Vol. 11 No. 2

Suspicions

America's Parens Patriae

I WANT YOUR WIFE & KIDS!

Suspicions
News Magazine

Anno Domini 2001
Volume 11, No. 2

Creator, Proprietor &
Protestant Publisher
Alfred Adask

The Name's been Changed to Enrich the Editor

Over the past eleven years the "AntiShyster" has become a bit of an icon. I coined the word, defined it, and used to sound a personal war-cry against lawyers and judges back in 1990.

I took pride in creating the term and it was certainly memorable. Once you knew what the "AntiShyster" was, you couldn't confuse it with another publication.

But the name was routinely misunderstood. A number of people thought it meant we were anti-Semitic (which was never true). And while "AntiShyster" attracted those who were angry and hurt by our judicial system, it made more moderate folks nervous.

By making folks nervous, the name slowed penetration into the middle class. And worse, especially now, when I survive primarily on advertising, it's difficult to sell ads against the name "AntiShyster". Most mainstream advertisers shy away from controversy, and "AntiShyster" sounds dangerous.

Further, while lawyers were the focus of my rage in 1990, today I regard them as trivialities. As my interests and understanding broadened, I needed a less restrictive title.

So with this issue, I've changed the name to "Suspicions". It'll have the same content, style and attitude as the "AntiShyster". But I'll try to wrap it up in a more attractive, less threatening package.

AntiShyster served me well for a decade, but I suspect it's time to move on to "Suspicions". Wish me luck.

Contact

adask@antishyster.com

972-418-8993

c/o POB 540786 Dallas, Texas 75354-0786
The United States of America

". . . it does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds."
– Samuel Adams

Dictatorship of the Parens Patriae

by Alfred Adask

We've all read stories of Child Protective Services (CPS) seizing children from innocent parents. They typically run something like this:

In 1999, a naked 2-year-old girl darted out of her family's home to chase a kitten. The toddler's older brother quickly brought the girl back inside, but a neighbor reported the family to Child Protective Services. A social worker quickly appeared and demanded to enter the home and privately interview all the family's children. The parents refused, CPS seized the child, and a court battle ensued.

The parents argued that the social worker's investigation constituted a "search" and was therefore subject to the 4th Amendment's requirement that "searches and seizures" be authorized by a warrant. The Judge further ruled that the social worker was *not* a "state actor," and thus *not* subject to the 4th Amendment's warrant requirement. Although the parent's eventually regained custody, we can imagine the trauma that separation inspired in the little girl, her parents, and their illusion of "family"?

But if we look past the obvious emotional trauma, we're left to wonder what is a social worker if she's not a "state actor". More, if parents and children aren't protected in their homes from search and seizure by the 4th Amendment, who is?

Similar instances of CPS abuse result in court battles that take two, three, even four years to resolve. And while that resolution drags on, the child in question is separated from her parents until the child and parent become virtual strangers.

Twenty years ago, stories of social workers seizing children from innocent parents were rare enough to be dismissed as statistical aberrations. Today, those arbitrary seizures have become so common that some regard them as evidence of an intentional plan to destroy the American family.

According to Dr. Marc Einhorn, a forensic psychologist, children can be removed on the flimsiest of terms. "The problem with the system is that Child Protective Services has *quotas* to fill. If a certain number of children are not removed from their homes each year, the agency will *lose* status and *funding*—causing people to lose their jobs." [1]

Note the reference to federal "funding". As you'll read later in this article, there is case law which implies that the mere *promise* of federal funds can *empower* and even *force* a state to enforce laws that would otherwise be unconstitutional.

Government protection?

You might suppose our politicians would pass laws to protect families from this horrific governmental abuse. Quite the contrary. If anything, in "best interests of the child," laws which weaken or destroy the parent-child relationship and the family structure are proliferating rapidly.

For example, the current child vaccine registry law in Texas is "opt-in". That means doctors and insurance companies must get *parents' permission* before releasing children's immunization records to the state's vaccination registry database. However, CSSB 1237 recently squeaked out of the Texas Senate and—if passed—will undo current protections by *requiring* doctors and insurance companies to release every child's immunization record to the Texas Department of Health *without parental consent*.

In Washington D.C., the House Committee on Education and the Workforce recently passed H.R. 1—the "No Child Left Behind Act" which will mandate:

1. Reauthorization of the Elementary and Secondary Education Act (ESEA) which *forces* states to implement federal content standards such as Goals 2000 and School-to-Work programs or risk *losing federal funds*. [Again, note the reference to "force" and "federal funding"]

2. Your child's teacher may legally act as his or her parent: Under H.R. 1's broad definition of "in loco parentus" almost *any* adult can stand in the place of a *parent*.

In the name of nationalized education, government is working hard to achieve goals that clearly violate traditional notions for parent-child

relationships and parent rights. Worse, government's claim on our kids is systemic, growing and characterized by Hillary Clinton's comment that, "There is no such thing as other people's children." To paraphrase Mz. Clinton, our government believes, "It takes a *bureaucracy* to raise a child".

How can this be?

Government's custodial claim to all children is based on the doctrine of "parens patriae"—a Latin term that means "parenthood of the state." Our government believes itself to be the legal parent of your children. You may *think* you're a parent with "rights" to "your" kids. But so far as government is concerned, you have no more rights to "your" child than a baby sitter. You can be ejected from your "parental" role and replaced whenever it suits the "parens patriae" to do so.

Case law

To better grasp the meaning and application of the parens patriae doctrine, here's a few excerpts from relevant cases arranged chronologically. Note that parens patriae was virtually unknown in this country prior to the Civil War.

For example, in 1882, the Illinois Supreme Court held that the doctrine of parens patriae was superior to all "constitutional" limitations:

> "It is the unquestionable right and imperative duty of every enlightened government, in its *character* of parens patriae, to protect and provide for the comfort and well being of its citizen. The performance of these duties is justly regarded as one of the most important governmental functions, and *all constitutional limitations* must be so understood as not to interfere with its proper and legitimate exercise." *County of McLean v. Humphreys* (Ill.1882) [Emph. add.]

In 1890, in the case of *Mormon Church v. United States* (136 U.S. 1) the U.S. Supreme Court found that,

> Parens patriae means literally "parent of the country." The parens patriae action has its roots in the common law concept of the "royal prerogative." The royal prerogative included the right or responsibility to take care of persons who are legally unable, on account of *mental* incapacity, whether it proceed from 1st. nonage: 2. idiocy: or 3. lunacy: to take proper care of themselves and their property. At a *fairly early date*, American courts recognized this common

> law concept, but now in the form of a legislative *prerogative*: This prerogative of parens patriae is inherent in the supreme power of every *State*. . . . [Emph. add.]

The court's claim that parens patriae was recognized by "American courts" at a "fairly early date" is deceitful. Was parens patriae recognized in early "American courts"? Absolutely, but those "early" courts were those that existed under King George *prior* to the American Revolution. After our 1776 revolution, the doctrine of parens patriae was virtually unknown to American law until after the Civil War (1860-1865) and passage of the 14th Amendment (1868).

And what is the "*supreme* power of every State of the Union"? We the *People*. And what is the "supreme power" of a corporate state? The corporate *legislature*. Therefore, while it may be possible for the *People* (supreme power) of a State of the Union (like Texas) to exercise the power of parens patriae over their own children, only a new kind of "state" (probably a corporation) could exercise the parens patriae power as sovereign and supreme power over it's alleged "residents".

The court continued in *Morman Church*:

> This prerogative of parens patriae is inherent in the supreme power of every *State whether* that power is lodged in a *royal person* or in the *legislature* [and] is a most *beneficent* function . . . often necessary to be exercised in the interests of *humanity*, and for the prevention of injury to those who cannot protect themselves. [Emph. add.]

First, I was taught that the "supreme power" of any State was We the People. But in the *Morman* case, the court declares that the supreme power of every State is lodged in either "a *royal person* or in the *legislature".* I can see no way to compare our legislatures to a "royal person" without implicitly denying the concept of individual sovereignty that was established in 1776 by our "Declaration of Independence" and guaranteed by the Constitution adopted in 1789. Although the text might be interpreted otherwise, it appears that the Supreme Court is serving notice that a "royal" presence has been reestablished in America. With "kings" come serfs and a feudal system of government.

Second, a power exercised in the "interests of *humanity*" is far more extensive than a power exercised in the interests of a particular group of "Citizens" like We the People. For example, while the State of Texas might exercise certain, limited delegated powers over the *Citizens* of Texas, it could not exercise those same powers over visitors from Mexico or Oklahoma. But acting as parens patriae in the interests of "humanity," the same government could conceivably exercise unlimited powers over anyone *anywhere on the globe*, no matter what their citizenship might be.

In 1911, the U.S. Supreme Court ruled in part in *U S v. Chamberlin*, (219 U.S. 250) that,

> ". . . . The rule thus settled respecting the British Crown is equally applicable to *this government*, and it has been applied frequently in the different states, and practically in the Federal courts. It may be considered as settled that so much of the *royal prerogatives* as belonged to the King in his capacity of parens patriae, or *universal trustee*, enters as much into *our political state* as it does into the principles of the British Constitution." [Emph. add.]

First, the Supreme Court admits that America's parens patriae doctrine is virtually identical to the same doctrine under the British Crown. "Royal prerogatives" and repeated references to English Kings imply the reintroduction of the *feudal* system into the USA. But why would the court reestablish a doctrine derived from the same feudal monarchy that the Founders fought and defeated in the American Revolution? [2]

Second, I suspect the term "our political state" may be code to signify corporate government and/or "public trust" rather than the de jure States of the Union and Federal (not national) Government.

Third (and more importantly), the parens patriae is defined as "universal trustee". This signals that the parens patriae power is exercised by persons acting as *trustees* in a *trust* over a group of rightless *beneficiaries* (aka "residents"). If so, the way out from under the pa-

rens patriae power may be to identify whatever trust is being administered and disassociate yourself and your children from that trust.

Remember, benefits cannot be *compelled*. If you protest against accepting trust benefits[3] and expressly revoke your status as a beneficiary you may be able to escape the trust's jurisdiction. If you expressly protest against appearing in the capacity of a beneficiary, the parens patriae powers may not apply to you.

Referencing parens patriae powers, the Supreme Court continued,

> The statute in the Savings Bank Case contained a provision . . . which expressly authorized the bringing of an action. But the court also found a sufficient basis for its judgment in the general power of the government to collect by suit taxes that are due, where the statute imposing the tax *does not deny* that remedy.

Here, under the parens patriae's "political state" (universal trust), *any* powers over beneficiaries that are not specifically *denied* are presumed to exist. That's a complete reversal of the doctrine of "limited powers" that are specifically enumerated in the Constitution and expressly delegated to government. The parens patriae judge-trustee can do virtually anything he wants.

Sound familiar? But more importantly, are you beginning to see the virtually *unlimited* powers that flow from the doctrine of parens patriae? [4]

In 1966, in *Kent v. United States* (383 U.S. 541), the Supreme Court considered the case of a 16-year old juvenile arrested in connection with charges of housebreaking, robbery and rape. As a juvenile, the defendant was subject to the exclusive jurisdiction of the District of Columbia Juvenile Court. When that jurisdiction was challenged, the Supreme Court found in part,

> 1. The theory of the District's Juvenile Court Act, like that of other jurisdictions, is rooted in *social welfare philosophy*, rather than in the *corpus juris*. Its proceedings are designated as civil, rather than criminal. The Juvenile Court is theoretically engaged in determining the *needs* [not rights] of the child [beneficiary] and of society [beneficiary], rather than adjudicating criminal conduct. The objectives are to provide measures of guidance and rehabilitation for the child and protection for society, not to fix criminal responsibility, guilt and punishment. The State is *parens patriae, rather than prosecuting attorney and judge*.

If the state is *not* acting in the *two* separate and independent capacities of "prosecuting attorney" and "judge," then it follows that in a parens patriae case, the prosecutor and judge must be acting *together*

in the *single* capacity of co-trustees administering the affairs of the beneficiary (in this case, a juvenile defendant). This implied unification of prosecutorial and judicial functions seems consistent with the opinion of many litigants who leave court convinced that the judge was "part of" the prosecution.

> 2. Because the State is supposed to proceed in respect of the child as parens patriae, and *not as adversary*, courts have relied on the premise that the proceedings are "*civil*" in nature, and not criminal, and have asserted that the child *cannot complain of the deprivation of important rights available in criminal cases*. It has been asserted that he can *claim* only the fundamental due process right to *fair treatment*. For example, it has been held that he is not *entitled* to bail; to indictment by grand jury; to a speedy and public trial; to trial by jury; to immunity against self-incrimination; to confrontation of his accusers; and, in some jurisdictions. . . that he is not entitled to counsel.

Can you imagine? Not even a right to counsel?

Further, note that a "civil" trial (at least when it involves the "state" acting in the capacity of parens patriae) is not "adversarial". As a result, the civil defendant in a parens patriae action has no "unalienable Rights" and is completely at the mercy of the court.

Although the *Kent* case deals with a juvenile, the same denial of unalienable Rights seems possible in any case where an individual appears in court in the capacity of a "beneficiary" under a trust administered by the government parens patriae. If so, once you are reduced to the status of a resident-beneficiary under the parens patriae, your only due process claim is the single, childlike defense of whining "that's not faaair!"

In 1982, the Supreme Court decided the case of *Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez* (458 U.S. 592). The court was asked to decide whether Puerto Rico had parens patriae standing to maintain its suit against Mr. Snapp. The court affirmed that standing and offered the following explanation:

> (a) In order to maintain a parens patriae action, a State must articulate an *interest* apart from the interests of particular private parties, that is, the State must be more than a nominal party. The State must express a "quasi-sovereign" interest, such as its interest in the health and well-being—both physical and economic—of its *residents* in general. Although more

> must be alleged than injury to an identifiable group of individual residents, the *indirect* effects of the injury must be considered as well in determining whether the State has alleged injury to a sufficiently substantial segment of its population. A State also has a *quasi-sovereign* interest in not being discriminatorily denied its rightful status within the federal *system*—that is, in ensuring that the State and its general population are not excluded from the *benefits* that are to flow from participation in the federal *system*. [Emph. add.]

Here, the court rules that the state must have a sufficient "interest" before it can exercise the virtually unlimited powers of parens patriae. But if the federal government extends the conditional promise of federal funds (benefits) to the state, that promise *creates an interest* sufficient to invoke the state's capacity to act as parens patriae over "residents".

And remember, according to the 1882 Illinois case (*County of McLean v. Humphreys)* previously cited:

> "The performance of these [parens patriae] duties is justly regarded as one of the most important governmental functions, and *all constitutional limitations* must be so understood as *not to interfere* with its proper and legitimate exercise." [Emph. add.]

Taken together, these case suggest that once the Feds offer some funds (benefits) to "residents" of a state, that state's government is empowered to enforce the federal regulations attached to those benefits—even if the regulations might be otherwise unconstitutional. In essence, the mere *promise* of Federal funding seems to empower states to violate their State and Federal constitutions!

For example, suppose the Federal government offered to provide $100 million to the State of Ohio for highway repair—but conditioned that offer on the state's willingness to enforce seat belt regulations or a 55 MPH speed limit. If the state didn't enforce those regulations, they wouldn't receive the funds (benefits). But because the state might lose its benefits by failing to enforce the attached regulations, the state it is not only empowered, it is *compelled* by its obligation as trustee for its "residents" to enforce seatbelt and speed limit laws that might otherwise be defeated as "unconstitutional".

For a more recent application of this analysis, consider Senate Bill 890— the McCain-Lieberman bill entitled "Gun Show Loophole Closing and Gun Law Enforcement Act of 2001." According to Alan Korwin (author, *Gun Laws of America*), that Bill will require the federal licensing and registration for gun show promoters, and federal registration for all gun show vendors (even those not selling guns) and even all gun show *attendees* (even those who don't buy a gun). These licensing

and registration requirements raise a number of issues concerning constitutional and privacy rights.

But guess what? According to Mr. Korwin, S.B. 890 "makes *unlimited funds* available for the states to *comply* with these federal goals."

Do you see the implication? By making the funds *conditional* on the state's enforcement of these seemingly unconstitutional regulations, the Feds empower the states to act as parens patriae and ignore the Constitution.

Are you beginning to see the bizarre, virtually unlimited power of parens patriae?

The court continued in *Snapp*:

> (b) . . . A State's interest in the well-being of its *residents*, which extends beyond mere physical interests to economic and commercial interests, also includes the State's substantial interest in securing its *residents* from the harmful effects of discrimination. . . . . [Emph. add.]

Note the court's use of the term "resident" rather than "citizen". This suggests that the terms are not synonymous. However, I suspect that "resident" may be synonymous with the term "beneficiary".

Snapp continues:

> . . . in American law . . . That concept [of parens patriae] does not involve the State's stepping in to represent the interests of *particular* citizens who, for whatever reason, cannot represent themselves. [Emph. add.]

A state can exercise the parens patriae power for all residents, but not for particular residents. Thus, no private person can compel the state to exercise the parens patriae power. That virtually unlimited power is strictly reserved to the government. Thus, the parens patriae can act whenever it wants, against anyone it wants, for any reason it deems sufficient. But individual "residents" cannot demand that the state invoke the parens patriae power against state actors.

> In fact, if *nothing* more than this is involved—i.e., if the State is only a *nominal* party without a real *interest* of its own—then it

> will not have standing under the parens patriae doctrine. . . . Rather, to have such standing, the State must assert an *injury* to what has been characterized as a "*quasi-sovereign" interest*, which is a *judicial construct* that does not lend itself to a simple or exact *definition*. [Emph. add.]

Y'see? A state can't act as parens patriae unless there's been injury to a "quasi-sovereign interest"—but "quasi-sovereign interests" are *indefinable*. Thus, anytime the state merely alleges a quasi-sovereign interest, that allegation alone may be sufficient to invoke the parens patriae power. But how can a defendant challenge a jurisdiction that's based on an *undefinable* interest?[5]

Snapp continues:

> *Quasi*-sovereign interests . . . are not sovereign interests, proprietary interests, or private interests pursued by the State as a nominal party. They consist of a set of interests that the State has in the well-being of *its populace*.

Use of the term "populace" rather than "citizenry" faintly suggests that the court is either talking about a kind of "state" that doesn't have "Citizens"—or perhaps a class of people ("residents") who don't have the rights of "Citizens".

> That a parens patriae action could rest upon the articulation of a "*quasi-sovereign*" interest was *first recognized* by this Court in Louisiana v. Texas, 176 U.S. 1 (1900). [Emph. add.]

Note when the Supreme Court claims to have *first recognized* the parens patriae doctrine: 1900. That's 124 years after the "Declaration of Independence" and 111 years *after* the Constitution was adopted. This relatively late "recognition" implies that the parens patriae power was not originally intended, delegated or even recognized under the Constitution adopted in 1789.

Since new congressional powers can only flow from new Amendments, which Amendment restored the feudal power of parens patriae to America? As you'll read in the next article, I believe the 14th Amendment, ratified in 1868 (note the date) restored feudal law to the United States.

Snapp continued with a quote from the 1907 case of *Georgia v. Tennessee Copper Co.*, wherein Justice Holmes described the State's interests as follows:

> [T]he State has an *interest* independent of and behind the titles of its citizens, *in all the earth and air within its domain*. It has the *last* word as to whether its mountains shall be stripped of their forests and its inhabitants shall breathe pure air. It might have to pay individuals before it could utter that word, but with it remains the *final power*. . . .

Here, the court implies that the "State" is the true owner of all earth and air and the people are merely vested with an equitable interest/ title in those properties. This 1907 case absolutely contradicts the "unalienable Right" to own legal title to property implied in the 1776 "Declaration of Independence".

Snapp continues:

> In Pennsylvania v. West Virginia, 262 U.S. 553 (1923), for example, Pennsylvania was recognized as a proper party to represent the interests of its *residents* in maintaining access to natural gas produced in West Virginia:
>
> "The private consumers *in* each State . . . constitute a substantial portion of the State's population. Their health, comfort and welfare are seriously jeopardized by the threatened withdrawal of the gas from the interstate stream. This is a matter of grave public concern in which the State, as representative of the public, *has an interest* apart from that of the individuals affected. It is not merely a remote or ethical interest, but one which is immediate and recognized by law." [Emph. add.]

Again, we see how easily a state can claim an "interest" sufficient to invoke the dictatorship of the parens patriae.

Snapp continues:

> This summary of the case law involving parens patriae actions leads to the following conclusions. In order to maintain such an action, the State must articulate an *interest* apart from the interests of particular private parties, i.e., the State must be more than a nominal party. The State must express a quasi-sovereign interest. [Emph. add.]

A "quasi-sovereign interest" seems to reflect the state's relationship as sovereign *over* its "resident-*subjects*". This implies that if a particular person could deny that his relationship to the state was that of a "resident-subject"—and instead prove he was a "sovereign-Citizen" whose status was superior to the state—then that individual might avoid being subjected to the state's dictatorial powers of parens patriae.

> Although the articulation of such interests is a matter for *case-by-case* development—neither an exhaustive formal definition nor a definitive list of qualifying interests can be pre-

> sented in the abstract—certain characteristics of such interests are so far evident. [Emph. add.]

Again, the parens patriae power is based on "interests," but those "interests" are *undefined* and therefore *unlimited*. The idea of unlimited governmental interests (and thus resulting unlimited government powers) is an absolute, and counter-revolutionary denial of our fundamental constitutional principle of *limited* government.

Second, if parens patriae actions are heard on a "case by case" basis, there is no meaningful precedent and the cases are apparently heard in courts of *equity* rather than law. The "equitable" nature of parens patriae is confirmed by the refusal to precisely define "parens patriae" or even list all of the possible "interests" that invoke that capacity. This suggests that the only defense against the undefined and seemingly limitless power of parens patriae may be to prove that you are not one "subject" to that jurisdiction.

> These characteristics fall into two general categories. First, a State has a quasi-sovereign interest in the health and well-being—both physical and economic—of its *residents* in general. [Emph. add.]

Implication: To avoid parens patriae power, deny any inference or presumption that you or your children are state "residents".

> The Court has not attempted to draw any definitive limits on the proportion of the population of the State that must be adversely affected by the challenged behavior. Although more must be alleged than injury to an *identifiable group* of individual *residents*, the *indirect* effects of the injury must be considered as well in determining whether the *State* has alleged injury to a sufficiently substantial segment of its population. [Emph. add.]

The idea of "indirect" injury implies that a State can sue even none of its residents can document or even claim a "direct" injury or damage. This is the "Big Brother" (or "Big Daddy") mentality of "Government Knows Best". This is the attitude of a king or a dictator.

> Distinct from but related to the general wellbeing of its *residents*, the State has an *interest* in securing observance of the terms under which it participates in the *federal system*. In the context of parens patriae actions, this means ensuring that the State and its *residents* are not excluded from the *benefits* that are to flow from participation in the *federal system*.

> Thus, the State need not wait for the *Federal Government* to vindicate the State's interest in the removal of barriers to the participation by its residents in the free flow of interstate commerce. . . . [Emph. add.]

Note that "benefits" seem to flow from the "federal *system*" rather than the "Federal *Government*". This suggests that the "federal system" may be a trust intended to take care of resident-beneficiaries, while the "Federal Government" might be the Republic adopted in 1789 and designed to guarantee the "unalienable Rights" of sovereign-Citizens.

Because "the State *need not wait* for the *Federal Government* to vindicate the State's interest," the state (as trustee) is empowered to act quickly, unilaterally, without Federal oversight and perhaps unconstitutionally to protect and enforce Federal "benefits".

> Similarly, federal statutes creating *benefits* or alleviating hardships create *interests* that a State will obviously wish to have accrue to its *residents*. . . . Once again, we caution that the State must be more than a nominal party. But a State does have an interest, independent of the benefits that might accrue to any *particular individual*, in assuring that the *benefits of the federal system* are not denied to its *general population*.

Again, the court declares that states are empowered to exercise the parens patriae powers whenever the federal system offers a grant of federal funds that are intended to benefit that State's "general population". If the Feds attach "strings" to the funds, then in order to receive those funds, the States are authorized to pull those strings"—even if the "strings" are unconstitutional.

> [W]e find that Puerto Rico does have "parens patriae" *standing* to pursue the *interests* of its *residents* in the Commonwealth's full and equal participation in the federal employment service *scheme* established pursuant to the Wagner-Peyser Act and the Immigration and Nationality Act of 1952. *Unemployment* among Puerto Rican residents is surely a *legitimate object* of the Commonwealth's concern. Just as it may address that problem through its own legislation, it may also seek to assure its *residents* that they will have the full *benefit* of federal laws designed to address this problem. . . . Indeed, the fact that the Commonwealth participates directly in the operation of the federal employment *scheme* makes even more compelling its parens patriae interest in assuring that the *scheme* operates to the full

> *benefit* of its *residents*. For these reasons, the judgment of the Court of Appeals is Affirmed.

The court's use of the word "scheme"—"assuring that the *scheme* operates to the full *benefit* of its *residents*"— seems synonymous with "assuring that the trust operates to the full *benefit* of its *beneficiaries*". This implies that the word "scheme" may be government code for "trust," and "resident" may be code for "beneficiary".

Note that the court is not ruling in favor of the residents' *rights*, but rather in favor of their *interests* in "benefits". This implies that the parens patriae acts as a trustee administering a trust-*scheme* for the benefit of its resident-beneficiaries.

Finally, when the court writes "Just as [the State] may address that problem through its own *legislation*, it may *also* seek to *assure* its residents that they will have the full benefit of federal laws designed to address this problem," it implies that the administrative powers of parens patriae are a legitimate *alternative* to legislation. Thus, the parens patriae—like a king, is a law unto itself—and seems to need no legislation, no underlying law, to justify its acts. That's a dictatorship.

The future parens patriae

The implications that can be found in case law concerning parens patriae are astonishing. And the previous excerpts only scratch the surface.

Nevertheless, it's obvious that the doctrine of parens patriae is powerful, dangerous and contrary to the principles of individual freedom on which America was built. The parens patriae constitutes a resurrection of the same feudal system our forefathers fought to overthrow.

But the parens patriae is not merely confined to America or even England. Launch a simple internet search for "parens patriae" and you'll also find articles dealing with that topic from Canada, Australia, and Scotland. The power of parens patriae circles the globe.

In 1996, William Norman Grigg authored an article for the *New American* entitled "Does the State Own Your Child?". According to his article:

> "In 1930, President Herbert Hoover's White House Conference on Child Health and Protection, described each American child as an individual "who belongs to the community almost as much as to the family and a citizen of a world moving toward unity"—anticipating a *global* parens patriae. This aspiration is now embodied in the United Nations Convention on the Rights of the Child, which would formally designate gov-

ernment as the primary custodian of all children."

The parens patriae is a cornerstone of the New World Order. It's being implemented a piece at a time, throughout the Western world. It is a dangerous and dictatorial doctrine that reduces all mankind back to the status of serfs under a feudal system of government.

If you would leave your children even a hope of freedom, you must work as Washington, Jefferson and Madison did to overthrow and destroy the parens patriae "king" and restore individual sovereignty and personal freedom.

[1] As quoted by Mollie Martin in "When the State Becomes Parent," published by WorldNetDaily.com in 1999.

[2] If the parens patriae power is essentially "royal" in nature, could it be challenged as an unconstitutional exercise of a "title of nobility"? If so, it might not be coincidental that the "Missing 13th Amendment" (which provided a penalty for those who employed "titles of nobility") would disappear at the end of the Civil War and be replaced by the modern 13th Amendment—and thereby open the door for the 14th Amendment's reintroduction of the feudal/royal powers of parens patriae.

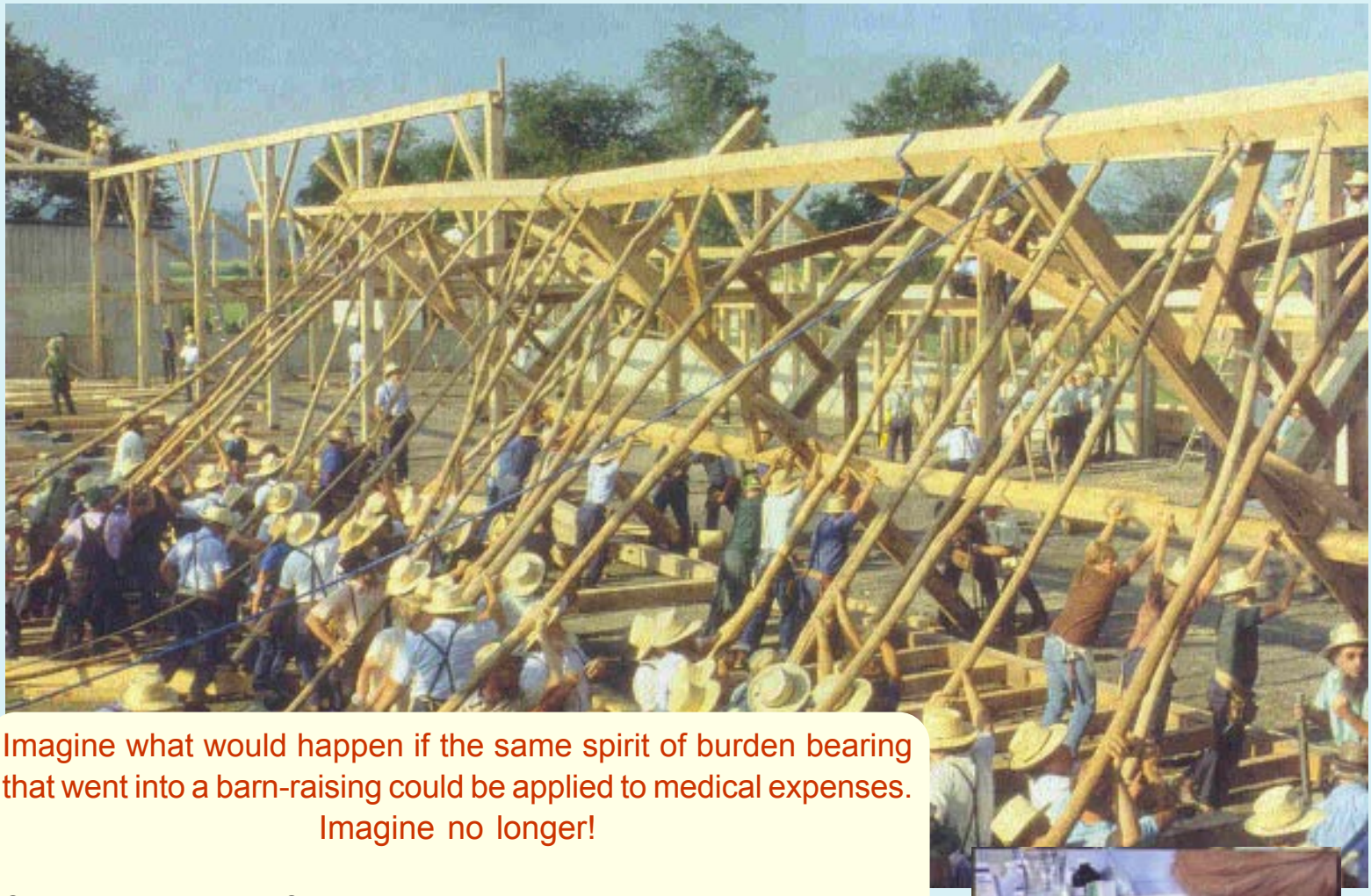
[3] "Benefits" may include enjoying the use of federal and federally-financed highways, or the privilege of discharging your debts with "legal tender" (Federal Reserve Notes) rather than paying those debts with lawful money (gold or silver).

[4] These unlimited powers remind me of the Emergency War Powers doctrine which effectively suspends the Constitution by authorizing government to exercise any "emergency" power even if that power was unauthorized (or even prohibited) by the Constitution. Does our endless, post-1933 "national emergency" somehow validate government's capacity as "universal trustee"/ parens patriae over the People and simultaneously hold the People in the reduced status of beneficiary/ resident/serfs?

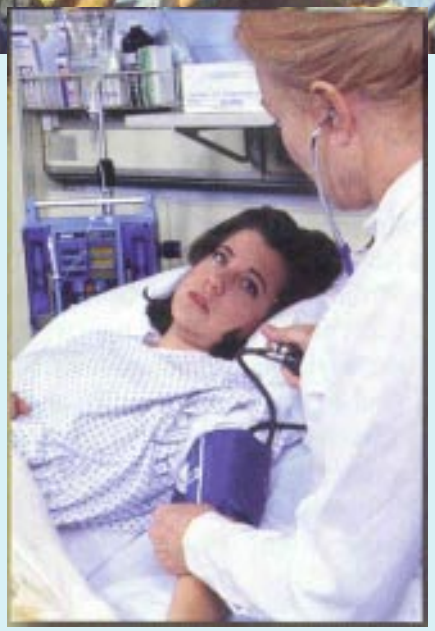
[5] This requirement of a state to suffer an "actual injury" sounds like the premise in child support enforcement. I.e., child support is generally ignored by the state unless the child *is* receiving welfare. Then the resulting financial burden placed on the "state" constitutes an "injury" that justifies state enforcement against the delinquent parent.

Bear one another's burdens . . .

Galatians 6:2 & Phillipians 2:4



Imagine what would happen if the same spirit of burden bearing that went into a barn-raising could be applied to medical expenses. Imagine no longer!



Christians are helping Christians with medical expenses through a unique ministry that doesn't involve insurance. You can be a part of this growing network of believers faithfully applying Biblical principles.

When we all work together, the burden on each of us is very light. As a result, the cost for a family for the past six years has not exceeded $150/month, and is even less for couples and singles.

Call Toll-Free for free information: **1-888-2 OTHERS ext. 584** (1-888-2 6 8 4 3 7 7)

Tell the operator you saw this ad in *Suspicions News Magazine*.

Or you can write us at:

Samaritan Ministries' Christian Health Care Newsletter
P.O. Box 389-AS · Washington, IL 61571-0389
Or visit our website at:
http://www.samaritanministries.com/cnet/inforequest#3.html

State Actors or Trustees?

by Alfred Adask

In the previous article ("Dictatorship of the Parens Patriae), a judge ruled that a Child Protective Services worker was not a "state actor" and thus not subject to the 4th Amendments warrant requirements.

If Child Protective Service workers aren't "state actors," what are they? I suspect the answer to the riddle of CPS worker capacity runs something like this:

1. The 14th Amendment created the legal foundation for resurrecting the feudal doctrine of parens patriae in the United States.

2. The 14th Amendment reads in part, "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*."

Thus, the term "resident" (which appears to identify those *subject* to the parens patriae power) seems to flow from the 14th Amendment and may signal that an individual is a 14th Amendment "citizen".

3. Section 5 of the 14th Amendment declares, "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." This power extends directly to 14th Amendment "residents" and creates a relationship wherein Congress is the sovereign-grantor relative to the resident-*subjects*. It's important to note that (unlike "Citizens") "residents" are *subject to Congress* rather than to their State. In other words, while a "Citizen" may be subject to a *state*, the "resident" is may be an entirely different class of person who is first and foremost subject to (or dependent upon) Congress.

4. *U.S. v. Chamberlin* (219 U.S. 250) defines "parens patriae" as the "universal trustee". This definition leaves little doubt that the parens patriae power is administered not as a government, per se, but as a *trust*.

5. Cases cited in "Dictatorship of the Parens Patriae" (this issue) imply that "residents" are *beneficiaries* of whatever trust is being administered by the parens patriae/trustees.

6. The federal government gives "Federal funds" to the States to

administer on behalf of the resident-beneficiaries. This establishes that Congress is the trust *grantor* (it puts "funds" into the body of the trust) and implies that the *states* act as *trustees* responsible for administering the national trust (possibly called the "public trust" or perhaps the Social Security Trust) that was created by Congress.

If these facts and speculations are generally correct, then we can begin to see why the Judge declared that the Child Protective Services worker was not a "state actor" (someone working for State government to enforce and protect the *rights* of State Citizens). Instead, the CPS worker was apparently acting in the capacity of a *trustee* (or agent for the State trustee) in charge of enforcing and protecting the "benefits" and "interests" (not rights) of the "resident-beneficiaries" of the national trust created and funded by Congress.

The Judge's admission that the CPS worker was not a "state actor," implies that the CPS worker might have been acting in the capacity of a *trustee* administering a private, national trust.

As a trustee allegedly working for the "best interests" of the resident-beneficiaries (in this case a two-year old child), the CPS worked was not bound by the 4th (or any other) Amendment.

Remember, the entire Federal Constitution is intended to restrict the powers of *government*—not private persons. If an individual acts in a *private* capacity (not that of government employee), that individual may not be directly subject to the prohibitions established in the Bill of Rights.

This gets confusing because the CPS worker was almost certainly a state *employee*. So how could a state employee not be subject to constitutional restrictions?

First, recognize that just because someone is a government employee and subject to constitutional prohibitions from 9:00 to 5:00, doesn't mean that she's still subject when she's off work. At home, she can violate the Constitution without consequence.

Similarly, I suspect that government has granted state employees the "right" to act in a private capacity even while they're at work. If so, even though the CPS worker was a state *employee*, perhaps she was not acting in an official/government *capacity* when she seized the child. Instead, perhaps she was acting as an authorized agent/*trustee* of the national trust created by Congress.

This implies that whenever Congress authorizes the states (and their employees) to act on behalf of the national trust, the state employees can slip out of the capacity as state employee and slip into the capacity of trustee for a national trust that is not directly part of the government.

If so, this dual capacity as trustees or government employee could explain why IRS agents don't get lawful, court-sanctioned liens and levies. Maybe the IRS is acting as trustee of the national trust and therefore isn't bound by the Constitution or relevant law. This line of speculation could explain why traffic police can stop and arrest you without warrants—because they're acting as *trustees* administering a trust over rightless resident-beneficiaries.

The endless list of examples of government violating the explicit meaning of our Federal and State constitutions might also be explained if the violations were committed against resident-beneficiaries (who have no rights) by officers acting in the capacity of *trustees* (who aren't bound by the Constitution).

This much seems sure:

1. Government routinely acts as a parens patriae *trustee* charged with the duty of "administering" a national trust.

2. Those who are "residents" or otherwise tied as "beneficiaries" to this national trust, have virtually no "unalienable Rights" (and may not even enjoy "civil rights").

3. Anyone who does not wish to remain a rightless subject of Congress and the national trust, would do well to revoke any documents or personal habits that allow government to presume he is a "resident" (subject/ beneficiary). (I have no proof, but I suspect the Zip Code may offer prima facie evidence that you are a "resident" of the national trust rather than a Citizen of a State.)

4. Various devices create the presumption that we are "beneficiaries". For example, merely having a Social Security Card has been declared by the Supreme Court to be a "benefit". Beneficiaries may have "interests" in receiving "benefits," but they have no rights. If you're going to accept the benefits without protest, you will necessarily forfeit your rights. So you must choose between rights and benefits—you can't have both.

I started speculating on the dangers of government-operated trusts in 1997 in the "Trust Fever" series. Here we are, four years later, and I think we're finally beginning to close in on the sneaky S.O.B.s (aka government "trustees"). Essentially, government has deceived us into surrendering our status as sovereign Citizens in return for seemingly "free" benefits. Somewhat like Esau, we've traded our birthright for a bowl of government pottage (benefits).

However, unlike Esau—who *knew* what he was doing when he surrendered his birthright to Jacob—we have been deceived by our "beneficent" government (acting as our parens patriae) into "voluntarily" surrendering our Rights. But I suspect the entire scheme is vulnerable because government has not informed the people of the deception. Insofar as we are presumed to have "volunteered in" to the status of beneficiaries, we can also "volunteer" out.

How? I don't yet know.

Nevertheless, as Winston Churchill remarked during World War II when the tide finally began to turn against the Nazi's, "This is not the beginning of the end—but it is the end of the beginning."

Sooner or later, we all die. But why we will perish remains to be seen. Disease. Maybe old age. Violence. Maybe a broken heart. But soon, some of us will not perish for lack of knowledge.

Learn Administrative Equity Procedure FOR dealing any Federal, State or Local Entity—Including the I.R.S.!

Presented by Pastor Richard William Standring

Plan to attend *Level I*, *Level II*, & *Level III classes* in TEXAS

Level I and II, Houston, TX
Saturday, **July 28, 2001**
Sunday, July 29, 2001
Contact Kenny: 281-686-5437

Level I and II Austin, TX
Saturday **August 11, 2001**
Sunday August 12, 2001
Contact Bill: 512-695-2422

Level III Houston, TX
Saturday **August 25, 2001**
Contact Amb. Robert Fox:
972-288-9659

Level I and II, **Dallas**, TX
Saturday **August 4, 2001**
Sunday August 5, 2001
Contact Charles: 972-949-0499

Level III Dallas, TX
Saturday **August 18, 2001**
Contact Charles: 972-949-0499

For info on any of the seminars, you can can also contact Amb. Robert Fox at 972-288-9659 or VIP at 513-641-2221

No Patriot idiot legal or mythological arguments taught!

Level I Seminar

This proactive seminar will teach you the starting point for dealing effectively with the IRS. Learn to use the Freedom of Information Act (FOIA) requests to obtain the SECRET files the government keeps on you! Build your own affirmative legal defense. Learn how to stop the 2039 and 7210 summons.

Level II seminar

Once your FOIA requests reveal what information the IRS has on you, what you do with that Information? Rebut their false presumptions and build evidence *against them* by using their own documents. Learn how to create *personalized* (not generic!) letters that rebut IRS accusations. Level II introduces you to implementing regulations, how to decipher them and where you find the information to perform that colossal task? This information will exonerate you every time. IMPORTANT: if you have a copy of your IMF, bring it with you!

Level III seminar

The place to stop any court action is not after you are indicted but before, at the Grand Jury level. The CD that is included in Level III, contains over 120,000 pages of documentation detailing the complete legislative history of the primary IRS offenses.7201, 7203, 7206 and 7212. Applicable resource include but are not limited to, the United states at Large, Code of Federal Regulations, Federal Register, Treasury decisions and orders, United States at Large, Code of Federal Regulations, Federal Register, Treasury Decision and Orders, United States Code, Congressional Record, as well as, the complete income Tax Code of 1939, 1954, and 1986. **All seminars include a manual and level III includes a CD**

When it comes to understanding how the IRS operates and how to best deal with this agency, Pastor Standring is one of America's most knowledgeable individuals. He is a dynamic and entertaining speaker and is a sought after lecture who has presented his seminars throughout the United States!

The information that will be presented by Pastor Standring is a result of a team of legal research and front line litigator with an unsurpassed collective legal knowledge and unequal experience level!

Spiritual Implications of the 14th Amendment

by Alfred Adask

In 1776, the Founders had no intention of surrendering control of their children or ours to government. The "Declaration of Independence" established—first—the people of the newly emerging nation-states were entitled by "the Laws of Nature and of Nature's God" to the "separate and equal" station of other earthly governments—and second—"that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, ..."

In 1776, the American people traced the source of their political powers and individual rights *directly* to the God of the Bible. The idea that each man could trace his rights *directly* to God was reinforced by the declaration that "*all* men [including *kings* and *popes*] are created equal". This meant that none of us were dependent on the Catholic Pope and/or some European King to be the indirect conduit of rights and blessings provided by God.

Under the feudal system of the Holy Roman Empire, all rights flowed from God (#1) to the Pope (#2) to the Kings (#3; "divine right of kings") to the kings' governments (#4) and finally to the bottom-of-the-pecking-order people (#5). Under the feudal lawform, the only thing lower than common men were domestic farm animals. Even the "King's deer" had more rights than most commoners.

However, when our Founders declared that "all men are created equal," they shattered the feudal lawform and replaced it with a "Protestant" lawform that had been unknown since the age of Samuel in the Old Testament. Under this new "Protestant" lawform, the pecking order ran like this: God (still #1), but *all* men (commoners, kings and popes) elevated to #2 status, and government (created by man) #3.

By this revolutionary Declaration of individual equality, the founders elevated all men to the status of kings (hence, the foundation for the concept of "*sovereign* Citizens"). Because we received our rights directly from God, those rights were therefore "unalienable"—they

couldn't be denied or taken from us by any mortal man or earthly government. Because each individual could actually *own* legal title to property, we were each the legal equivalent of "kings" over our own dominium. Our homes were truly our "castles". Our individual "subjects" were our own biological children.

I had my "home-castle"; you had yours. I had my "children-subjects"; you had yours. I had no right over your "home-castle," you had no right over mine. Similarly, my rights over my children were exclusive as were your rights over yours.

We were a nation of *kings*; a nation of sovereign Citizens.

But the relative change in the status of government was equally revolutionary. Under the feudal lawform of the Holy Roman Empire, government was the master (#4) *over* all men (#5)—except the handful of Popes (#2) and sovereign Kings (#3). But under our new Protestant lawform, "all men" were elevated to the #2 status of kings (directly below God) and government was effectively demoted from its former status of feudal master over all common men, to the "Protestant" status of all men's public servant.

Law Forms

Feudal	Protestant
1. God	1. God
2. Pope	2. All Men
3. Kings	3. Government
4. Government	
5. All common men	

Virtually all religions agree that children belong exclusively to their parents. Consistent with that principle, the exclusive and unalienable Right of parent-kings over their children-subjects was virtually unchallenged in Revolutionary America.

Today, however, our government acts as the "parens patriae"—the "father of the country" and principal legal parent over all of our children. By claiming to be the parens patriae, our government implicitly denies our unalienable Rights to our children. Worse, if we have no unalienable Rights, we are no longer members of the class of #2 Citizens sovereign *over* government and must instead be presumed to be subjects *under* government. Today, biological parents are only tolerated by government—and even then, only in the capacity of baby-sitters who can be instantly rejected and replaced if they fail to obey the parens patriae's rules.

Who knows where or when?

Somehow, between 1776 and 2001 we devolved from a nation of parent-kings who each enjoyed "unalienable Rights" over their children/"subjects"—to a nation where parents and children are now both subjects "owned" by the parens patriae state. To understand how this change took place, we should first identify *when* the change took place.

Once I recognized the importance of parens patriae, I looked for its definition in several of my law dictionaries. I was surprised to find that "parens patriae" is not only undefined in my digitized copy of *Bouvier's Law Dictionary* (published in 1856), but doesn't even appear in the entire dictionary—not even as a element or illustration of another word's definition.

Bouvier's is a remarkable and seemingly complete law dictionary. It's almost inconceivable that "parens patriae" would be missing from

Bouvier's 1856 edition unless that legal concept was virtually unknown to American law at that time. This implies that from the onset of our nation in 1776 until at least the publication of *Bouvier's Law Dictionary* in 1856, the parens patriae doctrine was virtually unknown in the USA.

However, if your read *Bouvier's* 1867 edition, you'll find parens patriae defined as "Father of his country. In England, the king; in America, the people. . . ." OK. Now the word is defined, but note that the parens patriae is the "people"—as in We the People. This is consistent with the Protestant lawform wherein We the People hold the #2 sovereign position below God (#1) and above government (#3). As parens patriae, We the People were the "kings" over our homes, property and children.

But in 1891, the first edition of *Black's Law Dictionary* defined parens patriae as, "Parent of the country. In England, the king. In the United States, the state, as sovereign, is the *parens patriae*."

Ah-*hah!*

So, by 1891, the parens patriae (that didn't exist in 1856, and was embodied in the "people" in 1867) had become the "state". Thus, by 1891, the state had become "quasi-sovereign" over the people.

So what happened between 1856 (when "parens patriae" couldn't be found) and 1891 (when parens patriae had become the "state")? What could explain the adoption of that feudal doctrine within the USA?

First answer: Civil War (1860 to 1865).

The second (and more important) answer is adoption of the 14th Amendment in 1868.

14th Amendment deceit

To accommodate the newly freed Negro slaves, the 14th Amendment created a new class of citizenship called "citizen of the United States". Through this newly-created citizenship, Negroes received newly-created "civil" rights. Although "civil" rights were (and are) foisted off on Negroes (and now Whites) as being valuable, they're only a pale imitation of the "unalienable Rights" granted by God and declared in the 1776 Declaration and guaranteed by the Constitution adopted in 1789.

Why? Because when the 14th Amendment not only created the new "citizen of the United States" status, it also declared that "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article".

I believe the 14th Amendment thereby gave Congress absolute power *over* the 14th Amendment "citizens" (Negroes) and reduced the "citizens of the United States" to the status of "residents" *subject* to Congress.

If so, then apparently the North never intended to actually elevate the "nigras" to the political status of Whites. Moreover, from an historical perspective, Negroes have never yet been truly "freed".

Although the 14th Amendment granted a "kind" of citizenship to Negroes, it was a substandard "citizenship" for subjects, but not the premier citizenship accorded to *sovereigns* (#2) directly below God

(#1) and superior to government (#3). 14th Amendment citizenship is an illusion of sovereign citizenship and is in no way comparable to the status of "natural born Citizens" (Whites) who enjoyed "unalienable Rights".

Despite all the rhetoric about "freeing the slaves," the victorious North didn't like Negroes any more than the defeated South. As a result, the Negro slaves weren't freed so much as transferred from servitude under their former plantation owners to servitude under Congress.

More importantly, by ratifying the 14th Amendment, the feudal system that had been overthrown and ejected by the American Revolution was brought back into the United States. Under the American Revolution's Protestant lawform, God was #1, sovereign People #2, and government #3. But under the 14th Amendment, Negroes were deposited into a new #4, bottom-of-the-barrel "citizenship" as government *subjects*.

Law Forms

Feudal	Protestant	14th Amendment
1. God	1. God	1. God
2. Pope	2. All Men	2. White Men
3. Kings	3. Government	3. Congress (corporate United States)
4. Government		4. Government
5. All common men		5. Negroes, "residents" & Beneficiaries

Under the 14th Amendment, a second, "*administrative* government" was created to serve the needs of the lowly Negro subjects. Essentially, the 14th Amendment laid the foundation for a "parallel" ("separate but equal"?) government. By deceiving the ignorant Negroes into accepting the status of citizen-*subjects* rather than Citizen-sovereigns, the victorious Northern Congress expressed its contempt for the Negro race. Despite liberal rhetoric to the contrary, in 1868, few believed Negroes were equal to Whites—or could be—and, thus, our government would not grant them real freedom. Ironically, the 14th Amendment and even its cherished "civil rights" might be viewed as a monument to segregation and the Negro's racial inferiority.

Spiritual implications

I'm no one's spiritual guide or authority. But I have a half-baked spiritual "sensitivity" which persuades me that the "Protestant" lawform (1. God; 2. Sovereign Man; and 3. government) is very similar to what the God of the Bible wants for all men: a two-part lawform that consists of #1, God (king, father), and #2 Man (subject, child). Believing that man *could* be perfect (a self-governing child of God with the law "written on his heart"), the American Revolution created a lawform that differed from the Bible's since it recognized the need for the "necessary evil" of #3 government to control those who rejected God's Law, were not self-governing, and thus had to be disciplined by earthly government.

Our "Declaration of Independence" expressed the spiritual principle that "all men [including Kings and Popes] are created *equal* and endowed [equally] by their Creator with certain unalienable Rights".

This principle strikes me as the closest political expression of the New Testament seen in 2,000 years. In the end, is the notion of individual equality any different from "love thy neighbor *as thyself*"? Is the idea that man is directly subservient to God, but sovereign over government inconsistent with the mandate to "Love the Lord thy God, with all they heart, with all thy might, and with all thy soul"? I don't think so.

I believe the American Revolution was more than a mere political event—I believe it was a *spiritual* event sanctioned by God in which the American colonists were freed under circumstances that were remarkably similar to Old Testament's story of freeing the Hebrew slaves from Egypt.

For example, once the Hebrews were freed, they established a system of *judges* to solve disputes and enforce order within the tribe. An unstated implication of a "judicial" system is that the individuals coming before those judges are all presumed to be *equal*.

If *King* Solomon were having a dispute with his *servant* Jacob, there'd be no call for a "judge". The issue would be handled *administratively*: By virtue of his superior *rank*, the king would automatically win in any contest against a mere servant. In an administrative or police-state system, disputes are settled primarily according to the relative *status* of the disputants. As George Orwell wrote, the administrative system presumes that "some animals (usually the administrators) are more equal than others."

But a *judicial* system implicitly presumes "all men (including judges) are created equal," are equally subject to the law, and remain so, unless they surrender that equal status by intentionally breaking the law. Thus, the Hebrews' early political system of "judges" seems based on the presumption that "all Hebrews are created equal". This concept of individual equality is the logical consequence of the Hebrew's belief that they were God's "chosen people" (children). Essentially, each Hebrew child was believed to be created in God's image and "endowed by his Creator" with certain "unalienable Rights" which accrued only the "chosen people"—but not to non-Hebrews. Although the Bible admits that some Hebrews enjoyed God's favor more than others, for the most part, the early Hebrew tribe's judicial system seems to presume that "all chosen people are created equal". That Old Testament premise of Hebrew equality is not far removed from the "all men are created equal" premise in our 1776 Declaration.

But individual equality wasn't good enough for the "chosen people". If you read *1 Samuel 8*, you'll see that the Hebrew patriarch Samuel appointed his sons as judges, but his sons were corrupt. Therefore the people clamored for Samuel to appoint a king to lead the people and discipline the corrupt judges.

Samuel prayed for guidance and God replied, "it is not you (Samuel) that they have rejected, but they have rejected me (God) *as their kin*g."

Do you see the lawform that must have existed at that time?

God was #1, all Hebrews were #2, and there was no government, per se—only a system of judges sat in the #3 position to settle disputes among the "sovereign" chosen people. Incidentally, this Old

Testament lawform was very similar to the "Protestant" lawform (#1 God, #2 People, #3 government) that was inspired by own "Declaration of Independence".

Law Forms

O.T. (Samuel)	O.T. (Kings)	Feudal	Protestant	14th Amendment
1. God	1. God	1. God	1. God	1. God
2. Hebrews	2. King	2. Pope	2. All Men	2. White Men
3. Judges	3. Gov't	3. Kings	3. Gov't	3. Congress (corporate U.S.)
	4. Hebrews	4. Gov't		
		5. Common men		4. Gov't
				5. Negroes/ "residents" & beneficiaries

But Hebrews wanted an earthly king. They wanted a new lawform wherein God was still #1, the newly created *king* would be #2, the King's government would be #3, and the "chosen people" would be reduced to #4. This new lawform was structurally similar to that of the Holy Roman Empire and European monarchies. In this feudal lawform, the people were directly subject to *government* rather than God.

God told Samuel to allow the Hebrews to have their king, but to first warn them what their new king would do. So Samuel warned,

> "This is what the king who will reign over you will do: He will take your sons and make serve with his chariots and horses . . . Some he will assign to be commanders [administrators] and others to plow ground and reap *his* harvest, and still others to make weapons of war . . . . He will take your daughters . . . . He will take the best of your fields and vineyards and olive groves and give them to his attendants. He will take a tenth of your grain and your vintage and give it to his officials and attendants . . . . and you yourselves will become his slaves."

(Sounds just like our current government, doesn't it?)

The Hebrews, of course, ignored Samuel's warning and insisted on having a king so they could be "like other nations".

But why would the Hebrews *choose* to become subjects under a king rather than remain sovereigns under God? I suspect the answer is summed up in the phrase, "freedom isn't free".

Most people don't realize that a "free man" isn't *free* in the absolute sense. Far from it. So far as I can see, the only real freedom any of us enjoy is to "choose this day who you will serve"—God or government? We are only free to choose our masters, but having cho-

sen, we must still obey one or the other.

A free man of the sort envisaged by the "Declaration of Independence" is only free from the arbitrary power of other *men* and earthly government—but in consequence, he must agree to be constantly subject to God. Thus, a "free man" (#2 and directly subject to God, #1) not only receives God's constant blessing, but also God's constant attention and discipline. God's blessings come with a price: personal inhibition.

So suppose your neighbor takes a trip and his young, hot wife is available for intercourse. If God is constantly watching you, and constantly watching her, it's unlikely that both of you will simultaneously succumb to temptation. If you want to go, she may still be inhibited by God's constant gaze. If she wants to go, you may be inhibited by God's oversight.

But if you could get a king to play the role of #2 (directly and constantly under God's gaze), and you could be reduced in status to someone *under* that king—or better yet, buried even deeper *under* that King's government—then you might be able to escape God's direct oversight and leave the burden of coping with God to the idiot king. Then it would become the obligation of the king (rather than your conscience) to enforce the law, and sooner or later that fool king (or his officers) would have to sleep. When they did, if your neighbor was gone, you could commit *unseen* adultery with the neighbor's wife.

By accepting an earthly king, the Hebrews freed their conscience from God's endless oppressive observation and empowered themselves to secretly sin. In effect, the earthly king became accountable for all the people's sins while the people became unaccountable and given "license" to sin. This feudal lawform provided the people with the luxury of limited personal liability and released them from the obligation and stress of being "self-governing".[1] Whenever the governmental cat was away, the mice could play.

This conjecture is supported by the Hebrew people's refusal to listen to Samuel's warning:

> "No!" they said. "We want a king over us. Then we will be like all the other nations, with a king to lead us and to go out before us and fight our battles." *1 Sam. 19-20*

The Hebrews wanted someone else to "fight their battles" *for them*, to *assume responsibility* for their lives, acts and battles. The Hebrews wanted the fundamental promise of all earthly government—*limited personal liability*. They were tired of paying the endless price of freedom—unlimited personal accountability to God.

So God warned, "When that day [when you are enslaved by your king] comes, you will cry out for relief from the King you have chosen, and the Lord will not answer you in that day." In other words, God's blessings and burdens come wrapped in a single bundle. If you refuse the burdens, don't cry out for the blessing of God's protections.[2]

Well, the Hebrews got their earthly kings, suffered considerably,

and were eventually overwhelmed and dispersed by the other nations they sought to emulate. Why? The spiritual answer is because the ancient Hebrews surrendered their status as God's "chosen people" (#2 "children" directly under #1 God) when they demanded an earthly king/father.

Similarly, America violated the spiritual foundation of its 1776 "covenant" when it created the 14th Amendment status of citizen-*subject* for the Negroes. By creating *subjects*, we inevitably created a *king* (you can't have one without the other). In our case, when Congress received the 14th Amendment's "power to enforce . . . the provisions of this article," Congress became the "King of the Negroes". Over time, that "King of the Negroes" decided to become "King of the Whites". And, just like the Old Testament Hebrews, we White dummies were eventually seduced by government's promise of limited personal liability (So-So Security, insurance, corporations, etc.) and we opted for a new king, an earthly "father," a parens patriae.

Result? About the same as God warned of in *1 Samuel 8*: Our "king" has taken our sons to run with his "chariots," to plow his fields, to pay taxes, and be his slaves. And if we cry out for relief, who will save us?

We have digged a pit?

If it's true that "all men are created equal," then only question that should've been asked in 1868 is whether Negroes are "men". If the answer is Yes, then Negroes should've been elevated to same sover-

eign Citizen status as Whites and the 14th Amendment's creation of "citizen-subject" would be unnecessary, even intolerable.

However, by creating a *subject* citizenship for *some* "men" (Negroes) America denied and betrayed its spiritual "covenant" that "*all* men are created equal". Having received from God the blessing of freedom in 1776—in 1868, Whites refused to share that same blessing with Negroes.

Result? The citizen-subject class created for Negroes became the de facto citizenship for *all*—even formerly free Whites. Those who once enjoyed the status of kings—"children of God" and subject only to God—were reduced to the same status of *subjects* that they'd created for others. A case can be made that White Americans of 1868 snared themselves and their progeny in their own device.

Today, we're not only losing our property, we're even losing our children to a monster that *we* created—a citizenship *subject* to the *government-king* rather than God. We traded freedom under God for license under government. Given the opportunity to extend the blessing of freedom to all men, we instead created a 14th Amendment "golden calf" and worshipped the civil rights that deceived us all back into bondage.

Retribution & redemption

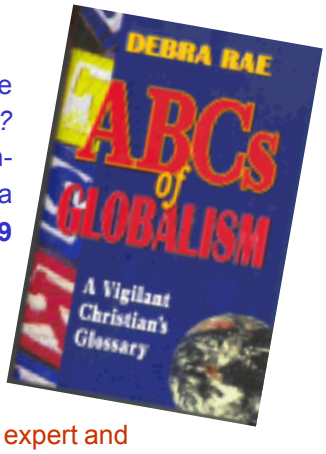
Maybe it's only my imagination, but in the 14th Amendment, I sense the ghostly apparition of spiritual retribution: Seeking to deny the blessing of freedom to some, America lost freedom for all. Creating a king for some, we created a king for all.

If America *is* paying a spiritual price for refusing to give the blessing of freedom we had freely received, it follows that to redeem our own freedoms, perhaps we must first work to free others.

The pernicious, feudal doctrine of parens patriae and citizen-*subjects* flows from the 14th Amendment. If you want to regain control of your property and children, the 14th Amendment must be repealed. Until that happens, a handful of American may find temporary freedom if they devise legal strategies to evade the 14th Amendment's "residency" and the status as beneficiary to the parens patriae. But until the 14th Amendment is repealed and *all* are free, none of our freedoms will be truly safe.

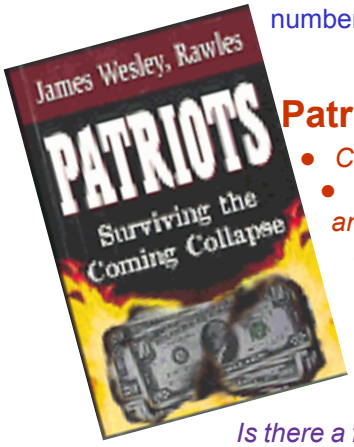
[1] Note the unsettling similarity to the idea that Christ the King died for our sins.

[2] Today, that covenant/contractual relationship between obedience and protection is still enshrined in the concept of "allegiance". Your duty to obey government—and government's obligation to protect you—are correlative "sides" of allegiance. If either element is refused or denied, the correlative duty and right is also ended.



ABCs of Globalism *A Vigilant Christian's Glossary* by Debra Rae

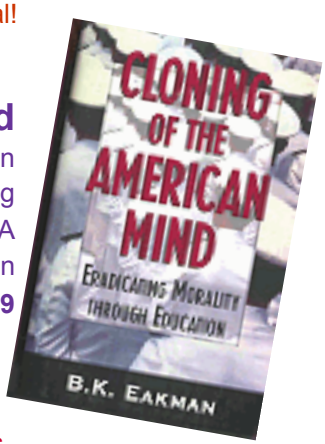
Do you know which organizations are working together to form a New World Order? Finally! The *ABCs of Globalism* is a single volume reference that belongs in every concerned Christian's home. It allows easy access to over one hundred entries spanning a number of globalist related topics. ISBN 1-56384-140-1 **352 pages $18.99**



Patriots *Surviving the Coming Collapse* by James Wesley, Rawles

- *Could you survive a total collapse of civilization?*
- *Would you be prepared for the economic collapse, the riots, panic, and complete breakdown of our infrastructure?* This novel by intelligence expert and survivalist James Wesley, Rawles is more than a novel—it's a survival manual!

ISBN 1-56384-155-X **352 pages $15.99**



Cloning of the American Mind

Eradicating Morality through Education by B.K. Eakman

Is there a furtive effort to alter the ethics of our children? This expose' on our crumbling education system is an indispensable book for parents, policy-makers, and educators. A solution-oriented book that is jam-packed with information that gives the reader more than just another crisis to contemplate! ISBN 1-56384-147-9 **608 pages $22.99**

New World Order *The Ancient Plan of Secret Societies* by William Still

For thousands of years, secret societies have cultivated an ancient plan which has powerfully influenced world events. Its primary objective is to bring all nations under one-world government—the biblical rule of the Antichrist. Today its proponents simply call it the New World Order. ISBN 0-910311-64-1 **208 pages $10.99**

Government by Political Spin by Dr. David Turell

Government by Political Spin describes the giant PR program used by Washington officials to control the opinions of American citizens and maintain themselves in power. The Founding Fathers would be appalled at the development of career politicians and a fourth branch of government, the huge bureaucracy, which is not properly controlled by Congress.

ISBN 1-56384-172-X **272 pages $14.99**

All five books are softcover, printed on quality paper and $5\frac{3}{8}$" x $8\frac{3}{8}$".
Add $3.00 S&H for one book + $0.50 for each addtional book.

Special! 20% discount. Order all five books and save $16.79!
Like getting one book FREE! Total price = $67.16 + $5 S&H

Place MC or Visa order at 972-418-8993

or send check or M.O. to:
AntiShyster, POB 540786, Dallas, Texas 75354-0786
the United States of America

Matrix Expatriation

Here's one man's attempt to separate himself from the "matrix" of corporate and fiduciary relationships which seem to deprive us of our "unalienable Rights". Note that the author is not "expatriating" from the country; he's merely leaving the status as subject *under* corporate government and returning to the status of free man/sovereign *over* government as intended by the Constitution adopted in 1789.

Note also that while this approach illustrates the objective of most "constitutionalists," so far as I know, it is not yet proven to be effective. Learn from it, but don't assume the "formula" is perfected.

Declaration of Expatriation

From: Stephen Miles Tennant
220 West 24th St., Hutchinson, Kansas 67502

Greetings to All Public Officials:

I, *Stephen Miles: Tennant*, being of legal age, sound mind, a natural born white person, and an inhabitant of *Reno* County within the exterior boundaries of *Kansas state*; *a republic*, do solemnly make this Declaration of change in Legal Status from that of Statutory "U.S. citizen and Resident" subject to the corporate Legislative Democracy, to that of an "American Citizen and inhabitant" of the organic united States under the Constitution for the United States of America as fully adopted in 1781, with reservation of all my God-given unalienable Rights.

This Declaration is made pursuant to 15 Statutes-at-Large 249, 1868, and shall be accepted within the doctrine of *estoppel by acquiescence*, thirty (30) days from the date of presentation by U.S. Mail.

Signed_____
Date_____

Notary:

Cc: Speaker, the United States House of Representatives
Strom Thurmond, President Pro Tem, the United States Senate
Lawrence H, Summers, Secretary of the Treasury
Commissioner of the Internal Revenue Service
Chief Justice of the United States Supreme Court
Social Security Administration
Secretary, Department of Commerce
Governor Bill Graves, State of Kansas
Attorney General, Ron Thornburg, State of Kansas
Chief Justice, Supreme Court, State of Kansas
Sheriff Ron Leslie, Reno County, State of Kansas

AntiShyster Digital Publications

National Law Library $29.75
edited by Roscoe Pound

This six-volume set was originally published in 1939 and is now out-of-print and rare (complete sets of original books can cost over $400). These six books offer the finest insight and education on how our post-1933 legal system works available. Their text is clearly written and easily understood. Volume titles include: "Common Law," "Crime & Criminal Law," "Public Law," "Business Law," "Property," and "Legal Relations". Ideal for self-education and home schooling. This is an unparalled bargain. Individual titles available for $9.95 each.

Analysis of Civil Government $9.95
by Calvin Townsend

Originally published in 1868,as "A class-book for the use of grammar, normal, and high schools, academies, seminaries, colleges, universities and other institutions of learning." Until I read this *Analysis*, I didn't think any book could serve so broad an audience — but this one does. *This is the finest Constitution study guide I've seen.* 156 pages

Common Law Liens $9.95
by Alfred Adask

This 88-page study guide includes essays, examples of common law liens and case cites explaining an evolving legal strategy used by folks across the USA to protect their equity in their homes and farms against foreclosure.

Coming Soon!
The Missing 13th Amendment $9.95
by Alfred Adask

Has a lawful amendment been subverted from the U.S. Constitution? Between 1819 and 1876, at least 26 states or territories published copies of the U.S. Constitution containing a "13th Amendment" which has since mysteriously disappeared. This "Title of Nobility" Amendment would prevent lawyers from holding public office, and more importantly, prohibit all special interest legislation. Our 100-page reference manual contains three *AntiShyster* essays which explain the history and signficance of the "Missing 13th Amendment" and over 80 photocopies of historical documents which published this amendment as lawfully ratified.

Wills, Estates & Trusts $19.95
by Conynton, Knapp & Pinkerton

This 1921 text is a remarkable exposition on the title subjects – especially trusts. I've referenced this text several times in previous AntiShyster articles. If you are interested in trusts – especially those used by government to bypass the Constitution – you need this book. I'm still formatting the text, so final e-book size is uncertain but I expect the PDF document to contain roughly 1,000 pages.

These "e-books" are published in the same PDF format as this AntiShyster e-magazine and distributed electronically to your e-mail address. For a FREE sample of Volume 3 of the National Law Library, visit the AntiShyster "Bookstore" at http://www.antishyster.com/Bookstore.htm. You'll find the free Volume 3 on the "National Law Library" page.

You can purchase these books by sending check or money – and your e-mail address – to:

AntiShyster News Magazine
c/o POB 540786, Dallas, Texas 75354-0786
The United States of America

call: 972-418-8993

PayPal orders at: http://www.antishyster.com/Bookstore.htm

Need more info?

Call 972-418-8993, e-mail: adask@gte.net or visit http://www.antishyster.com

Statutes?! We Don' Nee' No Stinkin' Statutes!

by Alfred Adask

If you study income tax law, you might remember Larry Maxwell (from Houston, Texas) who, in 1997, tried to take about two dozen tax cases to a court in Washington D.C. with a very innovative strategy for attacking the IRS. Before the cases were finished, the government dug up a six-year old charge for helping someone file a commercial lien and indicted Mr. Maxwell for practicing law without a license. He was convicted and sentenced to two years in prison. The six-year old charge was contrived to keep Mr. Maxwell from prosecuting his two dozen income tax cases. That strategy worked; while Mr. Maxwell was in prison, the court dismissed his tax cases for "failure to prosecute".

Larry is out of jail, battling the IRS again, and has circulated an e-mail in which he alleges that the IRS sometimes prosecutes defendants without ever specifying the *statute* on which the prosecution is based. The allegation seems irrational. Surely, the IRS wouldn't prosecute if there wasn't an underlying statute, right?

Maybe not.

Some of you may also remember the 1998 case in Illinois in which a jury refused to convict Mr. Whitey Harrel for income tax violations. The jury asked the judge to provide the *statute* under which Mr. Harrel had been charged. The judge refused and told the jury "You've got all the evidence you're gonna get". Because the judge wouldn't provide the statue, the jury refused to convict, and Mr. Harrel was freed.

At the time, Mr. Harrel's victory was widely celebrated by the patriot community. But really, Mr. Harrel didn't win his case—the judge lost it. If the obstinate judge had simply provided the statute under which Mr. Harrel was being prosecuted, Mr. Harrel would've been convicted. As a result of the judge's obstinacy, Mr. Harrel's "tax pro-

testor victory" was dismissed as an aberration—the result of a cantankerous old judge who simply refused to do his job and accommodate the jury.

But some suspect the judge wasn't cantankerous. Some believe the judge couldn't provide the statute because no such statute exists.

A handful of you might recall Dr. Peter Rivera—a Dallas doctor who was selectively prosecuted by the IRS in 1997 for income tax violations. I know Dr. Rivera, and he's one of the most decent, God-fearing men I've met. As a result of his 1997 prosecution, he was convicted, jailed for almost three years, and forced to surrender his medical license while his wife and children endured considerable hardship. He's out, and recently appeared in two more hearings before Judge Joe Kendall in the U.S. District Court in Dallas.

Ever since the first trial in 1998, Dr. Rivera has tried to force the court to specify the statute under which he was prosecuted, convicted and incarcerated. But Judge Kendall still refuses to specify. Instead, in a recent hearing, Judge Kendall simply waved his hand and said, "Ahh, it's in the Constitution . . . everyone knows you have to pay income tax."

Well, yeah . . . I suppose everyone else "knows". But for the sake of argument, wouldn't it be nice if the judge specified the statute so even the defendant "knows"?

After all, why wouldn't a judge want to specify whatever statute caused a decent man—a doctor—to be tried, convicted and *incarcerated*? Isn't it obvious that a man with sufficient intelligence to become a doctor might have brains enough to sue whatever government agents or agencies were responsible for causing his incarceration? Wouldn't it be common sense to simply tell the poor, misguided doctor that he was jailed under some specific statute rather than let him imagine there was no statute and then launch an endless series of vexatious lawsuits?

But, no—despite repeated requests to specify the statute under which he'd been convicted *and jailed*—the court won't say.

If I'd only heard one of these stories about courts refusing to tell defendants what statute they're being tried under, I'd've dismissed the story as an interesting but aberrant anecdote. But when I see *three* stories in which the courts refuse to specify the statutes under which defendants are being prosecuted, I can't help but wonder if maybe—just maybe—what "everyone knows" about paying income tax is so mistaken that some of us are being jailed for imaginary laws.

That doesn't seem possible does it? Surely, our government wouldn't stoop so low as to jail people for *imaginary* laws . . .right? Probably not.

But what about the parens patriae? It doesn't need any law. Doesn't need any injury. It only needs an "interest". And it's not the least bit bound or inhibited by the Constitution. So if the IRS and government prosecutors were acting in the capacity of parens patriae, could they prosecute a defendant in a "civil" trial without any underlying statute?

Could they?

"Income" Tax—or "Source" Tax?

by Alfred Adask

The tax "avoidance" movement has recently produced a hot, refined versions of the "861" defense. This defense argues that under Section 861 of the IRS Code (26 USC 861), most income *sources* are not subject to an income tax.

Roughly speaking, research (going all the way back to 1916 original income tax laws) indicates that if the "source" of your income is a transaction involving "alcohol, tobacco, firearms" and few other privileged activities, then you are obligated to pay income tax on earnings derived from those activities. On the other hand, if the *source* of your income is ordinary, non-privileged economic activity (like carpentry, running a day care center or managing a sole proprietorship), your earnings are not subject to income taxation. In other words, a lawful income tax is not imposed directly on the *people*, or even on their "income," but rather on the *sources* of their income. Some sources are taxable, other sources are not.

If the 861 argument is correct, it implies that 95% of American workers have no duty to pay income tax since their income is not derived from privileges "sources".

Another "frivolous" argument?

As often happens with "patriot" arguments, the "861 defense" seems too good to be true. If the income tax was only intended to apply to those few people engaged in *privileged* activities (like the production of alcohol, tobacco and firearms)—but had no lawful application to the other 95% of American workers who earned their livings from ordinary, non-privileged "sources"—how could government have tricked the other 95% into paying?

One explanation involves the Victory Tax imposed during World War II. That tax asked the American workers to voluntarily contribute a portion of their weekly pay for two years to help win the war against Germany and Japan. The Victory tax also asked employers to voluntarily collect their workers' contributions and forward those contributions to the national government. Thus, the Victory Tax gave average Americans their first taste of "withholding"—the idea that workers would voluntarily contribute and employers would voluntarily collect a portion of their weekly incomes and send it to Washington.

The Victory Tax was intended to last for just two years. But two years, and then two decades came and went, and the tax intended to win WWII continued to be collected long after the war ended and even after we'd reestablished alliances with our former enemies.

It's easy to imagine how all patriotic Americans—wanting to help win WWII—would agree to voluntarily contribute a portion of their income as "taxes" even though their incomes were not lawfully taxable. It's likewise easy for cynics (or realists, depending on your point of view) to imagine that self-serving government would take advantage of patriotic Americans' and continue to demand their financial "contributions" long after the original purpose for those contributions had disappeared.

Most people can't believe our government could defraud the American people. Even if you're willing to concede that *government* might be that greedy, unlawful and prone to extortion—you still have to accept the astonishing belief that the American *people* were fool enough to allow themselves to be tricked into such an incredible deception. Is it really possible that the American people could be that *dumb*?

Seems so. To paraphrase P.T. Barnum, "There's a voter born every minute."

The implications are depressing. If Americans are that gullible, what faith could we place in the idea of "democracy"? If Americans can be tricked for over half a century into paying an income tax that has no foundation in law, then you have to admit the average American is so ignorant that his "informed" votes are only marginally superior to the votes of most monkeys.

Nuthin' up my sleeve (or in the statutes, either)

However, if the 861 "source of income" defense is valid, then government's unlawful application of income tax can be easily stopped. After all, if government actually *tricked* us into paying income taxes on "sources" which aren't lawfully taxable, then it follows that there must be no underlying law to justify those taxes. In other words, why would government resort to *trickery* if the relevant law actually exists?

This question implies an important axiom: Whenever you find evidence of governmental deception, it almost certainly means there is no relevant underlying law. Thus, if you can learn to identify the government's lies and deceptions, that identification may constitute a "get out of jurisdiction free" card.

Further, once government starts a deception (and there's no underlying law), it's unlikely that government will later pass a relevant law. Once the deception starts, going back and changing the law would not only admit the deception, it might even provoke folks to wake up, vote intelligently, and possibly return to the pre-WWII condition where most Americans paid no income tax.

My point is that *if* government has imposed the income tax on most Americans through trickery since 1943, it's a virtual certainty that there's still *no law* to support that taxation.

And that's exactly what the Section 861 defense contends. There is *no law* declaring that the vast majority of American's incomes are derived from taxable sources.

Will the 861 defense work?

I don't know.

But I do know and respect the judgment of several researchers who claim the 861 defense is hot and valid.

More importantly, I know that (so far) government has shrieked that the 861 argument is flawed, impossible, and contrary to common sense. They've raised clouds of dust, smoke and a host of mirrors to discredit the 861 argument. But (so far) government has not issued a persuasive denial of the 861 "sources" argument based on nothing more than existing statutes and case law. I am persuaded that the 861 defense is valid because (so far) government's done nothing to deny that defense but scream like a wounded animal.

Reclamation now!

And I can see why government would scream. If the 861 defense works, it won't merely allow people to *stop* paying income tax—it will allow them to *reclaim* income taxes paid to Washington for at least the *last three years*. Those trying to reclaim previously paid taxes reportedly file *amended* tax returns that indicate the previously paid taxes were paid by *mistake*. They claim they didn't know the *source* of their income was not taxable, and therefore (Dear Mr. Taxman), would you please send a refund in full?

This tax reclamation movement is not confined to impoverished tax resistors. At least one Hollywood movie star is trying to employ the 861 argument to regain $24 million in taxes paid over the last three years. Can you imagine what will happen if that movie star wins? The publicity will be unstoppable and the cat will be absolutely out of the IRS's bag.

Imagine how many people would file amended income tax returns if they thought they could regain all the money they paid to the IRS over the last *three* years. For the average person, that might amount to half a year's pay. I'd say that's a serious incentive.

Caveat emptor

The 861 defense isn't new. Reportedly, it's been used before and defeated. What is new is the depth of research that's gone into making "new and improved" 861 arguments. Some researchers have traced

the relevant law all the way back to 1916.

Nevertheless, if you choose to use the 861 sources strategy, be cautious. Make sure that whatever strategy you employ is based on a complete analysis of IRC Section 861 and *all* underlying law and federal regulations.

More importantly, recognize that if the 861 strategy is valid, it will *destroy* the IRS. That means that the IRS will fight tooth and nail to ignore, refute or defeat anyone who tries to use this strategy. For the IRS, the 861 "source of income" argument may be a "life or death" issue. That being so, the IRS can be expected use any means available—within the law or otherwise—to not only defeat but *punish* anyone attempting to use this strategy.

Time will tell whether the 861 strategy is valid or flawed. I recommend that anyone concerned with income taxes start studying the 861 strategy now with the intention of possibly applying it six months from now. By then, the validity of this strategy should be obvious to all.

For now, I can't say I'm not absolutely convinced that they Section 861 "sources of income" argument is valid, but everything suggests that this strategy may be explosive.

The next article is written by Larken Rose, a principal in the research and propagation of the 861 defense. His article offers a more technical foundation for understanding the 861 defense.

What's the "Source" of Your Income?

by Larken Rose
http://www.taxableincome.net

This article consists of two parts: 1) a letter from Mr. Rose to the Attorney General of the United States; and 2) a document entitled "Legal Basis for Not Filing / Not Paying" which explains some the letter's fundamental principles.

The letter offers a general overview of the confusion caused by the IRS Code as well as a reasonable person's resulting conclusions. You'll see why some folks refuse to automatically comply with the IRS Code . . . it's simply too unclear, ambiguous and seemingly contradictory to be easily understood or rationally obeyed.

The "Legal Basis for Not Filing / Not Paying" is more technical and intellectually challenging. If you're serious about learning the 861 "sources" defense, you'll want to study the "Legal Basis" article. If your interest in tax law is less intense, you might want to read the letter but skip the highly technical "Legal Basis" attachment. But even though the "Legal Basis" is hard to follow, it presents the bones of a very hot defense. No pain, no gain, hmm?

March 6, 2001
John Ashcroft, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Ashcroft,

Though my wife and I run a small business, and receive income from that business, 1996 was the last year for which we filed a federal income tax return or made any federal income tax payments.

While in the past I had always believed the federal income tax to be immoral and unconstitutional, we did not stop paying in "protest"

of any law. On the contrary, we stopped filing and paying because we took the time to examine the *law itself*, to determine what it required of us. After extensive personal research, I came to a rather disturbing conclusion:

While the federal income tax is entirely valid and Constitutional, it does not apply to the income of most Americans. I do not just mean it *cannot* apply to such income; I mean the law itself shows that it *does* not apply to such income. During my research into the law, not only did I find abundant evidence proving my conclusions, from the actual federal income tax statutes and regulations (past and present), but I also believe I have substantial documentation proving an ongoing and deliberate attempt by some in the federal government to conceal the truth, and to intentionally deceive and defraud the American public.

"*Thou shalt not steal*." "*Thou shalt not bear false witness*." I trust that you believe that these statements apply to agents of the United States government, and I hope you do not believe that political power or the "compelling interest" of the state supersede those commands. The organization over which you now preside has participated (whether knowingly or not) in the biggest extortion racket in the history of mankind.

The enforcers of the law, both at the IRS and at the DOJ, have been enforcing a *non-existent* law when they demand income tax returns and payments from United States citizens who live and work exclusively within the 50 states, and when those agents harass and persecute such citizens when they do not "comply." Ironically, the victims of this injustice usually *assume* that they have broken the law. However, the fact that people have *attempted* to evade a tax is only legally relevant if a tax was actually *owed*. (False assumptions and erroneous "conventional wisdom" do not create legal obligations.)

> "The United States Attorney. . . is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape *or innocence suffer* . . . It is as much his duty to *refrain from improper methods calculated to produce a wrongful conviction* as it is to use every legitimate means to bring about a just one." *Berger v. United States*, 295 U.S. 78 (1935)

I am no fan of lawyers per se, but I believe prosecutors have a tendency to be more honest, more driven by principle, and have more interest in having justice be served than in winning every case at all costs. I would guess that most U.S. attorneys who prosecute individuals for "failure to file" or "tax evasion" are under the impression that they are simply enforcing the law, and punishing those who are intentionally avoiding their legal responsibilities. Ironically, the defendants probably believe the same. However, in the majority of cases, both are mistaken.

I am enclosing a brief summary of the legal basis for my decision not to file or pay, as well as a more in-depth explanation of the results of my research—a report entitled "Taxable Income" (10/23/00 revision)—which documents the strictly *limited* application of the federal income tax. I am well aware of the many unfounded "tax protestor" theories which are based upon "creative interpretation" or twisted logic, and I agree that many such arguments are "frivolous" and without merit. My findings, in contrast, are based entirely on what the federal income tax statutes and regulations *themselves* say (and have said since long before I was born).

However, I did not stop at what I saw in the statutes and regulations. After reaching my conclusions, I *sought out* opposing views; I have repeatedly attempted to get government officials, including IRS officials, to refute what I have found, to show me where I may have made a mistake.

While many have *asserted* that my conclusions are incorrect, they produced no *evidence* to support that assertion. In fact, the so-called "experts" have routinely contradicted *each other* when trying to explain away the many citations I am relying on, and have consistently contradicted what the Treasury regulations say in plain English. (I would be happy if someone from the Department of Justice wants to try to show me where I may be in error.)

All of this no doubt sounds absurd to you. I expect you are unable to even consider the *possibility* that my conclusions could be correct. You may not wish to consider the possibility that

the government you serve extorts and defrauds the citizenry far more than it "protects" them.

You of course are a busy man, and I suspect you will simply dismiss this as nonsense, without ever looking into it (and I admit that would be somewhat understandable, considering how "unconventional" my conclusions are). But this fraud must end, and your attention to it is paramount. At the moment I know of no better way to get your attention than by doing this:

By signing below, I hereby declare (under penalty of per-jury) that I have not filed any federal income tax return for the 1997 year or any subsequent year, nor have I paid any federal income taxes for those years. During those years, I received sufficient income that, if my income had been subject to the federal income tax, both payments and returns would have been required by law. If you believe my conclusions of law are in error, and my actions illegal, I hereby publicly and openly invite the Department of Justice to prosecute me.

I have posted my research, my attempts to get answers from the IRS, my experiences, and my case history at http://www.taxableincome.net for all the world to see (and I would be happy to post any rebuttal you can supply there as well). The truth will eventually come out, one way or the other. Which side you end up on depends upon your principles, your honesty, and your willingness to examine the evidence and face the truth.

I believe you have a moral and legal obligation, not only to immediately cease the baseless tax-related prosecutions of those U.S. citizens who are not actually subject to the federal income tax (i.e. most Americans), but also to initiate an investigation into the Department of the Treasury, and possibly some members of Congress, for ongoing attempts to intentionally deceive and defraud the people of the United States. What I actually *expect* you to do is another matter, but I hope you will demonstrate that your allegiance to political power does not outweigh your allegiance to your God, to your principles, to the law, to the truth, and to justice.

By signing below, I hereby declare under penalties of perjury that the above information is true and correct to the best of my knowledge.

Sincerely,
s/ Larken Rose
[address deleted for privacy]

cc: Charles O. Rossotti
Commissioner, Internal Revenue Service
1111 Constitution Avenue, NW
Washington, D.C. 20224

Legal Basis for Not Filing / Not Paying

The following is a summary of a larger, 60-page report that is available for free from Mr. Rose's website at: http://www.taxableincome.net/docrequest.html. Be warned that because this article summarizes the 60-page report, the text is abbreviated, incomplete and hard to read. If the IRS isn't your issue, you might want to skip to the next article.

On the other hand, if income tax is important to you, this is a hot strategy and you should read this text as an introduction to what appears to be a very strong defence against the IRS.

Overview:

The regulatory definition of "gross income" is "income from whatever *source* derived, *unless excluded by law*"**[1]** (26 CFR § 1.61-1).

The general statutory definition of "gross income" is "income from whatever *source* derived"**[2]** (26 USC § 61).

The federal "income tax" is imposed upon individuals by 26 USC § 1, and is imposed upon "taxable income"**[3]**, which generally means "gross income" minus deductions (26 USC § 63, 26 CFR § 1.1-1(a)(1)).

Generally speaking, the requirement to *file* income tax returns is found in 26 USC § 6012, and depends upon the receipt of "gross income"**[4]** in excess of one's "exemption" amount.

[The, blue bracketed numbers above correspond to the "issues" addressed below.]

Issue #1, "Excluded Income":

In the general definition of "gross income" found in the regulations (26 CFR § 1.61-1), the term "unless excluded by law" is often misread to refer only to *statutory* exclusions. However, the predecessor regulations make clear that the phrase refers to exemption by statute, *or* by "fundamental law" (26 CFR § 39.21-1 (1956)), meaning the Constitution.

The prior regulations stated that in addition to the statutory exemptions, other income was "under the Constitution, *not taxable* by the Federal Government" (26 CFR § 39.22(b)-1 (1956)).

The older statutory definitions of "net income" (now "taxable income") and "gross income" used broad wording (26 USC §§ 21, 22(a) (1939)), and did not need to mention Constitutional limitations, since "every statute is to be read in the light of the constitution," and "[h]owever broad and general its language, it cannot be interpreted as extending beyond those matters which it was within the constitutional power of the legislature to reach" (*McCullough v. Com. Of Virginia*, 172 U.S. 102 (1898)).

Since regulations (when published in the Federal Register) are the official notice to the public of what the law requires of them (44 USC), the regulations must give specifics. For decades, the regulations defining "gross income" specifically stated that income of U.S. citizens derived from "foreign commerce" *must* be included in their "gross income," and also described income of foreigners, and income of those

who receive most of their income from federal possessions (Regulations 62, Article 31 (1922), 26 CFR § 39.22(a)-1 (1956)).

The current regulations under 26 USC § 61 mention neither the Constitution, nor the types of commerce from which income "must be included" as "gross income". However, the regulations still show that some income is "excluded by law" (26 CFR § 1.61-1)—i.e., excluded by statute or by the Constitution, itself.

However, current income tax regulations specifically state that the "items" of income listed in 26 USC § 61 make up "classes of gross income" (26 CFR § 1.861-8(a)(3)). Further, such income is sometimes *excluded* "for federal income tax purposes" (26 CFR §§ 1.861-8(b)(1), 1.861-8T(d)(2)(ii)(A)).

The regulations then list what is *not* exempt (26 CFR § 1.861-8T(d)(2)(iii)), and give essentially the same list of types of commerce which were previously listed in the older regulations defining "gross income" (26 CFR § 39.22(a)-1 (1956)). These types of commerce are all related to *international* and *foreign* commerce (including commerce within federal possessions).

The general power to "lay and collect taxes" (U.S. Constitution, Article I, Section 8, Clause 1) *combined* with the power to "regulate commerce with foreign nations" (U.S Constitution, Article I, Section 8, Clause 3) undoubtedly gives Congress the power to impose an income tax on income derived from *foreign* commerce (*William E. Peck & Co. v. Lowe*, 247 U.S. 165 (1918)). However, mere receipt of income from *intrastate* commerce *cannot* be a proper subject of a federal ex-

cise tax. (Both the Supreme Court (*Stanton v. Baltic Mining* (240 U.S. 103)) and the Secretary of the Treasury (Treasury Decision 2303) agree that the income tax is in fact an "indirect" excise.)

Congress cannot gain jurisdiction over an event, or regulate an event not otherwise under federal jurisdiction (such as *intrastate* commerce), simply by exerting such control via taxation legislation. "To give such magic to the word 'tax' would be to break down all constitutional limitation of the powers of Congress" (*Bailey v. Drexel Furniture Co.*, 259 U.S. 20 (1922)), and such a law "cannot be sustained as an exercise of the taxing power of Congress conferred by section 8, article 1" (*Hill v. Wallace*, 259 U.S. 44 (1922)).

Mind you, this is *not* to say that the income tax is in any way invalid. These cases merely show *why* the income tax statutes and regulations *themselves* limit the tax to those engaged in *international* or *foreign* commerce.

Issue #2, "Sources of Income":

When income tax regulations implementing the Internal Revenue Code of 1954 were first published, they did not specifically mention the Constitutional restrictions on what constituted "gross income." Instead, the regulations began by stating that 26 USC § 861 and following (and the related regulations), "determine the *sources* of income for purposes of the income tax" (26 CFR § 1.861-1 (1958 to present)).

Under 26 USC § 61, the three major printings of the United States Code (USC, USCS, USCA) currently all contain editorially-supplied cross-references to 26 USC § 861 regarding "income from sources *within* the United States." This cross-reference is not currently part of the actual text of the law, but it was in 1939 (26 USC § 22(g) (1939)). However, the text of 26 USC § 861 identifies which income "shall be treated as income from sources *within* the United States."

It's not unusual for one section of the federal statutes to broadly describe a requirement, only to have other sections show that the general requirement applies only to those engaged in commerce under federal jurisdiction [e.g. the federal "anti-discrimination" laws at 23 USC §§ 623(a)(1), 630(b), 630(g)].

The federal income tax is no different. The early sections of the Internal Revenue Code generally describe a tax on income (26 USC §§ 1, 61, 63). But congress was well aware of its limited jurisdiction, and (in what is now Subchapter N, Chapter 1 of Title 26) Congress enumerated those situations in which "income from sources *within or without* the United States" was subject to the tax. All of the activities

or types of commerce listed therein as subject to income tax concern those engaged in international or foreign commerce.

Although many assume that income from all types of commerce not listed (such as intrastate commerce) is also taxable, such assumptions are contrary to established law. When interpreting taxing statutes,

> "it is the established rule not to extend their provisions, *by implication*, beyond the clear import of the language used, or to enlarge their operations so as to embrace matters *not specifically pointed out*." *Gould v. Gould*, 245 U.S. 151 (1917).

The regulations clearly state that 26 USC § 861 and following, and related regulations, "*determine* the *sources* of income for purposes of the income tax," and those sections *only* show income from certain *international* and *foreign* commerce to be included. It is in error to assume a greater scope to the law than what is "specifically pointed out."

Issue #3, "Taxable Income":

Section 861(b) of the Title 26 statutes is entitled "Taxable income from *sources* within United States," and the text thereof describes what "shall be included in full as taxable income from sources within the United States." There are numerous citations showing that 26 USC § 861(b), and the related regulations (beginning with 26 CFR § 1.861-8), are the sections to use to *determine* "taxable income from sources within the United States" (26 CFR §§ 1.861-1(a), 1.861-1(b), 1.861-8(a), 1.862-1(b), 1.863-1(c), etc.).

The current regulations (in addition to the historical statutes and regulations) make clear that only income from certain activities or types of commerce (i.e. "specific sources") is shown by 26 USC § 861(b) and 26 CFR § 1.861-8 to constitute "*taxable* income from sources within the United States" (26 CFR §§ 1.861-8(f)(3)(ii), 1.861-8(a), 1.861-8(f)(1), 26 CFR § 29.119-1 (1945), 29.119-9 (1945). 29.119-10 (1945)). This fact has been so obfuscated over the years that, today, 26 USC § 86 (read by itself out of context) seems to indicate that most domestic income is taxable.

However, the predecessor statutes make it abundantly clear that under that section, only the domestic income of those engaged in certain activities related to international or foreign commerce is taxable (Revenue Act of 1921, §§ 217, 232).

The activities enumerated by Congress in Subchapter N of the IRC, and the regulations promulgated by the Secretary of the Treasury under 26 USC § 861, match precisely the types of commerce which Issue #1 (above) shows to be constitutionally taxable by the federal government.

In sum, Part I (26 USC § 861 and following) give the general rules about the "source" and taxability of income from limited types of commerce. Part II and portions of Subchapter N enumerate those *types* of taxable commerce (e.g. 26 USC §§ 871, 882, 911, 936, etc.).

Issue #4, "Filing Requirement":

Both the statutes and regulations use the term "gross income" in two ways: in the generic sense, to mean *all* income; and in the "term of art" sense, to mean only that income which is *subject* to the federal income tax. The requirement to file an income tax return (26 USC § 6012) depends upon receipt of "gross income" in the latter sense, i.e. income *subject* to the tax.

In fact, the older regulations stated that income exempted by statute or "fundamental law" (Constitution) "should *not* be included in the return of income and need not be mentioned in the return" [Regulations 62, Article 71 (1922)]. Those regulations, consistent with what has been previously outlined, stated that citizens deriving income from *foreign* commerce "must" include such income in their "gross income."

The current 1040 instruction booklet and the current IRS Publication 525 ("Taxable and Nontaxable Income") each declare that U.S. citizens "must" report income they receive from "sources" *outside* the United States, but say nothing of the domestic-source income (within the United States) of citizens.

IRC Section 61 gives the general definition of "gross income from whatever source derived" for purposes of Title 26 (including 26 USC § 6012– "Persons Required to Make Returns of Income"). If some income is not specifically shown by law to constitute "income from sources *within* the United States" (26 USC § 861), or "income from sources *without* the United States" (26 USC § 862), then such income does not legally constitute "income from whatever *source* derived," and cannot create any filing requirement under 26 USC § 6012.

Mr. Rose seems to argue that *unless* the source of your income is specifically listed by law as "taxable," it's probably *not* taxable. Intense study of the Internal Revenue Code and relevant regulations and statutes concerning "sources" of income reportedly indicates that most of us derive our incomes from *sources* which are not truly taxable.

For more complete information, Mr. Rose has authored a 60+ page report entitled "Taxable Income," which offers a comprehensive explanation and proof of the Section 861 defense. You can download a free copy of his report at: **http://www.taxableincome.net/docrequest.html**

Obligated by Oath

by Alfred Adask

This article will follow another of my "patriot rabbit trails" concerning oaths of office. However, before you can hop down that "bunny trail," you'll need a refresher course concerning a previous notion concerning the importance of entering documentary evidence —not just conversation to the judge—into your case file.

In Volume 9 No. 3, I published an article entitled "Is the Battle in the Court or in the Case?" In that article, I postulated that unless all evidence of the relevant facts and law are properly entered into the *case file*, that evidence may have no bearing on the court's decision.

For example, suppose you go to court to defend yourself over a traffic ticket. You explain to the judge about your "constitutional right to travel" and the fact that you could not possibly have run that stop sign. The prosecution is lame, disheveled and smells faintly of tobacco. You, on the other hand, are a clean, wholesome fair-haired boy. You are eloquent, passionate, patriotic and persuasive. When you stop speaking, the courtroom audience erupts into applause. (The prosecution received only muffled hisses and boos.).

Nevertheless, the judge rules against you.

Why?

I suspect the answer is found in the case file. I suspect that all the eloquent information and arguments that you provided *verbally* to the judge is just so much white noise. I suspect that in order to decide the *case*, the judge simply opened the actual *case file* (the collection of documents entered into evidence) and found—Voila!—the traffic ticket that was issued to you for running a stop sign. Because the judge finds *nothing else*—no other documents or evidence actually entered into the *physical case file* that tend to refute, deny or mitigate that ticket—the judge "administers" the case strictly according to the evidence actually *in the case file*. He sees nothing to refute the legiti-

macy of the ticket, and so he agrees the ticket is valid and you—Mister Eloquence—are guilty.

At first, this notion sounds nuts. If it were correct, it would mean that most cases are decided without automatic reference to some of America's most cherished assumptions (individual freedom) and foundation documents (Declaration of Independence, Constitution, etc.). Why? Because those documents are virtually never inserted into a case file.

The notion that the "case" consists of only the precise evidence entered *into* a particular "case file" is consistent with the idea of "case by case" determinations seen in courts of equity. In essence, each case decided in a court of equity is regarded as unique and without any automatic reference to any previous law, statute or constitution or precedent.

Thus, you might make a particular defense in equity that a judge liked at 9:00 AM in the morning, and if I made exactly the same defense at 10:00 AM, the same judge could rule against me. Your case would have no bearing on mine. Acceptance of "case by case" determinations implies that any evidence that is not *specifically included* in a particular *case file* does not legally "appear" within the "context" of that case.

For a more "advanced" illustration of this "Battle in the Case" hypothesis, let's suppose you're claiming your "constitutional rights" while defending yourself to a judge. What Constitution are you talking about? The Mexican Constitution? The Constitution of the People's Republic of Cuba? Like most Americans, you *assume* that "everyone knows" that when you say "constitutional" you're referring to the Federal Constitution adopted in 1789 and no "proof" is necessary. But I suspect your assumption is false. If that particular constitution does not appear *in the case file*, it does not exist in that individual case.

If you're like most Americans, you probably assume your rights flow from the Constitution. Again, that assumption is at least dangerous and perhaps self-defeating since it implies you are a 14th Amendment resident-*subject* who receives his rights from Congress and government rather than a "Declaration of Independence" sovereign Citizen who receives "unalienable Rights" from *God*. (As originally intended, the Constitution didn't *provide* rights, it *guaranteed* that government would not trespass on the preexisting, God-given "unalienable Rights".)

In any case, I suspect that if you claim your "constitutional rights" and there's no evidence *within the case file* to support that claim, your claim is just so much hot air and irrelevant to the final decision.

Sure, the kindly ol' judge will let you do your song and dance in court and exhaust the emotional fire in your gut. But then, he'll look in the case file and make his decision based entirely on the documents therein. If your eloquent courtroom speech and the docu-

ments it referenced are not included in that case file, I suspect it will play no role in his decision.

In court (as in life) talk is cheap. You may have launched a brilliant verbal claim for some "constitutional right"—but unless you enter documentary evidence into your case file to support your claim, that claim is without foundation and the court will almost certainly rule against you.

Partial remedy?

I know that according to *Bouvier's Law Dictionary* (1856 A.D.), all rights flow from *title*. That is, if you can't show a "title" to whatever rights you claim, your claim of rights will be without foundation in law and will be relegated to a court of equity, and probably dismissed.

I suspect that—just as the "title" to your car entitles you to drive that particular car—"The unanimous Declaration of the thirteen united States of America" (aka, "Declaration of Independence") is the "title" by which we are entitled to claim the God-given "unalienable Rights" declared in 1776 and guaranteed by the body of the Constitution (1789 A.D.) and/or Bill of Rights (1791 A.D.).

If my suspicions are correct, by entering verified/notarized copies of those foundation documents *into your case file*, you provide evidence that leaves little doubt as to "which" constitution you're talking about and why *you* are entitled to claim those "unalienable Rights". Thus, I speculate that the solution to making a proper claim of God-given "unalienable [not constitutional] rights" is to insert proper, docu-

mentary evidence into a case file of the *source* of those rights and the *foundation* (title) for your claim to those rights.

Send in the oaths

The April 30, 2001 issue of the *National Law Journal* published a "short list of rogue judges and ex-judges" which included one judge who resigned after it was discovered that he liked to bind and gag his secretaries while he visited sex-bondage websites. Another judge spent his off-duty hours letting prostitutes know that he was a good friend to have if they were troubled by the police. A female judge steered 60 cases to her lover—another attorney (who, incidentally, murdered his wife—apparently to be with the judge).

The stories of errant judges make amusing gossip, but one anecdote triggered my imagination:

> "Assigned to truancy court, Justice of the Peace Marvin Dean Mitchell of Amarillo, Texas, believed in making follow-up phone calls. Unfortunately for him, one of them was tape-recorded by law enforcement officers.
>
> A 15-year-old girl who was on probation in his court for truancy complained that he had pressed her in a phone call to her home to talk dirty. Then three other minor girls came forward with their own stories of harassment. The Texas Judicial Conduct Commission suspended the judge Mitchell and declared that he had "preyed upon the very persons he was *obliged by his oath of office* to protect."

OK, what's this article got to do with the Texas Judicial Conduct Commission's statement that an errant judge "preyed upon the very persons he was *obliged by his oath of office* to protect"?

The patriot movement has sensed for some time that judges' oaths make judges personally liable should they fail to enforce the laws and Constitution. In the previous anecdote, the Texas Judicial Conduct Commission supports that suspicion.

If the previous "partial remedy" (that we should insert *documentary* evidence into our *case files* to lay a foundation for our claims of right) is generally valid, we have a strong foundation for asserting a claim of right. However, the previous quote from the Texas Judicial Conduct Commission suggests how that foundation might be strengthened by inserting a copy of the *judge's Oath of Office* to "support and defend the Constitution"—or words to that effect—into the case file.

By inserting copies of the Constitution, "Declaration of Independence" *and* the judge's Oath of Office into the case file, we might not

only establish the source of our rights (God) and our "title" to claim to those rights (the Declaration)—we might also establish the judge's sworn *duty* to enforce and protect those very rights. We might thereby establish the *judge's personal liability* should he fail to perform his sworn duty to enforce the rights established under the Declaration and enforced under the Constitution.

If the battle is decided in the "case" rather than the court, it follows that unless there's evidence of the judge's duty *within the case file*, no such duty exists in that case. However, once evidence of the judge's duty is included *within the case file*, the judge may become subject to subsequent suit for breach of fiduciary duties established by his Oath of Office.

If a case file includes evidence that the judge has sworn to "support and defend the Constitution," his obligation to do so (and his liability if he does not) should be pretty solid. If the judge understands that a litigant has brains enough to establish not only his claim of rights but also the *judge's duty* to secure those rights, the judge may be less inclined to rule against that litigant's claim of rights.

The more the merrier

It's worth noting that judges aren't the only government officials who take oaths of office. If I'm right about the impact of adding a verified copy of a judge's oath of office to your case file, it follows that adding verified copies of the oaths of office of *others* involved in prosecuting a case against you might have a similarly salutary effect.

For example, do lawyers take an oath of office? How 'bout prosecutors and police? Court clerks? Court reporters? IRS Special Agents? Officials responsible for impaneling jurors? Are any of those individuals required to take an oath of office? If so, by inserting copies of their oaths into the case file might help create a legal foundation for *suing them* for breach of fiduciary obligations. (If you're adventurous, you might even investigate the oaths of office taken by grand jurors or trial court jurors involved in your case.)

If the principle implied by the Texas Judicial Conduct Commission (that oaths of office create the *obligation* for judges to protect litigants) also applies to other oath takers—and *if* cases decided on a "case by case" basis depend primarily on those documents entered into each case file—*then* it follows that every oath of office you enter into your case file would create evidence of personal obligations and establish the personal liability for every oath-taker associated with your case. In the real world, when officials see they might be personally liable for prosecuting a case against you, their enthusiasm for prosecution tends to wane.

Creating controversy

As usual, all this is only a hypothesis. Maybe it works. Maybe not. But I can't see any adverse repercussions that might flow from inserting copies of the Declaration, Constitution and the judge's Oath into the case file. What'll they do? Sue you? Jail you—for inserting official documents into a case file?

But. Will inserting these documents into a case file guarantee that you'll win in court? Of course not. Even if the hypothesis is valid, the strategy so far suggested is probably incomplete.

For example, just because you expressly claim to be entitled to various "unalienable Rights" doesn't mean your claim is clear and unequivocal. Suppose the case file contains evidence (which you may not even recognize or understand) that allows the government to presume you're a 14th Amendment "citizen of the United States" and thus *subject* to Congress and the states' parens patriae powers? Many suspect that the courts can use the presence of a drivers license, so-so security card or voters registration to legally infer that you are a 14th Amendment "citizen-subject" and therefore *not* entitled to "unalienable Rights" declared in the "Declaration of Independence".

So what'll happen if you intentionally insert evidence into the case file that you are a Citizen-sovereign entitled to "unalienable Rights"—but also unwittingly allow conflicting evidence into the case file that allows the court to presume that you're a 14th Amendment "citizen-subject" who is *not* entitled to "unalienable Rights"?

Seems to me that you would've created a *controversy*. Essentially, you claim (probably under oath) that you are entitled to "unalienable Rights" while government claims (at least by presumption) that you are not so entitled. You say Yes, they say No. That's a controversy.

Once a *controversy* is established, it must be resolved in a *judicial*—rather than administrative—procedure. If 1) you can produce sworn evidence to indicate that you are a sovereign Citizen entitled to God-given "unalienable Rights"; and 2) the government wants to try you as rightless "resident" in the 14th Amendment plantation, someone in authority should have to resolve the issue of your status. Once the controversy is created, someone in judicial authority should have to determine—on the record—whether you are a sovereign Citizen or resident-subject. If so, that express determination will almost certainly expose part of the legal foundation for the government's assertion that virtually all Americans are now mere 14th Amendment resident-subjects.

Of course, I don't doubt for a minute that in a politically-charged case, the courts can ignore anyone's claim of being a Citizen-sovereign. But they'll do so only if they really, *really* want to hang the defendant—no matter what.

However, faced with a controversy in your case file over whether you are, or are not, entitled to "unalienable Rights," a pragmatic judge might let you go rather than face the controversy is openly and in public. After all, will gov-co admit *in public* that it regards all Americans as subjects (rather than sovereigns), persons without the "unalienable Rights" enshrined our "Declaration of Independence," and little more than serfs on the "global plantation"? I don't think so.

While the American people are almost astonishingly trusting, naïve and ignorant . . . they believe in their hearts that they're still free. This charming public faith in individual freedom is just as important to government control as a kid's belief in Santa Claus is important to parental control. "You know what'll happen if you not goooood . . . right? Santa Claus won't give you any presents."

Likewise, government uses the myth of American freedom to control it's "kids" (the public). So long as the "kids" think they're free, they tend to accept government bondage without much fuss.

However, if gov-co were forced to admit that we're subjects and not free, the natives might get restless. Maybe even uppity. That admission would be just as damaging to government control as it would be for Toys R Us to announce on December 15th that Santa Claus doesn't exist. Izz bad for bidness.

Government doesn't want to publicly address the controversy over whether we are or are not still free. I don't doubt that government could win that controversy in most cases. How? By introducing evidence that an individual's voluntary use of the Social Security card, drivers license, voter registration, Zip codes and/or legal tender legally empowers government to treat that individual as a subject.

Unfortunately for government, exposing the foundation for its power over its "subjects" is a no-no. Thus, properly challenged, government can't "prove" the legal foundation for it's mastery over Americans without admitting and exposing how their scheme actually works. For now, government won't make that admission (at least, not while Americans still have millions of firearms).

Therefore, if you're accused of an offense and can raise a fairly good controversy over whether you are a free man or a government subject, government may decline to prosecute. Not because they couldn't "get" you—but because doing so would force government to publicly reveal some politically incorrect elements of a scheme they'd prefer to keep secret.

Strike while the iron is administrative

For now, government seems equally unwilling to enforce *or expressly deny* "unalienable Rights". Therefore, if you raise the issue of "unalienable Rights" early in the conflict—long before some prosecutor or other political figure has publicly committed to hanging your scalp on his lodge pole—there's a good chance that the case against

you may simply "disappear". For this to happen, you've got to create the controversy *in your case file* while the issue is still in the "administrative" (pre-trial) stage and long before it gets into court.

Once your case reaches the court, your goose is at least sauteed. When a defendant is tried by the government, we like to think of the case as being an impartial "trial" wherein the defendant might or might not be convicted. In reality, once the government gets you into court, the "trial" is typically just a sentencing hearing. For all practical purposes, you were "convicted" *administratively* long before government brought you before the judge. Sure, they'll provide the illusion of an "impartial trial," but typically the only issue before the parens patriae court is whether to give the defendant three years or five. Insofar as this generalization is valid, gov-co must be stopped *administratively—before* they get you into court.

If you're competent and blessed, and you create an important controversy *in your case file*, government will never admit you're right or that you've "won". Instead, they simply go away and leave you to wonder why they left (and worry when they'll be back). You win by default. Not because your arguments are perfect, but because they touch subjects government refuses to argue on the record. To avoid such public arguments, government sometimes abandons a prosecution.

Predators don't tell

Assuming this "battle in the case" strategy works, a default is all you'll get for presenting a credible claim of "unalienable Rights". No medals, no adulation from cheering crowds. Just a silent and unconfirmed victory that offers only the uneasy satisfaction of thinking that somehow, some way, maybe you've won.

Why do things work this way? Because parens patriae government sees itself as "king of the jungle" and us as its prey. Like all predators, a lion sometimes simply stops chasing an impala. The impala escapes but doesn't really know why. The lion never tells. If the prey knew exactly why the predator stopped chasing, it would be too easy for the prey to escape in the future.

Government's predatory relationship to the American people is an unpleasant reality. But Americans must face that reality before they can take proper action to "right themselves by abolishing the forms to which they are accustomed"—and restore the (law)forms to which they're entitled by "Nature's God".

Will inserting copies of the Declaration, Constitution and judge's oaths into your case file may help precipitate that restoration? I think it's a good first step.

The (Real?) Matrix

by Alfred Adask

Most people in the patriot/constitutionalist movement have seen the movie called "*The Matrix*". It's a futuristic film that depicts the struggle of a handful of "freedom fighters" to overthrow an oppressive government.

The film is famous for its fantastic special effects: People run up the sides of walls, leap fantastic distances or even stop bullets flying towards them as an act of will.

But *The Matrix* was most intriguing in its idea that the oppression imposed by government in that film was so enormous, so pervasive, so *seamless* . . . that for most people, the oppression had become as invisible and unnoticed as the force of gravity. In *The Matrix*, the vast majority of people don't *even know* they're being oppressed.

The Matrix fascinated most patriots because it exactly expressed *our* feelings about our *current* predicament. We are being enslaved; the vast majority of Americans don't seem to care . . . and worse, can't even seem to *see*.

If you've seen the film, you may recall the scene where Morpheus, the African-American leader of the resistance, first meets and recruits "Neo" the film's central character and hero-to-be. Here's part of their dialogue (I've italicized parts of the text that seem relevant to our current "reality"):

> "At last. Welcome, Neo. As you no doubt have guessed, I am Morpheus."
>
> "It's an honor to meet you."
>
> "No. The honor is mine. Please come, sir. I imagine that right now you are feeling a bit like Alice tumbling down the rabbit hole."
>
> "You could say that."
>
> "I can see it in your eyes. You have the look of a man who accepts what he sees, because he is expecting to wake up. Ironically, this is not far from the truth. Do you believe in fate, Neo?"
>
> "No."
>
> 'Why not?"

"Because I don't like the idea that I'm not in control of my life."

"I know exactly what you mean. Let me tell you why you're here. You're here *because you know something*. What you know, you can't explain, but you *feel* it. You've felt it your *entire life*. That there's *something wrong* with the world. You don't know what it is, but it's there, like a splinter in your mind driving you mad. It is this feeling that has brought you to me. Do you know what I'm talking about?"

"The matrix."

"Do you want to know what it is? The matrix is everywhere; it is all around us, even now in this very room. You can see it when you look out your window or when you turn on your television. You can feel it when you go to work, when you go to church, when you pay your taxes. It is the *world that has been pulled over your eyes* to blind you from the truth."

"What truth?"

"*That you are a slave* Neo, like everyone else, *you were born into bondage*, born into a prison that you *cannot smell or taste or touch*. A prison *for your mind*.

I guarantee that dialogue resonates clearly in every patriot's mind. Much like the characters in *The Matrix*, the constitutionalist community is also here simply because we "know something". Our knowledge is incomplete and based more on feeling than articulated facts. But we sense that "the world has been pulled over our eyes" . . . that despite all the cheery claims about living in the "Land of the Free," we know we were born into bondage. As in *The Matrix*, we are also confronting an *alternative reality* that's been constructed by God knows who, and implemented by our own government.

The artificial world

This alternative reality is a legal fiction. It's not the natural world created by the "Nature's God" of the "Declaration of Independence". Instead, it's an artificial world based not on tangible truths of nature, but rather on the presumptions and fictions of the state.

We experience this artificial world almost every moment. Turn on your TV, answer your phone, drive your car, turn on the lights in your living room. How many moves can you make that don't involve a corporation? Corporations make virtually all of our food and products. They supply our electricity, our water and most services. They pay to broadcast the commercials that provide our TV shows.

Those corporations are "artificial entities" (creatures made by man rather than God). They are defined in law as "legal fictions". And what

is a "legal fiction"? A politically correct lie—but a *lie*, nonetheless.

To say corporations "dominate our culture" offers only the first hint of the corporate matrix that's become our "reality". For example, it seems unremarkable that General Motors or IBM are corporations, but few realize that even the organic States of our Union have been supplanted by corporations like the "STATE OF TEXAS" and "STATE OF CALIFORNIA". Strong evidence suggests that even the "United States"—originally constituted as a republic—was supplanted in 1871 by the "mother of all corporations" an incorporated "UNITED STATES".

But it gets more bizarre. These corporate "states" appear have their own "corporate citizens"—legal entities, artificial persons denominated with names spelled in all uppercase letters like GEORGE. W. BUSH JR. and ALFRED N. ADASK.

But proper names for natural (flesh and blood) persons living on a State of the Union are capitalized like George Bush or Alfred Adask. Which are you? Artificial (GEORGE) or natural (George)? You'd think the answer's obvious, but check your identification documents. Virtually all of them—drivers license, social security card, credit cards, bank accounts, utility accounts—are denominated in the all-upper case name like 'ALFRED N. ADASK". That's not the name of a proper, natural person—created by God and endowed with "certain unalienable Rights". As bizarre as it sounds, we all seem to be carrying ID for some *other* "person" . . . an "evil twin" that has a name very similar to our own, except it's written in all-upper case letters.

Artificial money for artificial persons

We even have an artificial "money" to serve the commercial needs of artificial persons ("ALFRED") who "transact business" in the artificial (corporate) world. This artificial money is called "credit" or "legal tender".

Lawful money ("tender") is made from natural "substance". It con-

sists of gold or silver metal of a legally defined weight and purity. For example, the legal definition for a lawful dollar is 112 grains of silver.

But what is the legal definition of one dollar denominated in "credit" or "legal tender"? . . . One-fifth of a $5 bill? One-tenth of a $10 bill? One-one-hundredth of a $100 dollar bill?

In fact, there is no legal definition of any credit/ legal tender "dollars". There can't be. Credit exists only in our minds. It has no tangible, natural reality. That's part of the reason why your savings can be eroded by inflation. You can't "inflate" a lawful dollar. 112 grains of silver will always be 112 grains of silver. You can't change 112 grains of silver into 100 grains or 200 grains. That substance is fixed by the "laws of Nature and Nature's God" and can't be inflated or deflated.

But what is the "natural substance" of credit?

Virtually none. A $100 Federal Reserve Note admittedly has the "substance" of paper and ink needed to create that artificial "money". That paper/ink "substance" might be worth four cents in natural money (gold of silver). But that "substance" is trivial compared to the artificial value of the paper note.

But even the four cent "substance" of a paper dollar is completely missing from the credit we receive from our credit cards. The "substance" of that credit-money consists of digital "1's" and "0's" stored on some computer's hard drive. It's little more than an "accounting unit". You don't have "twenty *dollars*" in your bank account, you have "twenty". When I process credit card orders, the credit card company will not allow me to insert a symbol to denominate the "kind" of money I'm collecting. Instead, I can only denominate the quantity, the numerical value of the credit-units I'm accepting in trade for whatever tangible products I'm selling. I am never paid in $20 (lawful money/substance), or even $20 (paper money, legal tender) with credit cards. Instead, I'm only paid with "20".

But "20" what?

Credit is only a *promise* to pay. Originally, credit was a promise to repay the debt in lawful money (gold or silver substance). Today, credit is simply repaid with *more credit*. If a bank loans me $10,000 in credit, I'll be required to repay the bank with $11,000 in credit-dollars that I somehow accumulate by working for those of you who can pay me with the "credit-dollars" (promises to pay) that you have also "borrowed" from the banking system. I repay my original promises to pay with more promises to pay.

Think of it! We are purchasing tangible products (like homes, cars and computers) with nothing more than a *promise* to pay. And more importantly, our promise can never be fulfilled. We will *never* pay our

debts in lawful money; we will only *discharge* them with more, mere *promises*.

The check is in the mail

Our inability to actually pay our debts raises some paradoxical implications. For example, your "credit rating" does not finally reflect the value of your tangible assets, of even the value of your work—it reflects the estimated value of your *promises*. Thus, if your neighbor is better at *making promises* than you are, he'll have a higher credit rating, live in a better home and drive a newer car.

Remember Donald Trump, the New York multi-billionaire? He wrote a book entitled *The Art of the Deal* which revealed key elements in his strategy to acquire great wealth. But in our artificial world, that book might've been more honestly entitled "The Art of the *Promise*" because, in the end, promises, promises are all we have to discharge our debts. Every one of Trump's "deals" was finally consummated on the basis of the other party trusting and believing in Trump's *promises*. Like all modern celebrities and apparent "great men," Donald Trump's wealth is proof that he is one of the greatest "promisors" of all time.

The moral implications are mind-boggling. Because the persons who prosper most in the artificial world are those who are best able to make promises, those best able to create *illusions* receive the highest credit rating, the greatest apparent wealth. Those who work honestly tend to be left behind, while those who lie, deceive and "con" others tend to prosper.

And what do we mean when we say "con" or "con-artist"? We are describing someone whose false *promises* are capable of inspiring an exaggerated sense of *confidence* in others.

And what is our entire economy based on? What concept is so vital to our prosperity that it's measured daily and can determine whether our economy soars or collapses into depression? "Consumer *confidence*".

But "confidence" in what?

Promises.

But if American consumers lose *confidence* in the artificial reality's fundamental "promise" (the American dream), our entire economy can crash into poverty, chaos and even life-threatening depression.

Our whole society is held together by little more than a *belief* (confidence) in a promise that, by definition, can never be kept. The debt on which this society is built can never be repaid except with more debt (promises).

More than patriot "ghost stories"

Does my suspicion that we're engulfed in an "artificial world" sound impossible, irrational, insane?

Well, it does to me. I continue to wish that someone would show me why this notion of "alternative reality" is simply too irrational to be believed. But no one does. Instead, I keep receiving more and more confirmations that the *artificial* world has become our "matrix".

Most people will dismiss the notion of an "alternate reality" as just

another patriot "ghost story". But even President Eisenhower warned in January, 1961 that an alternative government he called the "Military-Industrial Complex" threatened our natural liberties:

> "In the counsels 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."

Although President Eisenhower did not discuss an "alternative reality," he did warn of an alternative *government*. Forty years ago, that warning seemed pretty strange. Today, we understand that our former Republic has been supplanted by a series of corporations including the UNITED STATES (Inc.) and the STATE OF TEXAS.

Further, President Eisenhower explicitly warned, "We must take *nothing* for granted." That warning sounds like the comment of someone who is either paranoid (trusts "nothing")—or truly "sees" an alternative "reality".

I'm not arguing that President Eisenhower was delusional. But even he seemed to "*know something*" that he could "feel" but not fully "explain". Just as Morpheus warned Neo, Eisenhower warned us "that there's *something wrong* with the world."

Eisenhower was not alone. During the Reagan administration, in the midst of the Iran-Contra Hearings, Senator Daniel K. Inouye (D-Hawaii) warned:

> "There exists a shadowy Government with its own Air Force, its own Navy, its own fund-raising mechanism, and the ability to pursue its own ideas of national interest, free from all checks and balances, and free from the law itself."

If a U.S. Senator can believe in a "shadowy Government," is it so absurd for an average American to claim there's an alternative (though "shadowy") reality? No.

President Eisenhower and Senator Inouye weren't the first officials to warn of a shadow government (or alternative reality). In *1863*, President Lincoln, warned:

> I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. *Corporations* have been enthroned, an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people, until the wealth of the nation is aggregated in a few hands, and the Republic is destroyed.

Lincoln's 1863 warning about corporations is particularly interesting since the best patriot researchers conclude that the corporate (artificial) UNITED STATES was created during or immediately after the Civil War.

Cognitive dissonance

The idea of an alternative reality may seem farfetched, but it happens all the time.

Perceptual psychologists are folks who study the difference between what we see and what we *think* we see. These psychologists describe the human inability to perceive the truth (the *natural* reality in which we truly live) as "cognitive dissonance".

This perceptual disability is something like one of those comedy skits where a person is hypnotized to *not* see red balloons, placed in a room full of red balloons and asked to find a red balloon. The audience laughs while the subject wanders about the room, tripping over red balloons, pushing red balloons out of his way as he searches for the very balloons he often holds in his hands but still can't "see".

Laboratory studies confirm that individuals repeatedly subjected to a particular lie come to accept that lie as "true" (alternative reality)—and more—are subsequently *unable* to perceive facts, truth and reality to the contrary. Individuals suffering from cognitive dissonance are so blinded by the lies they've learned, that they're *incapable* of seeing the truth (natural reality) even when it's right before their eyes.

OK, scientists admit that cognitive dissonance is real. But most Americans still dismiss the phenomenon as unimportant since it only occurs as rare and curious anecdotes. After all, if the phenomenon of "cognitive dissonance" were commonplace, surely that term would also be commonly recognized, right?

Maybe not. In fact, I suspect that "cognitive dissonance" is not only common, it's pervasive and perhaps the primary organizing principle for advanced societies and civilizations.

For example, have you ever fallen helplessly in love with someone who didn't want your love? Did you ignore her protests and your friend's warnings that you were making a fool of yourself? Did you believe them? Of course not. You were "in love". That is, you were in an *alternative reality* and virtually incapable of even imagining that your beloved regarded you as a horse's butt. That denial of reality illustrates the general idea of "cognitive dissonance".

Well, that kind of self-delusion can be intoxicating in romance novels, but in real life it can be heartbreaking and even lethal.

For example, consider a young man going to fight in Viet Nam or the Gulf War. He leaves America filled with pride and confidence that he will fight bravely to "defend his country" against the "forces of evil". See, *we* are the "good guys". Therefore, the young soldier is bound to return home as a "young hero" who will be respected by others and rewarded with his own enhanced sense of self-esteem for becoming a "man" by wasting some "gooks" or "sand niggers".

Uh-huh.

It's a nice story, but when the "young hero" comes home—*if* he comes home—he'll have learned that he's not as brave as he'd once supposed. Killing others may diminish rather than enhance his self-esteem. His dream of becoming one of the "good guys" will be shaken. And his belief that he fought for "his country" may wither if he's disabled by Agent Orange or Gulf War Illness and government doctors insist, "Your disease is all in your head, sonny, and the 'land of the free' won't pay to patch crackpots."

At this point, the would-be "young hero" may face a problem more devastating than his confrontation with a foreign enemy or a potentially lethal disease. He may begin to sense that his perception of reality is unreliable and probably false. He'll begin to suffer a true mental illness—a contradiction—as he's forced to admit that his current perceptions are contrary to his former beliefs. That contradiction is the essence of cognitive dissonance.

Awareness of this contradiction—the difference between what you've been taught and what you are finally forced to see—can be devastating because our personality structure is based on the beliefs we've learned from the people and society we've loved. Our sense of *who* we are is intimately tied to our idea of "*where*" we fit in the world. So we can't surrender our false beliefs (in the way we were taught to believe the artificial world is structured) to reality without also surrendering the people and institutions we've loved, and more importantly, our own personality structure. The idea of challenging the foundations of our society is unnerving, but the idea of challenging the foundations of our own personalities can be terrifying.

Are there other examples of the disillusion that cognitive dissonance seems to precipitate? Sure.

Look at all the young guys who join the police department to "fight crime". The trauma of learning what really goes on in the P.D. is enough to push cops into the nation's highest suicide rates. Young lawyers, inspired by dreams of fighting for justice are likewise trauma-

tized when their idealized beliefs confront a contradictory reality. And young fathers who go to divorce court expecting he'll receive "equal justice under law" will emerge on trembling legs with the knowledge he's been a damn fool.

National cognitive dissonance

So far, I've presented ordinary examples of cognitive dissonance (and hinted at its psychological consequences) to demonstrate that virtually all of us experience a traumatic loss of confidence in the matrix/reality that we were first taught to believe. It's called growing up.

So what? Men fall in love with the wrong women. Soldiers learn war is Hell rather than heroics. Police learn the "good guys" aren't so good, and lawyers can't even define, let alone implement justice. Life can break your heart. That's not news. Neither is cognitive dissonance.

But it is news that an entire nation can be intentionally enmeshed in a "world of lies" by an unseen elite. It is news that Americans may live under some sort of "universal" cognitive dissonance that's so pervasive as to be invisible. While we can admit that cognitive dissonance exists on an *individual* basis, the idea that a single "matrix" dominates and deludes an *entire nation* seems impossible.

But the more I consider the phenomenon, the more I suspect that widespread cognitive dissonance is not only possible, but may be the cornerstone for most of the world's great civilizations.

For example, could the Egyptians have built the pyramids without the false matrix that the Pharaoh was the Sun God? The lie of the Pharaoh's divinity was the central organizing feature of early Egyptian civilization. That civilization flourished until the Pharaoh's divinity (the cornerstone of that civilization's matrix) was finally exposed as a lie. Once the Pharaoh was seen to be mortal, the builders of the pyramids could barely build mud huts.

The Holy Roman Empire laid the foundation for Western Europe and was built on the fundamental belief that the Catholic Pope is the Vicar (earthly manifestation) of Christ and thus enjoys sovereignty (ownership) over the entire Earth. Once that fundamental belief was challenged by Martin Luther (in 1520) and again by the Declaration of Independence (1776), the matrix called the Holy Roman Empire collapsed.

Look at the United States (aka, "Land of the Free"): We don't own our cars, we don't own our homes, we have no lawful money and can only rarely access courts of law. Government

gives us tickets for not wearing seat belts, seizes our children whenever it likes and takes about 55% of our income in the form of taxes. We are far from free.

And yet, the "system" (the matrix) works. Why? Because the bozo's out there in TV-land still believe this is the "Land of the Free". And so long as a majority embrace that belief, the matrix (our belief system) will continue to provide a stable foundation for our society.

However, if you can identify the core belief that holds this American matrix together (perhaps the myth of individual freedom) and expose it publicly as a lie, the current matrix may collapse. Likewise, if the government supports the matrix effectively, it can continue to conceal the truth and encourage our belief in the fiction of freedom, and Americans will continue to pledge their allegiance to an artificial "matrix" that exploits them every day—exactly as the people were exploited in *The Matrix* movie.

Does this sound farfetched? Sure. But we see evidence of our nation's dependence on the current matrix whenever the TV news reports on "consumer *confidence*". If that confidence falters, the entire economy (matrix) can collapse.

When President Franklin D. Roosevelt declared that "We have nothing to fear but fear itself," he was confirming our dependence on *beliefs*. When public confidence in our beliefs (our "matrix) wanes, we slide into economic depression.

When various social engineers tell us that "perception is *reality*" they're conceding that *mere beliefs* can replace objective truth and become an "alternative" reality. As a result, a society can be strengthened or collapsed simply by encouraging various beliefs, regardless of whether those beliefs are true or false. And given that man-made lies are more malleable than natural truth, it follows that those who wish to control a society will base their government on lies. In other words, unlike truth, lies can be anything you want them to be and are therefore perfect for crowd control.

In a world where alternative (false) reality is possible (and some say even desirable), should we be surprised if politicians routinely lie to us? Certainly not. Should we be surprised when government deceives us? No. In fact, the big surprise would be a politician or government that habitually told the truth.

The fundamental idea of *The Matrix* movie was that there could be a pervasive false "reality" that deceived an entire nation. That idea is far from fictional. Alternative reality (society based on something other than natural law) is not only happening, it's *been* happening throughout recorded history.

We live our lives according to a system of beliefs that often (perhaps always) lies. We are surrounded, supplanted and in some cases, *replaced* by artificial entities and legal fictions. This matrix of fictions has been constructed to "pull the world over our eyes" and "blind us to the truth that we were born into bondage, born into a prison that we can't smell or taste or touch. A prison for our *minds*."

The mystery of the matrix

Why our fiction-based matrix has been created and sustained is anyone's guess. Maybe the matrix is maintained by beneficent elitists who built a cage of white lies to shield us from harsh, dark truths. More likely, the elitists sustain the matrix to enjoy enormous wealth and power at the expense of the masses who—believing in the "Land of the free"—give their lives to build monuments not so different from the pyramids at Giza. Greed, ambition, lust for power—they are ancient motivations and likely explanations for the matrix.

But if you believe in God, the spiritual implications of an artificial "matrix" are disturbing. Once you begin to "see" matrix fictions and artificial reality, you'll also begin to seek the truth (*natural* reality). When you do, you'll discover that the "Declaration of Independence"—the cornerstone of our former freedoms—is based upon the "Laws of *Nature* and of *Nature's* God". Thus, that Declaration (and resultant freedom) would seem to be intimately dependent on an appreciation for "*natural* reality" (God's truth).

And, as most know, Satan is reputed to be the "father of all lies". What does that imply about a matrix built of legal fictions?

When you begin to see the correlation between God and nature—and Satan and artificial—you can't help but wonder if the real purpose of the current matrix is to "pull the world over our eyes," conceal natural reality and keep us from finding God.

Whatever its purpose, our society's current "matrix" is composed of artificial entities, legal fictions and outright lies that are so pervasive that they've become as invisible as oxygen or gravity. Most Americans are conditioned to accept this alternative reality as true. As a result, most Americans are cognitively dissonant and unwilling to see the truth (natural reality).

Remember the old cliche'? "There's none so blind as those who are cognitively dissonant"? (OK, the cliche' didn't actually say "cognitively dissonant," but "will not see" means the same thing.)

Y'see?

In or out?

I've written this overly long article to illustrate that the concept of an "alternative reality" is not as crazy, esoteric or even uncommon as most might suppose. Instead, all of us have experienced the "alternative reality" of unrequited love, and virtually every failed civilization has been built on the pervasive lies of an alternative reality.

I've written this article as an introduction to the next article which illuminates one possible "doorway" into the our current matrix (artificial reality). Examined closely, it appears that the word "in" may be a "rabbit holes" through which we can fall from the natural reality God gave us to the artificial reality/matrix that's been imposed upon us by our government.

And I know how nuts that sounds. Still, I suspect that you must accept the possibility that we *might* live under an artificial reality, before you can understand my suspicions concerning (as former President Clinton might say) what the meaning of "in" is.

Escape from the Land of "In"

by Alfred Adask

My father used to delight in joking that "if" was one of the most powerful words in the world. It had only two letters but, depending on how it was used, it could determine your future and even the history of the world. For example, *if* she loves me, I'll be the happiest man on Earth—but *if* she rejects me. . . . Or, *if* the Communists get the atom bomb, they will be a superpower—but *if* they don't, they'll just be another third-rate police state.

Well, "if" is not the only strangely important two-letter word. For example, "in" may also have an unimaginable impact on our lives.

I know an intelligent "constitutionalists" who always signs his documents with a location introduced by the preposition "on" or "at" rather than "in". For example, while some people signing documents might identify their location as "in Dallas" or "in Texas," my friend would identify the location as "*at* Dallas" or "*on* Texas". My friend is somewhat secretive and never explained precisely why he used "at" and "on" rather than "in". However, I understood that he believed "on" signalled that you were operating *on* a physical/natural plane of reality (like Texas), while "in" signalled that you were "in" an artificial plane of reality like the corporate STATE OF TEXAS.

While the use of "on" (as in "on Texas") was new to me, I've known for some time that the habit of using "at" to specify a location rather than "in" is an established habit. In fact, if you look at historic American documents, the use of "at" rather than "in" is fairly common. For example, the preamble to the Bill of Rights reads, in part, as follows:

THE PREAMBLE TO THE BILL OF RIGHTS
Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine. [Emph. add.]

And when President Lincoln signed the Emancipation Proclamation in 1863, he wrote in part:

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.
Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and of the Independence of the United States of America the eighty-seventh.
By the President: Abraham Lincoln [Emph. add.]

I've wondered for some time why government officials used "at" rather than "in". But I've tended to dismiss the issue as simply a consequence of changing fashion in language. (I.e., during the 1800s, they said "at"; but today we say "in". Different strokes for different folks, but meaning's the same, hmmm?)

Maybe, but I haven't felt comfortable with that explanation since some very intelligent people—lawyers, presidents, etc.—have used "at" in legally significant documents. As the old word wrangler Bill Clinton once said, "It all depends on what the meaning of 'is' is." So I finally decided to actually look up the meaning of "in".

Etymology of "in"

One of the peculiar characteristics of law is that the language of law doesn't really change . . . it doesn't "evolve" in an absolute sense the way ordinary language seems to do. A classic example of law's reliance on ancient definitions is the use of Latin terms and phrases. Why does the law sometimes still rely on terms like "parens patriae" that were coined by a Roman Caesar thousands of years ago?

The answer is that various historic documents are the foundation for today's law. Title to land is a good example. Your current title to American land might be based on a string of titles that extend as far back as the 17th Century. As a result, you can't change the definitions of words used in archaic legal documents without also causing widespread and unexpected legal consequences on current rights or properties.

If that's true, then whatever definition and reason caused Congress in 1789 and President Lincoln in 1863 to specify their locations were "at" rather than "in" a particular place, that definition and reason may still be true today.

To discover the difference between "at" and "in," I opened my new *Black's Law Dictionary* (1st Edition from 1891), looked up the word "at," and found no definition. Likewise, "at" is not defined in *Black's* 7th Edition (1999). Apparently, "at" is a common word used in a ordinary sense and has no unusual legal significance.

However, when I looked up "in" in *Black's* 1st Edition (1891), I found:

> **IN**. In the law of real estate, this preposition has always been used to denote the fact of seisin, title, or possession, and apparently serves as an elliptical expression for some such phrase as "in possession," or as *an abbreviation for "intitled" or "invested with title."* Thus, in the old books, a tenant is said to be *"in* by lease of his lessor." Litt. § 82. [Emph add.]

When I looked up "in" in *Black's* Revised 4th (1968), I found the exact same definition as had appeared in the 1st Edition (1891)—plus—the following additional text:

> An elastic preposition in other cases, expressing *relation* of presence, existence, situation, inclusion, action, etc.; inclosed or surrounded by limits, as in a room; also meaning for, in and about, on, within, etc., according to context. Ex parte Perry, 71 Fla. 250, 71 So. 174, 176. Rester v. Moody & Stewart, 172 La. 510, 134 So. 690, 692. [Emph. add.]

In the *Black's* 1st (1891) and 4th (1968), "in" is defined in part as "an abbreviation for 'intitled' or 'invested with title.'" Thus, "in" doesn't necessarily identify a place, but can also signal a *source of title*.

According to *Bouvier's Law Dictionary* (1856), "all rights flow from *title*". So if "in" is an abbreviation that means "intitled" (entitled) or "invested with title," then "in" indicates *source* of one's title and the source of one's *rights*.

But note that all rights come attached to correlative *duties*. So whatever entity you claim as the *source* of your rights is also the source of your unwanted *duties*. You are necessarily *subject* to the source of your rights. I.e., the source or your rights is your sovereign, your master, your king. And how did you become subject? By agreeing you were "in".

As a result, government can us the promise of "rights" as "bait" to entice people into unwittingly subjecting themselves to some unanticipated duties and unwanted jurisdiction. Why? Because rights do not exist in a vacuum. The *source* of your rights is your sovereign who

you are duty-bound to obey. You must be *subject* to the source of whatever rights you claim.

For example, if you claim "civil rights" (rather than the "unalienable Rights" provided by God), you implicitly deny God's sovereignty and embrace the sovereignty of whatever government created those "civil" rights. I.e., if you were to write or agree that you had committed some act "in" what seems to be a "place" (like Dallas, Texas)—you might actually be agreeing that Dallas, Texas (the corporation or body politic) wasn't the "place" *where* you committed that act, but rather the *source* of your title (and thus rights and duties) that made the particular act lawful or illegal. By agreeing that your were "in" Dallas, you would agree that Dallas is the source of your rights, and that you were therefore subject to whatever laws or regulations Dallas cared to make.

Thus, "in" doesn't seem to designate a place so much as a *jurisdiction*. "Jurisdiction" differs from "place" because jurisdiction implies sovereignty and control. While you may be free "on" or "at" a natural place, you are *subject* whenever you're "in" a jurisdiction.

So, if "in" designates the *relationship* between a source of rights and a subject, then by agreeing that you acted "in" Dallas (or "in" Chicago, or "in" STATE OF OREGON or "in this state"), you might unwittingly agree that Dallas (or Chicago, the STATE OF OREGON or "this state") is the *source* of your rights ("entitlements") and that you are therefore *subject* to the correlative duties and jurisdiction of that entity.

If so, you can see why intelligent men two centuries ago and still today use "at" to describe their location. By doing so, they avoided using "in" and the chance that it be construed as evidence of their being *subject* to some unwanted jurisdiction. Congress was "at" New York, but they weren't subject to ("in") New York. President Lincoln was "at" Washington, but he wasn't subject to ("in") Washington.

This conjecture is supported by the most recent edition of *Black's* (7th Ed.; 1999) which reads:

> "**in,** *prep.* Under or based on law the law of <to bring an action in contract>.

That's it. That's the entire definition of "in" and it confirms the same surprising implications implied by the previous definitions.

If the meaning of "in" (when used in legal documents) means "Un-

der or based on law the law of," then if you said you were "in Chicago," you'd be saying that you were "*under* (or based on) the law of" Chicago. If "Chicago" were a corporation or body politic, by being "*in* Chicago," you'd implicitly admit to being "under" (subject to) that corporation's jurisdiction.

Implications

Suppose you're charged with driving without your seat belt fastened "in" Chicago. If you don't deny that you were "in" Chicago, you would seemingly concede that you are *subject* to Chicago's laws and jurisdiction. So long as the "in" relationship is unrefuted, any defense based on a source of rights and duties other than Chicago would be at least compromised and possibly frivolous.

In other words, you can't admit to being both subject to ("in") Chicago and also claim that you are a sovereign Citizen subject only to God. "Man cannot serve two masters" . . .remember? And the *source* of your rights is your immediate *master*. So if you unwittingly claim to have two masters (being "in" Chicago and "under God"), the court may view you as an incompetent and decide on your behalf which master you must serve. In this example, the court of Chicago Inc. would almost certainly decide that you are "in" (and therefore subject to) the laws of corporate Chicago and any claim of rights from any outside source would be denied.

If this reasoning were valid, government might be able to stop virtually all of your "constitutional" defenses and claims of right by simply tricking you into agreeing that were "in" rather than "at" (or "on") Chicago—or New York or the STATE OF OHIO or "this state".

Back at-cha!

I won't argue that the use of "at" rather than "in" will defeat all government claims of jurisdiction. But I suspect that a habitual use of "at" (rather than "in") to describe your physical location should at least signal to perceptive readers that you might know enough law to be somewhat "difficult". Use of "at" rather than "in" might even create additional obstacles to government jurisdiction and tend to slow governmental assaults.

So if someone—especially a government official—asks where you are, you might want to avoid saying (or agreeing) that you're

"in" (*subject to*) a particular entity and instead insist that you are merely "at" or "on" a natural place. If you're "in," the court may automatically presume it has jurisdiction over you. But if you insist you were merely "at" a particular place, it may be harder for the court to acquire jurisdiction.

Return to sender

The patriot community has long suspected that our mailing address creates certain jurisdictional liabilities that most people couldn't even imagine. Some have prefaced their mailing addresses with the "C/O" (care of) symbol. Others have inserted the word "near" in their address to signal a physical location rather than a relationship to a corporate jurisdiction like "TX" or "NY". But I wonder if the word "at" might be included in your mailing address to signal a physical location rather than a corporate jurisdiction.

And what could it means when the title on a court document reads, "In the United States District Court"? Does that imply that the litigants agree to be *subject* to that administrative court's jurisdiction? Further, if "in" means that the litigants are somehow "intitled" by that court, does this suggest the court is acting as trustee administering a trust for the benefit of the "intitled" litigants/beneficiaries? In other words, does the case title ("SMITH v. JONES") identify the two parties in a particular case? Or is that simply a handy shorthand for identifying the name of a constructive trust that the court has agreed to administer in the capacity of a parens patriae trustee rather than a judicial officer?

And then there's the Bible which regularly uses terms like "*in* Christ". My normal understanding of "in" always left me a little confused by the term "in Christ". But if I assume "in" means "under or based on the law of," phrases like "in Christ" suddenly make perfect sense:

> "And you also were included *in* Christ when you heard the word of truth, the gospel of your salvation. Having believed, you were marked *in* him with a seal . . . ." Ephesians 1:13

Does "in Christ" that mean we were included *under* Christ, and having believed we were marked as *under* (subject to) him? If so, Christ is our sovereign, and we are his subjects, and his alone.

> "As for you, you were dead *in* your transgressions and sins, *in* which you used to live when you followed the ways of *this* world and the ruler of the kingdom of the air . . ." Ephesians 2:1

First, being "dead *under* your transgressions and sins," makes more sense to me than being "dead *in* your transgressions and sins".

Second, I'm intrigued to see Paul (the author of Ephesians) talk

about "*this* world" since his language implies the presence of *another world*. See, if Paul had said "*the* world," he implies that there is only *one* "world". But the word "this" presumes the existence of "that," of some "other". Thus, the term "this world" implies the existence of another "world". Most Christians will presume Paul is comparing "this world" to the "next world" (after we die and are redeemed). Probably so. Still, I can't avoid the suspicion that 2000 years ago, Paul may have also sensed the presence of an alternative "reality," an alternative "matrix" right here on Earth.

Further, I'm intrigued by the similarity between being under "this world" (Satan's) and the claims by some researchers that the phrase "in the state" signals being under the jurisdiction of an organic State of the Union (like Texas), while being "in this state" signals being subject to an alternative, corporate state like the STATE OF TEXAS.

Avoiding the "in" crowd

Use of the term "in" has confused understanding of both our judicial system and the Bible. However, that confusion seems resolved if you apply the definition from *Black's* 7th: "under or based on the law of".

Applying that definition, it appears that while God may be "at" Dallas, he will never be found "in" (under or subject to) Dallas. So if you're looking for God "in" Dallas, "in" Chicago, "in" California or "in this state," you might be wasting your time. Maybe even your soul.

In any case, *if* the conjecture in this article is correct—*if* the analysis of relevant definitions is fundamentally sound—then "in" may be an important device government uses to trick us into submitting to fictional jurisdictions and false sovereigns never intended by the "Declaration of Independence" and Constitution.

If . . . if . . . if. Like my dad used to say, "if" is a very small but mighty important word. But, apparently, so is the word "in".

Therefore, I suspect that whenever you're involved in a governmental relationship, you might be wise to read all documents closely and avoid or deny use of the word "in". By doing so, you might escape the artificial jurisdictions "in" seems to introduce.

By using "at" and "on" (rather than "in") when you describe your location—*and especially* the location of an alleged act or event that has legal implications—you might avoid being saddled with presumed membership in an "in crowd". Why avoid the "in crowd"? Because they're the "persons" who seem *subject* to the taxes, arbitrary regulations and incarceration for victimless crimes committed "in" (under the jurisdiction of) the artificial reality. The "in crowd" seems trapped "in" an alternative reality of corporations, artificial persons and "resident-subjects" that were never imagined by our Founding Fathers—and should not be embraced by anyone hoping to be free.

"But Whooo Knows Wheeere or Whennn?"

from Richard L. Baker
Gbldivmrk@aol.com

The following are excerpts from a larger article entitled "There Outta Be a Law" which deal with the question of "place" as it affects jurisdiction. This article doesn't exemplify the use of "in" as a device to establish jurisdiction (see previous article "Escape from the Lane of 'In'"). However, this article compliments the "in" arguments by demonstrating how curiously "loose" Oregon is about defining the "place" where a crime is alleged to have happened.

We might expect the State of Oregon to require a precise definition of physical place to establish jurisdiction. For example, how has jurisdiction when a traffic stop begins in one municipal jurisdiction and ends in another? What happens when a traffic stop takes place exactly on the line between two jurisdictions? Rather than make a precise statement of physical jurisdictional limits, Oregon requires only that "it is sufficient to allege that the offense was committed within the county where the accusatory instrument is *found*." [Emph. add.]

Presumably the "accusatory instrument" is the paperwork (ticket, information, etc.) that creates the claim against the alleged defendant.

But if this "instrument" need only be "found" to establish jurisdiction, the question is "found" by who? A county judge? If "sufficient" jurisdiction is established that easily, then it seems that if any "accusatory instrument" from almost anywhere is merely "found" by a particular judge, that judge is presumed to have jurisdiction. Thus, jurisdiction seems to flow from the *court* where the case is "found" rather than the natural *place* where the offense allegedly occurred. So was the defendant's crime committed "at" a physical place or "in" the court?

I suppose this relaxed jurisdictional requirement makes some sense since it tends to diminish those "on the jurisdictional line" arguments. Nevertheless, the idea that *physical* location need not be precisely established as a jurisdictional element strikes me as curiously consistent with our previous speculation on the significance of "in".

Oregon Revised Statutes is a collection of law enacted by our representatives over a great many years. The statutes are filled with laws that in many instances refer to other laws, which in turn are tied to an even larger number of statutes. In the end they can and do add up to a confusing, confounding array that tends to circumvent the principle of justice.

As an example lets look at just three ORS statutes: ORS 135.717, ORS 135.720 and ORS 135.455.

ORS 135.717 TIME OF CRIME. The precise *time* at which the offense was committed *need not be stated* in the accusatory instrument, but it may be alleged to have been committed at *any time* before the finding thereof and *within* the time in which an action commenced therefor, except where the time is a material element in the offense. [Formerly 132.620] [Emph. add.]

ORS 135.720 PLACE OF CRIME IN CERTAIN CASES. In an accusatory instrument for an offense committed as described in ORS 131.315 and 131.325, it is *sufficient* to allege that the offense was committed *within* the county where the accusatory instrument is *found*.[1] [Formerly 132.610] [Emph. add.]

These two statutes then give the prosecution the added unfair leverage of hiding the exact date, time and *place* of an alleged offense until trial. That will become clear when we read the next of our three laws.

ORS 135.455 NOTICE PRIOR TO TRIAL OF INTENTION TO RELY ON ALIBI EVIDENCE; content of notice; effect of failure to supply notice. (1) If the defendant in a criminal action proposes to rely in any way on alibi evidence, the defendant shall, *not less than five days before the trial* of the cause, file and serve upon the district attorney a written notice of the purpose to offer such evidence, which notice shall state *specifically the place or places*[2] where the defendant claims to have been at the time or times of the alleged offense together with the name and *residence* or *business address* of each witness upon whom the defendant intends to rely for alibi evidence. If the defendant fails to serve such notice, the defendant shall not be permitted to introduce alibi evidence at the trial of the cause unless the court for good cause orders otherwise.

(2) As used in this section "alibi evidence" means evidence that the defendant in a criminal action was, at the time of the commission of the alleged offense, at a *place* other than the place where such offense was committed. [Formerly 135.875] [Emph. add.]

The D.A. need not reveal the specific time and place *until trial*, but the accused must specifically deny the allegation of time and place at least five days *before* the trial. Thus, the law thus effectively robs the accused of his right to establish an alibi. How can you challenge time and place before trial if you don't know what the DA claims it to be?[3]

[1] Note that the burden of proving the "place" to establish the court's jurisdiction is remarkably imprecise for the prosecutor. This imprecision allows for the possibility that an "accusatory instrument" (ticket) for a person who was driving on the soil of a physical/natural county called "Johnson" could be submitted to the court of the corporate entity called "JOHNSON COUNTY". The jurisdiction would seemingly be established simply by "finding" the instrument "in" any corporate court remotely tied to the physical place or natural county where the offense allegedly took place.

[2] While the prosecutor's burden of proving "place" in the "accusatory instrument" is relaxed, the defendant's burden of proving "place" for his alibi is required to be "specific".

Apparently, the defendant is held to a higher standard of proof concerning "place" than the prosecution. Why?

Could it be that 1) the prosecution doesn't want to make an issue of "place" and therefore avoids specificity? And 2) that by establishing a "specific place" requirement for the defendant, they're betting that virtually no defendant will have enough smarts to "dot every i and cross every t" to establish that he was not in the corporate county's jurisdiction?

[3] Again, it's curious that the courts (presumably interested in establishing justice) would close the door on an alibi based on "place" five days *before* the trial begins.

Oregon's curious aversion to debating the issue of "place" tends to support the suspicion that the issue of physical, natural jurisdiction may be surprisingly important. If so, a sensible defendant should avoid automatically agreeing that he was "in" any corporate jurisdiction.

A tale of Two Jurisdictions

From Walt Maken

I have two quibbles with this article. First, I'm not sure that the author's use of terms like "united states of America" is valid. I know that the author is trying to find the correct way to express the difference between the natural jurisdiction created under the original Constitution adopted in 1789, and the alternative corporate jurisdiction that seems to dominate our lives today. However, the author and I disagree on the correct nomenclature to distinguish between these alternative jurisdictions. He might be right; I might be right; we might both be wrong.

Nevertheless, despite our difference of opinion on correct nomenclature, I agree with the author's premise that there are two "federal" jurisdictions and being subject to one does not mean you're automatically subject to the other. Based on that premise, the author argues that if we ask the right questions, the corporate government may have to concede it does not have jurisdiction.

My second quibble is whether the "places" the author asks about are *physical* places (on the *soil* of a "State" and established by metes and bounds) or addresses within a corporate entity like the CITY OF DALLAS or the STATE OF TEXAS. I'd expect the metes and bounds location to be within a State of the Union, and possibly not subject to

national/corporate governmental jurisdiction. But I wouldn't be surprised if all "addresses" of the sort commonly used to receive mail are "corporate" and thus subject to corporate jurisdiction of the state and national governments.

This suspicion is based in part on a letter to the editor (published in a previous *AntiShyster*) which asserted that all maps produced by the government include only those communities which are *incorporated*. Unincorporated entities do not appear on official maps. Assuming the letter's assertion was valid, virtually all modern maps identify corporations and corporate addresses subject to an artificial, corporate jurisdiction rather than natural, physical locations subject to the jurisdiction of a State of the Union. Thus, by accepting a particular "corporate" address as your own or the site of particular offense, you might unwittingly subject yourself to the unwanted jurisdiction of a corporate government.

Therefore, if I were seeking information on Federal jurisdiction for a particular *place*, I might make two FOIA requests: One for the conventional (corporate) address of the property or location involved, and another for the metes and bounds description of the relevant property/location within the State of the Union. It might be illuminating to compare the two official replies. If the replies were identical, it would tend to refute our belief that a second, corporate government has supplanted the original jurisdiction of the States of the Union and/or the Federal government created under the Constitution adopted in 1789. But if the replies were different, and the one (based on conventional "addresses") implicitly confirmed corporate jurisdiction and the other (based on metes and bounds) implicitly denied that corporate jurisdiction, our belief in the existence of a second, alternative government would be supported.

The following is self-explanatory. The key to the federal government's legitimate jurisdiction over anyone living in a de jure state of the united states of America, the Republic, is that constitutional procedures must be followed to establish lawful federal jurisdiction. If we don't raise a legitimate question of jurisdiction, the government will proceed based on the unsubstantiated presumption that such jurisdiction exists.

I suggest that you take positive action . Demand answers. Demand that government "Show us the law"! And especially, "Show us the jurisdiction!"

What follows are:

1. A copy of my FOIA (Freedom of Information Act) request concerning federal jurisdiction;

2. Relevant parts of the government's response; and,

3. *Adams v. U.S.*—A Supreme Court case which outlines the foundation for challenging the jurisdiction of a federal agency.

Editor's footnotes

[1] I suspect there may be potential danger in referencing any "dollar" figure with the "single line" dollar sign ($) since I believe that symbol identifies legal tender and provides a *benefit* (discharge rather than payment of debt). I suspect that anyone taking advantage of the "benefit" of legal tender (Federal Reserve Notes) may reduce the user to the status of a "beneficiary" who is without legal rights and subject to a court of equity rather than law.

I might be just whistling in the dark, but if I were writing this FOIA, I would probably denominate the dollar figure in lawful money (tender) which is designated by the "double-line" dollar sign: **$.**.

[2] I would probably have written "Constitution for the United States of America (adopted 1789)".

[3] 40 USC 255 was adopted in 1940—long after the corporate government was installed. I suspect the word "interests" invokes the corporate government's jurisdiction and/or the parens patriae powers while "land" remained to signal the original jurisdiction.

[4] The head of an "independent establishment or agency" sounds like the CEO of entities that may be corporate in nature rather than a legitimate branch or department of government itself.

[5] The head of the "independent establishment or agency" seems to have the sole capacity to "deem" (judge) whether to accept or reject jurisdiction over particular lands or interests. This sounds like an administrative power rather than a legislative or judicial. The idea that a single officer could determine whether to accept or reject jurisdiction sounds corporate rather than lawful. In law, the People or the legislature decide what jurisdiction is or is not acceptable.

Freedom of Information Act Request

November 13, 2000

From: Walt Maken, a natural person
c/o Embassy Arms - A6
1717 Big Hill Road
Dayton, Ohio state (not OH CORP.)
Non-Domestic Non-Federal [45439]

To: FOIA Disclosure Officer
G.S.A., Real Estate Section
Public Buildings Service
18th and F Streets, N.W.
Washington, D.C. 20405

1. This is a request under the Freedom of Information Act, 5 USC 552, or regulations thereunder. This is my firm promise to pay reasonable fees and costs for locating and duplicating the records requested below. If such costs are expected to exceed $10.00, please contact me in writing for approval before making such copies.[1]

2. If some of this request is exempt from release, please furnish me with those portions reasonably segregable. I am waiving personal inspection of the requested records.

3. Please expedite this request. This information is urgently needed for use in a federal criminal case.

4. This request pertains to the years: 1940 - 2000.

5. Background:

a. Article I, Section 8, Clause 17 of the Constitution of the United States[2] contains the following requirement: "The Congress shall have Power To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;" [emphasis added]

b. The last paragraph of 40 USCS § 255 contains the following requirement: "Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests[3] therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency[4] of the Government may, in such cases and at such times as he may deem[5] desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclu-

sive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of[6] the United States by filing a notice of such acceptance with the Governor of such State or in such manner as may be prescribed by the laws of the State[7] where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted."[8] [emphasis added]

c. The second paragraph of interpretive note #14 to 40 USCS §255 states: "In view of 40 USCS § 255, no jurisdiction exists in United States to enforce federal criminal laws, unless and until consent to accept jurisdiction over lands acquired by United States has been filed in behalf of United States as provided in said section, and fact that state has authorized government to take jurisdiction is immaterial."[9] [emphasis added]

d. The last paragraph of interpretive note #15 to 40 USCS § 255 states: "Since legislature of state of Ohio has not provided any other manner for acceptance, notice of acceptance of jurisdiction by Federal Government must be filed with Governor of State of Ohio."

6. In light of the quoted requirements contained in 5, above, please send a copy of any and all bona fide documents that show whether any of the following areas within the state of Ohio were ever ceded over to the jurisdiction of the United States (i.e. Federal Government) with the bona fide consent of the legislature of the state of Ohio. Also send me a copy of any and all bona fide "notices of acceptance" for such of the following areas in the state of Ohio that were so ceded. If no such documents exist or were ever created, for any or all of the following locations, please so state in your letter of response. If your office is not the office I should be contacting in order to obtain this information, please furnish me with the name, address, phone number, and email address of who I should contact in order to obtain the requested information. The social security number assigned to me at approximately age 16 was XXX-XX-XXXX.

For ease of reference, here is the numbered list of such areas requested:

1. A general list of all such places within Montgomery county, Ohio.

The following (#2) refers to the lands[10] in the state of Ohio that are a part of a specific federal "District". In addition to sending copies of any cession documents or "notices of acceptance" for any of the areas within the state of Ohio that are a bona fide part of the following District, please furnish a separate specific listing of all areas in the state of Ohio that are a bona fide part of the Southern Judicial District of Ohio:[11]

[6] "On behalf of" usually signals a fiduciary relationship. If so, this is consistent with the "agency" being a corporation or trust that acts "for" government but is not technically "part of" government.

[7] If they haven't dotted *every* "i" according to *State* law, the federal jurisdiction may be invalid.

[8] Even if they dot every "i" in State law, federal jurisdiction may still be invalid unless it has been officially accepted by the United States.

[9] Ibid.

[10] The author is asking about jurisdiction over "lands" subject to federal jurisdiction, but 40 USC 255 also allows the agencies of the national government to have jurisdiction over "interests" and/or invoke the parens patriae powers. I suspect that a better FOIA request might ask for separate lists of both "land" and "interests" which may be subject to the jurisdiction of the "District" in question.

[11] That's good. Ask for info on both "Districts".

2. Southern District of Ohio, a.k.a. Southern Judicial District of Ohio.

The following refer to specific locations within the metropolitan area of Dayton, Ohio, in "ZIP"[12] order:

3. 125 South Gebhart Church Road [45342]
4. 37 Lawrence Avenue [45342]
5. 1111 East Fifth Street [45401]
6. 41 North Perry Street [45402]
. . . .[13]

Most, if not all, of the following area, is located in Greene county, Ohio:

54. Wright Patterson Air Force Base [45433]

The following area is located in the greater metropolitan area of Columbus, Ohio:

55 1132 Fifth Avenue [43212]

The following area is located in Grove City, Ohio:

56. 3792 Broadway [43123]

6. Please send such copy or copies to the exact name and mailing location shown above in the "From:" section. Again, if documents of cession or notices of acceptance do not exist for any or all areas listed above, please simply state that in your letter of response. If you expect your response to take longer than 30 days, please let me know as soon as possible, in writing, how long you expect it will take to furnish the above information so that I can let the judge in the federal case know the reason for any delay.

Thank you,
Walt Maken, a natural person All Rights Reserved

Verification

Verified and subscribed to in my presence by Walt Maken, a natural person, who is known to me or proved to me on the basis of satisfactory evidence, to be the one whose name is subscribed to this Freedom of Information Act Request.

s/ Notary Date:

[12] I suspect Zip codes signal the presence of the corporate government and/or corporate governmental "interests". It might be possible to reword the FOIA request to ask the government to specify whether its jurisdiction at each of these addresses was over "land" or "interests".

[13] For the sake of brevity, I've deleted the addresses listed as numbers 7 to 53.

Pages one and two of the government's response to my FOIA were irrelevant and are not included below. Note that the government offers no discussion whatever in the response to my questions concerning 40 USCS 255. Go to your local law library and look up and copy 40 USCS 255 and you'll better understand why government avoid this issue.

Excerpts from the government's response are:

U.S. Department of Justice
EOUSA/FOIA/PA UNIT BICN BLDG., RM. 7300
600 E ST., N.W. WASHINGTON, DC 20530

Dear Mr. Maken,

. . . .

In reference to the areas defined in your letters, all areas are within counties which are listed in 28 USC 115(b) as being part of the Southern Judicial District of Ohio. Section 159.03 of the Ohio Revised Code[14] automatically gives the consent of the state[15] to acquisitions by the United States[16] of land required for government purposes.[17] Also see §159.04 which discusses exclusive jurisdiction over land ceded to the United States. To the extent that you are looking for retrocession documents, they will be found in the Recorder's Office of the county in which the property is located.[18]

There may be documents in conjunction with the address at 200 West Second Street and Wright Patterson Air Force Base but they would be obtainable from the respective county recorder's offices. An official copy of all cession documents for the Southern District of Ohio is maintained by the Corps of Engineers Office in Louisville, Kentucky, as official custodian of records.[19] The deeds in regard to all lands that have been purchased by the United States are filed in the respective county recorders' offices.

Sincerely,

s/ William G. Stuart
for Suzanne Little
Assistant Director FOIA/PA Unit

[14] Some researchers claim that the terms "Revised Code" and "corporation Code" are synonymous.

[15] Which "state"? Corporate or de jure?

[16] Which "United States"? Corporate/national or de jure/original?

[17] It strikes me as awfully generous, trusting and possibly unconstitutional for the "STATE OF OHIO" to "automatically give consent" to ceding *any* state land which the "United States" wants to claim.

[18] That's good information. Now we know where to look for evidence of property ceded to the federales.

[19] More good information. The (Army?) Corps of Engineers is the official custodian of records of property ceded to the United States. If so, a FOIA to your regional Corps of Engineers should produce a list of those properties officially ceded and accepted by the United States.

Mr. Maken reports that he called the Federal Information number, 800-688-9889, and was given the following complete address for his region's Corps of Engineers Office:

Mazzoli Federal Building, 600 Dr. MLK Place Louisville, Kentucky 40201-0059 (502-315-6102).

[20] Again, why are there *two* names for what most would assume is a single "district"? Is it possible that the "Southern *Judicial* District of Ohio" identifies a judicial jurisdiction which is established in accord with the Constitution adopted in 1789, while the "Southern District of Ohio" (which lacks the term "judicial") is therefore an *administrative* district that operates under the jurisdiction of the corporate state?

The idea that two different names identifies two different federal "districts" may seem overly paranoid. However, our government is shameless in its deceptive use of names which sound similar but identify entirely different legal entities. For example, the "United States District Court" is an administrative tribunal, while the "District Court of the United States" is a judicial court operating under Article III of the Constitution. How 'bout the names "Alfred Adask" and "ALFRED N. ADASK"? Do they identify the same person? Everything we've seen says the answer is No.

[21] This is a 1943 case. The author implies but does not specify that this case has not been overturned or amended during the past 58 years. Don't rely on it without checking.

[22] It's surprising that, in this case, the Federal government didn't even have jurisdiction over a crime against a *civilian* committed on a *military base*. I'd bet that if the victim had been military personnel, the court would've had jurisdiction, but since she was a "civilian," the jurisdiction did not attach. If so, it might be similarly true that a particular "District" has jurisdiction over Federal employees, but not necessarily jurisdiction over civilians working in the same apparent "place".

[23] Note that although this case applies to "*criminal*" jurisdiction, the same principles may or may not apply to federal *administrative* or civil jurisdiction.

The Southern District of Ohio advised us that 28 U.S.C. § 115(b) defines the areas that comprise the "Southern District of Ohio," also known as the "Southern *Judicial* District of Ohio".[20]

If you need more proof of the importance of bona fide limited territorial jurisdiction of the United States, read the following short Supreme Court case. This case is referenced in the Interpretive Note # 14, second paragraph, of 40 USCS 255 that I urge you to read. Enough said??

[The following underlined highlights were added by the *AntiShyster*.]

Adams v. United States
No. 889, Argued May 10, 1943; Decided May 24, 1943[21]
319 U.S. 312

CERTIFICATE FROM THE CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT

Syllabus

1. Under the Act of October 9, 1940, the Government of the United States acquired no jurisdiction to prosecute and punish for rape committed on land acquired by the United States within a State after the date of the Act where jurisdiction "exclusive or partial" over the area has not been accepted by the United States in the manner which the Act prescribes.

2. The term "partial jurisdiction," as used in the Act, includes concurrent jurisdiction.

Response to questions submitted by the Circuit Court of Appeals with respect to an appeal from a sentence imposed by the District Court in a prosecution for rape at a military camp.

BLACK, J., lead opinion

MR. JUSTICE BLACK delivered the opinion of the Court.

The Circuit Court of Appeals for the Fifth Circuit has certified to us two questions of law pursuant to § 239 of the Judicial Code. The certificate shows that the three defendants were soldiers, and were convicted under 18 U.S.C. §§ 451, 457, in the federal District Court for the Western District of Louisiana, for the rape of a civilian woman.[22] The alleged offense occurred within the confines of Camp Claiborne, Louisiana, a government military camp, on land to which the government had acquired title at the time of the crime. The ultimate question is [319 U.S. 313] whether the camp was, at the time of the crime, within the federal criminal jurisdiction.[23]

The Act of October 9, 1940, 40 U.S.C. § 255, passed prior to the acquisition of the land on which Camp Claiborne is located, provides that United States agencies and au-

thorities[24] may accept exclusive or partial jurisdiction over lands acquired by the United States by filing a notice with the Governor of the state on which the land is located[25] or by taking other similar appropriate action.

The Act provides further:

"Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted."[26]

The government had not given notice of acceptance of jurisdiction at the time of the alleged offense.

The questions certified are as follows:

1. Is the effect of the Act of Oct. 9, 1940, above quoted, to provide that, as to lands[27] within a State thereafter acquired by the United States, no jurisdiction exists in the United States to enforce the criminal laws embraced in United States Code, Title 18, Chapter 11, and especially Section 457 relating to rape, by virtue of Section 451, Third, as amended June 11, 1940, unless and until a consent to accept jurisdiction over such lands is filed in behalf of the United States as provided in said Act?

2. Had the District Court of the Western District of Louisiana jurisdiction, on the facts above set out, to try and sentence the appellants for the offense of rape committed within the bounds of Camp Claiborne on May 10, 1942?

Since the government had not given the notice required by the 1940 Act, it clearly did not have either "exclusive or partial"[28] jurisdiction over the camp area. The only possible [319 U.S. 314] reason suggested as to why the 1940 Act is inapplicable is that it does not require the government to give notice of acceptance of "concurrent jurisdiction." This suggestion rests on the assumption that the term "partial jurisdiction," as used in the Act, does not include "concurrent jurisdiction."

The legislation followed our decisions in *James v. Dravo Contracting Co.*, 302 U.S. 134; *Mason Co. v. Tax Commission*, 302 U.S. 186, and *Collins v. Yosemite Park Co.*, 304 U.S. 518. These cases arose from controversies concerning the relation of federal and state powers over government property, and had pointed the way to practical[29] adjustments. The bill resulted from a cooperative study by government officials, and was aimed at giving broad discretion to the various agencies in order that they might obtain only the necessary jurisdiction.[30] The Act created a definite method of acceptance of jurisdic-

[24] Sounds a bit like "principalities and powers," doesn't it?

[25] I assume that land can only be "on" a State of the Union, but can't be "on" a corporate (imaginary) state. If so, then since the notice must be filed with the Governor of a state "on which the land is located," it appears that such notice must be filed with Governor of the de jure State of the Union (rather than the corporate state). Thus, if you could identify the capacity in which the Governor receives such filed documents, you would identify the Governor of the de jure State.

[26] This implies that all Federal jurisdiction might be challenged without even using a FOIA request to learn the location of all "federal" lands or interests. What would happen if a defendant simply "denied" the *existence* of a particular "District's" jurisdiction? (The issue would not be whether the defendant was subject to that district's jurisdiction, but whether that jurisdiction even *exists*.) If that jurisdictional controversy could be properly raised, it might force government to produce all the necessary documents, notices, evidence that they're filed with the proper parties, etc., to "prove" the jurisdiction had, in fact, been lawfully ceded from the State to the "United States" and thus actually exists.

[27] This case deals with alleged federal "lands" but makes no mention of federal "interests". It's conceivable that the federales might have jurisdiction over some "interests" but not "lands" (or vice versa).

[28] Could "exclusive" be code for "lands" and "partial" (which includes "concurrent") be code for "interests"?

[29] I doubt that "practical" and "constitutional" are synonymous. If not, a "practical adjustment" sounds more likely to occur in the corporate government franchises than among the States of the Union and Federal government.

[30] "Discretion" is normally granted only to judicial and legislative branches of government. Giving "broad discretion" to "agencies" is of questionable constitutionality and thus implies the presence of the corporate (rather than de jure) state and/or the parens patriae.

tion so that all persons could know whether the government had obtained "no jurisdiction at all, or partial jurisdiction, or exclusive jurisdiction."[31]

Both the Judge Advocate General of the Army and the Solicitor of the Department of Agriculture have construed the 1940 Act as requiring that notice of acceptance be filed if the government is to obtain concurrent jurisdiction. The Department of Justice has abandoned the view of jurisdiction which prompted the institution of this proceeding, [319 U.S. 315] and now advises us of its view that concurrent jurisdiction can be acquired only by the formal acceptance prescribed in the act. These agencies cooperated in developing the act, and their views are entitled to great weight in its interpretation. Cf. *Bowen v. Johnston*, 306 U.S. 19, 29-30. Besides, we can think of no other rational meaning for the phrase "jurisdiction, exclusive or partial" than that which the administrative construction gives it. [emph. add.]

Since the government had not accepted jurisdiction in the manner required by the Act, the federal court had no jurisdiction of this proceeding. In this view, it is immaterial that Louisiana statutes authorized the government to take jurisdiction, since, at the critical time, the jurisdiction had not been taken.

Our answer to certified question No. 1 is Yes, and, to question No. 2, is No.

It is so ordered.

[31] By declaring the *purpose* is for "*all* persons to know," the court implies that there should've been a public notice of some sort whenever the federal agency first "accepted" jurisdiction. But if not, the government might still have no legal basis for denying a FOIA request for government to specify the complete and exact extent of its jurisdiction. How could the FOIA people argue their duty to prevent "all" people from "knowing"?

Footnotes

BLACK, J., lead opinion (Footnotes)

1. Exclusive jurisdiction over the lands on which the Camp is located was accepted for the federal government by the Secretary of War in a letter to the Governor of Louisiana, effective January 15, 1943.

2. In the words of a sponsor of the bill, the object of the act was flexibility, so that the head of the acquiring agency or department of the Government could at any time designate what type of jurisdiction is necessary — that is, either exclusive or partial. In other words, it definitely contemplates leaving the question of extent of jurisdiction necessary to the head of the land-acquiring agency. Hearings, House Committee on Buildings and Grounds, H.R. 7293, 76th Cong., 1st Sess., p. 5.

3. Ibid., 7.

4. Ops.J.A.G. 680.2.

5. Opinion No. 4311, Solicitor, Department of Agriculture.

6. Dart's Louisiana Stat. (Supp.) § 2898. In view of the general applicability of the 1940 Act, it is unnecessary to consider the effect of the Weeks Forestry Act, 16 U.S.C. § 480, and the Louisiana statute dealing with jurisdiction in national forests, Dart's Louisiana Stat. §3329, even though the land involved here was originally acquired for forestry purposes.

There's much more to learn, but apparently a the question of "where" an alleged event takes place or "where" a person "resides" is far more subtle than most would suppose. By simply accepting the government's allegation of "where" something happened, we may be subjecting ourselves to an unexpected and unwanted jurisdiction.

On the other hand, if we can learn to challenge the "where" in government's "accusatory instruments," we might be able to reduce government jurisdiction considerably.

Out of the mouths of babes

How do you decide who to marry?
Here's advice from a number of precocious children:

Alan, age 10: "You got to find somebody who likes the same stuff. Like, if you like sports, she should like it that you like sports, and she would keep the chips and dip coming."

How can a stranger tell if two people are married?
Derrick, age 8, "You might have to guess, based on whether they seem to be yelling at the same kids."

What do your mom and day have in common?
Lori, age 8: "Both don't want anymore kids."

When is it OK to kiss someone?
Pam, age 7: "When they're rich."

How would the world be different if people didn't get married?
Kelvin, age 8: "There sure would be a lot of kids to explain, wouldn't there?

Top 10 Country Music Songs of All Time

- Get Your Tongue Outta My Mouth 'Cause I'm Kissin' You G'bye.
- Her Teeth Was Stained, But Her Heart Were Pure.
- How Can I Miss You If You Won't Go Away?
- Ah Liked You Better Before Ah Knew You So Well.
- I'm So Miserable Without You, It's Like Having You Here
- If I Had Shot You When I Wanted To, I'd Be Out By Now.
- My Wife Ran Off With My Best Friend And I Sure Do Miss Him.
- If the Phone Don't Ring, You'll Know It's Me.
- She's Actin' Single and I'm Drinkin' Doubles.

And the Number 1 Country and Western song of all Time is . . .

- Ah Haven't Gone To Bed With Any Ugly Women, But I've Sure Woke Up With A Few