

POINTS OF LAW

Which support and in turn are supported
by the Constitution of the United States of America.

1. "Where the meaning of the Constitution is clear and unambiguous, there can be no resort to construction to attribute to the founders a purpose or intent not manifest in its letter." *Norris v. Baltimore*, 172, MD 667; 192 A 531.0.
2. "It cannot be assumed that the framers of the Constitution and the people who adopted it, did not intend that which is the plain import of the language used. When the language of the Constitution is positive and free of all ambiguity, all courts are not at liberty, by a resort to the refinements of legal learning, to restrict its obvious meaning to avoid the hardships of particular cases. We must accept the Constitution as it reads when its language is unambiguous, for it is the mandate of the Sovereign power." *Cooke v. Iverson*, 122, N.W. 251.
3. "All laws which are repugnant to the Constitution are null and void." *Marbury v. Madison*, 5 US (2 Cranch) 137, 174, 176, (1803)
4. "The Constitution is superior to any ordinary act of the legislature; the Constitution and not such ordinary act, must govern the case to which they both apply." *Marbury v. Madison*, 5 US 137, 176 (U.S. Supreme Ct)
5. "The Bill of Rights was provided as a **BARRIER**, to protect, the individual against the arbitrary extractions of the majorities, executives, legislatures, courts, sheriffs, and prosecutors, and it is the primary distinction between democratic and totalitarian processes." *STANDLER - Supreme Court of Florida en banc*, 36 so 2d 443, 445(1948)
6. "Government may not prohibit or control the conduct of a person for reasons that infringe upon constitutionally guaranteed freedoms." *Smith v. U.S.* 502 F 2d 512 CA Tex(1974)
7. "It is a duty as much as a right for all citizens to jealously and zealously protect their Fourth Amendment rights." U.S. Supreme Court, appeal of *Chimel v. Calif.* 89 S Ct 2034
8. "Where rights secured by the Constitution are involved, there can be no rule in making or legislation which would abrogate them." *Miranda v. Arizona*, (U.S. Supreme Ct) 380 US 436(1966)
9. "There can be no sanction or penalty imposed upon one because of his exercise of Constitutional rights." *Sherar v. Cullen*, 481 F 2d 946(1973)
10. "We find it intolerable that one Constitutional right should have to be surrendered in order to assert another." *Simmons v. U. S.*, 390, US 389(1968)

11. "The claim and exercise of a Constitutional right cannot be converted to a crime." *Miller v. U. S.*, 230 F 486 at 489
12. "When Constitutional rights have been violated, remedies for violations are not dependant upon fictionalized distinctions." *Kelly v. U. S.*, 379 F Sup 532
13. Ed 1165: "In determining whether...rights were denied, we are governed by the substance of things and not by mere form;" *ID.*, *Louisville & N.R. Co. v. Schmidt*, 177 US 230, 20 Sup., Ct., 620 44 L Ed 747
14. "One need not be a criminal to claim Fifth Amendment (right), it applies to civil suits as well." *Isaacs v. U.S.*, 256 F 2d 654.
15. "Fifth Amendment (right) is available to outside of criminal court proceedings and serves to protect persons in all settings..." *Miranda v. Arizona*, (U.S. Supreme Ct.) 380 US 436(1966)
16. "Civil contempts are sometimes civil in name only, entailing what are in reality criminal punishments." *Wyman v. Uphaus*, 360 US 72(1959)
17. "To penalize the failure to give a statement which is self incriminatory is beyond the power of Congress." *U.S. v. Lombarde*, 228 F. 980
18. "All acts of legislature...contrary to natural right and justice are void." *Robin v. Hardaway*, 1 Jefferson 109(1772)
19. "law of the land...renders judgement only after trial." *Dartmouth College v. Woodward* 4 Wheat, US 518, 4 Ed 629(1814)
20. "due course of law...is synonymous with 'due process of law' or 'law of the land'"... *Kansas Pac. Ry. Co. v. Dunmeyer*, 19 Kan 542 (See also *Davidson v. New Orelans*, 96 US 97, 24, L Ed 616).
21. "Lack of counsel of choice can be conceivably even worse than no counsel at all, or of having to accept counsel beholden to one's adversary." *Burgett v. Texas*, 389 US 109
22. "A state or federal court which arbitrarily refuses to hear a party by counsel...civil or criminal, denies the party a hearing, and therefore denies him due process of law in a Constitutional sense." *Reynolds, v. Cochran*, 365 US 525, 51 Ed @d 754, 81 S Ct 723 in Am Jur P.979
23. "A plaintiff need not pursue his state remedies before instituting a 1983 action." *Monroe v. Pape(or perhaps Pope)*, 365 US 167(1961)

24. "To maintain an action under (42 USC) 1983, it is not necessary to allege or prove that the defendants intended to deprive Plaintiff of his Constitutional rights or that they acted willfully, purposely, or in furtherance of a conspiracy... it is sufficient to establish that the deprivation... was the natural consequences of Defendants acting under the color of law..." *Ethridge v Rhodos*, DC Ohio 268 F Sup 83(1967), *Whirl v. Kern*, CA 5 Texas 407 F 2d 781 (1968) *Ury v. Santee*, DC Ill,(1969)
25. "In a 42-1983 action, the allegations of the Complaint and the inferences to be drawn therefrom, upon a motion to dismiss, must be taken most favorably to the Plaintiff." *Nanez v. Ritger*, DC Wis. 304 F Sup 354(1969)
26. "When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it." *State v. Sutton*, 63 Minn. 147 65 NW 262 30 LRA 630 AM ST 459
27. "Disobedience or evasion of a Constitutional mandate may not be tolerated, even though such disobedience may...promote in some respects the best interests of the public." *Slote v. Bd. of Examiners*, 274 N.Y. 367; 2 NE 2d 12; 112 ALR 660. (See also *Watson v. Memphis*, 375 US 526; 10 L Ed 529; 83 S Ct 1314.)
28. "It is the duty of the courts to be watchful for the CONSTITUTIONAL RIGHTS of the citizen, against any stealthy encroachments thereon." *Boyd v. U.S.*, 116 US 616, 635, (1885)
29. "The judicial branch has only one duty - to lay the Article of the Constitution which is involved beside the statute which is challenged and to decide whether the latter squares with the former...the only power it (the Court) has...is the power of judgement." *U.S. v. Butler*, 297 US(1936)
30. "A claim under the civil rights act expressly gives the District Court Jurisdiction, no matter how imperfectly the claim is stated." *Harmon v. Superior Ct of the State of California*, 307 F 2d 796, CA 9(1962)
31. "A court is without power to render a judgement it lacks jurisdiction of the parties or of the subject matter...In such cases, the judgement is void, has no authority and may be impeached." *O'Leary v. Waterbury Title Co.*, 117 Conn 39, 43, 166 A. 673
32. "Courts, (must) indulge every reasonable presumption against waiver of fundamental constitutional rights, and...not presume acquiescence in the loss of fundamental rights." *Dimmock v. Scalded*, 293 US 474(1935) 304 US at 464
33. "A complaint may not be dismissed on motion if it states some sort of claim, baseless though it may prove to be and inartistically as the complaint may be drawn. This is particularly true where the Plaintiff is not represented by counsel." *Brooks v. Pennsylvania R. Co.*, 91 F Sup 101 DC SD NY(1950)

34. "a motion to dismiss is not to be granted unless it appears beyond doubt that the plaintiff can prove no set of acts which would entitle him to relief." *Haines v. Keener*, 404 US 519, 30 L Ed 2d 652, 92 S CT 594(1972)
35. "Decency, security, and liberty alike demand that government officials shall be subjected to the same ruses of conduct that are commands to the citizen." *Olmstead v. U.S.*, 277 US 438 485; 48 S CT L ED 944(1928)
36. "Judges may be punished criminally for willful deprivation of...rights on the strength of 18 usc 242." *Imbler v. Pachtman*, US 47 L Ed 2d 128, 96 S Ct
37. "Judges have no immunity from prosecution for their judicial acts." *Bradley v. Fisher*, US 13 Wall 335(1871)
38. "Government immunity violates the common law maxim that everyone shall have remedy for an injury done to his person or property." *Fireman's Ins. Co. of Newark, N.J. v. Washburn County*, 2 Wis 2d 214, 85 N.W. 2d 840(1957)
39. "Immunity fosters neglect and breeds irresponsibility, while liability promotes care and caution, which caution and care is owed by the government to its people." *Rabon v. Rowen Memorial Hosp., Inc.*, 269 NS 1, 13, 152 SE 1d 485, 493(1967)
40. "Actions by state officers and employees, even if unauthorized or in excess of authority, can be actions under 'color of law'." *Stringer v. Dilger*, CA 10 Colo 313 F 2d 536(1963)
41. "A judge is not immune from criminal sanctions under the civil rights act." *Ex Parte Virginia*, 100 US 339(1879), (54 US v. Moylon 417 F 2d 1002, 1006(1969))
42. "the language and purpose of the civil rights acts, are inconsistent with the application of common law notions of official immunity..." *Jacobsen v. Henne*, CA 2 NY 335 F 2d 129, 133 (1966). (See also *Anderson v. Nossner*, CA 5 Miss 428 F 2d 183 (1971))
43. "Governmental immunity is not a defense under (42 USC 1983) making liable every person who under color of state law deprives another person of his civil rights." *Westberry v. Fisher*, DC Me. 309 F Sup 95(1970)
44. "Judicial immunity is no defense to a judge acting in the clear absence of jurisdiction." *Bradley v. Fisher*, US 13 Wall 335 (1871)
45. "When the responsibilities of lawmaker, prosecutor, judge, jury and disciplinarian are thrust upon a judge he is obviously incapable of holding the scales of justice perfectly fair and true." *Fisher v. Pace*, 336 US 155 at 167

46. "the jury...acts not only as a safeguard against judicial excesses, but also as a barrier to legislative and executive oppression. The Supreme Court...recognizes that the jury...is designed to protect Defendants against oppressive governmental practices." United States ex rel Toth v. Quarles, 350 US 11, 16 (1955)

47. The Jury has "an unreviewable and irreversible power...to acquit in disregard of the instructions of the law given by the trial judge." U.S. v. Dougherty, 473 F 2d 1113, 1139 (1972)

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

50. "A conviction obtained where the accused was denied counsel is treated as void for all purposes." Burgett v. Texas, 389, US 109 (1967)

51. "A conviction under an unconstitutional law is...illegal and void and cannot be a legal cause of imprisonment; the courts must liberate a person imprisoned under it...one imprisoned...may be discharged by the writ of 'Habeas Corpus'." (16 Am Jur Sec 150)

52. "Our system of taxation is based on voluntary assessment and payment, not upon distraint." 362 US S 145, 176, 80 S Ct 630, 647 4 L Ed 623 (1960)

53. "To lay with one hand the power of government on the property of the citizen, and with the other to bestow it on favored individuals...is none the less robbery because it was done under the forms of law and is called taxation." Miller 20 Wall 655, 663, 664 (1874)

"In all criminal cases whatever, the jury shall have the right to determine the law, and the facts...as in civil cases."

Under Article IV, Section 2 of the United States Constitution the above law (which appears in the Constitution of Oregon and the constitutions of numerous other states) has the standing and force of Constitutional law in all states.