war, could not sustain these payments, and the German government looked to the United States for cash. Europe's economic health, then, was built on a web of financial arrangements and hinged on a robust American economy.

Finally, America's financial sector was a house of cards. During the 1920s, American businesses were increasingly raising capital either by soliciting private investment or by selling stock. Over two million Americans poured their savings into the stock market and many more into investment schemes. But there was little or no regulation of these companies and supposed investment opportunities, nor much oversight of the process. Too often, Americans put their money into 'get rich quick' schemes which had no chance of long-term financial return, or into companies that made no real profits—and sometimes no actual products! The stock market was particularly volatile during the 1920s. It soared during the second half of the decade, with the New York Times index of industrial stocks growing from 159 points in 1925 to 452 points in September 1929. Investors bought stocks 'on

military powers in the world were also in a similar depression.[206] Due to yet another *panic* in the economic markets leading to Black Tuesday and the great Wall Street Crash of 1929, the American people were shot down from their previous decade of post-WWI speculative disillusionment in optimism and belief that they were in a "*New Economic Era*."[207] What was

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> *margin,' meaning they produced only a small down-payment and borrowed the rest from their broker or bank. As long as the stock increased in value, all was well. The investor would later sell the stock, repay the broker or the bank, and pocket the profit.*
>
> *Each of these factors helped create and sustain a severely unequal distribution of wealth in the United States, where a tiny minority possessed incredible riches. In 1929, five percent of the populace held nearly a third of the money and property; over 80 percent of Americans held no savings at all. In addition, the stagnation in wages, the collapse of agricultural markets, and rising unemployment (all of which led to the growing gap between rich and poor), meant that most Americans could not buy the products that made the economy hum. Wealthier Americans, moreover, failed to spend their money, choosing instead to invest it. In short, the American economy was a consumer economy in which few consumed.*"

As found on 9/27/18 at: **https://millercenter.org/president/hoover/domestic-affairs**

[206] *The Memoirs of Herbert Hoover: The Great Depression 1929–1941*. (Hereafter, "*Hoover Memoirs*.") The MacMillan Company (1952). Page vi ("*Introduction*"):

> "*As this volume will demonstrate, the 'Great Depression' did not start in the United States. To be sure,* ***we were due for some economic readjustment as a result of the orgy of stock speculation in 1928-1929. This orgy was not a consequence of my administrative policies. In the main it was the result of the Federal Reserve Board's pre-1928 enormous inflation of credit at the request of European bankers*** *which, as this narrative shows, I persistently tried to stop, but I was overruled. Aside from the inevitable collapse of this Mississippi Bubble, some secondary economic forces also contributed to the October, 1929, events. But even this slump started in foreign countries before it occurred in the United States, and their difficulties were themselves a contributing factor to the stock market crack. Our domestic difficulties standing alone would have produced no more than the usual type of economic readjustment which had re-occurred at intervals in our history.*
>
> *Eighteen months later, by early 1931, we were convalescing from our own ills when an economic hurricane struck us from abroad. The whole financial and economic structure of Europe collapsed at this time as a result of the delayed consequences of the First World War, the Versailles Treaty, and internal policies.*"

As found on 9/27/18 at:
https://hoover.archives.gov/sites/default/files/research/ebooks/b1v3_full.pdf

[207] *Id.* pp.5–7

> "*One of these clouds was an American wave of optimism, born of continued progress over the decade, which the Federal Reserve Board transformed into the stock-exchange Mississippi Bubble. ... During 1925, I began to be alarmed over the growing tide of speculation and gave warnings as to the dangers of this mood. ...*

ushered in after that was the result of a deceptive "*pouring in*" of a combination of **socialism** and **fascism**, masked under yet another unconstitutional disillusionment against the American people propagandized as a "*planned economy*."[208]

The "*Plan*" started immediately after Franklin Delano Roosevelt's presidential inauguration with a "*banking holiday*" closing the doors on the nation's banks, and Congress' legislation confiscating all gold in America. These actions began what many red-blooded American men and women today believe was a final governmental "*coup d' etat*"[209]

> *Behind these alarms was my knowledge that the Federal Reserve Board had deliberately created credit inflation. ...*
>
> *They asserted that, by the control of discount rates, open market operations, and currency issues, business crises could be eliminated. They contended that raising rediscount rates and restriction of credit through the sale of government securities by the Reserve Banks ('open market operations') would curb all speculation, and that the opposite actions by the Reserve Banks would stimulate business activity. A few of their expressions were:*
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> > *'We shall have no more financial panics... Panics are impossible... Business men can now proceed in perfect confidence that they will no longer put their property in peril... Now the business man may work out his destiny without living in terror of panic and hard times... Panics in the future are unthinkable... Never again can panic come to the American people.'*
>
> *A contribution to optimism and the belief in the 'New Era' was the illusion that the economic system was thus completely immune from financial crises. Bankers, accepting this illusion, neglected many of their own responsibilities. ...*
>
> *The sixth phase of the depression began with the inauguration of the New Deal. The rest of the world turned to recovery in July, 1932, and only the United States marched in the opposite direction with the election of 1932. If the New Dealers had carried on our policies instead of deliberately wrecking them and then trying to make America over into a collectivist system, we should have made complete recovery in eighteen months after 1932, as did all the dozen other nations with a free economy. We continued in the sixth phase of the depression until war intervened in 1941.*

[208] *Id.* Page 329. Hoover continued:

> *"All through the 1932 campaign, something was in the air far more sinister than even the miasmic climate of depression or a political campaign. I was convinced that Roosevelt and some members of his Brain Trust were proposing to introduce parts of the collectivism of Europe into the United States under their oft-repeated phrase 'planned economy.' That was an expression common to all collectivist systems. Paraded as liberalism, it had all the tactics and strategies of its European counterparts."*

[209] There are many in America today who believe that after the Civil War the *rogue, de facto* Congress has legislated a "*silent coup d' etat*" and delegated its authority elsewhere so much as to render itself obsolete.

See Turley, *supra*. "*The rise of the fourth branch has been at the expense of Congress's* [sic] *lawmaking authority. In fact, the vast majority of 'laws' governing the United States are not*

of what remained, if anything, of the organic Federal "*Constitution*," through the initiation of "*bankruptcy*" and "*reorganization*" proceedings of its' fiduciary National government.

On March 4, 1933, the President/CEO of the corporate National government Franklin D. Roosevelt, was inaugurated. In his inauguration speech, Roosevelt requested that Congress grant him "*broad Executive power to wage war against the emergency*" powers to allow him to deal with the financial and economic crisis.[210] The next day, on March 5, 1933, he issued Proclamation 2038 requesting an "*Extraordinary Session*" of Congress to convene on March 9, 1933, to deal with the banking emergency.[211] The very next day, on March 6, 1933, President

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passed by Congress but are issued as regulations, crafted largely by thousands of unnamed, unreachable bureaucrats."

See also, Keller, William. *Coup d' etat? First the FBI, now the intelligence community*. The Hill (online news):

> "*Let's be clear, they have thrown a political monkey wrench into the political machinery of the republic. ... It is a telling intrusion on the political coherence and continuity of the republic without precedent. It is an extraordinary arrogance of power, pure and simple, born in a culture of secrecy, which elected political authorities have been unable to resist. Since 9/11 the intelligence community has gained broad new powers. They have spent hundreds of billions of dollars to swell their ranks, build up secret intelligence infrastructure, implement expansive new surveillance programs, and insinuate their influence throughout the government. Their silent coup d'état has suddenly and unexpectedly burst onto the political stage."* As found on 9/27/18 at:
> **http://thehill.com/blogs/pundits-blog/homeland-security/314679-coup-detat-first-the-fbi-now-the-intelligence-community**

Additionally, *see* Nock, Albert. *Our Enemy, The State*. (1935) ISBN 10: 1502585634; and ISBN 13: 9781502585639:

> "*Even the coup d' etat of 1932 was noiseless and alarming. ... This regime was established by a coup d'état of a new and unusual kind, practicable only in a rich country. It was effected, not by violence, like Louis-Napoleon's, or by terrorism, like Mussolini's, but by purchase. It therefore presents what might be called an American variant of the coup d'état.* ***Our national legislature was not suppressed by force of arms****, like the French Assembly in 1851,* ***but was bought out of its functions with public money****; and as appeared most conspicuously in the elections of November, 1934,* ***the consolidation of the coup d'état was effected by the same means; the corresponding functions in the smaller units were reduced under the personal control of the Executive.*** *This is a most remarkable phenomenon; possibly nothing quite like it ever took place; and its character and implications deserve the most careful attention.*"

[210] *See* Roosevelt's *Inaugural Address* as presented by The American Presidency Project hosted online by the University of California in Santa Barbara as found on 9/27/18 at:
http://www.presidency.ucsb.edu/ws/index.php?pid=14473

[211] *See Proclamation 2038* at The American Presidency Project as found online on 9/27/18 at:
http://www.presidency.ucsb.edu/ws/index.php?pid=14584

Roosevelt issued Proclamation 2039 "*Declaring [a] Bank Holiday*"[212] based upon his claim that "*heavy and unwarranted withdrawals of gold and currency from our banking institutions for the purpose of hoarding*" had created conditions for a "*national emergency*."

These actions essentially brought an abrupt halt to Americans from withdrawing *their own deposited funds* from the banks in the form of specie currency, being silver and gold. Proclamation 2039 was essentially echoing what the Federal Reserve Board wanted the previous President Herbert Hoover to do.[213] Roosevelt however knew that he plainly would not have

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[212] *See Proclamation 2039* at The American Presidency Project as found online on 9/27/18 at: **http://www.presidency.ucsb.edu/ws/index.php?pid=14661**

[213] *See* "*Hoover Memoirs*," *supra*, p.213 which state:

> "*Pressures from various quarters, including the majority of the Federal Reserve Board, were brought upon me to declare a national banking holiday until after [Roosevelt's] inauguration. I do not know whether this idea came from Roosevelt or not, but they were in communication with him. However, up to the day I left the White House, more than 80 per cent of the banks in the country, measured by deposits, were still meeting all depositors' demands. I, therefore, refused to declare a holiday but constantly proposed, up to the last moment of my Presidency (eleven P.M. of March 3rd), to put into effect the executive order controlling withdrawals and exchanges if Mr. Roosevelt would approve. That would have effectively prevented practically all the banks from closing and given time for the panic to subside. At this last moment I called Roosevelt on the telephone, and he, in the presence of Senator Glass, again declined.*"

Hoover went further to explain how he had come to find out that Roosevelt was basing his actions upon his discovering and resurrecting an old War Power so to make the American ***p****eople* the "*enemy of the State*." He wrote:

> "*Rixey Smith and Norman Beasley, on p. 83 of their authorized biography, Carter Glass, quote the Senator's confirmation of this telephone conversation. His account of his discussion with Roosevelt that night on the use of the old war powers is of interest. Roosevelt had stated that he intended to close all the banks.*
>
> > *'You will have no authority to do that, no authority to issue any such proclamation,' protested Glass. . . . 'I will have that authority,' argued Roosevelt. 'Under the Enemy Trading Act, passed during the World War and never rescinded by Congress...'*
> >
> > *'It is my understanding that President Hoover explored that avenue a year or two ago—and again during recent days," said Glass. "Likewise, it is my understanding that ... it was highly questionable, though it has never been rescinded by Congress, the President has any such authority. Highly questionable because the likelihood is the Act was dead with the signing of the Peace Treaty, if not before.'*
> >
> > *'My advice is precisely the opposite.'*
> >
> > *'Then you've got some expedient advice,' returned Glass...*
> >
> > *'Nevertheless,' declared Roosevelt, 'I am going to issue such a proclamation.'*
>
> *Glass left the Roosevelt suite that night, dreading what this portent of the future seemed to him to mean.*
>
> *If Roosevelt's interpretation was correct, it was all the more reason for his joining with me in using it at once to save closing the banks.*

proper authority to declare a "*banking holiday*" until, at minimum, Congress was to meet three days later on March 9, 1933; whereby, after meeting with Congress, Roosevelt issued *Proclamation 2040*. [214]

When that *rogue*, *de facto* Congress met on March 9, 1933, the congressional leaders passed the 1933 *Emergency Banking Act* (48 Stat. 1) that same day.[215] "*The act provided for*

> *To my astonishment, immediately after the inauguration Roosevelt announced that he had just discovered this old World War power and used it as authority not to keep the banks open but to close them.*
>
> *Roosevelt did not need to close the banks—all he needed to do, until bank depositors got over their panic, was to restrict bank payments to necessary business and limit foreign exchange likewise. But closing the banks would be a sign the country was in the ditch. It was the American equivalent of the burning of the Reichstag to create 'an emergency.' ...*
>
> *The whole panic was simply an induced hysteria among bank depositors. It was the most senseless and easily prevented panic in all history. ... It is not difficult to explain why we had a panic of bank depositors during the few days before March 4, 1933. It was simply because the bank depositors were frightened. Their fright had mounted steadily for two months. What were they afraid of? Surely not an outgoing administration with but a few days to run. Certainly not of the foreign countries, for they were steadily recovering. It was fear of the incoming administration."*

[214] *See Proclamation 2040* ("*Bank Holiday*") at The American Presidency Project as found online on 9/27/18 at: **http://www.presidency.ucsb.edu/ws/index.php?pid=14485**

[215] Becraft, *supra*.

> "*When the House convened, the 1933 Emergency Banking Act was passed immediately with no copy of the proposed legislation provided to any House member and with only 40 minutes debate. Never before or since was a piece of legislation 'railroaded' as this one was. A similar railroad occurred in the Senate, and at the end of the day, Roosevelt's after the fact legislative approval of his actions which closed the banks became law. In addition to this benefit, the new law enabled the Secretary of the Treasury to acquire possession of all gold in the United States.*"

Congressional Record, March 9, 1933, p.83. Minnesota Representative Earnest Lundeen had the following to say in "*OPPOSITION TO CONCENTRATION OF MONEY AND CREDIT CONTROL OF THE HANDS OF A FEW GREAT INTERNATIONAL BANKING CONCERNS*":

> "*Mr. Speaker, today the Chief Executive sent to this House of Representatives a banking bill for immediate enactment. The author of this bill seems to be unknown. No one has told us who drafted the bill. There appears to be a printed copy at the Speaker's desk, but no printed copies are available for the House Members. The bill has been driven through the House with cyclonic speed after 40 minutes' debate, 20 minutes for the minority and 20 minutes for the majority.*
>
> *I have demanded a roll call, but have been unable to get the attention of the Chair. Others have done the same, notably Congressman Sinclair, of North Dakota, and Congressman Bill Lemke, of North Dakoda, as well as some of our other Farmer-Labor Members. Fifteen men were standing, demanding a roll call, but*

calling in all gold and gold certificates in circulation and assessed criminal penalties for hoarding. The government could appoint conservators for the assets of insolvent banks, and the Treasury could license the reopening of sound ones and reorganize the remainder. The act further authorized the emergency issuance of paper notes up to a limit of one hundred percent of the value of government bonds in its member banks."[216]

> *that number is not sufficient; we therefore have the spectacle of the great House of Representatives of the United States of America passing, after a 40-minute debate, a bill its Members never read and never saw, a bill whose author is unknown. The great majority of the Members have been unable to get a minute's time to discuss this bill; we have been refused a roll call; and we have been refused recognition by the Chair. I do not mean to say that the Speaker of the House of Representatives intended to ignore us, but everything was in such a turmoil and there was so much excitement that simply were not recognized.*
>
> *I want to put myself on record against a procedure of this kind and against the use of such methods in passing legislation affecting millions of lives and billions of dollars. It seems to me that under this bill thousands of small banks will be crushed and wiped out of existence, and that money and credit control will be still further concentrated in the hands of those who now hold the power.*
>
> *It is safe to say that in normal times, after careful study of a printed copy and after careful debate and consideration, this bill would never have passed this House or any other House. Its passage could be accomplished only by rapid procedure, hurried and hectic debate, and a general rush for voting without roll call.*
>
> *I believe in the House of Representatives. I believe in the power that was given us by the people. I believe that Congress is the greatest and most powerful body in America, and I believe that the people have vested in Congress their ultimate and final power in every great, vital question, and the Constitution bears me out in that.*
>
> *I am suspicious of this railroading of bills through our House of Representatives, and I refuse to vote for a measure unseen and unknown.*
>
> *I want the Record to show that I was, and am, against this bill and this method of procedure; and I believe no good will come out of it for America. We must not allow ourselves to be swept off our feet by hysteria, and we must not let the power of the Executive paralyze our legislative action. If we do, it would be better for us to resign and go home – and save the people the salary they are paying us.*
>
> *I look forward to the day that we shall read the bill we are considering, and see the author of the bill stand before the House and explain it; and then, after calm deliberation and sober judgment – after full and free debate – I hope to see sane and sensible legislation passed which will lift America out of this panic and disaster into which we were plunge by the World War.*

[216] Gordon, David. *Emergency Bank Act [48 Stat. 1 (1933)]* as presented by Encyclopedia.com as found on 9/27/18 at: **http://www.encyclopedia.com/politics/encyclopedias-almanacs-transcripts-and-maps/emergency-bank-act-48-stat-1-1933**

See also Becraft, *supra*.

Thus, the new "*Plan*" or "*Deal*" between the *de facto* "*National*" President/CEO Roosevelt and the *de facto* "*National*" Congress, was to use the *Emergency Banking Act of 1933* [217] to amend the *Trading With the Enemy Act (of 1917)* [218] and to use the warring principle of

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> *"With the new powers conferred upon him, Roosevelt extended the bank holiday, and on March 10, 1933, issued another Executive Order [6073 'Reopening Banks'] the objective of which was to divest Americans of their right to possess gold. Thus commenced a war upon gold initiated by an American President."*

[217] *See* Congressional Record on *HR 1491* (House Resolution 1491) which was subsequently enacted as found in 48 Stat. 1 (being read as Volume 48, Statutes at Large, beginning on page 1), as the Congressional Record was found on 9/27/18 at:
https://famguardian.org/Subjects/FamilyLaw/Marriage/1917TradingWithTheEnemyAct.pdf
And HR 1491 as found on 9/27/18 at:
https://fraser.stlouisfed.org/files/docs/historical/congressional/emergency-banking-act-1933.pdf

[218] The *Trading With the Enemy Act* (being found at 40 Stat. 411) and was originally passed during World War I through a proposal by Woodrow Wilson to Congress. The purpose of the Act was to ***"define,*** regulate*, and punish trading with the* ***enemy, and for other purposes."*** With this Act Congress defined WHO the enemy was. **It also gave the government total authority over the individuals defined as the "*enemy*".** The exception, as set forth in Section 2, Subsection (c), **defined "*enemy*" as *"other than citizens of the United States."***

In Section 5(b) of this same Act it stated:

> *"That the President may investigate, regulate, or prohibit, under such* ***rules and regulations*** *as he may prescribe, by means of* ***licenses*** *or otherwise, any* ***transactions in*** *foreign exchange, export or earmarkings of gold or silver coin or bullion or* ***currency****, transfers of credit in any form (other that credits relating solely to transactions to be executed wholly within the United States)."*

Note that the *Emergency Bank Act of 1933* (48 Stat. 1) stated that the gold is being withdrawn for the "*purpose of hoarding*". The significance of this phrase becomes clearer when looking at Proclamation 2039, wherein the term "*hoarding*" is inserted into the amended version of Section 5 (b). The term, "*hoarding*", was not to be found in the original version of Section 5(b) of the *Trading With the Enemy Act* ("TWEA") of October 6, 1917. "*Hoarding*" was a term which was used by President Roosevelt in Proclamation 2039 on March 6, 1933 to help support his contention that the United States was in the middle of a "*national emergency*," and his assertion that the extraordinary powers conferred to him by the War Powers Act were needed to deal with that emergency. Specifically, the relevant language used by Roosevelt's "Proclamation 2039" on March 3, 1933 stated:

> *Whereas there have been heavy and unwarranted withdrawals of gold and currency from our banking institutions for the* ***purpose of hoarding****; and....*
>
> "*Whereas it is provided in Section 5 (b) of the Act of October 6, 1917 (40 Stat. L. 411), as amended, 'That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange and the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency...'; and*

"*nonintercourse*" to declare the American ***p****eople* (i.e., those declaring their *allegiance* to the UNITED STATES and identifying themselves as a 14th Amendment "*citizen*," being "*subject to*

Whereas it is provided in Section 16 of the said Act 'That whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act, shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than ten years, or both ...'

As found on 9/27/18 at:

http://www.presidency.ucsb.edu/ws/index.php?pid=14661

By comparison, **HR 1491, enacted three days after *Proclamation 2039*** on March 9, 1933 was worded as follows in relevant section:

"*Sec. 2. Subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is hereby **amended** to read as follows:*

*'(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, **hoarding**, melting, or earmarking of gold or silver coin or bullion or currency, by any person 'within the United States or any place subject to the jurisdiction thereof; and the President may require any person engaged in any transaction referred to in this subdivision to furnish under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. **As used in this subdivision the term 'person' means an individual, partnership, association, or corporation.'**"*

Hence, the ***p****eople's* legitimate claims to their own gold became "*hoarding*" and they were forced to surrender what gold that was in their possession to thieves at the behest of their new President and Congress who jointly called this usurpation of power and transfer of wealth, "*The New Deal*."

the jurisdiction thereof")[219] as the "*enemy of the [de facto National] state*;"[220] and to thereafter seize their property and their future generations of labor as *collateral* for the surmounting debt to the banking cartel controlling Washington, DC and international politics (and widespread media propaganda) from behind the scenes.[221]

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[219] **Note that these War Powers allocated to the "*National*" President of the corporate United States against any "*person*...*subject to the jurisdiction of the United States*" is still codified today** in Title 50 ("*War and National Defense*"), United States Code ("U.S.C.") Section 4305 ("*Suspension of provisions relating to ally of enemy; regulation of transactions in foreign exchange of gold or silver, property transfers, vested interests, enforcement and penalties*) as found on 9/27/18 at: **https://www.law.cornell.edu/uscode/text/50/4305**

Note that this War Power is to be applied against "*any person*," with respect to any property that is "*subject to the jurisdiction of the United States*" so to include American citizens, as a proper analysis of the definition of the word "*person*," as provided today in 50 U.S.C. §4203(c), explicitly excludes "*citizen of the United States,*" that is, UNLESS they hold "*any property*" that is "*subject to the jurisdiction of the United States*" as cited in 50 U.S.C. §4305(b)(1)(B), which shows that **the "*law of nonintercourse*" is still at play here in a war against American citizens today since, as Congressional Record on *HR 1491*, *supra*, p. 83 shows, as stated by Texas Rep. Wright Patman on March 9, 1933, there is a "*mortgage on all the homes and other property of all the people in the Nation.*"**

[220] See *Hoover (Memoirs), supra*, p. 394: "*... [T]here was never any necessity for a gold embargo. **There is no necessity for making statutory criminals of citizens of the United States who may please to take property in the shape of gold or currency out of banks and use it for their own purposes as they may please**..."* (Underlined emphasis added)

[221] Ward, Dan. *U.S. Bankruptcy*. (2003) – *"The original Trading With the Enemy Act excluded citizens of the United States from being treated as the enemy when involved in transactions wholly within the United States. But the Amendatory Act of March 9, 1933, included the people of the United States as the enemy by inserting the following: '... by any person within the United States or any place subject to the jurisdiction thereof; ...' Chapter 1, Title 1, Section 1(b)."*

By operation of law the American people became the 'enemy' of the private Creditors in bankruptcy, which have thereafter been administering their prize/conquest through their alter ego, the 'U.S. Government'. To regulate and control their slaves/chattel property, ***they rendered all intercourse illegal amongst the American people without obtaining paid for permission through licensing****. To travel, a driver's license is required; to open a business requires a business license (not to mention additional and ongoing mountains of red tape); to work for another one must obtain licensing through a Social Security Account Number and card*."

From the "*Library of Halexandria*" as found on 9/27/18 at:
http://www.halexandria.org/dward282.htm

See also, Congressional Record on *HR 1491*, *supra*, p. 83 as stated by Texas Rep. Wright Patman on March 9, 1933:

> "*Under the new law the money is issued to the banks in return for Government obligations, bills of exchange, drafts, notes, trade acceptances, and banker's acceptances.* ***The money will be worth 100 cents on the dollar, because it is backed by the credit of the Nation. It will represent a mortgage on all the homes and other property of all the people in the Nation.***"

As Herbert Hoover put it in his *Memoirs*:[222]

"*On April 5, 1933, the President issued an Executive Order*[223] *requiring all persons* [224] *to deliver all gold coin, gold certificates, and bullion to the banks in exchange for currency, the banks to deliver the gold to the Federal Reserve.*[225] *He*

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[222] *Id. Hoover* (*Memoirs*), *supra*, p.393

[223] Here Hoover is referring to Franklin Roosevelt's *Executive Order 6102 [April 5, 1933] captioned as "Requiring Gold Coin, Gold Bullion and Gold Certificates to Be Delivered to the Government"* in which, notably, **Roosevelt referred to his newly reaffirmed (by Congress) authority (by amendment of the 1917 *Trading With the Enemy Act*) in his first sentence and paragraph as follows:**

> ***By virtue of the authority vested in me by Section 5 (b) of the Act of October 6, 1917, as amended by Section 2 of the Act of March 9, 1933****, entitled 'An Act to provide relief in the existing national emergency in banking, and for other purposes,' in which amendatory Act Congress declared that a serious emergency exists, I, Franklin D. Roosevelt, President of the United States of America, do declare that* ***said national emergency still continues to exist*** *and pursuant to said section do hereby prohibit the* ***hoarding*** *of gold coin, gold bullion, and gold certificates within the continental United States by individuals, partnerships, associations and corporations and hereby prescribe the following regulations for carrying out the purposes of this order:*
>
> *Section 1.* ***For the purposes of this regulation, the term 'hoarding' means the withdrawal and withholding of gold coin, gold bullion or gold certificates from the recognized and customary channels of trade. The term 'person' means any individual, partnership, association or corporation.***
>
> *Section 2. All persons are hereby required to deliver on or before May 1, 1933, to a Federal Reserve Bank or a branch or agency thereof or to any member bank of the Federal Reserve System all gold coin, gold bullion and gold certificates now owned by them or coming into their ownership...*".

Executive Order 6102 was found on 9/27/18 at:
http://www.presidency.ucsb.edu/ws/index.php?pid=14611

[224] Schroder, Eugene. *A Special Report on the National Emergency in the United States of America*. *"To summarize briefly:* ***On March 9,1933 the American people in all their domestic, daily, and commercial transactions became the same as the enemy. The President of the united States, through licenses or any other form, was given the power to regulate and control the actions of enemies. He made We, the People, chattel property; he seized our gold, our property and our rights; and he suspended the Constitution.****"* As found on 9/27/18 at:
http://www.barefootsworld.net/srwep.html

[225] *See* Mullins, Eustice. *The Secrets of the Federal Reserve*. Bankers Research Institute. (1983):

> "*For many years, there has been considerable mystery about who actually owns the stock of the Federal Reserve Banks. Congressman Wright Patman, leading critic of the System, tried to find out who the stockholders were. The stock in the original twelve regional Federal Reserve Banks was purchased by national banks in those twelve regions. Because the Federal Reserve Bank of New York was to set the interest rates and direct open market operations, thus controlling the daily supply and price of money throughout the United States, it is the stockholders of*

that bank who are the real directors of the entire system. For the first time, it can be revealed who those stockholders are. This writer has the original organization certificates of the twelve Federal Reserve Banks, giving the ownership of shares by the national banks in each district.

The Federal Reserve Bank of New York issued 203,053 shares, and, as filed with the Comptroller of the Currency May 19, 1914, the large New York City banks took more than half of the outstanding shares. The Rockefeller Kuhn, Loeb-controlled National City Bank took the largest number of shares of any bank, 30,000 shares. J.P. Morgan's First National Bank took 15,000 shares. When these two banks merged in 1955, they owned in one block almost one fourth of the shares in the Federal Reserve Bank of New York, which controlled the entire system, and thus they could name Paul Volcker or anyone else they chose to be Chairman of the Federal Reserve Board of Governors. Chase National Bank took 6,000 shares. The Marine Nation Bank of Buffalo, later known as Marine Midland, took 6,000 shares. This bank was owned by the Schoellkopf family, which controlled Niagara Power Company and other large interests. National Bank of Commerce of New York City took 21,000 shares. The shareholders of these banks which own the stock of the Federal Reserve Bank of New York are the people who have controlled our political and economic destinies since 1914. They are the Rothschilds, of Europe, Lazard Freres (Eugene Meyer), Kuhn Loeb Company, Warburg Company, Lehman Brothers, Goldman Sachs, the Rockefeller family, and the J.P. Morgan interests.

*These interests have merged and consolidated in recent years, so that the control is much more concentrated. National Bank of Commerce is now Morgan Guaranty Trust Company. Lehman Brothers has merged with Kuhn, Loeb Company, First National Bank has merged with the National City Bank, and in the other eleven Federal Reserve Districts, these same shareholders indirectly own or control shares in those banks, with the other shares owned by the leading families in those areas who own or control the principal industries in these regions.** "

[* Note that this asterisk references "*Charts V through IX*" which are provided as follows in abbreviation:

> *"Chart V: The David Rockefeller chart shows the link between the Federal Reserve Bank of New York, Standard Oil of Indiana, General Motors, and Allied Chemical Corporation (Eugene Meyer family) and Equitable Life (J.P. Morgan)."*
>
> *"Chart VI: This chart shows the interlocks between the Federal Reserve Bank of New York, J. Henry Schroder Banking Corp., J. Henry Schroder Trust Co., Rockefeller Center, Inc., Equitable Life Assurance Society (J.P. Morgan), and the Federal Reserve Bank of Boston."*
>
> *"Chart VII: This chart shows the interlocks of the Federal Reserve Bank of New York with Citibank, Guaranty Bank and Trust Co. (J.P. Morgan), J.P. Morgan Co., Morgan Guaranty Trust Co., Alex Brown & Sons (Brown Brothers Harriman), Kuhn Loeb & Co., Los Angeles and Salt Lake RR (controlled by Kuhn Loeb Co.), and Westinghouse (controlled by Kuhn Loeb Co.)."*

set up fines of up to $10,000 and imprisonment as a penalty. ***He claimed as authority both the Trading with the Enemy Act of 1917 and the Emergency Banking Act. It can be said at once that the Congress did not know they were giving away any such authority. Even a dummy Congress would at least have raised some protest had it known it in time.***[226] *However, the thing having been done, the rubber-stamp Congress*[227] *specifically condoned the action ten months*

> *"Chart VIII: This chart shows the link between the Federal Reserve Bank of New York, Brown Brothers Harriman, Sun Life Assurance Co. (N.M. Rothschild and Sons), and the Rockefeller Foundation."*
>
> *"Chart IX: This chart shows the interlocks between the Federal Reserve Bank of New York and J.P. Morgan Co., Morgan Guaranty Trust Co., and the Rothschild affiliates of Royal Bank of Canada, Sun Life Assurance Co. of Canada, Sun Alliance, and London Assurance Group."*
>
> "*The 'local' families set up regional councils, on orders from New York, of such groups as the* ***Council on Foreign Relations****, The* ***Trilateral Commission****, and other instruments of control devised by their masters. They finance and control political developments in their area, name candidates, and are seldom successfully opposed in their plans. With the setting up of the twelve 'financial districts' through the Federal Reserve Banks, the traditional division of the United States into the forty eight states was overthrown, and we entered the era of 'regionalism', or twelve regions which had no relation to the traditional state boundaries.*
>
> *These developments following the passing of the Federal Reserve Act proved every one of the allegations Thomas Jefferson had made against a central bank in 1791: that the subscribers to the Federal Reserve Bank stock had formed a corporation, whose stock could be and was held by aliens; that this stock would be transmitted to a certain line of successors; that it would be placed beyond forfeiture and escheat; that they would receive a monopoly of banking, which was against the laws of monopoly; and that they now had the power to make laws, paramount to the laws of the states. No state legislature can countermand any of the laws laid down by the Federal Reserve Board of Governors for the benefit of their private stockholders. This board issues laws as to what the interest rate shall be, what the quantity of money shall be and what the price of money shall be.* ***All of these powers abrogate the powers of the state legislatures and their responsibility to the citizens of those states.***

[226] *See* the previous footnote referencing Congressional Record on *HR 1491*, *supra*, p. 83 showing that Texas Rep. Wright Patman on March 9, 1933, as well as others, did indeed recognize these unconstitutional actions of the *de facto* "*National*" Congress meant that there would be **a "*mortgage on all the homes and other property of all the people in the Nation.*"**

[227] Schwartz, Anna. *From Obscurity to Notoriety: A Biography of the Exchange Stabilization Fund*. Journal of Money, Credit, and Banking. Vol. 29, No. 2 (1997); pp. 135-153. At a lecture on money, credit and banking the term "*rubber-stamping*" was used to specifically describe the character of Congress of 1934 when approving "*New Deal*" legislation of the Roosevelt administration. (*See* p.138) Schwartz pointed out that it was the *Gold Reserve Act of January 30, 1934* that established the Exchange Stabilization Fund (ESF), a secret fund under the exclusive

control of the Secretary of State, with approval of the President, which *"began operations as of April 27, 1934, financed by $2 billion of the $2.8 billion paper profit that the government realized from devaluation, that is, from raising the price of gold to $35 an ounce from $20.67,"* being the sum that the "*deposited to the account of the Treasury of the United States*," to be forever thereafter outside of the jurisdiction of ordinary "*citizens*" to mount any challenge to the ESF's existence or its secret mode of operating. ("*In testimony before the House Banking Committee in 1990, however, a Treasury official indicated that the department would be amenable to review by Congress of this 'veil of the greatest secrecy*') (p.138)

Notably, as a result of the *Bretton Woods Agreement Act* (PL 171-79) of July 31, 1945, which amended the Gold Reserve Act, $1.8 billion of the ESF capital ("*shown on the balance sheet as cash in the form of gold held by the Treasurer of the United States*") was used "*to pay part of the $2,750 million U.S. subscription to the IMF*" ESF, and to set up a "*National Advisory Council to coordinate the policies and operations of the representatives of the United States on the Fund and the Bank and of all agencies of the Government which make or participate in making foreign loans or which engage in foreign financial, exchange or monetary transactions*." In what would appear a clear conflict of interest and breach of official protocol, the Chairman of the Federal Reserve System was included "*in [the] roster of Executive Branch representatives*." (p.140)

Additionally, the function of the ESF (codified as 31 U.S.C. § 5302) was to work hand-in-hand with the Federal Reserve in controlling international currency values and exchange rates between nations. After WWII, the ESF served as the model under which the International Monetary Fund ("IMF") operated for providing loans to favored nations around the world. Importantly, the secret policies and practices of the ESF had operated for decades without notice until 1995 when the "*U.S. Treasury loaned Mexico $12 billion from the ESF as part of a rescue package*" (p.135) that rose from a starting capital of $200 million in 1934 to $42 billion in 1995 thanks to a strategy of "warehousing," described as "*the provision of funds to the ESF outside the Congressional appropriations process*" by allowing the Federal Reserve to hold up to $20,000,000,000 ("*$20 billion*" – p.143) so that the private entity of the Federal Reserve undergoes no risk on the loans authorized by the Secretary of the Treasury to a plethora of other nations. Moreover...

> *"[t]he practice of warehousing by the Federal Reserve and the Treasury. It seems to contravene the statutory prohibition of the direct financing of the Treasury by the Federal Reserve...reveals...doubts about the legality of warehousing, despite the claim that the Federal Reserve General Counsel in 1962 had issued an opinion that justified warehousing as an open market purchase of foreign exchange from the Treasury. The concern was that warehousing removed from Congress the appropriation power, eliminating the necessity for the Treasury to turn to Congress to obtain funds it did not have to acquire foreign currencies.*"

For reasons unknown, the constitutionality of the ESF has never been challenged (p.138); and similarly, "*there has been no test of the legality of warehousing*" (p.146).

As found on 9/27/18 at:
https://fraser.stlouisfed.org/files/docs/meltzer/schfro97.pdf

> *later by Section 13 of the Gold Reserve Act of January 30, 1934.*[228] *The amount of gold in the banks and the Treasury at that time was over $4,000,000,000. The actual amount of gold scraped up from personal holdings proved to be under $400,000,000—a trivial return for such a gross governmental violation of pledged word and personal liberty.*"[229]

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[228] Richardson, Gary; Komai, Alejandro; Gou, Michael. *Roosevelt's Gold Program* and *Gold Reserve Act of 1934*. As proclaimed on the Federal Reserve's own website, the Roosevelt "*plan*" was "*administrated*" in three "*phases*," with the *Gold Reserve Act of 1934* beginning the third and final phase of that "*program*," by which was left the "*legacy*" of the Act's establishment of the Exchange Stabilization Fund ("ESF") by which the Treasury (Secretary) could "*clandestinely transfer funds to neutral nations and international allies*" during World War II. As found on 9/27/18 at:
https://www.federalreservehistory.org/essays/roosevelts_gold_program and at:
https://www.federalreservehistory.org/essays/gold_reserve_act

[229] Notably, the funds of the United States allocated to the Exchange Stabilization Fund ("ESF") and the International Monetary Fund ("IMF"), under the control of the U.S. Treasurer with heavy policymaking influence of the Federal Reserve, have long been used in clandestine fashion to "*rescue wealthy, politically connected bankers, investors, and financiers at the expense of domestic taxpayers*" while funding what amounts to *international terrorism* and other violations of member "*states*" of the United States committed to the protection of international human rights.

Kibbe, Matt. What Has The IMF Done With Our Money? Forbes. (2011):

> *"For decades government officials have been touting the fallacy that International Monetary Fund payments cost American taxpayers nothing. Even former U.S. Treasury Secretary Robert Rubin claimed that 'the IMF has not cost the taxpayer a dime.' This is misleading. Since the IMF operates under a veil of secrecy, these hidden taxpayer subsidies are not subject to annual appropriations, and they are nowhere to be found in the federal budget.*
>
> ***Out of the IMF's 187 member countries, U.S. taxpayers have the highest burden, providing over 17%, around $55 billion, of the IMF's total funding.*** *Since voting weight is determined by the amount of money a country provides to the IMF, the U.S. also has the highest voting stake, at roughly 16.74% of the vote. This means that the U.S. is the only nation with the power to veto all major decisions that require an 85% supermajority to pass. ...*
>
> *The original mission of the IMF was to temporarily assist nations with short-term balance of payments problems under the Bretton Woods system. When that system of fixed exchange rates fell apart in the early 1970s, the IMF had no justification to continue. Instead of closing down, the fund simply redefined its mission. In recent years the IMF has shown itself to be a prime example of our bailout culture. The fund has regularly put American taxpayers on the hook to bail out powerful banks and profligate nations with poor economic policies. ... This has opened the floodgates to massive European bailouts. As the Hoover Institution at Stanford University notes, '****it would be difficult to devise a more regressive wealth transfer scheme than IMF financing programs. IMF loans are used to rescue wealthy, politically connected bankers, investors, and financiers at the expense of domestic taxpayers.****' ...*

Notably, just two months after Roosevelt issued his "*Executive Order 6102*" ordering the confiscation of all gold in America, the "*Bankruptcy*"[230] of the corporate UNITED STATES was

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The IMF has spent decades propping up some of the most repressive regimes in the world. So far, there has been no correlation between IMF loans and growth. Even a Clinton administration task force acknowledged that, 'despite decades of foreign assistance, most of Africa and parts of Latin America, Asia and Middle East are economically worse off today than they were 20 years ago.' IMF loans are government-to-government transfers. A Joint Economic Committee study finds that 'evidence suggests that ***the IMF knowingly makes loans to corrupt governments while recognizing that some of its loan conditions and procedures can create circumstances promoting additional corruption … thus, IMF lending operations may be consistent with subsidizing corruption.****'"*

As found on 9/27/18 at: **https://www.forbes.com/2011/01/24/imf-taxpayers-greece-opinions-contributors-matt-kibbe.html**

See also, Schaefer, Brett. *Stop Subsidizing Terrorism*. The Heritage Foundation. (2001):

"Of the seven 'state sponsors of terrorism' [Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria] officially recognized by the United States, all but Cuba and North Korea are members of the International Monetary Fund and the World Bank. ... Four of the five terrorist sponsoring states that are members of the IMF and the World Bank (with Libya the sole exception) have received funding from those institutions. ...Within the past 20 years, Iran and Syria received $625 million and $265.3 million, respectively, from the World Bank and Sudan received $1.8 billion from the IMF and the World Bank. Iran currently has six ongoing World Bank projects. Moreover, the IMF and the World Bank provide huge amounts of assistance to the 15 countries with active foreign terrorist organizations within their borders. Afghanistan, which ha[d] been harboring Osama bin Laden, is a member of the IMF and the World Bank and has received 20 World Bank loans totaling over $230 million. All told, 11 of the 15 countries have received over $1 billion from the IMF and the World Bank."

As found on 9/27/18 at: **http://www.heritage.org/node/19123/print-display**

[230] Nelson, John. *The United States is BANKRUPT*. (2003):

*"The United States went 'Bankrupt' in 1933 and was declared so by President Roosevelt by Executive Orders 6073, 6102, 6111 and Executive Order 6260, [See: Senate Report 93549, 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 In****TER****dependence' 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 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 price fixing wheat and grains [7 U.S.C.A.*

solidified by Congress' "*House Joint Resolution ["HJR-"] 192*" (48 Stat. 112), which declared that the notes of the Federal Reserve banks were "*legal tender*" for the payment of both public

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1903], quota regulation [7 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 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]"

As found on 9/27/18 at:
http://usa-the-republic.com/emergency%20powers/United%20States%20Bankrupt.html

See also, Hatonn, Gyeorgos. *Criminal Politburos and Other Plagues*. Phoenix Source Publishers, Inc. (1994) p.40, as found on 9/27/18 at:
https://books.google.com/books/about/Criminal_Polit_Buros_and_Other_Plagues.html?id=7_Tz__eYaeYC

and private debts, and that payment in gold Coin[231] was against "*public policy,*" effectively *overthrowing*[232] the existing public policy[233] requiring payments in a constitutional form.

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[231] Becraft, *supra*. After the adoption of the U.S. Constitution, the Spanish Milled Silver Dollar was, by accepted custom, the monetary unit of the United States; and Congress passed the *Coinage Act of 1792* (1 Stat. 246) which constitutionally set the value of a "*dollar*" coin at 371.25 grains of pure silver.

See also, Senate Document No. 43 published by the 73rd Congress, 1st Session, being "*An Article Entitled* ***'Contracts Payable in Gold****', by George Cyrus Thorpe, Showing the Legal Effect of Agreements to Pay in Gold*" which stated the following in reference to the case of *Bronson v. Rodes* (1869) 7 Wall. 229, 19 L.Ed. 141:

> *In forming its opinion on the meaning of that phrase, the court found it 'necessary to look into the statutes regulating coinage.' After reviewing such statutes as it deemed pertinent to the inquiry concerning the import of the quoted phrase, it concluded that the contract for payment in gold should be enforced. The assertions in the court's opinion that: (a) Gold and silver coins are legal tender in all payments; (b) there are two descriptions of money in use, authorized by law, and both made legal tender in payments; and (c)* ***the statute denomination of both descriptions is dollars, but they are essentially unlike in nature, the coined dollar being a piece of gold or silver of a prescribed degree of purity and weighing a prescribed number of grains, and the note dollar being a promise to pay a coined dollar though not a promise to pay on demand or at any fixed time, present time****, within the letter of the above-quoted statutes relating to legal tender, without regard to the parity act."*

[232] Becraft, *supra*:

> *"Currency, in a large and perhaps just sense, includes not only gold and silver and bank bills, but bills of exchange also. It may include all that adjusts exchanges and settles balances in the operations of trade and business; but if we understand by currency the legal money of the country, and that which constitutes a legal tender for debts, and is the standard measure of value, then undoubtedly nothing is included but gold and silver.* ***Most unquestionably there is no legal tender, and there can be no legal tender in this country, under the authority of this government or any other, but gold and silver, either the coinage of our own mints or foreign coins at rates regulated by Congress. This is a constitutional principle, perfectly plain and of the highest importance.*** *The States are expressly prohibited from making anything but gold and silver a legal tender in payment of debts, and although no such express prohibition is applied to Congress, yet, as* ***Congress has no power granted to it in this respect but to coin money and to regulate the value of foreign coins, it clearly has no power to substitute paper or anything else for coin as a tender in payment of debts and in discharge of contracts. ... The legal tender, therefore, the constitutional standard of value, is established and can not be overthrown. To overthrow it would shake the whole system****,"* [Becraft citing Senator Daniel Webster in (4 *Webster's Works*, 271) during the debate on the question of whether to renew the charter of the Second Bank of the United States (3 Stat. 266).]

Hence, HJR-192 represented the beginning of Congress' "*war on specie*."[234] In the aftermath of HJR-192,[235] no creditor could specify how they wish to receive their payoffs. In fact, it effectively meant, once again, the dissolution of one corporate "*United States*"[236] and the

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[233] Article 1, § 10, clause 1 of the United States Constitution has always forbid States from issuing "*bills of credit*" (promissory notes) or making anything but gold and silver coin as legal "*tender*." Thus, "*the prohibition in the constitution to make anything but gold or silver coin a tender in payment of debts is express and universal*" [Becraft citing *Sturges v. Crowninshield*, 17 U.S. (4 Wheat.) 122 (1819)] ... so to "*secure private rights*" and to ensure that "*the obligation of contracts remains unimpaired*" as a matter of "*public policy*" [Becraft citing *Calder v. Bull*, 3 U.S. (3 Dall.) 386, 390 (1798).]

[234] Becaft, *supra*.

> "*[N]otwithstanding the fact that it was only a joint resolution, it was accorded the force of law. On August 28, 1933,* ***Roosevelt issued another Executive Order which required information returns for gold ownership and prohibited possession of gold except by license. Failure to file the required returns and possession of gold without license were made criminal offenses.*** *All the fervent work by Roosevelt to outlaw gold and make the federal government the biggest 'hoarder' of gold put American currency on the light, inconvertible currency standard. Such a standard was deemed 'modern' like the architecture of the 1930s and the 'boat tail' Duesenbergs, Auburns, and Cords. The final piece of legislation secured by Roosevelt in his war upon gold ownership by American citizens was the Gold Reserve Act of January 30, 1934, 48 Stat. 337. In the tradition used to obtain the Emergency Banking Act of 1933, this legislation was likewise railroaded through Congress. Throughout this period, Roosevelt and Congress used an alleged 'national emergency' as the predicate for the hasty legislation and orders so issued. ...*
>
> *[T]he one remaining step necessary to put the nation itself on the 'fiat' standard was to prevent redemption of circulating notes with silver. This came in 1967 with the Silver Certificate Act, 81 Stat. 77, which provided that redemption of silver certificates would end on June 24, 1968. On June 25, 1968, the nation was placed on a completely fiat monetary standard; since then, the nation has been floating upon a 'vast sea' of paper money and credit.*"

[235] *Id.* Becraft asserts that Joint Resolution of June 5, 1933 (HJR-192) "*has no significance today because it has been effectively repealed*" as of October 28, 1977 (through Public Law 95-147) per what was found at 91 Stat. 1227. Others however, assert that the effects of HJR-192, like the Exchange Stabilization Fund ("*ESF*") and the International Monetary Fund ("*IMF*"), are still with us on a number of levels. P.L. 95-147 (H.R. 5675 was found on 9/27/18 at: **http://uscode.house.gov/statutes/pl/95/147.pdf)**

[236] As was purportedly stated to Congress on March 17, 1993 by James Traficant, as cited on page H-1303 of Volume 33 of the Congressional Record...

> "*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…"*

reorganization of that corporation into another "UNITED STATES,"[237] whose unwary "*U.S. citizens*," with their future labor having been *collateralized* and all of their property *mortgaged* to pay off the National government's debt to the international banking cartels[238] and the Federal Reserve

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> Many believe that it is an established fact that **the United States Federal Government was dissolved by the Emergency Banking Act, March 9, 1933, 48 Stat. 1, Public Law 89-719; as declared by President Roosevelt, being bankrupt and insolvent.** They believe 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, giving rise to the accompanying belief that the United States "*federal*" government exists today in name only.

[237] Riezinger, Anna; Belcher, James. "*You Know Something is Wrong When... 'An American Affidavit of Probable Cause'*". The American Affidavit Pure Trust (2014):

> "*The United States (Commercial Company) operated from 1754 to 1863 was bankrupted by foreign banks during the Civil War... The United States of America, Inc. operated from 1868 to 1933. From 1912 to 1933 it was run under the Federal Reserve and, bankrupted by these foreign banks, it entered Chapter 11 Reorganization and was used as the 'pass through' shell company until July of 2013.*
>
> *The UNITED STATES (INC.) has been operated from 1944 to present by the International Monetary Fund (IMF) as the Service Provider billing the bankrupt United States of America, Inc. It is now being prepared to be bankrupted in turn by still more foreign banks. The UNITED STATES OF AMERICA, INC. operated by a brand new version of FEDERAL RESERVE organized under UN auspices, is waiting in the wings to become the new Service Provider... Each time these colluding banking cartels jettison their debts via bankruptcy, they leave the American People and the American States on the hook to pay their bills.*" As found on 9/26/18 at:
>
> **https://www.scribd.com/document/346012599/291669785-you-know-something-is-wrong-when-an-american-affidavit-of-probable-cause**

[238] Many Americans believe that the receivers of the United States Bankruptcy were the International Bankers, via the United Nations, the World Bank and the International Monetary Fund. From the time of Franklin's Delano Roosevelt's presidency, and from the time these the IMF and World Bank were founded, all United States offices, officials, and departments were operating in a *de facto* status, in name only under Emergency War Powers. With the Constitutional Republican form of government dissolved, the receivers of the Bankruptcy had adopted another form of government for the United States. This new form of government came to be better 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 into that of the Governor of the International Monetary Fund** through Public Law 94-564, p. 8, (H.R. 13955) reading in part:

> *"The U.S. Secretary of Treasury receives no compensation for representing the United States? ..."*

As such, the currency being used since that time is not "money" but a money substitute. *Redeemable* currency must promise to pay a dollar equivalent in gold or silver money. Federal

Bank, were no longer permitted to "*pay off*" their debts,[239] but instead were made to "*discharge*" such debts.[240]

Reserve Notes (FRNs) make no such promises, and so are not a Constitutional form of "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*" (i.e. "*Congress Assembled*") of America to issue currency of any kind, except *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, both individually and collectively as a "*private membership association*" ("PMA") [which is what many believe is operating by the "*National*" government and anyone who participates in the proliferation of Federal Reserve Notes (FRNs) "*debt*" notes.]**

Some believe that FRNs are like unsigned checks written on a closed account. FRNs, being an inflatable paper system designed to create debt through inflation (devaluation of currency). So, 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. Thus, inflation is an invisible form of taxation that irresponsible "*governments*" inflict on their citizens. In other words, the PMA(s) that controls the supply and movement of FRNs has everybody fooled. They have access to an unlimited supply of FRNs, paying only for the printing costs of what they need. FRNs are nothing more than promissory notes for U.S. Treasury securities (T-Bills) - a promise to pay the debt to the Federal Reserve Bank.

239 As confiscation of gold as the only constitutional means of paying debts coincided with the collateralization of the American ***p****eople*, effectively placing a *"mortgage on all the homes and other property of all the people in the Nation"* (*see* previous footnote) to pay for the corporate bankruptcy of National government of the USA, the American people were placed into the unconstitutional position of never actually being able to legally "*pay off*" their debts. Instead, they might only "*discharge*" their debts, either individually or as a unified nation of States, making the citizens of all States perpetual slaves to a never-ending escalating *National* debt of the corporate USA to the Secretary of the Treasury and the international bankers operating the Federal Reserve Banks and the IMF.

240 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 FRNs, Americans have been only able to *discharge* their debts. They cannot ever lawfully *pay* a debt in the existing debt currency system. Constitutionally speaking, the American *people* cannot ever service a debt with a currency that has no backing in value or substance; and thus, no contract in Common law is valid either unless it involves an exchange of "*good and valuable consideration*." Unpayable debt transfers power and control to the sovereign power structure that already has plenty of wealth in money, law, and equity in their private membership association" (PMA) or "*just us*" (not "*justice*") system.

Many common Americans (i.e. the "99%'ers") believe that those in power today have the central banking of the Federal Reserve system to thank for the "1%'er's" control over the American economy and their similar stranglehold on the fates of other nations. They believe that the Federal Reserve system is based on the Canon law, with the international bankers using a "Canon Law Trust'" as their model, adding stock and naming it a "Joint Stock Trust." With the U.S. Congress having passed a law making it illegal for any legal "*person*" to duplicate a Joint

Stock Trust in 1873, they believe the Federal Reserve Act was somehow legislated *post-facto* (to 1870), although post-facto laws are strictly forbidden by the Constitution. [1:9:3]

Many Americans are beginning to see the Federal Reserve System as a sovereign power structure that is separate and distinct from the federal United States *government*. The Federal Reserve is a maritime lender, and/or maritime insurance underwriter to the "*national*" (i.e., "*corporate*") UNITED STATES operating exclusively under Admiralty/Maritime law. Under such a system, the lender or underwriter bears the risks, and the Maritime law is used to compel specific performances with regard to the interest and premiums for the same.

Assets of the debtor can also be *hypothecated* (i.e., to pledge something as a security without taking possession of it) as security by the lender or underwriter. The Federal Reserve Act has 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 the Federal Reserve Act of 1913, most Americans with real property are believed to have owned clear, allodial titles to their properties, meaning that what they owned was free and clear of any liens or mortgages (until the year 1913). From 1913 forward, the National government *hypothecated* all such property within all of the federalized "*united*" states to the Board of Governors of the Federal Reserve – giving the Trustees (as *stockholders* of the FED) all of the associated *legal* titles and forcing U.S. "*citizens*" (as *tenant* and *franchisee*) to register as "*beneficiaries*" of the trust via their *birth certificates*. **Since 1933 then, the national "*UNITED STATES*" has continued to hypothecatee all properties, assets and labor of each 14th Amendment "*U.S. citizen*", turning over everything to the Federal Reserve System as securitization and collateral on the ever-rising "*debt ceiling*."**

In return, the governing board of the Federal Reserve bank(s) has agreed to extend the federal UNITED STATES (corporation) all the credit (i.e.. in fiat "*money substitute*") it needs. Like any other debtor, the National government had to assign collateral and security to their creditors as a condition of the loan. Since the National government did not have any assets of its own, it's agents assigned the private property instead of their "*economic slaves,*" the "*U.S. citizens*" as collateral against the unpayable "*national*" debt. They also pledged to the international bankers the unincorporated *federal* territories, national parks forests, birth certificates, and nonprofit organizations, as collateral against such debt.

Many now see that, in such fashion, America has returned to its pre-American Revolution, feudal roots whereby all land was held by a sovereign and the common people had no rights or allodial title to property not permitted by the British "*Crown*." Once again, "*We The **P**eople*" and the "*free **P**ersons*" have become the tenants and sharecroppers renting our own property from a Sovereign in the guise of the Federal Reserve Bank. We thus have exchanged one "*master*" for another; and this has been going on for over a century without the "*informed consent*" of the American people.

Now it's easy to grasp why America is fundamentally bankrupt, despite its world leadership, financial credit and its reputation for courage, vision and human rights. Because so many Americans are seeing this undeclared economic war, this bankruptcy, and this economic slavery as being of the most corrupt order, they are uniting to shout out, "*Wake up America! We are taking back our Country*."

QUESTION: So what is the prevailing theory on how the future labor and property of American men and women were all "*collateralized*" against the debt owed by the corporatized "*National*" government to the Federal Reserve and other international bankers; and how were Americans being expected to operate commercially in society under such terms as were set forth nearly overnight by the actions of the Legislative and Executive "*branches*" beginning in 1933?

Perhaps Larry Becraft of Huntsville, Alabama summarized best the manner in which "*money*" was used as a socioeconomic force in commerce to "*capture*" and "*collateralize*" unsuspecting American men and women living out their lives in "*peonage*" as perpetual "*slaves*" to a supposed "*sovereign*" National government and international bankers:

> "*Perhaps the most reprehensible feature of our currency system arises from the fact that this currency originates by being loaned into circulation. An apt example of this process is a fictional card game. Assume the existence of 4 card players who borrow their playing cards from another person. The players execute and deliver notes promising to repay 13 cards plus 1 in the way of interest in exchange for 13 cards with which to play. This process put into circulation among the players the total sum of 52 cards. However, the aggregate liabilities of all the players is 56 cards, thus it is impossible for all players to extinguish the debt to the card owner. By loaning the cards into circulation, greater liabilities were created than there were cards in circulation. The card owner– creditor will surely acquire the collateral of the players through foreclosure.*
>
> *Our currency originates in the same identical fashion: it is loaned into circulation. Thus, our debt based currency system has created greater liabilities among us than there is currency and credit in circulation.*[241]

In providing further explanation to his summary, Becraft wrote:

> *"Since the monetary changes of the 1930s, the federal government has unilaterally ceased fulfilling its monetary responsibilities required by the Constitution (its Marigold duties) and has allowed the function of providing currency to the nation to be assumed by the Federal Reserve System. The minting of dollars of silver ceased in the 1930s, and the gold reserves so violently taken from the American people were used to support greater and greater quantities of notes as the gold reserve requirement was lowered over a span of many years.*
>
> *The vacuum created by Congressional nonfeasance, or malfeasance, insofar as the currency system is concerned, enabled the Federal Reserve System to play a greater and greater role in providing currency. This favorable environment followed directly as a result of this System demonstrating its ability to bankrupt the federal government by the gold bonds it held immediately prior to June 5, 1933. The open question is whether the Federal Reserve System did in fact obtain the gold required to pay the gold bonds the System held at that time. A possible answer to this question appears to lie in the fact that the Federal Reserve*

[241] Becraft, *supra*, "*Memorandum of Law: The Money Issue*."

Bank of New York has many tons of gold in its possession beneath the streets of New York City and the further fact that the Federal Reserve Banks claim a lien upon or title to all gold possessed by the government.

Since the debacle of the 1930s, the 'Fed' has provided monumental amounts of credit to the Federal government to finance World War II, the Korean War, and the vast increase in social programs enacted by Congress. The increasing quantities of credit provided to the federal government has enabled it to acquire more and more control over the G.N.P. of our nation. ...

The Viet Nam war, or, properly, U.N. peacekeeping action, was financed with Federal Reserve credit; that war began for our society the 'endless war for endless peace' proposition of Orwell's 1984. Since then, endless new wars labeled social programs have increased in the federal government's unveiled attempt to reduce the entire U.S. economy to its control. Such a blatant grab for power by the federal government could not have occurred with a constitutional monetary system. ...

The scientific art of creating booms or depressions for our economy has been fully developed by the 'Fed.' This organization can now totally control the U.S. economy, and this ability allows it to totally control any particular industry. The past few years have clearly shown the ability of the 'Fed' to attack any industry, be it the automotive, oil, or transportation, and bring that industry into its control. ...

Another serious defect of our currency system consists of the fact that the supply of this purported currency can be manipulated at will by the Federal Reserve System. By purchasing government bonds, the Federal Open Market Committee can expand the credit supply; by selling bonds, it can contract that supply. By the Federal Reserve Board decreasing bank reserve requirements, private banks can increase deposits; the inverse works for an increase in the reserve requirement ratio. The American people have absolutely no control over the volume of currency and credit in circulation. When the currency supply is deliberately and intentionally decreased by this manipulation, innocent victims are created who cannot repay loans; this results in loss of property through foreclosure. ...

In reference to the problem of the federal deficit, it must be noted that it plays a vital social role. Since our medium of exchange is loaned or borrowed into circulation, only the aggregate principal of all loans interest charges the economy of our nation accrues, the federal government via its budget deficits supplies new currency to the economy so that 85% to 90% of the interest can be paid. So long as currency originates via the loaning mechanism, some part of society must bear the burden of providing the currency to pay interest, and this role is being played by the budget deficit. If the federal government is prevented by law from playing this crucial social role, then the private sector will have to assume that duty. It will take just a short time to mortgage all of the assets of America if this should occur. Then, the credit creators will shut down the American economy and foreclose on all of America.

The above are the principle defects of our currency system. This system is not designed to insure justice and promote domestic tranquility. It is designed for the exact opposite. This system is not just unconstitutional, it is anti–

> ***constitutional.***[242] *The last refuge of the American people from sure and swift destruction at the hands of this monetary system is through the judiciary of our nation. And a little known and totally unused law is ready and waiting to be used for this purpose. That law is embodied in the 'Supreme Law of the Land;' it is found in Article 1, § 10, cl. 1 of the U.S. Constitution. ...*
>
> ***Today, the currency system in our country is totally privately owned and controlled; it is manipulated at will and is specifically designed to conquer financially the American people. The chief bank note which this system issues is totally irredeemable. These notes, in addition to credit claims against the Federal Reserve Banks, constitute the reserves upon which the nation's private banks issue a multiple of demand deposits, which are likewise irredeemable. The issue of all these private banks is plainly unconstitutional. And this entire system has been imposed upon the American people with irresistible force and power.*** *...*
>
> *Since the advent of the fiat paper money, our nation has suffered from the identical ills which the framers of the Constitution endured. Inflation is endemic, taxes are constantly rising, crime is rampant, Americans are unemployed, and that great institution, the American family, is about to disintegrate. These are always the direct social consequences whenever any nation has permitted its currency to be debauched and replaced with paper, as history has clearly shown.*"[243]

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[242] *See also*, Nock, Albert, (*supra*). *Our Enemy, The State*. (1935). In distinguishing legitimate "*government*" from "*the [dictatorial, socialist] STATE*," author Albert Nock has asserted that there is an inverse relationship of mutual exclusion between "*social power*" and "*state power*," in which an "*increase in state power*" means a "*decrease in social power*." The upshot herein is that in "***its intention, far from contemplating 'freedom and security'...the State ['both in its genesis and by its primary intention'] is purely 'anti-social'***." Therefore, it is also reasonable that it is also "*anti-constitutional*" given that the purpose of the Constitution is to keep the "*government*" (and the known monstrous tendencies of mankind operating with power), along with its limited "*enunciated rights*" closely guarded in its perpetual "*box*."

> "*Based on the idea of natural rights,* ***government*** *secures those rights to the individual by strictly negative intervention, making justice costless and easy of access; and beyond that it does not go.* ***The State****, on the other hand, both in its genesis and by its primary intention, is purely anti-social. It* ***is*** *not* ***based*** *on the idea of natural rights, but* ***on the idea that the individual has no rights except those that the State may provisionally grant him****. It has always made justice costly and difficult of access, and has invariably held itself above justice and common morality whenever it could advantage itself by so doing. So far from encouraging a wholesome development of social power,* ***it has invariably****, as Madison said,* ***turned every contingency into a resource for depleting social power and enhancing State power.***" (p.25)

Again, as found on 9/28/18 at:
https://famguardian.org/Publications/OurEnemyTheState/OurEnemyTheState-byAlbertJKnock.pdf

[243] *Id.* (Nock, pp.25-26)

> "*As Dr. Sigmund Freud has observed, it can not even be said that the State has ever shown any disposition to suppress crime,* ***but only to safeguard its own***

Alfred Nock (*supra*), author of "*Our Enemy, The State*" had some added insights into this "*American History*" to help explain what the State-sponsored "*public school systems*" have kept

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monopoly of crime. ... ***Taking the State wherever found***, *striking into its history at any point, one sees no way to differentiate the activities of its founders, administrators and beneficiaries from those of a* ***professional-criminal class.*** ...

[The] notorious fact [is] that the State always moves slowly and grudgingly towards any purpose that accrues to society's advantage, but moves rapidly and with alacrity towards one that accrues to its own advantage; nor does it ever move towards social purposes on its own initiative, but only under heavy pressure, while its motion towards anti-social purposes is self-sprung. ...

[T]he State does not even fulfil efficiently what he calls its ***'unquestionable duties'*** *to society; it does not efficiently adjudge and defend the individual's elemental rights. A 'belief in the sovereign power of political machinery' is nothing less than 'a gross delusion.' ... In 'State-organizations, corruption is unavoidable. ... In April, 1933, the American* ***State*** *issued half a billion dollars' worth of bonds of small denominations, to attract investment by poor persons. It promised to pay these, principal and interest, in gold of the then-existing value. Within three months the State repudiated that promise. Such an action by an individual would, as Freud says, dishonour him forever, and mark him as no better than a knave. Done by an association of individuals, it would put them in the category of a* ***professional-criminal class.*** ...

A point of greatest importance to remember is that the merchant-State is the only form of the State that has ever existed in America. ...*By way of summing up, it is enough to say that nowhere in the American colonial civil order was there ever the trace of a democracy. The political structure was always that of the* ***merchant-State****;* ***Americans have never known any other.*** *Furthermore, the philosophy of natural rights and popular sovereignty was never once exhibited anywhere in American political practice during the colonial period, from the first settlement in 1607 down to the revolution of 1776. Whether under the rule of a trading-company or a provincial governor or a republican representative legislature,* ***...*** *[T]he merchant-State's fundamental doctrine that the primary function of government is not to maintain freedom and security, but to* ***'help business.' ...***

[O]ne general frame of mind existed among the colonists with reference to the nature and primary function of the State. This frame of mind was not peculiar to them; they shared it with the beneficiaries of the merchant-State in England, and with those of the feudal State as far back as the State's history can be traced. Voltaire, surveying the debris of the feudal State, said that in essence the State is ***'a device for taking money out of one set of pockets and putting it into another.'*** *The beneficiaries of the feudal State had precisely this view, and they bequeathed it unchanged and unmodified to the actual and potential beneficiaries of the merchant-State. The colonists regarded the State as primarily an instrument whereby one might help oneself and hurt others; that is to say,* ***first and foremost they regarded it as the organization of the political means. No other view of the State was ever held in colonial America.***

in the dark about the natural intentions of "*the State*" and the unique "*class*" of people operating as the oligarchy of elites dominating the "*status quo*" of the American economy through "*business as usual*" practices since the Founding of this "*State*" of Washington, D.C. as the seat of the "*National*" government:

> *There was complete unanimity also regarding the nature of the new and independent political institution which the Declaration [of Independence] contemplated as within **'the right of the people'** to set up. There was a great and memorable dissension about its form, but none about its nature. It should be in essence the mere continuator of the merchant-State already existing. **There was no idea of setting up government**, the purely social institution which should have no other object than, as the Declaration put it, to secure the natural rights of the individual; or as Paine put it, which should contemplate nothing beyond the maintenance of freedom and security – the institution which should make no positive interventions of any kind upon the individual, but should confine itself exclusively to such negative interventions as the maintenance of freedom and security might indicate.[244] **The idea was to perpetuate an institution of another character entirely, the State, the organization of the political means; and this was accordingly done. ...***
>
> *Thus while the American architects assented 'in principle' to the philosophy of natural rights and popular sovereignty, and found it in a general way highly congenial as a sort of voucher for their self-esteem, their practical interpretation of it left it pretty well hamstrung. They were not especially concerned with consistency; their practical interest in this philosophy stopped short at the point which we have already noted, of its presumptive justification of a ruthless economic pseudo-individualism, and an exercise of political self-expression by the general electorate which should be so managed as to be, in all essential respects, futile. In this they took precise pattern by the English Whig exponents and practitioners of this philosophy. Locke himself, whom we have seen putting the natural rights of property so high above those of life and liberty, was equally discriminating in his view of popular sovereignty. He was no believer in what he called 'a numerous democracy,' and did not contemplate a political organization that should countenance anything of the kind. The sort of organization he had in mind is reflected in the extraordinary constitution he devised for the royal province of Carolina, which established a basic order of politically inarticulate serfdom. Such*

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[244] *Id.* (pp. 63-64) Along these lines in history, Nock asserted that Thomas Jefferson... *believed in states' rights, assuredly, but he went much farther; states' rights were only an incident in his general system of political organization.*" In continuing, Nock wrote:

> *[Jefferson] believed that the ultimate political unit, the repository and source of political authority and initiative, should be the smallest unit; not the federal unit, state unit or county unit, but the township, or, as he called it, the 'ward.' The township, and the township only, should determine the delegation of power upwards to the county, the state, and the federal units. His system of extreme decentralization is interesting and perhaps worth a moment's examination, because if the idea of the State is ever displaced by the idea of government, it seems probable that the practical expression of this idea would come out very nearly in that form.*

> *an organization as this represented about the best, in a practical way, that the British merchant-State was ever able to do for the doctrine of popular sovereignty.*
>
> *It was also about the best that the American counterpart of the British merchant-State could do. The sum of the matter is that while the philosophy of natural rights and popular sovereignty afforded a set of principles upon which all interests could unite, and practically all did unite, with the aim of securing political independence, it did not afford a satisfactory set of principles on which to found the new American State. When political independence was secured, the stark doctrine of the Declaration went into abeyance, with only a distorted simulacrum of its principles surviving.* ***The rights of life and liberty were recognized by a mere constitutional formality left open to eviscerating interpretations, or, where these were for any reason deemed superfluous, to simple executive disregard; and all consideration of the rights attending 'the pursuit of happiness' was narrowed down to a plenary acceptance of Locke's doctrine of the predminent*** [sic] ***rights of property, with law-made property on an equal footing with labour-made property."*** [245]

In evaluating the duality difference between what constitutes "*law-made property*" and "*labour-made property*" one must begin with the premise propounded by the United States Senate's "*Document No. 34*" (*supra; see* previous *footnote*) published by the 73rd Congress, 1st Session, being "*An Article Entitled* ***'Contracts Payable in Gold****', by George Cyrus Thorpe, Showing the Legal Effect of Agreements to Pay in Gold*" which stated:

> "***The ultimate ownership of all property is in the State; individual so-called 'ownership' is only by virtue of Government, i.e. law, amounting to mere user;***

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[245] *Id.* (pp.64-65)

> "*Mr. Jefferson resided in Paris as minister to France from 1784 to 1789. As the time for his return to America drew near, he wrote Colonel Humphreys that he hoped soon 'to possess myself anew, by conversation with my countrymen, of their spirit and ideas. I know only the Americans of the year 1784. They tell me this is to be much a stranger to those of 1789.' So indeed he found it. On arriving in New York and resuming his place in the social life of the country, he was greatly depressed by the discovery that the principles of the Declaration had gone wholly by the board. No one spoke of natural rights and popular sovereignty; it would seem actually that no one had ever heard of them. On the contrary, everyone was talking about the pressing need of a strong central coercive authority, able to check the incursions which 'the democratic spirit' was likely to incite upon 'the men of principle and property.' Mr. Jefferson wrote despondently of the contrast of all this with the sort of thing he had been hearing in the France which he had just left 'in the first year of her revolution, in the fervour of natural rights and zeal for reformation.' In the process of possessing himself anew of the spirit and ideas of his countrymen, he said, 'I can not describe the wonder and mortification with which the table-conversations filled me.'* ***Clearly, though the Declaration might have been the charter of American independence, it was in no sense the charter of the new American State.***"

and use must be in accordance with law, and subordinate to the necessities of the State." (Bold and underlined emphasis added)

With that premise construed to be "*true*" in the eyes of the National government (i.e., the "*Deep State*")[246] the concepts of "*collateralizing*" the American people and of "*mortgaging*" their property needs to be briefly analyzed in the context of the following concerning *ownership*, *titles*, *licenses*, *fiduciaries* ("*trustees*") and *beneficiaries* in Trust agreements, what constitutes a "*debtor*" and "*surety*" on a debt, how "*exemptions*", "*discharges*" and "*setoffs*" occur on debt "*liabilities*" and "*obligations*", the differences between "*sole*" and "*aggregate*" corporations, what differentiates "*public law*" from "*public policy*," and whether an issue is considered to be in a *common law*, *admiralty*, *equity*, or *civil* jurisdiction for decision-making by judges which, except for what is provided below is otherwise beyond the scope of this instant "*Amicus in Treatise: Interpreting the Unconstitutional History of Federal and National Governance of the Patriotic "People" and Other "Free Persons" Inhabiting the United States*".

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[246] Porter, Tom. *Deep State: How a Conspiracy Theory Went to Political Fringe to Mainstream* stated in his Newsweek (8/2/17) article, "*The deep state is defined by the Oxford English Dictionary as meaning 'a body of people, typically influential members of government agencies or the military, believed to be involved in the secret manipulation or control of government policy.*'" Found on 9/28/18 at: **http://www.newsweek.com/deep-state-conspiracy-theory-trump-645376**

As of the date of this writing the "*Deep State*" is being propagandized as a fantasy/thriller movie series about government espionage scheduled for 2018. Nevertheless, the Washington politico-business machine is suggesting that the "*Deep State*" is something quite real and involving relationships of the "*intelligence community,*" such as that between "*a nation's leader[s] and its governing institutions,*" or that consist of *"shadowy networks within those institutions, and within business, who are conspiring together and forming parallel state institutions."* (*See* the New York Times article written by Amanda Taub and Max Fisher titled, "*As Leaks Multiply, Fears of a 'Deep State' in America*" as found on 9/28/18 at: **https://www.nytimes.com/2017/02/16/world/americas/deep-state-leaks-trump.html?_r=1**)

Unfortunately, when the argument is that such "*Deep States*" are not operating in America, or do not pose a threat to the American ***people***, such contentions ignore the facts as presented about the existence of a "*shadow government*," as described by former CIA officer and anti-terrorism expert in his book "*From the Company of Shadows*" Kevin Shipp, author). That book purportedly reveals a "*revelation of the procedures the CIA uses in conducting covert operations, counterintelligence investigations and counter-terrorism."* It also *"provides a detailed expose' of the CIA's use of secrecy and the executive branch's abuse of the little known 'State Secrets Privilege'...to block cases of negligence, discrimination, shot down whistleblower claims, prevent other branches of government from conducting investigations...*" etc.

Further, although it is beyond the scope of this paper, the topic of the "*deep state*" also extends to the "*State's*" financing of tomorrow's technologies in societal surveillance, population control, weather and atmospheric control, biometrics and biogenetics, artificial intelligence, and information control.

QUESTION: What part does property "*ownership*" play in the *collateralization* of *people's* labor[247] and the *mortgaging* of their real property?

As depicted on the U.S. Department of the Treasury's own website, Federal Reserve Notes are owned by the Federal Reserve Banks, which pay the National government's "*Bureau of Engraving and Printing*" ("BEP") for the costs to produce the Notes. **These FRNs then "*become the liabilities of the Federal Reserve Banks, and obligations of the United States Government.*"** Federal Reserve Notes, thus, "*represent a first lien on ....the collateral specifically held against them. ... The notes have no value for themselves, but for what they will buy. In another sense,* ***because they are legal tender, Federal Reserve notes are 'backed' by all the goods and services in the economy*****.**"[248]

There is also a coinciding premise that the currency history of the *de facto National government,* as associated with the *Emergency Banking Act of 1933* and the various *Proclamations* and *Executive Orders* issued by FDR after the creation of the Federal Reserve Banking System, created a "*currency monopoly out of a barrel of a gun*," in which Federal statutes criminalize the acquisition and recirculation...

> "*of any other Currency Instrument other than the [National Government's] specified Legal Tender for the extinguishment of private debts. ... [T]he seminal reason why the [National government] is in such a strong position... [of such] ...silent aggression against [Americans] ... is* ***because... by... default****...[most Americans] have [unwarily and voluntarily] accepted the benefits of this Commercial nexus Equity relationship with the [National government] that the acceptance and beneficial recirculation of Federal Reserve Notes necessarily infers*."[249]

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[247] See *Butchers' Union Co. v. Crescent City Co*. 111 U.S. 746 (1884) citing from Smith, *Wealth of Nations*, (Bk. 1, c.10), "

> *"It has been well said that, 'the property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable. The patrimony of the poor man lies in the strength and dexterity of his own hands, and to hinder his employing this strength and dexterity in what manner he thinks proper, without injury to his neighbor, is a plain violation of this most sacred property. It is a manifest encroachment upon the just liberty both of the workman and of those who might be disposed to employ him. As it hinders the one from working at what he thinks proper, so it hinders the others from employing whom they think proper.'"*

As found on 9/28/18 at:
https://supreme.justia.com/cases/federal/us/111/746/case.html

[248] Posted by the U.S. Department of the Treasury as found on 9/28/18 at:
https://www.treasury.gov/resource-center/faqs/Currency/Pages/legal-tender.aspx

[249] *See* Mercier, *supra*, ("*Invisible Contracts*"), section on "*Federal Reserve Notes (Pages 435-477)*"

QUESTION: What part does property "*titles*" and "*licenses*" play in the *collateralization* of *people's* labor and the *mortgaging* of their real property?

As defined by Black's Law Dictionary, the division of "*titles*" into "*equitable [title]*" and "*legal [title]*" coincides with the dual categorization of equitable and legal "*ownership*" of property. Under trust laws, this is best illustrated by the relationship of the "*trustee*" to the "*beneficiary*" in that the **trustee holds "*legal*" title and ownership** while **the beneficiary holds the "*equitable*" title and ownership**. The difference is that under the laws of equity, **the beneficiary holds the "*equitable interest*" and therefore is ultimately the "*real*" owner of the property, while the trustee holds the "*right of possession*".**[250]

> "*Based upon these [above] definitions, **we would suggest that when we buy property we are only given the legal title and therefore only have the right of possession.** This means when we buy land and a house we can live on the land and in the house. **But we suggest that the county where it exists and is registered acts as the trustee [i.e., legal title] to hold the equitable title, or beneficial interest, for the beneficiaries (the people).** The county is the trustee over the equitable interest and we pay trustee fees to the county in the form of property taxes. One who holds property as fee simple or in allodium would pay no property taxes. In the early 1900s, virtually all property was held in allodium and no property taxes were paid.*[251]
>
> *We would suggest that these same principles of title apply to virtually all other things of value. We hold the right of possession and the government at some level (county, state, federal) acts as trustee to hold the equitable interest [i.e., on behalf of the 'real' owners]....*
>
> *So we see that **the government, as trustees, holds equitable interest in your (forefather's) gold, your home, your children, and your cars.** This leads us to ask a critical question. What were we given in exchange for all of these assets? Our parents, grandparents or great grand parents were given paper money for their gold but this was not an exchange. The gold had real value but the paper money was worthless. The government needed the gold and your other assets as collateral against their bankruptcy. But what have we, the people, been given in exchange for all of these things? We were certainly due something of substance.*

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[250] Washington, Moses. *The Exemption*. As found on 9/28/18 at: **https://archive.org/details/pdfy-ss_UKPigvr5RTYcS** and at: **https://ia902303.us.archive.org/15/items/pdfy-ss_UKPigvr5RTYcS/exemption%20document%20moses%20washington.pdf**

[251] *Id.* Moses Washington clarified that according to Black's Law Dictionary that "*Allodium*" is akin to the term "*fee simple*" which is defined as:

> "*Absolute. A fee simple absolute estate limited absolutely to a man and his heirs and assigns forever without limitation or condition. **An absolute or fee-simple estate is one in which the owner is entitled to the entire property, with unconditional power of disposition during his life, and descending to his heirs and legal representatives upon his death interstate. Such estate is unlimited as to duration, disposition, and descendibility.***"

> ***We would suggest that we, the people, have been placed in the position of being the creditors to the government. We are owed a huge debt because the government has used our property and substance to help with their bankruptcy. We have been duped into believing that we are responsible to repay the national debt. But we have, in fact, been the surety for the debt [of a complex and stratified private corporation acting as the 'National' government].***"[252] (Bold emphasis added)

QUESTION: What roles do "*fiduciaries*" (i.e., "*trustees*") and "*beneficiaries*" play in the failure of the State and Federal government officials, particularly those operating the courts, to guard against the National government's persistent *collateralization* of *people's* labor and the *mortgaging* of their real property?

> "***The constitutions of the States and the United States of America were originally designed as 'public trust' documents, establishing fiduciary obligations of 'trustees' toward the 'trust beneficiaries;' with certain penalties for breaches of duties of public 'servants' constituting crimes of treason against both the people and the states.*** [253] ***...***
>
> *In looking at the pattern and practices of American government today – and using Dr. Richard Cordero's*[254] *research into 'judicial oversight' in response to public outcries of 'judicial misconduct' as a prime example of how difficult it is for the American people to monitor the self–regulating, self–policing, self–reporting, and self–disciplining of public officials, it should suffice to state that* ***these fiduciary employees, as public 'servants,' need to be held to a strict code of ethics and rigorous auditing by private American citizens to ensure their faithful***

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[252] *Id.*

[253] *Id.* See the preceding footnote.
See also, Schied, David. (2016) "***Memorandum on Rights of (We) 'The People'*** *to Assemble; to Local Governance; and to Withdraw Consent Through State and Federal Jury Nullification, Through Grand Jury Presentments, Through Private Prosecutions, and Through Other Executions of Customary Law and Laws of Commerce*." As found on 9/28/18 at:
https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/082516_MyDefaultJudgmntFolwupCrimeRpt&MemofPeoplesRights/MyExhibits/EX_B_MemorandumofPeoplesRights_KhalilCase.pdf

[254] Cordero, Richard. *Exposing Judges' Unaccountability And Consequent Reckless Wrongdoing*, Vol. I. Judicial Discipline Reform. NYC. as of June 14, 2016. (p.89 of 886 pages) as found on 9/28/18 at: **http://judicial-discipline-reform.org/OL/DrRCordero-Honest_Jud_Advocates.pdf**
and again on 9/28/18 at:
http://judicial-discipline-reform.org/OL/DrRCordero-Honest_Jud_Advocates.pdf

compliance with their delegated fiduciary oaths and duties of office. *(Bold emphasis).* [255]

As a matter of fiduciary policy and practice, this entails the following 'duties' to be carried out by measure of a very high standard, by anyone privileged to hold the title, power and authority of public service for and on behalf of the people of the United States or for and on behalf of the people of any State: [256]

a) The Duty to follow instructions...
b) The Duty to work with reasonable care...
c) The Duty of being loyal...
d) The Duty of being impartial...
e) The Duty of being accountable...
f) The Duty to maintain the public trust in government...

[T]he Founders based their Public Trust document upon the same (if not higher) obligations[257] *that are expected of private fiduciaries under the maxims set for contracts and trust relationships. ... these Founders were aware that* ***where there were breaches of fiduciary trust, there were equitable remedies through***

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[255] Schied (2017), *supra.* p. 77

[256] *Id.* pp.77-80

[257] *Id.* p. 90. Here, author David Schied included a footnote referencing: Callahan, Hana. *Public Officials as Fiduciaries*. Published May 31,2016 by the Markkula Center for Applied Ethics; as found on 9/28/18 at:
https://www.scu.edu/government-ethics/resources/public-officials-as-fiduciaries/

There in the footnote, Schied went on to cite Callahan as stating:

"*Government Ethics refer to the unique set of duties that public officials owe to the public that they serve. These duties arise upon entering the public work force either as an elected representative, an appointed official, or a member of government staff. (...[W]hen we refer to public officials, we are referring to all public actors, be they elected, appointed or hired.) Public ethical obligations exist in addition to general ethical obligations and sometimes government ethics may conflict with personal ethical duties [as well as the law itself]....Laws can't cover every ethical dilemma and thus, merely set the floor for ethical conduct, not the ceiling...[and]...just because something is legal, does not necessarily make it ethical. Again, fiduciary laws prohibit even the 'appearance' of impropriety.*"

customary practices of impeachments,[258] criminal prosecutions,[259] and through the use of non–judicial [260] commercial liens placed in commerce.[261] ...

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258 Here, author David Schied included a footnote (p.92) referencing: Natelson, Robert. *The Constitution and the Public Trust*. 52 Buff. L. Rev. 1077 (2004). (p. 1083) Found on 9/28/18 at: **http://scholarship.law.umt.edu/faculty_lawreviews/19**

There in the footnote, Schied went on to cite Natelson as stating:

> *"... 'The Constitution authorizes the House of Representatives to impeach federal officers for 'high Crimes and Misdemeanors.' The Constitution designates the Senate as the court for trial. There is a long-standing interpretative dispute over whether an impeachable 'Misdemeanor' must constitute a violation of criminal law. Although the answer is far from certain, the founding generation's devotion to the public trust doctrine supports the view that impeachment was to be a potential response to any significant breach of fiduciary duty.*
>
> *Accordingly, at the federal convention Madison listed as impeachable offenses some outside the criminal law. During the ratification debate, Hamilton affirmed that impeachment was the remedy for breach of public trust, and that one could violate that trust without committing a crime. Other contemporary writers suggested the same. Thus,* ***a public trust interpretation of the Constitution might support impeachment and removal of an official for such non–criminal acts as violating the fiduciary duty of care****.'*
>
> *[Taking the topic of criminal offenses a step further, Natelson went on to state: (pp. 1122–23; 1160–61) (citations omitted)]* (p.92)
>
> *'The Whig view [was] that officials were accountable to the people....English political writers agreed that public officials should adhere to standards comparable to those imposed on private–sector fiduciaries. Many – if not all – Whig writers would have agreed...[that]...**[government officials] possess no power beyond the limits of the trust for the execution of which they were formed.** If they contradict this trust, they betray their constituents and dissolve themselves....[For]...none but bad men would justify [trust] in abuse, none but traitors would barter [trust] away for their own personal advantage....*
>
> *If a public official committed a crime, he (immediately or eventually) could be held accountable under the criminal law. To breach one's public trust was not necessarily to commit a crime, however. (As Hamilton observed, 'Men, in public trust, will much oftener act in such a manner as to render them unworthy of being any longer trusted, than in such a manner as to make them obnoxious to legal punishment. It was therefore necessary to devise ways to respond to non–criminal breaches.')"*

259 *Id.* pp. 112-133.

> **"*[H]istory shows that Customary Law (based on Natural Law) and statutory and/or Common Law (based on the legalization of custom) are independent of one another, though evolving in tandem with one another. The difference between them is as simple as the difference between what is popularly considered 'private' with the 'natural man' and amongst nations of human beings operating lawfully in private relationships and in commerce; and 'public'***

with the governing of 'persons' in their varied social, legal and political roles. (p.123) ...

Therefore, being of 'the people' having 'created and ordained' the Public Trust (i.e., the organic federal Constitution) which formed the federal government in the first place, including the public functionary positions at the Supreme Court of the United States, as the delegated fiduciaries of that Public Trust, ***'We,' the people – the natural men (and women) of the land commonly referred to as America' – inherently possess the natural right, by longstanding (Anglo–Saxon and other international) custom, to exercise our own 'original jurisdiction' in terms of remedies that lay outside of the purview of the government's jurisdiction; hence, 'non-judicial remedies.'*** (p.129) ...

There are times when the Fourth Branch of government needs to step in to declare violations of the Public Trust. This is needed ***so to define such breaches of fiduciary duties****, and to provide impeachments* ***and other remedies*** *against what could otherwise bring fatality upon the American nation of united States, and their rule as a unified Republic.* (p.84)

With regard to State and Federal magistrates, judges, and justices, all the way up the chain to the respective State and Federal Supreme Court(s), they are otherwise personally responsible, particularly those with 'lifetime–employment,' as 'independent' fiduciaries of the Public Trust, for ensuring that the federal judiciary keeps NOT ONLY the other two (Legislative and Executive) Branches constitutionally in 'check' but so too the governments of all of the States in constitutional compliance. ***It is therefore well beyond a reasonable time for exposing the pattern and practice of how the federal 'system' being operated by the agents of SCOTUS, really functions to create and sustain social chaos, political anarchy, and what amounts to the wholesaling of domestic terrorism.*** (p.112) ...

Thus, it may be said that there is a natural tendency for people who are patriotically conscience of the terms of the Public Trust document, who have the capacity to share the Founders' awareness that enunciated rights come with fiduciary duties, remember that history furnishes many mortifying examples of how much corruption can actually breed in a free Republic such as the one instituted centuries ago here in America. (p.116)... [See also, the Congressional Record for the Senate dated January 13, 1938, (pp.432-444) in discussion on the unconstitutionality of Senate Bill 2171 in context of the "*rights and duties*" of the States and the United States when it comes to guaranteeing the rights of "*citizens*." As found on 9/28/18 at: **https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1938-pt1-v83/pdf/GPO-CRECB-1938-pt1-v83-10-1.pdf**]

With regard to the people's use of independent Grand Juries for conducting investigations, including the lawful and private investigating of the fiduciary 'justices' of the America's state and federal courts, and the people's right to issue constitutionally–protected declarations of their findings through 'presentments,' the topic has already been well–addressed by reference to Jason Hoyt's book ('Consent of the Governed') and to ('the late') Justice Antonin Scalia's ruling in United States v. Williams, 504 U.S. 36, (1992). ...

It should suffice to state here that ...

...'[a]though almost all criminal prosecutions today are conducted by public prosecutors, there is a longstanding tradition of Anglo-American law for criminal prosecutions to be conducted by private attorneys or even by laymen.' (p.130)

It is clear that if the public prosecutors were executing their fiduciary functions successfully and in good faith, both at the State levels and at the federal level, private prosecutions would be needlessly pursued, except by the few. However, as this instant case proves, in spades, when government prosecutors turn into usurpers – i.e., when abusing their discretion in either refusing to prosecute members of their own peer group of other BAR members of attorneys, prosecutors or judges, by fabricating evidence or by withholding exculpatory evidence when pursuing malicious prosecutions, or when steering an impartial jury into prejudicial decisions – American communities naturally turn into willing hosts for the revival of private prosecutors and independent grand juries to meet the increased need for challenging and contravening those corrupt environments.

"Filtering out personal vendettas is what the grand jury is for. That was one of its major tasks from the outset, when most criminal prosecutions were privately funded. The present system of public prosecutors is certainly not free of personal vendettas. Indeed, that is one of the ways abuse is happening. It just doesn't provide a way to control it when grand juries have been brought under the control of the public prosecutors.

There is no real possibility of government officials controlling the abuses of other officials over the long term. That might work for a few shining moments, but it is not sustainable, and once entrenched, corruption can be almost impossible to overcome. The only way to hold officials accountable is to allow private parties from outside the system to effectively intervene, and if the result becomes a tad anarchic, that is not too high a price to pay for accountability.'" (p.131)

In the referenced "*Memorandum on Rights of (We) 'The People'*..." Schied cited in footnotes the quotes found above as borrowed from: Roland, Jon. *Private Prosecutions*. (1996) as found on 8/6/16 and on 9/28/18 at: **http://www.constitution.org/uslaw/pripro01.htm**

[260] *Id.* p.122 – "*The American People Have the Natural Right to Exercise* ***Non-Judicial Remedies*** *Through* ***Independent Grand Jury Presentments****, Through* ***Private Prosecutions on Grand Jury Indictments****, Through* ***Common Law Distrain and Distress****, and Through Customary Processes of* ***Applying Liens in Commerce***"

[261] *Id.* (pp. 134-

"*The process of distrain and distress was previous mention in the earlier discussion of this instant 'Memorandum on Rights of (We), The People...' about the Magna Carta, and the need the common law grand juries of today to utilize the longstanding custom of property owners, distrain and distress, to either force government officials to compliance through the securitization of their debts on property – such as for back-wages upon a grand jury's finding of breach of fiduciary obligations – or to bring them to justice through the customary channels of grand jury indictments and jury trials. As the process of distrain and distress has been in the Anglo–Saxon, and thus the English, custom since long prior to the era*

QUESTION: What roles do "*debtors*" and "*sureties*" on debts play in the *collateralization* of *people's* labor and the *mortgaging* of their real property, and how do they relate to "*exemptions*," "*discharges*" and "*setoffs*" of "*liabilities*" and "*obligations*" in the *redeeming of a sovereign status* in the world of commerce?

According to *Bouvier's Law Dictionary* (1856), "*Debtors... are also principles and surety; the principal debtor is bound as between him and his surety to pay the whole debt, and* ***if the surety pay it, he will be entitled to recover against the principal***." [262]

> "***This quote indicates that there is a difference between the principal debtor (the government) and the surety (the people). It plainly says the principal debtor is responsible to pay back the debt. But if we, as the surety, do pay the debt, the surety is entitled to recover the cost from the debtor. We have been paying the debt with our property, our labor and our taxes. We are owed a great deal.***
>
> *Another way of looking at our monetary system is to say that everything in our society is pre-paid. All money is backed by the people and their property. Without us, there would be no money in our current system. Everything in society has been paid for at the manufacturing level with the money that was created from us and our property. Therefore, everything in existence in our society is an extension of what we are owed and therefore everything is pre-paid by us and for us.*" [263]
>
> "*What do we get in exchange for all that has been created from us? We would suggest that what the people are owed is manifest in two ways: the people*

> *of the Magna Carta, it is clear that throughout time to the present this lawful practice is both a private and an effective non–judicial and/or extra–judicial debt enforcement against those owing a fiduciary and/or a contractual duty to property rights owners.*
>
> *In distinguishing between the terms, distrain, distress, and lien, it is important to recognize first that distrain and distress are synonyms when used as verbs: To 'distrain' means to squeeze, press or embrace, to constrain, or oppress (until and obligation is preformed or by taking the goods and chattel to satisfy an unpaid debt). To 'distress' means to cause strain or anxiety to someone. As only one of the two words to be used as a noun, a 'distress' is 'the cause of discomfort.'*
>
> *A lien, by contrast, is defined as 'any official claim or charge against property or funds for payment of a debt or an amount owed for services rendered.' A typical lien is a formal document constructed and signed by the party to whom a right to money is owed, and by which, when filed with the County Recorder carries the enforceable right to sell a debtor's property, if necessary, to obtain the money.*
>
> *Liens have a common law history, like distrain and distress, dating back to ancient times. Today, we see various types of liens, including those executed in common law, equity, admiralty and special statutes. Examples of liens include mechanic liens, attorney's liens, medical liens, landlord liens and tax liens to name a few.*

[262] *See* Washington, *supra. The Exemption*.
[263] *Id.*

are beneficiaries in the trust and the people have been given an exemption. In the broadest terms, we call what is owed us an exemption.

> ***Exemption.*** *Freedom from a general duty or service; immunity from a general burden, tax or charge. Immunity from certain legal obligations… [Blacks Law Dictionary 5th Edition]*

We have been given an exemption from having to pay our debts. We now have the ability to discharge our debts. Do you suppose there is a way to use this exemption to discharge our debts by accessing what is owed to us and held in trust? We believe this is quite possible.

To begin to understand how we might access this exemption, we need to look at various forms of payment. We already know that 'all coins and currencies of the United States (including Federal Reserve notes …) … shall be legal tender.' But it appears that there are other forms of payment which are also valid that are not included in those listed above. A quote from the Uniform Commercial Code (UCC) will illustrate this point

> *'§ 2.304. Price Payable in Money, Goods, Realty, or Otherwise*
> *(a) The price can be made payable in money or otherwise. If it is payable in whole or in part in goods each party is a seller of the goods which he is to transfer.'*

This quote makes it clear that ***we may discharge our debts in something other than money, goods, or realty.*** *What could this mean? A quote from a Federal Reserve publication will shed some light on this question.*

> '*Modern monetary systems have a fiat base – literally money by decree – with depository institutions, acting as fiduciaries, creating obligations against themselves with the fiat base acting in part as reserves. The decree appears on the currency notes: 'This note is legal tender for all debts, public and private.'* ***While no individual could refuse to accept such money for debt repayment, exchange contracts could easily be composed to thwart its use in everyday commerce.*** *However, a forceful explanation as to why money is accepted is that the federal government requires it as payment for tax liabilities. Anticipation of the need to clear this debt creates a demand for the pure fiat dollar. ['Money, Credit and Velocity,' Review, May, 1982, Vol. 64. No. 5, Federal Reserve Bank of St. Louis, p. 25]'*

The Federal Reserve is saying that the people could easily replace the use of Federal Reserve Notes in daily life by using exchange contracts.[264] *This is amazing news.* ***It means that we can use exchange contracts to discharge out debts.*** [265]

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[264] See Koppage v. Kansas, 236 U.S. 1 (1915) which states, "*The principle is fundamental and vital. Included in the right of personal liberty and the right of private property partaking of the nature of each is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property."* As found on 9/29/18 at:
https://supreme.justia.com/cases/federal/us/236/1/case.html

[265] *Id.*

"*If our currency is a liability, then there must also be some assets to balance the books. So it is apparent that we need to understand some basic accounting. First, let's see how accounting and account are defined.*

> '***Accounting.*** *An act or system of making up or settling accounts; a statement of account, or a debit and credit in financial transaction… Rendition of an account, either voluntarily or by order of a court. In the latter case, it imports a rendition of a judgment from the balance ascertained to be due. The term may include payment of the amount due… Major accounting methods are the cash basis and the accrual basis.' [Black's Law Dictionary 5th Edition]*
>
> '***Account.*** *A detailed statement of the mutual demands in the nature of debit and credit between parties, arising out of contract or some fiduciary relation. A statement in writing, of debits and credits, or of receipts and payments; a list of items of debits and credits, with their respective dates. … Any account with a bank; including a checking, time, interest or saving account. … Account means any right to payment for goods sold or leased or for services rendered which is not evidence by an instrument or chattel paper, whether or not it has been earned by performance…' [Black's Law Dictionary 5th Edition]*

These definitions suggests [sic] *that an account is something to keep track of debits and credits and accounting would be the practice of keeping track of debits and credits. Accounts are only needed when payment of goods and services are not made in full at the time of purchase. When you buy something on credit (house, credit card, car), an account is established to keep track of how much you owe. You open a checking account when you no longer want to pay for everything with cash. The checking account allows the bank to keep track of how much 'money' you have. Black's 7th edition lists a number of different kinds of accounts, but for our purposes, there are three that are particularly interesting.*

> '***closed account****. An account that no further credits or debits may be added to but that remains open for adjustment and setoff.' [Black's Law Dictionary, 7th Edition]*
>
> '***offset account****. One of two accounts that balance against each other and cancel each other out when the books are closed.' [Black's Law Dictionary, 7th Edition]*
>
> '***open account****. 1. An unpaid or unsettled account. 2. An account that is left open for ongoing debit and credit entries and that has a fluctuating balance until each party finds it convenient to settle and close…' [Black's Law Dictionary, 7th Edition]*

From these definitions it becomes clear that so long as there is still activity occurring, an account remains open but once all public activity (debit and credit) has ceased, the account is closed. When you make the final payment on a loan, the account is closed. When you no longer need a checking account, you withdrawal all the funds and close it. But a closed account remains open for two types of transactions, adjustments and setoffs. The idea of an offset account suggests that when two parties owe one another, setoffs can be used to cancel out opposing debts. The definition of setoff will give us another clue on how to use our exemption.

> '***setoff****. … 2. A debtor's right to reduce the amount of a debt by any sum the creditor owes the debtor; the counterbalancing sum owed by the creditor. … Set-off signifies the subtraction or taking away of one demand from another opposite or cross demand, so as to distinguish the smaller*

> *demand and reduce the greater by the amount of the less…' [Black's Law Dictionary, 7th Edition]*

It appears that if two parties owe one another opposing sums, a portion of the larger debt can be discharged by the amount of the smaller debt. The one who is owed the larger amount is called the creditor and the one who owes the smaller amount is the debtor. We have already seen that we are the creditor over the government, who is the debtor, and that it owes us vast sums. *Since we are the creditor, it would appear that there should be some method of using what the government owes us to setoff what we owe to other creditors. We have already been introduced to the concept of a bill of exchange. Various people and groups have researched how a bill of exchange and other instruments might be used to access our exemption in order to discharge our debts. They have discovered that these instruments can be effective.*

Our goal is to eventually discover how a man can use bills of exchange or other instruments to discharge all of his debts. ...[266]

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[266] *Id.*

"*If our currency is a liability, then there must also be some assets to balance the books. So it is apparent that we need to understand some basic accounting. First, let's first see how accounting and account are defined.*

> ***Accounting.*** *An act or system of making up or settling accounts; a statement of account, or a debit and credit in financial transaction… Rendition of an account, either voluntarily or by order of a court. In the latter case, it imports a rendition of a judgment from the balance ascertained to be due. the term may include payment of the amount due… Major accounting methods are the cash basis and the accrual basis. [Black's Law Dictionary 5th Edition]*
>
> ***Account.*** *A detailed statement of the mutual demands in the nature of debit and credit between parties, arising out of contract or some fiduciary relation. A statement in writing, of debits and credits, or of receipts and payments; a list of items of debits and credits, with their respective dates. … Any account with a bank; including a checking, time, interest or saving account. … Account means any right to payment for goods sold or leased or for services rendered which is not evidence by an instrument or chattel paper, whether or not it has been earned by performance… [Black's Law Dictionary 5th Edition]*

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> ***closed account****. An account that no further credits or debits may be added to but that remains open for adjustment and setoff. [Black's Law Dictionary, 7th Edition]*

QUESTION: How does the differentiation between "*sole*" and "*aggregate*" corporations pertain to and effect the *collateralization* of *people's* labor and the *mortgaging* of their real property at the time of the *1933 Bankruptcy of the 'United States'*?

"*[T]here are several types of organizations or artificial entities. There are corporation soles, aggregate corporations, municipal corporations, revocable living trusts (sole), and unincorporated business organizations. Many people use these entities for various reasons including maintaining personal control over their assets; protection from lawsuits and judgments; avoidance of probate; avoidance of estate taxes; reduction in tax liability; and many other reasons. We will look into the difference between a sole entity and an aggregate entity; ...* [267]

> ***offset account***. *One of two accounts that balance against each other and cancel each other out when the books are closed. [Black's Law Dictionary, 7th Edition]*
>
> ***open account***. *1. An unpaid or unsettled account. 2. An account that is left open for ongoing debit and credit entries and that has a fluctuating balance until each party finds it convenient to settle and close… [Black's Law Dictionary, 7th Edition]*

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Our goal is to eventually discover how a man can use bills of exchange or other instruments to discharge all of his debts. ...

[267] Washington, Moses. *Meet Your Strawman*. (2003) As found on 9/28/18 at:

In all organizations there are two basic operational positions: 1) the stock holder/owner/beneficiary (we will call this the beneficiary position); and 2) The officer/president/chairman/trustee (we will call this the operational position). A ***sole corporation****, as defined by Black's Law Dictionary,* ***is one consisting of one person only and his successors in some particular station, who are incorporated by law in order to give them some legal capacities and advantages, particularly that of perpetuity, which in their natural state as persons they could not have.*** *In a corporation sole, one person holds both operational positions of the organization.* ***A corporation sole*** *may be established under legislative authority. It* ***is considered by statute a citizen of the government.*** *As such, the safe guards of the bill of rights do not extend to corporate soles.* ***The courts have warned that statutory licensed sole proprietorships are in a fact a government agency by definition of how they are created.*** *Most people who chose a sole organization do so because they maintain personal control over their assets.*

An aggregate corporation such as corporations or business trusts, according to Black's Law Dictionary, is composed of a number of individuals vested with corporate powers. ***With an aggregate organization, different parties must hold the beneficiary and operational positions.*** *If the same party holds them, they are a sole organization. Family members are always counted as one party, therefore would be a sole organization. In an aggregate organization, the one who is in control is immune from damages or liabilities of the beneficiaries.* ***In an aggregate corporation, the holder of the first operative position controls the assets for the holder of the second operative position. The control of the assets has been turned over to someone else's control.***

The founder of the wealthy Rockefeller family said one his secrets to wealth was to 'own nothing, but control everything'. In other words, always function from an aggregate relationship. ...

The government is owned and controlled by the same people. So ***the government is a sole organization, not an aggregate organization.*** *As long as a man is dealing publicly, he is in a sole relationship with the public. The straw man, being artificial, lives in the artificial place called the public.*

At the same time as people are acting collectively in the larger body of people called the State and National government, they maintain their ability to act individually on a private basis. The people did not give up the rights they did not delegate to the government - they retained those rights. Any man can contract privately as they see fit and government cannot interfere with the private contracts of men." [See again, the Congressional Record for the Senate dated January 13, 1938, (pp.432-444) in discussion on the unconstitutionality of Senate Bill 2171 in context of the "*rights and duties*" of the States and the United States when it comes to guaranteeing the rights of "*citizens*." As found on 9/28/18 at: **https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1938-pt1-v83/pdf/GPO-CRECB-1938-pt1-v83-10-1.pdf**]

The straw man lives in the public side of government. He is part of the public government, and functions under the laws of the public. *This is necessary and proper because* ***the creator of an entity has the right to control it. Since the***

http://www.truthsetsusfree.com/MeetYourStrawMan.pdf

government created the straw man, it is only right that the straw man live under the rules of it's **[sic]** ***creator. But once the straw man has been redeemed, the government is no longer in control of the straw man.*** *He is now controlled by the man using his right to private contracts. The man has left the public as a beneficiary in sole relationship to the straw man to live privately as creditor in an aggregate relationship with the straw man.* ***As far as this relationship is concerned, the straw man is privately controlled. The straw man still exists as a public entity because that is the only world in which he has reality. His relationship with the man is private. The relationship with the man[-]being is controlling because the man has a higher priority lien on the straw man than the government.*** [268]

QUESTION: How does the differentiation between "*public law*" and "*public policy*" pertain to the *collateralization* of *people's* labor and the *mortgaging* of their real property at the time of the *1933 Bankruptcy of the 'United States'*?

"*Public policy is not the same thing as public law!*

> *'policy. The general principles by which a government is guided in its management of public affairs.' [Black's Law Dictionary, 7th Edition]*
>
> *'public policy. Broadly, principles and standards regarded by the legislature or by the courts as being of fundamental concern to the state and the whole of society.' [Black's Law Dictionary, 7th Edition]*

[I]n 1933, the House of Representatives passed a joint resolution to 'Suspend The Gold Standard and Abrogate The Gold Clause' which says in part:

> *'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 particular kind of coin or currency, or in as amount of 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." [House Joint Resolution 192, June 5, 1933, emphasis added]*

Since this measure was passed as a joint resolution, it does not have the force of law. You will notice that the resolution uses the term 'public policy'. ... [The Congress and Senate] are saying that what they are doing by refusing to pay the federal debt in gold is not according to the law but rather a public policy. *...* [269]

We also need to understand that 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 FRNs, 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 and valuable consideration.

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[268] *Id.*

[269] Washington, Moses. *U.S. Bankruptcy*. (2003) As found on 9/28/18 at: **https://www.scribd.com/document/215384272/Us-Bankruptcy**

What does the federal government have to offer the Federal Reserve in payment of it's [sic] *debts? The next quote answers this question.*

> [Patman] '*The money will be worth 100 cents on the dollar because it is backed by the credit of the Nation. It will represent a mortgage on* ***all the homes and other property of all the people in the Nation*****.**' [Congressional Record, March 9, 1933, emphasis added]

We see that the federal government has offered all of the private property in the nation to it* [sic] *creditor, the Federal Reserve. The government can offer the labor of the people of the nation*.***

[The above] quote is evidence that the government 'hypothecated' all of the present and future properties, assets and labor of their 'subjects' to the Federal Reserve System.

> *'Hypothecate. To pledge property as security or collateral for a debt. Generally, there is no physical transfer of the pledged property to the lender; nor is the lender given title to the property; though he has a right to sell the pledged property upon default.' [Black's Law Dictionary, 5th Edition]*

So, the government has pledged (mortgaged) our property as collateral to their creditor, the Federal Reserve. *If you thought the only person who could mortgage a property was the owner, you are correct.* ***The implication is that through some mechanism... the government has taken over controlling interest in our property. If this is the case, it is a violation of the 5th Amendment to the Constitution****:*

> *'... nor shall private property be taken for public use without just compensation.'*

You may wonder how you got roped into paying someone else's debts. The answer can be found in the 14th Amendment.

> *'The validity of the public debt of the United States ... shall not be questioned.' [14th Amendment, Section 4]*

After the passage of the 14th Amendment, everyone born in America became a 14th Amendment [federal] citizen. As such, you are held liable for the 'public debt of the United States.'

To provide further evidence of government control of our property, consider the fact that we pay property taxes. Prior to 1913, when the Federal Reserve Act was passed, most Americans owned property and had allodial titles. There are no property taxes in this situation. When we buy property now, we are not given an allodial title. Instead we are given a title deed which is not fee simple absolute.

[I]t should be obvious that we do not have fee simple absolute title to our land. If we had an allodial title (without obligation), no one would have the authority to tax the land. They would also not have a right to sell the property if the taxes weren't paid. But when the property was hypothecated, the government took that authority. The title deed is evidence that a title does exist. But the question remains, who holds title to the property? ***It would seem that the government has taken control of our property and then they lease it back to us for what is called property taxes.***

In return for turning over all the property in the U.S., the Federal Reserve Bank agreed to extend the federal government all the credit (money substitute) it needed. Like any other debtor, the federal government had to assign collateral and

security to their creditors as a condition of the loan. Since the federal government didn't have any assets, they assigned the private property of their 'economic slaves,' the UNITED STATES citizens, as collateral against the unpayable federal debt. They also pledged the unincorporated federal territories, national parks and forests, as collateral against the federal debt (for evidence of this see the United Nations plaques in most of major national parks).

You might say, 'I don't feel like an economic slave.' If not, then why are most 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? Evidence of your economic slavery is the fact that you pay Social Security taxes and income taxes.

Remember... the federal government could also pledge the labor of the citizens. ***The federal government gets the benefit of your labor in the form of federal employment [income] taxes. What you may not know is that the federal government does not have constitutional authority to tax your wages. So the income tax is voluntary****. ... You volunteer to pay of the public debt when you apply for a social security number and then give it to your employer when you file a W4 form. If you don't believe it, find a canceled check that you have written to the I.R.S. Turn it over and on the back you will see that the check was endorsed for deposit in a Federal Reserve account. So, your check to pay your 'income tax' was deposited into the Federal Reserve, a private bank, who is the creditor for the federal government."*[270]

QUESTION: How does whether an issue is considered a matter in common law, admiralty, equity, or civil jurisdiction pertain to decision-making of judges when it pertains to the *collateralization* of *people's* labor and the *mortgaging* of their real property at the time of the *1933 Bankruptcy of the 'United States'*?

"*With reference to the relations of Law and Equity, and their administration as parts of the American system of Jurisprudence, it must be noted that the court of the United States, both Federal and State, naturally separate themselves into three great classes: 1) Court of Law and Courts of Chancery in the same States, having separate cognizance of cases of Law and cases of Equity, and preserving substantially the old lines of distinction and enforced a century ago in the English Court of Common Pleas and the High Court of Chancery. 2) A single court or system of courts, recognizing the distinctions between Law and Equity, as two great concurrent systems of jurisprudence, and by means of separate dockets or separate sides, administering both systems in separate cases, as is done in the Federal Courts. 3) The single system of courts of the Code States, wherein all distinctions between Law and Equity are abolished by statute."*[271]

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[270] *Id.*

[271] Ingersoll, Henry. *Confusion of Law and Equity*. The Yale Law Journal. Vol. 21:1 (Nov. 1911), pp. 58-71. As found on 9/28/18 at:

"*Next,*[272] *we turn now and address some Commercial debt instruments that just about everyone uses constantly. And when this Commercial paper is used and then recirculated by you, Federal Benefits are being quietly accepted by you and so now* ***subtle contracts are in effect****. As commercial* ***holders in due course****, you and the [National government] are experiencing mutual enrichment from each other. The [National government]believes that the mere use of Federal Reserve Notes, those 'circulating evidences of debt' that his Legal Tender Statutes have enhanced the value of as a co-endorser; and that* ***the mere acceptance and beneficial use of those circulating Commercial equity instruments of debt, constitutes an attachment of Equity Jurisdiction*** *sufficiently related to experiencing Commercial profit or gain in Interstate Commerce as to warrant the attachment of civil liability to his so-called Title 26. Remember, once you get rid of your political contracts to pay taxes (like National Citizenship), Federal Judges will then start examining the record to see if there are any Commercial benefits out there that you have been experiencing. Once you are a Citizen, Federal Judges will generally stop looking for other contracts; but once Citizenship is gone, then other normally quiescent Commercial nexuses that attach [National government's] Equity Jurisdiction suddenly take upon themselves vibrant new importance.*" (Mercier, *supra*, p.435)

"*The legal procedure known as Admiralty Jurisdiction applies in Federal areas concerning tax collection, because once a Person takes upon any one of the many invisible taxation contracts that the [National government] is enriching his looters through, then Admiralty Jurisdiction as a relational procedure can be invoked by the Judiciary and the [National government's] termites in the IRS to get what they want out of you: Your money.*" (Mercier, *supra*, p.300)

*"****Commerce is properly governed by the special rules applicable to Admiralty Jurisdiction.*** *But as for that slice of Commerce going on out on the High Seas without the King [i.e., the National government] as a party, that Commerce is called Maritime Jurisdiction, and so Maritime is the private Commerce that transpires in a marine environment. At least, that distinction between Admiralty and Maritime is the way things once were, but no more. Anyone who is involved with Admiralty or Maritime activities are always Persons involved with Commercial activities that fall under the King's [i.e., the National government's] Commerce, but since Admiralty and Maritime are subdivisions of [National government's] Commerce, the reverse is not always true, i.e., not everyone in [National government's] Commerce is in Admiralty or Maritime. ...*

Generally speaking, Maritime Jurisdiction is the 'it happened out on the sea' version of Common Law Jurisdiction and Jury Trials are quite prevalent; Admiralty Jurisdiction is the 'it happened out on the sea' version of summary [National government's] Equity Jurisdiction, and generally features non-Jury Trials to settle grievances (as [National governments] have a long history of showing little interest in Juries). Just what grievance should lie under ordinary Civil Law, or should lie under Admiralty Jurisdiction is often disputed even at the

https://www.jstor.org/stable/785352?seq=14#page_scan_tab_contents

[272] Mercier, *supra*.

present time, and has always been disputed. Admiralty Jurisdiction is the [National government's] Commerce of the High Seas, while Maritime Jurisdiction could be said to be the Common Law of the High Seas. If you and I (as private parties) entered into Commercial contracts with each other that has something to do with a marine setting, that would be a contract in Maritime. If you or I contract in Commerce with the [National government] (such as shipping [the National government's] guns across oceans), then such an arrangement would fall under Admiralty Jurisdiction. This distinction does not always hold true any more, as lawyers have greatly blurred the distinction by lumping everything into Admiralty.

This is why Admiralty is the [National government's] Commerce of the High Seas and navigable rivers and lakes (or at least, should be). A least, that is the way it used to be.

Up until the mid-1800s here in the United States, very frequently merchants paid off each other in gold coins and company notes, i.e., there was no monopoly on currency circulation by the [National government] then like there is today. So in the old days, it was infrequent that the [National government] had an involvement with private Maritime Commerce. And there was an easy-to-see distinction in effect back then between Maritime Jurisdiction contracts that involved private parties (or Maritime Torts where neither parties in the grievance are agencies or instrumentalities of Government) and Admiralty Jurisdiction, which applied to Commercial contracts where the [National government] was a party. (Remember that Tort Law governs grievances between people where there is no contract in effect. So if a longshoreman fell on a dock and broke his leg, his suing the owner of the dock for negligence in maintaining the dock should be a Maritime Tort Action). However, today in the United States, all Commercial contracts that private parties enter into with each other that are under Maritime Jurisdiction, are now also under Admiralty. ***Reason: The beneficial use and recirculation of Federal Reserve Notes makes the [National government] an automatic silent Equity third party to the arrangements.****"*[273]

[273] *Id.* Mercier, "*Invisible Contracts*" (*See* the particular sections designated as being about "*Admiralty Jurisdiction*" and "*Federal Reserve Notes*")

V. Statement of Facts Regarding "*Where is Where*": Where the "*United States*" Does and Does Not Have Nexus (continued)

J. Political Nexus – the "'*New Deal*,' '*Council of State Governments*,' '*Declaration of Intergovernmental Dependency*,' '*Administrative Procedures Act*,' '*Universal Charter of the Judge*,' and the '*Cooperative Federalism*' Net"

In depicting what, if anything in English and American common law history describes the "*Fourth Branch*" of constitutional governance, Justice Scalia's description of the "*grand jury*" surely offers the best description:

> "***It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It 'is a constitutional fixture in its own right.***' United States v. Chanen, *549 F.2d 1306, 1312 (CA9 1977) (quoting* Nixon v. Sirica, *159 U.S. App. D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 835 (1977).* ***In fact, the whole theory of its function is that it belongs to no branch of the institutional Government, serving as a kind of buffer or referee between the Government and the people.*** *See* Stirone v. United States, *361 U.S. 212, 218 (1960);* Hale v. Henkel, *201 U.S. 43, 61 (1906); G. Edwards,* The Grand Jury *28-32 (1906)…"* From *U.S. v. Williams* (*supra*)

Yet today many refer to the "*Fourth Branch*" as that which was produced by Roosevelt's "*New Deal*" programs[274] enacted by the purported *Federal* government and administrated by the *National* government between 1933 and 1938, and eventually culminating in the *Declaration of*

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[274] Stamper, Mel. *Fruit From a Poisonous Tree*. iUniverse, Inc. (2008) p. 59:

> *"The Great Depression supplied the diversion needed to keep the people's attention away from what the government was doing. The Social Security program was implemented, along with numerous other socialistic 'New Deal' programs that invited the American people to volunteer to be the sureties behind the United States' new registered property and adhesion contracts through the legal presumption that they were 14th Amendment United States subjects. We are permitted to contract with anyone, even the government, so for the promise of benefits from the federal government, we traded away our unalienable rights and put on a mask of the subject person.*"

As found on 9/29/18 at:
https://the-eye.eu/public/concen.org/Melvin%20Stamper%20-%20Fruit%20from%20a%20Poisonous%20Tree%20%28pdf%29%20-%20roflcopter2110/Melvin%20Stamper%20-%20Fruit%20from%20a%20Poisonous%20Tree%20%28pdf%29%20-%20roflcopter2110.pdf

Interdependence on January 22, 1937,[275] and subsequently, in the *Administrative Procedures Act* (Pub.L. 79–404; 60 Stat. 237)[276] on June 11, 1946....being a mesmerizing array of "*National government agencies*" chock full of *treasonous* managing bureaucrats.[277]

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[275] It is to be noted that in American History there have been multiple occasions and circumstances in which a "*Declaration of Interdependence*" has been publicized. The first publication of a a "*Declaration of Interdependence*" occurred in 1933 with a speech by Henry Agard Wallace, who was then the U.S. Secretary of Agriculture appointed by Roosevelt for the new FDR administration. That May 13, 1933 speech, given as an NBC evening radio address, which advocated for American farmers to comply with the questionable terms of the Farm Act. This speech was later edited and published in a compilation of other works by Wallace, which were edited by Russell Lord and published under the title, *Democracy Reborn* (New York, 1944), just prior to Wallace completing his term as the 33rd Vice-President of the United States while still under Roosevelt (whose Presidency extended astoundingly from 1933 through 1945, just prior to the 22nd Amendment to the U.S. Constitution limited the President thereafter to a maximum of two terms in office). It was found on 9/28/18 at:
http://r.schillerinstitute.org/educ/hist/2017/1212-henry_wallace/hw.html

The next was a publication of the "*Declaration of Interdependence*" occurred in 1937, brought forward by the Council of State Governments, which was founded in 1933. (Further elaboration upon this "*Declaration*" is provided in other footnotes.)

Yet another publication of the "*Declaration of Interdependence*," which is relevant to this instant "*Amicus in Treatise*..." was presented to the World Affairs Councils in Philadelphia, on October 24, 1975, which was signed ceremoniously on January 30, 1976 at Congress Hall, Independence National Historical Park. That document, endorsed by a number of non-governmental organizations and specialized agencies of the United Nations, was also signed by several members of the "*de facto National*" Congress. (Other footnotes elaborate further upon this "*Declaration*.")

[276] *Public Law 404*, issued by the 79th Congress as the "*Administrative Procedure Act*;" was found on 9/29/18 at:
https://www.justice.gov/sites/default/files/jmd/legacy/2014/05/01/act-pl79-404.pdf

[277] Hamburger, Philip. *The History and Danger of Administrative Law* Imprimis (Hillsdale College speech digest); Vol. 43:9 (Sept. 2014)

> "*[A]dministrative power is actually very old. It revives what used to be called prerogative or absolute power, and it is thus something that the Constitution centrally prohibited. ...[T]here are problems with this conventional history of administrative law. Rather than being a modern, post-constitutional American development, I argue that the rise of administrative law is essentially a re-emergence of the absolute power practiced by pre-modern kings. Rather than a modern necessity, it is a latter-day version of a recurring threat—a threat inherent in human nature and in the temptations of power. ...*
>
> *Put simply, administrative acts are binding or constraining edicts that come, not through law, but through other mechanisms or pathways. For example, when an executive agency issues a rule constraining Americans—barring an activity that results in pollution, for instance, or restricting how citizens can use their land—it is an attempt to exercise binding legislative power not through an act*

In 1937 the States, represented by over two hundred (200) delegates, made a compact recorded as the *Declaration of Interdependence* [278] *of the Governments within the United States of*

> *of Congress, but through an administrative edict. Similarly, when an executive agency adjudicates a violation of one of these edicts—in order to impose a fine or some other penalty—it is an attempt to exercise binding judicial power not through a judicial act, but again through an administrative act. ...*
>
> *One standard defense of administrative power is that Congress uses statutes to delegate its lawmaking power to administrative agencies. But this is a poor defense. ...[T]he United States Constitution expressly bars the delegation of legislative power. This may sound odd, given that the opposite is so commonly asserted by scholars and so routinely accepted by the courts. But read the Constitution. The Constitution's very first substantive words are, 'All legislative Powers herein granted shall be vested in a Congress of the United States.' The word 'all' was not placed there by accident. The Framers understood that delegation had been a problem in English constitutional history, and the word 'all' was placed there precisely to bar it.*
>
> *As for procedural rights, ... Administrative adjudication evades almost all of the procedural rights guaranteed under the Constitution. It subjects Americans to adjudication without real judges, without juries, without grand juries, without full protection against self-incrimination, and so forth. ... Administrative adjudication thus becomes an open avenue for evasion of the Bill of Rights. ... [J]ury rights developed partly in opposition to administrative proceedings, and thus some of the earliest constitutional cases in America held administrative proceedings unconstitutional for depriving defendants of a jury trial. ...*
>
> *Among other things, we should no longer settle for some vague notion of 'rule of law,' understood as something that allows the delegation of legislative and judicial powers to administrative agencies. We should demand rule through law and rule under law. Even more fundamentally, we need to reclaim the vocabulary of law:* ***Rather than speak of administrative law, we should speak of administrative power—indeed, of absolute power or more concretely of extra-legal, supra-legal, and consolidated power.*** *Then we at least can begin to recognize the danger.*

As found on 9/28/18 at:
https://imprimis.hillsdale.edu/the-history-and-danger-of-administrative-law/

[278] Note that although another author referenced in this research report, Dan Meador, has referenced this "*Declaration of Interdependence*" as the "*Declaration of Intergovernmental Dependence*," the *Book of States* published by The Council of State Governments shows (p.1) that *Chapter 1* of that book was titled "*Intergovernmental Cooperation: 'A Compromise Between the Tyranny of Centralization and the Anarchy of Decentralization*" and referred to the "*spirit of the movement*" (of "*interdependence in order to form a more perfect union*") as "*embodied in the 'Declaration of Interdependence.'*" (p.4). As found on 9/28/18 at:
http://knowledgecenter.csg.org/kc/system/files/bos_1937_1.pdf

America in Common Council, putting into effect "*cooperative federalism*"[279] as a harvesting program for more consolidated, centralized, and absolute power[280] at the "*National*" level:[281]

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[279] *The Council of State Governments*. *The Book of the States*, Chicago, IL, 1937, vol. 2, *Third General Assembly Proceedings*, pp. 143-144. As found on 9/28/18 at: **https://ia802305.us.archive.org/16/items/pdfy-FlIutts7TgwckbIH/THE%20BOOK%20OF%20THE%20STATES%20bos_1937_minutes_part2.pdf**

See also, Meador, *Dan. Declaration of Intergovernmental Dependence* of 1937. Law Research & Registry. (2003) (Hereafter referred to as "*Meador 1*.")

> "*Delegates who attended the third general assembly of the Council of State Governments signed [the Declaration of Interdependence]. The Council of State Governments, which now has headquarters in Lexington, Kentucky, was incorporated in 1933 as the product primarily of members of the Council of State Legislators. Both were financed to a great extent by the Spelman Fund, which was and possibly still is a fund of the Rockefeller Foundation. A declaration of intergovernmental dependence was signed at the general assembly held in Denver in 1935, but a limited number of states were represented. Representatives of the several states have since signed at least one similar declaration. The Council of State Governments is among the coordinating agencies for uniform laws adopted by state legislatures. The Council of State Governments is contemporaneously classified as a government entity, albeit a third tier of 'nonconstitutional' government. Most funding is currently appropriated by state governments.* ***The following declaration provided the early ideological framework and rationalization for the state and local government side of Federalism, also known as Cooperative Federalism.***

As found on 9/28/18 at: **http://lr-n-r.org/dclinter.htm**

[280] Hamburger, *supra*.

> "*I argue that the rise of administrative law is essentially a re-emergence of the absolute power practiced by pre-modern kings. ... Americans established the Constitution to be the source of all government power and to bar any absolute power. Nonetheless, absolute power has come back to life in common law nations, including America."*

[281] Stamper, *supra*, p.53:

> "*[I]f one would observe the political scheme that evolved in America, he would establish that in the early 1800s Jefferson ultimately overthrew the Federalist Party with his Democratic Republican Party. This took the Union out of the control of the elite (Federalist) and put it under the control of the American people. Soon after its establishment, the party split into two parties. The two parties are still in existence: today they are known as the Republicans and Democrats – the same snake with two heads. These two parties, unbeknownst to most Americans, are acting secretly as the Federalists.*"

> "*The Call of our day is for a union of the states more perfect than the formal Union we have inherited.*[282] *That Union must and shall be achieved through the further enhancement of federal power . . . efficiency of centralized power . . . a single corporate body"*[283]...

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[282] *The Book of the States*, *supra*. (Chicago, IL, 1937, vol. 2, *Third General Assembly Proceedings*, pp. 125-126), Mr. Hon. Paul V. McNutt, President of the Council, opening address.

See also, Meador, Dan. *Roots of Cooperative Federalism*, (hereafter "*Meador 2*") critiquing this quote by the following:

> *"This declaration wasn't published in newspapers across the nation, nor were there open debates concerning implications. Renegade public servants who signed the [Declaration of Intergovernmental Dependence] did not call for conventions to repudiate the Constitution, nor have their successors intentionally let the cat out of the bag. The ominous instrument serves as a hinge pin in the Cooperative Federalism scheme --* ***it is through sundry intergovernmental compacts that public servants have postured State and local governments as though they are instrumentalities of the United States on a par with the District of Columbia, Puerto Rico, and other insular possessions that are not incorporated in the constitutional scheme.*** *The document praises the 'democratic form of government' without mention of the constitutional republic, a nation under law. It acknowledges that those who endorsed the instrument were intent on 'finding a way' to achieve self-serving ends of government almost* ***exclusive of consideration for the unalienable rights of the sovereign people****. The chief justifications were efficiency, uniformity, and social welfare.* ***States' rights, not the people's rights, were preserved. Thus, those entrusted with public office effected a constitutional coup -- the constitutional republic, the rule of law, was dead.***

[283] Meador 2, *Id*. (from *Roots of Cooperative Federalism*):

> "*In English-American lineage, the principle of government by consent of the governed was formalized in the Magna Charta (1215), and thereafter matured until the grand American experiment commenced with the constitutional republic established as a nation under law when government of the United States convened under the Constitution in 1789. The Declaration of Independence framed principles subsequently preserved by the Constitution, most notably, that government is established for certain limited purposes. This notion is expressly preserved by the tenth amendment to the Constitution:*
>
> > *'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.'*
>
> *The declarations of intergovernmental dependence clearly depart this principle, the 1937 version proclaiming assumed power and purpose from the onset:*
>
> > *'When, in the course of human events, it becomes necessary for a nation to repair the fabric which unites its many agencies of government, and to restore the solidarity which is vital to orderly growth, it is the duty of responsible officials to define the need and to find a way to meet it.'*
>
> *The proclamation was more than revolutionary in that it departed over seven centuries in the evolution of limited government powers. Government itself*

Further,

> *"[W]e will think of our entire democratic governmental structure always in terms of federal and state and local . . . Such interstate cooperation was provided for in the interstate compact clause of the constitution,"*[284]

and further, in 1992 the "*supreme Court*" confirmed this: [285]

> "*Moreover, where Congress has the authority to regulate private activity* ***under the Commerce Clause, it may, as part of a program of 'cooperative***

> *was elevated to preeminence, with the rule of law, anchored to foundation law provided by state and national constitutions, being the casualty."*

[284] *The Book of the States*, *supra*. (Chicago, IL, 1937, vol. 2, *Third General Assembly Proceedings*, pp. 138 – 139), Mr. Louis Brownlow, director of Rockefeller Foundation's Public Administration Clearing House ("1313"). (See "*The Rockefeller Foundation: A Digital History*" as found on 9/30/18 at: **https://rockfound.rockarch.org/public-administration**)

See also, Meador 2, *supra*. *Roots of Cooperative Federalism*, critiquing this quote by the following:

> "*This initiative matured sufficiently that in an article by Benjamin J. Jones and Deborah Reuter in the 1990-91 edition of the Book of the States (p. 565), authority of compacts under this third hidden tier of government was described as superior to legitimate State law:*
>
> > *'A compact has both the effect of a statute in each state and the features of a binding, legal contract. Therefore, when a state adopts a compact, the state may not renounce or leave the compact except as may be provided for by compact provisions providing for withdrawal. As contracts, interstate compacts take precedence over laws that conflict with their provisions. When these characteristics are taken into consideration, it is apparent that interstate compacts are the most binding legal instruments establishing formal cooperation among states.'*
>
> ***The purpose of the Declarations of Intergovernmental Dependence was thus articulated, and carried into fruition, by way of independent initiatives by elected and appointed public servants. Hidden but ominous government was created in what was construed as the constitutional void in ethereal space not addressed by state and national constitutions. Yet the force of compact, effected by contract, would become superior to legitimate state and local law.****"*

[285] This citation below this came from *New York v. United States, et al*. 505 U.S. 144, at 145 (1992), *Syllabus*, 1 (c).

> ***federalism,' offer States the choice of regulating[286] that activity[287]*** *according to federal standards or having state law pre-empted by federal regulation*."

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286 Stamper, *supra*, (p.118) citing from the U.S. *Congressional Record* for January 19, 1976 (p.240) pointed out that some 14 years before this "*supreme Court*" ruling a new "*Declaration of Interdependence*" was signed by some members of the U.S. Congress, which declared that *international* authorities should otherwise be *regulating* the American economy:

> "*United States Congressional Record January 19, 1976, page 240, Marjorie S. Holt (Maryland):*
>
> *'Mr. Speaker, many of us recently received a letter from the World Affairs Council of Philadelphia, inviting members of Congress to participate in a ceremonial signing of 'A Declaration of Interdependence' on January 30 in Congress Hall, adjacent to Independence Hall in Philadelphia. A number of Members of Congress have been invited to sign this document, lending their prestige to its theme, but I want the record to show my strong opposition to this declaration.*
>
> ***It calls for the surrender of our national sovereignty to international organizations. It declares that international authorities should regulate our economy. It proposes that we enter a 'New World Order' that would redistribute the wealth created by the American people.*** *Mr. Speaker, this is an obscenity that defiles our Declaration of Independence, signed 200 years ago in Philadelphia. We fought a great Revolution for independence and individual liberty, but* ***now it is proposed that we participate in a world socialist order.*** *Are we a proud and free people, or are we a carcass to be picked by the jackals of the world, which want to destroy us? When one cuts through the high-flown rhetoric of this 'Declaration of Interdependence,' one finds key phrases that tell the story.*
>
> *For example, it states that 'The economy of all nations is a seamless web, and that no one nation can any longer effectively maintain its processes of production and monetary systems without recognizing the necessity for collaborative regulation by international authorities.'* ***How do you like the idea of 'international authorities' controlling our production and our monetary system, Mr. Speaker?***
>
> *How could any American dedicated to our national independence and freedom tolerate such an idea? America should never subject her fate to decisions by such an assembly, unless we long for national suicide. Instead, let us have independence and freedom....* ***If we surrender our independence to a 'New World Order'...we will be betraying our historic ideals of freedom and self-government. Freedom and self-government are not outdated. The fathers of our Republic fought a revolution for those ideals, which are as valid today as they ever were.***
>
> *Let us not betray freedom by embracing slave masters; let us not betray self-government with world government; let us celebrate Jefferson and Madison, not Marx and Lenin.' "*

287 See *Erie Railroad v. Tompkins, 304 US 64 (1938)* – Prior to this case there was plenty of "*federal*" court case law reaffirming that Americans had the *unalienable right to travel*, The background of that case shows a man by the name of Tompkins was walking along a set of railroad tracks when he was struck by an appendage fastened to a mail train and was suing for damages

In essence, because the Great Depression created a great financial deficiency and a competitive scrambling for funds by both Federal and the State governments, the States sought to come together to keep "*the federal government from poaching from what they regarded as their tax domain. Given this tension between the state and federal governments and the mutual need for money...an interstate conference on conflicting taxation*"[288] was set up. Under the steadfast guidance of Colorado state senator Henry Toll, the *Council of State Governments* was set up through the funding of the "*Spelman Fund*," which received some of its funding from the

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caused by negligence on the part of the railroad. However, the rulings of the lower courts in Thompson's favor were overturned and reversed to be against Tompkins based upon the "*one supreme Court's*" answer to the question of whether the substantive law of the state in which the **activities** leading to the suit arose in should apply, or whether the law of the Federal court in the forum state should apply. The decision was that "*Absent a ticket or license, Tompkins was trespassing on railroad property and therefore he was barred from any relief.*"

This ruling wiped the slate clean by eliminating all previous Court precedents that occurred prior to the year 1938 concerning the unalienable right of Americans to travel, opening a floodgate for new State and Federal Government controls such as State Vehicle Codes and the state licensing of virtually anything and everything it chooses to license.

NOTE: According to Dennis Gallitano [*Preemption of Federal Common Law - City of Milwaukee v. Illinois*, 31 DePaul L. Rev. 201 (1981)], although federal common law was "*effectively abolished*" by the ruling in the *Erie R.R. v. Tompkins* case, it was not until 1972 that the federal common law remedy in pollution cases was decided:

> "*Prior to 1938, federal courts had acquired significant power through the application of what was generally known as federal common law. Federal common law, as it then existed, consisted of a collective body of decisional law that was exclusive of state court decisions. The United States Supreme Court, in Erie R.R. v. Tompkins, effectively abolished the general principles of federal common law when it declared that federal courts derived their power from the common law authority of the states.* ***The Court, however, did not completely eradicate the application of federal common law.*** *In Erie's companion case, Hinderlider v. La Plata River & Cherry Creek Ditch Co., the Court ruled that under the unique circumstances involving the apportionment of interstate waters, the governing principle would be federal common law. In the years following Hinderlider,* ***the federal court system has witnessed the emergence of a 'specialized' federal common law in areas such as foreign relations, maritime disputes, and the proprietary rights of the federal government. The underlying rationale for employing federal common law in these specialized areas has been the protection of strong federal interests and the compelling need for a uniform national policy.****"*

Found on 9/28/18 at:
http://via.library.depaul.edu/cgi/viewcontent.cgi?article=2302&context=law-review

[288] Teaford, Jon. *The Rise of the States: Evolution of American State Government*. Johns Hopkins University Press, 2002; p. 147. As found on 9/29/18 at:
https://books.google.com/books?id=Oosq_O1vDwcC&pg=PA149&lpg

Rockefeller Foundation.[289] The initial mission was purportedly to thwart federal aggression against the States by establishing themselves as a publishing clearinghouse and performing the administrative and research tasks sought after by other national associations such as those composed of governors and attorney generals.[290] "*The Council of State Governments was, then,*

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[289] *The Book of the States*, *supra*. (Chicago, IL, 1937, vol. 2, *Third General Assembly Proceedings*, p.102): "*The Council of State Governments has been financed in part by appropriations from the states, but that has been underwritten by the Spelman Fund, which is a Rockefeller Foundation.*"

[290] The Public Administration Clearing House ("PACH"), known also as "1313" for its Chicago address at 1313 East Sixtieth Street (i.e., see again the Rockefeller Foundation: A Digital History as cited in a previous footnote), was created by funding from the Spelman Fund and "*organized under the direction of a socialist named Charles E. Merriam*." (From Prukop, John. *Total Government Corruption: 'Why' The Checks and Balances Have Failed*. As found on 9/29/18 at: **https://www.mail-archive.com/ctrl@listserv.aol.com/msg02415.html**)

> *The purpose of PACH and similar sister organizations has always been to bring ALL public officials UNDER ONE SYSTEM OF CONTROL. The Rockefeller foundations provided $8-Million dollars in the thirties to establish this clearing house so that they could CONTROL the indoctrination of state-wide public officials, and PERSUADE them as to the direction they ought to pursue, all the while, rendering themselves submissive to the CONSOLIDATED POWER building up in Washington, D.C. This consolidated power is sometimes referred to as 'Cooperative Federalism'.*
>
> *Merriam authored a book which was published in 1941 entitled: 'ON THE AGENDA OF DEMOCRACY'. In his book, Merriam defines 'DEMOCRACY'. It is what is also known as 'COMMUNISM'. He said that revolution was 'the old way... the new way is education, persuasion, participation, and cooperation".*
>
> *He taught how to achieve Communism:*
>
> > *'Fortunately, our Constitution is broad enough in its terms, flexible enough in its spirit, and capable of liberal enough interpretation by the judiciary to permit the adaptation of democracy to changing conditions without serious difficulty... Legislative bodies are incompetent, it may be said, or corrupt, or dilatory, or unrepresentative of the general interest of the community... The elective process is not favorable to the choice of the leaders of the community.' -- Charles E. Merriam.*
>
> *Thomas Jefferson warned us in 1789 that the judiciary, if given too much power might ruin our REPUBLIC, and destroy our rights. In 1821 Jefferson renewed the warning: 'The Federal Judiciary; an irresponsible body (for impeachment is scarcely a scarecrow), working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one, when all government, in little as in great things, shall be drawn to Washington as the centre of power, it will render powerless the checks (and balances) provided of one government on another and will become as venal and oppressive as the government from which we separated.'*
>
> *Another Rockefeller family funded organization, the Advisory Commission on Intergovernmental Relations (ACIR) was GRAFTED onto the federal government in 1959. Its duty was to draft legislation to be handed to public officials*

a response to the need for vigorous government action during the crisis-ridden 1930's. ...Henry Toll's creation was a counterbalance to Franklin Roosevelt's New Deal."[291]
While some theorists assert that the *Council on State Governments* either merged with or dissolved into the *National Conference of Commissioners on Uniform State Laws*,[292] it appears

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> *all over the Nation. These were called 'slip bills'. Public officials were thus expected to get whatever was handed to them -- passed into law! This made the public officials look like 'great thinkers' to the folks in their home States. ACIR thus became the Nation's 'law-making factory'. In this manner, UNIFIED or UNIFORM and MODEL acts were passed into law that took over. Gradual consolidation of all power and control was then achieved by public officials in Washington, D.C.*
>
> *The Council of State Governments (CSG), another organization similar to ACIR, was set up shortly after the Emergency Banking Relief Act of March 9, 1933 (48 Stat. 1; 12 USC 95a), and published some of their activities in 'The Book Of The States' commemorating their Third General Assembly and Minutes of Interstate Conferences held during 1935-1937. Attending this gathering were not only Governor's, but Attorney's* [sic] *General, Secretary's* [sic] *of State, University Professors - and generally anyone involved as 'change agents' as to our de jure governmental structures. A number of these people from their respective offices were also members of the Bar, i.e., attorney's* [sic]. *Id.*

[291] *Id.* p.151.

> *"This rapid development of Toll's cooperative empire during the 1930s was in large part a response to the perceived threat of federal aggression. Repeatedly commentators warned of the need for the states to band together to preserve their prerogatives and thwart the force of centralization. To achieve this task, the states had to become better informed and demonstrate that they could indeed shoulder the responsibilities expected of them. Through cooperation they could enlighten themselves, achieve statutory harmony without intervention by the national government, and maintain their place in the federal system. In early 1935 Toll warned, 'If we are not to be subjected to extreme federalization within a short time, it can only be because the states are on the verge of cooperating with each other as they have never cooperated before.' In fact, the Council of State Governments viewed intergovernmental cooperation as 'a compromise between the tyranny of centralization and the anarchy of decentralization.' The council offered a middle way that eschewed chaotic fragmentation but also rejected unitary rule by an all-powerful national government. Cooperation was the means for avoiding these undesirable extremes. 'Either the federal government must continue to take more and more of the control from the states until they become vestigial relics of local self-government, or else the state governments must harmonize their activities and must work together, ' announced a council publication in 1935. That same year, a delegate to the second interstate assembly expressed similar sentiments when he urged the conclave to take strong action 'in order that the federal government [might] know the sovereign states [were] not asleep at the switch.'"* (p.151)

[292] See for example that which was found on 9/29/18 at: **https://archive.org/stream/pdfy-71c--csu1YiCX2Au/U-S-Federal-Corporation-Bankrupt-Since-1933-Also-Known-as-the-Bank-Holiday-of-1933-Public-Notice-Public-Record#page/n0/mode/2up**

otherwise that the effort by attorneys, judges, and legislators to make State laws "*uniform*" on the "*national*" level[293] has created a divide between whether "*interstate compacts*" or "*uniform*

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[293] Meador 2, *supra*, "Roots of Cooperative Federalism":

> "*Preliminary qualification for this closed fraternity of lawyers, judges, and law school professors is managed through the Law School Admission Council, a division of the American Bar Association, which establishes criteria for certification of and admission to law schools. Graduating attorneys are required to take qualification bar exams prescribed by State bar associations in accordance with standards developed by the ABA. These are the first steps in the elitist training and qualification process. Beyond these preliminaries,* ***the pyramid of power is amalgamated via the selective control groups.*** *...*
>
> *Th[e] general assault on constitutional government was supported in large part by the American Law Institute, incorporated in 1923 by former President, and at the time, Chief Justice William Howard Taft, a future Chief Justice, Charles Evan Hughes, and former Secretary of State Elihu Root. Judges Benjamin N. Cardozo and Learned Hand were among the more influential leaders. The Institute continues to work closely and collaborate with the American Bar Association Committee on Continuing Professional Education. The ALI-ABA* [American Law Institute / American Bar Association] *collaboration has been responsible for generating the Restatement of Law series, and originals and variations of the Model Penal Code, the Model Code of Evidence, the Model Code of Pre-Arraignment Procedure, the Model Land Development Code, and several other uniform acts adopted by legislatures of the several States, all predicated on the presumption that each of the several States is a territory of the United States.*
>
> *American Law Institute membership is by election within the law profession, with 3,000 active members drawn from ranks of practicing attorneys, judges and law school professors. Once an elected member completes 25 years, he is vested with lifetime membership, and the elected membership position is opened for a replacement candidate.*
>
> *To compliment American Law Institute – American Bar Association* ["*ALI-ABA*"] *initiatives, each of the several States appoints commissioners to the National Conference of Commissioners on Uniform State Laws. NCCUSL was established in 1894. 'The organization is comprised of more than 300 lawyers, judges, and law professors, appointed by the states as well as the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, to draft proposals for uniform and model laws and work toward their enactment in legislatures. Since its inception in 1894, the group has promulgated more than 200 acts, among them such bulwarks of state statutory law as the Uniform Commercial Code, the Uniform Probate Code, and the Uniform Partnership Act.' (quoting from NCCUSL web site) ...*
>
> *NCCUSL drafting and other work pertaining to uniform laws is headquartered at the University of Pennsylvania School of Law. ...*
>
> *The American Law Institute and the National Conference of Commissioners on Uniform State Laws retain copyrights on annotations for the various uniform acts adopted by legislatures of the several States. Except for library access, or direct purchase of books or computer-based editions, annotated versions of these*

laws" are stronger....or even constitutional.[294] It appears that the Council on State Governments is focused upon establishing interstate "*compacts*" because they are considered as "*contracts*" between the States and the federal Constitution forbids States from impairing the obligation of contracts. Nevertheless, by its own admission, "*the disadvantage of interstate compacts*" is that it causes the "*ceding of traditional state sovereignty*,"[295] which serves to undermine the original intent of fundamentally having the states *already* exercising a significant participatory role in "*federalism*."[296]

> *laws, are available only through the entities themselves and licensed publishers such as West Publishing even though development is largely supported by tax revenue. This double-dipping is reasonably common practice, and serves as restrictive, if not prohibitive control over the development and access to law.*
>
> *In addition to the elected and lifetime membership, the following are ex officio members of the American Law Institute: The Chief Justice and Associate Justices of the Supreme Court of the United States; Chief Judges of each United States Circuit Court of Appeals; the Attorney General and Solicitor General of the United States; the Chief Justice or Chief Judge of the highest court of each States* [sic]*; law school deans; presidents of the American Bar Association and each State bar association; and executive officers of the other prominent legal associations. (Cited from the ALI web site)*
>
> *Each of the uniform acts constructed by the National Conference of Commissioners on Uniform State Laws and the American Law Institute, and subsequently promoted by the Council of State Governments, is predicated on the premise that the several States that adopt the acts are instrumentalities of the United States rather than semi-independent States of the Union subject only to constitutionally enumerated powers of the United States. In the framework of the Uniform Commercial Code, which is the crown jewel of Cooperative Federalism on the State side, courts of the several states operate in a de facto capacity to accommodate and enforce what amounts to private international law; each of these State courts proceeds in a modern adaptation of what amounts to 'due process in the course of the civil law,' which is repugnant to due process in the course of the common law secured in each of the several States except Louisiana. Governments of the several States, as is the case for Government of the United States, have operated under executive-declared emergencies since 1933. These proclamations were induced by economic consideration and are nowhere authorized by State or national constitutions.*"

[294] *Article I, Section 10, Clause 3 of the Constitution* reads: "*No State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State, or with a foreign Power*."

[295] *See* the Conference of Great Lakes and St. Lawrence Governors and Premiers' posted publication of "*Council of State Governments – National Center for Interstate Compacts: Interstate Compacts vs . Uniform Laws*" (p.3) as found on 0/29/18 at: **http://www.cglslgp.org/media/1302/compacts_vs_uniform_laws-csgncic.pdf**

[296] *See* more about this in the preceding section of this instant "*Amicus in Treatise*..." titled, "*Political Nexus – the 'Seventeenth Amendment' Net*".

Moreover, the collaborative process of the State lawmakers in creating interstate compacts undermines the *Separation of Powers Doctrine* through the creation of "*Councils*" and "*Commissioners*" as centralized regional or "*national*" legislative bodies that are deliberately compatible to and undermining of the Constitutional power and authority of Congress, as well the "*one supreme*" Court, which otherwise have the duty of "*protecting liberty and prohibiting tyranny by 'preventing the accumulation of excessive authority in a single Branch*.'"[297]

One area where this consolidation of State power at the "*national*" level can be readily seen as applicable and abusive is in the area of States' individual and collective regulating of ***p****eople's* federally protected *right to travel*[298] for purposes of taxing State citizens and raising State revenues through the *licensing* of a protected inalienable right to freely travel within or without the States. Essentially, even though the *Commerce Clause* of the U.S. Constitution prohibits States from creating laws regulating interstate commerce,[299] a *compact* between States in agreement to license all ***p****eople* as statutorily-defined commercial "*drivers*" (rather than to honor their federally protected freedoms as private interstate "*travelers*") and to categorize all "*automobiles*" (which were other purchased as for-private-use "*consumer products*") statutorily as commercial "*vehicles*," undermine such State prohibitions under the "*Dormant*" *Commerce Clause of the Constitution*. The defense of the States in such a case could be that the Commerce

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[297] Metzger, Gillian. *The Interdependent Relationship Between Internal and External Separation of Powers*. Emory Law Journal. (2009) Vol. 49; pp.423-457. Citation is from p.428 in describing the "*ultimate goal of the separation of powers system*."
As found on 9/29/18 at:
http://www.law.columbia.edu/sites/default/files/microsites/constitutional-governance/files/Interdependent-Relationship-Between-Internal-and-External-Separation-of-Powers.pdf

[298] *See* the Table of Contents for the earlier question regarding "*what happened in United States history to entitle the authorities of every State to seize from People and free Persons their federally-guaranteed 'right to travel' and 'right to own' their own automobiles as American consumers, and to license these rights back to each of them as 'privileges" for a profitable fee?* "

[299] Hazen, Brian. *Rethinking the Dormant Commerce Clause: The Supreme Court as Catalyst for Spurring Legislative Gridlock in State Income Tax Reform*. Brigham Young Law Rev. (2014) pp.1021-1069

> *The Supreme Court has inferred that the Constitution's exclusive grant of commerce power to Congress prohibits, by negative implication, regulation of interstate commerce by the states themselves. And the doctrine permits the Court to review state and local laws challenged as unduly hindering interstate commerce even where Congress has not yet legislated—in other words, where its commerce power essentially lies dormant. Simply put, the dormant Commerce Clause doctrine grants federal courts power, in the absence of congressional legislation, to leave interstate commerce unregulated by striking down state laws that unduly burden it. ..."* (p.1027)

As found on 9/29/18 at:
http://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=2888&context=lawreview

Clause would not apply because the practice of any particular State does not provide "*favor [for] itself at the expense of other states or the nation as a whole*".[300]

Nevertheless, this consolidation of State power is a matter of increasing national concern since it brings great focus upon the forces being imposed upon ***P****ersons* and/or ***p****eople* and the duality of their *status* as either "*State citizens*" or "*United States citizens*," or both[301]...

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[300] *Id.*

> "*... The dormant Commerce Clause doctrine exists to diffuse one of the framers' primary concerns addressed in the Constitutional Convention; that is, preventing the states from engaging in economic protectionism that strained state relations under the Articles of Confederation and threatened national unity and stability. Therefore, the Supreme Court routinely strikes down state regulations under the dormant Commerce Clause* ***when such regulations run counter to the constitutional principle that a state must not favor itself at the expense of other states or the nation as a whole****."* (p.1027)

[301] See *United States v. Cruikshank*, 92 U.S. 542 (, 23 L.Ed. 588) citing *Slaughter-House Cases*, 16 Wall. 74:

> *"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 who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other. ...*
>
> *The people of the United States resident within any State are subject to two governments: one State, and the other National; but there need be no conflict between the two. The powers which one possesses, the other does not. They are established for different purposes, and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete government,* ***ample for the protection of all their rights at home and abroad.*** *True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace, in the assault. So, too, if one passes counterfeited coin of the United States within a State, it may be an offence against the United States and the State: the United States, because it discredits the coin; and the State, because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship which owes allegiance to two sovereignties,* ***and claims protection from both.*** *The citizen cannot complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the*

or neither,[302] as the case may be for people *expatriating* under proclaimed *duress*.[303] Adding to the despotism being imposed at the State level is the fact that most, if not all State legislatures, have created their own corporatized administrative "*government*" agencies structurally aligned with the "*national*" model created by Congress since the advent of the *Administrative Procedures Act* of 1946. [304]

> *penalties which each exacts for disobedience to its laws.* ***In return, he can demand protection from each within its own jurisdiction.****"* (Bold emphasis added)

[302] In the effort to extricate themselves from either "*state*" or "*national*" government control, tyranny, and despotism, many ***p****eople* of America are exercising their inalienable right to "*expatriate*" because neither state nor United States can or will provide dutiful protections to them. Such people are forming new "communities" across the United States, setting up alternative political systems and claiming their allegiance to the *de jure* government of, for and by the people rather than that "*de facto National*" corporation calling itself the UNITED STATES that is otherwise operating on behalf of a "*corporatocracy*." Such people simply refer to the *U.S. v. Cruikshank (Id.)* cited above which upholds the right of ***p****eople* to form these political communities and to commit one's allegiance to that relationship:

> "***Citizens are the members of the political community to which they belong. They are the people who compose the community, and who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights. In the formation of a government, the people may confer upon it such powers as they choose.*** *The government, when so formed, may, and when called upon should, exercise all the powers it has for the protection of the rights of its citizens and the people within its jurisdiction; but it can exercise no other. The duty of a government to afford protection is limited always by the power it possesses for that purpose."* (Bold emphasis added)

[303] Griffith, Elwin. *Expatriation and the American Citizen*. 31 Howard Law Journal, 453 (1988): "*There has been a gradual shift from the government's power of denationalization to the citizen's right of expatriation. No longer is it enough for the citizen to do a prescribed act. There must be a finding of intent. ... The constitutional requirements for expatriation have proved difficult for the government. There must be proof that the individual took a conscious step to forfeit his citizenship rather than an indication that he believed his* ***citizenship to be in danger****. ...* ***persons who were at odds with the government over their citizenship*** *planted the seeds of doubt about their conduct.* ***These arguments usually revolved around economic duress, emotional distress, family concerns and governmental pressures****."* (Bold emphasis added) As found on 9/29/18 at: **http://heinonline.org/HOL/LandingPage?handle=hein.journals/howlj31&div=41&id=&page=** and with full text freely located at: **https://famguardian.org/PublishedAuthors/LawReviews/HowardLawJrnl/ExpatAndAmerCit.htm**

[304] *See* Public Law 79-404 of the 79th Congress (Ch. 324, 2nd Session) as found on 9/29/18 at: **https://www.justice.gov/sites/default/files/jmd/legacy/2014/05/01/act-pl79-404.pdf**

Notably, the *Administrative Procedures Act* followed in lock step with the *Fourteenth Amendment* in placing corporations at the same categorical level as "*individuals*"[305] in defining the applicability of this Act to "*persons*."[306] This was first affirmed in 1886 by the case of *County of Santa Clara v. Southern Pac R Co People of the State of California*, 118 U.S. 394, which upheld that the Fourteenth Amendment's "*Equal Protection Clause*" granted constitutional protections to corporations as well as to human beings. It was this history that aided in the establishment of the legal concept known as "*corporate personhood*," which in turn, led to the *corporatocracy*[307] that we see operating today unimpeded, thanks to the more recent

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[305] Importantly, it was the "*one supreme*" Court ruling in the case of "*Clearfield Trust Co. v. United States*, 318 U.S. 363 (1943) which asserted that the *Erie RR Co. v. Tompkins* precedence of *applying the law of the state* in this case would not apply because the "*United States*" was paying its debts with commercial paper; therefore federal law should govern the outcome of the case. It added that in the absence of an Act of Congress governing that matter, the federal court also had the right to fashion a governing "*common law rule*" by its own standards. Moreover, when agencies of the United States enter commercial and business transactions with the public, it subjects itself to the vulnerability of being sued as any other "*person*" may be sued.

Specifically, the *Clearfield* ruling stated:

> "*We agree with the Circuit Court of Appeals that the rule of Erie R. Co. v. Tompkins, 304 U. S. 64, does not apply to this action. The rights and duties of the United States on commercial paper which it issues are governed by federal, rather than local, law. When the United States disburses its funds or pays its debts, it is exercising a constitutional function or power. ...*
>
> *The United States, as drawee of commercial paper, stands in no different light than any other drawee. As stated in United States v. National Exchange Bank, 270 U. S. 527, 270 U. S. 534, 'The United States does business on business terms.' It is not excepted from the general rules governing the rights and duties of drawees 'by the largeness of its dealings and its having to employ agents to do what if done by a principal in person would leave no room for doubt.' Id., p. 270 U. S. 535."*

As found on 9/29/18 at:

https://supreme.justia.com/cases/federal/us/318/363/case.html

See also, FHA v. Burr, 309 U.S. 242 (1940) which states, "*...[when] Congress establishes such an agency, authorizes it to engage in commercial and business transactions with the public, and permits it to 'sue and be sued,'...* and *28 U.S.C. §3002 (15), Ch. 176:"United States" defined – 'United States' means – "(A) A federal [foreign to the states and private domain of real people] corporation..."* Thus, it is clear that the United States is a corporation.

[306] Section 2(b) of the Administrative Procedures Act defines "*persons*" as "*individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies."*

[307] Shen, Dennis. *Capitalism, Corporatocracy, and Financialization: Imbalances in the American Political Economy*. (2012) In short, corporatocracy in America is *"the result of weak regulation, increasing corporate financial powers and rising business organization in public affairs that has afforded a mounting political voice for America's business elite."*

It is resulting from "*the creation of megacorporate conglomerates with vast financial prowess and the concept of businesses that were 'too big to fail'* [and] of the "*merger wave* [that]

"*one supreme*" Court "*decisions*," of which Citizens United v. Federal Election Commission, 558 U.S. 310 (2010)[308] was one of the very few that have been formally publicized.[309]

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has [s]een an increase in the share of national income attributed to America's largest multinational corporations from 26% of GDP in 1990 to 42% by 2010." This is a global view of competition *"'in which companies often find that they must be big to compete, and a relatively restrained antitrust environment* [that has] *led to once-unthinkable combinations, such as the mergers of Citibank and Travelers, Chrysler and Daimler Benz, Exxon and Mobil, Boeing and McDonnell Douglas, AOL and Time Warner, and Vodafone and Mannesmann'."* (p.17; citations omitted)

Corporatocracy is also characterized as *"rising financial power of America's corporations* [that] *has been put into play politically through an increasing organization of business interests*" and giving rise to a *"new voice for capitalism* [that] *is rooted in not just lobbying but also extends to sources from campaign financing."* However, "*Globalization and anti-union political waves in the United States have eliminated much of labor's former voice on issues of economic and social policy. The result has been an imbalance between the political voices of business and labor."* (p.19)

Third, due to the "*distortionary influence of big money...*" the existing *corporatocracy* is the result of "*the complexity of the US government's system of checks and balances, and the existence of delay options like the Senate filibuster,* [which] *have given vested minority groups in government plenty of opportunity to block the passage of undesirable reforms."* (p.21)

As found on 9/26/18 at:
http://publicspherejournal.com/wp-content/uploads/2017/06/2-capitalism-corporatocracy-financialization-20121.pdf

See also, Phelps, Edmund. Capitalism vs Corporatism. "*Corporatization*," in his view...

> "*is the antithesis of free market capitalism. It is characterized by semi-monopolistic organizations and banks, big employer confederations,* ***often acting with complicit state institutions*** *in ways that discourage (or block) the natural workings of a free economy. The primary effects of corporatization are the consolidation of economic power and wealth with end results being the attrition of entrepreneurial and free market dynamism.*"

As found on 9/29/18 at: **https://en.wikipedia.org/wiki/Corporatocracy**

[308] "Citizens United v. FEC" was a landmark case dealing with the regulation of campaign spending by corporate organizations, which resulted in a 5:4 ruling which prohibits the government from restricting independent political expenditures by nonprofit corporations, for-profit corporations, labor unions, and other associations.

> "*The majority ruled that the Freedom of the Press clause of the First Amendment protects associations of individuals in addition to individual speakers, and further that the First Amendment does not allow prohibitions of speech based on the identity of the speaker. Corporations, as associations of individuals therefore, have free speech rights under the First Amendment. Because spending money is essential to disseminating speech, as established in Buckley v. Valeo, limiting a corporation's ability to spend money is unconstitutional because it limits the ability of its members to associate effectively and to speak on political issues."*

As found on 9/29/18 at: **https://en.wikipedia.org/wiki/Citizens_United_v._FEC**

[309] **There are a great number of other "*rulings*" by the various state and *United States* courts which have long gone unpublicized by the mainstream media, and therefore unrecognized**

There are other problems also associated with the questionably "*ratified*" Fourteenth Amendment being broadly applied to the "*citizenship*" of corporations in providing them with "*equal*" constitutional protections. One problem in particular includes the preferentially "*unequal*" treatment that corporations receive such as corporate subsidies, tax breaks,[310] no-bid contracts and a permanent exemption from physical incarceration for their wrongdoings. It is easy to see that even the State BAR associations operating corporately in each State, both separately and collectively at the national level, operate as anti-free market entities driven by plutocrats who cheat their way to wealth by privatizing their gains and socializing their losses. Clearly, corporations, by virtue of their status as government-sanctioned unions for the rich, enjoy many privileges and honors that the rest of the State and Federal "*citizenry*" does not.

Further, the Fourteenth Amendment has been increasingly used as yet another tool for the centralization of power and encroachment of such "*National government*" power against the States through the incorporation of the *Bill of Rights* by "*federal*" judges in lawsuits brought against the States,[311] often in the form of "*affirmative action*." The problem herein, again, is that

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by the general public at large. These include the number of cases "*decided*" against "*David Schied and Others Similarly Situated as the Sui Juris Grievants/Crime Victims/Claimants, being '99%'ers,' and the 'Persons' of the Federal Body-Politic*" as presented in the immediate case by which the title page of this instant "*Amicus in Treatise*..." shows it to be in researched support.

There are a plethora of public websites containing info on these innumerable cases. One such instance can be found with a video documentary produced by David Schied presenting **evidence of criminal racketeering and corruption at the state and national level**, including criminal allegations against the past and present Michigan attorney generals, against former United States attorney general Eric Holder, and members of the Michigan and United States "*supreme*" courts. That video ("PCA#5") is available, as of the date of this writing on 9/29/18 at: **http://www.powercorruptsagain.com/category/videos/** . Other investigative media stories produced by David Schied are to be found (23 in number as of 9/22/18) on YouTube's "*RICO Busters*" channel at: **https://www.youtube.com/channel/UCd3xqk6Kc778ASLAsRpV5ag**

[310] Notably, for the third quarter of the fiscal year of 2015, the "*individual income tax receipts, net of refunds*" were $503.8 billion compared to net corporate income tax receipts of only $123 billion for the same period as reported (p.10) by the U.S. Treasury's "*Treasury Bulletin, January 2017*" published by the Treasury's "*Bureau of the Fiscal Service*" as found on 9/29/18 at: **https://www.fiscal.treasury.gov/fsreports/rpt/treasBulletin/b2017_3.pdf**

[311] Compare the case of *Barron v. City of Baltimore*, 32 U.S. 343 (1833) in which Chief Justice Marshall explained that the Framers had intended the *Bill of Rights* to be applicable against the federal government alone, to the *Slaughter-House Cases*, 83 U.S. 36 (1873) in which Justice Miller expressed: *"**Was it the purpose of the fourteenth amendment,** by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, **to transfer the security and protection of all the civil rights which we have mentioned, from the States to the Federal government?** And where it is declared that Congress shall have the power to enforce that article, **was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?**"* As found on 9/29/18 at: **https://openjurist.org/83/us/36**

such encroachment of power in changing – or making "*uniform*" – the policies and practices of the individual States undermines the sovereignty of the States, being the right to self-governance. Thus, the groundwork for setting up administrative agencies in the States for such self-governance is strengthened through the incorporation of procedural "*rules and regulations*" in an ever-expanding bureaucracy at the State level.

Statists too often defer to administrative agencies for "*regulating the citizenry*" of the multinational corporations in the attempt to reign in self-serving corporate "*greed*;" however, they equally often forget that there are multiple classes of "*citizenship*" and that corporations are actually lawfully incompatible with private, flesh-and-blood ***P****ersons* and ***p****eople*. Corporations are created by government, being of "*mankind*," while flesh-and-blood American ***P****ersons* and ***p****eople* are natural creatures of God, which in turn, have created the "*government*" – not to rule over them, but to guard and protect the inalienable natural rights to which flesh-and-blood American ***P****ersons* and ***p****eople* have been endowed. Yet the "*rules and regulations*" of the administrative agencies are applied indiscriminately to all "*citizens*," literally, in spite of the State and Federal constitutions.

To see how backwards this whole "*system*" has become, it might be best to contrast the two important "*rulings*" of the "*one supreme*" Court as they were delivered 133 years apart. Whereas the "*decision*" of *Marbury v. Madison*, 4 U.S. 137 (1803) asserted that it was the very duty of the "*supreme*" Court to safeguard the Constitution from the ambitions of the other two constitutionally enumerated Branches by evaluating the constitutionality of a Congressional enactment or a Presidential decision, *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288 (1936) set forth a set of principles for the "*supreme*" Court to use to escape from that very duty.[312]

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[312] The "*Ashwander Doctrine*," also referred to as the "*Avoidance Doctrine*," is formally a "*group of judicially created techniques employed to avoid constitutional interpretation.*" *Encyclopedia.com* (The Gale Group, Inc.)

The doctrine consists of seven rules used to encourage courts to exercise judicial self-restraint in ruling on the constitutionality of congressional legislation, and/or to look for unconstitutional grounds upon which to dispose of cases even though a constitutional issue jurisdictionally exists. In short, the rules are:

1. Constitutionality is a last resort.
2. Constitutionality will not be anticipated.
3. Narrow interpretation of constitutionality only.
4. Constitutionality will be avoided if at all possible.
5. Statutory validity cannot be challenged by the uninjured.
6. Constitutionality of a statute will be avoided if an individual has benefited from it.
7. Constitutionality of statutes will be avoided if statutory construction can resolve the dispute.

As comparatively stated by one writer:

> "*If one was a lifeguard at a swimming pool, and he stated in the official lifeguarding manual that all current and future lifeguards could choose to do everything possible to delay rescuing a drowning swimmer, common sense by the*

So what are some examples of the "*National*" government's corporatized "*administrative agencies*"? Below is a sampling list: [313]

- Central Intelligence Agency (CIA)
- Environmental Protection Agency (EPA)
- Federal Communication Commission (FCC)
- Federal Trade Commission (FTC)
- National Aeronautics and Space Administration (NASA)
- National Science Foundation (NSF)
- Securities & Exchange Commission (SEC)
- Selective Service System (SSS)
- Social Security Administration (SSA)
- Drug Enforcement Administration (DEA)
- Bureau of Land Management)
- Immigration & Naturalization Service (INS)
- Food & Drug Administration (FDA)

Undoubtedly, the sheer scope of what falls into the "*Fourth Branch*" consists of a "*cluster-flock*" of *administrative agencies* that is so broad that the limits imposed upon State and National governments by the State and Federal constitutions have been rendered essentially moot. Herein lies the main problem with the judiciary of the State and the United States having "*review*" of the actions of administrative agencies: Despite the sometimes application of the "*Accardi Doctrine*,"[314] the evidence is widespread, as put forth by evidence presented in this instant case of "*David Schied and Others Similarly Situated as the Sui Juris Grievants/Crime Victims/Claimants, being '99%'ers,' and the 'Persons' of the Federal Body-Politic*", that too often the courts ignore the many **opportunities for "*administrative*" abuses occurring at each junction where the proper application of each "*rule*" and "*regulation*" should otherwise occur,[315] including at the appellate level of review of lower court actions, which has been**

> *swimmers would dictate that, at best, the lifeguard is lazy and derelict in his duty, or worse, that he is an inhuman monster; but when the U.S. Supreme Court does the exact same thing in principle via the Ashwander doctrine, it's considered to be 'the law of the land' because it has become enshrined in the common law. And, to top it all off , the swimmer would have no standing to challenge the law that lead to the indifference of the lifeguard in the first place.*"
> As found on 9/29/18 at:
> **https://thelastbastille.wordpress.com/2014/04/26/administrative-agencies-the-fourth-branch-of-government/**

[313] *Id.* The list was provided by convenience of the article posted on "*TheLastBastille*" website.

[314] *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954), is a landmark "*one supreme*" Court case in which the "*ruling*" held that administrative agencies are obliged to follow their own regulations and procedures or run the *risk* of having their actions invalidated if challenged in court.

[315] Note that there is much documented in American history about "*administrative*" abuses of procedural applications, both inside and outside of the court system. This might be referenced as the "*politicization of administration*," which served as one of the primary topics of former

caused by the so-called State and Federal "*judges*" and their fellow BAR member attorneys as "*court officers*" regularly bastardizing and misapplying the "*Rules of Civil/Criminal Procedure*" and "*Rules of Appellate Procedure*."[316]

Michigan Supreme Court "*justice*" Elizabeth Weaver in her book, "*Judicial Deceit: Tyranny and Unnecessary Secrecy at the Michigan Supreme Court.*" (Co-author of this book is Dr. David Schock, ISBN# 10: 0989410102 and #13: 978-0989410106.) For additional instances....

See Metzger, *supra*, pp. 423-424:

> "*Though differing in subject area and form, the instances in which the Bush Administration appeared to evade and perhaps violate internal constraints on administrative decisionmaking can largely be grouped under the heading of* ***politicization of administration****. Some involved allegations that agency decisions, such as EPA's denial of California's application for a waiver to set automobile emission limits for greenhouse gases or FDA's refusal to allow the Plan B emergency contraceptive to be sold over the counter, were being determined by White House ideology and politics instead of statutory criteria and professional assessment. Others involved charges of misuse of personnel decisions for political purposes, such as claims that political affiliation and ideology were a basis for civil service hiring at the Department of Justice (DOJ). Still others involved efforts to restrict information dissemination and insert White House appointees into agency rulemaking decisions—allegedly to serve the Bush Administration's political agenda. Yet another category involved efforts to evade or silence dissenting internal voices, a well documented phenomenon with respect to development of national security policy*." (Citations omitted)

[316] It is no coincident that the *Federal Rules of Civil Procedure* were formally incorporated in 1938, having been developed during the heyday of Roosevelt's "*New Deal*," merging (and convoluting) the procedure for cases "*in law and equity*". They were thereafter amended in 1966 to unify (and further convolute) the civil and admiralty procedures, and to add the *Supplemental Rules for Certain Admiralty and Maritime Claims*, now "*Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions*" as found on 9/29/18 at:
https://www.federalrulesofcivilprocedure.org/frcp/title-xiii/

The *Federal Rules of Appellate Procedure* were adopted a year later in 1967. In addition to these rules, procedures for the various national "*appellate*" courts are governed by applicable "*federal codes*," particularly Title 28 of the United States Code, as well as by "*Local Rules*," which have been adopted by each individual appellate court, being regularly updated and modified. Many of these *Local Rules* also incorporate the *Federal Rules of Appellate Procedure* by reference.

NOTE: The basis of "*delayed*" or "*non-existent*" justice lay in the high costs for "*appeals*" to the higher courts, placing the costs out of reach of all but the richest of the flesh-and-blood *people* of America, and giving distinct advantages to corporations and corporatized "*government*" agencies when procedural wrongdoings occur in a system that is perceived by many as severely broken or completely "*overthrown*" by the blatant monopoly on the State and "*Federal*" court systems by members of the various BAR associations, which are otherwise seen by many *people* as widespread franchises of crime syndicates running *exclusive* racketeering and "*domestic terrorism*" operations.

QUESTION: Is the top-down hierarchical system of the "*National*" judiciary that is currently in place, in which "*United States*" judges, as individual members of the "*Federal Judges Association*"[317] that receive "*consulting*" guidance and protection from an international "*charter*" (i.e., the "*Universal Charter of the Judge*")[318] established by a foreign "*sovereign*"[319] (i.e., the *private* organization called the "*International Association of Judges*") and *residing* in a Communist nation[320] – rather

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[317] All members of the all-voluntary *Federal Judge's Association* are "*United States federal judges*" as touted by their private membership association website found on 9/30/18 at: **https://www.federaljudgesassoc.org/section/subsection.php?structureid=20**

[318] Article 12 ("*Associations*") of the *Universal Charter of the Judge*, issued by the International Association of Judges, states that "*judges to be consulted, especially concerning the application of their statutes*" [without defining "*their*" as to "*who's*" statute, and without referring to the ultimate source of authority for American "*federal*" judges being the "*Constitution of the United States for the United States of America"* that created "*Article III*" judges with conditional employment based exclusively upon "*good behavior*" and the power of the Senate (under Article I, Section 3) "*to try all Impeachments*," including the impeachment of judges.] As found on 9/30/18 at: **http://www.iaj-uim.org/universal-charter-of-the-judges/**

What is inferred therefore, based upon the *evidence*, is that the "*statutes*," and all references by the International Association of Judges to the "*Constitution*" or "*Article III*" do NOT relate to the 1871 "*CONSTITUTION OF THE UNITED STATES*..." or any other "*constitution*" except for the one established and propagated by the private multi-national organization known as *International Association of Judges*, on a page titled "*CONSTITUTION*" and inclusive of various "*Articles*" (including "*Article 3*") as found on 9/30/18 at: **http://www.iaj-uim.org/statute/**.

[319] According to *The Free Dictionary by Farlex* located online, the definition of "*charter*" is "*A grant made by the sovereign either to the whole people or to a portion of them, securing to them the enjoyment of certain rights.*" As found on 9/30/18 at: **http://legal-dictionary.thefreedictionary.com/charter**

Notably, these "*rights*" depicted by the IAJ's "*Universal Charter of the Judge*" are different "*rights*" than are enunciated by the United States under *Article III of the U.S. Constitution* as more accurately depicted by the *Judicial Learning Center* that otherwise asserts what criteria the U.S. Constitution dictates for "*determining when and how to remove a judge from the bench of the United States judiciary*." (*See* the *footnote* entry below.)

[320] The *Universal Charter of the Judge* was issued by the International Association of Judges, which maintains their home office in Roma, Italy, as shown by the link to the above referenced "*STATUTE*" and "*Constitution*," which states under "*Article 1, Clause 2*, that "*[t]he seat of the Association is in Rome*."

Notably, although Italy was deemed a "*democratic republic*" after WWII, recent decades have shown that the government was heavily influence by the Communist Party until the time of the fall of the Soviet Union in 1991, at which point the Italian Communist Party split amidst a nationwide judicial investigation into the political corruption of the Italian Parliament that resulted in more than half of its members being indicted. "*After that, the Italian Communist Party became the Democratic Party of the Left, a predecessor of today's Democratic Party...*" which is still considered one of the main four political parties of Italy today. (For more on this topic, see "*Italy's*

than deferring to the U.S. Constitution which "*the People*" themselves (as "*joint tenants in sovereignty*"[321] established as the "*Supreme Law of the Land*")[322] – constitute significant evidence of a "*silent coup*" of the "*United States*" judiciary in America by a Socialist/Marxist/Communist organization with an *anti–republican* governing agenda?

The resounding answer to the above-referenced question is unequivocally "*yes*" and, again, the evidence is "*hidden in plain sight*."

Simply put, even though "*checks upon the judicial power are built into the Constitution [of the United States]*,"[323] the individual member "*judges*" of the *Federal Judges Association* ("FJA") "*voluntarily*" subscribe to an entirely different *Constitution*, *Statutes*, and "*Charter*" to guide their behaviors on the bench, as delivered to them through their respective State and National "*FJA Officers and Board Members*," "*[FJA] Executive Committee Members*," "*[FJA] Directors-at-Large*," and "*[FJA]Committee Chairs*" as all senior judges located in and/or representing each of 11 *Circuit Courts*, the *D.C. Circuit Court*, the *Federal Circuit Court*, the *Court of*

Political System: Key Things to Know" as found on 9/30/18 at: **https://www.thelocal.it/20170518/italys-political-system-key-things-to-know**
See also, Roe, Alex. *Communism in Italy is Older Than You Think*. Italy Chronicles (The Italy You Don't Know). "*Even today, Italy calls local councils 'communes'. The origins of the word 'commune' give one a hint of the Italian shade of communism.*" As found on 9/30/18 at:
http://italychronicles.com/communisim-in-italy-older-than-you-think/

[321] See *Chisholm v Georgia*, 2 U.S. 419 (1793) stating, "*the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects...and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty*." As found on 9/30/18 at:
https://supreme.justia.com/cases/federal/us/2/419/case.html

See also, Schied, *Id*. "*Memorandum on Rights of ('We') The People...*" citing Amar, Akhil. *The Central Meaning of Republican Government: Popular Sovereignty, Majority Rule, and the Problem of the Denominator*. Yale Law School. (1994). Faculty Scholarship Series. *Paper 981* and *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

[322] *Article VI, Clause 2* of the U.S. Constitution is considered the "*Supremacy Clause*" because it establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the '*supreme law of the land*' (not private contracts and the "*constitutions*" and "*statutes*" of national and international associations of judges).

[323] This quote is borrowed from "*Checks and Balances [on] Judicial Independence*" at the private website of the *Judicial Learning Center* in St. Louis, Missouri, which sets forth the three-prong criteria for determining when and how to remove a judge from the bench of the United States judiciary: a) Through a violation of the judge's solemn Oath *"under the Constitution and laws of the United States"*; b) Through a violation of a set of ethical principles "*established by the Judicial Conference of the United States*" known as the "*Judicial Code of Conduct*"; c) Through "*Impeachment*" proceedings of the U.S. Senate for committing a "*high crime or misdemeanor*." As found on 9/30/18 located at:
http://judiciallearningcenter.org/judicial-independence/

International Trade, and the 94 *District Courts* across the nation[324] of the "*United States*." This constitutes a top-down hierarchy of "*policy and practice*" put into place by the FJA's membership, on behalf of its individual members of United States federal judges, in the *International Association of Judges*.

Essentially, by their *individual* and *collective* membership – via FJA's collective membership – in the *International Association of Judges* ("IAJ"),[325] all of these so-called "*federal*" judges (of the United States) subscribe to the new and foreign "*authority*" [i.e., not being the "*('We'), the People*" that ordained the State and United States constitutions)] of the "*[IAJ] Constitution*"[326] that is being maintained by the *Central Counsel of the IAJ*, [327] as the only governing body to

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[324] The exact count of 94 was issued by the United States Department of Justice's "*Office of the United States Attorneys*," as found on 9/30/18 at: **https://www.justice.gov/usao/justice-101/federal-courts**

[325] Note that the Federal Judge's Association is listed as just one of the total of "*85 National Associations or Representative Groups/Members of the International Association of Judges in 2015/16*," being the sole entity representing the "U.S.A.", as found on 9/30/18 at: **http://www.iaj-uim.org/member-associations/**

Note also that the "*Home*" page, as well as other relevant pages of the International Association of Judges, shows the principal mailing address to be in "*Roma, Italy*." As found on 9/30/18 at: **http://www.iaj-uim.org/home/**

[326] The "*IAJ Constitution*" includes 13 total "*Articles*" (including an "*Article 3*" or "*Article III*") with reference to "*enclosures*" associated with those articles as follows:

- *Procedure to be Applied to Applications for Membership in the International Association of Judges (Article 11, Para. 6, of the Internal Regulation) and Questionnaire for a National Association of Judges Applying for Membership in the International Association of Judges;*
- *Monitoring Procedures for Member Associations (Article 6 of the Constitution and 13 of the Internal Regulation) and Form of Report;*
- *Form of the Complete Report after a Demand of the Presidency Committee, a Regional Group or a Third of the Member Associations (Article 13, Para. 1 to 6 of the Internal Regulation);*
- *Administration Fee for Applicant Associations (Article 11, Para. 6 of the Internal Regulation).*

As found on 9/30/18 at: **http://www.iaj-uim.org/statute/**

[327] *See* the webpage of the IAJ titled "*Central Council*" as found on 9/30/18 at: **http://www.iaj-uim.org/central-council/**

> "*The Central Council of the IAJ is the organ of the Association responsible for formulating policy. It meets annually, preferably in a different country every year. Each member association has two representatives in the Council and one vote. The Central Council votes on the admission of new members, checks the managing activities of the Presidency Committee and of the General Secretarial, approves resolutions and declarations, as well as themes and conclusions of the Study Commissions. The Central Council is also the body which, under the respect of given procedures, may alter the IAJ statutes*."

make changes in that international "*constitution*" according to "*[IAJ] Statute*". That *International Association of Judges* is also the same political body guaranteeing the *rights* of each judge.[328]

The above set of facts, as supported by evidence in the *footnotes*, demonstrate a "*silent coup*" has taken place; with widespread *"expatriation"* and *"treason"* by every so-called "*federal judge*" who has "*volunteered*" to being a "*member*" of the *Federal Judges Association*, thus being also a collective member of the *International Association of Judges* under the "*guaranteed protection*" of the *International Commission on Jurists* (ICJ) and its *Center for the Independence of Judges and Lawyers* (CIJL).

Such facts, *prima facie*, show that each of these so-called "*federal judges*": a) voluntarily violated his or her Oath and Duty under *Article III of the U.S. Constitution*; b) voluntarily violated the set of ethical principles "*established by the Judicial Conference of the United States*" known as the "*Judicial Code of Conduct*"; and c) by doing so have committed *expatriation* [329] from the United States and *treason* against the *people* of the United States.

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[328] *Article 7* of the "*Regulations Under the Constitution*," which is imbedded into the "*Constitution*" of the International Association of Judges, sets up "*Four Study Commissions*," of which the "1st Commission" pertains to the "*organization of the Judiciary*; *the status of the judiciary*; [and] ***the rights of the individual*.**" Also, the *International Association of Judges* (IAJ) has close ties with the *International Commission of Jurists* (ICJ), which operates a "*Center for the Independence of Judges and Lawyers*" (CIJL) that has as one of its "*[t]hree main objectives*" being "*to protect judges, lawyers and prosecutors who find themselves under threat*." More specifically, the CIJL "*seeks to protect individual judges, lawyers and prosecutors who are at risk...through private and public advocacy, trial observations and other fact-gathering, and mobilizing the international community*." By means of the CIJL's "*Geneva Forum*," the participants...who are representatives of the legal profession from around the world.... reflect upon and respond to immediate threats to their independence..."

- *See* the ICJ's "*Three main objectives*" as found on 9/30/18 at: **https://www.icj.org/themes/centre-for-the-independence-of-judges-and-lawyers/**
- *See aga*in the IAJ's "*Constitution*" as found on 9/30/18 at: **http://www.iaj-uim.org/statute/**

[329] Griffith, *supra*. As determined by both Congress (via the *Immigration and Nationality Act Amendments of 1986*) and numerous rulings of the "*one supreme*" Court, "*the important question is whether the citizen has taken steps in derogation of his allegiance to the United States*." Because "'*denationalization' results in the citizen's loss of the 'right to have rights'*", it reasons that when "*rights*" and "*guarantees*" of "*protection*" superseding to the U.S. Constitution are voluntarily sought through foreign "*constitutions*," "*charters*," "*statutes*" and "*international standards*", one knowingly and intentionally waives what rights were afforded under the *Constitution of the United States for the United States of America*. This is especially applicable to judges who are expected to be well-versed in the rights afforded by the U.S. Constitution and the unique implications of American laws, particularly as it applies to "*independence*" and "*liberty*."

In essence, the act of United States judges voluntarily aligning themselves with any foreign constitution, charter, statutes, or standards, and intentionally relying upon those devices to govern their ("*independent*") actions as a United States judge, is so "*inconsistent with continued allegiance to the United States*" that it "*embroils [the United States] in some international*

Such acts also define them as "*domestic terrorists*" by: a) their individual and collective *coercion* of the *policies and practices* of the "*federal Courts*"; b) while acting in a seditious conspiracy to undermine the Constitution of the United States by dependency upon an altogether different "*constitution*" and "*statute(s)*" (i.e., "*articles of constitution*"); c) through the attainment of "*rights*" and "*privileges*" under an altogether different "*charter*" of *guaranteeing* such rights; d) while relying upon foreign powers (i.e., a "*foreign state*")[330] for *guaranteeing* and enforcing such rights, being an international force with a clear intent on interfering with or outright combating Congress' constitutional ability and duty to "*impeach*".[331] **Notably, these are "*high***

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controversy as a result of their conflicting loyalties." **This is "*expatriation*" by definition** of both Congressional acts and "*supreme*" Court case law. Thus, these judges should be held to the "*consequences of [their] inconsistent conduct*" and the "*derogation of [their] allegiance to the United States*." The "*government*" of the United States is likewise obliged to protect itself through criminal prosecutions and impeachment proceedings of the "*judicial usurpers*" as "*imposter*" judges.

[330] *See* 28 U.S.C. §1603 which defines "*foreign state*" as "*a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined [as] 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 a* ***political subdivision*** *thereof.*"

See also, Scullion, Jennifer. *Proskauer on International Litigation and Arbitration: Managing, Resolving, and Avoiding Cross-Border Business or Regulatory Disputes – Ch. 9. Suing Non-U.S. Governmental Entities in U.S. Courts – "Whether an entity is a 'political subdivision' of the state or, instead, an 'organ,' 'agency,' or 'instrumentality' is an area ripe for factual and legal disputes. E.g. In re Terrorist Attacks on September 11, 2001, 349 F.Supp.2d 765 (S.D.N.Y. 2005) (disputed issues of fact concerning whether owner was political subdivision of Saudi Arabia or merely an organ of the state)."* As found on 9/30/18 at:
http://www.proskauerguide.com/litigation/9/VI

[331] Notably, the *International Commission of Jurists* (ICJ) website lists the 110-page "*GUARANTEES FOR THE INDEPENDENCE OF JUSTICE OPERATORS. TOWARDS THE STRENGTHENING OF ACCESS TO JUSTICE AND THE RULE OF LAW IN THE AMERICAS*" of the "*Inter-American Commission of Human Rights, 2013*") as the superseding document to the *Constitution of the United States* in setting the **"***International standards on the independence and accountability of judges, lawyers and prosecutors*" (as provided on p.82) which critically points out that some nation constitutions, such as that in the United States (Article II:4), "*vest the legislative branch with oversight authority...[through] impeachment clauses...[for] Treason, Bribery, or other high Crimes and Misdemeanors.*" In such a context, this documented "*guarantee of rights*" of "*justice operators*" construes the wording, and the inherent guarantees of the U.S. Constitution, including those enunciated as guarantees of all Americans regardless of status or position, as "*problematic*" if they apply to judges, lawyers and prosecutors; being therefore, in need of an intervening or combating "*international*" authority. This is outright treason to the U.S. Constitution as the Supreme Law over those under employ of the laws of the United States.

- *See* the ICJ's "*International standards...*" as found on 9/30/18 at: **https://www.icj.org/themes/centre-for-the-independence-of-judges-and-lawyers/international-standards/**

***crimes and misdemeanors*" for which criminal indictments, arrests, and impeachment proceedings are immediately warranted.**

QUESTION: Are State and United States court cases being "*monetized*" and assigned "*CUSIP*" ("*Committee on Uniform Securities Identification Procedures*") numbers, then "*pooled*" together as securities investments, and then traded for profit on the international stock market (?) ... being thus, the motivation for questionable government prosecutions and judges "*milking*" controversy from criminal and civil court cases for years and disposing of cases without trial by juries even though they have collected fees in advance from civil "*plaintiffs*" in demand to have a trial by a jury?

The answers to the compound question above again amounts to a resounding "*yes*;" and that answer can be proven despite the overt deception and trickery being used by the operands of the various corporatized "*government*" agencies and corporate banking institutions that are implementing the profiting scheme. Such proof lay in both reasoning and available evidence, starting with the *Administrative Office of the United States Courts* ("AO").[332]

In February 2013, the *Administrative Office of the U.S. Courts* reported as having "*converted*" thirty (30) of the "*United States*" courts to the *Court Registry Investment System* ("*CRIS*"). At that time the "AO" reported to be managing more than $1.9 billion in "*registry funds*" for ninety-eight (98) courts in more than 3,300 cases.[333] The funds were purportedly invested in the United States Treasury's "*Government Account Series*" securities.[334]

- *See also* the 110-page "*Guarantees...*" as found on 9/30/18 at: **https://www.icj.org/wp-content/uploads/2014/10/OAS-Justice-Operators-2013.pdf**

[332] As found on 9/30/18 posted by the *"Judicial Administration*" of the United States Courts at: **http://www.uscourts.gov/about-federal-courts/judicial-administration**

> **"***The Administrative Office is the agency within the judicial branch that provides a broad range of legislative, legal, financial, technology, management, administrative, and program support services to federal courts. Judicial Conference committees, with court input, advise the Administrative Office as it develops the annual judiciary budget for approval by Congress and the President. The Administrative Office is responsible for carrying out Judicial Conference policies. A primary responsibility of the Administrative Office is to provide staff support and counsel to the Judicial Conference and its committees.*"

[333] *See* the webpage for the United States Courts captioned "*Court Management, Financial Systems, and Statistical Reporting – Annual Report 2013*" (subheading "*New Financial Systems Updated and Adopted: CRIS*") as found on 9/30/18 at: **http://www.uscourts.gov/statistics-reports/court-management-financial-systems-and-statistical-reporting-annual-report-2013**

[334] "*TreasuryDirect*" (which is listed in the "*Index of Programs & Services*" of the U.S. Department of the Treasury's "*Bureau of Fiscal Service*") as found on 9/30/18 at: **https://www.fiscal.treasury.gov/fsreports/ref/progServ.htm** is touted as...

Importantly, these $1.9 billion in "*funds*" constituting the minimum calculation of "*investments*" in the "*CRIS*" ("*Court Registry Investment System*") by the "*National*" courts of the corporatized "*United States*" in 2013, are considered "*debts*" even though they are designated as "*securities*" by the United States "*Financial*" system that is in place.[335] According to the U.S. Department of

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> ... "*the first and only financial services website that lets you buy and redeem securities directly from the U.S. Department of the Treasury in paperless electronic form,*" **defines the "*Public Debt*" as** "*debt held by the public*" to **include "*all federal debt* held by individuals, corporations, state or local governments, Federal Reserve Banks, foreign governments, and other entities outside the United States Government less Federal Financing Bank securities....Types of securities held by the public include, but are not limited to, Treasury Bills, Notes, Bonds, TIPS, United States Savings Bonds, and State and Local Government Series securities*."

As found on 9/30/18 at: **https://www.treasurydirect.gov/about.htm** and at: **https://www.treasurydirect.gov/govt/resources/faq/faq_publicdebt.htm**

See also, Cagetti, Margo. *Federal Debt in the Financial Accounts of the United States*. Published as "*Fed Notes*" by the Board of Governors of the Federal Reserve System, as found on 9/30/18 at: **https://www.federalreserve.gov/econresdata/notes/feds-notes/2015/federal-debt-in-the-financial-accounts-of-the-united-states-20151008.html**

> "***Federal debt*** *is categorized as 'marketable,' such as Treasury bills, notes, bonds, and Treasury inflation-protected securities (TIPS), which can be traded in secondary markets, or 'nonmarketable,' such as U.S. savings securities, Government Account Series, and State and Local Government Series (SLGS), which cannot be traded.* ***Government Account Series are special securities issued to government trust funds, such as the Social Security Trust Fund, federal employee retirement funds, the Unemployment Trust Fund, etc.***"

[335] This is explained by the U.S. Department of the Treasury's "*Bureau of Fiscal Service*" by way of differentiating between what constitutes government "*debt*" and what constitutes government "*deficit*" as follows:

> "*The* ***deficit*** *is the fiscal year difference between what the United States Government (Government) takes in from taxes and other revenues, called receipts, and the amount of money the Government spends, called outlays. The items included in the deficit are considered either on-budget or off-budget.*
>
> *You can think of the* ***total debt*** *as accumulated deficits plus accumulated off-budget surpluses. The on-budget deficits require the U.S. Treasury to borrow money to raise cash needed to keep the Government operating. We borrow the money by selling securities like Treasury bills, notes, bonds and savings bonds to the public.*
>
> *The Treasury securities issued to the public and to the Government Trust Funds (Intragovernmental Holdings) then become part of the total debt.*"

See again, the "*TreasuryDirect*" website at: **https://www.treasurydirect.gov/govt/resources/faq/faq_publicdebt.htm**

(NOTE: Interestingly, when performing a Boolean search in "*Google*" for "*total debt*" and "*United States*" the net results provide only results for "*debt*" indicating by such evidence that the

the Treasury (i.e., subsidiary "*TreasuryDirect*"), "*The Public Debt Outstanding represents the face amount or principal amount of marketable and non-marketable securities currently outstanding;*" and it decreases "*when there are more redemptions of Treasury securities than there are issues*" (i.e., being "*held by the Public [as] federal debt held by individuals, corporations, state or local governments, Federal Reserve Banks,*[336] *foreign governments, and other entities outside the United States Government*").

Therefore, according to the Administrative Office of the U.S. Courts (as referenced above), in layman's terms, the courts are "*National agencies*" being used as "*administrative*" instruments for "*raking in*" hoards of Federal Reserve (i.e., "*debt*") Notes from thousands of various individual "*cases*" from numerous "*federal courts,*"[337] and "*marketing*" them in "*pools*" for the public to "*purchase*" as various "*Government Account Series*" securities, while ever increasing the ceiling of more of the public's "*investments*" into "*public debt*" through the Court Registry Investment System ("CRIS").
The "*funds on deposit or to be deposited with the court*" consist of all types of payments issued to the *clerk(s) of the court(s).* These payments usually result from some direct court order, but not necessarily since the funds are typically "*pooled*" with many other types of payments to the clerk such as initial filing costs and fees which may be related to demands for "*trial by jury*," or

large corporations providing such searches are adding to the confusion of most Americans between the meanings of "*deficit*" and "*(total) debt*".)

[336] The *Financial Accounting Manual for Federal Reserve Banks, January 2017*, *Chapter 2: Collateral and Custodies,* (p.71) *20.95: Custodies Held for Other Government Departments, Agencies and Officials, (Definitive and Book Entry)* refers to an "*account*" set up at Federal Reserve Banks that is "*held for the Directors and Commissioner of the Internal Revenue [and]* ***Judges and Clerks [of the] U.S. District Court (including CRIS holdings)****; Public Housing Administration; General Services Administration; Federal Deposit Insurance Corporation; U.S. Citizenship and Immigration Services; Secretary of the Treasury; Treasury (as security for Government deposits for other than Treasury tax and Loan account);* ***State Treasuries****, and others*." **This might indicate that through the various "*state treasuries*" the model set forth by the federal courts is also being duplicated and implemented at the State level through each State's treasury working in conjunction with the Board of Governors of the Federal Reserve System.**
As found on 9/30/18 at:
https://www.federalreserve.gov/aboutthefed/files/bstfinaccountingmanual.pdf

[337] As alluded to, this might also include the moneys collected through State court systems also as managed through State treasuries collusion with the Federal Reserve Banking System as referenced by Chapter 2, Section 20.95 of the *Financial Accounting Manual for Federal Reserve Banks*. (*Id.*)

which are resulting from legislative statutes or previous "*administrative orders*"[338] setting forth certain "*rules*"[339] and entitlements of the courts.[340]

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[338] See for example: *Administrative Order 16-03* (dated 5/20/16 and giving rise to Admin. Order 16-07 dated 11/29/16 stating much the same thing verbatim) issued by the "*Chief United States Bankruptcy Judge*" of the United States Bankruptcy Court for the Eastern District of Florida authorizing and ordering the implementation of the Court Registration Investment System ("CRIS") as the "*Sole Mechanism for Deposit and Investment of Registry Funds and Adoption of Interim Local Rule 7067-1*." This court order explained that the CRIS accounts are "*administrated by the Administrative Office ['AO'] of the United States Courts under 28 U.S.C. § 2045*," with the Director of that "*AO*" office (or the "*Director's designee*") being the designated "*custodian*" for the CRIS system, despite that the funds held by that CRIS system "*remain subject to the control and jurisdiction of the [U.S. Bankruptcy] Court [for the EDF]*".

Administrative Order 16-03 (and AO 16-07) goes on to explain that...

...*"[m]oney from each case deposited in the CRIS shall be 'pooled' together with those on deposit with [the U.S.] Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at Treasury, in an account in the name and to the credit of the Director of [the] Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.*

An account for each case will be established for the CRIS titled in the name of the case giving rise to the investment in the fund. Income generated from the fund investments will be distributed to each case based on the ratio each account's principal earnings has to the aggregate principal and income total in the fund. ***Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.***

The custodian is authorized and directed by this Order to deduct any fees from interest earnings authorized to be collected under the Bankruptcy Court's Miscellaneous Fee Schedule, including registry fees assessed based on the rates under published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference of the United States.*"*

As found on 9/30/18 at:
http://www.flsb.uscourts.gov/sites/flsb/files/documents/general-orders/AO_2016-07_Adoption%20of%20Modified_Provisions_Authorizing_and_Implementing_Court_Registry_Investment_System_%28CRIS%29_Previously_Adopted_Under_AO_16-03.pdf

[339] *See for example*, the *U.S. District Court Local Rules* for the U.S. District Court for the District of New Hampshire, Rule 67.*2 ("Deposit of Registry Funds Into Interest-Bearing Account")* **b.** ("*Investment of Registry Funds*") **1.** ("*Court Registry Investment System*") **A.** ***"Unless otherwise ordered, the Court Registry Investment System (CRIS) administered through the Administrative Office of the United States Courts, shall be the investment mechanism authorized."***... and **D.** ***"(D) Under CRIS, monies deposited in each case will be 'pooled' together with those on deposit with the Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury in an account in the name and to the credit of the Director of Administrative Office of the United***

States Courts, hereby designated custodian for CRIS. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group..”

As found on 9/22/18 at:

http://www.nhd.uscourts.gov/content/1-court-registry-investment-system

NOTE: The above citations in the “*Local Rules*” (*Rule 67.2*) for the U.S. District Court for the District of New Hampshire have drastically changed to state the following by 2017:

> *“(A) Unless otherwise ordered, the Court Registry Investment System (CRIS), administered through the Administrative Office of the United States Courts, shall be the investment mechanism authorized.*
>
> *(B) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a Disputed Ownership Fund (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.*
>
> ***(C) The Director of Administrative Office of the United States Courts is designated as custodian for all CRIS funds.*** *The Director or the Director’s designee shall perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.*
>
> ***(D) Under CRIS, monies deposited in each case will be ‘pooled’ together with those on deposit with the Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury in an account in the name and to the credit of the Director of Administrative Office of the United States Courts, hereby designated custodian for CRIS. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.***
>
> ***(i) For non-DOF case funds, an account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account’s principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied.***
>
> *(ii) For DOF case funds, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income after the DOF fee has been applied and tax withholdings have been deducted from the fund. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to the CRIS Liquidity Fund or another investment account as directed by court order.*

More specifically, funds collected and designated by the "*federal*" courts to be placed into interest-bearing CRIS accounts can come from: a) "*custodial*" or "*trust*" funds on behalf of minors and "*other incapacitated persons with no legal guardians;*" b) funds related to rent or property disputes such as with landlord-tenant or divorce cases; c) child support and other funds collected by the courts to satisfy court-ordered "*judgments*;" d) cash bonds and bail bonds required in civil and criminal cases; e) proceeds and excess funds from contested "*eminent domain*" cases and forced sales of property in delinquent tax cases; f) escheat and probate funds resulting in cases where there is no written *Will* of the deceased or where an heir cannot be located; g) other funds collected by the court clerk.[341]

Importantly, despite the fact that accounts in these pooled "*CRIS*" funds are "*in the name of the case giving rise to the investment in the fund,*"[342] and despite that "*income generated from the fund investments [is supposed to] be distributed [back] to each case... and made available to litigants and/or their counsel*," **there is an inherent problem in the disbursement process in that, aside from the various "*fees*" for which the "*AO*" of the United States Courts is entitled, registry account funds can only be withdrawn by court order,[343] and only after a**

> ***(E) Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application and will be made available to litigants and/or their counsel.***

As found on 9/30/18 at:
http://www.nhd.uscourts.gov/content/1-court-registry-investment-system

[340] *See* 28 U.S.C. Chapter 129 ("*Money Paid Into Court*"), being §§ 2041–2045, and note that §2045 coincides with and reaffirms what was articulated above regarding *Administrative Order 16-03* (and AO 16-07) and the above-referenced "*Local Rule 67.2*" of the U.S. District Court for the District of New Hampshire.

[341] Lyon, Paul. "*Registry of the Court: 2014 On the Road Training*". Texas Association of County Auditors, (On the Road Area Training; January 14, 2014.)
As found on 9/30/18 at: **http://assoc.cira.state.tx.us/users/0003/docs/2014RegistryFunds.pdf** and at:
http://assoc.cira.state.tx.us/users/0003/docs/2014%20OTRAT%20Paul%20Lyons%202014%20County%20Auditor's%20OTRAT%20Registry%20Funds.pdf

[342] *See* 28 U.S.C. § 2041 ("*Deposit of moneys in pending or adjudicated cases*") which states:

> "***All*** *moneys paid into any court of the United States, or received by the officers thereof, in any case pending or adjudicated in such court, shall be forthwith deposited with the Treasurer of the United States or a designated depository, in the name and to the credit of such court. This section shall not prevent the delivery of any such money to the rightful owners upon security, according to agreement of parties, under the direction of the court.*"

As found on 9/30/18 at: **https://www.law.cornell.edu/uscode/text/28/2041**

[343] *Id. See again,* 28 U.S.C. § 2041. See also 28 U.S.C. § 2042 ("*Withdrawal*") which states:

> *"No money deposited under section 2041 of this title shall be withdrawn except by order of court.* ***In every case in which the right to withdraw money deposited in court under section 2041 has been adjudicated or is not in dispute and such money has remained so deposited for at least five years unclaimed by the person entitled thereto, such court shall cause such money to be deposited in***

motion is first filed (presumably by the party to whom the money is actually owed) **and "*served*" upon all the other affected parties and the Court.[344] The problem herein is that too**

> ***the Treasury in the name and to the credit of the United States. Any claimant entitled to any such money may, on petition to the court and upon notice to the United States attorney and full proof of the right thereto, obtain an order directing payment to him.***"

[344] Compounding this problem of litigants never being informed in the first place what the clerk of the court was doing with the funds they are being forced to relinquish at the *clerk's* office (i.e., that the funds were being "*invested*" into the CRIS system), is the fact that **the litigants being compelled to relinquish their *funds* are neither informed by any officer of the court, that if they did *not* wish to have their funds "*maintain[ed] [as] investment instruments in CRIS*" that those funds could be "*transferred back to the litigants [themselves] or their designees* on proper motion and approval of the court**.**" *See* "*General Order No. 24: In the Matter of Deposits Into the Registry of the Courts [and Abrogation of General Order No. 14]*"issued by the "*Chief Judge of the United States Bankruptcy Court*" for the Northern District of California (dated 6/13/09).

Note also that in contrast to the previously-referenced "*Administrative Order 16-03*" (i.e., see above footnote) of the U.S. District Court for the Eastern District of Florida, "*General Order No. 24*" (2009) issued out of the "*federal*" bankruptcy court for the Northern District of California directed the administration of the CRIS accounts to be "*through the United States District Court for the Southern District of Texas*;" while explaining that the "*pooled*" deposits are to be used to "*purchase Treasury Securities, **which will be held at the Federal Reserve Bank in Dallas** in a safekeeping account in the name and **to the credit of the Clerk [of the] United States District Court for the Southern District Texas, [as the] designated custodian for CRIS***."
As found on 9/30/18 at:
https://ia801001.us.archive.org/27/items/CourtRegistryInvestmentSystem-Crrs-Chris-JudicialCorruption/General_orderNo24CourtRegistryInvestmentSystem-Crrs-Dallas.pdf

As an additional point of interest regarding the varied types of court "*orders*" relating to these inconsistent and varied assignments of "*custodians*" for CRIS accounts being set up nationwide by these *federal* "*chief judges*," it is to also be noted that in a *federal* civil action, being in the United States District Court for the District of Massachusetts (i.e., the combined cases of *United States of America [and] the Commonwealth of Massachusetts v. AVX Corporation, et al*), this east coast federal court followed the *pattern* of the west coast bankruptcy court cited immediately above by order (6/23/1992) as follows:

> "*Ordered that under the C.R.I.S., all monies deposited for Natural Resource Damages in the above captioned matter **will be pooled together with those on deposit with the United States Treasury to the credit of other courts in the C.R.I.S. and used to purchase Treasury Securities which will be held at the Federal Reserve Bank of Dallas/Houston Branch, in a Safekeeping account in the name and to the credit of the Clerk, [of the] United States District Court for the Southern District Texas, hereby designated custodian for the CRIS***."

As found on 9/30/18 at:
https://ia601004.us.archive.org/10/items/TheCourtRegistryInvestmentSystemcrisPursuantToRule67OfProcedure-/TheCourtRegistryInvestmentSystemcrisPursuantToRule67OfProcedure-Mass.pdf

often the party to whom that money is owed is the "*litigant*," who is never made aware by his "*counsel*" or other "*officers of the court*" that such a "*motion*" is required,[345] especially when that litigant has lost his or her overall case and must either walk away or take the matter to a higher court on appeal, which may take a number of years and may not have additional resources for procuring an added court "*order*" for the return of those funds. **Augmenting that problem is the fact that, "*unclaimed funds*" are "*deposited directly into the U.S. Treasury Registry Account.*"[346]**

Thus, in summary, by the evidence available in the records of the "*United States Codes*" brought about by Congressional legislation, in the "*orders*" and "*local court rules*" of the "*United States*" district courts operated by the *National* government, and on the websites operated by the agents of the National government's "*Secretary*" of the "*Treasury*" and/or by the "*Treasurer*" of the United States,[347] it is clear that: a) **a system ("*CRIS*") has been set up involving both the**

This similarity between the ruling of the above-referenced 1992 "*federal*" court case in Massachusetts and the 2009 *General Order No. 24*, and contrasting difference between the 2009 *General Order No. 24* and the 2016 *Administrative Order 16-03*, may likely be due to Public Law 110-406 (dated 10/13/2008) in which the 110th Congress amended Title 28, U.S.C. to add §2045 which states:

> *"(a) The Director of the Administrative Office of the United States Courts, or the Director's designee under subsection (b), may request the Secretary of the Treasury to invest funds received under section 2041 in public debt securities with maturities suitable to the needs of the funds, as determined by the Director or the Director's designee, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.*"

As found on 9/30/18 at:
https://www.congress.gov/110/plaws/publ406/PLAW-110publ406.pdf

[345] *See again, Administrative Order 16-03 (and AO 16-07)* (*supra*). NOTE: **Many of the litigants of this instant case, being known as the "'*99%'ers' and the Persons of the 'Federal' Body Politic,*" include those such as David Schied who, operating in previous cases in his "*private*," "*pro per*," "*pro se*," or "*sui juris*" capacity was never fully-informed of the various courts' "*policies and practices*" of requiring "*motions*" and "*orders*" for the return of certain funds tendered over to the court clerks, by varying demands of the clerks in these varying previous cases. Even in the many cases in which fees and costs were paid by attorneys, including several hundreds of dollars in fees charged by the clerks of the courts for "*jury trial[s],*" those attorneys (as "*officers of the court*") neither filed those motions nor informed their clients of their rights to "*motion*" the court for the return of those otherwise "*unclaimed*" funds.**

[346] *Id.* (See *Administrative Order 16-03 and AO 16-07*). *See also*, again, the previous footnote referencing 28 U.S.C. § 2042 ("*Withdrawal*"). Finally, see also, U.S. Bankruptcy Court for the Southern District of Florida's "*Exceptions to Registry Fund Deposit Requirement*" as found on 9/22/18 at: **http://www.flsb.uscourts.gov/local-rule/registry-funds-exceptions-registry-fund-deposit-requirement**

[347] Research shows that since the early 1900's the National government has been equally deceptive with regard to exactly what defines the Federal "*Treasury*" and the "*Treasurer*" of the "*United States*" and what defines other departments and/or administrative "*agencies"* and "*offices*" of the

National government corporation. Evaluating these various "*offices*" can be tricky and lead to confusion, as shown by the following:

1) **September 2, 1789** – By an Act of Congress the **"*Department of the Treasury*"** was created with a **"*Secretary of the Treasury*"** (i.e., "*Secretary*") as "*head of the department*" **under which a separate "*Treasurer*" operated as an assistant to the Secretary.** Notably, the first "*Secretary*" was Alexander Hamilton (**9/11**/1789–1/31/1795) and the first two "*Treasurers*" were Michael Hillegas (7/29/1775 – **9/11**/1789) and Samuel Meredith (9/11/1789 – 3/3/1997).

As found on 9/23/18 at: **https://www.treasury.gov/about/history/Pages/act-congress.aspx**
and at: **https://home.treasury.gov/about/history/prior-secretaries**
and at: **https://home.treasury.gov/about/history/treasurers-of-the-united-states**

2) **August 6, 1846** – By an Act of Congress [*Independent Treasury Act of 1846* (ch. 90, 9 Stat. 59)] the "*Independent **Treasury***" was created to eliminate the Federal government's connection with and control over state-run banks.

As found on 9/23/18 at: **https://www.treasury.gov/about/history/Pages/tewing.aspx**

3) **December 23, 1913** – By an Act of Congress (*Federal Reserve Act of 1913*; 38 Stat. 251) a new "*National*" banking system was put into place with at least nine nationwide "*subtreasuries*" converted into a Federal reserve system with twelve district branches. (*See previous footnote* herein in this "*Amicus in Treatise*..." on this topic.)

4) **May 29, 1920**, By an Act of Congress, H.R. 14100 (41 Stat. 654), the offices of the assistant treasurers were abolished as of July 1, 1920, and the *Secretary of the Treasury* was authorized to consolidate and transfer all offices, duties, and functions of those assistant *treasurers*, ending the "*Independent Treasury*" and **authorizing the Secretary to have any Federal Reserve Bank act instead as fiscal agent of the United States.** (*See previous footnote* herein in this "*Amicus in Treatise*..." on this topic.)

1) **1934-1935** – By an Act of Congress, the Exchange Stabilization Fund ("ESF"), which was conceived to operate in secrecy under the exclusive control of the *Secretary of the Treasury*, was created and began operations as of April 27, 1934. The ESF "*was financed by $2 billion of the $2.8 billion paper profit that the government realized from devaluation, that is, from raising the price of gold to $35 an ounce from $20.67*." That sum was thus deposited to its account with the **Treasurer** of the United States (*Treasury AR 1935*). The ESF essentially created a foreign affairs role for the Treasury by providing secret stabilization loans to favored countries without statutory mandates. The legacy of the ESF is that its lending programs dominated the operation of the International Monetary Fund. "*As early as 1943 the Treasury Department tentatively proposed the establishment of an international stabilization fund postwar [WWII] to which all United Nations members would belong—the original model of the IMF*." *See previous footnote* in this "*Amicus in Treatise*..." Schwartz, *supra*, pages 136, 140.

2) **1939-1940** – President Franklin Roosevelt consolidated all Treasury financing activities into a "*Fiscal Service*" under the direction of a "*Fiscal **Assistant** Secretary*." That consolidation included the "*Office of the Register of the Treasury*" and the "*Office of the Treasurer*" amongst many other offices. By 1940, the Fiscal Service consisted of the Bureau of Accounts, the Bureau of the Public Debt, and the Office of the Treasurer—all under the direction of a *Fiscal **Assistant** Secretary*.

As found on 9/25/18 at: **https://www.fiscal.treasury.gov/fsabout/fs_history.htm**

3) **July 31, 1945** – by an Act of Congress, (The "*Bretton Woods Agreement Act*," H.R. 3314, (59 Stat. 512) codified as *22 U.S.C. § 286 et seq*.), the United States accepted membership into the *International Monetary Fund* ("IMF") and in the *International Bank for [post-WWII) Reconstruction and Development* (commonly referred to as the "*World Bank*" today). Notably, the Act also established a "*National Advisory Council on International Monetary and Financial Problems*" consisting of the Secretary of the Treasury as "*chairman*" alongside the Chairman of the Board of Governors of the Federal Reserve System and others. The purpose of that "*National Advisory Council...*" was to provide reports and recommendations to the President with regard to these international financial affairs. For more, see the previous footnote regarding the establishing of the (secret) *Exchange Stabilization Fund* ("ESF") from the $1.8 billion allocated to the **Secretary of the Treasury** to pay part of the subscription of the United States to the International Monetary Fund.

As found on 9/25/18 at:
https://famguardian.org/Subjects/MoneyBanking/Money/LegHistory/59Stat512-517.pdf
and on 9/25/18 at: **http://uncommonconsultant.com/freedocs/statutes/59s512.pdf**

4) **By 1974** – the reorganization of the Fiscal Service created the *Bureau of Government Operations*, which consolidated most of the functions of the **Office of the Treasurer**. The *Bureau of Government Operations was then renamed the "Financial Management Service"* in 1984. *Id.* **https://www.fiscal.treasury.gov/fsabout/fs_history.htm**

5) **By 1991** – According to the 1990-'91 "*U.S. Government Manual*" (p.480), the Secretary of the Treasury serves as the "*U.S. Governor of the International Monetary Fund ['IMF'] [and] the International Bank for Reconstruction and Development [i.e., 'World Bank']*." (Note that the IMF operates with a "*Board of Governors*," being appointed "*governors*" from each member nation.)

As found on 9/25/18 at:
https://babel.hathitrust.org/cgi/pt?id=mdp.39015046793900;view=1up;seq=494

6) **October 7, 2012** – by issuance of Treasury Order 136-01 by the **Secretary of the Treasury**, the *Bureau of the Fiscal Service* was created by the consolidation of operations of the *Bureau of the Public Debt* and the *Financial Management Service*. *Id.* **https://www.fiscal.treasury.gov/fsabout/fs_history.htm**

7) **By October 2017** – As presented in a **previous footnote**, a closer look at the "*people*" running this "*company*" of the "*United States Department of the Treasury*" as depicted by Bloomberg.com today reveals an **"*Advisory Committee*" and "*Treasury Board*" that is heavily involved with and influenced by the insurance industry, and with international companies such as the American Insurance Group, Inc. ("*AIG*") that is inextricably linked to underlying civil and criminal claims of this instant case, and the security company operating in the Twin Towers about the time of the "*9/11*" terrorist event. Just one such example of this type of involvement is found with U.S. Department of the Treasury "*Advisory Committee*" member Brian Duperreault who is also a member of the *Federal Advisory Committee of Insurance* with "*58 [formal] relationships*" with AIG in New York, as found on 9/25/18 at:**

https://www.bloomberg.com/research/stocks/people/relationship.asp?personId=203030&ticker=AIG&previousCapId=20499240&previousTitle=United%20States%20Department%20of%20The%20Treasury

State[348] courts and the United States "*courts*" and "*treasury*" department; b) This is a system in which "*money*" (i.e., being the "*debt*" of the United States "*government*" owed to the ***p****eople*)**[349] of the "*99%'ers* and the '***P****ersons*' of the *Federal* Body-Politic has been**

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[348] Indicative that the "*pattern*" of setting up "*CRIS*" funds was being "*practiced*" at the State level is found in the "*2005 Texas Local Government Code, Chapter 117. 'Depositories for Certain Trust Funds and Court Registry Funds'*." Therein:

- The "*registry funds*" are defined as "*funds tendered to the clerk for deposit into the registry of the court*."
- § 117.002 ("*Transfer of Unclaimed Funds to Comptroller*") stated, "*Any funds deposited under this chapter, except cash bail bonds, that* ***are presumed abandoned****....shall be reported and delivered by the county or district clerk to the comptroller* ***without further action by any court.***"
- § 117.002 ("*Establishment of Depository – 'Application'*") stated, "*The commissioners court of a county... shall receive an application from a federally insured bank or banks in the county to be the depository for a special account held by the county clerk and the district clerks. The county shall contract with a federally insured bank or banks under this section for a two-year or four-year contract term....*
- § 117.052 "*Deposits of Registry Funds by County and District Clerks*"), subsection (b) stated, *"The funds deposited shall be carried at the depository selected under this chapter as a special account in the name of the clerk making the deposit."*
- § 117.0521 ("*Custodianship*") stated, "*A clerk shall act only in a custodial capacity in relation to a registry fund, a special account, or a separate account. A clerk is not a trustee for the beneficial owner and does not assume the duties, obligations, or liabilities of a trustee for a beneficial owner*."
- § 117.053 ("*Withdrawal of Funds*") stated, "...[A] *clerk may not draw a check on special account funds held by a depository except to pay a person entitled to the funds. The payment must be made under an order of the court of proper jurisdiction in which the funds were deposited except that an appeal bond shall be paid without a written order of the court on receipt of mandate or dismissal and funds deposited under Section 887, Texas Probate Code, may be paid without a written order of the court. ...*"
- § 117.121 ("*Disbursement of Funds*") subsection (b) stated, "*All checks or drafts issued for the disbursement of the registry fund must be submitted to the county auditor for the auditor's countersignature before delivery or payment. The county auditor may countersign the checks only on written evidence of the order of the judge of the court in which the funds have been deposited, authorizing the disbursement of the funds.*"

As found on 9/26/18 at: **http://law.justia.com/codes/texas/2005/lg/004.00.000117.00.html**

[349] Note that as "*money*" is "*debt*," so too "*debt*" is "*money*." This is because the only way money can come into existence in the "*fractional reserve system*" of the "*United States*" is from loans.

> "*[T]he vast majority of the American money supply is digitally debited and credited to major banks. The real money creation takes place after the banks loan out those new balances to the broader economy. ... Money creation doesn't have to be physical, either; the central bank can simply imagine up new dollar balances and credit them to other accounts. ... This has the same effects as printing up new bills and transporting them to the bank vaults, only it's cheaper. It is just as inflationary, and the newly credited money balances count just as much as*

physical bills in the economy. ... The credit markets have become a funnel for money distribution. However, in a fractional reserve banking system, new loans actually create even more new money. With a legally required reserve ratio of 10%, the new $100 billion in bank reserves could potentially result in a nominal monetary increase of $1 trillion." As found on 10/22/17 at: **http://www.investopedia.com/articles/investing/081415/understanding-how-federal-reserve-creates-money.asp**

"Most bank assets are in the form of loans. ... Money is created within the banking system when banks issue loans; it is destroyed when the loans are repaid." As found on 9/25/18 at: **http://open.lib.umn.edu/macroeconomics/chapter/9-2-the-banking-system-and-money-creation/**

See also, *Modern Money Mechanics: A Workbook on Bank Reserves and Deposit Expansion*. (1992) Public Information Center of the Federal Reserve Bank of Chicago.

"*What they do when they make loans is to accept promissory notes in exchange for credits to the borrowers' transaction accounts. Reserves [of the banks] are unchanged by the loan transactions. But the deposit credits constitute new additions to the total deposits of the banking system.*" (pp.6-7 in PDF format) As found on 9/26/18 at: **http://www.rayservers.com/images/ModernMoneyMechanics.pdf**

"Therefore, if everyone in the country were able to pay off all debt, including the government, there would not be one dollar in circulation. [However], as long as the [Federal Reserve Bank as the "central bank" of the United States] continues to exist, perpetual debt is guaranteed. ... Throughout this fractional reserve system, any one deposit can create nine times its original value; in turn, debasing the existing money supply, raising prices in society. ..."

See also, "*Zeitgeist: Addendum*," video (timeline at around the 12:45-minute mark) written and directed by Peter Joseph. (2008) As found on 9/26/18 at: **https://www.youtube.com/watch?v=1gKX9TWRyfs**

deceptively *hypothecated,*[350] *collateralized* [351] and *securitized* [352] by the agents of the (state and "*federal*") **court systems;** and, c) **Such moneys have been placed in the name of "*federal*" court clerks as "*credits*" against the "*national debt,*"[353] while contributing to the perceived need in Congress for continually raising the debt ceiling of the *National* government.[354]**

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[350] *See* Black's Law Dictionary, Eighth Edition: "***Hypothecate***" means ...

> *"To pledge (property) as security or collateral for a debt, without delivery of title or possession."* "***Hypothecation***" is "*The pledging of something as security without delivery of title or possession*." "***General hypothecation***" is: "*1) A debtor's pledge to allow all the property named in the security instrument to serve as collateral and to be used to satisfy the outstanding debt; 2) See tacit hypothecation*" (1), (2). "***Tacit hypothecation***" is: "*1) Civil law. A type of lien or mortgage that is created by operation of law and without the parties' express agreement. – Also termed 'tacit mortgage'. 2) See 'maritime lien' under 'LIEN'.*" (p.2172)

As found on 9/26/18 at:
http://www.republicsg.info/Dictionaries/2004_Black%27s-Law-Dictionary-Edition-8.pdf

[351] "***Collateral***" is defined as *"[s]omething pledged as security for repayment of a loan, to be forfeited in the event of a default."* From English Oxford Living Dictionaries as found on 9/26/18 at: **http://www.lawfulpath.com/forum/viewtopic.php?f=23&t=362**

See also, Black's Law Dictionary, *supra*, "*property that is pledged as security against a debt*."

[352] *Id. Black's Law Dictionary*. To "***securitize***" is "*[t]o convert (assets) into negotiable securities for resale in the financial market, allowing the issuing financial institution to remove assets from its books and thereby improve its capital ratio and liquidity while making new loans with the security proceeds*."

[353] Miller, Steve. *Social Security: Mark of the Beast*. (Ver. 2.7, Aug. 2016). (p.240)

> "*Hypothecation is a banking term. Hypothecation is defined in section 14(a) of the Federal Reserve Act as an offer of assets owned by a party other than the borrower as collateral for a loan, without transferring title. The United States is the borrower. You are the party other than the borrower. On your behalf, and with your consent, your representatives borrow most of your national debt from the Federal Reserve Bank. Section 16 of the Federal Reserve Act (12 U.S.C. §411) says that the Federal Reserve Notes are obligations of the United States. This is true even if the federal Reserve is not a government agency, because the government has promised to repay the loans to this privately owned corporation. Federal Reserve Notes are backed by the full faith and credit of hypothecated assets (such as your future labor). According to the Legislative History of Public Law 94-564...*
>
> *'The U.S. commitment to redeem international dollars for gold became a physical impossibility.'*
>
> *That's right! Your bankrupt government cannot repay Foreign lenders their gold."*

As found on 9/27/18 at:
https://ia800409.us.archive.org/27/items/MOBbook20150710Final/MOBbook-20160812-final.pdf

[354] Note that this perceived perpetual need to raise the debt ceiling on the national debt is like putting a band-aid on a gunshot wound. **This is because the amount of money that is owed back to the banks, including the Federal Reserve (i.e., "*central*" national banking system), will**

always exceed the amount of money that is in circulation for paying back the debt *with interest*. It therefore can never be paid back in full.

See the video, *Zeitgeist 2: Addendum* (*supra*), (at about the 13:40 minute mark):

> *"[Yet] almost every dollar that exists must be eventually returned to a bank with interest paid as well. But, if all money is borrowed from the central bank and is expanded to commercial banks through loans, only what would be referred to as the 'principal' is being created in the money supply. So then, where is all of the money to cover all of the interest as charged? Nowhere. It doesn't exist. ... As dysfunctional and backward as all of this might seem... it is this element of the [monetary] structure [i.e., 'the application of interest'] which reveals the truly fraudulent nature of the system itself. ...*
>
> *The ramifications of this are staggering, for the amount of money owed back to the banks will always exceed the amount of money that is available in circulation. This is why inflation is a constant in the economy. For new money is always needed to help cover the perpetual deficit built into the system, caused by the need to pay the interest. What this also means is that, mathematically, defaults and bankruptcy are literally built into the system, and there will always be poor pockets of society that get the short end of the stick. An analogy would be a game of musical chairs. ... It invariably transfers true wealth from the individual to the banks. ...*
>
> *This is particularly enraging when you realize that not only is such a default inevitable due to the fractional reserve practice, but also because of the fact that the money that the bank loaned to you didn't even legally exist in the first place. ... Remember what modern money mechanics stated about loans?*
>
> > '*What they do when they make loans is to accept promissory notes in exchange for credits to the borrowers' transaction accounts. Reserves [of the banks] are unchanged by the loan transactions. But the deposit credits constitute new additions to the total deposits of the banking system.*'"

(*Id*. At about the 16:00 minute mark of the video timeline):

> *"In other words, the money doesn't come out of their existing assets. The bank is simply inventing it, putting up nothing of its own* [i.e., 'consideration'] *except for its theoretical liability on paper.* [See the STATE OF MINNESOTA court decision and Memorandum (of '*justice'* Martin Mahoney) in the case of the *First National Bank of Montgomery v. Jerome Daly*)] *...A lawful consideration must be tendered to support the Note* [citing *Anheuser-Busch Brewing Co. v. Emma Mason*, 44 Minn., 318, 46 N.W. 558]. *'Only God can create something out of nothing.'... The implications of this court decision are immense. For every time you borrow money from a bank, whether it is a mortgage loan or a credit card charge, the money given to you is not only counterfeit, it is an illegitimate form of consideration, and hence voids the contract to repay; for the bank never had the money as property to begin with. ..."*

(*Id*. At about the 19:00 minute mark of the video timeline):

> *"The fractional reserve policy perpetrated by the Federal Reserve, which had spread – in practice – to the great majority of banks in the world is, in fact, a system of modern slavery. Think about it. Money is created out of debt. And what do people do when they are in debt? They submit to employment to pay it off. But if*

This CRIS process (of hypothecation, collateralization, and securitization) is well-outlined and is carried out through the use of "*CUSIP*" numbers, which are supposed to allow tracking of the "*pooled*" [355]

> *money can only be created out of loans, how can society ever be debt free? It can't; and that's the point.*
>
> *And it is the fear of losing assets coupled with the struggle to keep up with the perpetual debt and the inflation inherent in the system, compounded by the inescapable scarcity within the money supply itself, created by the interest that can never be repaid, that keeps the 'wage slaves' in line. Running on a hamster wheel with millions of others, in effect powering an empire that truly benefits only the elite at the top of the pyramid. ... [A]t the end of the day, who are you really working for? The banks. Money is created in a bank and invariably ends up in a bank. They are the true 'masters,' along with the corporations and governments they support. Physical slavery requires people to be housed and fed. Economic slavery requires to feed and house themselves.*
>
> *It is one of the most ingenious scams of social manipulation ever created; and at its core, it is an invisible war against the population. Debt is the weapon used to conquer and enslave society. And interest is its prime ammunition. And, as the majority walks around oblivious to this reality, the banks – in collusion with governments and corporations – continue to perfect and expand their tactics of economic warfare...spawning new bases, such as the World Bank and International Monetary Fund. ..."*

[355] While "*pooled*" funds are touted as being combined sums of money from many individuals that are placed into financial vehicles like mutual or pension funds, the little known fact is that virtually all of the post-traded actions on all securities entered into the marketplace of buying and selling are transacted in the name of a single, completely private "*clearinghouse*" known as "*Cede and Company*." Cede and Company meanwhile, is a merely a fictional "*nominee name*" for a New York "*trust*" corporation called the *Depository Trust Company* which, for purposes of atomization, centralization, standardization, and streamlining purposes, **conducts all the security transactions for banks, brokers, and institutions in its own name**. Thus, investors do not themselves hold direct property rights in stock, but instead have contractual rights that are part of a chain of contractual rights involving Cede and Company. Note that the Depository Trust Company is a member of the Federal Reserve System registered with and purportedly "*regulated*" by the administrative agency of the *Securities and Exchange Commission*. (See "*Designated Financial Market Utilities*" as found on 9/27/18 at:
https://www.federalreserve.gov/paymentsystems/designated_fmu_about.htm)

Moreover, in order to expedite the sales and transfers of stocks – and working in a similar fashion to that of the *Mortgage Electronic Registration System* ("MERS") operating to delink securities from mortgages to create unsecured debts out of mortgage-backed securities ("MBS") – the Depository Trust Company ("DTC"), a subsidiary of the *Depository Trust and Clearing Corporation* "*holding*" company, makes it impossible to practically keep up with all the changes in registered ownership of all securities through its methodology of electronic trading. With it being reported in 2014 that over 300 million stock trades occur every day without being either processed or delivered (i.e., trades are never actually cleared and transfer of signed titles never happens), the door has long been wide open for phony and duplicate stock certificates and "*naked short selling*" to get entered into this trading system. *Naked short selling* is the illegal practice of

securities being administratively *monetized* by this lucrative process.[356] This *administrative* process[357] begins with deposits going into the "***Treasury***" (which maintains all of the Court Registry Funds), and are transferred into the CRIS "*not by sending checks or wires of cash, but*

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short-selling stock shares that have not been affirmatively proven to exist. (For more, listen to "*The Shocking Truth History Channel Can't Broadcast*" by 2014 interview with financial analyst Bix Weir as found on 9/27/18 at:
https://www.youtube.com/watch?time_continue=740&v=-zzSAoD2mzU)

[356] When speaking about the "*collateralization of people's labor*," in terms of "*legal*" and "*equitable*" titles to properties (i.e., "*securities*"), with the "*trustee*" holding legal title of ownership and the "*beneficiary*" having equitable title, the difference is one of **control** of the "*ceded*" rights of ownership. Literally, 99% of all the bond and stock certificates, mortgage-backed securities, derivative contracts, etc. are held in the name of Cede & Co. [a.k.a. Depository Trust Corporation, (a.k.a. Depository Trust and Clearing Corporation)]; so, as with the Federal Reserve Bank(s) ("FED") controlling legal ownership of all money, the DTCC controls legal title in ownership of all "*property*" purchased or traded by way of the value derived from that money.

Some theorists in America believe that Cede & Co. then also own the registered legal title to the American people's birth *certificates*. They base this claim on the fact during the Antebellum Period birth records were used to some extent to document and control the values of slave trades; and they claim that since then birth certificates have been used to *enslave* all Americans through hypothecation and monetization in open trading on the stock market. Allegedly, the birth certificates have become the security on the value in commerce of each "*person's*" lifetime of labor, being the collateral; and with the secret (purported "*international banking elite*") owners of the private DTCC (holding company) being the "*registered owners*" of all of these secured "*commercial instruments*."

See, for example: Landrum, Shane. *The State's Big Family Bible: Birth Certificates, Personal Identity, and Citizenship in the United States, 1840-1950*. (Ph.D. dissertation for Brandeis University; 2014) p. 2: "*In Virginia and other slaveholding states, records of enslaved people's ages were important legal evidence for the market value of human property....In Virginia, slaveowners could not uphold claims of a slave's market value without a record of his or her age"* citing *Dabney v. Green*, 14 Va. 101 (1809). As found on 9/26/18 at:
https://search-proquest-com.cmich.idm.oclc.org/docview/1616758682?pq-origsite=gscholar

See also, Keating, Jean. *Commercial Law and How It Applies to You*. (Audio transcript from "*Seminar Tape 1*" found published on 9/26/18 at:
http://fourwinds10.com/siterun_data/government/corporate_u_s/news.php?q=1266688203)

[357] A publication from July 2003, serving as a training tool for understanding how the CRIS System works from beginning (cash going into the courts) to end (cash going back to the courts), is to be found on numerous websites with a comprehensive charting of the complete process for administrating CRIS funds. The 66-page set of documents, without cover pages or table of contents, include reference to a plethora of U.S. District Court case numbers in context of financial statements, "*data and instructions for preparing mock financial reports*," a "*glossary of terms*," and "*process maps*," sample balance sheet, "*pool summary allocation reports*," 1099 tax reporting sheet, fee schedule, and other documents, some of which reference CUSIP numbers. See for example, that which was found on 9/27/18 at:
https://anticorruptionsociety.files.wordpress.com/2011/01/case-monetization-cris_report-07-2003-b.pdf

rather by transferring the accountability for the funds between Treasury account symbols." [358] This so-called "*investment*" process is shown (as of 2003 when published) to require a baseline of at least $50,000,000, and once the "*accountability*" for the funds has been transferred to the Federal Reserve Bank ("FRB"), which purchases these CRIS securities along with J.P. Morgan, after which they are marketed to the public. At each point along this way *fees* are charged by the Treasury ("CRIS"), by the FRB, and by the J.P. Morgan (which merged with Chase in 2000), which is shown to also set both the "*buy*" and "*sell*" prices for these CRIS securities.[359]

Again, the "*accountability*" for the return of this "*property*" ultimately rests with the judge of each court, as carried out by *Order* of the court, and by process of responding to a written motion on behalf of the *claimant* of that property. Of course, the court retains possession of any funds that remain *unclaimed* and uncollected by the original party/parties to the case. This includes the many parties across the United States who "*paid*" for a *trial by jury of their peers*, who were denied that jury, and who still yet also have been *constructively* denied their money back by the courts. [360]

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[358] *Id.* See p.47 of the 66-page PDF file as found.

[359] *Id.* See pp. 33-66.

[360] Such "*parties*" appear in this case, by and through their association with the Federal Government of "*The United States of America*" and *Sui Juris Grievant/Crime Victim/Claimant* David Schied, being the affected "*99%'ers*," and "***P****ersons*" of the *Federal* Body-Politic. These "*parties*" are reasoning that the "*judicial*" courts guaranteed by the Constitution no longer exist because they *appear* to have been replaced by administrative procedures and judges that prejudicially and consistently rule in favor of big businesses and municipal or chartered "*government corporations*," constructively denying *due process* and proper *judicial* remedies to those like themselves. Further....

> *See* Miller. *Id.* (p.318)
>
> "*The writers of your Constitution had a strong distrust of government tyranny. A trial by a jury of your peers was intended to replace the inherently unfair trial by government. A trial by government does not fulfill the Fifth Amendment guarantee to due process of law. You have a right to a fair trial. Trial by government cannot be fair. Inquisition is trial by government.*
>
> *The book 'Elliot's Debates on the Adoption of the Constitution' quotes (Vol 3, page 579) Patrick Henry as stating, 'By the bill of rights of England, a subject has the right to a trial by his peers. What is meant by his peers? Those who reside near him, his neighbors, and who are well acquainted with his character and situation in life."*
>
> *Also in Elliot's Debates we can read (Vol. 2, page 516) where another Founding Father, James Wilson, signer of the Declaration of Independence and later a Supreme Court Justice, reassured us that a jury of your peers would always be 12 people who know you: 'Where jurors can be acquainted with the characters of the parties and the witnesses – where the whole cause can be brought within their knowledge and their view – I know no mode of investigation equal to that by a trial by jury; they hear every thing that is alleged; they not only hear the words, but they see and mark the features of the countenance; they can judge of weight due*

VI. Statement of Facts Regarding "*Where is Where*": Where the "*United States*" Does and Does Not Have Nexus (continued)

K. The Political Nexus – the "*Protection Draws Subjugation via 'Social Security' and 'Pledge of Allegiance'* 'Net"

What is happening with the CRIS account – in terms of "*accountability*" and "*custodianship*" of property associated with government debt – is a microcosm of what strongly appears to be happening on the larger scale with all "*United States citizens*" relative to their other properties, such as the value of their employment of labor, their homes and real estate, and even their children. Reasoned research shows there to be a basis for this that points directly to the very same "*Treasury*" that controls the "*deposits*" of the above-reference CRIS accounts. That evidence suggests that those operating that Treasury may be *foreign agents*,[361] in which case,

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> *to such testimony; and moreover, the jurors may indeed return a mistaken or ill-founded verdict, but their errors cannot be systematical."*
>
> *And again, in Elliot's Debates, Vol 2, page 110, Mr. Holmes from Massachusetts, assured us that cases would be heard in the local community where the jury of peers could form a judgment based on the character of the accused and the credibility of the witnesses.*
>
> *That's right! Your Constitution was ratified on the reassurance that your peers would always be 12 people who know you."*

[361] This is not to suggest the ridiculous ideology that the Secretary of the Treasury, the Treasurer, or others under employ of the United States Department of the Treasury were born in foreign countries, raised as spies, and planted into American politics so to be appointed to work in "*government agencies*." It is to suggest that, as the "*one supreme*" Court has determined that the federal government is foreign to the State governments (so to mean that at least two "*citizenships*" exist, one being that of the State and the other being that of the 14th Amendment "*citizen*"), the "***de jure***" operation of government and the free "*capital P – **P**erson*" of the Constitution are foreign to the "***de facto***" operation of government built upon the long history of unconstitutional usurpations that have been described in the pages of this "*Amicus in Treatise..*." particularly since the Civil War.

[Some claim that the setting up of the Constitution in the first place was an act of reorganizing a bankruptcy occurring under the Articles of Confederation (and Miller, *Id.* takes it further to state that such bankruptcy occurred after "*Congress assembled*" authorized Ben Franklin to borrow 18 million *Lira* from the British Crown, which was signed for on July 16, 1782 and could not be paid back when the loan became due on January 1, 1788.). Thus was purportedly the reason for the inclusion in the Constitution of Article VI which reads, "*All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation*." Ultimately, this new "*Constitution*" was never submitted to the *people* of the States for ratification (and there is evidence suggesting that even the signers of the Constitutions were not all elected delegates of the Thirteen Colonies at the time of their signing as found on 9/29/18 at: **https://en.wikipedia.org/wiki/List_of_delegates_to_the_Continental_Congress**). This means that from the very inception of "***t**he* United States of America" (as opposed to "***T**he* United States of America" as "*styled*" in the *Articles of Confederation*) a "*de facto*" government was set up that

they are knowingly and willingly committing Treason against those with whom the *federal* Constitution was originally set up as a *Trust*.[362]

QUESTION: How does the Treasury of the United States ("*Treasury's*") involvement in international ("*IMF*" and "World Bank") and domestic affairs ("*Internal Revenue Service*" and "*Social Security*") affect the "*free Persons*" of America so as to subjugate them as "*citizens*" to a "*status*" lower than the "*de facto National government*," with their being also "*branded*" like cattle for purposes of inventory, collateralization and taxation?

In reviewing the history of the U.S. Department of the Treasury, it was as early as 1941 that U.S. Secretary of the Treasury Henry Morgenthau, Jr. "*instructed the treasury staff to begin work on postwar (WWII) monetary problems*" and the establishment of the "*original model of the IMF*" to which "*all United Nations members would belong*."[363] Prior to that, there had been previous

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was "*foreign*" to the legitimate "*de jure*" government that had initially been set up under the *Articles of Confederation*. Since then, the foreign nature of that government has expanded and distanced itself even further through unconstitutional "*acts*" of Congress, President "*proclamations*," rulings of the "*one supreme*" Court, and through international treaties, so to become the "*administrative*" monstrosity that we see today as the *de facto* National government.**]**

[362] For more on this topic of the "*original intent*" of the so-called "*Founding Fathers*" setting up the government of the "*United States*" as a fiduciary "*trust*," *see again* Schied (*Id.*), "***Memorandum on Rights of (We) 'The People'** to Assemble; to Local Governance; and to Withdraw Consent Through State and Federal Jury Nullification, Through Grand Jury Presentments, Through Private Prosecutions, and Through Other Executions of Customary Law and Laws of Commerce*." As found on 9/29/18 at:
https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/082516_MyDefaultJudgmntFolwupCrimeRpt&MemofPeoplesRights/MyExhibits/EX_B_MemorandumofPeoplesRights_KhalilCase.pdf
See also, Natelson, Robert. *The Constitution and the Public Trust*. 52 Buff. L. Rev. 1077 (2004). (p. 1083) Found on 9/29/18 at: **http://scholarship.law.umt.edu/faculty_lawreviews/19**

[363] Schwartz, *supra*, p.140. (*See also*, footnote on the same page.)

> "*Post-Bretton Woods Change in ESF. As early as 1943 the Treasury Department tentatively proposed the establishment of an international stabilization fund postwar to which all United Nations members would belong—the original model of the IMF, of which Harry Dexter White was the designer (Treasury AR 1943, p. 116; 1944, pp. 96-97; 1945, pp. 95-96).*
>
> *The U.S. Bretton Woods Agreement Act (PL 171-79) of July 31, 1945, made a change with long-term effects on ESF operations. That change was the provision in Sec. 7 that amended the Gold Reserve Act.8 The amendment directed the Secretary of the Treasury to use $1.8 billion of the ESF capital (shown on the*

attempts by the international banking cartels to control foreign governments under the auspice of "*help[ing] European countries to get new credit*" in the aftermath of World War I.[364] Notably, those involved with those "*plans*"[365] were instrumentally tied with the United States Department of the Treasury and the role its agents played in the developmental scheme at Jekyll Island leading to the Federal Reserve Act and the Federal Reserve Banking [international cartel] System.[366] Moreover, where the United States banking cartel was successful in wresting away

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> *balance sheet as cash in the form of gold held by the Treasurer of the United States) to pay part of the $2,750 million U.S. subscription to the IMF.*
>
> *By June 1946, the United States had paid $275,000 of its subscription (Treasury AR 1946, p. 83). It completed payment of its subscription on February 26, 1947, in the form of $687.5 million in gold, $280.5 million in cash, the remaining $1,782 million in nonnegotiable noninterest-bearing notes, payable on demand in dollars when needed by the IMF (Treasury AR 1947, p. 48).*
>
> *From 1946 until 1961 the ESF held no foreign exchange of the industrialized countries. A role for an exchange stabilization fund would seem to have been obviated once the IMF was in place to manage exchange rates, but the ESF regarded the IMF as needing its support.*"

[364] Flores, Juan; Decorzant, Yann. *Public Borrowing in Harsh Times: The League of Nations Loans Revisited*. Working Papers Series 12091. University of Geneva (Sept. 2012), p.8

[365] *Id.* (p.8)

> "*[It was]* ***Frank Vanderlip****, President of the* ***National City Bank of New York****, [who] put forward the idea of 'the formation of a consortium of international banks, appointed and backed by the governments of the United States and of other nations which exported significant amounts to Europe' to float an international loan to help European countries to get new credit. Vanderlip's proposition was very badly received by the French finance ministry, mainly due to its implications in terms of foreign government control through an international commission. To this resistance was added that of the US government itself, which was reluctant to issue any new loan to European countries, thus causing its definitive dismissal. A second competing proposition was advanced by the bank* ***J.P. Morgan*** *(later characterized as the '****Davison plan****' by Artaud, Morgan's associate's name). Its plan involved issuing bonds to sustain a short-term credit program that would serve to finance European imports. The US government was expected to subscribe 10% of these bonds, something to which it immediately objected. Furthermore, the French Treasury also reacted against it, partially because no agreement could be reached regarding how the resulting exchange-rate risk of the plan would be, nor about who would take responsibility.*"

[366] Richardson, Gary; Romero, Jessie. *The Meeting at Jekyll Island*. Note that among those attending the November 2010 "*secret gathering*" at the Jekyll Island Club, off the coast of Georgia, to write a plan to reform the nation's banking system, were Nelson Aldrich, A. Piatt Andrew, Henry Davison, Arthur Shelton, Frank Vanderlip and Paul Warburg.

> "*By the fall of 1910, Aldrich was persuaded of the necessity of a central bank for the United States. With Congress ready to begin meeting in just a few weeks, Aldrich -- most likely at Davison's suggestion -- decided to convene a small*

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group to help him synthesize all he had learned and write down a proposal to establish a central bank.

The group included Aldrich; his private secretary Arthur Shelton; Davison; [Piatt] Andrew (who by 1910 had been appointed assistant ***Treasury secretary****);* ***Frank Vanderlip****, president of National City Bank and a* ***former Treasury official****; and Warburg.*

A member of the exclusive Jekyll Island Club, most likely J.P. Morgan, arranged for the group to use the club's facilities. Founded in 1886, the club's membership boasted elites such as ***Morgan****, Marshall Field, and William Kissam Vanderbilt I, whose mansion-sized 'cottages' dotted the island.* Munsey's Magazine *described it in 1904 as 'the richest, the most exclusive, the most inaccessible" club in the world.*'

As found on 9/29/18 at:
https://www.federalreservehistory.org/essays/jekyll_island_conference

Note also that others associated with the National City Bank of New York about the time of these significant banking changes in the United States were bank "*directors*": William Rockefeller, former U.S. Secretary of State Robert Bacon, former U.S. Secretary of the Treasury Charles Fairchild, and Jacob Schiff, a German businessman and American banking associate of fellow German-born Jews in American banking Abraham Kuhn and Solomon Loeb (Kuhn, Loeb & Company).

As found on 9/29/18 at: **http://www.smokershistory.com/NatlCity.html**

See also, Hudson, Peter. *The National City Bank of New York and Haiti, 1909-1922. Radical History Review*. (Issue 115; Winter, 2013), pp. 91-114.

"*In 1897, [James] Stillman [appointed bank president in 1891]established a foreign exchange department with agencies in Berlin, Hamburg, London, Paris, and Brussels and began participating in Wall Street syndicates floating foreign government loans. With Stillman's hiring of* ***Frank A. Vanderlip****, a former journalist and* ***ex-Assistant Secretary of the United States Treasury Department****, in 1901, National City's international vision took on a more focused and organized form. Vanderlip, appointed as National City President in 1909, separated the ownership of National City from its management and appointed a team of bureaucrats (Roger Farnham among them) whose portfolios were the differentiated units of the bank's increasingly specialized operations. After 1913, when the Federal Reserve Act allowed national banking associations capitalized at more than $1 million to establish overseas branches, Vanderlip spurred a massive push into the foreign field, establishing an extensive branch network in the Caribbean, South America, and Asia.*

However, before 1913, Vanderlip initiated a series of tentative, often unsuccessful forays overseas, largely into the Caribbean and Central America and mostly ignored by historians. In 1904, Vanderlip considered establishing a bank in the newly sovereign Republic of Panama in anticipation of the revenue that would flow from Washington toward the isthmus during the building of the Panama Canal. National City's efforts were stymied by the comptroller's refusal to extend the National Bank Act to US foreign territories, colonies, and dependencies. Two years later, Vanderlip considered participating in a syndicate with the Deutsche

the economies of other nations, "*[r]epressive violence emerged as [the] only purpose and logic*" for such an "*occupation*." **[367]**

> *Bank and Speyer and Company for the development of a new bank in Mexico, but the venture never got off the ground.*
>
> *He had conversations with both W. R. Grace and Company and J. P. Morgan regarding the possibility of jointly establishing a South American bank; at one point they considered* ***former Secretary of State Robert Bacon*** *as its head,* ***a plan of which President Taft approved****. He kept an eye on the International Banking Corporation, an institution that had been chartered in 1902 for the sole purpose of creating a branch bank network to aid in US foreign commerce. A National City Bank vice president proposed to Vanderlip that they could solve their overseas branch problem by buying wholesale the Bank of Nova Scotia, a Canadian institution founded in 1832 that had a modest chain of branches in the British West Indies, Puerto Rico, and Cuba. None of these schemes led anywhere. …"*

See also, Hudson, Peter James. Bankers and Empire: How Wall Street Colonized the Caribbean as found on 9/23/18 at:
https://books.google.com/books?id=hgF2DgAAQBAJ&pg=PA88&lpg=PA88&dq=%22Vanderlip+initiated+a+series+of+tentative,+often+unsuccessful+forays+overseas,+largely+into+the&source=bl&ots=L7VoON-pHD&sig=gYI4EI6ux0TzKBUaJs-HHaCQd0c&hl=en&sa=X&ved=2ahUKEwjfivCK99HdAhVV_oMKHVuJDUYQ6AEwAHoECAEQAQ#v=onepage&q=%22Vanderlip%20initiated%20a%20series%20of%20tentative%2C%20often%20unsuccessful%20forays%20overseas%2C%20largely%20into%20the&f=false

[367] Hudson, *Id.* pp. 91–92.

> "*James Weldon Johnson boarded a Port-au-Prince-bound steamship at New York City on February 27, 1920, tasked by the National Association for the Advancement of Colored People to investigate conditions in Haiti under US military rule. He returned to the United States in May and in August and September published his findings in the Nation as the four-part report 'Self-Determining Haiti.' Johnson's assessment of the US occupation (1915–1934), by then in its fifth year, was searing. He described how Haiti's political classes were muzzled, how its assembly was deprived of power, and how its economy was wrested away from Haitian control. Martial law reigned, and press censorship was the order of the day. Haiti's elites were embittered by the humiliating historical interruption of the republic's hard-fought struggle for independence, while its peasant majority carried the bloody weight of the US 'pacification' campaigns. US marines, rum-drunk, bragged to Johnson of torturing and murdering Haitian peasants. Hunting Cacos, the Haitian guerillas who waged a military campaign against the United States, became a 'sport' for the Marines while, in 1919, Caco leader and Haitian patriot Charlemagne Peralte was betrayed through 'deceit and trickery' and assassinated in cold blood. In all, Johnson alleged, some three thousand Haitians were killed in the first five years of occupation.* ***Ostensibly initiated on humane grounds, the occupation had not fulfilled any of its stated goals of building infrastructure, expanding education, or providing internal or regional stability. Repressive violence emerged as its only purpose and logic. ...***

As previously stated, the "*Bretton Woods Agreement Act*," (H.R. 3314; 59 Stat. 512 [368] codified as *22 U.S.C. § 286 et seq.*) established the **International Monetary Fund** ("Fund")[369] and the **International Bank for Reconstruction and Development** ("*World Bank*" or "*Bank*"). The Assistant Secretary of the (United States) Treasury Henry Dexter White, being prior to that the Treasury Director of Monetary Research, managed the operations of the Exchange Stabilization Fund ("ESF") and acted as the liaison between the Treasury and the State Department on all matters having a bearing on foreign relations. White was also the designer of the original model for the International Monetary Fund ("IMF"). [370] White and his post-WWII British counterpart,

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> *[Johnson] argued that National City exercised a force in Haiti that, 'because of its deep and varied radications,' was 'more powerful though less obvious, and more sinister' than the power of the State Department bureaucracy or the Marines. The National City Bank, he claimed, was 'constantly working to bring about a condition more suitable and profitable for itself' by forcing the appointment of a financial adviser and a receiver general who dictated how government revenue was collected and dispersed, by monopolizing access to credit and the importation of specie, by foisting a $30 million loan on the country, and by consolidating control of Haiti's government bank, the Banque Nationale de la République d'Haïti (BNRH). Through these measures, National City tried to effect 'a strangle hold on the financial life' of Haiti. Behind this control and, ultimately, behind the US occupation, was the figure of Roger Farnham. Farnham, wrote Johnson, was the point person for both the bank and the State Department in Haitian affairs and 'was effectively instrumental in bringing about American intervention in Haiti.'*

[368] For a copy, see as found on 9/29/18 at:
http://uncommonconsultant.com/freedocs/statutes/59s512.pdf

[369] Black's Law Dictionary, 6th ed. (p.816) defines the "*International Monetary Fund*" as an "***[a]gency of United Nations** established to stabilize international exchange and promote balanced international trade*." As found on 9/29/18 at:
http://www.republicsg.info/dictionaries/1990_black's-law-dictionary-edition-6.pdf

Note also the addresses below for the United Nations, the IMF, and the World Bank:

- United Nations (Headquarters) – 405 East 42nd Street, New York, NY, 10017 – As a matter of significant notation, **20 CFR, § 422.103(b)(2)**, pertaining to "*Social Security Numbers*" issued by the Social Security Administration, **refers to New York City as a "*State*,"** along with the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands; yet, 20 CFR, § 616.6, still lists all of the same with the addition of the "States of the United States of America" to the exclusion of New York City. (Title 20 deals with "*Employees' Benefits*" and Section 616 refers to "*Interstate Arrangement for Combining Employment and Wages*".)
- IMF (Headquarters 1) - 700 19th Street, N.W., Washington, D.C. 20431
  (Headquarters 2) - 1900 Pennsylvania Ave NW, Washington, DC, 20431
- International Bank for Reconstruction and Development ("*World Bank*") –
  1818 H Street, NW Washington, DC" 20433

[370] Schwartz, *supra*; see p. 136 (*footnotes*) and p. 140.

John Maynard Keynes ("*1st Baron Keynes*"), [371] envisioned the IMF as taking the lead role in short-term stabilization loans, with the World Bank taking the primary responsibility for long-term development financing.[372] Like the League of Nations economic reform and loaning system of "*League Loans*" in the 1920s, which the United States never officially joined in membership despite J.P. Morgan and other banks involvement, the "*plan*" pushed by the United States involving the Federal Reserve and the Bank of England created a central weakness that eventually led to the inevitable collapse of the Bretton Woods arrangement.[373]

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[371] Keynes was British economist whose spearheaded a revolution of fundamental change to the theory and practice of macroeconomics and the economic policies of governments during the Great Depression of the 1930's. Among other things, he was also the Director of the Bank of England. He received his title "*Baron Keynes*" (or "*Lord Keynes*") when he took his seat in the *House of Lords*.

[372] Chwieroth, Jeffrey. International Liquidity Provision: *The IMF and the World Bank in the Treasury and Marshall Systems, 1942–1957*. [Originally published in: Andrews, David M., (ed.) Orderly change: international monetary relations since Bretton Woods. Cornell University Press: Ithaca, USA 2008, pp.52–77]. *See* p.73 and p.79.

> "*[White and Keynes] envisioned the Bank as a provider of long-term stabilization loans and general purpose balance-of-payments financing. However, inter-agency rivalries within the U.S. government, as well as disagreements between U.S. government officials and other delegations at the Bretton Woods conference, produced a significantly watered down version of Keynes and White's shared vision. Instead of explicit powers to provide liquidity, the Bank was left with a rather ambiguous mandate*."

As found on 9/29/18 at:
http://eprints.lse.ac.uk/22257/1/International_liquidity_provision_(LSERO).pdf

[373] Levi, Maurice. *International Finance: The Markets and Financial Management of Multinational Business*, (2nd edition). McGraw-Hill Publishing Company. (1990).

> "*The International Monetary Fund (IMF) was established to collect and allocate reserve in order to implement the Articles of Agreement signed at Bretton Woods. ... The reserves were contributed by the member countries according to a quota system (since then many times revised) based on the national income and importance of grade in different countries. Of the original contribution, 25 percent was in gold – the so-called gold tranche position – and the remaining 75 percent was in the country's own currency. A country was allowed to borrow up to its gold-tranche contribution without IMF approval and an additional 100 percent in four steps, each with additional stringent conditions established by the IMF. These conditions were to ensure that corrective macroeconomics policy actions would be taken. ...*
>
> *[T]he most important feature of the Bretton Woods Agreement was the decision to have the U.S. dollar freely convertible into gold and to have the values of other currencies fixed in U.S. dollars. The exchange rates were to be maintained within 1 percent on either side of the official party, with intervention required at the support points. This required the United States to maintain a reserve of gold, and other countries to maintain a reserve of U.S. dollars. Because the initially selected exchange rates could have been incorrect for balance-of-payments*

Notably, the *Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1947* (AR-Treasury 1947) shows (on p.181) that in complying with the legislation of the Bretton Woods Agreement (1946) the President Harry Truman had nominated (and the Senate confirmed that same year) that Secretary of the Treasury Fred Vinson as the "*first United States Governor of the Bank and Fund*" with William Clayton (then Assistant Secretary of State) being named as the Alternate Governor (and with Harry Dexter White then being the Assistant Secretary of the Treasury).[374] The significance herein is that the legislation of the Bretton Woods Agreement Act specified that, Section 3(c), "*No person shall be entitled to receive any salary or other compensation from the United States for services as a governor, executive director, or alternate,"*[375] thus officially making the Secretary of the United States Treasury a ***foreign official*** under the employ of a foreign "*state*."

In comprehending the significance of the Secretary of the Treasury being under the direct employ of a foreign entity such as the IMF or the World Bank (IBRD), we might review Congress' definitions of the terms "*state*" and "*foreign state*" as follows:

> 28 U.S.C. §1338 – "*For purposes of this subsection, the term 'State' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.*"
>
> 28 U.S.C. §1603 – "*For purposes of this chapter –*

> *equilibrium, each country was allowed a revision of up to 10 percent within a year of the initial selection of the exchange rate. In the basic form the system survived until 1971.*
>
> *The central place of the U.S. dollar was viewed by John Maynard Kenes, who was the British representative at Bretton Woods, as a potential weakness. Keynes preferred an international settlement system based on a new currency unit – the Bancor. However, the U.S. plan was accepted, and it was not until the 1960s that the inevitable collapse of the Bretton Woods arrangement was recognized by a Yale economist, Robert Triffin. According to the Triffin paradox, in order for the stock of world reserves to grow along with world trade, the providers of reserves – primarily the United States but also Great Britain – must run balance-of-payment deficits. These deficits are the means by which other countries can accumulate dollar and pound reserves. Although the reserve-country deficits are needed, the more they occur, the more the holders of dollars (and pounds) will doubt the ability of the Federal Reserve (and Bank of England) to convert dollars (and pounds) into gold at the agreed price. This built-in paradox means that the system is doomed.*" (pp.504–506.)

[374] Found on 9/29/18 at:
http://www.constitution.org/uslaw/treas-rpt/fra/AR_TREASURY_1947.pdf
Found also at:
https://fraser.stlouisfed.org/files/docs/publications/treasar/AR_TREASURY_1947.pdf

[375] *See the previous footnote* for where this document can be found online.

> 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 (e) of this title, nor created under the laws of any third country.*"

While the claim can be made that a circular argument has been created by Congress including the word "*foreign state*" in the definition of "*foreign state*," what Congress provided further in Title 28 of the United States Code ("*Judiciary and Judicial Procedure*") is as follows with regard to "*Unsworn declarations under penalty of perjury*":

> 28 U.S.C. §1746 – *"Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:*
> *(1)* ***If executed without the United States:*** *"I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".*
> *(2)* ***If executed within the United States, its territories, possessions, or commonwealths:*** *"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".*

The "*one supreme*" Court has provided further clarification in its ruling of the *Slaughterhouse Cases*, 83 U.S. 16 Wall. 36 (1872) that the terms "*within*" and "*without*" the United States relative to taxation and commerce, refers to "*within or without*" the constitutional and legislative power of Congress to control or regulate, as embodied in the 13th and 14th Amendments. Here, the terms do not reference geographical and territorial borders; but instead refer to "*citizenship*" and the jurisdiction of Congress and the government of the "*United States*" to secure the rights of those citizens relative to "*foreign*" political "*legal persons*" and "*nations*."

In that context, the definition of "*within or without*" is similar to how 28 U.S.C. §1603 defines "*foreign state*," as *(1)* ***a separate legal person, corporate or otherwise****, (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 (e) of this title, nor created under the laws of any third country***."

Further clarification by Congress of what the "*Secretary of the Treasury*" is when paid by and/or performing services for a foreign "*legal person*" or "*nation*" is found in the United States Codes under Title 22 ("*Foreign Relations and Intercourse*") § 611 ("*Definitions*"):

> 22 U.S.C. § 611 – *As used in and for the purposes of this subchapter –*
> *(a) The term "person" includes an individual, partnership, association, corporation, organization, or any other combination of individuals;*
> *(b) The term "foreign principal" includes—*
> > *(1) a government of a foreign country and a foreign political party;*
> > *(2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and*
> > *(3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.*
> *(c) Except [1] as provided in subsection (d) of this section,* ***the term 'agent of a foreign principal' means –***
> > ***(1)any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person –***
> > > ***(i) engages within the United States in political activities for or in the interests of such foreign principal;***
> > > ***(ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;***
> > > ***(iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or***
> > > ***(iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States; and***
> > ***(2) any person who agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal as defined in clause (1) of this subsection.***

> *(d) The term 'agent of a foreign principal' does not include any news or press service or association....*
> *(e)* ***The term 'government of a foreign country' includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States;***
> ***(f) The term 'foreign political party' includes any organization or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof;*** *...*"

Defining the position of the Secretary of the Treasury as a "*governor of the [IMF] Fund*" and a "*governor of the [World] Bank*"[376] as characterized above might not be convincing enough to depict the Secretary as an *agent* of a *foreign state*. If not, then perhaps scrutinizing what Bloomberg lists as the "*people*" running this "*company*" of the "*United States Department of the Treasury*"[377] is enough. If that is still insufficient, then we should further consider the Secretary's actions in terms of engaging in IMF political activities as defined by the aforementioned definitions of Title 22 ("*Foreign Relations and Intercourse*") § 611.[378] Under such consideration, it might be no wonder that the United States' "*Exchange Stabilization Fund*" ("*ESF*") supporting

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[376] See again, "*Bretton Woods Agreement Act*," (H.R. 3314; 59 Stat. 512) as provided in a previous footnote. *See also*, Public Law 94-564 as "*An Act to provide for amendment to the Bretton Woods Agreement Act, and for other purposes*." As found on 9/29/18 at: **http://uscode.house.gov/statutes/pl/94/564.pdf**

See also, 22 U.S.C. § 286a ("*Appointments* – [to the IMF and IBRD]) as found on 9/29/18 at: **https://www.law.cornell.edu/uscode/text/22/286a**

[377] *See* the previous footnote showing that the Bloomberg list revealing that the "*company*" of the U.S. Department of Treasury is run "*by an 'Advisory Committee' and 'Treasury Board' that is heavily involved with and influenced by the insurance industry, and with international companies such as the American Insurance Group, Inc. ("AIG") that is inextricably linked to underlying civil and criminal claims of this instant case, and the security company operating in the Twin Towers about the time of the '9/11' terrorist event*."

[378] This includes the Secretary acting on behalf of the IMF "*as an agent, representative, employee, or servant, or any person*" who is "*directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal*;" or who "*represents the interests of such foreign principal before any agency or official of the Government of the United States*;" or who "*solicits, collects, disburses, or dispenses*

contributions, loans, money, or other things of value for or in the interest of such foreign principal." (*See* 22 USC § 611)

See also, Schwartz, *supra*, pp. 141-148.

"*The Treasury's immediate aim was to find ways to supplement ESF foreign currency balances. It did so first by* ***persuading*** *the G-10 countries to create a facility that would expand the IMF's ability to lend. The IMF held only about $1.5 billion in currencies other than dollars. The new facility, established in December 1961, was the General Arrangements to Borrow (GAB), which provided the IMF with a $6 billion line of credit from central banks in surplus to assist countries in deficit, in particular, the United States. The U.S. quota in the IMF was nearly $6 billion, so it could not draw enough to meet its reserve needs; the GAB was intended to serve as a supplementary source of liquidity for the United States. The IMF would sell to the United States for dollars foreign convertible currencies borrowed from other countries. These currencies would enable the United States to buy up dollars offered in the market and to redeem dollars foreign central banks did not want to hold, thus maintaining U.S. monetary gold reserves.*

The Treasury next persuaded the Federal Reserve to serve as its partner in exchange market intervention. So begins the second period of ESF intervention operations. ..."

and underwriting IMF activities[379] was held to such a high level of secrecy.[380]

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[379] Research shows that the IMF activities may more likely have long been doing more harm than good, or at least are "*an expensive [and] unjust solution*" to the financial problems of the nations of the world. *See, for instances*:

- Eires, Ana. *IMF and World Bank Intervention: A Problem, Not a Solution*. The Heritage Foundation (Center for International Trade and Economics). September 17, 2003.

> "*An examination of the record of IMF and World Bank performance in developing countries shows that, far from being the solution to global economic instability and poverty, these two international institutions are a major problem. For one thing, their lending practice deters growth because the money they loan removes incentives for governments to advance economic freedom, and breeds corruption. For these reasons, the vast majority of recipient countries have been unable to develop fully after depending on these institutions for over 40 years.*"

As found on 9/28/18 at: **http://www.heritage.org/monetary-policy/report/imf-and-world-bank-intervention-problem-not-solution**

- Vasquez, Ian. *Why the IMF Should Not Intervene*. Cato Institute. February 25, 1998 (from a speech).

> "*The U.S. Congress plays a large role in determining the scale of the IMF's influence on the world economy. An increasing number of prominent economists are now calling for an end to IMF bailouts and even its abolition, something to which U.S. congressmen are paying attention. Because the Fund creates moral hazard, causes more harm than good once a crisis does erupt, and undermines superior market solutions, the United States and other major donors should reject further funding for the IMF and in that way vote for a more stable and free global economy. That would send a signal to the world that the Fund's resources are not, in fact, unlimited. Beyond that, wealthy nations should further help the world's poor by dismantling the IMF altogether.*"

As found on 9/29/18 at: **https://www.cato.org/publications/speeches/why-imf-should-not-intervene**

[380] Schwartz, *supra*, pp.137, 139.

> *The [ESF] fund was conceived to operate in secrecy under the exclusive control of the Secretary of the Treasury, with the approval of the President, 'whose decisions shall be final and not subject to review by any other officer of the United States' (PL 87-73, sec. 10(b)). The intention was to cloak foreign exchange market intervention. However, the Secretary of the Treasury was willing to reveal information on stabilization loans to favored countries that the ESF negotiated—loans that had no mandate in the statute yet essentially created a foreign affairs role for the Treasury.*
>
> *The secrecy promoted two objectives. One was to conceal from the public and Congress the exchange rates at which foreign currencies were bought and sold, particularly if they involved losses. A second objective was to permit the Treasury,*

The concerns about the United States Department of the Treasury's *Secretary of the Treasury* being under the employ of the "*foreign legal entity*" known as the IMF are justified by multiple important streams of facts.

The first set of facts, as alluded to above, revolve around the fact that the IMF is "*required to function as an independent international organization*"[381] not subject to the constitutional *federal* bounds of "*Congress assembled*," and not even within the jurisdictional bounds of the *de facto* "*National*" Congress. Yet despite that "*independent*" international status,[382] there is a clear comingling of international financial resources, information, publications, statistical services, and reports, the shared agreements on international "*responsibilities*" and on the limitations of "*safeguarding of confidential material*," and the collusion of meeting agenda items, the accepted influence of the UN's "*Trusteeship Council*"[383] and that of the *International Court of Justice*,[384] and the "*coordination*" of administrative functions to additionally include international travel by the IMF members under the "*right*" to use the *laissez-passer* of the United Nations[385] issued

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> *if it so desired, to conceal information about any other operations the ESF might undertake. The ESF in any event could base the secrecy of its operations on the British Exchange Equalisation Account (EEA), formally initiated July 1, 1932. It was described as 'an anonymous and secret body whose actions are not open to continuous scrutiny and criticism.' ...*
>
> *The secrecy of ESF operations was breached in June 1935, when the franc was under attack and the president of the French central bank publicly thanked Morgenthau for the ESF purchase of francs, much to Morgenthau's embarrassment.*" (citations omitted)

[381] See Section A, Article I, Clause 2 of the "*Agreement Between the United Nations and the International Monetary Fund* (as updated as of February 29, 2016)" as found on 9/26/18 at: **https://www.imf.org/external/SelectedDecisions/Description.aspx?decision=DN5**

[382] This implies a "*status*" of an independent "*sovereignty*" as would be afforded under the *Law of Nations*, placing "*members*" of the IMF under the corporate "*Charter*" of the United Nations.

[383] Encyclopedia Britannica – *Trusteeship Council*: "*[O]ne of the principal organs of the United Nations (UN), designed to supervise the government of trust territories and to lead them to self-government or independence. The council originally consisted of states administering trust territories, permanent members of the Security Council that did not administer trust territories, and other members elected by the General Assembly.* As found on 9/29/18 at: **https://www.britannica.com/topic/Trusteeship-Council**

[384] As the *League of Nation* was dissolved and resurrected under a new "*charter*" as the *United Nations* around 1945, the *International Court of Justice* was resurrected from the remnants of its predecessor of the *Permanent Court of International Justice*." See more as found on 9/29/18 at: **http://www.icj-cij.org/en/history**

[385] See Wikipedia: "*A United Nations laissez-passer (UNLP or LP) is a travel document issued by the United Nations under the provisions of Article VIII of the 1946 Convention on the Privileges and Immunities of the United Nations in its offices in New York and Geneva, as well as by the International Labour Organization (ILO). As of 30 April 2010 there were 35,577 UNLPs outstanding. The UNLP is issued to UN and ILO staff as well as staff members of international organizations such as the WHO, the IAEA, the World Tourism Organization, the Comprehensive Nuclear-Test-Ban Treaty Organization Preparatory Commission, the Organization for the*

under the United Nations Charter (i.e., a foreign "*Constitution*"), which makes the United Nations and the IMF (and its members) "*inextricably intertwined*."[386]

The second set of facts leading to concerns about the United States Department of the Treasury's Secretary of the Treasury being under the employ of the "*foreign legal entity*" known as the IMF pertain to the very same Secretary of the Treasury being the administrative overseer of America's "*Social Security*"[387] and "*Internal Revenue*"[388] systems.

Prohibition of Chemical Weapons (OPCW), the World Trade Organization, the International Monetary Fund, and the World Bank. The document is written in English and French." As found on 9/29/18 at:
https://en.wikipedia.org/wiki/United_Nations_laissez-passer

[386] As a general definition, "*inextricable*" (adj.) is to mean: 1. "*from which one cannot extricate oneself; 2. incapable of being disentangled, undone, loosed, or solved; 3. hopelessly intricate, involved or perplexing*."
(See **http://www.dictionary.com/browse/inextricable**) According to Quinbee, "*inextricably intertwined*" is a legal doctrine, as it concerns criminal prosecutions, means "*[e]vidence of other acts that is admissible because it is either (1) evidence that forms part of the transaction that serves as the basis for the criminal charge; or (2) evidence necessary for the prosecution to offer a coherent narrative regarding the commission of the crime.* (See **https://www.quimbee.com/keyterms/inextricably-intertwined-evidence**)

[387] See the "*Legislative History*" of the Social Security system beginning with the "*Social Security Act of 1935*" (H.R.–7260) which places the Secretary of the Treasury in charge of all of the welfare "*trust*" funds and "*grants*" administered by the U.S. Department of the Treasury (e.g., as initially organized as the *Unemployment Trust Fund*, *Grants to States for Old-Age Assistance*, *Grants to States for Unemployment Compensation Administration Appropriation*, *Grants to States for Aid to Dependent Children Appropriation*, *Grants to States for Maternal and Child Welfare*, *Grants to States for Aid to the Blind Appropriation*, etc.)
As found on 9/29/18 at: **https://www.ssa.gov/history/35act.html**
See also, "*Research Note #20: The Social Security Trust Funds and the Federal Budget*," an "*Agency History*" document archived by the Social Security Administration under "*Research Notes & Special Studies by the Historian's Office*." This document, besides blatantly referring to the "*accounts*" and "*grants*" as "*Social Security Trust Funds*," that the **Secretary of the Treasury** is "*in any case*" the "*Managing Trustee*" and the designated "*investing official*" that is "*investing*" and administrating the "*funds*" associated with the Social Security budgets.
As found on 9/29/18 at: **https://www.ssa.gov/history/BudgetTreatment.html**

[388] *See* the *United States Statutes at Large* (*Containing the Laws and the Current Resolutions Enacted During the First Session of the Seventy-Sixth Congress of the United States of America 1939 and Treaties, International Agreements Other Than Treaties, and Proclamations Compiled, Indexed and Published by Authority of Law Under the Secretary of State*) *Volume 53, Part I, Internal Revenue Code* (*Approved February 10, 1939*). Note that *Part III* ("*General Provisions*"), *Section 1420* ("*Collection and Payment of Taxes*") (a) ("*Administration*") specifies, ***"The taxes imposed by this subchapter shall be collected by the Bureau of Internal Revenue under the direction of the Secretary and shall be paid into the Treasury of the United States as internal-revenue collections."*** As found on 9/29/18 at:
https://www.givemeliberty.org/docs/TaxResearchCD/TaxActs/1939IRCode.pdf

The problem therein lay in more than a couple of alarming facts:

First, is the fact that since near its inception, the Social Security system, being powered by the U.S. Department of the Treasury, has been on a nationwide campaign to "*number*"[389] all newborn babies,[390] making them recipients of welfare "*benefits and privileges*" since birth;[391]

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[389] Note that national campaigns for enumerating the inhabitants of the United States is nothing new; and can, in fact, be traced all the way back to when "*Congress assembled*" passed "*An Act providing for the enumeration of the Inhabitants of the United States*" on March 1, 1790. As found on p.101–103 of the Statutes at Large (First Congress, Session II, Ch.2), accessed on 9/29/18 at: **https://www.loc.gov/law/help/statutes-at-large/1st-congress/c1.pdf**

[390] It is listed in the *Social Security Program Operations Manual System* (POMS) dated 2/26/14 under item number RM 10205.505 as the **"*Enumerated at Birth Process*."** Relevant aspects of that document describing this process [TN 9 (01-10)] include the following statements:

- *Enumeration at birth (EAB) is a program that allows parents to complete applications for SSNs for their newborns as part of the hospital birth registration process.*
- *About 96% of SSNs for infants are assigned through the EAB process. All 50 States, plus the jurisdictions of New York City, the District of Columbia, and Puerto Rico participate in EAB.*
- *RM 10205.505 through RM 10205.530 provide instructions regarding issues involved the with EAB process.*
- ***How It Works:***
    - *RM 10205.505 through RM 10205.530 provide instructions regarding issues involved the with EAB process.*
    - *Hospitals collect the data necessary for enumeration and send it to their State vital records agencies (in some jurisdictions, through county or local vital records agencies), which then transmit the information to SSA.*
    - *All parents applying for an SSN as part of the birth registration process receive Form SSA-2853 (Message from Social Security), which serves as a **receipt** for the SSN application via EAB.*
      NOTE: EAB is voluntary for parents and hospitals.
- *EAB is a convenient service option for **parents who need an SSN for their child**. It saves the parent time gathering the necessary proofs, completing an SS-5 application, and visiting or mailing original documents to an SSA field office (FO) for processing.*

As found on 9/29/18 at: **https://secure.ssa.gov/poms.nsf/lnx/0110205505**

Note also that the written policy the "*RM 10205.500 Form SSA-2853, Enumeration at Birth (EAB) Receipt*" that goes back to the parents of the child newly applying for a SSN was found online on 9/29/18 at:

http://policy.ssa.gov/poms.nsf/lnx/0110205500

See also, "*Report to Congress on Options for Enhancing the Social Security Card*," a "*Reports and Studies*" document archived by the Social Security Administration under "*Appendix A: Legislative Language*." This document proclaims that in 1987...

> "*...[the]* ***SSA initiated a demonstration project on August 17 in the State of New Mexico enabling parents to obtain SSNs for their newborn infants automatically when the infant's birth is registered by the State.***

and thus, commanding their dutiful contributions into that very same system throughout their lives through the Secretary's "*collection agents*" as private "*employers*."[392] Over the past

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> ***The program was expanded nationwide beginning in 1989.*** *Currently, all 50 States participate in the 'Enumeration at Birth' program, as well as New York City, Washington, D.C., and Puerto Rico. ... [except] The Virgin Islands, Northern Mariana Islands, Guam and American Samoa do not have automated birth registration. ...*"

As found on 9/29/18 at: **https://www.ssa.gov/history/reports/ssnreportap.html**

[391] As depicted above in footnotes, registering in the Social Security system is technically "*voluntary*" (i.e., this is despite that there are increasing numbers of reports of hospital personnel and State Child Protective Services employees threatening the parents to keep their child if they do not register their child in the Social Security system through the "EAB" process at birth.) This author/researcher, David Schied, has received information firsthand from one Michigan couple about the experiences they had both at the hospital the afterwards at their home when they refused to "*brand*" their child with a Social Security number at birth. The hospital attempted to keep their child while releasing the mother; and when that hurtle was overcome, the State's CPS agents were unlawfully attempting to force themselves into the couple's home to look for anything else they could use to take the child away. See another such story as headlined publicly by Daniel Jennings as "*Newborn Seized After 'Off-Grid' Parents Refuse Social Security Number*" as found on 9/29/18 at:
http://www.offthegridnews.com/current-events/newborn-seized-after-off-grid-parents-refuse-social-security-number/

[392] As shown above in footnotes, Social Security is a "*voluntary*" process, limited to those who are claiming a "*need*" for a Social Security number, despite the promotional appearance between big business (i.e., hospitals) and government (state and federal) of it being a compulsory process at birth, with SSNs being so prolifically used as an identifier by government and the private sector "*that it has become integral to most government functions as well as to private business transactions ranging from banking to video rental*." (This citation comes from the written "*Testimony of Mr. Martin Gerry*" on 6/19/06 (as found on 9/29/18 at:
https://www.judiciary.senate.gov/imo/media/doc/Gerry%20Testimony%20061906.pdf)

Notably in delivering his "*statement*" to the Senate Judiciary Committee's "*Subcommittee on Immigration, Border Security and **Citizenship***," Martin Gerry, being the Deputy Commissioner of the Office of Disability and Income Support Programs for the Social Security Administration, "*testified*" mostly about the importance that the Social Security Administration places upon verification of the authenticity of the application information used to obtain the Social Security card and the authenticity of the card itself. **He also elaborated upon the extent to which legislation has changed in recent decades to address fraud and the issuance of cards to the general population and immigrants in NEED of employment.** Further, he stated, "*Beginning in 1983, the Social Security Act required that SSN cards be made of banknote paper, and to the maximum extent practicable be a card that cannot be counterfeited. SSA worked with the **Bureau of Engraving and Printing**, the Government Printing Office, the Secret Service, and the Federal Bureau of Investigation to design a card that met these requirements*."

The above, thus, strongly suggests – again – that the United States (corporate) "*government,*" through an Act introduced just after the *Great Depression*, is securing the labor of its "*[federal 14th Amendment] citizens*" as *collateral* for the national debt by *taking*

numerous decades, this practice has also been modeled all over the world by members of the United Nations and the IMF[393] in a fashion that holds similarities to how the Nazi regime of Germany was numbering Jewish prisoners at the *Auschwitz* Concentration Camp Complex

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(i.e., "*hypothecating*") the unalienable rights of Americans to "*the pursuit of happiness*" (via their reaping the "*fruits*" of their own labor as *private property*) and converting that "*right to work*" into a "*privilege/benefit*" upon which taxes may then be levied and contributions may then be demanded into their government "*programs*" and "*grants*" system. This is a "*system*" which deceptively converts private (future) men and women, born into the States as "*State citizens*" into "*federal citizens*" from birth, being deemed to have voluntarily declared themselves in "*need*" of government protection, privileges, and benefits, as incapacitated "*wards*" and inept "*dependents*" of the federal government.

See also, *Federal Register, Vol. 55, No. 215*, pp. 46641–46786 (Government Printing Office), page 46666 which specifies, "*[A] social security number card will not be issued until satisfactory evidence of U.S. citizenship is furnished."* As found on 9/29/18 at:
https://www.gpo.gov/fdsys/pkg/FR-1990-11-06/pdf/FR-1990-11-06.pdf#page=24

Further note that although "*social security*" is conducted, as a matter of "*pattern and practice*" under an umbrella of "*taxation*," it is continually referred to in government legislation as a "*contribution*," underscoring the "*voluntary*" nature of this taxation method. See, for example, Section 1106 ("*Adjustments to Limitations on Contributions and Benefits Under Qualified Plans*") of Public Law 99-514 (100 Stat. 2085), located on p. 2420. As found on 9/29/18 at:
http://www.ucop.edu/research-policy-analysis-coordination/_files/Public%20Law%2099-514.pdf

[393] Bierman, Leonard; Fraser, Donald; Kolari, James. *The General Agreement on Tariffs and Trade: World Trade From a Market Perspective*. U. Pa. J. Int'l Econ. L. (Vol. 17:3), 1996. (*See* particularly, pp.821-826)

> "*On April 15, 1994, the contracting parties to the General Agreement on Tariffs and Trade ('GATT') finalized the 'Uruguay Round' of trade negotiations. ... There was considerable controversy in the U.S. Congress during 1994 regarding ratification of the Uruguay Round of the GATT. ... Concerns regarding congressional ratification of the Uruguay Round came from various sectors. ...* ***The most vociferous opposition to the agreement, however, focused on its creation of the WTO to regulate trade disputes, and the corresponding potential encroachment on U.S. legal 'sovereignty.'*** *An anti-ratification campaign entitled 'Save Our Sovereignty' was launched in May of 1994. This campaign enjoyed considerable success in convincing various legislators that the WTO and its dispute resolution process posed a major threat to the United States' ability to enforce and maintain its own laws.'"*
>
> What precipitated a resolve, (in part) was the fact that in August 1994, the newspapers reported that **the "*Clinton Administration and House Republicans had reached a compromise regarding the President's authority to link environmental and labor standards to trade agreements, thereby greatly enhancing prospects for the ratification of GATT.*"** As found on 9/29/18 at:
> **http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1478&context=jil**
>
> See also, the *Uruguay Round Agreements Act* as presented in Calendar No. 723 of the *Joint Report [Report No. 103-412] of the Committee on Finance [and] Committee on Agriculture,*

Nutrition and Forestry [and] Committee on Governmental Affairs of the United States Senate to Accompany S2467 (Nov, 1994), p.163, which reads as follows:

> "***Taxpayer Identification Numbers Required at Birth*** *((Section 742 of the Bill; Sections 32 and 6109 of the Code) – A taxpayer claiming an exemption for a dependent is required to provide a taxpayer identification number (TIN) on the tax return for any dependent who has attained the age of 1 as of the close of that taxable year (section 6109(e)). A parallel requirement applies to taxpayers with qualifying children claiming the earned income tax credit (EITC) (section 32(c)(3)(D)). An individual's TIN is, in general, that individual's social security number. ...* ***Explanation of Provision*** ***– Taxpayers claiming dependents must provide a TIN for each dependent, regardless of the dependent's age.*** *A parallel requirement applies to taxpayers with qualifying children claiming the EITC. Some taxpayers may encounter legitimate difficulties in obtaining a TIN within the timeframe necessary for filing a tax return (such as, for example, where a child is being adopted). It is anticipated that the IRS will provide reasonable administrative accommodation in these legitimate situations*."
>
> As found on 9/29/18 at:
> **https://books.google.com/books?id=EUcSAAAAIAAJ&pg=PP5&lpg=PP5&dq=Uruguay+Round+Agreements+Act+as+presented+in+Calendar+No.+723+of+the+Joint+Report+of+the+Committee+on+Finance&source=bl&ots=y-Ew_zJwgX&sig=DbeMhd_P7W7pcPgSaRDaHrzLHYo&hl=en&sa=X&ved=2ahUKEwiJzsDL0N7dAhWl6YMKHTETATAQ6AEwAHoECAkQAQ#v=onepage&q=Uruguay%20Round%20Agreements%20Act%20as%20presented%20in%20Calendar%20No.%20723%20of%20the%20Joint%20Report%20of%20the%20Committee%20on%20Finance&f=false**

See additionally Subtitle E of Section 742, Public Law 103-465 of the "*Uruguay Round Agreements Act*" as found on 9/29/18 at:
https://www.gpo.gov/fdsys/pkg/STATUTE-108/pdf/STATUTE-108-Pg4809.pdf

Note that while the "*Joint Report*" of the U.S. Senate committees had reasoned the above as being needed to "*further reduce the improper claiming of dependents*" on tax filings, the more likely basis may be connected to uniformity in measuring requirements between member nations of the GATT agreement. As was depicted by Bierman (*supra* as found *in this instant footnote*) companies and countries that exhibit the most competitiveness, as measured by the future reports of the World Trade Organization ("WTO") in terms of trade liberalization, receive the greatest benefits of the GATT agreement. Those reports rely heavily upon "*national output*" or "*Gross Domestic Product ('GDP') per capita*." These measurements also include the category of "*domestic savings*," which again, rely upon "*per capita*" (in relation to each person) for determining international levels of "*competitiveness*" between at least 40 different countries as "*signatory*" member "*States.*" (For more, *see* Bierman, *supra*, pp. 831–836.)

Note that the GATT agreement's focus upon measurements and rewards for "*competition*," as is predicated upon the free-market economics and modern capitalism [as founded upon Adam Smith's seminal book "*An Inquiry into the Nature and Causes of the Wealth of Nations*" (a.k.a. "*Wealth of Nations*")], such focus ignores the "*invisible hand*" of government influence upon "*a competition-based economy invariably leads to strategic corruption, power and wealth consolidation, social stratification, technological paralysis, labor abuse, and ultimately, a covert*

during the *Holocaust*.[394]

Second, although taxes and tax returns are paid by and received back by Americans with checks going to and from the Department of Treasury, the fact is that the *Internal Revenue **Service*** is not operating as one of the "*organizations*" listed in the "*federal codes*" as belonging to the U.S. Department of the Treasury.[395] Also, despite that the "*Internal Revenue Service*" is listed on the "*About*" page of the "*Organizational Structure*" of the "*Treasury*" as "*the largest of the Treasury's bureaus*"[396] there is no legislation whatsoever that can be found to legitimize such a claim.[397] In fact, what has been found instead by other researchers into the "*bureau*" of the

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form of government dictatorship." [From Peter Joseph's "*Zeitgeist: Addendum*," video, *supra* (timeline at around the 56:42-minute mark)].

[394] Krikorian, Mark. *Use What You Got: We already have a national ID-card system; now we should refine it*. Center for Immigration Studies. (June, 2010). In comparing the "*Real-ID*" and *Social Security* numbering systems with the nationwide system of State *driver's licenses*, this author concluded in 2010: "*Google 'national ID' with 'Nazi' and you get 50,000 hits.*" Found on 9/29/18 at: **https://cis.org/Use-What-You-Got-We-already-have-national-IDcard-system-now-we-should-refine-it**

[395] The United States Codes, Title 31 ("*Money and Finance*"), Subtitle I ("*General*"), Chapter 3 ("*Department of the Treasury*"), **Subchapter I ("*Organization*")** lists only the following official "*offices*," "*bureaus*," and "*services*" of the Treasury department: a) Bureau of Engraving and Printing; b) (Bureau of the) United States Mint; c) Federal Finance Bank; d) Fiscal Service; e) Office of the Comptroller of the Currency; f) United States Customs Service; g) Office of Thrift Supervision; h) Financial Crimes Enforcement Network; i) Office of Intelligence and Analysis; and j) Federal Insurance Office. A "*word search*" in each one of those code subsections reveal that the "*Internal Revenue Service*" is referenced only in 31 U.S.C. § 301(f)(2) which states only that, *"The President may appoint, by and with the advice and consent of the Senate, an Assistant General Counsel who shall be the Chief Counsel for the Internal Revenue Service. The Chief Counsel is the chief law officer for the Service and shall carry out duties and powers prescribed by the Secretary*." As found on 9/29/18 at:
https://www.law.cornell.edu/uscode/text/31/subtitle-I/chapter-3/subchapter-I
and at:
https://www.gpo.gov/fdsys/pkg/STATUTE-96/pdf/STATUTE-96-Pg877.pdf

Additionally note that under Title 31, Subtitle I, Chapter 3, **Subchapter II ("Administration")**, the "*Internal Revenue Service*" is also referred to only once, being in 31 U.S.C. § 713 ("*Audit of Internal Revenue Service and Bureau of Alcohol, Tobacco and Firearms*") – *See the link* immediately above this paragraph (on p.890).

[396] As found on 9/29/18 at:
https://www.treasury.gov/about/organizational-structure/bureaus/Pages/default.aspx

[397] There is a document provided by *Cracking the Code* author, Peter Hendrickson (*supra*) as posted on his website, "*LostHorizons.com*," being what appears to be an authentic letter from an Assistant U.S. Attorney ("AUSA") in Idaho dated 2001 which asserts that the Internal Revenue Service is indeed a "*bureau*" and cannot even be considered an "*executive agency*" as it is defined by 5 U.S.C. § 105 (i.e., *see*:
http://www.losthorizons.com/tax/Misunderstandings/irs_is_an_agency.htm)

"*internal revenue*" and it associated internal revenue "*service*" paints a completely different picture of the "IRS" being instead a "*foreign agency*."[398]

An "*executive department*" is defined as an independent government "*establishment*" or "*corporation*." In the above-referenced letter posted by Hendrickson, the AUSA refers to the Code of Federal Regulations (CFR) § 601.101(a), which indeed "*designates Internal Revenue Service as a bureau of the Department of the Treasury*." The concern herein is the fact that **the CFR is NOT law; it is procedure on how to implement the law.** It is supposed to emanate from and have correspondence with legislation, but in this case it appears that what falls behind the legislation of 31 U.S.C. § 1321 ("*Trust funds*") tells a completely different story. 31 U.S.C. § 1321(a)(2) is listed as the "*Philippine special fund (internal revenue)*" and 31 U.S.C. § 1321(a)(62) is listed as the "*Puerto Rico special fund (Internal Revenue)*." The reference therein to 5 U.S.C. § 301 simply states (in relevant part) that "*[t]he head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. ...*" As found on 9/29/18 at:
https://www.law.cornell.edu/uscode/text/31/1321
and the *Parallel Table of Authorities and Rules* that somehow associates 31 U.S.C. § 1321 with the Code of Federal Regulations (CFR) § 601.101(a) (found at: **https://www.law.cornell.edu/cfr/text/26/601.101**) specifically does not apply to 5 U.S.C. § 301, (which was found at: **https://www.law.cornell.edu/ptoa** **)**

The complexity of this circumstance is reflected in the case of *"(Nannie) Hancock v. (Roscoe L.) Egger*" referenced by the letter from the AUSA posted by Hendrickson. For anyone who reads that decision, it is easy to see that the judiciary offers no positive clues or affirmative answers to the "*elephant-in-the-room*" fact that **no legislation exists** establishing the Internal Revenue Service as a "*bureau*" of any government "*department*," including the Treasury (except what has been shown above as related to offshore "*trusts*" in the Philippines and Puerto Rico.) The "*Hancock v. Egger*" case was found on 9/29/18 at:
https://www.courtlistener.com/opinion/506691/nannie-hancock-v-roscoe-l-egger/

[398] See the research of Dan and Gail Meador (hereafter "Meador 3") titled, "*Who and What is the IRS?*" as cited and paraphrased below as it introduced, summarized and presented as second article written by Bill Cooper captioned, "*B.A.T.F. / IRS Criminal Fraud*" which is written from extractions of research conducted by Wayne Bentson. Cooper's article was originally presented as a CAJI ("*Citizens Agency for Joint Intelligence*") News Service "*Exclusive*." Both Meador's introduction and Cooper's story were found on 9/29/18 at:
https://www.1215.org/lawnotes/lawnotes/irshist.htm#cooper

Cooper article:

> "*The Bureau of Internal Revenue, and the alleged Internal Revenue Service were not created by Congress. These are not organizations or agencies of the Department of the Treasury or of the federal government. They appear to be operated through pure trusts administered by the Secretary of the Treasury (the Trustee). The Settler of the trust and the Beneficiary or Beneficiaries are Unknown. According to the law governing Trusts, the Information does not have to be revealed.*

The organization of the Department of the Treasury can be found in 31 United States Codes, Chapter 3, beginning on page 7. You will not find the Bureau of Internal Revenue, the Internal Revenue Service, The Secret Service, or the Bureau of Alcohol, Tobacco and Firearms listed. *We learned that the 'Bureau of Internal Revenue,' 'internal revenue,' 'Internal Revenue service,' 'internal revenue service,' 'Official Internal Revenue Service,' the 'Federal Alcohol Administration,' 'Director Alcohol Tobacco and Firearms Division,' and the 'Bureau of Alcohol Tobacco and Firearms' are one organization. We found this obfuscated.*

Philippine Trust #1 – In the last century, the United States acquired by conquest the territory of the Philippine Islands, Guam, and Puerto Rico. The Philippine Customs Administrative Act was passed by the Philippine Commission during the period from September 1, 1900 to August 31, 1902, to regulate trade with foreign countries and to create revenue in the form of duties, imposts, and excises. ***The act created the federal government's first trust fund called 'Trust fund #1," the Philippine special fund ('customs and duties"), 31 U.S.C. § 1321.*** *The act was administered under the general supervision and control of the Secretary of Finance and Justice*. [*See* the '*Acts of the Philippine Commission*' as found on 9/25/18 at:
https://archive.org/stream/actsphilippinec01unkngoog/actsphilippinec01unkngoog_djvu.tx]

Philippine Trust #2 (BUREAU OF INTERNAL REVENUE) – The Philippine Commission passed another act known as The Internal Revenue Law of Nineteen Hundred and Four [1904]. ***This Act created the Bureau of Internal Revenue and the federal government's second trust fund ('internal revenue'), 31 U.S.C. § 1321.*** *In the Act, Article 1, Section 2, we find,*

> *'There shall be established a Bureau of Internal Revenue, the chief officer of which Bureau shall be known as the Collector of Internal Revenue. He shall be appointed by the Civil Governor, with the advise and consent of the Philippine Commission, and shall receive a salary at the rate of eight thousand PESOS per annum. The Bureau of Internal Revenue shall belong to the Department of Finance and Justice.'*

And in Section 3, we find, 'The Collector of Internal Revenue, under the direction of the Secretary of Finance and Justice, shall have general superintendence of the assessment and collection of all taxed and excises imposed by this Act, or by any Act amendatory thereof, and shall perform such other duties as may be required by law.'"

Meador article:

"*[T]here was a significant gap in Cooper-Bentson research. At that point, they hadn't found origins of the Bureau of Internal Revenue ["BIR"], Puerto Rico. I document it in late 1998 even though I knew where to look when I read the Downs v. Bidwell decision in 1997. The first civil governor of Puerto Rico established five bureaus in the Puerto Rico Dept. of Treasury on May 1, 1900. The five bureaus were eventually to become the Bureau of Internal Revenue, Puerto Rico, predecessor to the* ***I****nternal* ***R****evenue* ***S****ervice ["IRS"].* ***The name change of BIR to***

IRS was in 1953 in advance of implementing the Internal Revenue Code of 1954, based on Reorganization Plan 26 of 1950 and Reorganization Plan 1 of 1952. *Early Puerto Rico legislation, beginning with the gubernatorial and executive committee acts of May 1900, are published in Senate Documents for the period, so it's just a matter of going through the publications to complete the merger history. Bentson and Cooper located origins of the Bureau of Internal Revenue, Philippines, and the Philippines special fund, in 1904 documents. The Philippines gained independence in 1946, leaving BIR, Puerto as the only Bureau of Internal Revenue that was legislatively created, and not by Congress at that. The first Puerto Rico legislature in 1901 legislatively enacted acts of May 1900.*

In 1934, Congress stipulated that the various special funds maintained by the Department of the Treasury would be known as trusts, i.e., Philippines Trusts 1 and 2, and Puerto Rico Trust 62, all three of which are still in the books in Title 31 of the United States Code.

In his article, ***Cooper cites the Federal Register and the Internal Revenue Manual acknowledgement that Congress never created a Bureau of Internal Revenue.*** *Someone else since located a Supreme Court decision where justices of the Supreme Court affirm that Congress never created a Bureau of Internal Revenue or Internal Revenue Service. Consequently, IRS has no lawful authority to enforce anything in the Union as Congress is charged with responsibility for establishing any government department or agency that the Constitution itself does not establish. ...*

In the historical account by the Commissioner of Internal Revenue published in the Federal Register and the Internal Revenue Manual, the Commissioner alleges that the Congress clearly intended to create a Bureau of Internal Revenue in 1862 legislation that established the office of the Commissioner of Internal Revenue. But reading the 1862 legislation reveals that there was no need for a Bureau of Internal Revenue or Internal Revenue Service. Congress established the offices of assessors and collectors, with one of each to be appointed for each revenue district. These offices were on the order of current U.S. Attorneys appointments. They were political patronage positions. The offices continue to exist until implementation of Reorganization Plan 26 of 1950. ...

[NOTE: Gail and I had just finished what we called the 'monster' tax index when someone sent the Cooper article via FAX shortly after it was published in September 1995. Our index went through the Internal Revenue Code section-by-section, listing regulations as they appear in the Parallel Table of Authorities and Rules, then we listed the regulation headings for the regulations. Because of our index, I was able to verify many of the references in the Cooper article without having to go to actual texts, and what I found was that many of Cooper-Bentson conclusions were verified by the index. ***Of particular importance, we found that there were no implementing regulations for 26 U.S.C. Section 7621, which authorizes the President to establish revenue districts. Consequently, there are no revenue districts in States of the Union.****] ...*

In order to understand what happened via the reorganization plans behind the current Internal Revenue Code, we need to review what happened with respect

to Prohibition. In 1933, the Twenty-First Amendment repealed the Eighteenth [Amendment]. However, Federal enforcement people continued to enforce state laws relating to alcohol to the point of the Constantine decision in December 1935. [See, U.S. v. Constantine, (1935), No. 40 as found on 11/5/17 at: **http://caselaw.findlaw.com/us-supreme-court/296/287.html**] *In the decision, the Supreme Court said that* ***once the Eighteenth Amendment was repealed, State and Federal enforcement ceased to have concurrent jurisdiction for enforcement of alcohol-related laws as the Eighteenth Amendment contained the grant of authority. Once it was repealed, concurrent jurisdiction was repealed.***

Until summer 1935, the Feds had operated on the Alcohol Administration Act of 1926. That was replaced by the Federal Alcohol Administration Act of 1935, enacted that several months in advance of the Constantine decision. In the wake of the Constantine decision, a director was appointed, but the Federal Alcohol Administration wasn't established to administer the Alcohol Administration Act. Via Reorganization Plan 3 of 1940, administration of the Federal Alcohol Administration Act was transferred to the Bureau of Internal Revenue, predecessor of the Internal Revenue Service.

As the Cooper article suggests, ***BIR, Puerto Rico and/or BIR, Philippines had already encroached into States of the Union via China Trade Act legislation, which implemented maritime (customs) laws relating to trade in opium, cocaine and citric wines. The first drug-related law was passed in 1914, then with the 1918 amendment, the Feds began to enforce drug laws in the several States.***

The timing was ideal. There was significant political mobilization responsible for the Eighteenth Amendment and alcohol prohibition, so the Feds took advantage of empathy for purging any kind of intoxicating substance. In his letter supporting the 1940 Reorganization Plan, Roosevelt said that BIR had been enforcing provisions of the Federal Alcohol Administration Act, anyway, so the transfer of responsibility didn't effect significant change. …

Here are [the] relevant questions: Does the executive branch have legislative authority? Can the President unilaterally repeal law once it has been formally enacted by Congress?

Via Reorganization Plan 3 of 1940, Roosevelt assigned duties of the Federal Alcohol Administration to the BIR, thereby abandoning the agency Congress established. Then via Reorganization Plan 26 of 1950, Truman effectively terminated the offices of assessor and collector Congress established in 1862. In other words, after the Supreme Court determined that Federal enforcement agencies had no authority to enforce state alcohol law in the several States, administration of the Federal Alcohol Administration Act was moved under the authority of the Bureau of Internal Revenue, Puerto Rico for administration in insular possessions of the United States. By law, BIR, Puerto Rico could not be exercised in the Union, but since State governments were willing to accommodate Federal encroachment in return for whatever financial incentives Federal government provided [under the guise of 'Cooperative Federalism'], the fraud was and has generally been accommodated [by the States]. The scheme worked well enough that in 1950, Truman followed the

> ***Roosevelt lead by authorizing BIR, [i.e., IRS administration of Federal income tax law]. But the geographical application remains the same, limited to the District of Columbia insular possessions of the United States.***
>
> *Through their gross income 'source' research, Tupper Sausie, Thurston Bell, Larken Rose, and various others have documented that* ***the American people*** *in general are liable for Federal income tax, but* ***are liable only on income from foreign sources and insular possessions of the United States.*** *These conclusions reinforce and are consistent with my research and research by Bentson and Cooper. With enactment of the Internal Revenue Code of 1954, via Truman executive orders, the offices of assessor and collector of internal revenue were terminated, and administration of the Internal Revenue Code, by appearance was turned over to the Internal Revenue Service, an agency of the Department of the Treasury, Puerto Rico.*"

POSTSCRIPT NOTE #1 by the instant author of this "*Amicus in Treatise*...", David Schied: **At the bottom of the aforementioned webpage of the Department of the Treasury captioned "*About*" (the "*Organizational Structure*" of the "*Treasury*") reads,**

> ***"Effective in 2003, the Bureaus of Alcohol, Tobacco and Firearms (ATF), Federal Law Enforcement Training Center (FLETC), U.S. Customs, and the United States Secret Service (USSS) are no longer Bureaus of the Department of the Treasury. On July 21, 2011, the Office of Thrift Supervision became part of the Office of the Comptroller of the Currency; visit OCC Community Reinvestment Act for current information."***

(*See again*, as found on 9/29/18 at:
https://home.treasury.gov/about/bureaus)

POSTSCRIPT NOTE #2 by the instant author of this "*Amicus in Treatise*...", David Schied:

In opposition to the above research by *Meador, et al*, and so as to support the contrary assertion (as predicated upon the aforementioned letter from an Assistant U.S. Attorney in Idaho dated 2001 which asserts) that the Internal Revenue Service **IS** indeed a "*bureau*" or "*agency*" of the United States, as it is defined by 5 U.S.C. § 105 , the *Cracking the Code* author, **Pete Hendrickson, has publicly provided another series of documents (in PDF document format) through his website (*LostHorizons.com*).** Hendrickson's PDF document was found on 9/29/18 at:
http://losthorizons.com/Documents/IRSAgencyStatHistory.pdf. After reading it, I responsively wrote back to Mr. Hendrickson in the following texts, which he has declined to address in follow-up when I asked him to "*provide me with the legislation or federal code that formally 'established the Internal Revenue SERVICE' as a bureau of the Department of the Treasury*". I based my question on the following:

1) "*Page 13 (of Hendrickson's PDF) references a Bureau of Internal Revenue but no legislation that establishes such a 'Bureau.' Instead, it alludes to it being located in the District of Columbia (a corporate 'state') not in the U.S. Department of the Treasury. That reference still does not make the distinction between the 'Bureau' and the 'Service.'*"
2) "*Page 14 (of Hendrickson's PDF) references 'internal-revenue service' being 'engaged WITH the Bureau of Internal Revenue in the District of Columbia' indicating that these two separate entities (and with the former not even being a proper noun).*"

As a matter of additional concern (i.e., about the United States Department of the Treasury's Secretary of the Treasury being under the employ of the "*foreign legal entity*" known as the IMF pertaining to the very same Secretary of the Treasury being the administrative overseer of America's "*Social Security*" and "*Internal Revenue*" systems), the Internal Revenue Service, as referenced in the United States Codes (Title 26 as the "*Internal Revenue Code*")[399], is shown in 26 U.S.C. § 9601 ("*Transfer of Amounts*") and 26 U.S.C. § 9602 ("*Management of Trust Funds*"), to be transferring regular amounts of money from the "*general*" fund of the U.S. Treasury by the Secretary of the Treasury into a list of Trust Funds (Chapter 98),[400] a *Coal*

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3) "*Again, on page 16 (of Hendrickson's PDF), there is the same distinction of difference made with the 'internal revenue service' (no hyphen) still in all lower case. Why?"*
4) "*Page 19 (of Hendrickson's PDF) again references the 'internal revenue service' (lower case) relative to traveling outside of the District of Columbia, as if that is supposed to be their primary stomping ground.*"
5) "*Page 20 (of Hendrickson's PDF) references the 'Internal Revenue' as an entity, but only to the extent of having the 'Assistant General Counsel' serving also as the 'Chief Legal Counsel of the' IRS.*"
6) "*Page 21 (of Hendrickson's PDF) shows the 'employees' and the 'officers' of the (capitalized) IRS are subject to bonding, and that the premiums of such bonds may be paid from 'appropriations for expenses' of the IRS...as if the IRS is a SEPARATE contractor.*"
7) "*Page 22 (of Hendrickson's PDF) references an 'Internal Revenue Oversight Board' kinda' like the Federal Reserve Board (private entity) with the power to 'invalidate the actions and AUTHORITY of the Internal Revenue Service;' again, as if the SERVICE is a foreign entity separate from the Treasury.*"

Pete Hendrickson's document containing a cover page to his research which at the top reads "*The Law Establishing the IRS*" references a "*flow-chart*" of bulleted items representing the basis of his research presented in that PDF file. Note that the comparative research between Hendrickson's references and those provided by Meador, *et al* is far beyond the scope of this "*Amicus in Treatise...*"

[399] **Notably, there is underscored within the context of "*Title 26*" – being found in 26 U.S.C. § 7806 – a clearly written public "*disclaimer*" stating essentially that no portion of the descriptive matter, including the contents of Title 26 or anything associated with it such as notes and tables or even the "*title*" itself, is to infer any type of "*legislative construction*" or intent by Congress for what is written therein to be considered as having any "*legal*" effect whatsoever.**

[400] The list of "*trust funds*" found at Chapter 98 (Subchapter A) include the following; "'*Black Lung Disability Trust Fund*' (§ 9501); '*Airport and Airway Trust Fund*' (§ 9502); '*Highway Trust Fund*' (§ 9503); '*Sport Fish Restoration and Boating Trust Fund*' (§ 9504); '*Harbor Maintenance Trust Fund*' (§ 9505); '*Inland Waterways Trust Fund*' (§ 9506); '*Hazardous Substance Superfund*' (§ 9507); '*Leaking Underground Storage Tank Trust Fund*' (§ 9508); '*Oil Spill Liability Trust Fund*' (§ 9509); '*Vaccine Injury Compensation Trust Fund*' (§ 9510); '*Patient-Centered Outcomes Research Trust Fund*'" (§ 9511). As found on 9/29/18 at:
https://www.law.cornell.edu/uscode/text/26/subtitle-I/chapter-98/subchapter-A

Industry Health Benefits (trust fund),[401] and the *Presidential Election Campaign Fund* (Chapters 95 and 96 – see specifically 26 U.S.C. § 9006).[402]

While it may not be so alarming to some ***p****eople* ("*99%-ers*") that above-referenced trust funds and federal insurance have been set up under the auspices of being for the "*general Welfare of the United States*"[403] as authorized in the U.S. Constitution (Article I, Section 8 as the "*General Welfare Clause*"),[404] what is alarming is that the "*Social Security*" system has been set up and

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[401] Government funding and/or subsidizing of this health insurance program under this legislation is provided to the *United Mine Workers of America Combined Benefit Fund* by the Treasury providing the "*trustees*" of this fund with a tax-exempt status for this fund. *See* 26 U.S. Code § 9702 "*Establishment of the United Mine Workers of America Combined Benefit Fund*" as found on **9/29/18** at: **https://www.law.cornell.edu/uscode/text/26/9702**

[402] *See* 26 U.S.C. Chapter 95 as found on 9/29/18 at:
https://www.law.cornell.edu/uscode/text/26/subtitle-H/chapter-95

[403] Natelson, *supra*. *The Constitution and the Public Trust*. (pp.1169–1170):

> "*The General Welfare Clause: The Constitution grants Congress the 'Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the Common Defence and general Welfare of the United States.' Some commentators have interpreted this provision as granting open-ended power to Congress to legislate for whatever it deems the 'general welfare.' The Supreme Court, while rejecting this position, has ruled that the Clause grants Congress open-ended authority to spend for what Congress deems the 'general welfare.' We have seen, however, that at the time the Constitution was adopted, the phrase 'general welfare' was associated with a trust-style restriction on government power. The phrase was used in promoting the view that an exercise of government authority was legitimate only if it advanced the general welfare.*
>
> *My study of the history behind the General Welfare Clause led me to conclude that the portion of the Taxation Clause following the word 'Excises' was not designed to grant any power at all. Like other qualifying phrases in Article I, Section 8,* ***it served to limit the grant immediately preceding – i.e., the taxing power. The idea was to implement the fiduciary duty of impartiality by assuring that Congress could acquire revenues designated only for projects of general benefit, not for projects benefiting primarily localities or special interests.***"

See also, *Federalist Papers No. 41* in which James Madison explained the clear intent of the *General Welfare Clause* of the U.S. Constitution. He stated that it "*is an absurdity*" to claim that the power of Congress are open-ended and undefined, or that the phrase, "*to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provided for the common defense and general welfare of the United States,*" amounts to "*an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare*."
As found on 9/30/18 at: **http://avalon.law.yale.edu/18th_century/fed41.asp**

[404] Dictionary of American History: *General Welfare Clause*.

> "*GENERAL WELFARE CLAUSE. Article I, section 8 of the U. S. Constitution grants Congress the power to 'lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common defense and general*

unconstitutionally operating as if it were a "*trust fund*" or "*federal insurance*" for social welfare.[405] This is despite it being also deemed by the "*one supreme*" Court [i.e., *Helvering v.*

> *Welfare of the United States.' Since the late eighteenth century this language has prompted debate over the extent to which it grants powers to Congress that exceed those powers specifically enumerated in the Constitution. The precise meaning of the clause has never been clear, in large part due to its peculiar wording and placement in the Constitution. ...*
>
> *[I]n Helvering v. Davis (1937)....the Court sustained the old-age benefits provisions of the Social Security Act of 1935 and adopted an expansive view of the power of the federal government to tax and spend for the general welfare. In Helvering, the Court maintained that although Congress's power to tax and spend under the General Welfare clause was limited to general or national concerns, Congress itself could determine when spending constituted spending for the general welfare.* ***To date, no legislation passed by Congress has ever been struck down because it did not serve the general welfare. Moreover, since congressional power to legislate under the Commerce clause has expanded the areas falling within Congress's enumerated powers, the General Welfare clause has decreased in importance.****"*

Found on 9/30/18 at: **http://www.encyclopedia.com/history/dictionaries-thesauruses-pictures-and-press-releases/general-welfare-clause**

[405] *See the previous footnote* pertaining to the Social Security Act with money allocated by the Secretary of the Treasury to certain financial "*Accounts*" that being designated for the *Unemployment* ***Trust*** *Fund*, ***Grants*** *to States for Old-Age Assistance*, ***Grants*** *to States for Unemployment Compensation Administration Appropriation*, ***Grants*** *to States for Aid to Dependent Children Appropriation*, ***Grants*** *to States for Maternal and Child Welfare*, ***Grants*** *to States for Aid to the Blind Appropriation*).

See also, the case of *Davisv. Boston & M.R. Co*. 89 F.2d 368 (1st Cir. 1937), which declared the Social Security Act unconstitutional because it was using public funds for private purposes as a "*trust fund*" and as "*insurance*." More specifically, the *Davis v. Boston & M.R. Co*. ruling stated:

> "*It is not a question of what powers Congress ought to have to meet certain conditions, but what powers are vested in Congress under the Constitution. In determining what they are,* ***we must return to first principles****.* ***The care of the unfortunate and the dependent, and the relief of those unable to labor, is a burden imposed on the states and until recently has always been so considered. Congress has no power, either directly or indirectly, to invade this province of the states.*** *Carter v. Carter Coal Co., supra, 298 U.S. 238, at page 295, 56 S. Ct. 855, 80 L. Ed. 1160; Schechter Poultry Corp. v. United States, 295 U.S. 495, 549, 55 S. Ct. 837, 79 L. Ed. 1570, 97 A.L.R. 947.*
>
> *It is sometimes suggested that, since the states are powerless to solve the problem presented by unemployment in an emergency such as was passed through in the last four years, therefore there must be power in the federal government to meet the situation. A similar suggestion was made in the case of State of Kansas v. Colorado, 206 U.S. 46, at page 89, 27 S. Ct. 655, 664, 51 L.Ed. 956:*
>
> *'All legislative power must be vested in either the state or the national government; no legislative powers belong to a state government*

> *other than those which affect solely the internal affairs of that state; consequently all powers which are national in their scope must be found vested in the Congress of the United States.'*
>
> *'But,...'the proposition that there are legislative powers affecting the nation as a whole which belong to, although not expressed in the grant of powers, is in direct conflict with the doctrine that* ***this is a government of enumerated powers****. That this is such a government clearly appears from the Constitution, independently of the Amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things.* ***This natural construction of the original body of the Constitution is made absolutely certain by the 10th Amendment.****'...*

It is said that a state is not obliged to pass an unemployment act, *and many states have not done so. Neither were employers obliged to comply with the Child Labor Law (40 Stat. 1138, 42 Stat. 306) they could have paid the tax or penalty or farmers to reduce their acreage in accordance with the provisions of the Agricultural Adjustment Act (7 U.S.C.A. § 601 et seq.)* ***they could have refused the aid but the consequences of failure to do so were such that they could not afford to do otherwise.*** *So in this case, if a state does not pass an unemployment compensation act complying with the requirement of Congress, or of the proper federal bureau, the entire tax assessed on employers under section 901 goes into the United States Treasury. Such a state must itself bear whatever financial burdens result to it from unemployment in its industries. No payments for unemployment assistance are made from the Federal Treasury.* ***A state may not comply at once, but, if the act is held valid, the disadvantages resulting to the state and its employers and the consequent dissatisfaction of its employees, it is quite obvious, will sooner or later compel all the states to enact such legislation, and in such form as will receive the approval of the Social Security Board created by the act. That this amounts to coercion of the states and control by Congress of a matter clearly within the province of the states cannot be denied. If valid, it marks the end of responsible state government in any field in which the United States chooses to take control by the use of its taxing power. If the United States can take control of unemployment insurance and old age assistance by the coercive use of taxation, it can equally take control of education and local health conditions by levying a heavy tax and remitting it in the states which conform their educational system or their health laws to the dictates of a federal board. It is a significant fact that many of the acts in the states provide that the state law shall not remain in effect if title IX is declared unconstitutional, which indicates beyond a doubt that the states in self-defense consider themselves compelled by the act of Congress to enact a state law. It is plainly the duty of the courts to uphold and support the present Constitution until it has been changed in the legal way.***

While courts will not declare acts of Congress of no effect because some other motive outside the powers of Congress may have actuated Congress in passing it, though not shown on the face of the act, the provisions of an act of Congress must be reasonably adapted to some purpose within the powers vested

Davis, 301 U.S. 619, (1937)] that the proceeds of "*excise taxes on employers*" and "*income taxes on employees*" that are paid to the Treasury (like "*Internal Revenue*" taxes) **are not supposed to be set up as a *trust* or *insurance* plan**; and so therefore, at least according to the Court, the Social Security System is somehow "*not unconstitutional*" simply because, purportedly, ***"the moneys are not earmarked in any way***."[406]

> ***in Congress and not with a view to accomplishing some other purpose wholly reserved to the states.*** *Linder v. United States, 268 U.S. 5, 17, 45 S. Ct. 446, 448, 69 L. Ed. 819, 39 A.L.R. 229.*
>
> *As to the wisdom, as a social aim, of providing for the unfortunate, the dependent, or those permanently or temporarily unable to earn a livelihood, we are in sympathy; but,* ***even though we may think an act of Congress embodies a commendable social plan and are in sympathy with its purpose and intended results, if its provisions go beyond the limits of federal power and extend into the field of power reserved to the states, we must so declare.*** *Railroad Retirement Board v. Alton R. R. Co., 295 U.S. 330, 347, 55 S. Ct. 758, 761, 79 L. Ed. 1468.*
>
> *However general such social needs may be in the states as sovereign units, they are not necessarily a part of the general welfare of the United States. Schechter Poultry Corp. v. United States, supra; Railroad Retirement Board v. Alton R. R. Co., supra; Carter v. Carter Coal Co., supra, 298 U.S. 238, at pages 290, 291, 56 S. Ct. 855, 863, 864, 80 L. Ed. 1160.* ***If the dual form of our government is to be maintained as conceived by the framers of the Federal Constitution, the general welfare of some or even of all the states in matters reserved to the states, when taken together, cannot be held to constitute the general welfare of the United States within the meaning of section 8 of article 1 of the Constitution.***"

The *Davis v. Boston & M.R. Co* was found on 9/30/18 at:
https://law.justia.com/cases/federal/appellate-courts/F2/89/368/1473001/

[406] The *Helvering v. Davis* case was a reversal of the previous precedence set by the case of *Davis v. Boston & M.R. Co*. In *Helvering v. Davis*, the "*one supreme*" Court determined:

> "*The scheme of 'Federal Old-Age Benefits' set up by Title II of the Social Security Act does not contravene the limitations of the Tenth Amendment. ... Congress may spend money in aid of the 'general welfare.'... In drawing the line between what is 'general' welfare, and what is particular, the determination of Congress must be respected by the courts, unless it be plainly arbitrary. ...The concept of 'general welfare' is not static, but adapts itself to the crises and necessities of the times. ...The problem of security for the aged, like the general problem of unemployment, is national, as well as local. There is ground to believe that laws and resources of the separate States, unaided, cannot deal with this problem effectively. State governments are reluctant to place such heavy burdens upon their residents lest they incur economic disadvantages as compared with neighbors or competitors, and a system of old age pensions established in one State encourages immigration of needy persons from other States which have rejected such systems. When money is spent to promote the general welfare, the concept of welfare or the opposite is shaped by Congress, not the States. ... Title II of* ***the Social Security Act provides for 'Federal Old-Age Benefits' for persons who have attained the age of 65. It creates an 'Old-Age Reserve Account' in the Treasury***

So, as reflected in the research herein, the Social Security Act actually contains no provisions for a trust fund or insurance, and there is no contractual promise that the government ever will pay out the so-called "*benefits*" on which employee payroll tax deductions and employer "*excise*" taxes are being otherwise taken and received by the U.S. Department of the Treasury. What might this imply?

First and foremost, it implies that the American ***people*** are not reading the plethora of laws being forced against them by large corporations and hospitals in the private sector colluding with State and National government "*servants*."[407] Take, for example, Code of Federal Regulations, Title 20 ("***Employee** benefits*") § 422.103 ("*Social Security numbers*"), which is supposed to instruct the government personnel how to apply the laws.[408] The *de facto* National government takes advantage of this fact and even preempts it by:

> ***and authorizes future appropriations to provide for the required old-age payments, but, in itself, neither appropriates money nor brings any money into the Treasury.*** *Title VIII imposes an 'excise' tax on employers, to be paid 'with respect to having individuals in their employ,' measured on the wages, and an 'income tax on employees,' measured on their wages, to be collected by their employers by deduction from wages. These taxes are not applicable to certain kinds of employment, including agricultural labor, domestic service, service for the national or state governments, and service performed by persons who have attained the age of 65 years.*" (Citations omitted)

While the *Davis v. Boston & M.R. Co*. had clearly ruled the Social Security Act to be "*unconstitutional*" (i.e., the 1st Circuit Court of Appeals declared that as an excise tax, which it claimed to be, it could not be imposed on wages since an excise tax may only be imposed on articles of consumption), the *Helvering v. Davis* ruling evaded a direct address of that matter. Instead, the "*one supreme*" Court elected to allow that question to remain open. They declared: "*We find it unnecessary to make a choice between the arguments, and so leave the question open*."

The *Helvering v. Davis* case was found on 9/30/18 at: **https://supreme.justia.com/cases/federal/us/301/619/case.html**

[407] Readers today need to be reminded that there are still many alive today that remember the public mentality just one or two generations ago was that the place of government employees was to serve their local, state and national employers, the American ***people***. Indeed, there was a day in the not-too-distant past that the government was not have such a controlling interest in our day-to-day lives and the sense of "*freedom*" and "*liberty*" at the personal level was thus strongly felt and endorsed with vigor.

[408] Once a law passes legislation by Congress, the associated Federal government rules, proposed rules, and notices, as well as executive orders and other Presidential documents are published in the Federal Register, which announces ongoing activities relative to those laws. Once a rule is issued in the form of a final regulation, the regulation is then "*codified*" and incorporated into the *Code of Federal Regulations* printed by the Government Printing Office. As found on 9/30/18 at: **https://www.archives.gov/about/regulations/faqs.html**

In this case, the **20 CFR § 422.103** is found in Title 20 ("*Employee Benefits*"), Chapter III ("*Social Security Administration*"), Part 422 ("*Administration and Procedures*"), Subpart B ("*General procedures*"), Section 103 ("*Social Security Numbers*").

a) presenting the option of getting a social security number at a child's "*point-of-entry*" of being a newborn;[409] and at the immigrant's "*point-of-entry*" of entering the United States; and,
b) having the "*informant*" foregoing (Social Security) application process via the national government's "*agreement with officials of the State*" to "*assist*" in the assigning of Social Security numbers to newborn children; and via similar agreements with the Department of State and the Department of Homeland Security to "*assist*" in the assigning of Social Security numbers as "*part of the immigration process*."[410]
c) specifying within the text of the Code of Federal Regulations that the "*application*" or mere "*request*" for a social security number (for a newborn or for an infant) is one based upon **"*need*,"**[411] a term that both accentuates the "*voluntary*"[412] nature of the application

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[409] See the previous footnotes pertaining to the "*Enumerated At Birth*" ("EAB") process.

[410] *See* 20 CFR §422.103 as found on 9/30/18 at:
https://www.ssa.gov/OP_Home/cfr20/422/422-0103.htm

[411] See the judicial "*Opinion*" in the California case of *People v. (Tressie Neal) Shirley* (previously titled "*People v. Neal*") which reaffirmed "*In Bank, March 9, 1961*" that *"Under its express terms the provisions of the Welfare and Institutions Code are to be administered fairly, with due consideration not only for the needs of applicants but also for the safeguarding of public funds. (Welf. & Inst. Code, § 103.3.)* ***If children are not in need, they are obviously not eligible for assistance regardless of who is paying for their support.***" As found on 9/30/18 at:
https://law.justia.com/cases/california/supreme-court/2d/55/521.html

[412] Before drifting too far away from the topic of the Internal Revenue Service (IRS), it should be noted here that the W-4 form proffered by employers for employee withholding is also wholly *voluntary*. **This is significant in that the instant case at hand being brought "*Ex Rel*" by David Schied, involves a corporate employer, Toby Buechner of "*Troy Gymnastics*," who elected to defy these federal regulations and forward deductions from Mr. Schied's labor receipts to the IRS anyway, despite that Mr. Schied had made clear and in writing that he was "*exempt*" and was NOT subject to or participating in *voluntary withholding*.**
See 26 CFR, 31.3402(p)-1 ("*Voluntary Withholding Agreement*") which states:

> "***(a)Employer-employee agreement.*** *An employee and his employer may enter into an agreement under section 3402(p)(3)(A) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of § 31.3401(a)-3, made after December 31, 1970. An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee. The amount to be withheld pursuant to an agreement under section 3402(p)(3)(A) shall be determined under the rules contained in section 3402 and the regulations thereunder. ...*
>
> ***(b)(2)*** *An agreement under section 3402(p)(3)(A) shall be effective for such period as the employer and employee mutually agree upon. However, either the employer or the employee may terminate the agreement prior to the end of such period by furnishing a signed written notice to the other. Unless the employer and employee agree to an earlier termination date, the notice shall be effective with respect to the first payment of an amount in respect of which the agreement is in effect which is made on or after the first "status determination*

> process by the Social Security card recipient, and compels reciprocal "*consideration*" in the form of future "*obligation*" and "*allegiance*" to the government by the "*adhesion contract*" that is created with the "*trustee*" and/or "*grantor*" of this new relationship.[413]

Secondly, and importantly, it appears that through the process of the ***people*** of the nation merely "*requesting*" a Social Security number (SSN), or more accurately – by the "*99%ers*" of the American population succumbing to the pressures of the *oligarchy* of corporate enterprise and government officials to provide them with "*assistance*" in getting SSNs – **the National government of the United States has been construing such action as "*fully informed consent*" of those people to becoming lifetime permanent "*wards*" of the Secretary of the Treasury under the "*doctrine of Socialism*."**[414] This is the doctrine of the United Nations, of

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> *date" (January 1, May 1, July 1, and October 1 of each year) that occurs at least 30 days after the date on which the notice is furnished*."

[413] This new relationship may be one akin to providing the government with a "*proxy*" status, being something of a "*procurator*" having "*power of attorney*" over the affairs of the "*needy*." This is referred to as "*tacit procuration.*" This type of relationship can be traced all the way back to the *Articles of Confederation* that was incorporated into the *Constitution* under *Article VI*. The Article of Confederation, Article IV, specifically states, "*The better to secure and perpetuate mutual friendship and intercourse among people of the different states in this union,* ***the free inhabitants of these states, paupers, vagabonds and fugitives from Justice excepted, shall be entitled to all privileges and immunities of the citizens in the several states.***"

Arguably, by voluntarily asking for "*social security*" or completing an application based upon "*need*," people are admitting that they (or their newborn) are *paupers* (very poor people or recipients of government relief or charity) or *vagabonds* (i.e., wanderers without a home). This makes them effectively a "*ward*" of the government, being a ("*protected*") "*person for whom a conservator has been appointed or other protective order has been made*," (as Black's Law Dictionary, 8th ed. defines "*protected person*") which allows government to assume a superior status and "*power of attorney*" over the "*citizen*" applicant. (Generally, the Social Security Administration requires all applicants to be "*U.S. citizens*" in order to qualify for future "*privileges*" and "*benefits*," except for noncitizens that have been authorized to work in the United States by the Department of Homeland Security.) *Tacit procuration* thus occurs and *power of attorney* thus persists unless or until the people applying for government assistance provide proper notices that they can and will be taking care of their selves and handling their own affairs.

[414] "*Socialism*" is a political doctrine that favors the principle of *collectivity* (over *individualism*) as the foundation for economic and social life. Socialists promote state and co-operative ownership of economic resources and economic equality of conditions, being state and democratic rule in the management of economic and social institutions. "*The socialist creed rests upon three dogmas: First: Society is an omnipotent and omniscient being, free from human frailty and weakness. Second: The coming of socialism is inevitable. Third: As history is a continuous process from less perfect conditions to more perfect conditions, the coming of socialism is desirable*." From Ludwig von Mises' book, *Human Action: A Treatise on Human Economics*, Ch. XXV. *The Imagery Construction of a Socialist Society*, Section 2: *The Socialist Doctrine*. As found on 9/30/18 at: **https://mises.org/library/human-action-0/html/pp/851**
(Note: The entire book was downloaded from:
https://mises.org/sites/default/files/Human%20Action_3.pdf)

which the corporate *de facto* "*National*" government of the "*United States*" is a member, as presented in Article 22 of the "*Universal Declaration of Human Rights*"[415] which states, "*Everyone, as a member of society, has the right to social security....*"

What we see today in America then may resemble what was found in the centuries and millenniums of the past with the inalienable *Natural Rights* bestowed upon man by the *Divine Providence* (i.e., of "*God*") being replaced with so-called "*rights*"[416] issued by governments in the form of "*privileges and immunities*," such as is again found in the "*civil rights*" of the 14th Amendment "*citizen*." Hence, there are many today in America who are coming to believe that being assigned a Social Security number by government is tantamount to being "*enfranchised*"

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[415] As found on 9/30/18 at: **http://www.un.org/en/universal-declaration-human-rights/**
The legislation for the *Universal Declaration of Human Rights* can also be downloaded directly from the United Nations on 9/30/18 at:
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/217(III)

[416] Meador, Dan. *America's Enemy Within*. (Hereafter, "*Meador 4*")

> "***Rights reserved by the people do not require legislative enactment, nor are they subject to legislative constraint.*** *While they may be generally bound by procedural rules when petitioning for redress in courts of law, or may be asked to comply with legislative and administrative formalities in order to set procedural wheels in motion, the right to redress of grievance is governed by substance rather than form.* ***It is universally acknowledged that if and when men answer a call to arms, law is of no effect.***"

As found on 9/30/18 at:
http://famguardian.org/disks/TaxDVD/Researchers/Meador,Dan/America's%20Enemy%20Within.doc

as "*persons*"[417] by government, under the maxim of "*protection draws to it subjection*."[418] As such, the SSN – being demanded and used by (all three of local, state, and national)

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[417] Here the term "*person*" refers to the "*subjects*" of government power and authority. "*Persons*" are those *under* the government. Those outside the government purview are "*non-persons*," being arguably ***p****eople* (as some refer to as the posterity of the ***P****eople*) who are above the laws of their servants as the governments' sovereign masters, as well as those who, prior to the 13th Amendment such as "*Negro*" slaves, were not considered as a "*class of persons*" under the Constitution entitled to either rights or the governments' dutiful protection of those rights. [See *Dred Scott v. Sanford*, 60 U.S. 393 (1856) cited as follows.]

> "*The question then arises, whether the provisions of the Constitution, in relation to the personal rights and privileges to which the citizen of a State should be entitled, embraced the negro African race, at that time in this country or who might afterwards be imported, who had then or should afterwards be made free in any State, and to put it in the power of a single State to make him a citizen of the United States and endue him with the full rights of citizenship in every other State without their consent? Does the Constitution of the United States act upon him whenever he shall be made free under the laws of a State, and raised there to the rank of a citizen, and immediately clothe him with all the privileges of a citizen in every other State, and in its own courts?* ***The court think the affirmative of these propositions cannot be maintained. ...***
>
> *It is true, every person, and every class and description of persons who were, at the time of the adoption of the Constitution, recognised as citizens in the several States became also citizens of this new political body, but none other; it was formed by them, and for them and their posterity, but for no one else. And the personal rights and privileges guarantied to citizens of this new sovereignty were intended to embrace those only who were then members of the several State communities, or who should afterwards by birthright or otherwise become members according to the provisions of the Constitution and the principles on which it was founded. ...*
>
> *[T]here are two clauses in the Constitution which point directly and specifically to the negro race as a separate class of persons, and show clearly that they were not regarded as a portion of the people or citizens of the Government then formed. ... And these two provisions show conclusively that neither the description of persons therein referred to nor their descendants were embraced in any of the other provisions of the Constitution, for certainly these two clauses were not intended to confer on them or their posterity the blessings of liberty, or any of the personal rights so carefully provided for the citizen.* ***No one of that race had ever migrated to the United States voluntarily; all of them had been brought here as articles of merchandise. ...*****"**

Hence, within the stratification of "*classes of persons*," there is some point at which the government either will not or cannot recognize and embrace someone as being a "*person*" who is owed any *rights* and *duties*. For more on this please refer again to paraphrasing the previous footnotes of this instant "*Amicus in Treatise*..." which references Fletcher's online book, *The Controversial Person*, Salmond's *Jurisprudence or the Theory of the Law*, and Pollock's *A First Book of Jurisprudence for Students of the Common Law*, depicting two types of legal persons,

governments, corporations, private and public universities, banks, etc. "*for identification purposes*" – amounts to, as one writer puts it, the assignment to each person of the "*mark of the Beast*."[419]

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being "*natural*" and "*artificial*" and their associated legal rights and duties. (Moral rights and wrongs are outside the scope of the law.) Legal *rights* then – each involving some form of freedom with conditions attached – have associated *duties* (to act in accordance with the laws promoting some type of interest of men). Thus, it was reasoned that **only an entity capable of rights and duties was a "*person,*"** and the difference between what is "*natural*" or "*artificial*" was merely whether the entity was formed by nature or by men; and that **a "*legal person*" was any such entity permitted by law with the ability and capacity of rights and duties.**

[418] Bouvier's Law Dictionary: "*Adapted to the Constitution and Laws of the UNITED STATES OF AMERICA and of the Several States of the American Union*", (15th ed.); (p. 204) Published in 1891 by the J.B. Lippencott Company. *See* the **maxim** of *"Protectio trahit aubjcctionem, aubjectio protectio nem."*

[419] *See*, in particular: Miller, Steven. *Social Security: Mark of the Beast (A Study Guide)*. (Ver. 2.7; Aug. 2016). Electronically published by Family Guardian Fellowship, as found on 9/30/18 at:
https://ia800409.us.archive.org/27/items/MOBbook20150710Final/MOBbook-20160812-final.pdf

> "*A Social Security Card has all the attributes of the mark. ...Those who refuse the mark will find it difficult, if not impossible in many cases, to sell their labor, buy housing or conduct business. But you already knew this. You just didn't expect it so soon. You might end up jobless, homeless and without the means to survive without your Creator's direct intervention. Don't risk death avoiding the mark until you are well-prepared for the consequences of your stand. ... For those of you who decide to take a stand, may the Holy Spirit comfort you in your persecution. He that endures to the end shall be saved. (Matthew 24:13, Mark 13:13). ...*
>
> *What is the Beast? ...[T]he beast that that issues the mark...is not an individual. ...The word "antichrist" never appears anywhere in the book of Revelation. ...Revelations 13, 16 and 17 are one sentence. Verse 16 says the beast's intention is to causeth all to receive the mark. ...Do you live in a time when:*
>
> - *Politicians write laws that expect everyone to have ID?*
> - *Where State Driver's Licenses and IDs must conform to all 18 benchmarks of the Real ID Act, including biometric standards?*
> - *Where persons are numbered, rather than just the birth documents?*
> - *Where a foreign treaty requires SSN registration at birth? ...*
>
> *Revelations 13:16-17 foretells a scheme to trick mankind out of our unalienable right to contract – our right to buy or sell. Somehow our contract for a mark will subrogate (replace) our free will right to contract (buy and sell) with a beast-granted right to choose for us. Hint: No state can impair a real right to contract. If you have a right to bankruptcy, then you do not have a right to contract.*"

By applying for a Social Security Card, people are applying for "*federal benefits*." Since Social Security Cards are *only* for federal *welfare* applicants however, the process of becoming a "*ward*" of the government is entirely voluntary as the declaration of "*need*" is a self-reporting one. There is no *law* requiring laborers to get a Social Security Card in order to have a job and employment. There is no law requiring anyone to even apply for the Card. As already stated, there is also no provision in the *Social Security Act* itself for any "*trust*" fund or insurance.[420] **It is simply official U.S. Government policy that federal welfare applicants have a SSN in order to collect upon the privilege of federal benefits.**

Thus, for most Americans, whether "***c****itizens*" (or "***C****itizens*") inhabiting the States or "*U.S. citizens*," it is highly unlikely that they even qualified at birth for a Social Security Number or card, because those numbers and those cards are otherwise strictly to be issued to persons who are declaring, under oath, that they have a "*need*" of government assistance and its funded protection. Henceforth, once a *person* volunteers to become a ward of National government "*providers*," the U.S. Constitution becomes the option of "*last resort*" (i.e, according to the previously discussed *Ashwander* case doctrine), and that person is "*chained*" to the National government's chain of procedural commands, being "*bound*" to obeying its rules, regardless of how abhorrent or repugnant those rules are or become; and too often, regardless of how wrongfully those rules are misapplied by those evaluating the need and/or administrating the "*benefits*."[421]

> "*The Thirteenth Amendment did away with involuntary servitude. Voluntary servitude remains entirely Constitutional. Ownership of slaves remains with us today. By volunteering to be resident* [422] *on the feudal manor, you become subject*

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[420] *See again, Davis v. Boston* (*supra*) stating that, in fact, it would be unconstitutional if the National government were to "*legislate substantively for the general welfare*" or "*to take control of Unemployment insurance and old age assistance*." Even the "*one supreme*" Court asserted in so many words [in *Fleming v. Nestor*, 363 U.S. 603 (1960)] that **there is never a contractual *obligation* for the federal government to payout Social Security benefits because nobody has a contractual *right* to such benefits:**

> *"To engraft upon the Social Security System a concept of 'accrued property rights' would deprive it of the flexibility and boldness in adjustment to ever-changing conditions which it demands and which Congress probably had in mind when it expressly reserved the right to alter, amend or repeal any provision of the Act. Pp. 363 U. S. 610-611."*

As found on 9/30/18 at: **https://supreme.justia.com/cases/federal/us/363/603/case.html**

[421] Present in this instant case filing (upon which this "*Amicus in Treatise*..." is being submitted in support) are numerous civil and criminal claims (in commerce) involving the misapplication of "*rules*" and "*procedures*" by both State government and "*United States*" ("*National*") government "*actors*" representing multiple branches of "*government*" offices.

[422] Both the author of this "*Amicus in Treatise.*.." (David Schied) and the author of this referenced paragraph (Steven Miller) share the view that the term "*resident*" is distinguishable in meaning" from the word "*inhabitant*," as is defined by Black's Law Dictionary [*1st ed.*; (1891)]:

> *"'Resident' and 'inhabitant' are distinguishable in meaning. The word 'inhabitant' implies a more fixed and permanent abode than does 'resident;' and a*

to the lord of the manor, to whom you owe absolute allegiance. Your lord has the right to use whatever force is necessary to enforce compliance. This is perfectly Biblical. It is voluntary servitude because you volunteered. Even the Supreme Court (92 U.S. @551) said, 'The citizen cannot complain, because he has voluntarily submitted himself to such a form of government.'" [423]

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resident may not be entitled to ail the privileges or subject to all the duties of an inhabitant. Also a tenant, who was obliged to reside on his lord's land, and not to depart from the same."

[423] Miller (*supra*), p. 230, citing from *United States v. Cruikshank*, 92 U.S. 542 (1875). Miller added (pp.231-323):

"*The writers of your Constitution, in Article I, section 8, delegated to their servants the authority to borrow money; therefore they were liable for the debts that their servants incurred on their behalf. They knew that they owed the debt and that their property was the collateral. At what point did you become liable for your share? Was it by being born? Was it by registering to vote? By voluntarily paying a tax? Or was it by agreeing to be a ward on the federal plantation? Your share of the National Debt is now $97,000 per family. This is far more than the net worth of all private property. How do you intend to pay this obligation? Answer: You agreed that you are the collateral. The Social Security Act, section 801 makes you liable for Social Security Taxes, in addition to other taxes.*

The connotative use of the word "*resident*"[424] above is distinct and distinguishable from the term "*inhabitant*"[425] as used at the time of the Revolutionary War period, which is defined by reference to the term "*inhabitant*" inscribed on the *Liberty Bell* ("*PROCLAIM LIBERTY*

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[424] Miller (*supra*), p. 236 (paraphrased):

> "*Only a 'resident' can get a driver's license and can register to vote. If you apply for a license, you are effectively 'confessing that you are obliged to reside on your lord's land, and not depart from the same, and are not entitled to all the privileges of an inhabitant.' For further proof that the States cannot regulate the inalienable right to travel, see U.S. v. Wheeler, 254 U.S. 281, 293 in 1920; U.S. v Guest, 383 U.S. 745 in 1966; and an interstate welfare case Shapiro v. Thompson, 394 U.S. 618 in 1969. 'The right to travel is so basic that it is not even mentioned in your Constitution. If your right to travel is regulated, it is probably because you asked for permission to travel.*'"

See also, the *"one supreme"* Court ruling in *Aptheker v. Secretary of State* 378 U.S. 500 (1964) from which Miller cited when writing:

> "*Free movement by the citizen is, of course, as dangerous to a tyrant as free expression of ideas or the right of assembly, and it is therefore controlled in most countries in the interests of security. That is why riding boxcars carries extreme penalties in Communist lands. That is why the ticketing of people and the use of identification papers are routine matters under totalitarian regimes, yet abhorrent in the United States.*"

Miller continued:

> *"If you register to vote, you are confessing that you are obliged to reside on your lord's land, and not depart from the same, and not entitled to all the privileges of an inhabitant. Note also that while* ***Presidents must be residents*** *of their State (Constitution, Art.II, § 1),* ***Congressmen must not be inhabitants*** *of their State (Constitution, Art.I, § 2).*"

[425] In affixing the term "*inhabitant*" today with the meaning as it was intended at the time of the Revolutionary War period, if *it* were to be defined as "*impl[ying] a more fixed and permanent abode*," would today refer to the "*abode*" as the *de jure* Republic as it remains in perpetual existence by the *Articles of Confederation* but has long been masked by the overlay of unconstitutional "*patterns and practices*" of the *de facto* National government which have been forcefully superimposed over that Republic in what we see today as an "*oligarchic democracy.*" (For more descriptions on what is meant by "*oligarchic democracy*" see the following two sources as each were respectively found on 11/7/17:

Wood, Ellen. *Oligargic 'Democracy'*. Monthly Review (An Independent Socialist Magazine). July-Aug. 1989; pp. 42-51 as found at:
https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=7&cad=rja&uact=8&ved=0ahUKEwjBurW8-azXAhUkxYMKHQGaAqwQFghPMAY&url=https%3A%2F%2Farchive.monthlyreview.org%2Findex.php%2Fmr%2Farticle%2Fdownload%2F3115%2F3114&usg=AOvVaw2Cp2m2U0e87SWziYncadzw and,

Winters, Jeffrey. *Oligarchy and Democracy in America*. HuffPost News (June 24, 2014) as found at:
https://www.huffingtonpost.com/jeffrey-winters/oligarchy-and-democracy-i_b_5206368.html

THROUGHOUT ALL THE LAND UNTO ALL THE INHABITANTS THEREOF...") and as used in the *Articles of Confederation* ("*The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States*; ...").

In effect, making the (voluntarily with informed consent or involuntary without it) conversion from an "*inhabitant*" to a "*resident*" is akin to transitioning from being one of the ***P****eople* (or "*free* ***P****ersons*") referenced by the Constitution, a "*non-citizen*" or State "*Citizen*" in the political sense, to becoming a STATE "***c****itizen*" (subject to the Council of State Governments' "*Declaration of Interdependence* under "*cooperative federalism*") or a 14th Amendment "*U.S. citizen*" that is "*subject to the jurisdiction*" of the corporate National government. These are ***p****eople* who give up some of their natural liberties in exchange for political privileges. They thus become subject to statutory law enforcement and compelled by court summons to settle disputes in State and "*federal*" courts. ***P****eople* such as Alexander Hamilton, being sovereign and outside such jurisdiction, had no such "*privilege*" or "*benefit*," which is why he died while dueling. [426]

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[426] Up until around the time of the Civil War in America, the "*honor*" of the aristocracy was, as a matter of custom, not *subject* to legal determination through court proceedings. Instead, the fate of American and English upper-class "*gentlemen*" was determined, through a long history of cultural practice, by Divine Providence.

> "*While dueling may seem barbaric to modern men, it was a ritual that made sense in a society in which the preservation of male honor was absolutely paramount. A man's honor was an essential aspect of his identity, and thus its reputation had to be kept untarnished by any means necessary. Duels, which were sometimes attended by hundreds of people, were a way for men to publicly prove their courage and manliness. In such a society,* ***the courts could offer a gentleman no real justice****, the matter had to be resolved with the shedding of blood.*" Hutcheson, Chris; McKay, Brett. *Man Knowledge: An Affair of Honor – The Duel*. As found on 9/30/18 at:
> **https://www.artofmanliness.com/2010/03/05/man-knowledge-an-affair-of-honor-the-duel/**

See also, Holland, Barbara. *Gentlemen's Blood: A History of Dueling (from swords at dawn to pistols at dusk)*. Bloomsbury Publishing. (2003).

> "*The medieval justice of trial by combat evolved into the private duel by sword and pistol, with thousands of honorable men – and not-so-honorable women –giving lives and limbs to wipe out an insult or prove a point. The duel was essential to private, public, and political life, and* ***those who followed the elaborate codes of procedure were seldom prosecuted and rarely convicted*** *– for, in fact, they were obeying a grand old tradition.*" As found on 9/30/18 at:
> **https://www.amazon.com/gp/product/158234440X?ie=UTF8&tag=stucosuccess-20&linkCode=as2&camp=1789&creative=390957&creativeASIN=158234440X**

VII. Statement of Facts Regarding "*Where is Where*": Where the "*United States*" Does and Does Not Have Nexus (continued)

L. Political Nexus – the "'*Pledge of Allegiance as the Oath for the [titled] Office of the [U.S.] citizen* and the '*Birth Certificate as the Surety for the Cestui Que Trust*'[427] *Net*"

As alluded to earlier in this "*Amicus in Treatise*..." by reference to John Salmond's *Jurisprudence* or *The Theory of the Law*, the "*state*" is a political society – a body-politic – of people, being "*an association of human beings established for the attainment of certain ends by certain means*."[428] Salmond adds, "*It is the most important of all the various kinds of society in which men unite, being indeed the necessary basis and condition of peace, order and civilisation*."[429]

As to the persons who compose the body-politic, "*they take collectively the name, of 'people,' or 'nation*.'[430] Salmond has asserted that the members of such a "*nation*" need not even be stationary or fixed in any particular territorial location, as even a "*nomadic tribe...may be organised for the fulfillment of the essential functions of government, and if so, it will be a true state*."[431] Salmond then described the membership, and the means by which certain "*titles*" are used to gain entrance into this membership, one being "*citizenship*" and the other being "*residence*" with the former being permanent and personal and the latter being temporary and "*merely a territorial bond between the state and the individual*."

Salmond continued:

> "*Both classes [i.e., membership in the state by title of 'citizenship' and/or of 'residence'] are equally members of the body politic, so long as their title lasts;* ***for both have claims to the protection of the laws and government of the state****, and to such laws and government both alike owe obedience and fidelity. ... These two titles of state-membership are to a great extent united in the same persons. Most [British] subjects inhabit [British] territory, and most inhabitants of that territory are [British] subjects. Yet the coincidence is far from complete, for* ***many men belong to the state by one title only****. They are [British] subjects, but not resident within the dominious of the [Crown]; or they are resident within these dominions, but are not [British] subjects. In other words, they are either non-resident subjects or resident aliens. Non-resident aliens, on the other hand, possess*

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[427] "*Cestui que Trust: French for 'he who benefits from the Trust', means the beneficiary of the Trust or the person for whose benefit property is held in Trust*." Ballentine's Law Dictionary

[428] Salmond, *supra*, p.184.

[429] *Id*. p.192.

[430] From TheFreeDictionary.com, "*Legal definition of Body-politic*." Copyrighted 2003-2017 by Farlex, Inc. **Note also that this definition expands by reference to corporations stating, "*the term 'body-politic' means that the members of such corporations shall be considered as an artificial person*."**

As found on 9/30/18 at: **https://legal-dictionary.thefreedictionary.com/Body-politic**

[431] Salmond, *supra*, p.192.

> *no title of membership, and stand altogether outside the body politic.* ***They are not within the power and jurisdiction of the state; they owe no obedience to the laws, nor fidelity to the government; it is not for them or in their interest that the state exists***."

The "*state*" therefore is not the body-corporate "*government*," it is the body-politic of the "*people*," also known as the "*nation*," from which government and its power are derived[432] through mutual "*obedience and fidelity*"[433] and …

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[432] See again, the Congressional Record for the Senate dated January 13, 1938, *supra*, (p.434) which memorialized the fact that:

> "*[I]t is also true that* ***this supremacy of the Constitution and of the laws and treaties authorized by it is expressly limited within the line which bounds the delegated powers. Beyond this the Government of the United States has no power whatever, and its acts outside of and beyond these powers are in law simply null, mere nothing.*** *... Mark the expression –* ***beyond its enumerated and defined powers 'it has no existence.'*** *...This supremacy of the Constitution is universal, all-pervading, binding equally as to its negations, the reservations to the States as to the powers delegated to the Union, the things granted and the things not granted;* ***binding as well to destroy, to make null, all that might be done or assumed to be done by the General Government outside of and beyond its powers, as to invalidate any State action within this exclusive domain. It was a double guaranty, as strong and as explicit against Federal usurpation of powers not granted as against State aggression on the delegated sovereignty of the Union.***"

[433] Salmond, *supra*, p.193 (footnote):

> "*Speaking generally, we may say that the terms subject and citizen are synonymous. Subjects and citizens are alike those whose relation to the state is personal and not merely territorial, permanent and not merely temporary.* ***This equivalence, however, is not absolute.*** *For in the first place,* ***the term subject is commonly limited to monarchical forms of government****, while* ***the term citizen is more specially applicable in the case of republics.*** *A British subject becomes by naturalisation a citizen of the United States of America or of France. In the second place,* ***the term citizen brings into prominence the rights and privileges of the status, rather than its correlative obligations, while the reverse is the case with the term subject.*** *Finally it is to be noticed that the term subject is capable of a different and wider application. in which it includes all members of the body politic, whether they are citizens (i.e. subjects stricto sensu) or resident aliens. All such persons are subjects, as being subject to the power of the state and to its jurisdiction, and as owing to it, at least temporarily, fidelity and obedience. Thus it has been said that: 'Every alien coming into a British colony becomes temporarily a subject of the Crown — bound by, subject to, and entitled to the benefit of the laws which affect all British subjects.' Low v Routledge, 1 Ch. App. at p. 47. See also Jefferys v Soosry, 4H.L,.0. 815. So in Hale's Pleas of the Crown I. 542 it is said: 'Though the statute speaks of the king's subjects, it extends to aliens ... for though they are not the king's natural born subjects, they are the king's subjects when in England by a local* ***allegiance****."*

the "*consent of the governed*;"[434] and by which, through the process asserted by *The Declaration of Independence*, the people retain the absolute or "*divine*" right by "*endowment*" and through their superseding *faith and allegiance*[435] to their Creator, to "*dissolve the political bands which have connected them with another and to assume among them the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them.*"

So, as demonstrated throughout this instant "*Amicus in Treatise*...," the documented evidence of the "*American History*" that the government-operated public schools do not teach, shows that the so-called (corporate) "*government*" of the States and the UNITED STATES has created a sophisticated "*duality*" system in which it – through its multiplicity of individual State and National government officials – publicly orchestrate "*empty declarations*" of oaths to the State and Federal constitutions – as if it is being instituted by "*the People*."[436] Meanwhile, those orchestrating this double-edged "*sword*"[437] have long been committing the types of constitutional and human atrocities and gross violations of the "*States*'" and the "***p****eoples*'" rights that are clearly found throughout the pages of this ("*Amicus and Treatise*..." about American) history.

This "*duality*" system is **deceptively** based upon the "*Public Trust*"[438] described earlier in this "*Amicus in Treatise...*" This is a "*Trust*" in which the voluntary "*allegiance*" of the

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[434] See *The Declaration of Independence* (July 4, 1776) – "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, ...*"

[435] See 32 U.S.C. § 312 ("*Appointment Oath*") as the terms "*faith and allegiance*" are required in NGB Form 337 as an integral part of the "*oath*" of allegiance for appointed officers of the U.S. National Guard. As found on 9/30/18 at:
http://www.ngbpdc.ngb.army.mil/forms/Adobe%20-%20Unfillable/ngb337.pdf
Additionally, see 10 U.S.C. § 502 as the "*Enlistment Oath*" required of all entering into the Armed Forces of the United States military, as found on 9/30/18 at:
https://www.law.cornell.edu/uscode/text/10/502

[436] In similar fashion "*de facto*" State and National government "*actors*" as "*prosecutors*" have long been bringing criminal cases against its societal membership in the name of "*the People*" or on behalf of its own (believed to be foreign) corporations (for example, "*THE PEOPLE OF THE STATE OF _____ [versus] _____*" and "*THE UNITED STATES OF AMERICA [being on behalf of the Internal Revenue Service] versus _____*".

[437] Congressional Record for the Senate dated January 13, 1938, *supra*, (p.433):

> *"'[T]reason against the United States [i.e., the body-politic]**,**' not against Congress, the President, or the Government, or the Union,* ***is committed*** *only '****by levying war against them or in adhering to their enemies****.'*"

[438] See the section of this "*Amicus and Treatise*..." presenting the "*question*" of how the roles of "*fiduciaries*" (i.e., "*trustees*") and "*beneficiaries*" function, and the failure of State and Federal government officials to implement "*checks and balances*" upon one another so to guard against the National government's (and via "*Cooperative Federalism*" the States' governments') persistent *collateralization* of *people's* labor and the *mortgaging* of their real property in America.

people[439] is supposed to be reciprocated by what are expected to be legitimate "*de jure*" Federal and State governments operating also in good faith to fulfill the "*essential functions*"[440] and the "*fundamental purposes*"[441]

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[439] These are American people – members of the body-politic – who are in "*good faith*" believing their selves to be submitting to the laws of the "*state*" while expecting to be "*fully informed*" by State and Federal governments according to constitutionally–mandated transparency and due process laws.

[440] Congressional Record for the Senate dated January 13, 1938, *supra*, (pp.433-34) "*Essential functions*" are as different for the territorial "*States*" and they are different for "*United States*" since "*we have two distinct governments, operating on and regulating the rights and duties of the same people, each having distinct and separate powers and charged with distinct and separate duties. ..."* (p.433)

> *"... No citizen of a State can look to either government for the measure of his allegiance or as the sole protector of his rights. The system is that the people of each State may with exact truth be said to have two constitutions – one their own separate constitution under which they exercise State powers and perform State duties solely, and according to their own judgment as to what is best for the common weal; the other, the Constitution of the United States, which is the common Constitution of each and of all the States, and under which each discharges Federal functions in connection with its sister States. Both are essential to perform the full measure of governmental functions and protect and secure the people In all their rights. ...*" (p.433)
>
> "*... The powers are not even said to be 'vested' in the United States, when reference is made to their origin. They are only 'delegated,' and then they are said to be 'vested' in the Government, and in its various departments as a consequence of this delegation. The powers thus 'delegated' are not the great mass of the powers of government, with exceptions in favor of the States, but they are enumerated, specified, written in the Constitution itself, and defined and limited by it.*" (p.434)

[441] *Id.* p.437 –

> "*We have seen what are the powers of the two Governments, State and Federal. It is easy now to see their duties. Power to protect and duty to protect are inseparable, the latter following and deriving its source from the former. For power we must look to the Constitution; when it is found, the duty is also found; but the duty never extends beyond the power.*"

With regard to a fundamental purpose of the "*United States*" government:

> *It is now firmly settled that these provisions [of the 14th and 15th Amendments] are directed solely against State laws and State action, through persons or agents clothed with State authority. It is also settled that the power conferred on Congress to enforce these provisions is a power only to enforce the prohibition against State action. That the rights conferred on persons under them are not positive, original rights, but the right only to exemption from, and protection against, the prohibited State action. And the power of Congress to interfere in any case is purely a power of correction, a power to give redress against a prohibited State action, that the exercise, the actual exercise of efficient power by Congress, under the amendments, presupposes State action of the kind*

of the "*state*"[442] as a political society, which is to provide a proper and effective "*defence against external enemies*"[443] and to maintain "*peaceable and orderly relations within the communit[ies]*" themselves.[444]

As things stand today however, based upon the facts in American history as articulated throughout this "*Amicus in Treatise*...," being also fully supported by evidence of factual excerpts from their original sources of that very same history, the so-called "*governments*" of the "*States*" and the "*United States*" (a.k.a. "*UNITED STATES*" and "*UNITED STATES OF AMERICA*") are not worthy of the ***people's*** allegiance. "*Cooperative Federalism,*" as described herein as the States' collective duty to strengthen themselves by subscribing to "*federal*" funding and thus signing on to contracts with the National government and aligning States' policies and practices with National government goals and objectives, precludes the American people's allegiance to these States. Similarly, the National government's contracting with the United Nations through such organizations as the Federal Judges Association subscribing to the *Universal Charter of the Judge* and the Secretary of the Treasury doubling as the "*Governor*" of the International Monetary Fund and the World Bank, being in institutions belonging to the United Nations system[445], precludes the American people's allegiance to either the "*Federal*" or the "*National*" governments.

As has been presented in detail above, the nationwide campaign by the Secretary of the [UNITED STATES] Treasury to register all newborn babies into the Social Security system reflects a broader worldwide effort [by the UNITED NATIONS) to "*enumerate*" the population by deceptively getting ***people*** to *voluntarily* convert themselves from sovereign men and women into subservient recipients of welfare "*benefits and privileges*." Such a scheme allows the so-called "*National government*" to substitute *constitutional* relationships – or at least augment and curtail the organic nature of the position of the government officers as "*trustees*" and the organic nature of the position of the ***people*** as "*beneficiaries*" of the "*Public Trust*" under the U.S. Constitution as the "*Supreme Law of the Land*" – with *contractual* relationships between governments and their people as executed under the international laws of commerce.

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prohibited; and until there be such prohibited State action, the power of Congress is wholly dormant, and without such action really being taken, somewhere or at some time, the power of Congress would sleep forever."

[442] *Id.* p.433 – "*[T]he modern state does many things, and different things at different times and places.*"

[443] Importantly, the above-referenced "*Enlistment Oath*" of all those "*members of the state*" entering into the "*United States*" military asserts a solemn affirmation by these *people*, as members of the "*state*," to "*support and defend the Constitution of the United States [for the United States*] against all enemies, foreign **and domestic**, ..."

[444] Salmond, *supra*, p.185 – "*The fundamental purpose and end of political society is defence against external enemies, and the maintenance of peaceable and orderly relations within the community itself. It would be easy to show, by a long succession of authorities, that these two have always been recognised as the essential duties of governments.*"

[445] See the "*International Monetary Fund Fact Sheet*" as found on 9/30/18 at: **http://www.imf.org/About/Factsheets/Sheets/2016/07/27/15/31/IMF-World-Bank?pdf=1** and at: **http://www.imf.org/en/About/Factsheets/Sheets/2016/07/27/15/31/IMF-World-Bank**

In short, from the time of their birth, the sovereign individuals of the organic American body-politic are being tricked – through the acts of the military-industrial complex that the former President Dwight Eisenhower warned the American public about [446] –

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[446] See "*Military-Industrial Complex Speech, Dwight D. Eisenhower, 1961*" as memorialized by The Avalon Project, at Yale Law School, in which during his farewell speech Eisenhower stated among other things:

> "*... This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence -- economic, political, even spiritual -- is felt in every city, every State house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.*
>
> *In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.*
>
> *We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.*
>
> *Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.*
>
> *In this revolution, research has become central; it also becomes more formalized, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of, the Federal government.*
>
> *Today, the solitary inventor, tinkering in his shop, has been overshadowed by task forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.*
>
> *The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present and is gravely to be regarded. Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.*
>
> *It is the task of statesmanship to mold, to balance, and to integrate these and other forces, new and old, within the principles of our democratic system -- ever aiming toward the supreme goals of our free society.*
>
> *Another factor in maintaining balance involves the element of time. As we peer into society's future, we -- you and I, and our government -- must avoid the impulse to live only for today, plundering, for our own ease and convenience, the*

creating "***estates***"[447] to be placed into "*trusts*" for fictional "*personas*,"[448] being presumably "*dead*" persons, by again registering every newborn with the "*state*" through formalized "*birth certificates*."[449]

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precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow. ..."

Found on 9/30/18 at: **http://avalon.law.yale.edu/20th_century/eisenhower001.asp**

[447] See *Online Etymology Dictionary* for the origin and meaning of the word "*estate*":

*"'**estate**' (n) – early 13[th] c[entury]., **'rank, standing, condition,** ' from Anglo-French astat, Old French estat '**state, position**, condition, health, **status**, legal estate" (13c., Modern French état), from Latin status **'state or condition, position, place; social position of the aristocracy**," from PIE root ***sta-** 'to stand, make or be firm.'*

*For the unetymological **e-**, see **e-**. Sense of 'property' is late 14c., from that of 'worldly prosperity;' specific application to 'landed property' (usually of large extent) is first recorded in American English 1620s. A native word for this was Middle English ethel (Old English æðel) 'ancestral land or estate, patrimony.' Meaning '**collective assets of a dead person or debtor** ' is from 1830.*

The three estates (in Sweden and Aragon, four) conceived as orders in the body politic date from late 14c. In France, they are the clergy, nobles, and townsmen; in England, originally the clergy, barons, and commons, later Lords Spiritual, Lords Temporal, and commons.

As found on 9/30/18 at: **https://www.etymonline.com/word/estate**

[448] *See* Mercier, *supra*, ("*Invisible Contracts* - *Introduction*") citing French, Peter. *The Corporation as a Moral Person*, 16 American Philosophical Quarterly 207 at 215 (1979):

"*... The Latin 'persona' originally referred to dramatis Personae, and in Roman Law the term was adapted to refer to anything that could act on either side of a legal dispute... In effect, **in Roman legal tradition, persons are creations, artifacts, of the law itself, i.e., of the legislature that enacts the law, and are not considered to have, or only have incidentally, existence of any kind outside of the legal sphere**. **The law**, on the Roman interpretation, **is systematically ignorant of the biological status of its subjects."***

[449] Landrum, *supra*. See the prefacing "*Abstract*" by Shane Landrum as found in pages vii–viii:

Understanding the history of birth certificates entails comprehension that during the late nineteenth and early twentieth centuries, particularly during the time of "*Progressive Era*" reforms and government expansion under Roosevelt's "*New Deal*" of growing administrative agencies, a significant number of American "*citizens*" had no other birth records than what were provided in family Bibles, particularly in geographically rural regions and areas with high populations of cultural diversity, which underscored the "*increasing importance of identity documents to the practical administration of state and federal policy in the 20th century.*" The focus on the material culture of government and its information technologies alongside the policies and programs these tools enabled, shifted societal understanding of *access* (i.e., to the so-called "*rights*" of 14th Amendment "*U.S. citizens*" *vis-à-vis* government-allocated licenses and benefits as "*privileges*

This process is believed by many to be authorized under the medieval English laws of equity through the *Cesti Que Vie Act of 1666*, its predecessors and its successor Acts. [450]

QUESTION: What is the *Cesti Que Vie Act* and how might it have been used over the past century by government to "*capture*" the unwitting American people into "*trust*" relationships with "*National*" government "*trustees*" which use the value of these private estates as their *collateral* on the insurmountable "*public debt*" incurred by their own unleashed government spending in the name of the *people* and the "*Federal*" United States?

The *Cesti Que Vie Act* originated as a construct of the Medieval Period,[451] stemming from the "*equity*" side of law, as carried through the early modern period of Europe into modern England

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and immunities") to the core documents of American birthright for defining who was to be "*included*" or "*excluded*," and why.

[450] Access to the *Cesti Que Vie Act [of] 1666* was found in British legislation and downloaded on 9/30/18 from The National Archives website of: **http://www.legislation.gov.uk/aep/Cha2/18-19/11**. Prior to this was the *Cesti Que Vie Act [of] 1540* found on 9/30/18 at: **https://www.scribd.com/doc/121748438/Cestui-Que-Vie-1540**. Subsequent was the *Cesti Que Vie Act [of] 1707* found on 9/30/18 at: **https://www.legislation.gov.uk/apgb/Ann/6/72**.

[451] Price, Thomas. *The Early History of Trusts*. (Chapter 9 as prepared by former judge for Sovereignty Pure Trusts) Found as Chapter 9 to *Protecting Your Ass-ets From Vultures: The Truth About Trusts!* By Lynne Meredith and Gayle Bybee.

> "*The Middle Ages brought with it the system of common law that today underpins the administration of justice in the United States and most other English speaking countries. During the 12th through 14th centuries, these entities were indeed a matter of 'Trust'. At that time, there was no legal way to force the trustee to adhere to the contract of the person that granted him legal title other than the moral obligation.*
>
> *The 15th century Dual Justice System [i.e., law and equity] actually paved the way for what has become the modern Trust. In this system the split between the properties legal ownership and equitable ownership made the Trust possible. During the fifteenth century, the king's chancellor began to back up Trust contracts and agreements in the royal court or what was called a Court of Chancery, also called a Court of Equity. An Order could be given by this Court forcing the trustee to adhere to the terms of the Trust contract. ...*
>
> *During those times [in England], if a knight, duke, baron or other property owner was convicted of committing a felony, as defined by the King, all of his property was forfeited to the Crown. This proved quite profitable to the King and dangerous to the titleholder. To diminish his chances of being convicted of a felony, the Title Holder, would transfer the legal title, typically to the Church, which was the only group exempt from felony forfeitures. The Church would then manage the property or business for 10% of its profits. The original Title Holder would then*

and modern America. This brings us back to a topic covered to some extent early in this "*Amicus in Treatise*...," being the division of "*titles*" into "*equitable [title]*" and "*legal [title]*," each coinciding with the dual categorization of equitable and legal "*ownership*" of property.[452] As stated earlier in footnotes, under trust laws, this is best illustrated by the relationship of the "*trustee*" to the "*beneficiary*" in that the **trustee holds "*legal*" title and ownership** while **the beneficiary holds the "*equitable*" title and ownership**. The difference is that under the laws of equity, **the beneficiary holds the "*equitable interest*" and therefore is ultimately the "*real*" owner of the property, while the trustee holds the "*right of possession*". The scenario can change however when the beneficiary disappears or otherwise fails to reaffirm those claims and/or "*execute*" his or her ownership duties and obligations.**

These above *legal* and *equitable* "*title*" principles had gotten quite complicated in the feudal system of the Middle Ages (i.e., during the "*Medieval Period*"). At the time there were men who as sailors had gone out to sea or elsewhere while engaged in expected lengthy business ventures, whose absence for long period brought back the assumption that they were dead. During periods of expected long absences, there was a legal method for feudal serfs, owing tenancy payments to their overlords, to leave their lands for use by others, being third parties who otherwise owed nothing to those land lords. The "*settlements*" of disputes over those payments and tenancy upon the land were then rendered under the law of *cestui que* and the jurisdiction of chancery (i.e., "*equity*") courts as opposed to common law courts. Because of the prevalence of various forms of abuses associated with this practice, there were reforms made to the existing *cestui que* laws under the reigns of Henry VII and Henry VIII, in which the statutes required a public registry for the sales of lands.[453]

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maintain the equitable title or the right to the use, the enjoyment or the benefits of the property. "

[452] *See again*, Salmond, *supra*, pp.264-266.

> *"[T]wo systems of law, administered respectively in the courts of common law and the Court of Chancery, were to a considerable extent discordant. One of the results of this discordance was the establishment of a distinction between two classes of rights, distinguishable as legal and equitable. **Legal rights are those which were recognised by the courts of common law. Equitable rights (otherwise called equities) are those which were recognised solely in the Court of Chancery. Notwithstanding the fusion of law and equity by the Judicature Act, 1873, this distinction still exists, and must be reckoned with as an inherent part of our legal system. That which would have been merely an equitable right before the Judicature Act is merely an equitable right still.***"

[453] *Id.* "*In 1535, the Statute of Uses was put into effect requiring that, under limited circumstances, the beneficiary could be considered the legal owner. However, it was the Judges and not the King who interpreted the Statute. Just because the King did not like Trusts did not make them illegal.*

> *If the Trust had been properly structured with a proper contract, for the purpose of preserving the family estate and irrevocably relinquishing the legal title to another party, while maintaining only equitable or beneficial interest and no management control, a presumption that the beneficiary owned the property would have been a great deviation from existing legal principles and an impairment of the*

The way the *Cestui Que Trust* is purportedly set up to work today against all "*U.S. citizens...subject to the jurisdiction of the United States...*" is that, as the collateral and ultimately the so-called "*debtors*" being held responsible for the *de facto* National government's own wasteful "*public debt*," an estate – theoretically called an "*ancestral*" or "*lineage*" estate – is created on each of our *accounts* by the National government "*trustees*" from the time we are born.[454] In accordance with the Cesti Que Vie Act(s), the "*beneficiaries*" of each of the "*Trusts*" have up through seven years (i.e., until a person's seventh birthday) to present evidence that they are actually alive and, as the rightful "*beneficiaries*," establishing their claims upon their estates, otherwise they are presumed to be organically *dead* – or having voluntarily abandoned the estates – with the *equitable* rights to ancestral ownership of the estates being relinquished to the government *trustees* as already the *legal* owners.

> *title holders common law right to contract under the Magna Carta. The judges, therefore continued to determine that the majority of Trusts brought before it were legal entities which should be enforced by the Courts of Chancery (Equity). Within five years, the Statute of Uses was rarely utilized.*
>
> *The United States adopted the Common Law system of England, including the establishment of the same principles of equity that were enforced in the British Courts of Chancery. (Caldwell v. Hill, 176 S.E. 387). As further support of Contracts of Trust in American* (sic), *there is a Constitutional mandate in Article I, § 10 stating that, 'No State shall...pass any...law impairing the Obligation of Contract.' Therefore, any law that would impair the Contract of Trust or divest it of any right or property would be deemed an unconstitutional infringement and an unlawful impairment of the Obligation of Contract.*
>
> *Although a properly structured Contract of Trust does legally avoid taxes and limits liability to creditors, its more substantial purpose and the reason it is respected by the judiciary and has sustained survival for hundreds of years, it that its' primary purpose is the preservation of the family estates and assets. This purpose has given the Trust great respectability, which has been supported by multiple judicial decisions.*
>
> *Even though many Attorneys are not familiar with Contracts of Trust,* ***they are well recognized by the Judiciary****. Trusts long history indicates their solidarity and timelessness.* ***The only reason more people do not utilize Trusts is simply a lack of knowledge***."

[454] Although it lay beyond the scope of this "*Amicus in Treatise...*" the circumstantial evidence surrounding "*birth certificate trusts*" points generally to the legislative implementation of various types of registration systems – ranging from social security registration, birth registration, to various forms of alien and immigration registration and "*National* (or "*REAL*") *ID*" – which are used to monitor and control the population, both "*U.S. citizens*" and "*noncitizens*," and both "*residents*" and "*nonresident aliens*" – virtually from our times of birth or "*entry*" (or "*berth*" by the "*dock*" in maritime terms) into the territorial bounds and corporate jurisdiction of the National government known as the "*UNITED STATES*."

Of course, according to the *Cesti Que Vie Act(s)*, should any of the beneficiaries[455] eventually present evidence after those first seven years that the previous newborns are actually organically still living, their "*[equitable] titles*" may be "*revested*" so they may properly reestablish their ancestral claims as the so-called "*executors*" to those (newborns or "*living men or women*") estates and thereafter be properly provided with remedies for any damages incurred against them, or against their ancestral lineages, due to the previous default transfers of estates ownerships. Theoretically, as it applies with the governments of the States and the National government of the UNITED STATES, this is purportedly the way to *dissolve* these *Cesti Que* Trusts altogether, so to take back rightful absolute[456] control again to the property of ancestral (family lineage) estates. [457]

As the prevailing *theory* goes, each "*Birth Certificate*" – being distinctly different from a "*Certificate*" or "*Record*" of "*Live Birth*" – is registered by each State's health department and/or bureau of "*vital statistics*." Instrumentally, the *Record of Live Birth* is purportedly used to issue a Birth Certificate bond, certifying that a property "*title*" is registered as some form of a "*surety*" or "*security*." Some liken it to a sort of "*warehouse receipt*" for newborn babies that have been "*delivered*" to the State.[458] The names found on these birth certificates are frequently in **all**

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[455] Practically speaking, this would refer to the parents of the newborns as temporary legal guardians otherwise occupying the "*offices*" of "*executors*" who are often referred to as "*informants*" on typical birth certificates.

[456] This means to regain "*unity of possession*" or joint possession of both *legal* and *equitable* titles and their adjoining rights. This is the same as "*fee simple*," "*fee simple absolute*," of having "*exclusive*," "*perfect*," or "*absolute*" titles, which are titles good both at law and in equity and so patently perfect that they need no lawsuit to defend it.

[457] Black's Law Dictionary (6th edition) – With regard to "*estates*":

> "*Ordinarily, word 'fee' or 'fee simple' is applied to an estate in land, but term is applicable to any kind of hereditament, corporeal or incorporeal, and is all the property in thing referred to or largest estate therein which person may have. In re Forsstrom, 44 Ariz. 472, 38 P.2d 878, 888.*
>
> *A freehold estate in lands, held of a superior lord, as a reward for services, and on condition of rendering some service in return for it. The true meaning of the word 'fee' is the same as that of 'feud' or 'fief,' and in its original sense it is* ***taken in contradistinction to 'allodium,' which latter is defined as a man's own land, which he. possesses merely in his 'own right, without owing any rent or service to any superior.*** *2 Bl.Comm. 105.*
>
> *In modern English tenures, 'fee' signifies an estate of inheritance, being the highest and most extensive interest which a man can have in a feud; and when the term is used simply, without any adjunct, or in the form 'fee-simple,' it imports an absolute inheritance clear of any condition, limitation, or restriction to particular heirs, but descendible to the heirs general, male or female, lineal or collateral. 2 Bl.Comm. 106.*"

[458] NOTE: A "*warehouse receipt*" can be considered, generally, as "*a document of title.* ***A negotiable instrument can also be taken as a warehouse receipt and is often used for financing with inventory as security.***" (See **https://definitions.uslegal.com/w/warehouse-receipt/**)

capital letters[459] signifying the creation of a corporate "*person*"[460] or entity as human capital[461] based upon information provided by the mothers, fathers, or other "*informer*" such as the physicians responsible for the deliveries of newborns.[462]

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[459] In conducting the background research for this "*Amicus in Treatise*...," the author, David Schied reviewed numerous government "*style manuals*" and other formal standards in writing styles and the consensus between all of them is that although "*titles*" are sometimes found written in some publications such as newspaper headlines, that such usage of all caps lettering violates the rules set forth for government and other types of writings, and is generally wrong when either creating government documents or referencing people's names.

Notably, the review on this topic by Schied corroborates what was determined by the extensive research of the *Christian Law Institute Fellowship and Assembly* which published (undated) the findings of their extensive research into the various style manuals and answers from experts in the field. They found that "*[a]ccording to this official U.S. Government publication [being SP-7084, Grammar, Punctuation, and Capitalization, A Handbook for Technical Writers and Editors], the States are never to be spelled in full caps such as NEW YORK STATE. The proper English grammar style is New York State. This agrees, once again, with Texas Law Review's Manual on Usage & Style.*" Their conclusion was that "*the use of full caps in substitution [of] the writing [of] a proper name is no mistake. ...*

> *This is the reason behind the use of full caps when writing a proper name. The U.S. and State Governments are deliberately using a legal fiction to 'address' the Lawful Christian. We say this is deliberate because their own official publications state that proper names are not to be written in full caps. They are deliberately not following their own recognized authorities. In the same respect, by identifying their own government entity in full caps, they are legally stating that they are also a legal fiction. As stated by Dr. Mary Newton Bruder in the beginning of this report, the use of full caps for writing a proper name is an 'internal style' for what is apparently a pre-determined usage and, at this point, unknown jurisdiction.*" (p.6)

Found on 9/30/18 at: **https://freedom-school.com/all-in-the-name.pdf**

[460] *See* what is written below from *The Birth Certificate*, as found on 9/30/18 at: **http://www.criminalgovernment.com/docs/resource.html**

> "*Since the early 1960's State governments, themselves legal fictions as indicated by full caps, have issued birth certificates to 'persons' using all-caps names. This is not a lawful record of your physical birth, but a legal fiction indicated by the use of all-caps. It may look as if it's your proper name, but that's impossible since no proper name is ever written in all-caps. As you will see, the Birth Certificate is the government's created legal instrument for its legal title of ownership, or deed, to the personal legal fiction they have created.*
>
> *One factor to recognize, before going any further, is the governmental use of older data storage from the late 1950's until the early 1980's. As a 'leftover' from various Teletype oriented systems, many government data storage methods used all-caps for proper names. At first, this may have been a necessity of the technology at the time, not a deliberate act. Perhaps, when this technology was first being used and implemented into the mainstream of communications, some legal*

experts saw it as a perfect tool for their legal fictions. What better excuse could there be?

However, since local, State and Federal offices primarily used typewriters during that same time period, and Birth Certificates and other important documents, such as Driver's Licenses, were produced with typewriters, it's very doubtful that this poses much of an excuse to explain all-caps usage for proper names. The only reasonable usage of the older databank all-caps storage systems would have been for addressing envelopes or certain forms in bulk, including payment checks, which the governments did frequently.

Automated computer systems, with daisy wheel and pin printers used prevalently in the early 1980's, emulated the IBM electric typewriter Courier or Helvetica fonts in both upper and lower case letters. Shortly thereafter, the introduction of laser and ink jet printers with multiple fonts became the standard. For the past twenty years the only rational excuse for the government to use all-caps is if older data is still stored in its original form and has not been translated due to the costs of re-entry. But this does not excuse the entry of new data, only 'legacy' data. In fact, on many government forms today, proper names are in all-caps while other areas of the same computer produced document are in both upper and lower case. One can only conclude that the use of all-caps when printing a proper name is no mistake.

Birth information is collected by the state and turned over to the U.S. Department of Commerce. The all-caps fictitious corporate entity is then placed into a 'trust', known as a 'Cestui Que Trust'. A cestui que trust is defined as: 'He who has a right to a beneficial interest in and out of an estate the legal title to which is vested in another; The beneficiary of another.' [Meanwhile,] 'Cestui que use' is: 'He for whose use and benefit lands or tenements are held by another. The cestui que user has the right to receive the profits and benefits of the estate, but the legal title and possession, as well the duty of defending the same, reside in the other.'

[Thus,] [e]ach one of us, including our children, are considered assets of the bankrupt United States which acts as the 'Debtor in Possession.' We are designated by this government as human 'resources' or human 'capital'. You may have noticed that all 'personnel' offices have been converted to 'human resource' offices. The government assumes the role of the Trustee while the newborn child becomes the beneficiary of his own trust. Absent the fraud involved, legal title to everything the child will ever own is vested in the government. The government then places the Trust into the hands of the parents, who are made the 'guardians.' The child may reside in the hands of the guardians until such time as the state claims that the parents are no longer capable to serve. The state then goes into the home and removes the 'trust' from the guardians. At the age of majority, the parents lose their guardianship.

All Christian births used to be recorded in the family Bible only. The reason for instituting the Birth Certificate is so the state can claim title to your person. ***It is a common law principle that says what one creates one may control.*** *Via your state issued Birth Certificate in the name of your all-caps person you are*

considered to be a slave or indentured servant to the various Federal, State and local governments. This legal maneuver is compounded further when one obtains a driver's license, marriage license or a Social Security Number. You have no Rights in state-approved birth, marriage, or even death. ***The state claims the sovereign right to all legal fiction titles it creates.***"

461 See "*Executive Order 13037*" issued by former U.S. President, William ("Bill") Clinton on March 3, 1997 which refers to the "*appropriate definition of capital for Federal budgeting*" as including "*human capital*."
As found on 9/30/18 at: **http://www.presidency.ucsb.edu/ws/?pid=53814**

462 As birth registrations have become an international standard, see the "*European Country of Origin Information Network*" ("*ecoi.net*") for the definitive statement of the *Immigration and Refugee Board of Canada* that "*the informer listed in the birth certificate application form for a child born in a hospital is generally the physician responsible for their delivery*." As found on 9/30/18 at: **https://www.ecoi.net/local_link/185321/288255_en.html**

In legal terms – and particularly in light of the previously discussed "*Enumerated at Birth Process*" that is being implemented by the National government[463] of the *United States of America*[464] and other "*member states*" of the UNITED NATIONS to guarantee the "*rights*" of all people of the

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[463] Compare what we see today in the United States to the "*pattern that prevailed in Germany long before the Nazis and still exists today*...." Silver, Daniel. *Refuge in Hell: How Berlin's Jewish Hospital Outlasted the Nazis*. Houghton Mifflin Company. (2003) p.37

> "*...every religious denomination in Germany was organized into a Gemeinde (translated...as community, municipality, congregation, or parish). In the case of the Jews, the Gemeinde encompassed either a single city like Berlin or, in areas with smaller Jewish populations, one of the German states (Länder). Children were registered at birth as members of the local Gemeinde of their parents' religion. ... The government collected taxes for the support of religious institutions from the citizenry and passed the proceeds on to each Gemainde in accordance with the number of adherents officially registered on its rolls. The Gemeinde, in turn, used these funds to support religious and social welfare institutions.*
>
> *The Berlin Gemeinde thus... supported a broad array of religious, educational, and social welfare activities, among them a health department, which included the hospital. Under the pressures imposed by the rise of Nazism, the Berlin Gemeinde's social welfare activities, especially assistance to those seeking to emigrate and those left unemployed or impoverished by the anti-Semitic decrees, moved to the forefront. ...*
>
> *... The clarity of this organizational structure, however, began to blur in 1938, and by 1941, like most things relating to Jewish life in Germany, what appeared on organizational charts and what happened on the ground were not always congruent. ... In the tidal wave of repressive measures ..., the government had terminated the legal status of every Jewish Gemeinde in Germany. Jews were no longer members of their local Gemeinde, nor did the state collect taxes on behalf of the Jewish communities for redistribution to the Jewish agencies.* ***Thus the focus of Jewish communal activity shifted to the national organization.*** *...*" As found on 9/30/18 at:
>
> **https://books.google.com/books?id=qqhIpd6CQ5YC&pg=PA36&lpg**

[464] Shall we not forget the history of U.S. "*National*" government policies toward law-abiding American citizens and immigrants based upon its own defined criteria and agenda? (*See below*)

Harrison, Scott. *Alien Registration A*

"Aug. 28, 1940 – During the first day under the Alien Registration Act of 1940, Toyosaku Komai, publisher of Rafu Shimpo, a Los Angeles Japanese-English newspaper, is fingerprinted..."
Comment by grandson Chris Komai: "... The man being fingerprinted is my grandfather... I was told that he wanted to be photographed getting fingerprinted to set a good example for the Japanese community. He believed if the community showed it was willing to cooperate with the government, the government would treat them fairly. But **when the war began, the FBI picked up my grandfather on December 7, 1941 and held him, without charge and without trial, until 1946.**

world[465] to Social Security – the National government uses the voluntary application for a Social Security Number and the parents' role as "*informant*"[466] to the construction of the "*Birth Certificate*"[467] so as to create a document of *title* that can be used as a negotiable instrument – like a bond[468] – as "*security*" for the *monetization* of ***p****eople* as human capital (i.e., as "*chattel*"), and

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[465] Morawetz, Nancy; Fernandez-Silver, Natasha. *Immigration Law and the Myth of Comprehensive Registration*. University of California, Davis. (Vol 48, pp.141–205) Section on "*Models of Systemic Registration... (B) Universal Registration*": (p.197)

> "*Under a universal system, citizens and non-citizens would be compelled to register with one national database; they would then receive some sort of national identification card, demonstrating compliance with the registration laws and indicating their immigration status or status as citizen.* ***Such a system could additionally require that identification cards be carried at all times. Universal registration with a carry requirement likely represents the most effective way to determine, on the spot, the immigration status of any given non-citizen and whether he or she is in compliance with the registration laws. In essence, such schemes circumvent the problem of differentiating citizens from non-citizens that exists with alien registration systems.*** *Given these features, universal registration and national IDs have long been advocated as a means of enhancing national security and preventing unlawful immigration.* ***Today, many countries around the world implement national ID systems, including most countries in Europe and many countries in Asia.***" As found on 9/30/18 at: **https://lawreview.law.ucdavis.edu/issues/48/1/Articles/48-1_Morawetz_Fernandez-Silber.pdf**

[466] Black's Law Dictionary, (8th Edition - 2004) defines "*informant*" as "*[O]ne who informs against another; esp., one who confidentially supplies information to the police about a crime, sometimes in exchange for a reward or special treatment. — Also termed informer; feigned accomplice."* Black's Law Dictionary, (6th Edition - 1990) defers the definition of "*informant*" to "*informer*" and to "*citizen-informant*," both with similar meanings. Meanwhile, Black's Law Dictionary, (2nd Edition - 1891) defines "*informer*" as a "*person who informs or prefers an accusation against another, whom he suspects of a violation of some penal statute*." **Altogether, this reflects over a century of legal history of the word as pertaining to the information provided in the investigation of a crime.**

[467] Many people mistake of using the term "*Birth Certificate*" and the term "*Certificate of Live Birth*" interchangeably when there is a significant difference between the two. Actually, according to The Law Dictionary online, the *Certificate of Live Birth* is merely an unofficial draft of a medical data entry form that the hospital has traditionally used, once verified for accuracy by a parent (often the father) to enter the fact that a newborn was delivered by the mother. Once this information is verified as complete, this *Certificate of Live Birth* is sent to the *Office of Vital Statistics* via the *State Register* so as to create **the *Birth Certificate* that is more often recognized and *required* as the "*official*" government document.** As found on 9/30/18 at: **https://thelawdictionary.org/article/difference-between-birth-certificate-and-certificate-of-live-birth/**

[468] Freedom River (internet blog page) – This page best sums the "*theory*" of what governments all over the world are suspected of doing with "*[What is] The Birth Certificate[?]*. For that reason, it is printed here in near its entirety:

"*When you are born (given life), a 'Record of Live Birth' is created as evidence of your Life. The New Zealand equivalent is a 'Notification of Birth for Registration'. It is your Affidavit of Life, with details that identify your living standing. It records your given name as a unique '**Title**', i.e. John, to your Estate.* ***(Your Estate is the 'land', or property, of your mind, body, and soul, and all the physical and intellectual property that derives from your living energy, including your in-born unalienable rights.)*** *Your Mother's autograph establishes the origin of your Estate* ***(an Estate must come before a Trust)***. *In Common Law (the Law of the 'Land'), your Mother and the State are automatically Trustees in an 'expressed' Sovereign Trust with you as the Beneficiary. You are the holder in 'expectancy' of your Estate, which will descend to you as of right when you attain the 'age of majority' (20), unless …*

[Y]our parents are told that you 'must' be registered. They are under no such lawful obligation, but the State is insistent for reasons undisclosed. According to ***Ecclesiastical Law*** *an Estate can only be held in Trust by a man. But your Mother was asked for her* ***maiden name****, constituting 'Maternity'. [Bouvier's Law Dictionary, 1856 Ed. – MATERNITY. It is either legitimate or natural. The former is the condition of the mother who has given birth to legitimate children, while the latter is the condition of her who has given birth to illegitimate children. Maternity is always certain, while the paternity (q.v.) is only presumed.] Therefore, [according to ecclesiastical legal tradition] all naturally born children are illegitimate (bastards) with uncertain fatherhood, having no paternal holder of their Estate. When registering, an '**Informant**' (unknowingly) makes an* ***accusation*** *as to your illegitimacy. [**INFORMANT**. A person who informs or prefers an accusation against another. – Black's Law Dictionary, 2nd Ed.] The Status of Children Act 1969 [of New Zealand], 2. says 'For the purposes of this Act marriage includes a void marriage'. So you are legally a bastard without rights. [**BASTARD**. 4. Considered as nullius filius, a bastard has no inheritable blood in him, and therefore no estate can descend to him.– Bouvier's Law Dictionary, 1856 Ed.]... The State can now legally claim your Estate, making you a '**Ward of the State**' in an 'estates for life'* ***Foreign Situs Trust****.* ***[ESTATE. 9.-2. The estates for life created by operation of law are … 4th. Jointure. … The estate for life is somewhat similar to the usufruct of the civil law. – Bouvier's Law Dictionary, 1856 Ed.] 'Jointure' (joinder) is similar to 'usufruct' (right to derive income from property of another).***

The Record of Live Birth is used to issue a ***Birth Certificate Bond****,* ***certifying that a property 'Title' is registered as a Security.*** *It is like a Warehouse Receipt for the baby, the delivered goods. [**WAREHOUSE RECEIPT**. A warehouse receipt, which is considered a document of title, may be a negotiable instrument used for financing with inventory as security. – Black's Law Dictionary, 7th Edition].* ***At the same time, your 'given name' and family name have been registered as a tradename. Only corporations have a 'last name'. A legal 'person' has been issued by the State as a franchise child of the parent corporation.***

The Bond is sold to the World Bank (Bank for International Settlements, created in 1931 by the Vatican) as Settlor of the Trust. ***Your value to society is calculated using actuarial tables. Your Bond becomes a registered Security, which the Treasury uses as Surety for Treasury securities such as Treasury Bonds, Notes and Bills.***

So you have been ***monetized****. The people truly are the 'Credit of the Nation'. However, in the corrupted system, the people's credit is effectively 'human capital', or 'livestock'.*

Although the State can seize the baby as a 'Ward of the State' if the State's 'investment' is threatened, its greatest value is realized from the 'matured' working adult. The perpetrators of this deception know that you could one day discover the truth and invoke your Power of Attorney from the age of 18. Property Law Act 2007, Section 22.(1) [of New Zealand] 'Person between 18 and 20 years may do certain things, … (c) accept appointment, or act, as an attorney, 22.(2) … has the same effect as if the person were 20 years old.' In short, you can attain the age of majority (20) by declaring your own Power of Attorney from the age of 18. But if they can somehow 'kill' you off, again, legally speaking, they can continue to hold your 'deceased Estate' Titles: real property (lands), personal property (life), and spiritual property (soul).

When you reach full legal age under the Admiralty Maritime jurisdiction, which is the 'Law of the Sea', you become eligible to 'register' your Estate as a 'vessel' navigating on the 'sea of commerce' with you as the Master (Mr/Mrs/Ms). Your 'vessel' will have a legal 'person' NAME such as MR JOHN DOE, and as the Master you will be the liable 'owner', while the State retains the 'legal title' with the 'powers of management' as the Registrar.

You will probably 'voluntarily' forfeit your Estate. You may start work and register as a 'taxpayer', or you may enroll as a 'voter' on a voting register. *If you decide not to register, you have 'gone to sea', and if you are missing for seven years you are declared legally dead. The same process is applied to ships and mariners lost at sea. To avoid court proceedings, the Cestui Que Vie Act 1666, simply declared that everyone is dead after an absence of seven years, unless they return to claim their Estate. After seven years, you 'died' without a will 'Intestate', so someone is appointed to manage your Estate/Trust. The Public Trust applies to the Family Court to manage your Estate under the 'Protection of Personal and Property Rights Act 1988, Section 11 [of New Zealand]. Form PPPR 6 Application for order to administer property'.*

Under the first Sovereign Trust established by your Mother, you are the 'holder in due course' of your Estate, and a future Creditor. As a private man/woman, you are the Executor/Beneficiary of your Common Law Estate Trust, and all oath-bound officials are your Public Trustees. But under the new Foreign Situs Trust, the State gains the 'legal title' (right of possession) to your Estate, while the legal 'person' only has the 'equitable title' (right of use). The legal 'person', as a creation of the indebted State, is also a Debtor. Any man/woman who mistakenly takes responsibility for the legal 'person' NAME

the *surety* against the collateralization of the American ***people*** (under the guise of their being "*U.S. **citizens**...**subject to** the jurisdiction of **the United States***") for the (National government's) public debts, as well as for the interest owed to the Federal Reserve Bank by way of the ***people's*** forced usage by the National government of "*Federal Reserve Notes*".

QUESTION: What is the *Office of the citizen*? And why might the "*duties and obligations*" of that office need to be "*bonded*" for each "*person*" performing "*acts*" under this office "*title,*" in the same way that public officials are bonded against their honesty and the faithful "*discharge*" of their duties[469] and obligations, and in the same way that ordinary

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and its debts steps into the role of the State as the liable Trustee. The State has turned the tables on you.

The People, by registration (legalisation), are employed by the State as debtors for a private banking cartel, which is upheld by a private Bar Association Guild (Law Society). While 'acting' in the legal fiction 'role' of your corporatised NAME, you will receive endless presentments (bills), which that employee of the State, the legal 'person' (Strawman) is obliged to settle.

*But the theft of your Estate is based on **false presumptions** that cannot be proven in fact. **The fundamental flaw is that in order for a Birth Certificate to be issued, a man or woman must first have been born on the land.** Plainly, you are not really dead, so you are still the living **'holder in due course'** of YOUR Estate Title. Under the Cestui Que Vie Act 1666, IV 'If the supposed dead Man proves to be alive, then the Title is revested.'*

*Remember that only **you have a 'birthday'** on which you were born into the world from your Mother. Whereas the artificial legal **'person' has a 'date of birth'** on which it was registered by the Registrar. These two events usually have different dates! (see your Registration Print-out)*

Maxim of Law: 'He who fails to assert his rights has none'."

As found on 9/30/18 at: **https://freedomriver.wordpress.com/what-is-a-birth-certificate/**

[469] Take for example the State "*government actors*" under employ of the corporate "STATE OF MICHIGAN," a "*counterparty*" of this instant case brought forth, *ex rel*, by David Schied. The State legislature's Act 10 of 1969 ("*Bonds of State Officers and Employees*") – being "*[a]n Act to provide uniform bond coverage for officers and employees of state departments and agencies...*" plainly shows:

MCL 15.1 ("*Uniform bond coverage; state officers and employees...*" – *Notwithstanding the provisions of any other law, officers and employees of all state departments and agencies that are required by statute or in the discretion of the director of the department covered, or otherwise to furnish **bonds conditioned for their honesty or faithful discharge of their duties** shall be covered by a blanket bond or bonds as a departmental group or as a state group by corporate surety companies as approved by the director of*

> **criminals are bonded for their temporary freedoms, and in a similar way that ordinary *people* are "*licensed*" to freely engage in specific acts otherwise regulated and/or outlawed?**

The short answer to the second part of the question above is, "*because ordinary people 'residing' in the 'offices' of the 'little-c [U.S.] citizens' – being the very same 'free Persons' and office holders of the de jure 'Federal' government – have long been devoid of proper 'civic' education about 'active' citizenship, and consequently, derelict of their fiduciary duties and obligations to take back the reigns of Constitutional control over those tearing apart this once great American nation*."

Although the phrase "*office of citizen*" has been more recently attributed to Thomas Jefferson, it can be more likely attributed to Supreme Court Justice Felix Frankfurter, "*In a democracy, **the highest office** is the office of citizen.*" [470] The National Counsel for the Social Studies asserts that those residing in or inhabiting "*the office of citizen*" are simply expected to be endowed with "*civic competence*," toward which government-sponsored "*[s]ocial studies programs have as a major purpose*" in promoting, in terms of "*knowledge, skills, and attitudes required of [American] students.*"[471] As found in one public school textbook for grade school students:

> "*Being a United State citizen has a unique meaning. In this country, each citizen holds a very important position of authority. As Abraham Lincoln observed, ours is a government 'of the people, by the people, and for the people.' He meant that our government can operate – make laws, build road and bridges, collect taxes, fight wars, make agreements with other countries –* ***but only if we citizens want it to. When we say that the power of our government is based on the 'consent of the governed,' we mean that the citizens have the power to decide what our government will and will not do.***
>
> *As citizens, we elect representatives, people who are chosen to speak and act for their fellow citizens in government. We elect members of Congress as well as the President, city council members, mayors, governors, and many of our judges. They have the power to make decisions and to pass laws. However, our representatives hold office only as long as we want them to.* ***We delegate – or lend – our power to them. The real power belongs to us. In a way, therefore, each of***

> *the department of administration. Treasurers and tax collectors by whatever title known may be covered by individual bonds.*"

As found on 9/30/18 at: **https://www.legislature.mi.gov/(S(ek2gl4ypf13a53eqv5lm3idt))/documents/mcl/pdf/mcl-chap15.pdf**

[470] Thomas Jefferson Monticello. *The Office of Citizen (Spurious Quotation)*. (Article courtesy of the Thomas Jefferson Encyclopedia) (2008). As found on 9/30/18 at: **https://www.monticello.org/site/jefferson/office-citizen-spurious-quotation**

[471] National Council for the Social Studies. "*What Is Social Studies?*" Expectations of Excellence: Curriculum Standards for Social Studies. As found on 9/30/18 at: **https://www.learner.org/workshops/socialstudies/pdf/session8/8.WhatIsSocialStudies.pdf**

> ***us hold* [sic] *an office too—the 'office of the citizen.' In our society, that is the most important office there is. As citizens we hold it for life"***[472]

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[472] Bennett, Sharareh. *An Analysis of the Depiction of Democratic Participation in American Civic Textbooks*. (Presented at the German-American Conference on '*Responsible Citizenship, Education, and the Constitution*' in Freiburg, Germany, Sept. 12-16, 2005) (See p.6)

NOTE: This research study was conducted in response to the many informed observers of American civic education who see deficits in the correlation between levels of formal education and political knowledge, student achievements in civic content, and student attitudes toward democracy. When evaluating and analyzing the content of civics textbooks and their representations of American democracy, citizenship, and engagement the conclusion was that, with few exceptions, there were commonalities amongst a broad spectrum of textbooks which "*center[ed] on the uniform depictions of passive citizenship and general failures to address the complexities of deliberation ([i.e., there was the] avoidance of controversial issues)*."

In critiquing the particular quote above (referring to this instant footnote), as excerpted from a Prentice Hall academic textbook, the author writing about this research study wrote (p.7),

> "*Again, in this instance,* ***the Prentice Hall volume does a superior job of connecting citizens to the body politic by referring to the conditional nature of the delegation of power from the people to their representatives. Where even the Prentice Hall text fails, however, is in clearly outlining under what specific conditions this delegation of power is granted, and the range of recourses available to citizens when those conditions are not upheld.*** ..."

Generally speaking about all of the American textbooks under analytical review, Bennett added (p.7),

> *"[T]he characterizations of citizen participation are so thoroughly disconnected from the institutional processes delineated in these texts that they stand seemingly as an afterthought, lacking in useful specificity. ... [T]he textbooks thoroughly fail to connect active citizenship to American constitutional democracy. This is especially troublesome because the texts are taught not just as an authority on American government but also as civics texts committed to outlining the range and scope of citizenship in an institutional context. By extending their projects to the latter mission, while offering such limited means or reasons for the necessity of citizen participation, the texts undermine the institutional rationale for active citizenship.* (p.9) ...
>
> *There is little to no discussion in any of the texts, however, of the degree to which these rights [of speech, press, religion, assembly, and petition, self-incrimination, adequate defense, trial by jury, etc.] were fought for and cemented by citizens, nor do they broach means by which, in the future, citizens can address grievances should such rights be violated.* (p.10) ... *Moreover, without any regard to the institutional function of citizenship, each text nonetheless avails itself of unsubstantiated references to 'good citizenship'. Holt does this most egregiously, even dedicating an entire section on being a good citizen at home, which includes solving conflicts, managing family funds, and preparing for the future. (p.11) ...*
>
> *[T]here [are] still [other] incontrovertible problem[s]: namely, what recourses are available to citizens should the representative institutions fail to uphold individual rights or the needs of the community? ...What recourses are*

available to citizens that constitute a minority on a given issue and, thus, are effectively left outside the demand of accountability from their representatives? By what means can they ensure their constitutional rights be upheld should the institutional processes of voting and communicating with their representatives fail them? Part of the answer can be found in other modes of citizen participation that are merely mentioned and left largely unexplored in the texts under consideration. (pp.13-14) ...

Outside of ... brief references [to legal actions and lawsuits] (neither represented explicitly as a method of participation) and mere mentions of Supreme Court cases, [there were] no indication that individual citizens or groups can use the legal system to test the constitutional validity or general viability of laws. (p.14) *... The virtual omission of peaceful protest as a genuine mode of participation is especially disconcerting given its function as a means by which citizens share and organize to convey their collective voice to their representatives and elected officials.* (p.15) *... With few exceptions, as noted above, modes of participation, including boycotts, lawsuits, protests, and civil disobedience—all means by which citizens can ensure their rights are upheld should the institutional processes of voting and communicating with their representatives fail—go largely unexplored as participatory methods. This is at least partially attributable to the fact that the texts under consideration clearly draw a picture of citizenship participation that takes good governance for granted. That is, the underlying supposition conveyed through the largely descriptive and unproblematized representation of government is that the institutions of American democracy manage to operate effectively regardless of citizen participation.* (p.16) ...

Conclusion: ***The texts considered in this study*** *eschew historical and contemporary examples that show unresolved tensions in issues or between institutions of American government and thereby* ***avoid an opportunity to deeply engage students with the deep underlying nuances, contradictions, compromises, and cooperation which are the hallmarks of the democratic process. This includes a near total silence on the main challenges facing America and Americans today, including influence of big money in American electoral politics, the increasing national deficit, unresolved issues of equality and distribution of opportunity, even competing interpretations of the Bill of Rights. This silence paints a picture whereby good governance is assumed not by virtue of the interconnectedness of citizens and state but by institutional design. By paying lip service to the importance of citizen participation to American democracy while offering a deficient and unsatisfactory exploration of the varying modes, and indeed, necessity of citizen participation, the texts limit both the scope and value of citizen participation in American democracy. ...*** **(p.17)** *...*

An important issue, which I hope this brief analysis provides, is the tension which exists in the United States between the rhetoric of participatory democracy and the institutional distaste for all things political, even in civic education. ... I am suggesting that perhaps the ambivalence to genuine participatory democracy I point to in these textbooks may, in fact, reflect a critical ambivalence in American society about the desirability of encouraging active

As a matter of common law tradition and maxim, **"'*TRUTH IS SOVEREIGN...and the sovereign tells the truth*," with one's word being sufficient to establish one's bond.**"[473] However, under the Roman civil municipal-style statutory laws of today,[474] the purpose of *bonding* is to guarantee and provide surety that proper *private*, as well as public redress is available for violations of *private*, as well as public rights, by those with "*titles*" of public *fiduciaries*[475] having duties and obligations to the "*free **P**ersons*" referenced in the Constitution as the "*99%'ers*" of the ***p**eople* of our society.

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citizenship universally. *As such, perhaps it would be prudent to further diagnose the **disease**, before we look for a cure.* (pp.17-18).

As found on 9/30/18 at:

http://www.civiced.org/pdfs/germanPaper0905/FrouzeshBennett2005.pdf

[473] Schied, David, *supra*, (2016) "*Memorandum on Rights of (We) 'The People'....*" citing (p.147) from the *Application of Commercial Law* located online, as of 9/30/18 at:

https://www.1215.org/lawnotes/work-in-progress/redemption/redemption3.htm

Schied (p.148), citing again from *Application of Commercial Law*

"*Correspondingly, the Truth must be documented. Thus, for applicable purposes in the Law of Commerce, **the accompanying maxim** is: 'TRUTH IS EXPRESSED IN THE FORM OF AN AFFIDAVIT. (Lev. 5:45; Lev. 6:35; Lev. 19:1113: Num. 30:2; Mat. 5:33; James 5: 12).' An affidavit is your solemn expression of your truth. In commerce, an affidavit must be accompanied and must underlay and form the foundation for any commercial transaction whatsoever. There can be no valid commercial transaction without someone putting their neck on the line and stated* [sic]*, 'this is true, correct, complete and not meant to mislead.'*

When you issue an affidavit, it is a two edged sword; it cuts both ways. Someone has to take responsibility for saying that it is a real situation. It can be called a true bill, as they say in the Grand Jury. When you issue an affidavit in commerce you get the power of an affidavit. You also incur the liability, because this has to be a situation where other people might be adversely affected by it.

Things change by your affidavit, in which are going to affect people's lives. If what you say in your affidavit is, in fact, not true, then those who are adversely affected can come back at you with justifiable recourse because you lied. You have told a lie as if it were the truth. People depend on your affidavit and then they have lost because you lied."

[474] *Id.*

"*[W]hether in whole or in part, the Customary Law [i.e., commercial law according to ancient custom and international common law practices in commercial and maritime scenarios] is still found today, in terms of the local, state, and federal governments' Common Law and Civil Laws systems that provide much of the substance of today's domestic and international Commercial Law.* [citation omitted] *It is from these underpinnings then, that the substantive and procedural operations, and the rule–making authority of the Law Merchants and Admirals got undermined and usurped."* (p.42)

[475] Davis, Seth. *The False Promise of Fiduciary Government*. Notre Dame Law Review. (2014) Vol. 89:3, (Article 3), pp.1144–1208.

> "*In plain language ... The purpose of bonding is to provide redress for accidental damage, and to prevent deliberate negligence (gross negligence), deliberate damage, and criminal malpractice, i.e., malfeasance.*
>
> *Civil malpractice bonds are designed to protect an agency from its own officers. Civil malpractice bonds are designed to protect the public from official accidental malpractice. Civil malpractice bonds are bonds against situations that might occur in statutory construction (legislative), in the enforcement process (judicative), or in the enforcement act of an enforcement officer (executive).*
>
> *A misuse or misapplication of a statute or of a public office is deemed civil by a bonding company if it is accidental, and is deemed criminal by a bonding company if it is deliberate or the result of gross negligence.*
>
> *A bonding company issues a bond on a statute or on an official process, act, or office only against accidental misuse or misapplication of the statute or official process, act, or office.*"[476]

Traditionally, customary laws and jurisdictional courts have historically evolved together, for better or for worse ... with the result being the governments' adaptation to and **takeovers of international private practices** that previously had been customarily instituted in commerce for purposes of dispute resolution by ancient merchants. Essentially, by governments engaging with and participating in the *laissez faire* capitalism of private international traders, **governments have come to seek control over these "*free*" markets through *law*.**

Inevitably however, as is always the tendency, the governments' business competitiveness in the capital marketplace turns coercive as those in charge of implementing and adjudicating the laws eventually attempt to harness and make absolute and controlling that which is otherwise dynamic

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> "*Private law labels some relationships of power and dependence between persons 'fiduciary.' With the label come duties, enforceable through private rights of action, which aim to protect the beneficiaries of delegations of power to others from becoming victims of that dependence. To some, modern life is characterized by the emergence of a 'society' ... based predominantly on fiduciary relations.'* [citation omitted] *Understood thus, fiduciary law encompasses not only the traditional doctrinal categories – trust, agency, partnership, corporations, and so on – but also all 'important social and economic interactions of high trust and confidence that create an implicit dependency and peculiar vulnerability of the beneficiary to the fiduciary.* [citation omitted]
>
> *The work of the antebellum scholar Francis Lieber reveals how far this thinking can run. Writing in 1838, Lieber* ***lumped constitutional law with trust law. Every citizen, from the federal postmaster to the local haberdasher, was a fiduciary. The foundation of political duties, no less than that of duties that run from trustee to trust beneficiary, could be found in fiduciary law.***" (pp.1146–7)

[476] Due, Randy; Van Dyke, Hartford. *Compulsory Bonding of Public Officials and Summary Processes: Uniform Bonding Code – What is Bonding?* As found on 9/30/18 at: **https://scannedretina.com/2013/04/07/uniform-bonding-code-what-is-bonding/**

and ever–changing in common and customary laws[477] and practices. Once this occurs, under the guise of "*authority*" in successive new laws,[478] governments can then legally "*capture*" private *unalienable* rights and license them back to private individuals as "*privileges*"[479] in commerce. Moreover, **many scholars today believe that fiduciary laws are having the effect – likely**

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[477] *Id.*

> The *Law of Nations*, as referenced in the *Constitution of the United States for the United States* (Art. I, § 8, cl. 10) was, and remains, predicated upon the natural and voluntary regulation of international commerce and of political societies built upon private property rights, individual rights to contract, and upon honest business dealings by informed consent.

[478] Davis, *supra*. More recently there has been contemporary efforts to constrain government's abuse of "*discretion*" through "*judicial review based upon the law of fiduciary duties. Like private fiduciaries who owe duties to beneficiaries, public officials possess discretionary authority to act on behalf of citizens, who cannot protect themselves from abuse, or so the analogy runs. By applying fiduciary duties of loyalty and care to politicians and bureaucrats, fiduciary theorists aim to resolve the 'problem of faction' in political and bureaucratic decision-making. ... In short, fiduciary theorists see in fiduciary law a political morality from which to derive judicial constraints on political discretion. By 'drawing on the lessons from private law enforcement of fiduciary duties,' the federal courts can create a 'workable approach' to judicial review of political decision[-]making. That is the promise of fiduciary government."* (pp.1147-8)

[479] Earlier sections of this instant "*Amicus in Treatise*..." referencing the "*perpetual 'state of national emergency'* and enforcement of the '*law of nonintercourse*' brought focus to a long period of American History in which – under martial law, the *Lieber Code*, and other such military entitlements and devices – rights have been taken away by the so-called "*sovereigns*" of the "*State*" (and their agents) and "*licensed*" back to *subjects* and *citizens* as "*privileges*," even though no actual war may have been formally declared. Salmond (*supra*) describes such *privileges* in terms of the difference between "*judicial force*" and "*military force*" as follows:

> *"Judicial force is regulated by law, while the force of arms is usually exempt from such control. Justice is according to law;* ***war is according to the good pleasure of those by whom it is carried on.*** *Inter arma leges silent, is a maxim which is substantially, though not wholly true.* ***The civil law has little to say as to the exercise by the state of its military functions. As between the state and its external enemies, it is absolutely silent; and even as to the use of extrajudicial force within the body politic itself, as in the suppression of riots, insurrections, or forcible crimes, the law lays down no principle save this, that such force is allowable when, and only when, it is necessary. Necessitas non habet legem.*** *Within the community the law insists that all force shall be judicial if possible. This* ***protection against extrajudicial force*** *– this freedom from all constraint save that which operates through the courts of law and justice – is one of the chief* ***privileges*** *of the members of the body politic.*"

In fact, the "*Doctrine of Necessity*" is in the U.S. Constitution (Art. I, §8, Clause 18):

> "*Powers of Congress. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.*"

through the ever-expanding bureaucracy of "*administrative agencies*" and their "*discretionary*" interpretation and application of a labyrinth of procedures – of yielding even more abuses of such "*officials'*" positional/administrative discretion (accompanied by "*immunity*" for most all "*administrative*" acts committed while in "*government*" offices).[480]

"*In plain language, the purpose of bonding is to provide redress for accidental damage, and to prevent deliberate negligence (gross negligence), deliberate damage, and criminal malpractice, i.e., malfeasance*."[481] The fact is however, that many "*officials*" think that they can do wrong and

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[480] Davis, *supra.* (pp.1148–9)

> "***Davis' ['Uniform Bonding Code – What is Bonding?'] Article argues the promise of fiduciary government is a false one.*** *Fiduciary constraints are riven with problems even in the private law context, where there is a consensus about the interests of beneficiaries and the ends of judicial review. Identifying when a fiduciary relationship exists is a matter of significant debate. Even where fiduciary constraints are well accepted – from trust to corporate law – specifying their content sparks more disagreement.* ***Indeed, some scholars have argued fiduciary law is dead. Hence, we face an irony. While private law scholars chart the decline and indeterminacy of fiduciary constraints and the rise of private discretion, public law scholars look to fiduciary law to constrain public discretion. Yet designing fiduciary rights and duties is even more difficult in the public law context, where, unlike its private counterpart, there is not a consensus about the interests of beneficiaries and the ends of judicial review.***"

See also, Schied, *supra*, ("*Memorandum of People's Rights*....(p.125),":

> *"**Legal** matters [i.e., the force of 'judicial law'] administrate, conform to, and follow rules. They are equitable in nature and are implied (presumed) rather than actual (express).* ***A legal process can be defective in law. This accords with the previous discussions of legal fictions and color of law. To be legal, a matter does not follow the law. Instead, it conforms to and follows the rules or form of law.*** *This may help you to understand why the Federal and State Rules of Civil and Criminal Procedure are cited in every court petition so as to conform to legal requirements of the specific juristic persons named, e.g., "STATE OF GEORGIA" or the "U.S. FEDERAL GOVERNMENT" that rule the courts.*
>
> ***Lawful matters are ethically enjoined in the law of the land—the law of the people—and are actual in nature, not implied. This is why whatever true law was upheld by the organic Constitution has no bearing or authority in the present day legal courts. It is impossible for anyone in 'authority' today to access, or even take cognizance of, true law since 'authority' is the 'law of necessity,'*** *[Take for example 12 USC 95.]*
>
> *Therefore, it would appear that the meaning of the word 'legal' is 'color of law,' a term which Black's Law Dictionary, Fifth Edition, defines as: 'Color of law. The appearance or semblance, without the substance, of legal right.* ***Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under 'color of law.'*** *Black's Law Dictionary, Fifth Edition, page 241."* [citations omitted]

[481] Due & Van Dyke, *supra*. (Below is cited in paraphrases.)

So what is bonding? All acts of an artificial person such as a corporation or municipal corporation are included in three general classes of action, namely legislation, adjudication and execution. This refers to the creation of policies or statues (legislation), the creation of procedural processes designed to determine by what means the enforcement of policies or statutes (adjudication and administration) are necessary, and the actual enforcement of the policies or statues by mercenary agents and/or officers of the corporation (execution). **Each of the acts of a corporation involve their own separate liabilities, so each act must be separately insured ... to the degree [to] which each act is separately probable to create a damage.**

Each general class of action is regulated by a set of insurance policies or bonds, the character of which is peculiar to that class of actions. Bonding is the insurance of a job against which its performance might cause damage to persons or property. Bonding is applied to the conception of the job, to the end product of the job and to every step or stage in between the first and last stages. As applied to municipal corporations, bonding is applied to: 1) the conception or legislation of the statute; 2) to the enforcement of the statute; and, 3) to every (administrative and discretionary) process in between legislation and enforcement.

In short, **bonding** a municipal corporation **is gambling** on the behaviors of "*de facto government*" officials, and each application (legislative, administrative, executive) has its own odds for success and its own terms of payoff. In the mathematical theory of insurance and bonding, the possibility of bonding any one particular statute, one adjudicative process, or one enforcement officer, and having that bond being transferable to another statute, adjudicative process or enforcement officer, respectively, is no more possible than it is possible to transfer the bet on one race horse to another during a race.

With the advent of powerful computers has come the possibility of analyzing data much more quickly and thoroughly and in terms of the general economic principles of Leontief input-output matrix analysis. [*See Studies in the Structure of the American Economy* by Wassily Leontief published in 1953, and *The World Economy in the Year 2000* by Wassily Leontief, an article in the *Scientific American* of September 1980. (Wassily Leontief was the 1973 Nobel Memorial Prize winner in economics.)] In the modern system of wagering, as applied to insurance and malpractice bonding, several political-legal-economic factors including legislation, adjudication, execution (enforcement), and even the behaviors of the general public are treated mathematically, as separate industries within the legal system, with the result that these industries can be interrelated by a system of feedback equations and computations. [This is also how insurance premiums and some bonding values are calculated, as well as how life expectancy and labor productivity is evaluated.]

Computer technology and mathematics allows for a much more closely monitoring of individuals and their behaviors in each of both private and public sectors of our society, making the behavior of governments and individual people both predictable and vulnerable to coercive manipulation. This amounts to the application of feedback computing to reliable gambling on the economic success or outcome of any given statute or legal process. It results in a scientific bonding system and, in turn, results in a transfer of power and authority of government over to the bonding system, and results in a transfer of the power

hide behind the limited liability and the bond of the municipal corporation in which they work. They also hide behind the malfeasant acts of one another.[482] They regularly disregard that the

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and authority of government over to the bonding companies where it belongs if governments do not want to behave themselves (i.e., money talks, bonding controls).

Thus, many today are seeing that it is only when malfeasant officers have been drawn out into the open away from the veil of limited access to, and the limited liability of, the *persona* of the municipal corporation, can they be compelled to answer civilly for their individual antisocial behavior, and thereafter be forced themselves to surrender their own personal property for their own unlawful acts.

[482] Recalling the discussion earlier in this "*Amicus in Treatise*" that the "*one supreme*" Court ruled in the "*Clearfield*" (*supra*) case that even "*The United States, as drawee of commercial paper, stands in no different light than any other drawee*;" and that since *"[t]he United States does business on business terms... [i]t is not excepted from the general rules governing the rights and duties of drawees by the largeness of its dealings and its having to employ agents to do what if done by a principal in person would leave no room for doubt.*" (See earlier citations.) **Therefore, officers of renegade government can and should be made to answer, civilly and criminally, to publicly filed criminal complaints per Title 18 U.S.C. §§ 241 and 242 ("*[Conspiracy to] Deprive of Rights Under Color of Law*"), but often they are not.**

The commercial "*values*" associated with violations of Title 18 of the United States Codes (§§ 241 and 242) are that the offending officials "*shall be fined... under this title or imprisoned..., or both*". (In some cases, they may be sentenced to death.) Civil values associated with deprivation of rights allow individual employees of federal, state and local government to be sued in their individual capacities for damages, declaratory or injunctive relief. If the organization employing these officials is itself found to be involved in a "*continuing financial crimes enterprise*" and received $5,000,000 or more in gross within 24 months, under 18 U.S.C. § 225 ("*Continuing Financial Crimes Enterprise*") the individual officers can be fined up to $10,000,000 each and imprisoned for up to 10 years; with the organization being fined up to $20,000,000. For bonding companies this means that, depending upon the *gambled* potentials in fines and the corresponding risks of accused offenders fleeing to avoid prosecution, bonds in ranging amounts may be issued to assure these offenders return to courts for standing trials.

Therefore, with the too frequent failure of prosecutors (i.e., those who abuse their "*discretion*" by) refusing to indict and prosecute their peer group of other "*law enforcement*" and "*judicial*" officials, all prosecutors and other supporting officials must be bonded. Prosecutors who do not prosecute "*predicate*" crimes by malfeasant officials commit "*secondary-level*" RICO crimes of malfeasance; and thus, they force the public to go after the bonding companies that insure the "*faithful performances*" of all of these so-called "*government*" officials. Moreover, prosecutors who refuse to enforce proper *legal* remedies through criminal prosecutions risk the eventual reinstatement of the *lawful* remedies so often found in the past, such as has been discussed in this "*Amicus in Treatise...*" like dueling and other "*private*" forms of retaliation or recourse for otherwise upholding one's sacred honor; or by mass engagements of warring battles leading to otherwise needless bloodshed such as was seen in the Civil War "*between 'States'.*"

Technically, in order to survive, bonding companies must cancel whatever bonds they use to *collateralize* the "*duties and obligations*" of malfeasant prosecutors because of their derelict performances on those specific fiduciary duties and obligations. Such refusals of bonding companies to guarantee such defective and antisocial *functionaries* makes these "*officials*"

actual basis of their authority, their true "*employers*," are really the *people* themselves. Thus, "*[m]unicipal bonding is intended for accidental misuse of power; bonding is not intended to protect officials in the deliberate misuse of power, that is, the commission of criminal acts."*[483]

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dependent upon their own personal resources for the seat of their own (abuse of) discretionary authority. For those bonding companies that tend to overlook significant "*patterns*" of civil and criminal complaints about these types of public functionaries, the ***p****eople* filing these civil and criminal "*claims*" may legitimately attempt to *collect* on the civil bonds of these officials. However, as has been shown in this instant "*Federal Government of The United States of America, ex rel David Schied on Behalf of Himself and Others Similarly Situated ...*" case, when the escalation of such civil and criminal complaints extends beyond prosecutors to include allegations of "*treason*" (18 U.S.C. § 2381), "*misprision of treason*" (18 U.S.C. § 2381), "*rebellion or insurrection*" (18 U.S.C. § 2383), and participating in a "*seditious conspiracy*" (18 U.S.C. § 2384) to coerce the population and government by means of "*domestic terrorism*" (18 U.S.C. § 2331) by State and National "*judges,*" those filing such "*claims of damages*" against these prosecutors and judges do so on behalf of the ***p****eople* at large, since society as a whole is being damaged by these malfeasant fiduciary "*officials*."

As a result of the Internet providing for increased direct correspondence and a prevailing market of "*alternative media*" sources, the public is getting better educated in commercial "*bonding*" as both defense and offense against rogue and antisocial public functionaries. The time has come for bonding companies to get smarter too; otherwise they may find themselves financially devastated by such "*official malfeasance*". The Uniform Bonding Code, which is incorporated into the statutes of virtually every state, is a first step toward helping these bonding companies to understand that. (For more, *see* Due & Van Dyke, *supra*.)

[483] Due & Van Dyke, *supra*. (Below is cited in paraphrase with enhancements in brackets.)

> In reality, governments rule first by force and only secondly by the consent of the people governed. However, since the labor of government "*actors*" is the primary resource for all government actions, and because money is the social representation of that labor energy, the ***p****eople's* method of bringing malfeasant officials of municipal corporations under control always has been, is now, and always will be, through economic means. It is only those governments and/or their officers which can be sued by the public that can be made to answer to the public need for redress of grievances.
>
> The Bonding Problem – As our human population increases our tolerance for one another gets naturally tested. Municipal corporations meanwhile, as corporate "*persons*" and filled with *people* holding various *titles* in numerous fiduciary *offices*, tend to become less sensitive to the individual needs of *citizens* living in the *private* sector; and thus, these *public fiduciaries* lean towards becoming more antisocial towards the ***p****eople* at large. Some might have the view that municipal corporations have become something like "*slaughterhouse operations*" with so-called "*law enforcement*" officers running the "*sledgehammer*" or "*electrical stunner*" department. Judges ignore the rights of the ***p****eople* and legislators generate heaps of new laws without perfecting the ones already existing, so to make them suitable for bonding. Defective statutes and defective legal processes thus become an invitation for every sort of official malpractice and malfeasance imaginable.
>
> As is found throughout America today, the public responds to such "*deprivation of rights under color of law*" in retaliation, suing for their many injuries while trying to put their *bite* on the bonding companies.

The Solution – In order to survive in the commercial market place, the smaller bonding companies have had to become more selective and scientific in their bonding practice. In the past, bonding was based on marketing a bond, which covered a broad aggregate of "*bondable-objects, acts, and persons*."

When large claims are placed against small bonding companies, each claim has the potential to bankrupt, especially if the company fails somehow to collect what might be owed in corresponding funds from older, more established companies as bonding underwriters. By selectively partitioning the coverage better, so to exclude persons with histories of antisocial behaviors and disposition, these claims against bonding companies could be minimized so to improve the solvency of these smaller bonding companies. [NOTE: This does not help when bonding companies with deep pockets engage in racketeering schemes with both the management of municipal corporations and the so-called "*courts*." As the ***David Schied v Karen Khalil, et al*** case demonstrates in prime example to this instant case accompanying this "***Amicus in Treatise***...", the racketeering schemes are carried out through "*risk management*" companies (such as the Michigan Municipal Risk Management Authority, or "*MMRMA*" and the American Insurance Group, or "*AIG*") that operate as buffers and interveners between the "*claimant(s)*" and their just remedies in the "*courts*." As shown in the ***David Schied v Karen Khalil, et al*** case, these risk management companies carry out their dirty work both by teaching fiduciary officials how to "*cover-up*" and "*diffuse*" hard evidence of their crimes, while engaging in behind-closed-doors bribery schemes using the incestuous "*good ol' boy networking*" of the judges' fellow State BAR attorneys.]

In the old *aggregate bonding system*, rogue, antisocial fiduciary officials, as public functionaries whose behaviors are otherwise governed by statutes and who otherwise abuse their administrative or executive duties and obligations, could trigger a monstrous civil rights or Constitutional claim against the bonding company that underwrites the general bond on the municipal corporation where these officers work. In order to maintain credibility in the bonding marketplace, the bonding company had to pay off the claim against the bond even though the official act was criminal instead of civil. [The principle was one of "*birds of a feather flock together*" so the entire organization was bonded.]

Under these *aggregate* bonding conditions, if the municipal corporations were managed by derelict or malfeasant office staff, such management would tend to support and retain the employment of their fellow officer(s), or dispose of them under pretentious conditions. [NOTE: This is what occurred with the tragic case of **Jason Goodwill**, whose case presented herein as one of the "*others similarly situated*." In his case, the police officers who beat him and framed him for a crime in Wisconsin out of retaliation for his blowing the whistle on their conspiracy to oust Sheboygan's first Hispanic mayor, were all transferred or left their jobs quietly instead of being criminally prosecuted.] In some cases, the worst of these rogue municipal employees are retained while the more civilized officials with higher levels of integrity are let go, if for no other reason than to enhance the conspiracy to cover-up of such racketeering and corruption by "*attorney-client privilege*" or by outright bullying and other fear tactics to get private "*claimants*" to drop their malpractice lawsuits and claims upon these bonded companies.

In the past, when such corrupt municipal or other corporations got sued, as would often occur, then the bonding companies working under the old system of *aggregate* bonding would get ripped to shreds, perhaps even bankrupted. Where these bonding companies

survived, they inevitably denied doing any further business with these corrupt municipal corporations, and other bonding companies, being also more cautious, might refuse to bond these corporations, or demand a higher premium to cover their own gambling risk. Ultimately, what has resulted with these most corrupted municipal corporations when they have found either that they can no longer be bonded because their own "*track record*," or that such bonding for their fiduciary employees is too expensive, they have resorted to "*self-bonding*" and/or "*self-insured*" blanket coverage over everyone under their employ.

As illustrated by the above, in the past, the state incorporation laws have required all corporations engaged in businesses potentially hazardous to the public safety, health, and welfare to be bonded against public accident and the malpractice of their officers. More recently however, "*self-bonding*" and "*self-insurance*" has become a state condoned option that has extended to municipal corporations. These schemes are concocted to insulate these corrupt organizations and "*continuing financial crimes enterprises*" against prosecution for violation of the general state incorporation laws which demand public hazard licensing and bonding for all corporations.

Importantly, corporations that are "*self-bonded*" are "*limited [liability]*" corporations. With a low ceiling of limited liability, the term "*self-bonded*" is a fraudulent misrepresentation of corporate liability status. **It says in effect that the payment of the commercial debts of the corporation will take second place to the payment of the malpractice obligations of the corporation.** [Similarly, as found in the "*federal*" court case of "*David Schied v. Karen Khalil, et al*" when *Sui Juris Grievant/Crime Victim/Claimant* David Schied and others pursued their claims against the "*risk management*" insurers responsible for the "*excess*" coverage beyond the "*self-insured*" amounts paid by the municipal corporations, the attorneys for *MMRMA* and *AIG* argued fraudulently but adamantly that since the private citizens are not parties contracted by the insurance policies (and despite that the self-funded policies and "*excess*" insurance was purchased with taxpayer-funded resources), the ***p****eople* at large were not the "*beneficiaries*" of the insurance coverage, the municipal corporations were instead. [NOTE: All the "*federal district court*" officials, as all being members of the same MICHIGAN STATE BAR as the attorneys making these arguments, were complicit with this reasoning.] In the case of municipal corporations then, such "*self-bonding*" and "*self-insurance*" cannot possibly be expected to cover the anti-civil rights and anti-Constitutional malpractice potential of today's modern "*continuing financial crimes enterprises*" as found in so many of today's municipal corporations. Simply put, "*self-bonding*" is "*no bonding*," it is corporate limited liability; and "*self-insurance*" is "*no insurance*," it is statutory negligence and outright criminal. (Bonding is valid only when it is provided by an independent third party money wagering pool with no conflict of interest and no possibility of the bonded party dipping into the till.)

In order to pull out of the municipal corporate bonding rat race, the smaller bonding companies have had to adopt a set of bonding policies aimed at segregating, partitioning, and making more certain, their liabilities in the bonding marketplace. The *Uniform Bonding Code*, as found in the link below, contains one presentation of those policies. (As found on 9/30/18 at: **https://www.1215.org/lawnotes/work-in-progress/bonding-code.htm**)

QUESTION: So, if the theory of the National "*government*" using birth certificates as the surety on the collateralization of the American *people* for the ever-rising "*national debt*" is reasonably correct – or in the alternative, the American *people* are being *bonded* and *licensed* as if their *statuses* and *titles* are *subject* to the same *duties and obligations* as the various (corporate and/or municipal) "*fiduciary officials*" acting under the Public Trust – then what might be behind the "*how*" and "*why*" State and National governments might be converting constitutionally "*free Persons*," as the American *people*, into "*offices*" called "*U.S. citizens*"?

With what this "*Amicus in Treatise*..." has presented thus far, we know that through various post-Civil War devices that have been inaugurated (beginning with the literal declaration of war upon Southern States, the coercing of their purported "*ratification*" of the 14th Amendment, the 16th and 17th Amendments, etc.). These devices have effectively usurped the powers of the States and turned the States into what many ***p****eople* of America have been asserting are merely corporate franchises having few differences in the marketplace of commerce than other powerful national and international corporations doing business in America.

Between the "*Cooperative Federalism*" set up by the governors of the States and the labyrinth of administrative agencies set up by the *de facto* National government acting as a mere "*state*" of the larger United Nations, the principals of "*state sovereignty*" and the "*Bill of Rights*" have dissolved the "*democratic republic*" of the United States of America into an Marxist/Socialist oligarchy of overreaching political (i.e., "*special interests*")[484] and corporate power.[485] This has

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[484] Special interests are the political nexus to collecting property taxes and for regulating intrastate commerce. Through "*cooperative federalism*", the tethers of the private property "*net*" were expanded beyond real property "*purchased*" and "*needful*" for government operations, to the assets and private operations owned by its "*citizens*" wearing the "*cattle brand*" of the United States on their "*person*".

[485] Chumley, Cheryl. *America is an oligarchy, not a republic, university study finds*. The Washington Times. (Apr. 21, 2014). As found on 9/30/18 at: **https://www.washingtontimes.com/news/2014/apr/21/americas-oligarchy-not-democracy-or-republic-unive/**

See also, Gilens, Martin; Page, Benjamin. *Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens*. Princeton University (April 9, 2014):

> *"What do our findings say about democracy in America? They certainly constitute troubling news for advocates of 'populistic' democracy, who want governments to respond primarily or exclusively to the policy preferences of their citizens. In the United States, our findings indicate, the majority does not rule – at least not in the causal sense of actually determining policy outcomes. When a majority of citizens disagrees with economic elites and/or with organized interests, they generally lose. Moreover, because of the strong status quo bias built into the U.S. political system, even when fairly large majorities of Americans favor policy change, they generally do not get it.*
>
> *A possible objection to populistic democracy is that average citizens are inattentive to politics and ignorant about public policy: why should we worry if their poorly informed preferences do not influence policy making? Perhaps*

been carried out, in part, under the guise of "*downsizing*" governments, by handing over the power of the ***p****eople* over those governments to corporations,[486] some of which are so monopolistic and powerful that they exceed not only the gross domestic product (GDP) of the

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economic elites and interest group leaders enjoy greater policy expertise than the average citizen does. Perhaps they know better which policies will benefit everyone, and perhaps they seek the common good, rather than selfish ends, when deciding which policies to support. But we tend to doubt it.

We believe instead that – collectively – ordinary citizens generally know their own values and interests pretty well, and that their expressed policy preferences are worthy of respect. *Moreover, we are not so sure about the informational advantages of elites. Yes, detailed policy knowledge tends to rise with income and status. Surely wealthy Americans and corporate executives tend to know a lot about tax and regulatory policies that directly affect them. But how much do they know about the human impact of Social Security, Medicare, Food Stamps, or unemployment insurance, none of which is likely to be crucial to their own well-being? Most important, we see no reason to think that informational expertise is always accompanied by an inclination to transcend one's own interests or a determination to work for the common good.*

All in all, we believe that the public is likely to be a more certain guardian of its own interests than any feasible alternative."

As found on 9/30/18 at:
http://amadorcountynews.org/2014-04/American%20Politics%20-%20Elites,%20Interest%20Groups,%20and%20Average%20Citizens.pdf

[486] Lamoreaux, Naomi; Novak, William. *Corporations and American Democracy*. Harvard University Press. (The Tobin Project – 2017):

"*Americans [have a] longstanding love/hate relationship to the corporation – their enthusiastic embrace of the corporation as an engine of opportunity and prosperity and their simultaneous skeptical distrust of it as a source of corruption and driver of inequality.* ***This deep ambivalence has shaped public policy concerning the corporation throughout American history.*** *On the one hand, the corporation has long been seen as a useful and alluring vehicle for harnessing and distributing the collective energies of individuals – an engine of economic growth and a bulwark of democratic prosperity. On the other hand, that same corporate vehicle has been viewed with suspicion as a potentially dangerous threat to that same democracy – a site of coercion, monopoly, and the agglomeration of excessive social, economic, and political power. Competing visions of the corporation as alternatively a source of extraordinary public material benefit and a font of democratically unaccountable private power have animated much of the history of the corporation in America.*"

Found on 9/30/18 at:
https://tobinproject.org/sites/tobinproject.org/files/assets/Lamoreaux%20&%20Novak%20-%20Introduction.pdf

American states, but also many of the world's nations.[487] It is clear now that **both** the ***people*** and the so-called "*governments*" are out of control relative to the capitalistic power of international corporations and their bankers as driving financial influences of the existing oligarchy.

Black's Law Dictionary, 6th ed. (1990) defines "*Parens patriae*" as literally meaning "*parent of the country*." It is a word used traditionally that refers to the ...

> "*...role of state as sovereign and guardian of persons under legal disability, such as juveniles or the insane. [State of W. Va. V. Chas. Pfizer & Co., C.A. N.Y., 440 F.2d. 1079, 1089], and in child custody determinations, when acting on behalf of the state to protect the interests of the child. It is the principle that the state must care for those who cannot take care of themselves, such as minors who lack proper care and custody from their parents. It is a concept of standing utilized to protect those quasi-sovereign interests such as health, comfort and welfare of the people, interstate water rights, general economy of the state, etc. [Gibbs v. Titelman, D.C. Pa., 369 F.Supp. 38, 54.]...* ***In the United States, the parens patrice function belongs with the states.***"

By contrast, the U.S. National Archives holds a bill written by Thomas Jefferson that was ultimately was not passed and adopted. It is titled, **"***79. A Bill for the More General Diffusion of Knowledge, 18 June 1779***".**[488] This bill proposed by Jefferson was for the creation of a public education system that would be tax-funded for three years for "*all the free children, male and female*," with education professed to be central to the axiomatic connection of freedom and responsibility to republican citizenship and the "*antidote for political corruption*."[489]

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[487] Khanna, Parag. *These 25 Companies Are More Powerful Than Many Countries: Going stateless to maximize profits, multinational companies are vying with governments for global power. Who is winning?* (Independent article) Found on 9/30/18 at: **http://foreignpolicy.com/2016/03/15/these-25-companies-are-more-powerful-than-many-countries-multinational-corporate-wealth-power/**

[488] The citation for this document is: "*79. A Bill for the More General Diffusion of Knowledge, 18 June 1779*," Founders Online, National Archives, last modified November 26, 2017, **http://founders.archives.gov/documents/Jefferson/01-02-02-0132-0004-0079**.

[489] Carpenter, James. *Thomas Jefferson and the Ideology of Democratic Schooling*. Democracy & Education, Vol. 21:2, (pp.1-11).

> *"Convinced that European political woes were the result of the inbred problems of monarchies and rigid aristocracies, Jefferson came to see the people as the guardians of liberty. To ensure that the people were the best safeguard against an overzealous government, Jefferson's political vision required an informed citizenry. Citizenship, therefore, was no nebulous concept for Jefferson. It was integrally linked to power, responsibility, and freedom. It was axiomatic for Jefferson to connect freedom and responsibility, with republican citizenship.*
>
> *... By being informed, citizens could act freely in ways that would allow them to exercise their own rights while being mindful of the rights of others. In 1817 Jefferson wrote to George Ticknor, the Boston educator and author, that 'knolege is power, that knolege is safety, and that knolege is happiness'* [citation omitted].

In other words, knowledge would enable a citizen to fulfill the ideals Jefferson stated in the Declaration of Independence in 1776: to protect their 'inalienable rights' of 'life, liberty and the pursuit of happiness.' In a republican government there could be no other role for citizens, since they were responsible for the government that made the laws by which all were to abide.

As Jefferson would maintain persistently, it was the duty of citizens to provide the security against abuse that governments, even elected governments, might succumb. A citizen's responsibility was to protect his own freedom and that of his neighbor as well. *(I use the masculine pronouns to conform to Jefferson's narrow definition of participatory citizens.)* ***This responsibility was common to all citizens, be they wealthy or poor, tradesman or farmer.*** *This was the job primary schools, both public and private, were to do. In 1818 he wrote that one of the objectives of education was 'to instruct the mass of our citizens in these, their rights, interests and duties, as men and citizens'* [citation omitted]. *This would be the common bond uniting all citizens regardless of class, occupation, geography or other divisive characteristics. ...*

The objectives of primary schooling were:

• To give every citizen the information he needs for the transaction of his business;
• To enable him to calculate for himself, and to express and preserve his ideas, his contracts and accounts, in writing;
• To improve, by reading, his morals and faculties;
• To understand his duties to his neighbors and country, and to discharge with competence the functions confided to him by either;
• To know his rights; to exercise with order and justice those he retains; to choose with discretion the fiduciary of those he delegates; and to notice their conduct with diligence, with candor, and judgment;
• And, in general, to observe with intelligence and faithfulness all the social relations under which he shall be placed. [citation omitted]

This appears to be no minimalist understanding of citizenship. Every citizen needed an education that prepared him (for Jefferson citizenship was exclusively male) for politics, for economics, and for personal improvement.

The citizen would be able to run his own business and to maintain his own affairs. He would know necessary arithmetic, reasoning, and geometric skills. He would know how to write and how to exercise his political rights. He could enter into contracts, protect his property and that of others. He would understand his responsibilities to himself and to his fellow citizens. And he would be able to continually improve himself. The ideal republican was a work in progress. Educated citizens face the prospect 'of rendering ourselves wiser, happier or better than our forefathers were' [citation omitted].

Jefferson's republican citizen was meant to participate in all the social realms that existed in the United States: business, politics, religion, and recreation. ***In Jefferson's world, citizens were meant to participate.*** *This was especially so if Jefferson's ideal of a ward system were enacted. The ward was the fundamental unit of republicanism. Originally Jefferson's concept was to divide each county into hundreds, a traditional English subdivision of land. Each hundred would be the*

What is striking about the contrast between government acting as something of a "*surrogate parent*" (by *parens patriae*) and the Jeffersonian concept of a "*natural aristocracy*" of educationally empowered children is the dichotomy of the word "*ward*" as it applies with differing meanings to each. *Black's Law Dictionary* defined "*ward*" (in relevant part) as referring to "*infants and persons of unsound mine placed by the court under the care of a guardian. ... See Guardianship*,"[490] which clearly corresponds to the "*role of the state*" in its definition of "*Parens patriae.*" Meanwhile, Thomas Jefferson delivered a connotation of the word "*ward*" as being related to something of a sanctuary institution for American children to learn early on about

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> *political arena in which Jefferson's republican citizens would participate. Each hundred would be responsible for its own political affairs. Citizens would participate directly in making these political decisions. This included responsibility for schools. Each hundred was to 'contain a convenient number of children to make up a school, and be of such convenient size that all the children within each hundred may daily attend the school to be established therein'* [citation omitted].
>
> *In his bill of 1817, Jefferson called for the counties to be divided into wards instead of hundreds, but the principle was the same. All decisions regarding the building and operating of the schools would rest with the people in the ward.* ***Always mistrustful of political powers concentrated far from home, Jefferson saw the ward system filled with active citizens as the best defense against possible encroachment of the inalienable rights he so valued.*** *In an 1816 letter written to his trusted lieutenant in the Virginia legislature, Joseph C. Cabell, Jefferson urged that his plan was necessary 'to fortify us against the degeneracy of our government, and the concentration of all its powers in the hands of the one, the few, the well-born, or but the many'* [citation omitted]. ***Thus, every citizen had the responsibility to be, in Jefferson's words, 'a participator in the government of affairs*** [citation omitted].
>
> *However, as I argue later in this piece, Jefferson did not see this as a means to educate all equally nor to ensure equal participation by all citizens. Nor did his goals for education include any reference to social or economic mobility. Rather, in his view, the purposes for citizenship education were narrowly defined for a political agenda grounded in the context of an established social and political hierarchy in Virginia at that time. Other than improving 'his morals and faculties'* [citation omitted], *Jefferson's objectives underscored the need to maintain stability in the new republic. Indeed, his objectives reinforced the notion of the good citizen faithfully and intelligently maintaining 'all the social relations under which he shall be placed'* [citation omitted]. ***His goals for education were to empower citizens to guard against anti republican forces in government and to increase the pool of talent, albeit slightly, from which his natural aristocracy would be drawn.*** (pp.3-4)

As found on 9/30/18 at:
https://democracyeducationjournal.org/cgi/viewcontent.cgi?article=1084&context=home

[490] *See again, Black's Law Dictionary*, 6th ed. (1990), *supra*. (p.1584).

"*active participation*" in their own **roles as state "*C/citizens*" in control of their own lives as well as in *fiduciary* control of the government as a "*republic*."**[491]

As time reveals for certain, Jefferson's core "*objectives for primary schooling*"[492] did not come to fruition. Instead, public education since the *Progressive Era* has fluctuated and evolved through the past century and a quarter to result in a deliberate[493] "*dumbing down of America*."[494] In such manner, the corporately "*franchised*" States acting in lock-step with the National government's various departments, agencies, bureaus, sections, and offices – by way of *Cooperative Federalism* and "*federal*" (i.e., National) funding of State educational systems backed with filtered-down financial incentives for States supporting National government agendas – have constructively offset the intellectual balance of American society to broadly widen the power gap and make certain that the "*master-servant table*" remains "*turned*" **against** the American ***people*** (i.e., against the "*99%'ers*" as the "*free **P**ersons*" referenced in the *Constitution of the United States for the United States of America*.)

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491 See the previous footnote in the pages immediately preceding this paragraph about Jefferson's proposed "*bills*" in 1779 (regarding *79. A Bill for the More General Diffusion of Knowledge, 18 June 1779*") and again in 1817 "*for the counties to be divided into wards [that]... would be responsible for building an appropriately sized school for the children living there ... [so] to fortify us against the degeneracy of our government, and the concentration of all its powers in the hands of the one, the few, [or] the well-born. ...*" (Carpenter, *supra*, p.4)

492 Carpenter, *supra*. Again, *see* the previous footnote discussion.

493 Bennett, *supra*. See the analytical results of her research into public school textbooks showing a clear "*pattern and practice*" of corporate publishers and government working together to promote "*passive*" rather than "*active*" standards for civic responsibility in "*citizenship*."

494 Iserbyt, Charlotte. "*the deliberate dumbing down of America*." Conscience Press. (1999) As written in the beginning ("Foreward") of her book:

> "*Charlotte Iserbyt is to be greatly commended for having put together the most formidable and practical compilation of documentation describing the 'deliberate dumbing down' of American children by [the governments'] education system[s]. Anyone interested in the truth will be shocked by the way American social engineers have systematically gone about destroying the intellect of millions of American children for the purpose of leading the American people into a socialist world government controlled by behavioral and social scientists. Mrs. Iserbyt has also documented the gradual transformation of our once academically successful education system into one devoted to training children to become compliant human resources to be used by government and industry for their own purposes. This is how fascist-socialist societies train their children to become servants of their government masters. The successful implementation of this new philosophy of education will spell the end of the American dream of individual freedom and opportunity. The government will plan your life for you, and unless you comply with government restrictions and regulations your ability to pursue a career of your own choice will be severely limited.*
>
> As found on 9/30/18 at:
> **http://deliberatedumbingdown.com/ddd/wp-content/uploads/2018/04/DDDoA.pdf**

Under such deliberately *constructed*[495] conditions, the State and National "*de facto*" governments have made it easy to use such devices as ("*enumeration at birth*") Social Security and Birth (Certificate) registrations to *tax* the "*office of citizen*" as a *privilege*;[496] and to substitute "*dependency*" for "*sovereignty*" from the moment new *potentially self-governing* Americans arrive on the scene and take their civic positions in the "*office(s) of citizen(s)*."[497] From that

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[495] Hubbard, F. Morse. *House Congressional Record*, March 27, 1943 (p.2580), testimony of the former Treasury Department legislative draftman [as cited also verbatim in *U.S. v. Allegheny, PA*, 322 U.S. 174 (1944)]:

> "*The 'Government' is an abstraction, and its possession of property largely constructive. Actual possession and custody of Government property nearly always are in someone who is not himself the Government but acts in behalf and for its purposes. He may be an officer, an agent, or a contract. His personal advantages from the relationship by way of salary, profit, or beneficial personal use of the property may be taxed..."* As found on 9/30/18 at: **http://caselaw.findlaw.com/us-supreme-court/322/174.html**

[496] Hendrickson, Peter. *The Income Tax is an Excise, and Excise Taxes are Privilege Taxes*. (undated)

> **"*The 'privilege excise' principle is very simple. For the government to be able to charge an indirect, non-apportioned fee (tax) for engaging in an activity, the activity must be one done by permission of the government, rather than anything done by right. This makes 'the things done' for which the fee can be charged necessarily and inherently an exercise of privilege*."**
>
> As found on 9/30/18 at: **http://losthorizons.com/Excise.pdf**
>
> See also, *Steven Waters et al. v. Regan Farr, Commissioner of the Revenue of the State of Tennessee*, No. E2006-02225-SC-R11-CV (Filed July 24, 2009):
>
> *Taxation of the privilege is upon the occupation or activity carried on amid the social, economic, and industrial environment, under protection of the state. Without the opportunity and protection afforded by the state, none of those classed and taxed as privileges could exist; every element that enters into the composition of a civilized state supplies them sustenance and strength; and it is often true that the visible property attendant upon the exercise of the privilege is inconsequential as compared to the earnings or profits flowing from the licensed activity or occupation.*
>
> *Excising the result of an occupation or activity in the modern state may be likened to the ancient custom of huntsmen sharing with the dispensing gods of bounty a small portion of the captured game.*"
>
> As found on 9/30/18 at: **http://www.tsc.state.tn.us/sites/default/files/OPINIONS/TSC/PDF/093/Steven%20Waters%20v%20Reagan%20Farr%2C%20Commissioner%20of%20TN%20Dept%20of%20%20Revenue%20OPN.pdf**

[497] When one takes an oath, and is not receiving a paycheck for serving in a government position, it is an "*office of honor*." See 5 U.S.C. § 3331 which states:

point, without the tools for the "*civic competence*" needed to execute "*duties and obligations*" for their offices, such citizens must be *bonded* and *monetized* as future *collateral* so to guarantee the overhead costs that States and National governments will need to *serve and protect* ever-increasing numbers of *dependent* new Americans bringing the correlative need for ever-increasing percentages of new government hires, which bring in turn, the ever-increasing "*National debt*" of the UNITED STATES.

In short, **when we don't use it** [i.e., ownership and control (or "*possession*" when talking about rights and duties) in carrying out our (*de jure*) trusted fiduciary *duties and obligations* of *self-governance* in the "*office of citizen*"] **we lose it** [i.e., the ownership and control (i.e., *possession*) over the "*office*" by the governments' (as "*fiduciary trustees*") assignments to us of "*duties and obligations*" as their *subjects*)].

Salmond (*supra*) explains "*ownership*" (i.e., such as ownership of the "***office** of citizen*") more abstractly as follows:[498]

> *"Ownership, in its most comprehensive signification, denotes the relation between a person and any right that is vested in him.* ***That which a man owns is in all cases a right****. ... Ownership, in its generic sense, as the relation in which a person stands to any right vested in him, is opposed to two other possible relations between a person and a right.* ***It is opposed*** *[in the first place]* ***to possession. ... We shall see that the possession of a right ... is the de facto relation of continuing exercise and enjoyment, as opposed to the de jure relation of ownership.*** *A man*[499] *may possess a right without owning it ... [o]r ...* ***ownership and possession may be united, as indeed they usually are****, the de jure and the de facto relations being coexistent and coincident. ...*

"*An individual, except the President, elected or appointed to an* ***office of honor*** *or profit in the civil service or uniformed services, shall take the following oath: "I, AB, do solemnly swear (or affirm) that ...* " As found on 9/30/18 at: **https://www.law.cornell.edu/uscode/text/5/3331**

NOTE: The significant difference between "*civil service*" and "*civic service*" is the "*voluntary*" aspect of the "*service*" being rendered to the government; with the civic service position being voluntary, and the civil service position being one of financial "*profit*" afforded by the government. *See* the "*News Story*" publication by "*the headquarters for the government*" of the United Kingdom (being the "*Cabinet Office*") captioned, "*Next steps in turning the civil service into a 'Civic Service'*" (published March 31, 2011) as found on 9/30/18 at: **https://www.gov.uk/government/news/next-steps-in-turning-the-civil-service-into-a-civic-service**

[498] Salmond, *supra*, (*Jurisprudence*) beginning on p. 320.

[499] This would include any "*person*" including the corporate fiction of the government "*person*" acting in commerce under the "*Clearfield Doctrine*" [i.e., *see* the previous discussion within this "*Amicus in Treatise*..." about the case of "*Clearfield Trust Co. v. United States*, 318 U.S. 363 (1943).]

This means, relevant to this instant case, that the "***office*** *of citizen*" is composed of two distinct relationships, each pertaining to any *person* who is making any stand as to "*any right vested*" in him, her or it (i.e., in the case of "*it*" being a corporation or municipal corporation calling itself a "*government*"). The first relationship is that of the person's *ownership* of that office, and the second is that person's *possession* and (continuous) use of that office. As Salmond points out, most often the "*de jure*" (possession relative to the person claiming true ownership) and the "*de facto*" (possession relative to the person claiming ownership via *continuous use*) are one in the same; however that is not always the case.

Salmond wrote:

> ***The ownership of a right is*** *[in the second place]* ***opposed to the encumbrance of it.*** *The owner of the right is he in whom the right itself is vested; while the encumbrancer of it is he in whom is vested, not the right itself, but some adverse, dominant, and limiting right in respect of it.*[500] *... Although encumbrance is thus opposed to ownership,* ***every encumbrancer is nevertheless himself the owner of the encumbrance. ... That is to say, he in whom an encumbrance is vested stands in a definite relation not merely to it, but also to the right encumbered by it.*** *Considered in relation to the latter, he is* ***an encumbrancer****; but considered in relation to the former, he* ***is himself an owner****.*[501] *...*
>
> *No man is said to own a piece of land or a chattel* [or an office], *if his right over it is merely an encumbrance of some more general right vested in someone else. The ownership ... is always* ***incorporeal****, even though the object of that right is a* ***corporeal*** *thing. ...* [502]

Thus, as pertains to David Schied and the "*Others Similarly Situated*" of the "*Federal Body-Politic*" and their claims of "*de jure*" status and claim to original title and rights of the "*office of citizen,*" it would appear that the "*de facto*" National government has usurped possession over time by means of encumbrances such as shown by their overt acts of superintending control and behaving *"parens patriae*" (as "*parents of the country*")

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[500] Salmond, *supra*. As applied to the "*office of citizen*," the "***p****eople*" – as the sovereign originators of government and their controlling State and *Federal* constitutions – have the "*ownership*" of the office while the "*government*" has the "*vested interest*" through collateralization of the people based upon on the "*[N]ational*" debt.

[501] *Id.* Salmond classified "*ownership*" as being of various kinds and distinctions having "*sufficient importance and interest to deserve special examination,*" which he executes in sections of his writing under the following categories: 1) Corporeal and Incorporeal Ownership; 2) Sole Ownership and Co-ownership; 3) Trust Ownership and Beneficial Ownership; 4) Legal and Equitable Ownership; 5) Vested and Contingent Ownership.

[502] *Id.* **Salmond not only distinguishes between corporeal and incorporeal "*rights*" but also corporeal and incorporeal "*things.*"** In either case, the first is the "*concrete reference to the material object*" and the other is a mere "*figure of speech ... that relieves us from the strain of abstract thought*" when talking about or identifying a *right* to an encumbrance or the right to a material thing. (p.272) "*According[ly], some rights are rights to or over things, and some are not. The owner of a house owns a thing ; the owner of a patent does not.*" (p.274)

as if "*the state must care for those who cannot take care of themselves*," being the States' fiduciary dut(ies).

Salmond elaborated further:

> "*We have said that in its full and normal compass corporeal ownership is the ownership of a right to the entirety of the lawful uses of a corporeal thing. This compass, however, may be limited to any extent by the adverse influences of [encumbrances]*[503] *vested in other persons. The right of the owner of a thing may be all but eaten up by the dominant rights of lessees, mortgagees, and other encumbrancers.* ***His ownership may be reduced to a mere name rather than a reality. Yet he none the less remains the owner of the thing, while all others own nothing more than rights over it. For he still owns that [ownership]*** [504] *which, were all encumbrances removed from it, would straightway expand to its normal dimensions as the [universum jus]*[505] *of general and permanent use. He, then, is the owner of a material object, who owns a right to the general or residuary uses of it, after the deduction of all special and limited rights of use vested by way of encumbrance in other persons. ...*
>
> ***In [the] wider sense the term thing includes every subject-matter of a right, whether a material object or not.*** *In this signification every right is a right in or to some thing.* ***A man's life, reputation, health, and liberty are things in law****, no less than are his land and chattels. Things in this sense are either material or immaterial, but the distinction thus indicated must not be confounded with things corporeal and incorporeal.*"[506]

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[503] The term actually used by Salmond appearing in brackets is "*jura in re aliena*". In translating the meaning of this Salmond explained (in relevant part):

> "*Rights may be divided into two kinds, distinguished by the civilians as jura in re propria and jura in re aliena. The former are otherwise known as rights of ownership, while the latter may be conveniently termed encumbrances, if we use that term in its widest permissible sense. The Romans termed them servitutes as opposed to dominium. The nature of the distinction thus indicated is as follows. A right in re aliena, or encumbrance, is one which limits or derogates from some more general right belonging to some other person. It frequently happens that a right vested in one person becomes subject or subordinate to an adverse right vested in another. It no longer possesses its full scope or normal compass, part of it being cut off to make room for the limiting and superior right which thus derogates from it.* (Salmond, p.257)

[504] The term actually used by Salmond appearing in brackets is "*jus in re propria*." See the previous footnote immediately above, as well as the one immediately below.

[505] Salmond (p.272) identifies "*universum jus*" as being the "*absolute and comprehensive right that is identified with its object*." This is as opposed to "*jus in re propria*" as being "*a right to the entirety of the lawful uses of*" some material object; and "*jura in re aliena,*" which is "*merely special and limited rights derogating from* [some material object] *in special respects.*"

[506] *Id.*

According to Salmond, "*In the whole range of legal theory there is no conception more difficult than that of possession. ...*"[507] As it pertains to the underlying case for which this "*Amicus in Treatise...*" was written and applies, there is no more important issue to decide than the one by which "*ownership*" and "*possession*" (of the "*office of citizen*") are associated with the "*free **P**ersons*" (i.e., the "*99%'ers*" of the American ***p**eople* at large) and the National government (and State franchises of the National government operating through the *patterns and practices* of "*Cooperative Federalism*").

In helping to evaluate this outstanding and continuous issue, Salmond offers the following:

> "*[W]e have already seen that according to the current usage of figurative speech **ownership** **is sometimes that of a material object and sometimes that of a right.** Things, therefore, as the objects of ownership, are of two kinds also. **A corporeal thing {res corporalis) is the subject-matter of corporeal ownership; that is to say, a material object. An incorporeal thing (res incorporalis) is the subject-matter of incorporeal ownership; that is to say, any proprietary right** except that right of full dominion over a material object which, as already explained, is figuratively identified with the object itself. If I own a field and a right of way over another, my field is a res corporalis and my right of way is a res **in**corporalis. If I own a pound in my pocket and a right to receive another from my debtor, the first pound is a thing corporeal, and the right to receive the second is a thing incorporeal; it is that variety of the latter, which is called, in the technical language of English law, a **chose** in action or thing in action; while the pound in my pocket is a chose or thing in possession* [citation omitted]. *... The fact is, of course, that the distinction between corporeal and incorporeal things is based on the same figure of speech as is that between corporeal and incorporeal ownership.*" (pp.275-6)

[507] *Id.*

> *The legal consequences which flow from the acquisition and loss of possession are many and serious. **Possession**, for example, **is evidence of ownership**; the possessor of a thing is presumed to be the owner of it, and may put all other claimants to proof of their title. **Long possession is a sufficient title even to property which originally belonged to another.** The transfer of possession is one of the chief methods of transferring ownership. The first possession of a thing which as yet belongs to no one is a good **title** of right.*
>
> *Even in respect of property already owned, **the wrongful possession of it is a good title for the wrongdoer, as against all the world except the true owner.** Possession is of such efficacy, also, that a possessor may in many cases confer a good title on another, even though he has none himself; as when I obtain a banknote from a thief, or goods from a factor who disposes of them in fraud of his principal. These are some, though some only, of the results which the law attributes to possession, rightful or wrongful. They are sufficient to show the importance of this conception, and the necessity of an adequate analysis of its essential nature.* (p.288)

"*It is necessary to bear in mind from the outset the* ***distinction between possession in fact and possession in law. We have to remember the possibility of more or less serious divergences between legal principles and the truth of things.*** *Not everything which is recognized as possession by the law need be such in truth and in fact. And conversely the law, by reasons good or bad, may be moved to exclude from the limits of the conception facts which rightly fall within them. ...* (p.289)

First, ***possession may and usually does exist both in fact and in law. The law recognises as possession all that is such in fact, and nothing that is not such in fact****, unless there is some special reason to the contrary. Secondly,* ***possession may exist in fact but not in law. Thus the possession by a servant of his master's property is for some purposes not recognised as such by the law, and he is then said to have detention or custody rather than possession.*** *Thirdly,* ***possession may exist in law but not in fact****; that is to say, for some special reason the law attributes the advantages and results of possession to some one who as a matter of fact does not possess.* ***The possession thus fictitiously attributed to him is by English lawyers termed constructive.*** *The Roman lawyers distinguished* ***possession in fact*** *as possessio naturalis, and* ***possession in law*** *as possession civilis. ...* (p.289)

We have seen ... that ownership is of two kinds, being either corporeal or incorporeal. A similar distinction is to be drawn in the case of possession. ***Corporeal possession*** [508] *is the possession of a material object – a house, a farm, a piece of money.* ***Incorporeal possession*** [509] *is the possession of anything other than a material object – for example, a way over another man's land, the access of light to the windows of a house, a* ***title*** *of rank, an* ***office*** *of profit, and such like.* ***All these things may be possessed as well as owned. The possessor may or may not be the owner of them, and the owner of them may or may not be in possession of them. They may have no owner at all, having no existence de jure, and yet they may be possessed and enjoyed de facto.***[510] ... (pp.291-2; as well as pp.320-1)

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[508] *Id.*

"*Corporeal possession is clearly some form of continuing relation between a person and a material object. It is equally clear that it is a relation of fact and not one of right. It may be, and commonly is, a title of right; but it is not a right itself. A man may possess a thing in defiance of the law, no less than in accordance with it. Nor is this in any way inconsistent with the proposition, already considered by us, that possession may be such either in law or in fact. ...*" (pp.293-4)

[509] *Id.*

"*Incorporeal possession*" involves the possession of "*powers, privileges, immunities, liberties, offices, dignities, services, monopolies. All these things may be possessed as well as owned. They may be possessed by one man, and owned by another. They may be owned and not possessed, or possessed and not owned.* The thing claimed as an incorporeal possession "*may be either the non-exclusive use of a material object (for example a way or other servitude over a piece of land) or some interest or advantage unconnected with the use of material objects (for example a trade-mark, a patent, or an* ***office of profit****).*" (pp.320-1).

[510] *Id.*

"*In each kind of possession* [corporeal and incorporeal] *there are the same two elements required, namely the animus and the corpus. The* ***animus is the claim – the self-assertive will of the possessor. The corpus is the environment of fact in which this claim has realised, embodied, and fulfilled itself.*** *Possession, whether corporeal or incorporeal, exists only when the animus possidendi* [i.e., see the footnote ahead for clarification of this Latin term] *has succeeded in establishing a continuing practice in conformity to itself. Nor can any practice be said to be continuing, unless some measure of future existence is guaranteed to it by the facts of the case.* ***The possession of a thing is the de facto condition of its continuous and secure enjoyment.***

In the case of corporeal possession *the corpus possessionis consists, as we have seen, in nothing more than the continuing exclusion of alien interference, coupled with ability to use the thing oneself at will. Actual use of it is not essential. I may lock my watch in a safe, instead of keeping it in my pocket; and though I do not look at it for twenty years, I remain in possession of it none the less. For I have continuously exercised my claim to it, by continuously excluding other persons from interference with it.* ***In the case of incorporeal possession****, on the contrary, since there is no such claim of exclusion,* ***actual continuous use and enjoyment is essential, as being the only possible mode of exercise.*** *I can acquire and retain possession of a right of way only through actual and repeated use of it.* ***In the case of incorporeal things continuing non-use is inconsistent with possession, though in the case of corporeal things it is consistent with it.***

Incorporeal possession ***is commonly called the possession of a right, and corporeal possession*** ***is distinguished from it as the possession of a thing.*** *The Roman lawyers distinguish between possessio juris and possessio corporis, and the Germans between Rechtsbesitz and Sachenhesitz. Adopting this nomenclature,* ***we may define incorporeal possession as the continuing exercise of a right, rather than as the continuing exercise of a claim. The usage is one of great convenience, but it must not be misunderstood. To exercise a right means to exercise a claim as if it were a right. There may be no right in reality; and where there is a right, it may be vested in some other person, and not in the possessor.*** *If I possess a way over another's land, it may or may not be a right of way; and even if it is a right of way, it may be owned by some one else, though possessed by me. Similarly a trade-mark or a patent* [or "*office*"] *which is possessed and exercised by me may or may not be legally valid; it may exist de facto and not also de jure; and* ***even if legally valid, it may be legally vested not in me, but in another.***

The distinction between corporeal and incorporeal possession is clearly analogous to that between corporeal and incorporeal ownership. Corporeal possession, like corporeal ownership, is that of a thing; while incorporeal possession, like incorporeal ownership, is that of a right. *Now in the case of ownership we have already seen that this distinction between things and rights is merely the outcome of a figure of speech, by which a certain kind of right is identified with the material thing which is its object. A similar explanation is applicable in the case of possession. The possession of a piece of land means in truth the possession of the exclusive use of it, just as the possession of a right of*

The above citation brings some clarity to the question of "*how*" a *de facto* claim of *possessory ownership* [511] over the *de jure* "*office of citizen*" could be reasoned by the National government (and States operating under "*Cooperative Federalism*"). Such a claim may stem from the continuous exercise or use of the object ("*office of citizen*") itself, (albeit through blatant force of "*government*" rule, or by the subversive coercion of fraud, or both) by reference to some point(s) in time of (or increasingly throughout) American history.

Salmond then presents the questions then provides the answer to what exactly is the "*de facto*" relation between an "*object*" or "*thing*" (such as the "*office of citizen*") and a "*person*" making claim of ownership to that object through continuous possession:

> "*What, then, is the exact nature of that continuing de facto relation between a person and a thing, which is known as possession[?] The answer is apparently this:* ***The possession of a material object is the continuing exercise of a claim to the exclusive use of it.***
>
> *It involves, therefore, two distinct elements, one of which is mental or subjective, the other physical or objective.*[512] *The one consists in the intention* [or *claim*] *of the possessor with respect to the thing possessed, while the other consists in the external facts in which this intention has realised, embodied, or fulfilled itself.*

> *way over land means the possession of a certain non-exclusive use of it. By metonymy the exclusive use of the thing is identified with the thing itself, though the non-exclusive use of it is not. Thus we obtain a distinction between the possession of things and the possession of rights, similar to that between the ownership of things and the ownership of rights.*
>
> ***In essence, therefore, the two forms of possession are identical, just as the two forms of ownership are. Possession in its full compass and generic application means the continuing exercise of any claim or right."*** (pp.320-4)

[511] *Id.* Salmond uses the term "*possessory ownership*" when distinguishing between "*absolute and perfect*" ownership and "*relative and imperfect*" ownership as follows:

> *"A thing owned by one man and thus adversely possessed by another has in truth two owners. The ownership of the one is absolute and perfect, while that of the other is relative and imperfect, and is often called, by reason of its origin in possession, possessory ownership.*
>
> ***If a possessory owner is wrongfully deprived of the thing by a third person, he can recover it. For this third person cannot set up as a defence his own possessory title, since it is later than, and consequently inferior to, the possessory title of the plaintiff.*** *Nor can he set up as a defence the title of the true owner – the jus tertii, as it is called; the plaintiff has a better, because an earlier, title than the defendant, and it is irrelevant that the title of some other person, not a party to the suit, is better still.* ***The expediency of this doctrine of possessory ownership is clear. Were it not for such a rule, force and fraud would be left to determine all disputes as to possession, between persons of whom neither could show an unimpeachable title to the thing as the true owner of it.***"

[512] As clarified below in this same paragraph, the "*mental or subjective*" is referenced by the Latin term "*animus*" and the "*physical or objective*" is referenced by the Latin term "*corpus*."

> *These two constituent elements of possession were distinguished by the Roman lawyers as animus and corpus, and the expressions are conveniently retained by modern writers. ...* (p.294)
>
> ***Possession** begins only with their union* [*animus* and *corpus*]*, and lasts only until one or other of them disappears. **No claim or animus, however strenuous or however rightful, will enable a man to acquire or retain possession, unless it is effectually realised or exercised in fact. No mere intent to appropriate a thing will amount to the possession of it. Conversely, the corpus without the animus is equally ineffective. No mere physical relation of person to thing has any significance in this respect, unless it is the outward form in which the needful animus or intent has fulfilled and realised itself.** A man does not possess a field because he is walking about in it, unless he has the intent to exclude other persons from the use of it. I may be alone in a room with money that does not belong to me lying ready to my hand on the table. I have absolute physical power over this money. I can take it away with me, if I please. But I have no possession of it, for I have no such purpose with respect to it.*[513] ... (p.295)

In truth, besides being applied to the "*office of citizen*,"[514] these same principles of "*ownership*" and "*possession*" can and should be applied to the "*Public Trust*," as well as to the "*National*

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[513] *Id.*

> "*There may be neither corpus or animus; as when, unknown to me, there is a jar of coins buried somewhere upon my estate. So in the case of chattels, **the possession of the receptacle does not of necessity carry with it the possession of its contents**. ... [I]f I buy a cabinet containing money in a secret drawer, I acquire no possession of the money, till I actually discover it. For I have no [animus possidendi] with respect to any such contents, but solely with respect to the cabinet itself.* (p.303) ...
>
> *On the other hand the possession of the receptacle may confer possession of the contents, even though their existence is unknown; for there may at the time of taking the receptacle be a general intent to take its contents also. He who steals a purse, not knowing whether there is money in it or not, steals the money in it at the same time.* (p.304)
>
> ***The general principle is that the first finder of a thing has a good title to it against all but the true owner**, even though the thing is found on the property of another person (Armory v. Delamirie,' Bridges v. Hawkesworth). This principle, however, is subject to important exceptions, in which, owing to the special circumstances of the case, the better right is in him on whose property the thing is found. ...*" (p.305)

[514] As found in Johnson's 1785 and 1830 Dictionaries (p.195), all of the definitions of "*citizen*" are affiliated with popular English writers (Raleigh, Dryden and Shakespeare). Found on 9/30/18 at:
https://ia801406.us.archive.org/21/items/dictionaryofengl01johnuoft/dictionaryofengl01johnuoft.pdf
and

Debt." The first (*Public Trust*) is inextricably intertwined with the claims of rights by "*encumbrances*" upon the fiduciary powers of *government* officers (i.e., such as *Oaths* of faithful duty and obedience to the constitutions of the States and the United States) as held by the *free **P**ersons* over the States' and Federal constitutions. While including the fiduciary encumbrances of the first, the possession of the second (*National debt*) is otherwise "*exclusively vested*" (i.e., as in having sole *discretionary* power over) in the National government's budgeting and spending. The National government's *ownership* of this debt then is clearly found in facts such as when Congress uses the "*Necessary and Proper Clause*" to continually raise the debt ceiling or to unconstitutionally suspend the gold standard and determine the "*legal tender*" of a private

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https://ia801201.us.archive.org/1/items/johnsonsenglishd00john_0/johnsonsenglishd00john_0.pdf

As such, a "*freeman*" and "*inhabitant*;" with the term "*freeman*" being defined (p.406) as "*one partaking of rights, privileges, or immunities*" that is "*not a slave [nor] a vassal*" and "*not a gentleman*." These definitions provide credence in understanding that, during the lifetime of Thomas Jefferson there was no actual "*office*" associated with the "*citizen*." Again, the term is deemed to have been originally coined by the "*one supreme*" Court "*justice*" Felix Frankfurter (1882-1965) who lived during the post-Reconstruction Era. Hence, even though the "*citizens*" of Jefferson's time had correlating "*duties and obligations*" to go along with their "*rights, privileges or immunities*" **there appears to be no object or "*thing*" called an "*office*" to own or possess until created (if even informally and figuratively) by the *de facto* National government in place at the time.**

Perhaps then it is not so coincidental that Frankfurter was nominated to the Court by Roosevelt less than a decade after Howard Taft's tenure as "*Chief Justice*" in the "*one supreme*" Court ended) and began serving on that Court bench (from 1939 to 1962) during the Roosevelt administration. As presented near the beginning of this instant "*Amicus in Treatise*...," this was merely thirty years from the time that the previous "*President*" Howard Taft had written his "*smoking gun*" *letter of intent* to Congress recommending that it raise needed money for the "*United States*". [Again, this letter followed the case of *Pollock v. Farmers' Loan and Trust Co*. (157 U.S., 429) which, in Taft's view, "*deprived the National government of a power, which by reason of previous decision of the court, it was generally supposed that Government had...and...undoubtedly a power the National government ought to have*."] As indicated earlier, this letter from Taft (dated June 16, 1909) instructed Congress "*to find the means to legislate the by taxing the sprawling bureaucracy of the National government*;" and it resulted in the Federal government "*adopti[ng] a joint resolution by two-thirds of both Houses proposing to the States an* [Sixteenth] *amendment to the Constitution* ***granting to the Federal Government the right to levy and collect an income tax without apportionment among the States according to population***."

What better means would there have been to do this than for the *de facto* National government to first create an "*office of citizen*" and then tax that office based upon the licensing of "*rights, privileges, or immunities*" under the "*law of nonintercourse*" in the recent aftermath of the post-war *Reconstruction Acts*? (*See* the previous discussion on those events in the mid-section of this "*Amicus in Treatise*...") **As the history of facts later show, the National government then went forth from there to also creating the estimated 24.19 TRILLION dollar *National Debt* that Americans are expected to see "*at the end of the fiscal year of 2018*."** (As found on 9/30/18 at: **https://www.usgovernmentdebt.us/**)

banking cartel (Federal Reserve Notes) as sufficient for "*discharging*" debts;[515] or when *The President* issues declarations of martial law or (civil) war, "*state(s) of emergenc(ies)*," or signs treaties and contracts with foreign nations which supersede and undermine the constitutional authority of the States, or alternatively, the will (and "*intent*") of the ***p****eople*.[516]

In the former (*Public Trust*), as the *original owners* of the rights associated with the creation of the *Federal* Constitution (and the States as the creators of the Federal "*United States*" as "*Congress assembled*"), the *free* ***P****ersons* (i.e., the ***p****eople*) have the *beneficial* right to "*true* (or '*real*') *ownership*" of the Public Trust. In the latter case of the *National Debt*, the true *ownership* and *possession* are both clearly originating and in the control of the *National* government actors, as well as those involved in the corporate-banking cartel of the *oligarchy* pretending to rule as a *democracy* and playing lip-service to their own "*oaths*," as publicly proclaimed to the ***p****eople* of

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[515] *See again* from previous footnote, House Joint Resolution 192 (HJR-192) – HJR-192 has prohibited payments of debt, and substitutes in its place a discharge of a financial obligation. This not only subverts, but totally bypasses the "*delegated*" stipulation so carefully engineered into the Constitution that nothing "*but gold and silver Coin [shall be made] a Tender in Payment of Debts.*" (Art. I. § 10, cl.1)

> "*In the case of Stanek v. White, 172 Minn. 390, 215 H.W. 784, the court explained the legal distinction between the words 'payment' and 'discharge': '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 a result of HJR 192 and from that day forward (June 5, 1933), no one has been able to pay a debt. The only thing they can do is tender in transfer of debts, and the debt is perpetual. The suspension of the gold standard, and prohibition against paying debts, removed the substance for our Common Law to operate on, and created a void, as far as the law is concerned. This substance was replaced with a 'Public National Credit' system where debt is money (The Federal Reserve calls it 'monetized debt') over which the only jurisdiction at is Admiralty and Maritime.*" As found on 9/30/18 at:
> **http://educationcenter2000.com/legal/HJR_192_73rdCongress.html**

[516] All of this defies the U.S. Constitution's Ninth Amendment *("The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the* ***p****eople.*") and Tenth Amendment *("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* ***p****eople.")*

this nation (i.e., through the *Pledge of Allegiance* [517] and the *Star Spangled Banner*) as being a *republic* (otherwise known as the "*land of the free and the home of the brave*"). [518]

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[517] Levinson, Sanford. *Pledging Faith in the Civil Religion; Or, Would You Sign the Constitution?* William & Mary Law Review, Vol.29:1 (Article 13, pp.113-44) citing from Grey, Thomas. *The Constitution as Scripture*, 37 Stan. L. Rev. 1 (1984):

> "*[T]he constitutional* ***oath*** *'is a ritual of* ***allegiance****, requiring officers to affirm their primary loyalty' to the value and commands contained within the document. ...* ***[T]he Framers considered the constitutional oath a substitute for the religious tests the colonists were familiar with under the English established church. To push the point a bit: America would have no national church yet the worship of the Constitution would serve the unifying function of a national civil religion.****'*
>
> ***The constitutionally mandated 'test oath' of fidelity to itself provides a way of differentiating the American community from... 'the civil community,' which 'has no creed and no gospel.'*** [citations omitted] *To be sure, the creed and gospel are not 'religious' in the sense of enunciating a 'common awareness of [the community's] relationship to God,'* ***but a 'creed' and a 'gospel' the constitutional epic most surely is.*** **[citations omitted] ...** ***[T]he Constitution as part of the holy 'trinity' of the American civil religion, along with the Declaration of Independence and the flag. And loyalty oaths ... serve as the equivalent of more traditional creedal affirmations, such as the Apostles' Creed, that announce one as a subscriber to the central tenets of a faith community.*** ..." (pp.120-1)
>
> As found at:
> **http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2037&context=wmlr**

[518] Importantly, whether hype or not, the ***Pledge*** American ***p****eople* willingly and faithfully utter is based upon the national "*creed*," being a "*system of religious beliefs...a faith...[or] set of beliefs or aims that guide someone's actions*." [Hobson, Archie. T*he Oxford Dictionary of Difficult Words*. Oxford University Press (p.106). As found on 9/30/18 at:
https://books.google.com/books?id=Vm_mNJiflwgC&pg]

See also, Levinson, *(id)*. citing Huntington, Samuel. *American Politics: The Promise of Disharmony*. The Belknap Press of Harvard University Press. (1981):

> "*For most peoples, national identity is the product of a long process of historical evolution involving common ancestors, common experiences, common ethnic background, common language, common culture, and usually common religion. National identity is thus organic in character. Such, however, is not the case in the United States. American nationalism has been defined in political rather than organic terms. The political ideas of the 'American Creed' have been the basis of national identity*." Levinson (p.118); Huntington (p.23)
>
> "*In contrast to the values of most other societies, the values of this [American] Creed are liberal, individualistic, democratic, egalitarian, and hence basically antigovernment and antiauthority in character. Whereas other ideologies legitimate established authority and institutions, the American Creed serves to delegitimate any hierarchical, coercive, authoritarian structures, including American ones. ...*" (Huntington, p.4)

As we see from Salmond's further elaboration, possession (and thus ownership of any given *thing* or object) is predicated upon both intent (i.e., the claim of sovereign ownership through a *relationship* with the original creation or ownership of any given object) and the continuous use of that object (in accordance with the nature of the object and the claim of controlling possession and use of it):

> *[One] element in the [corpus possessionis]* [519] *is the relation of the possessor to the thing possessed, the first being that which we have just considered, namely the relation of the possessor to other persons.*[520] ***To constitute possession***

As found at: **https://books.google.com/books?id=2W1Qd0VCmhMC&q**

[519] *Id.* According to Salmond, (p.298)

> "*... One of the chief difficulties in the theory of possession is that of determining what amounts to ... effective realisation. The true answer seems to be this[:] that* ***the facts must amount to the actual present exclusion of all alien interference with the thing possessed, together with a reasonably sufficient security for the exclusive use of it in the future.*** *Then, and then only, is the animus or self-assertive will of the possessor satisfied and realised.* ***Then, and only then, is there a continuing de facto exercise of the claim of exclusive use.*** *Whether this state of the facts exists depends on two things : (1) on the relation of the possessor to other persons, and (2) on the relation of the possessor to the thing possessed. [Together] these two elements [are] the* ***corpus possessionis****. ...*
>
> *So far as other persons are concerned, I am in possession of a thing when the facts of the case are such as to create a reasonable expectation that I will not be interfered with in the use of it. I must have some sort of security for their acquiescence and non-interference.* ***'The reality,' it has been well said, 'of de facto dominion is measured in inverse ratio to the chances of effective opposition.'*** *A security for enjoyment may, indeed, be of any degree of goodness or badness, and the prospect of enjoyment may vary from a mere chance up to moral certainty. At what point in the scale, then, are we to draw the line? What measure of security is required for possession? We can only answer: Any measure which normally and reasonably satisfies the animus domini. A thing is possessed, when it stands with respect to other persons in such a position that the possessor, having a reasonable confidence that his claim to it will be respected, is content to leave it where it is. Such a measure of security may be derived from many sources, of which the following are the most important. ...* (p.299)
>
> *1) The physical power of the possessor ...; 2) The personal presence of the possessor ...; 3) Secrecy ... ; 4) Custom ... ; 5) Respect for rightful claims ... ; 6) The manifestation of the animus domini ... ; 7) The protection afforded by the possession of other things ... ;*" (pp. 300-3)

[520] In the situations regarding the *Public Trust* and the *National Debt* the relationships both involve not only the *government's* relationship to the objects, being the Constitution and the Debt, but the government's relationship to the *free* ***P****ersons* (i.e., ***p****eople*), who have their own power and discretionary intent in deciding whether there is a claim of encumbrance upon these objects which reflects the (fiduciary) *nature* of the object, and a proper *accord* between the National

> ***<u>the</u> [<u>animus domini</u>][521] <u>must realize itself in both of these relations</u>. The necessary relation between the possessor and the thing possessed is such as to admit of his making such use of it as accords with the nature of the thing and of his claim to it. There must be no barrier between him and it, inconsistent with the nature of the claim he makes to it.*** *If I desire to catch fish, I have no possession of them till I have them securely in my net or on my line. Till then my [animus domini] has not been effectively embodied in the facts.* ***So possession once gained may be lost by <u>the loss of my power of using the thing</u>;[522]*** *as when a bird escapes from its cage,*

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government's *possessory use* and the ***<u>p</u>****eople's* superintending *intent* and claims upon these objects. **<u>In essence</u>, the *<u>p</u>eople* have never relinquished their *ownership* or *possessive* power to "*dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them*."**

Again, in the case of the former (*Public Trust*), the ***<u>p</u>****eople* have never relinquished their sovereign intent or claim of having originally created or owning the *<u>Federal</u>* government (even if it appears that the "*United States*" as "*Congress assembled*" has somehow forfeited its <u>delegated</u> power and authority to the National corporation and its monstrosity of "*administrative agencies*" known as the "*UNITED STATES*").

Yet in the case of the latter (*National Debt*), not only do the ***<u>p</u>****eople* deny the existence of a claim of ownership encumbrance upon that object, but the facts clearly show that the intent (i.e., claim) to possessive control and use of that which created the debt lay with the very same National government that *<u>created</u>* the debt in the first place, and which has benefited most by it through the exponential growth of its own power and authority over not only its own people, but by exercise of its power over many other people of the world (i.e., many of which absolutely hate all Americans because of this abuse of oligarchic and military control around the world).

[521] *Id.* Fellmeth, Aaron; Horwitz, Maurice. *<u>Guide to Latin in International Law</u>*.

> "*<u>Animus domini</u>*" is the "*intention of the sovereign*; *an intention to assert sovereignty or ownership...*" As found on 9/30/18 at:
> **https://books.google.com/books?id=49rQCwAAQBAJ&pg=PA31&lpg**

[522] In the case of the "*office of citizen*," the National government may wish to claim the dominant *possession* of the <u>office</u> and thus *ownership* by asserting that the so-called "*office*" had been vacated by the people long ago by disuse of its "*duties and obligations*", making it necessary for the National government to adopt the fiduciary position of "*parens patriae*" relative to the ***<u>p</u>****eople* as beneficiaries of the Constitution. Even if such a case were true, according to the originating Jeffersonian principles popularly associated with the office as presented earlier in this "*<u>Amicus in Treatise</u>*...," those "*obligations and duties*" included keeping the power and authority of government "*in its place*" (i.e., inside the confines or "*box*" of the *enumerated* or *expressed* powers and authorities) as delegated to it by the sovereign ***<u>p</u>****eople* as the progenitors of that office.] As this "*<u>Amicus in Treatise</u>...*" presents in well-founded testimonial evidence however, *possessory use* by the National government – even in a *fiduciary* sense with the government(s) being the *trustee(s)* and the people being *beneficiar(ies)* – still has not been in *<u>accord</u>ance* with that clearly-stated and popularized intent. So it might also be said that the government trustees have also vacated their duties and obligations through their unconstitutional abuses.

Thus, as Salmond uses the metaphor of a sovereign owner dropping his "*jewel in[to] the sea*," the facts of such case as that involving the government's claim for *parens patriae* simply do

> *or I drop a jewel in the sea. It is not necessary that there should be anything in the nature of physical presence or contact. So far as the physical relation between person and thing is concerned, I may be in possession of a piece of land at the other side of the world. My power of using a thing is not destroyed by my voluntary absence from it.* ***I can go to it when I will.***" (pp.306-7)

Salmond then explains "*possession*" (i.e., such as possession of the "***office*** *of citizen*") more abstractly as follows in distinguishing between **"*immediate*" and "*mediate*" types of possession**:

> "*One person may possess a thing for and on account of some one else. In such a case the latter is in possession by the agency of him who so holds the thing on his behalf. The possession thus held by one man through another may be termed mediate, while that which is acquired or retained directly or personally may be distinguished as immediate or direct.*[523] *If I go myself to purchase a book, I acquire direct possession of it. But if I send my servant to buy it for me, I acquire mediate possession of it through him, until he has brought it to me, when my possession becomes* ***immediate****.*
>
> *Of* ***mediate*** *possession there are three kinds. The first is that which I acquire through an agent or servant; that is to say through some one who holds; solely on my account and claims no interest of his own. In such a case I undoubtedly acquire or retain possession. ... The second kind of mediate possession is that in which the direct possession is in one who holds both on my account and on his own, but* ***who recognises my superior right to obtain from him the direct possession, whenever I choose to demand it****. ... [The] third form of mediate possession, respecting which more doubt may exist, but which must be recognised by sound theory as true possession.* ***It is the case in which the immediate possession is in a person who claims it for himself until some time has elapsed or some condition has been fulfilled,***[524] ***but who acknowledges the title of another for whom he holds the***

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not reflect any such "*reasonable expectation*" that the people "*will not be interfered with in the use of*" that jewel (or "*office*" as their "*estate*"). As such, if there is the popular assumption that the "*office of citizen*" ever was in the ownership and possession of the ***people***, it is theirs still for reclaiming at any time they wish to "*dissolve the political bands that connect them...*" to the practical existence of the *de facto* "*State*."

523 Here a correlation can be drawn between the ***people*** – or more accurately *the* ***People*** of the early American aristocracy – on whose behalf fiduciary possession of *self-governance* has been delegated to "*Congress assembled*," and Congress' delegation of their trusted *power and authority*, in turn, to the National government and all of its administrative agencies. In either case, the former originally (or "*organically*" as preferably termed by some) had – and retains – *immediate* or *direct* possession, while the latter possesses merely *mediate* power and authority. In the case of the *office of citizen*, it is likewise the ***people*** who, as *citizens* have the *immediate* control over that office and the National government which has assumed merely *mediate* control under the "*chain of commands*" (as articulated near the beginning of this "*Amicus in Treatise...*").

524 Giving the *de facto National government* the benefit of all doubt about its true intent in either creating or taking over the "*office(s) of citizen(s)*," some may argue that over time and with the

> ***thing, and to whom he is prepared to deliver it when his own temporary claim has come to an end.***[525] (pp.308-10)

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advent of so many other factors of National force, coercion by fraud, and *dumbing down* of American school children, that the National government simply "*forgot*" or somehow got delayed in returning possession of these *offices* back to their rightful owners, being *the **p**eople*.

Even if this were so, and the officers of the National government actually appeared to be honoring their solemnly declared public "*oaths*" to the Constitution, there is the delineation of a clear "*turning point*" of the National government's *intent,* as spelled out in former President William Tafts ("*smoking gun*") letter to Congress in 1909 compelling Congress to find some way to tax ALL of the *people* (i.e., the *free Persons* as the "*99%'ers*") immediately following the Pollock decision by the "*one supreme*" Court that asserted that individual taxation of the *people* without apportionment of the States could not be done because it was simply unconstitutional.

The only way then that the National government *could* tax all of the American people, as has been found to occur increasingly this past nearly hundred years, is for the National government (corporation) to figuratively create individual franchises in the "*office(s) of citizen(s)*" and then tax those people *residing* in those offices as (corporatized fictional) "*persons*." **Thus, taxation of individual *people* is** not based upon government payments to those in office (because there are no payments by the government for people executing "*duties and obligations*" of the office), **but based merely upon these people holding "*titles*" of "*honor*" in those offices, being "*privileges*" awarded to American citizens as "*subjects*" of the National government** (i.e., the corporate "UNITED STATES").

In such fashion, the National government is believed to be using "*smoke and mirrors,*" the confounded wording of the Internal Revenue Code, the *Sixteenth Amendment*, and brute force to keep citizens obligated to paying taxes (as compelled through the National government's agents as corporate employers also *licensed* by the *Deep State* for the *privilege* of conducting business), while ultimately determining through "*one supreme*" Court rulings and other venues that the *Sixteenth Amendment* is constitutional and that payments of these taxes are all *voluntary*.

[525] *Id.* Salmond added,

> "*... [F]or example when I lend a chattel to another for a fixed time, or deliver it as a **pledge** to be returned on the payment of a debt. Even in such a case I retain possession of the thing, so far as third persons are concerned. The animus and the corpus are both present : the animus, for I have not ceased, subject to the temporary right of another person, to claim the exclusive use of the thing for myself ; the corpus, inasmuch as through the instrumentality of the bailee or pledgee, who is keeping the thing safe for me, I am effectually excluding all other persons from it, and have thereby attained a sufficient security for its enjoyment. In respect of the effective realisation of the animus domini, there seems to be no essential difference between entrusting a thing to an agent, entrusting it to a bailee at will, and entrusting it to a bailee for a fixed term, or to a creditor by way of **pledge**. **In all these cases I get the benefit of the immediate possession of another person, who, subject to his own claim, if any, holds and guards the thing on my account.***" (p.310)

> *In all cases of mediate possession two persons are in possession of the same thing at the same time. Every mediate possessor stands in relation to a direct possessor through whom he holds. If I deposit goods with an agent, he is in possession of them as well as I. He possesses for me, and I possess through him. A similar duplicate possession exists in the case of* ***master and servant****, landlord and tenant, bailor and bailee,* ***pledgor and pledgee****.*[526] ***In all such cases, however, there is an important distinction to be noticed. Mediate possession exists as against third persons only, and not as against the immediate possessor. Immediate possession, on the other hand, is valid as against all the world including the mediate possessor himself. ... So in the case of a pledge, the debtor continues to possess [quoad] the world at large; but as between debtor and creditor possession is in the latter. The debtor's possession is mediate and relative; the creditor's is immediate and absolute.***[527] *So also with landlord and tenant, bailor and bailee,*

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[526] *Id.* It appears entirely possible that the National government is interpreting the ***p****eople's* "*Pledge*" (of "*allegiance*" to the "*United States of America*") as being an unconditional pledge of an office (i.e., of "*citizen*") and title (i.e., to *sovereign* ownership of our *selves*) to the corporate ("*Deep*") State, when nothing could be farther from the truth. (*See the previous footnote* referencing Levinson's depiction of the "*loyalty oaths*" to the equivalence of "*creedal affirmations*.") *Pledges* are conditioned upon deep faith, beliefs and understandings. When the National government has acted in bad faith, in the fictitious *de facto* name and to the benefit of the "*UNITED STATES*," with its officers breaching their fiduciary duties for personal and political gain through *treason* and *acts of domestic terrorism*, the mediate possession of that *trust* by the "*servant*" must be relinquished back to the "*direct*" possession of the *animus domini*, the sovereign owner, as the "*master*."

[527] *Id.* **By clarifying the relationship between "*ownership*" and "*possession*," Salmond also expounds upon possession being the "*de facto exercise of a claim,*" and *ownership* being "*the de jure recognition of [a claim]*"** (i.e., which can and will be applied herein as "*de facto*" and "*de jure*" claims upon the "*office of citizen*"). **He also articulates on "*possessory remedies*," such as when "a *wrongful possessor has the rights of an owner*"** [i.e., which can and will be applied herein to the National government's wrongful *de facto* possession of rights as the "*debtor(s)*" otherwise owned "*de jure*" by the "*free **P**ersons*" and ***p****eople* as "*creditor(s)*" to both the "*Federal*" and the "*National*" governments of the "*United States*" (which is otherwise misleadingly referred to by most unsuspecting people as the "*UNITED STATES*").]

Salmond continued:

> *"**'Possession is the objective realization of ownership'*** **[citation omitted]. *It is in fact what ownership is in right. Possession is the de facto exercise of a claim; ownership is the de jure recognition of one.*** *A thing is owned by me when my claim to it is maintained* ***by the will of the state as expressed in the law****; it is possessed by me, when my claim to it is maintained* ***by my own self-assertive will****. Ownership is the guarantee of the law; possession is the guarantee of the facts. It is well to have both forms of security if possible; and indeed they normally coexist.*
>
> *But* ***where there is no law, or where the law is against a man****, he must content himself with the precarious security of the facts. Even when the law is in one's favour, it is well to have the facts on one's side also. ...* ***Possession, therefore, is the de facto counterpart of ownership. It is the external form in which rightful***

> *master and servant, principal and agent, and all other cases of mediate possession.*" (p.313)

With regard to remedies at times when possession of some "*thing*" (e.g., the "*office of citizen*") is being challenged, Salmond added in final:

> "*In English law* ***possession is a good title of right against any one who cannot show a better.*** *A wrongful possessor has the rights of an owner with respect to all persons except earlier possessors and except the true owner himself. ...* ***English law has [also] long since discovered that it is possible to ... [adjudicate] the burden of proof of ownership ... by the operation of the three following rules:1) Prior possession is prima facie proof of title. Even in the ordinary proprietary action a claimant need do nothing more than prove that he had an older possession than that of the defendant; for the law will presume from this prior possession a better title.*** *[Qui prior est tempore potior est jure.] 2) A defendant is always at liberty to rebut this presumption by proving that the better title is in himself. 3) A defendant is not allowed to... allege, as against the plaintiff's claim, that neither the plaintiff nor he himself, but some third person, is the true owner. (Let every man come and defend his own title. As between A and B the right of C is irrelevant.)*" (pp.327-30)

> ***claims normally manifest themselves.*** *The separation of these two things is an exceptional incident, due to accident,* ***wrong****, or the special nature of the claims in question.*
>
> *Possession without ownership is the body of fact, uninformed by the spirit of right which usually accompanies it. Ownership without possession is right, unaccompanied by that environment of fact in which it normally realises itself. The two things tend mutually to coincidence. Ownership strives to realize itself in possession, and possession endeavours to justify itself as ownership. The law of prescription determines the process by which, through the influence of time, possession without title ripens into ownership, and ownership without possession withers away and dies.*
>
> *Speaking generally, ownership and possession have the same subject-matter. Whatever may be owned may be possessed, and whatever may be possessed may be owned. This statement, however, is subject to important qualifications. There are claims which may be realised and exercised in fact without receiving any recognition or protection from the law, there being no right vested either in the claimant or in any one else. In such cases there is possession without ownership. For example, men might possess copyrights, trademarks, and other forms of monopoly, even though the law refused to defend these interests as legal rights. Claims to them might be realised de facto, and attain some measure of security and value from the facts, without any possibility of support from the law.*" (pp.324-5)

CONCLUSION:

This "*Amicus in Treatise*...." has thoroughly tracked the history of the *de jure* Federal "*United States*" government (i.e., "*Congress assembled*") and traced the development of an ever-expanding *de facto* National government that, styled as a corporation – an artificial, fictional "*person*" – and carrying out business in commerce, serves only the interests of other corporations and those doing business in the UNITED STATES.

Within this history, this "*Amicus in Treatise*...." has also tracked how the unconstitutional "*federal*" acts of "*Congress assembled*" have reversed the *sovereign* relationship of the States to both the Federal and the National governments; while also monitoring the unchanged standing of the *sovereign* "***P****eople*" and the "*free* ***P****ersons*" referenced by the *Constitution of the United States for the United States of America* formed originally under a Higher Power.[528] As shown, such sovereign "*standing*" only changes *voluntarily* and by "*consent of the governed*" in direct relationship to governments "*deriving their just powers*" by the same. [529]

Additionally, this "*Amicus in Treatise*...." has shown that – contrary to the documents that declared such sovereign independence and which originally "*created*" the Federal government that, in turn, created the sprawling number of "*administrative agencies*" of the National government – the sovereign States, along with the sovereign "***P****eople*" and "*free* ***P****ersons*" inhabiting those States, have been deceived, coerced, and brutalized into subjugation to the "*unjust*" powers of the existing National government.

Thus, as previously stated herein at the beginning, this "*Amicus in Treatise*...." places real contractual and historical facts into the record that underscore the continual **misapplication** of fictional body-corporate statutes and procedures – in violation of the *Law of Contract* and *Law of Nations* and resulting in *Bills of Attainder* and *Corruption of Blood* – caused by the actions of the "*Counter-parties*" operating as the body-corporate ("*National*") side, as the "*government of the United States*" and as the UNITED STATES OF AMERICA, against the "*99 %'ers*" – for which the resulting *Claims of Damages in Commerce* of the capital "P" "***P****ersons*" as the aggrieved "*Parties*" are constitutionally based.

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[528] *The Declaration of Independence* references the *people* as having "*the separate and equal station to which the Laws of Nature and of* ***Nature's God*** *entitle them*," while relying upon "*the protection of* ***Divine Providence*** *[for] mutually pledg[ing] to each other [their] Lives, [their] Fortunes, and [their] sacred Honor*." The *Articles of Confederation* were "*witnessed...the ninth day of July in the Year of our* ***Lord****, One Thousand Seven Hundred and Seventy-Eight, and the Third Year of the independence of America*" (under *The Declaration of Independence*). So too the *Constitution of the United States for the United States of America* was "*done in Convention by the Unanimous Consent of the States present[ed] the Seventeenth Day of September in the Year of our* ***Lord*** *one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth [year]*" (under *The Declaration of Independence*).

[529] *Id. (The Declaration of Independence)*

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Inspiration for this research project
came from many discussions
with Robert ("Bob") Holcomb

and

from the many American patriots who
fight every day against corruption in government
so that successive generations of Americans
will never forget that the U.S. Constitution
does not defend itself.