Petition For Writ of Prohibition

THOMAS MADDUX · TUESDAY, OCTOBER 13, 2020 ·

COMES NOW [your name], hereinafter referred to as Petitioner; being a freeman (Virginia citizen), to Petition this Court for a Writ of Prohibition directed to the Respondent(s); pursuant to: Virginia Statutes at Large (1785), Chapter LXXXI, "An act declaring that none shall be condemned without trial, and that justice shall not be sold or deferred." Said Act, states to wit: "I. BE it enacted by the General Assembly, That no freeman shall be taken or imprisoned, or de disseized of his freehold, or liberties or free customs, or be outlawed or exiled, or any otherwise destroyed, nor shall the commonwealth pass upon him, nor condemn him; but by lawful judgment of his peers, or by the laws of the land. Justice or right shall not be sold, denied, or deferred, to any man. Said Petitioner who, by this verified Petition allege:

1. That Respondents; Department of the Treasury, the Internal Revenue Service,

______ ______, Group Manager, and ______ _______, Revenue Officer; have been and/or are attempting to violate (trespass on) the right of Petitioner to true due process of the law (law of the land (pre Civil War)). (See attachment #1 (Authorities In Support on Due Process)).

2. That Respondents, the Agency IRS and/or its Agents instituted a sham proceeding(s), giving the appearance of due process, but lacked all the prerequisites thereof, and that Respondents have and/or are proceeding to further steal/take from, and/or restrict/restrain Petitioner's liberty to the use of all property belonging to said Petitioner, pursuant to Virginia due process, (law of the land) in spite of the fact that Petitioner has repeatedly requested that due process be given Petitioner.

3. That Respondents, ______ ______, and ______ ______, have placed an alleged (paper labeled) Levy and an alleged (paper labeled) Seizure against the property located at ____ _______ ______ Road, Newport News, Virginia ______, on an alleged Title 26 U.S.C. liability, and are proceeding to sell said property. That on or about August of 20___, ______ ______, Revenue Officer, filed an alleged (paper labeled) Federal Tax Lien (signed by ______ _____) against the Petitioner, and on or about September of 20___, ______ ______ placed an alleged (paper labeled) Levy(s) on an account at: 1), _________ Bank, M.C. ___-____-_____, P.O. Box _____, Atlanta, Georgia ______, and 2), an account at Bank ____________, Court Orders Process ____-____-___-___, _____, ________ Street, Utica, New York ______. That on or about November of 20___, another alleged (paper labeled) Levy was placed with Bank ________ at Court Orders Process ____-____-___-___, _____, ________ Street, Utica, New York ______ by ______ ______ and again on or about January of 20___, ______ _____ placed an alleged (paper labeled) Levy on an account at ____________ Shareholder Services, Court

Orders Process ___-___-__-__, ____ _____ Street, Utica, New York _____; all of which were unlawfully authorized.

4. That Respondents, the Agency IRS and/or its Agents, are NOT a constitutionally created Office according to the 1787 Constitution of the United States and the first 12 Amendments that acted as a contract between the States and the Federal* government, and that in the event Respondents are, or have been properly created; are demanded by the Constitution not to take life, liberty or property without due process.* That in a letter dated September __, 20__; Petitioner received notice that Respondent, _____ _____, ordered the records/documentation from Bank ______, pertaining to Petitioner, without a true Court Order, signed by a judge of said Court. (See attached #2 Memorandum In Support).

5. That Petitioner has challenged Respondents, the Agency IRS and/or is Agents, authority to exercise jurisdiction over Petitioner in light of the fact that Respondents are NOT a constitutionally created Office, and have suggested Respondents take any complaints they may have, to an Article III Court to resolve such issues.

6. That Petitioner is NOT a United States citizen, and Petitioner has rebutted and/or challenged the jurisdiction of Respondents, the Agency IRS and/or its Agents, pertaining to Petitioner, in regards to the purported 14th Amendment citizenship, of which Respondents have failed and refused to prove, that Petitioner is, in fact, a 14th Amendment, (U.S. citizen); before proceeding (trespassing) against Petitioner with an alleged (paper labeled) Lien, an alleged (paper labeled) Levy, and an alleged (paper labeled) Seizure against property belonging to Petitioner.

7. That Respondents, the Agency IRS and/or its Agents, instead, have deemed frivolous, all evidence submitted to them to date, rebutting the 14th Amendment citizenship of Petitioner. That Respondents have, and are now, using case law, and internal (Treasury; IRS) "Rulings" (not the law of the land), in an attempt to support their position in regards to the citizenship issue regarding Petitioner. Respondents have deliberately and with intent, refused to apply the law or facts regarding Petitioner. (See attachment #3 Status Verification).

That Respondents, the Agency IRS and/or its Agents, have ruled, in error, capriciously, and without proof, and in abuse of the discretion thereof, that Respondents do have jurisdiction to purportedly enforce Title 26 U.S.C. over Petitioner. That by their actions, omissions, and words Respondents, the Agency IRS and/or its Agents are misrepresenting the Petitioner is a person over which, Respondents have jurisdiction and Respondents are (trespassing on) restricting/restraining or compelling the activities and property of said Petitioner without authority to do so. That the Federal government, or any Agency, such as Respondents, the Agency IRS and/or its Agents; lacks authority to (trespass on) restrict/restrain or compel the activities of the Petitioner.

That any act which Respondents, the Agency IRS and/or its Agents, may undertake to do lacking jurisdiction in the said act; such act shall be void ab initio. That in the interest of

justice, the question of the jurisdiction of Respondents should be determined against the Respondents having such jurisdiction prior to further (trespass), proceedings. That Petitioner contends that the issue of jurisdiction of the Federal government over Petitioner, in which the purported enforcement of Congressional Legislation, Title 26 U.S.C., to be accomplished, must be unequivocally established before Respondents can proceed.

That Respondents, the Agency IRS and/or its Agents, are making a knowing and deliberate misrepresentation by their words and actions that the Congress does have the delegated Legislative jurisdiction over the Petitioner, with the intent that Petitioner and others rely upon such misrepresentation to their injury.

11. That Petitioner seeks relief because of the unlawful activities of the alleged (paper labeled) Lien, and the alleged (paper labeled) Levy's on accounts which were unauthorized, as they were NOT supported by due process. That Petitioner notified the Treasury Secretary and Respondents, the Agency IRS, in February 20__, demanding due process, seeking to avoid the unlawful actions of Respondents; to wit, Respondents have stated they will proceed to take/sell Petitioner's property regardless of Petitioner's request for due process.

12. That Respondents, the Agency IRS and/or its Agents, have and are seeking to gain access to private records/documents without a Court Order (due process), signed by a judge of said Court, which prevents Respondents from unlawfully gaining access to such records/documents, and further violates Petitioner's right to due process.

13. That if Respondents are allowed to (trespass), proceed in said unlawful matter(s) against Petitioner without true due process (law of the land), and the property of Petitioner in question is stolen, and/or seized and sold; Petitioner shall suffer irreparable harm, of which she will not be able to recover.

14. That the remedy of appeal is unavailable to the Petitioner, because 1), the Respondents have NOT brought said Petitioner before a Court of justice, and obtained an Order to seize any property in question, and 2), Respondents CANNOT give Petitioner true due process (law of the land), in that it is strictly a judicial function, which is reserved to the Courts of justice, of which the Respondents, the Agency IRS and/or its Agents, have NOT brought Petitioner before. Petitioner has NOT been charged with either an offense or crime, and found guilty. Therefore, Petitioner have no plain, speedy, and adequate remedy in the ordinary course of the law. (See attachment #2 Memorandum In Support).

15. That the Petitioner do expressly reserve and retain any and all rights which are or may be his, and does not waive any such rights unless and until she shall waive a right or rights by written, informed declaration of such waiver, naming specifically the right or rights to be so waived.

PRAYER FOR RELIEF

1. Petitioner respectively requests that a Writ of Prohibition issue to prevent Respondents from the further (trespassing), stealing and restricting/restraining the liberty of the use of Petitioner's property, until Respondents have provided Petitioner with Virginia due process of law (law of the land), via a true judicial Court, with all of its safeguarding virtues.

2. Petitioner respectively requests that a Writ of Prohibition issue to prevent Respondents from (trespassing), proceeding unlawfully against Petitioner, until such time as Respondents prove in a Court of justice, that they are a constitutionally created Office properly authorized through the 1787 Constitution of the United States and the first 12 Amendments that acted as a contract between the States and the Federal* government.

3. Petitioner respectively requests that a Writ of Prohibition issue to prevent Respondents from (trespassing), proceeding unlawfully against Petitioner, until such time as Respondents prove in a Court of justice, that the 14th Amendment did in fact ratify, and become the law of the land.

4. Petitioner(s) respectively request that a Writ of Prohibition issue to prevent Respondents from (trespassing), proceeding unlawfully against Petitioner(s) until such time as Respondents provide due process.

5. Petitioner respectively requests that a Writ of Prohibition issue to prevent Respondents from (trespassing), proceeding unlawfully against Petitioner until such time as Respondents obtain a Court Order (due process), signed by a judge of said Court, to prevent violating Petitioner's due process right.

Dated this _____ day of ____________, 20_ Respectfully Submitted,

____

[your name], In Propria Persona

[your name]

[address]

[city, state, zip]

This Court hereby Grants ____ Denies ____ Petition For Writ Of Prohibition. Failure on the part of the judge to check either box will be construed as a denial.

Dated this _____ day of _______________, 20___ _____________________________________

Judge

THE MEMORANDUM IN SUPPORT

(After proper heading)

The Petitioner, [your name], being a freeman, (Virginia citizen) do hereby submit this Memorandum In Support Of Writ Of Petition For Prohibition, pursuant to;

Virginia Statutes At Large, (1785), Chapter LXXXI, "An act declaring that none shall be condemned without trial, and that justice shall not be sold or deferred." Said Act, states to wit: "I. BE it enacted by the General Assembly, That no freeman shall be taken or imprisoned, or be disseized of his freehold, or liberties or free customs, or be outlawed or exiled, or any otherwise destroyed, nor shall the commonwealth pass upon him, nor condemn him; but by lawful judgment of his peers, or by the laws of the land. Justice or right shall not be sold, denied, or deferred, to any man. (See attached Virginia Statutes At Large (1785)).

Furthermore, Petitioner, pursuant to the law of the land, (Constitution of Virginia), contends that Article I, Sec. 1. of said Constitution states;

"That all men are by nature equally free and independent, and have certain inherent

rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely: the enjoyment of life and liberty,..."

The foregoing does protect Petitioner from that, or those which would restrict/restrain the liberty (freedom) of the use of Petitioner's property in question, and from those who would trespass on the freedom (liberty) of Petitioner to said use. (See attached Virginia Constitution (1850) & attached Authorities In Support – Liberty). Said protection does include parties in private contracts that are n dispute, and where a party seeks to control, take, or seize upon the other party.

Petitioner does so state; that she is, 1), NOT a United States citizen, 2), she is NOT a federal citizen, 3), that the issue brought before this Court is strictly a State issue, and that the State of Virginia is sovereign, has particular rights, and has NOT given up any rights to sovereignty which have NOT been enumerated in the Constitution and therefore are reserved to the State; that what has been reserved to the States is reserved to them, and, 4), the Constitution and laws of the State of Virginia are the supreme law of the land in relation to Petitioner, and 5), Respondents through federal citizenship, are walking in and trespassing on the rights of the citizen (i.e., Virginia citizen, as clearly understood in pre civil war times), and 6), Respondents are/have perpetrated fraud upon said Petitioner, and therefore, said case should remain in the State Court.

Petitioner further does so state; that she is a competent witness and being of the age of majority affirm that his "yes" be "yes" and her "no" be "no" and that the following facts are made on personal knowledge, are true, certain, correct, and not misleading, and as to those

matters stated upon reason and belief, I believe to be true.

BACKGROUND, PURPOSE AND REASON FOR PETITION

1. The production of due process is a prerequisite to any form of taking life, liberty or property. There is no level of Hearings or Trials too small or too big that would escape the mandated enforcement of due process, if life, liberty or property is an issue to be considered for taking away from a Virginia citizen. In order for due process of law (as defined in pre civil war times) to be produced, it must have present, the Judiciary with all of its safeguarding virtues and not just a mere presence or informal Hearings that attempt to do away with the procedural due process. The Petitioner reminds the Court that while claims for substantive due process have taken a popular lead over procedural due process since the so-called civil war (as late as 1948 to be exact), procedural due process has not been done away with. In fact, over 99 percent of all cases arising before the civil war; procedural due process was the demanded variant. The so-called other strain, popularly known as "substantive" due process, was never truly recorded as an alternative form of the only true and originally established due process. In fact, due process had rarely been raised in appeal or by writ of error until the clause appeared in the 14th Amendment. It then appeared; that a new host of debates came from it. (See Davidson v. New Orleans, 96 U.S. 97, 103 (1877)). Hence, the suspicions to stray from the modern invented strain of "substantive" due process.

Due process has its origin in Chapter 29 of the Magna Carta dated 1225 A.D..

Though the phrase "due process was not used per se in the Carta, it was understood to be synonymous with the phrase "law of the land" when Parliament passed 25 Edward III in 1350, which quoted Chapter 29 verbatim with the exception of "law of the land" and used the phrased "due process" in its place. Thus it was this connection that sparked the kinship of the two clauses; taken forward by Sir Edward Coke's writing, and followed into the 16th Century by Blackstone and then into the lap of the American People through the 5th Amendment of the United States Constitution of 1787. (See attached Magna Carta).

While legal scholars have tried to make points that Sir Edward Coke was wrong to establish that connection, however, whether Coke was right or wrong, it does nothing to the American meaning as was accepted, established; and meant only what was handed down by Blackstone, as was handed down by Coke. It is a well established doctrine of all the Courts of competence that the Constitution is a fixed document (See Van Horne v. Dorrance, 28 F. Cas. 1012, 1014 (1795)).

"The constitution is a certain and fixed...and can be revoked or altered only by the authority that made it". (Justice William Paterson, a leading Framer of the Constitution) and what ever each word meant then it means today. (See Oregon v. Mitchell, 400 U.S. 112, 203 (1970)). "When the Court disregards the express intent and understanding of the Framers, it has invaded the realm of the political process to which the amending power was committed..." (Justice Harlam; Hawaii v. Mankichi, 190 U.S. 197, 212 (1903)). "The intention of the

lawmaker is the law"; Gibbons v. Ogden, 22 U.S. (9 Wheat) 1. 190 (1824). "...if a word was understood in a certain sense when the constitution was framed ... the convention must have used it in that sense, and it is that sense that is to be given judicial effect." John Marshall; and with great emphases to Ex Parte Grossman, 267 U.S. 87, 108-109 (1925). "The language of the constitution cannot be interpreted safely except by reference to the common law and to British institutions as they were when the instrument was framed and adopted. The statesmen and lawyers of the Convention ...Were born and brought up in the atmosphere of the common law, and thought and spoke in its

vocabulary ...When they came to put their conclusions into the form of fundamental law in a compact draft, they expressed them in terms of the common law, confident that they could be shortly and easily understood."

Due process requires the usage of the common law. Without the common law, due process is not applied. (See attached Hoke v. Henderson, 15 N.C. 15, 25)). It should also be pointed out that in Bouvier's Law Dictionary, 1877 Edition, due process was defined in part as;

"The full significance of the clause "law of the land" and said by Ruffin, C.J., to mean, that statues which would deprive a citizen of the rights of person or property without a regular trial according to the course and usage of the common law would not be the law of the land."

Law of the land. Due process. Due process and law of the land, are one and the same. A study made by Keith Jurow, published in the American Journal of Legal History, reveals the fact that while due process was argued strongly in many Middle English times, it was always pointed out that the failure of the proper writ was at case when contending for due process of law. His conclusion was that due process and due writ would be evenly kin to one another as the Coke doctrine on his concept expressed above. (See attached American Journal of Legal History Vol. 19 (4) 1. (1975) Keith Jurow)). Hence, the proper procedures, proper writs, and the use of the common law, are all required for the production of due process of law. When common law jurisdiction is conferred upon a Court without restraint or limitation, such Court necessarily has authority to issue the writ. (SeeNote 58 L.R.A., 836).

Due Process And Properly Defining Words

Considering the Court's past history of defining political questions justiciable, whereby it has made decisions of whether it has jurisdiction or not; this writ of Prohibition is based on the strict Judicial properties contained in the virtue of the Court alone, and NOT associated to any political theme. The violation of the procedural mandates of Article V is as much a trespass upon the people as any one of the other clauses of the Constitution, that if violated, would demand redress of grievance and the protection of the Courts. Accordingly, the mandates of Article V were deprived by the Congress and taken away from the people without due process; the liberty and rights of the people were taken without due process and replaced by another form of procedure, via military power, using coercion and literally at gunpoint, and "at the point of the bayonet" as stated by Senator Doolittle.

Congress acted against the due procedures that were not lawfully waived by the States and its people respectively. It will be remembered that due process can only be applicable to the process and proceedings of the courts of justice; they can never be referred to an act of the legislature." (See The Papers of Alexander Hamilton 35 (H.C. Syrett and J.E. Cooke, Eds (1962)). The "convenient vagueness" and ambiguity theories that followed in the 1800's, from such Judges as Justice Oliver Holmes and Charles Hough forming the idea that there was a need for the Courts to use that theory

to compel the Courts to put meaning into the Constitution was challenged by Frankfurter in "The Red Terror of Judicial Reform" (40 New Republic 110, 113 (1924)), yet in 1949 he declares that;

"due process...were purposely left to gather meaning from experience. For they relate to the whole domain of social and economic fact" (See National Ins. Co. v. Tidewater Co., 337 U.S. 582, 646 (1949)).

Are we to believe that due process declared as Hamilton stated, went from a "precise technical import" of the Court, to a reduced feeble theory of "economic and social fact?" Such language reminds one of the statement by George Orwell to wit;
"Political language is designed to make lies sound truthful...". (See 1984 by George Orwell).

Political takings, Procedural takings, Legislative takings, and even Judicial takings are all prohibited by the due process clause if, such takings are done without due process. Due process being a strict subject matter of the Court, makes all matters concerning government takings, to be under the Judiciary including, takings masked as "political questions." Any actions that take life, liberty or property, whatever form it comes in, must provide due process.

"due process...were purposely left to gather meaning from experience. For they relate to the whole domain of social and economic fact" (See National Ins. Co. v. Tidewater Co., 337 U.S. 582, 646 (1949)).

It has long been a canon of construction, that when the definitions as Justice Story stated for the Court; "are necessarily included as much as if they stood in the text" (See United States v. Smith, 18 U.S. (5 Wheat 153, 160 (1820)).

Justice William Paterson, a leading Framer of the Constitution stated for the Court; "The Constitution is a certain and fixed...and can be revoked or altered only by the authority that made it". (See Van Horne v. Dorrance, 28 F Cas. 1012, 1014 (1795)). Justice Harlam stated for the Court; "When the Court disregards the express intent; and understanding of the Framers, it has invaded the realm of the political process to which the amending power was committed..." (See Oregon v. Mitchell, 400 U.S. 112, 203 (1970)).Chief Justice John Marshall stating for the Court; "To what purpose are powers limited... if those limits may, at any time, be passed by those intended to be restrained." In his obiter dictum known in Marbury v.

Madison, 5 U.S. 137 (1803), Marshall also stating for the Court;"...if a word was understood in acertain sense when the Constitution was framed ...the convention must have used it in that sense, and it is that sense that is to be given judicial effect.." (See Gibbons v. Ogden, 22 U.S. 9 Wheat 1. 190 (1824)). "The intention of the lawmaker is the law". (See Hawaii v. Mankichi, 190 U.S. 197, 212 (1903)). "The language of the constitution cannot be interpreted safely except by reference to the common law and to British institutions as they were when the instrument was framed and adopted. The statesmen and lawyers of the Convention ...were born and brought up in the atmosphere of the common law, and thought and spoke in its vocabulary ...When they came to put their conclusions into the form of fundamental law in a compact draft, they expressed them in terms of the common law, confident that they could be shortly and easily understood." (See Ex Parte Grossman, 267 U.S. 87, 108-109 (1925)).

Keep in mind the solid foundation of word meanings as they were intended to mean from the original source that made them into the "law of the land." It is with this observation that we watch with care that "key" governmental words that are altered from the original meaning "takes" away the truth without due process. Such words as, Congress, Constitution, Federal , E Pluribus Unum, Republic and State were falsified in the 1864 Edition of the Merriam Webster Dictionary, and sent out to the American Schools to be taught the generations to come, a new meaning and a new concept of government. This train of false definitions has laid tracts even in the Courts of today, and have made stops at every ruling of the Courts, to deliver wrong decisions straight from the chambers to the public at large.

It is not just the lexicographers that have been guilty of this fraud. The Court has in recent history, made use of words that imply a truth, while the literal meaning properly applied, would be puzzling to any reader, noting them to be duplicitous at worst, or ignorant at the least.

For instance the use of the word "penumbra". A word that imports the idea that if such a right or privilege is in the shadows of, or near enough to being in the Constitution, then the Court has gone on to rule as if it is in the Constitution. With the magic word "penumbra", the Court is ruling that a certain privilege or right exists, yet only in the "penumbra of the Constitution" which is clearly stating that it is not "in" said document, but around, or in the shadows of it, etc. Statements in cases like the following, are provided for the Court;

"If this view be adopted we get rid of all questions of penumbra, of shadowy marches where it is difficult to decide whether the business extends to them." (See HANOVER STAR MILLING CO. v. METCALF, 240 U.S. 403 (1916).

"But the law allows a penumbra to be embraced that goes beyond the outline of its object in order that the object may be secured." (See SCHLESINGER v. STATE OF WISCONSIN, 270 U.S. 230 (1926).

"the law allows a penumbra to be embraced that goes beyond the outline of its object in order that the object may be secured." (See UNTERMYER v. ANDERSON, 276 U.S. 440 (1928).

"Congress left the present problems far back in the penumbra of those few principles

which it codified" (See GENERAL COMMITTEE v. MISSOURI-KANSAS-TEXAS R. CO., 320 U.S. 323 (1943)).

"But, it is said, a penumbra of rights may be involved, which none can know until decision has been made and infraction may occur before it is had." (See SCREWS v. U.S., 325 U.S. 91 (1945).

"The Connecticut statute forbidding use of contraceptives violates the right of marital privacy which is within the penumbra of specific guarantees of the Bill of Rights." (See GRISWOLD v. CONNECTICUT, 381 U.S. 479 (1965).

"[S]pecific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance. . . ." (See OSBORN v. UNITED STATES, 385 U.S. 323 (1966).

"...and sexual privacy said to be protected by the Bill of Rights or its penumbras," (See ROE v. WADE, 410 U.S. 113 (1973).

"are so"fundamental" that an undefined penumbra may provide them with an independent source of constitutional protection." (See WHALEN v. ROE, 429 U.S. 589 (1977).

"...within the ‘penumbra of express statutory mandate'..." (See NURSING HOME PENSION FUND v. DEMISAY, 508 U.S. 581 (1993).

"If obscene material unprotected by the First Amendment in itself carried with it a ‘penumbra' of constitutionally protected privacy..." (See BOWERS v. HARDWICK, 478 U.S. 186 (1986).

It is statements like the above that further prove a vain jargon foreign to "the whole truth," and nothing but the truth concept. Due process, then, would prohibit the truth from being taken away in any form whatsoever. Since due process has been, also, altered to play less on these protections, then, there would be no need for laws since there is no due process to protect these laws, or prohibit them if contrary to the "law of the land," specifically the common law. The Court should be reminded of the full concept of due

process, and it is with that in mind that the Petitioner now elaborates on the origin and history of due process so as to distinguish the changes not authorized by Article V of the United States Constitution.

We should begin with the Magna Charta 1225. "By the law of the land" reads thus;

"29. No freemen shall be taken or imprisoned or disseised* or exiled or in any way destroyed,

nor will we go upon him nor send upon him, except by the lawful judgment (not a lynching) of his peers or by the law of the land."

The first English statue in reference to Magna Charta Act of Parliament 1354, uses the term "by due process of law". It was this statue that quoted verbatim the 29th chapter of Magna Charta with the exception of replacing the term "law of the land" with "by due process of law". Sir Edward Coke (1 February 1552 –– 3 September 1634) stated;

"by the law of the land was the same as due process."

Blackstone identified due process with regular common law Judicial proceedings; no statute of general applicability could be a violation of due process. For example, he defined liberty as; "the power of loco-motion, of changing situation, or removing one's person to whatsoever place one's own inclination may direct; without imprisonment or restraint, unless by due course of law. Concerning which we make the same observations as upon the preceding article [personal security];

that it is a right strictly natural; that the laws of England have never abridged it without sufficient cause; and, that in this kingdom it cannot ever be abridged at the mere discretion of the magistrate, without the explicit permission of the laws." [1 Blackstone's Commentaries 130-31 (1765)].

Here Blackstone proceeded to quote Magna Charta and subsequent statutes requiring "legal indictment, or the process of the common law" as prerequisites for imprisonment.

Article IX Section IV South Carolina Constitution (1797);

"No freeman of this State shall be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property but by the judgment of his peers, or by the law of the land:..."

The phrase; "law of the land" was changed to "due process of law" in 1865 under the direction of the Union's President Andrew Johnson, while reconstructing (not the Reconstruction Acts) the defeated States. It also became common among all the states excepting New York). In the Virginia Statutes At Large (1785), Chapter LXXX, we see the following;

"An act declaring that none shall be condemned without trial, and that justice shall not besold or deferred." I. "BE it enacted by the General Assembly, That no freeman shall be taken or imprisoned, or be disseized of his freehold, or liberties or free customs, or be outlawed or exiled, or any otherwise destroyed, nor shall the commonwealth pass upon him, nor condemn him; but by lawful judgment of his peers, or by the laws of the land. Justice or right shall not be sold, denied, or deferred, to any man."

The Fifth Amendment of the United States Constitution (1792) states that; "No person shall

...be deprived of life, liberty, or property, without due process of law..."

The exact phrase is used in the 14th Amendment, but because of the legitimate suspicions concerning the validity of its ratification, there is no reason to associate it

with the organic Constitution or any valid law of the land.

Law of the Land: "Due Process of Law. Magna Charta, chap. 29...In American law, this has become a common phrase in state constitutions and bills of rights. Its original is the "lex terra*" of Magna Charta, which Lord Coke has construed to mean "due process of law;" and this construction seems to have been adopted in the constitution of the United States, in which the latter phrase is used." (Burrill's Law Dictionary 1851 Ed.).

*Lex Terra is defined by Burrill as; "The law of the land; due process of law"...Every lawful process and proceeding, in contradistinction to the mode of trial by jury. In the stricter sense, trial by the ancient modes long known to the law of the land. In the strictest sense, trial by oath; the privilege of making oath Bracton uses the phrase to denote a freeman's privilege of being sworn in court as a juror or witness, which jurors convicted of perjury forfeited...In a general sense, the general or common law of the land."

Due Process of Law: "Law in its regular course of administration through courts of justice. 3 Story, Const. 264, 661; 18 How. 272; 13 N.Y. 378. This term, which occurs in the Amendments to the United States constitution and in the constitutions of several of the states, is considered by Coke as equivalent to the phrase "law of the land" (used in Magna Charta Chap. 29) and is said by him to denote "indictment or presentment of good and lawful men" Coke 2d inst. 50. The full significance of the clause "law of the land" is said by Ruffin C.J., to be that statutes which would deprive a citizen of the rights of person or property without a regular trial according to the course and usage of the common law would not be the law of the land..." (Bouvier's Law Dictionary 1867 Ed., edited by George Childs).

Due Process of Law: "Law in its regular course of administration through courts of Justice...a course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights. To give such proceedings and validity, there must be a tribunal competent by its constitution-that is, by the law of its creation-to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance." (95 U.S. 733)

2. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or

property. In its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of

right in the matter involved. If any question of fact or liability be conclusively presumed against him, this is not due process of law. 58 Ala. 599 (Black's Law Dictionary 1st Edition (1890)).

Due Process of Law: law of the land; due course of law; Course of the CommonLaw. 12 C.J.1189 Sec. 956 Title: Constitutional Law. (Collegiate Law Dictionary(1925)).

"Due process of law have a precise technical import, and are applicable only to the process and proceedings of the courts of justice; they can never be referred to an act of the legislature." (The Papers of Alexander Hamilton 35 H. Syrette and J. Cook, Ed. (1962)).

Due Process (of Law) "the course of legal proceedings established by the legal system of a nation or state to protect individual rights and liberties." (Webster's New World Dictionary 1974 Edition). (Undefined; no attempt to define the term per se, but with vagueness, and no mention of the court).

Due Process: (ca.1890*) "a course of formal proceedings (as legal proceedings) carried out regularly and in accordance with established rules and principles." (Webster's Ninth Collegiate Dictionary (1983)).

Due Process of Law is: "If any expression may rightfully be so called, the holy of holies of the common law tradition. That specific phrase goes back only to 28 Edward III (1354), but it may be treated as a continuation of the history of the phrase "law of the land." found in Chapter 29 of Magna Charta. Magna Charta was originally issued in the reign of King John, but it first appears in the English statutes as renewed in 9 Henry III (1225). Chapter 29 provided that no freeman shall be taken, or imprisoned, or disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed; nor will we pass upon him, nor condemn him, but by lawful judgment of his peers, or by the law of the land. (2) We will sell to no man, we will not deny or defer to any man either justice or right." [9 Henry 3 Stat 1 C. 29 (1225), 1 Statutes at Large 7-8].

5 Edward III (1331), "in part, reconfirmed that provision of Magna Charta,

promising; That no man from henceforth shall be attached by any Accusation, nor forejudged of life or limb, nor his lands, tenements, goods, nor chattels seised into the King's hands, against the form of the great charter, and the law of the land." [5 Edw. 3 Cap. IX (1331), 1 Statutes at Large 209]. "In 1350, 25 Edward III elaborated on what was entailed in the phrase "law of the land," making it clear that it was identified with the ordinary processes of the common law.""Whereas it is contained in the Great Charter of the Franchises of England, that none shall be imprisoned nor put out of his freehold, nor of his franchises nor free custom, unless it be by the law of the land; (2) it is accorded, assented, and established, that from henceforth none shall be taken by petition, or suggestion made to our Lord the King, or to his Council, unless it be by indictment or presentment of good and lawful people of the same neighbourhood where such deeds be done, in due manner, or by process made by writ

original at the common law; (3) nor that none be out of his franchises, nor of his freeholds, unless he be duly brought into answer, and forejudged of the same by the course of the law..." [25 Edw. 3 Cap. IV (1350), 1 Statutes at Large 262].

As Keith Jurow characterized the statute, it;

"sought to prohibit the king's council from summoning parties to appear before them by methods other than the usual procedures of the common law." [Jurow (1975) 265, 268].

This identification of the law of the land with common law procedure was made still more explicit in 28 Edward III (1354), which for the first time replaced the expression "law of the land" in Chapter 29 of Magna Charta with "due process of law". Item;

"That no man of what estate or condition that he be, shall be put out of land or tenement, nor taken nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of the law." (28 Edw. 3 Cap. III (1354)), 1 Statutes at Large 285].

Jurow attributed this statute to the commons' grievances concerning persons put in exigent in counties in which they did not reside, and subsequently outlawed without their knowledge. The purpose of the act was to prohibit the outlawing of any person until he had been summoned to answer the charges against him. As evidence of this conjecture, he cited the same parliament's annulment of the attainder of Roger Mortimer on the grounds that he had suffered loss of life and estate without any formal accusation or opportunity to answer the charges. [Jurow 266-67]. As an illustration of the specific content of due process, as Parliament understood it, he referred to Chapter 10 of the same statute;

"And if the mayors, sheriffs, and aldermen be by such inquests...indicted, they shall be caused to come by due process before the King's justices,...before whom they shall have their answer, as well to the King as to the party....(5) And because that the sheriffs of London be parties to this business, the constable of the tower, or his lieutenant, shall serve in the place of the sheriffs, to receive the writs, as well originals of the chancery as judicial, under the seal of the justices, to do thereof execution in the said city. (6) And process shall be made by attachment and distress, and by exigent, if need be; so that at the King's suit the exigent shall be awarded after the first capias returned, and at the third capias returned at the suit of the party. (7) And if the mayor, sheriffs, and aldermen have lands or tenements out of the city, process shall be made against them by attachments and distresses in the same counties where the lands or tenements be." [28 Edw. 3 Cap. 10 (1354), 1 Statutes at Large 287].

The implication, as Jurow saw it, is that Chapter 3;

"seems merely to require that the appropriate writ be used to summon the accused before the court to answer the complaint against him." [Jurow 297].

Moreover, 42 Edward III Chapter 3 (1368) forbade the trial of any man before the Council

without indictment by a grand jury. Item;

"At the request of the commons by their petitions put forth in this parliament, to eschew the mischiefs and damages done to divers of his commons by false accusers, ...which accused persons, some have been taken, and sometimes caused to come before the King's council by writ, and otherwise upon grievous pain against the law: (2) it is assented and accorded, for the good governance of the commons, that no man be put to answer without presentment before justices, or matter of record, or by due process and writ original, according to the old law of the land...." [42 Edw. 3 Cap. 3 (1368), 1 Statutes at Large 324].

Jurow took this statute, together with 28 Edward III, to identify "due process" with; "the method of summoning the person to appear before the council to answer the accusations made against him."

The specific objections –"caused to come before the King's council by writ," etc .-- was to an expanded judicial role for the council, "us[ing] methods that differed markedly from those of the common law courts." The writ quibusdam certis de causis, first used under Edward III, "summoned the person to appear without specifying... the causes against him." It was issued under the privy seal, rather than out of Chancery under the Great Seal, as were ordinary common law writs. When the phrase;; "et hoc subpoena centum librarum nullatenus omittas" was added, the writ acquired the common name of subpoena. [Jurow 270].

The effect of this writ, and of the procedures peculiar to the Council, was to deprive the subject of the procedural guarantees of the common law. The Council's writ of subpoena was used to evade the restrictions of 28 Edward I, that;

"no writ...that toucheth the common law, [shall] go forth under any of the petty seals." [28 Edw. I State. 3 Cap. 6 (1300), 1 Statutes at Large 143].

And proceedings in the Council, begun by means of this writ, included examination under oath without being informed of the charges against oneself. The objections of the commons therefore were not to "the judicial activity of the council," per se, but to "the extraordinary procedure used by the council." These statutes of Edward III were intended "to secure common law procedure for the judicial proceedings of the council." [Jurow 270-71].

Jurow provided a series of examples through the Sixteenth Century to demonstrate that "process" continued to be identified with common law writs;

"The reports of Dyer and Anderson in the reign of Elizabeth listed under "process" such writs as summons, attachment, warrants for appearance, and subpoena. [Id. at 272-73]). Thus, we can trace the origins of the term "due process" to parliament's attempts under Edward III to restrict the unbridled power of prerogative courts. The five knights case (1627), one of the milestones in the seventeenth century struggle against Stuart absolutism, was the fulfillment of this heritage. [five knights case, proceedings on the habeas corpus, brought by Sir Thomas

Darnel, Sir John Corbet, Sir Walter Earl, Sir John Heveningham, and Sir Edmund Hampden, at the King's- Bench, in Westminster-Hall; 3 Charles I, A.D. 1627. 3 Howell's State Trials 1 (1627)]." "The central issue in the five knights case was whether imprisonment by royal command, without any specific charge against the prisoner, met the requirement of due process. [Id. At 1-2]."

"Of the many gentlemen who were imprisoned throughout England" for refusal to subscribe to Charles I's forced loan, only five petitioned for writs of habeas corpus. The warden of the fleet, in his return upon the writ, stated that the accused were held "per special mandatum domini regis"-- by special command of the lord king." [Id. At 3, 6]." "Sergeant Bramston, counsel for Sir John Heveningham, argued that the writ of habeas corpus required a specific cause of imprisonment, along with the statement "that it was by presentment or indictment, and not upon petition made to the king and lords......" As his authorities he appealed to 25 Edward III c. 4 and 42 Edward III c. 3. [Id. at 7]. Mr. Noye, counsel to Sir Walter Earl, defined the "Lex terrae," on the basis of its exposition in acts of parliament, as; "the process of the law, sometimes by writ, sometimes by the attachment of the person..." As evidence that commitment by special command of the king violated this requirement, he put forward two petitions of 36 Edward III, in which the commons complained that the great charter and the charter of the forests had been "broken" by arrest by special command. The King's response to both had been to grant the petitions and prohibit such arrests. [Id. at 14-15]. Mr. Calthrop, the counsel for Sir John Corbet likewise identified due process, on the authority of 25 Edward III, with "indictment or presentment of his good and lawful neighbors, where such deeds are done in due manner, or by process made by writ original at the common law... None was to be arrested by petition or suggestion to the king or his council without such process. [Id. At 23]."

Therefore, any new meaning of due process which would come later than the

founded definition at the time it was placed in the United States Constitution in 1790, will have to go through Article V to be constitutionally accepted. So post war changes have no standing, such as the arrogance of Hurtado v. Calf., 110 U.S. 516 (1884), stating that a grand jury would not be necessary "so long as the rest of the trial is fair".

3. The Courts have "created their own slippery slope" to avoid the question concerning the 14th Amendment by using this wall called "its a political question", and saying it cannot rule on the issue, which Petitioner finds contradictory, as the Court has made rulings concerning the validity of an Amendment five times. (See Hollingsworth v. Virginia, 3 Dall, 378 (1798); Hawke v. Smith, 253 U.S. 231 (1920); Rhode Island v. Palmer, 253 U.S. 350 (1920); Dillion v. Gloss, 256 U.S. 368; United States v. Sprague 282 U.S. 716 (1931)). Such actions taken by the Court negates any trust in them when they turn around and select a time and an Amendment that it wants to claim it has no authority to rule on.

The Constitution of Virginia as adopted in 1788, and its Amendments, are for the protection of the people, and is the only law of the land. (See State v. Simmons, 2 Speers S.C. 761, 767,

(1844)). Any other statutes, codes or acts, placed upon the books being labeled "laws" that are in contradiction to the true law of the land, has no authority, and is thus null and void. (See Calder vs. Bull, 3 Dall. U.S. 386 (1798); Wales v. Stetson, 2 Mass. 145; Foster v. Essex Bank, 16 Mass. 245 (1819)).

First and foremost the validity of law(s), Constitutions and Amendments thereof, are to be weighed by the Court with strict and stringent views of whether they are positive law or not, and such laws must stand the test of Constitutional authority. Bear in mind that the "law of the land" is not the same as legislative law. (See Westervelt v. Gregg, 12 N.Y. 209). Acts and codes, etc. have been struck down by the "law of the land." (See Powers v. Bergen, 6 N.Y. 358). While it is always considered that Constitutions and its Amendments are the "law of the land" generally speaking, and in most cases, cannot be questioned unless the valid positive "law of the land" has given specific criteria for such Amendments to be added; in the case where the Amendments that have been added did not follow the prescribed methods or, are considered invalid, they can in such a case be questioned.

4. Respondents in this instant matter, have and are continually proceeding (trespassing) against Petitioner in the way of an alleged (paper labeled) Lien, alleged (paper labeled) Levy, and an alleged (paper labeled) Freeze of Assets. Respondents have and are, continually (trespassing), gathering information on Petitioner, without a Court Order (due process). The below mentioned means, resorted to by Respondents, are designed to, 1), deprive Petitioner of all redress, 2), to slowly eat out all her substance, and 3), to restrict/restrain the liberty of the use of all property belonging to Petitioner; thereby forcing Petitioner to have to take Respondents, the County of Fairfax, the Board of Supervisor's and/or its Agents/Employees and the Fairfax County Department of Tax Administration and/or its Agents/Employees before a Court of justice. Petitioner contends that if Respondents, the County of Fairfax, the Board of Supervisors and/or its Agents/Employees and the Fairfax County Tax Administration and/or its Agents/Employees have a bona fide case against Petitioner, why have Respondents failed and/or refused to take the proper means; i.e., file a Complaint in a Court of justice (due process) with said Court issuing a Summons to appear (signed by the Clerk, and under seal of the Court), to answer such Complaint(s)/Charges (if there be any) as to any alleged Virginia Code 58.1-3965 liability violation(s)? Since Respondents have NOT provided this aspect of due process; Respondents have NO jurisdiction (power). Respondents, the County of Fairfax, the Board of Supervisors and/or its Agents and the Fairfax County Department of Tax Administration and/or its Agents/Employees, having filed the (paper(s) labeled) Lien, Levy, and Freeze of Assets, purport to act Judicially in demanding that Charles Schwab produce records/information regarding Petitioner. Such procedures are to be clearly done by the Judiciary under due process and NOT by a non Judicial person alleging violations or by a person holding themselves out as an Executive Officer of the State government; specifically an Executive Officer in the sub-ranks of the State government called the Fairfax County Department of Tax Administration alleging violations. In Kilbourne vs. Thompson, 103 U.S. 168 (1880), which was a case elaborating on the power of Congress to summons, regulate and punish (in other words acting quasi Judicial, Executive and Legislative); wrongs from within their Body, the message thus sent is, that

such power exists for them to set quasi Courts and to act quasi Judicial, and it would be the same for the Executive Branch to do likewise, so long as all parties are in the said Branch; such was the case in Kilbourne vs. Thompson, 103 U.S. 168 (1880).

In this matter, Petitioner is NOT an Executive Officer under any Executive Orders. Petitioner contends that the line(s) between the three Branches of government are to be broadly and clearly defined. The Court states in Kilbourne vs. Thompson, (103 U.S. 168 (1880));

"...It is believed to be one of the chief merits of the American system of written constitutional law, that all the powers entrusted to government, whether State or national, are divided into three grand departments, the executive, the legislative, and the judicial. That the functions appropriate to each of these branches of government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the appropriate to its own department and no other."

Hence, the practice and exercising of this (paper labeled) Summons, by an Executive Officer cannot be accepted as procedural due process. To further reiterate the above; the line between the three Branches of government, are to be broadly and clearly defined, as stated by the Court in Kilbourne vs. Thompson, 103 U.S. 168 (1880).

5. The Fourteenth Amendment did not pass, nor was it ever ratified according to the U.S. Constitution's Article V." (i.e., it was done at gunpoint; and under military rule). This so-called 14th Amendment supposedly created a new "United States citizen" (U.S. vs. Susan B. Anthony, 24 F. Cas. 829 (1873); Van Valkenburg vs. Brown, 43 Cal. 431, 47 (1872); the below Court states, to wit;
"It is claimed that the plaintiff is a citizen of the United States and of this State. Undoubtedly she is. It is argued that she became such by force of the first section of the Fourteenth Amendment, already recited. This, however, is a mistake. It could well be claimed that she became free by the effects of the Thirteenth Amendment, by which slavery was abolished, for she was no less a citizen than she was free before the adoption of either of these amendments. No white person...owes the status of citizenship to the recent amendments to the federal constitution."

"The history and aim of the Fourteenth Amendment is well understood. That purpose was to confer the status of citizenship upon a numerous class of persons domiciled within the limits of the United States, who could not be brought within the operation of the naturalization laws because native born, and whose birth, though native, had at the same time left them without the status of citizenship. These persons were not white persons, but were, in the main, persons of African descent, who had been held in slavery in this country, or, if having themselves never been held in slavery, were the native-born descendants of slaves." Van

Valkenburg v. Brown, 43 Cal. 431, 47 (1872).

Furthermore, see the Slaughterhouse Cases, 16 Wall. 36 (1873); Crosse vs. Board of Supervisors of Elections, 221 A. 2nd 431 (1966); Twining vs. State of New Jersey, 211 U.S. 78, (1908), etc.).

"I SAID THE CONSTITUTIONAL AMENDMENT HAD NOT BEEN ADOPTED." Senator Henderson, Congressional Globe Feb. 20, 1867, page 1644. (See attached Congressional Globe).

In State v. Phillips, the Court stated in part;

"I cannot believe that any court, in full possession of its faculties, could honestly hold that the [14th] amendment was properly approved and adopted." (See attached State v. Phillips, 540 P. 2d 936, 941, Supreme Court of Utah, Sept. 15, (1975)).

This case was in reference to the Courts former ruling in March 22nd 1968 called Dyett v. Turner, cited at 20 Utah 2d 403 where the Court elaborated with such historical mal-functions that it severely dismantled any concept of validity to the Amendment and crushed any chance for it to ever be seen again in the same light as it had been portrayed by former text book writers, that slanted facts to form a false concept.

In most cases, an Amendment to the Constitution would seem to be, Juris et de jure (by law, and from right). A presumption to be so conclusive, that no evidence can be used to rebut it. The opposite term to this is, Juris Tantum, which is also a presumption but not so conclusive that it cannot be rebutted, but such is held as a fact until it is rebutted. A plethora of Officials within the government, (i.e. Judges and Congressmen) Law Professors, Legal Commentators, and Constitutional Expositors, have rebutted the said Amendment, on numerous occasions. See such cases as; Dyett v. Turner, 20 Utah 2d 403 (1967); State v. Phillips, 540 P.2d 936, 941 (1975); Van Valkenburg v. Brown, 43 Cal. 43, 47 (1872); People v. De La Guerra, 40 Cal. 311, 342 (1870). See also, Peculiar History of the14th Amendment, Congressional Record, July 12th 1909, page 4404, as follows;

"Some singular circumstances attended the alleged adoption of this amendment. While the sole function of Congress with respect to amendments is to propose to the States such amendments as two-thirds of both Houses see fit, to be ratified or rejected, either by state legislatures or conventions, yet Congress in this instance did not permit all the States to so act upon this proposed amendment. What is known as the "reconstruction acts" were in operation in 10 states, though President Johnson had held them unconstitutional, while a hurried act of Congress intercepted and prevented a consideration by the Supreme Court of the constitutional validity of these acts."

"Under these acts existing state governments were abolished and new governments, created by a convention of delegates made up largely of negroes, were substituted. Under this regime

if a state government was about to reject the proposed amendment it was promptly deposed and one of these new governments at once installed, whose action would insure immediate ratification. This course seems to have been at direct variance with the constitutional provision, which directs that only "legislatures" or "conventions" in the States are given authority to ratify or reject amendments

proposed by Congress."

"Secretary Seward issued two proclamations with reference to the ratification of this amendment, instead of the usual one."

"In other words, they were ratified by de facto legislatures. Another unusual recital in the proclamation grew out of the fact that Ohio and New Jersey, after having ratified the amendment and before the requisite three-fourths of the States had done likewise, withdrew their ratification,..."

"Secretary Seward was evidently strongly impressed with the view that a state legislature had the right to withdraw a ratification previously made at any time before an amendment's due ratification by three-fourths of the states;..."

"Hence it follows that Congress has no power in the premises after it has once proposed an amendment to the States as the Constitution provides, not even of recalling the amendment; therefore the passage of any resolution by Congress declaring that a given amendment has or has not been duly ratified by the States, such as was done with respect to the fourteenth, is ultra vires and void."

6. It will be noted, that unless an Office is vacated lawfully, then the replaced personal is unlawfully holding the respective position. (See Hoke v. Henderson, 15 N.C. 15). Whereas even this Court appears to be operating in a strict de facto mode, but even so, it is not the de facto Court or the de facto person in the Court that owes the remedies to the Petitioner, but the Office itself. If the Office is de facto, then there must be a de jure Office that this Court derived from, and in such, it then is the true laws that are to be operated. (See Norton vs. Shelby County, 118 U.S. 425, 445 (1885)). Thus the common law is mandated upon the de facto Officer so long as he operates the Office whether de facto or de jure. In any case, the common law is required to be made use of, if due process is to be administered. (See Hoke vs. Henderson, 15 N.C. 15). While it may be understood that a de facto Office holder or a de facto Office is being operated, it is the true law that exists in order for the de facto Office to exist, and such Office or Office holder is thereby bound to the duties of the de jure Office.

According to Hoke v. Henderson, 15 N.C. 15, a public Official can only be "properly" taken out. (See the following cases in reference; Brown et al. vs. Board of Levee Commissioner; White vs. White, 5 Barb N.Y. 474, (1849), etc.). Any amateur historian combing through the Congressional Records would be able to see the mala-fide Legislation that were enforced by military power. Senator Doolittle admitted on the floors of Congress that it was common to

hear the rage, daily spoken by his constituents that;

"The people of the South have rejected the Constitutional [14th] amendment and therefore we will march upon them and force them to adopt it, at the point of the bayonet, and establish military power over them [Reconstruction] until they do adopt it." (See attached Senator Doolittle of Wisconsin, 39th Congress, Congressional Globe, 2d Sess., 1644, (1867).

This was not just talk, for history bears out that they did what they said they would do, and the Reconstruction Acts should be evidence enough. See March 2, 1866, 14 Statutes At Large 428 Ch. 153, and July 19, 1867, 15 Statutes At Large 14 Ch. 30. Virginia's "constitutional authorities" who had "been recognized by the government of the United States and by all the states" were removed by force and replaced (by military might), with Officer's unlawfully. (See attached Historical Synopsis, Code Of Virginia, Legislation To January 1874). First and absolutely foremost; the attacks and invasions of the southern States were without due process of law; so the whole problem involves a Judicial question. Did the government provide due process when taking life,

liberty and property from the States and the people in 1861 and thereafter? Can anyone produce evidence of a single Summons, Judicial Hearing of any kind or Court Order finding the accused States "guilty," or that they were judged and sentenced by Congress? No, the entire taking of life, liberty and property lacked any presence or adjudication of a Court. Jeremiah Black, the Attorney General prior to those crimes, plainly stated that it would be illegal to invade States except by Court Order.

Only the Courts can enforce judgments that have been properly adjudicated through a competent tribunal; considering that Congress has no Judicial powers to adjudicate, and pass judgment. The question to this Court is; Did the government provide due process when taking life, liberty and property from the States and its peoples in 1861 and thereafter?

What took place concerning the taking of life, liberty and property took place

without the presence or adjudication of the Courts. Note what the Court had to say in Marcy v. Clark, 17 Mass. 330, as to the taking of property without due process of law;

"...no subject shall be deprived of his property, but by the judgment of his peers or the law of the land....It should seem necessary, within the spirit of the constitution, that there should be means by which he should have a right to a judicial investigation and decision of the question whether he is liable in his property or body..." (Marcy v. Clark, 17 Mass. 330).

The same Court went on to say;

"These statutes have been objected to, as infringing some of the principles of our constitution, particularly...the declaration of rights;...to secure the liberty and property of the subject, and...to establish the right of trial by jury. It is said that these statutes authorize a

man's estate or body to be taken on execution, without any judgment against him, and without any hearing in the action upon which the judgment was rendered." "If it were so, undoubtedly the statutes would be void..." (See Marcy v. Clark, 17 Mass. 330).

Mr. Orville Browning, a Senator from Illinois in 1867 was found to say, regarding

the 14th Amendment;

"Be assured that if this new provision [the 14th Amendment] be engrafted in the Constitution, it will, in time, change the entire structure and texture of our government, and sweep away all the guarantees of safety devised and provided by our patriotic Sires of the Revolution."

"And, it is to subordinate the State judiciaries to federal supervision and control; totally annihilate the independence and sovereignty of State judiciaries in the administration of State laws, and the authority and control of the States over matters purely domestic and local concern. If the State judiciaries are subordinate, all the departments of State Government will be equally subordinated, for all State laws that relate to whatever departments of government they may, or to what domestic and local interest, will be equally open to criticism, interpretation and adjudication by the Federal tribunals, whose judgments and decrees will be supreme and will override the decisions of the State Courts and leave them utterly powerless." Diary of Orville Hickman Browning, 1865-1881. Moreover, it was reported in a South Carolina Publication;

"It changes the character of the government by transferring to Congress the supreme power over the states." Charleston Daily Courier, Nov. 27th, 1866.

Read what Governor Bramlette; speaking before the Kentucky Legislature in1867, had to say of the 14th Amendment proposed by Congress;

"The just balance of power between the state and federal government is sought to be destroyed and the centralization of power to be established in the federal government through amendments to the Constitution, which, if successful, will destroy those rights reserved to the states and people (9th and 10th amendments), and which are essential to the preservation of free government."

In the Congressional Records on June 13th 1967, Mr. Rarick (See attached), a Representative from Louisiana recorded for the record the same facts that the Utah Court used for most of its ruling. Mr. Rarick stated for the record;

"I ask to include in the Record, following my remarks, House concurrent Resolution 208 of the Louisiana Legislature urging this Congress to declare the 14th amendment illegal..." He then submitted the full Resolution into the record and it was recorded word for word the facts brought out by Judge Leander H. Perez of Louisiana.

See also, the New Jersey Joint Resolution, whereby they rescinded their prior ratification of said 14th Amendment. The following is an excerpt from Joint Resolution No. 1 of the State of New Jersey of March 24, 1868;

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

"The object of dismembering the highest representative assembly in the Nation, and humiliating a State of the Union, faithful at all times to all of its obligations, and the object of said amendment were one – to place new and unheard-of powers in the hands of a faction, that it might absorb to itself all executive, judicial and legislative power, necessary to secure to itself immunity for the unconstitutional acts it had already committed, and those it has since inflicted on a too patient people."

"The subsequent usurpation of these once national assemblies, in passing pretended laws for the establishment, in ten States, of martial law, which is nothing

but the will of the military commander, and therefore, inconsistent with the very nature of all law, for the purpose of reducing to slavery men of their own race in those States, or compelling them, contrary to their own convictions, to exercise the elective franchise in obedience to the dictation of a faction in those assemblies; the attempt to commit to one man arbitrary and uncontrolled power, which they have found necessary to exercise to force the people of those States into compliance with their will; the authority given to the Secretary of War to use the name of the President, to countermand its President's orders, and to certify military orders to be ‘by the direction of the President' when they are notoriously known to be contrary to the President's direction, thus keeping up the forms of the Constitution to which the people are accustomed, but practically deposing the President from his office of Commander-in-Chief, and suppressing one of the great departments of the government, that of the executive: the attempt to withdraw from the supreme judicial tribunal of the Nation the jurisdiction to examine and decide upon the conformity of their pretended laws to the Constitution, which was the chief function of that august tribunal, as organized by the fathers of the republic; all are but amplified explanations of the power they hope to acquire by the adoption of the said amendment." "It imposes new prohibitions upon the power of the State to pass laws, and interdicts the execution of such part of the common law as the national

judiciary may esteem inconsistent with the vague provisions of the said amendment; made vague for the purpose of facilitating encroachment upon the lives, liberties and property of the people."

"It enlarges the judicial power of the United States so as to bring every law passed by the State, and every principle of the common law relating to life, liberty or property, within the jurisdiction of the Federal tribunals, and charges those tribunals with duties, to the due performance of which they, from their nature and organization, and their distance from the people, are unequal."

"It makes a new apportionment of representatives in the National courts, for no other reason than thereby to secure to a faction a sufficient number of votes of a servile and ignorant race to outweigh the intelligent voices of their own."

"This Legislature, feeling conscious of the support of the largest majority of the people that has ever been given expression to the public will, declare that the said proposed amendment being designed to confer, or to compel the States to confer, the sovereign right of elective franchise upon a race which has never given the slightest evidence, at any time, or in any quarter of the globe, of its capacity for self-government, and erect an impracticable standard of suffrage, which will render the right valueless to any
portion of the people, was intended to overthrow the system of self-government under which the people of the United States have of eighty years enjoyed their liberties, and is unfit, from its origin, its object and it matter, to be incorporated with the fundamental law of a free people..."

Mr. David Lawrence, Founder of U.S. News and World Report; in his Article titled; "There is no "Fourteenth Amendment"!, September 27, 1957, wrote the following;

"A MISTAKEN BELIEF -- that there is a valid article in the Constitution known as the "Fourteenth Amendment"..." "No such amendment was ever legally ratified by three fourths of the States of the Union as required by the Constitution itself. The so- called "Fourteenth Amendment" was dubiously proclaimed by the Secretary of State on July 20, 1868. The President shared that doubt. There were 37 States in the Union at the time, so ratification by at least 28 was necessary to make the amendment an integral part of the Constitution. Actually, only 21 States legally ratified it. So it failed of ratification."

"The undisputed record, attested by official journals and the unanimous writings of

historians, establishes these events as occurring in 1867 and 1868:"

1. "Outside the South, six States -- New Jersey, Ohio, Kentucky, California, Delaware and Maryland – failed to ratify the proposed amendment."

2. "In the South, ten States -- Texas, Arkansas, Virginia, North Carolina,South Carolina,

Georgia, Alabama, Florida, Mississippi and Louisiana by formal action of their legislatures, rejected it under the normal processes of civil law."

3. "A total of 16 legislatures out of 37 failed legally to ratify the FourteenthAmendment."

4. "Congress – which had deprived the Southern States of their seats in the Senate – did not lawfully pass the resolution of submission in the first instance."

5. "The Southern States which had rejected the amendment were coerced by federal statute passed in 1867 that took away the right to vote or hold office from all citizens who had served in the Confederate Army."

"Military governors were appointed and instructed to prepare the roll of voters. All this happened in spite of the presidential proclamation of amnesty previously issued by the President."

"New legislatures were thereupon chosen and forced to "ratify" under penalty of continued exile from the Union. In Louisiana, a General sent down from the North presided over the State legislature."

6. "Abraham Lincoln had declared many times that the Union was "inseparable" and "indivisible." After his death, and when the war was over, the ratification by the Southern States of the Thirteenth Amendment, abolishing slavery, had been accepted as legal. But Congress in the 1867 law imposed the specific conditions under which the Southern States would be "entitled to representation in Congress."

7. "Congress, in passing the 1867 law that declared the Southern State could not have their seats in either the Senate or House in the next session unless they ratified the "Fourteenth Amendment," took an unprecedented step. No such right – to compel a State by an act of Congress to ratify a constitutional amendment – is to be found anywhere in the Constitution. Nor has this procedure ever been sanctioned by the Supreme Court of the United States."

8. "President Andrew Johnson publicly denounced this law as unconstitutional. But it was passed over his veto."

9. "Secretary of State Seward was on the spot in July 1868 when the various "ratifications" of a spurious nature were placed before him. The legislatures of Ohio and New Jersey had notified him that they rescinded their earlier action of ratification. He said in his official proclamation that he was not authorized as Secretary of State "to determine and decide doubtful questions as to the authenticity of the organization of State legislatures or as to the power of any State legislature to recall a previous act or resolution of ratification." He added that the amendment was valid "if the resolution s of the legislatures of Ohio and New Jersey, ratifying the aforesaid amendment, are to be deemed as remaining of full force and effect, notwithstanding the subsequent resolutions of the legislatures of these States." This was a

very big "if." It will be noted that the real issue, therefore, is not only whether the forced "ratification" by the ten Southern States was lawful, but whether the withdrawal by the legislatures of Ohio and New Jersey -- two Northern States -- was legal. The right of a State, by action of its legislature, to change its mind at any time before the final proclamation of ratification is issued by the Secretary of State has been confirmed in connection with other constitution amendments."

10. "The Oregon Legislature in October 1868 -- three months after the Secretary's proclamation was issued – passed a rescinding resolution, which argued that the "Fourteenth Amendment" had not been ratified by three fourths of the States and that the "ratifications" in the Southern States were "usurpation unconstitutional, revolutionary and void" and that, "until such ratification is completed, any State has a right to withdraw its assent to any proposed amendment."

"What do the historians say about all this? The Encyclopedia Americana states: "Reconstruction added humiliation to suffering....Eight years of crime, fraud, and corruption followed and it was State legislatures composed of Negroes, carpetbaggers and scalawags who obeyed the orders of the generals and ratified the amendment."

"W. E. Woodward, in his famous work, "A New American History?" published in 1936, says:"

"To get a clear idea of the succession of events let us review [President Andrew] Johnson's actions in respect to the ex-Confederate States."

"In May, 1865, he issued a Proclamation of Amnesty to former rebels. Then he established provisional governments in all the Southern States. They were instructed to call Constitutional Conventions. They did. New State governments were elected."

"White men only had the suffrage the Fifteenth Amendment establishing equal voting rights had not yet been passed]. Senators and Representatives were chosen, but when they appeared at the opening of Congress they were refused admission. The State governments, however, continued to function during 1866."

"Now we are in 1867. In the early days of that year [Thaddeus] Stevens brought in, as chairman of the House Reconstruction Committee, a bill that proposed to sweep all the Southern State governments into the wastebasket. The South was to be put under military rule.

"The bill passed. It was vetoed by Johnson and passed again over his veto. In the Senate it was amended in such fashion that any State could escape from military rule and be restored to its full rights by ratifying the Fourteenth Amendment and admitting black as well as white men to the polls."

"In challenging its constitutionality, President Andrew Johnson said in his veto message:

"I submit to Congress whether this measure is not in its whole character, scope and object without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive of those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood and expended so much treasure."

"Many historians have applauded Johnson's words. Samuel Eliot Morison and Henry Steele Commager, known today as "liberals," wrote in their book, "The Growth of the American Republic":

"Johnson returned the bill with a scorching message arguing the unconstitutionality of the whole thing, and most impartial students have agreed with his reasoning."

"James Truslow Adams, another noted historian, writes in his "History of the United States":

"The Supreme Court had decided three months earlier, in the Milligan case, ... that military courts were unconstitutional except under such war conditions as might make the operation of civil courts impossible, but the President pointed out in vain that practically the whole of the new legislation was unconstitutional....There was even talk in Congress of impeaching the Supreme Court for its decisions! The legislature had run amok and was threatening both the Executive and the Judiciary."

"Actually, President Johnson was impeached, but the move failed by one vote in the Senate."

"The Supreme Court, in case after case, refused to pass on the illegal activities involved in "ratification." It said simply that they were acts of the "political departments of the Government." This, of course, was a convenient device of avoidance. The Court has adhered to that position ever since Reconstruction Days."

"Andrew C. McLaughlin, whose "Constitutional History of the United States" is a standard work, writes: "

"Can a State which is not a State and not recognized as such by Congress, perform the supreme duty of ratifying an amendment to the fundamental law? Or does a State -- by congressional thinking – cease to be a State for some purposes but not for others?"

"This is the tragic history of the so-called "Fourteenth Amendment" – a record that is a disgrace to free government and a "government of law."

"Isn't the use of military force to override local government what we deplored in Hungary?"

"It is never too late to correct injustice..."

"...Until such an amendment is adopted, the "Fourteenth Amendment" should be considered

as null and void."

"There is only one supreme tribunal – it is the people themselves. Their sovereign will is expressed through the procedures set forth in the Constitution itself." [OCR'd text from U.S. News & World Report, September 27, 1957, page 140 et seq.]

7. Moreover, the further destruction of future rights and liberties by the enforcement of the 14th Amendment by military power, has a perpetual denial of due process, and a perpetual will, that roves over the liberties of the States to this day, with no end in sight. The Confiscation Acts of 1862, stated; "enemies." Congress used that act to take property from the Southern States. The Court in Texas v. White, 74 U.S. 700, declared that Texas (so would all the other States) had always been in the Union, since its acceptance thereof. Therefore, the Official Opinion of Jeremiah Black where he stated; not to treat them as "enemies", becomes even more clear in light of the above mentioned case. In that Act, they legitimized the fact that they could confiscate from the "enemies;" (Southerners).

Jeremiah Black, the Attorney General at the time when President Buchanan made Official inquiry as to whether or not the United States could enforce the laws of the United States upon the seceded States; replied with an absolute no;

"Federal government, and the government of a state, are both of them independent and supreme; but each is utterly powerless beyond the limits assigned to it by the Constitution...The will of a state, whether expressed in its constitution or laws, cannot, while it remains in the confederacy, absolve her people from the duty of obeying the just and constitutional requirements of the central government. Nor can any act of the central government displace the jurisdiction of a state; (or reconstruct them) because the laws of the United States are supreme and binding only so far as they are passed in pursuance of the Constitution...(Quoting from Jefferson's Inaugural). To support the state governments in all their rights, as the most competent administrators for their domestic concerns, and the surest bulwarks against anti-republican tendencies, combined with "the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad..." (The States are "most" competent then, when the "most" is "combined" with the general government).

"...But where the mode of performing a duty is pointed out by statute, that is the exclusive mode, and no other can be followed...By the act of 1795, the militia may be called forth "whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals." (judicial involvement)...for the enforcement of such obligations as come within the cognizance of the federal judiciary. To compel obedience to these laws the courts have authority to punish all who obstruct their regular administration, and the marshals and their deputies have the same powers as sheriffs and their deputies in the several states in executing the laws of the states. Theses are the ordinary means provided for the execution of the laws. ...Their agency must continue to be

used until their incapacity to cope with the power opposed to it shall be plainly demonstrated. It is only upon clear evidence to that effect that a military force can be called into the field. Even then, its operations must be purely defensive...On such occasions especially, the military power must be kept in strict subordination to the civil authority, since it is only in aid of the later that the former can act at all. (civil authority exceeds military)...We are, therefore, obliged to consider what can be done in case we have no courts to issue judicial process, and on ministerial officers to execute it. In that event, troops would certainly be out of place, and their use wholly illegal. If they are sent to aid the courts and marshals, there must be courts and marshals to be aided...execute the laws to the extent of the defensive means placed in your hands,...Whether Congress has the constitutional right to make war against one or more states...it must be admitted that no such power is expressly given, nor are there any words in the Constitution which imply it..."

Jeremiah Black further goes on to show, that Article 1. Sec. 8;

"to declare war" is strictly against foreign enemies; --- "This certainly means nothing more than the power to commence and carry on hostilities against the foreign enemies of the nation."; and the other clause in the same Section; "to provide for the calling forth of the militia"; Black states: ". . .But this power is so restricted by the words which immediately follow, that it can be exercised only for one of the following purposes: 1. To execute the laws of the Union; that is, to aid the federal officers in the performances of their regular duties. 2. To suppress insurrections against the state; but this is confined by article 4, sec. 4, to cases in which the state herself shall apply for assistance against her people. 3. To repel the invasion of a state by enemies who come from abroad to assail her in her own territory. All these provisions are made to protect the states, not to authorize an attack by one part of the country upon another; to preserve the peace, and not to plunge them into civil war...If it be true that war cannot be declared, or a system of general hostilities carried on by the central government against a state, then it seems to follow that an attempt to do so would be ipso facto an expulsion of such state from the Union. Being treated as an alien and an enemy, she would be compelled to act accordingly. And if Congress shall break up the present Union, by unconstitutionally putting strife and enmity and armed hostility between different sections of the country, instead of the domestic tranquility which the Constitution was meant to insure. Will not all the states be absolved from their federal obligations?" Is any portion of the people bound to contribute their money or their blood to carry on a contest like that?"...But this is totally a different thing from an offensive war, to punish the people for the political misdeeds of their state government, or to prevent a threatened violation of the Constitution, or to enforce an acknowledgment that the government of the United States is supreme. The states are colleagues of one another, and if some of them shall conquer the rest and hold them as subjugated provinces it would totally destroy the whole theory upon which they are now connected. If this view of the subject be correct, as I think it is, then the Union must utterly be correct, as I think it is, then the Union must utterly perish at the moment when Congress shall arm one part of the people against another for any purpose beyond that of merely protecting the general government in the exercise of its proper constitutional functions. I am, very respectful, yours, J. S. Black". (See attached Official Opinions of Attorneys General of

the United States, Vol. 9, Pages 516 and 526).

What Jeremiah Black said would be the Official opinion of the United States government according to Section 25 of the 1789 Judiciary Act.

8. Since the 14th Amendment has been legitimately and officially challenged by

Statesmen, Congressmen, Judges, Professors, Historians, Political Scientists, and major Publications, i.e., Law Reviews, Law Quarterly's, along with Media Publications such as, U.S. News and World Reports (See July 20, 1956 Edition), the Herald-Tribune (See Aug. 20th, 1965 Editorial page), the Nashua Telegraph (See March 23rd 1960 Editorials), etc; then this so-called Amendment should never be mistaken as Juris et de jure. For instance, the Supreme Court of the noble State of Utah, stated in 1975;

"I cannot believe that any court, in full possession of its faculties, could honestly hold that the [14th] amendment was properly approved and adopted." (See State v. Phillips, 540 P.2d 936, 941, Supreme Court of Utah, Sept. 15, 1975).

The fact that it (14th Amendment) has been doubted so much is, yet clear that it is not Juris et de jure, and that the Court cannot even consider the validity of it unless evidence has been entered in support of ratification; in which case there has never been any evidence entered in any case; there has never been a valid Court decision stating so. In fact it shows that the Courts have attempted to avoid the issue by passing it off as a "political question" (See Stanton v. Georgia, 73 U.S. 50, (1867)), when at the same time there has been 5 other cases where the Court ruled on Constitutional Amendments. (See Hollingsworth v. Virginia, 3 Dall, 378 1798; Hawke v. Smith, 253 U.S. 231 1920; Rhode Island v. Palmer, 253 U.S.; Dillion v. Gloss, 256 U.S. 368; United States v. Sprague 282 U.S. 716 (1931)).

The Reconstruction Acts. The goal: To make "new" State governments.

9. Even though the proposed Amendment can never be shown to comply with the Article V procedures and mandates or by any other true evaluation can this proposed Amendment ever be constitutionally considered ratified, it is being forced upon us in such grievous levels that it would take improper, immoral and out right distasteful language to describe. Like the Utah State Supreme Court in 1968 stated in the case Dyett v. Turner, cited above;

"We feel like slaves in a galley"

Petitioner asks, is that any way for a Court to feel? Is that any way for a Nation to operate? Especially when the Amendment never ratified through Article V, which has very limited methods and procedures and may Petitioner add, "simple" instructions as to when an Amendment can be lawfully added to the Constitution. Considering any possibility of lawful

actions of the government, any use of the military can only be used for the support of the government thereof, and not to destroy the legitimate functions. Hence, due process is the prescribed method in the Constitution, that Congress was required to produce, before the taking of life, liberty and property from the States, before denying their lawful suffrage, and free choice to ratify or reject the 14th Amendment.

10. Therefore, if the view of the Court in Texas v. White 74 U.S. 700, stands to be the leading view of this Court, then all of the activities of Congress were not only civilly wrong, but criminal, manifested in combatant form. The Congressional removal of State Legislators, and Governors from "the Union" (per Texas v White 74 U.S. 700) States, caused an entire new body not authorized by the people and thereby not authorized by the Constitution. On the other hand, if this Court holds that Texas vs. White (74 U.S. 700) has no valid policy to be applied so as to help unravel the misdeeds of the Congress or the States (depending on who was acting in the wrong, since no adjudication/due process was ever produced to make a conclusion of law or a finality worthy of respect), then we must regress all of the steps again, because of the pressure of all new violations of the Constitutional restrictions that have to be hashed out and brought forward from that time, to expose the wrongs clearly seen from that approach. In essence, either approach has a string of multiple violations, that again would negate the actions that followed the war and the Reconstruction Acts that played the major role in placing into the Constitution, a new form of government masked as an Amendment. To the contrary; if Congress was right that the States had become "enemies" and war was to be declared upon them, then a whole new set of violations are still in the way, that would prevent the validation of the procedures leading to the war and Reconstruction Acts. This opposite approach that disables the application of Texas vs. White, 74 U.S. 700, would also force the Law of Nations to come into play as to the right of both Congress and the States as to their actions of the time. A note concerning the Law of Nations: In Article 1 Section 8 Clause 10, it states to wit;

"To define and punish. . . offenses against the Law of Nations".

This "Law of Nations" named here, spoke only of the one written by Emmerich de Vattel written in 1758, and was thereby fully incorporated in the Constitution of the United States of America, word for word as stated by John Jay, to all the Grand Juries he instructed around the Circuits. This seems to be totally ignored insomuch that the Law of Nations has not been practiced as it should. Again, any law contrary to the Law of Nations is contrary to the Constitution and against the Several States. New International Law that was supposedly accepted, but in direct contradiction to Vattel's Law of Nations, has no binding force because no Office holder of any level is authorized to pass Legislation (Legislation, not the same as the law of the land. See Westervelt v. Gregg, 12 N.Y. 209), against the Constitution whether international or domestic. It is to be remembered again, that changing the Constitution can only be done through the proper use of Article V, which there has never been an Amendment to nullify Article 1 Section 8, concerning this great part of our laws (See, United States v. Smith, 5 Wheat. 153, 160, 162 (1820); The Marianna Flora, 11 Wheat. 1, 40-41 (1826); and United States v. Brig. Malek Abhel, 2 How. 210, 232, (1844), as to the Law Of Nations, yet the

present government violates every portion of it while entertaining the new International Laws in lieu thereof. The importance of this should be recognized by this Court seeing the heavy and abrasive pressure such unlawful

activity places on the true "law of the land," and the foreboding consequences that such trespasses will cause the loyal government to drift into a pool of unsettled principles and a finality of confusion to bewilder any chances of re-grasping the truth. This by itself is a trespass upon the rights and liberties of the people, not just the Petitioner of the writ. And it is added; done without due process.

The State Courts were superior to the Federal Courts when deciding constitutional issues on original cases. Only appellant jurisdiction existed for the supreme Court otherwise. We find James Madison stating;

"The States then being the parties to the constitutional compact and in their sovereign capacity, it follows of necessity, that there can be no tribunal above their authority to decide in the last resort whether the Compact made by them be violated and consequently that as the parties to it, they must themselves decide in the last resort." (James Madison notes on the Virginia General Assembly Jan 7th 1800).

It is further elaborated by James Madison as to the "limited" Federal power versus the indefinite power of the States, to wit;

"The Powers delegated by the proposed Constitution to the Federal government are few and defined, those which are to remain in the State governments are numerous an indefinite". (See James Madison: Federalist Paper # 45).

The Petitioner reminds the Court of the blaring words of the Senator of New York, when finding whether the Amendment ratified or not, he said;

"I SAID THE CONSTITUTIONAL AMENDMENT HAD NOT BEEN ADOPTED " (Senator Henderson, Congressional Globe Feb. 20, 1867 Page 1644).

The following quotes, and references are provided for the Court's own review. In fact, the Court will see that the Official rebuttals have been submitted throughout history; not to mention a string of books dating back as far as the period of this so-called Amendment. Many books have been printed on the very subject of Amendments that were presented and voted on but did not ratify. In order to be brief here, we must hit the plain facts of the matter, and attempt to put it in a nut shell size explanation. Furthermore, this Court will find these rebuttals in Official places such as Court Rulings, Congressional Records, and the writings of highly recognized Jurists, disclosing the fraud behind the 14th Amendment. Hence, the validity of the 14th Amendment must be treated as Juris Tantum, (if that much at all), and this Court should demand strict proof of such ratification, rather than acting upon the assumption that it was indeed ratified, as presumptions violate due process.

"If any question of fact or liability be conclusively presumed against him, this is not due process of law." (See Blacks Law Dictionary 5th Ed. Page 449).

Even if polls could prove 100% acceptance of the Amendment, it would still have to go through Article V. Popularity has nothing to do with the amending process. The will of the people is permanently embedded in their Constitution, not in their elections or contemporary beliefs. No amount of force can change the fact that the Amendment has no authority, regardless of how popular it may be. The so-called; save the Union, argument the government used, and that they were guarantying a Republican form of

government, along with other allegations, against themselves and against the States, have not been adjudicated. It has never been determined by a Court of justice, whether they were right or wrong. There must be evidence entered into a true Court of justice before a Court can make such determinations regarding the validity of the 14th Amendment having been ratified.

11. What Petitioner finds is, that the Commonwealth of Virginia, is grossly failing to protect her citizens by first allowing them to be defrauded in the government supported School System, where nothing is taught concerning the difference of citizenship. Why is it, that all citizens are being called U. S. citizens? Why are State citizens (not U.S. citizens, "who are citizens in the state in which they reside"), being conned into believing that they are U. S. citizens? Why are State citizens deliberately being misled? Why has the name "State citizens" been removed from our vocabulary, and therefore left to disappear from history and our posterity? Why is the Commonwealth of Virginia not protecting its "lawful" citizens?

12. Given the foregoing; the Respondents are NOT a constitutionally created Office according to the 1787 Constitution of the United States and the first 12 Amendments that acted as a contract between the States and the federal* government. Since Congress removed all former lawful de jure governments among the several States, Respondents are a product of the "stand in" government that took their Office by

military authority in 1861 and without constitutional authority and have attached its Laws, its Policies, its Codes and Statutes to the organic and only Constitution in hopes that it will be accepted as part of the United States* under Military might. Therefore, Respondents Office is a mere product of the frauds concerning the Statues, Amendments and so called Codes that were placed in Office by said Military might and NOT by constitutional authority.

13. Petitioner is NOT a citizen of the United States, nor is Petitioner subject to the jurisdiction (i.e. "private Administrative law"), or the "special" and/or "private law" of the I.R.C., thereof. Petitioner is a freeman (i.e. Virginia citizen). Hence, the Court may want to read what John Marshall said in a case called Baron v. Baltimore, 7 Pet. U.S. 243 (1833). Given the fact that the 14th Amendment never ratified, (except by military might) and given the fact that Petitioner has formally renounced the fraud committed upon them; the Petitioner is no longer subject to the "special" and/or "private law" jurisdiction of the United

States in relation to the IRS.

Petitioner has challenged the Jurisdiction of Respondents, the agency IRS and/or its Agents, in addition to the repeated requests by Petitioner for due process, which Respondents have failed and refused to consider or provide. As a result of Respondents failure to provide said due process, they are further deprived of said jurisdiction. Even if they did have jurisdiction from the beginning, continual violation(s) of due process bars jurisdiction even when the Agency has jurisdiction. (See attached Johnson v. Zerbst, 304 U.S. 458)).

Petitioner contends that the issue of Legislative jurisdiction of the federal government over the Petitioner, in which the purported enforcement of Congressional Legislation, Title 26 U.S.C., via the 14th Amendment, to be accomplished; must be unequivocally established before Respondents can proceed. The Petitioner is adamantly determined to continue to raise the said question(s) of due process and (14th Amendment) jurisdiction at every juncture. Should the Congress of the United States, be found not to have Legislative jurisdiction over Petitioner, the sole result of such lack of Legislative jurisdiction, is that the purported Statute designated as Title 26 U.S.C., shall be found to be void ab initio. Thus, a void Statute is in fact not a Statute and is unenforceable against any alleged Defendant. The Petitioner is constitutionally entitled that jurisdiction be proved prior to proceeding, because Respondents are attempting to, and have stolen/taken property from the Petitioner on an alleged Title 26 U.S.C. liability. Therefore, once jurisdiction is challenged, the Respondents are required to establish said jurisdiction before proceeding.

In addition, Respondents, by the use of their Treasury, and Internal Revenue Rulings," have and are depriving Petitioner of due process. Said "Rulings" are based in presumptions, and are not conclusive against Petitioner, as Petitioner have rebutted said presumptions; having provided evidence that Petitioner is a freeman (i.e. Virginia citizen). (See attached Authorities In Support - Presumption(s))

14. Furthermore, the Court has to entertain the issue of presumption, as a result of the doubt cast (rebuttals), on the 14th Amendment in Official government and other Publications regarding its purported ratification. Couple that with the fact that Respondents, the IRS and/or its Agents, are pushing the presumption of the lawfulness of

the 14th Amendment, as evidence against Petitioner regarding jurisdiction; thus, taking it out of "juris et de jure . The said 14th Amendment has NOT been entered into evidence in any Court and held to have been lawfully ratified. In fact, the 14th Amendment has a pedigree of doubt attached to it.

Rules on definitions concerning constitutional interpretations

15. Due process is synonymous with the law of the land, and the common law; take away one of the aforementioned, and due process is denied. Moreover, due process is prerequisite to power (jurisdiction). Since there is no statute of limitations on due process, and given the fact

that the law of the land is and/or has not been provided Petitioner; any presumption(s) Respondents make, cannot be made to work against Petitioner, as presumption(s) violate due process of law. Respondents, the IRS are NOT the law of the land, nor is the 14th Amendment, the law of the land. Due process (law of the land (common law)); NOT any other type of law must be provided Petitioner or due process has not been provided, thereby depriving Respondents of jurisdiction. Note the following as regards the Constitution;

Johnson v. Zerbst, 304 U.S. 458 (1938). "The sixth amendment stands as a constant admonition that if the constitutional safeguards it provides be lost, justice will not "still be done."... "To deprive a citizen of his only effective remedy would not only be contrary to the "rudimentary demands of justice" but destructive of a constitutional guaranty specifically designed to prevent injustice."..."This is one of the safeguards of the sixth amendment deemed necessary to insure fundamental human rights of life and liberty..."..."If this requirement of the Sixth Amendment is not complied with, the court no longer has jurisdiction to proceed."

Van Horne v. Dorrance, 28 F. Cas. 1012, 1014 (1795). "The constitution is a certain and fixed...and can be revoked or altered only by the authority that made it". (Justice William Paterson, a leading Framer of the constitution).

Oregon v. Mitchell, 400 U.S. 112, 203 (1970) "When the Court disregards the express intent; and understanding of the Framers, it has invaded the realm of the political process to which the amending power was committed..." (Justice Harlam)

Marbury v. Madison, 5. U.S. (1 Cranch) 137, 176 (1803) "To what purpose are powers limited... if those limits may, at any time, be passed by those intended to be restrained." (Chief Justice John Marshall).

Hawaii v. Mankichi, 190 U.S. 197, 212 (1903). "The intention of the lawmaker is the law."

Gibbons v. Ogden, 22 U.S. (9 Wheat) 1. 190 (1824) "...if a word was understood in a certain sense when the Constitution was framed ... the convention must have used it in that sense, and it is that sense that is to be given judicial effect.." John Marshall

Ex Parte Grossman, 267 U.S. 87, 108-109 (1925) "The language of the constitution cannot be interpreted safely except by reference to the common law and to British institutions as they were when the instrument was framed and adopted. The statesmen and lawyers of the Convention ... were born and brought up in the atmosphere of the common law, and thought and spoke in its vocabulary ...When they came to put their conclusions into the form of fundamental law in a compact draft, they expressed them in terms of the common law, confident that they could be shortly and easily understood."

16. Respondents have to date; failed and/or refused to provide Petitioner with due process of law (notice and opportunity to be heard). Respondents have failed and/or refused to take

Petitioner before a Court of justice, where Petitioner can be presented with due process; yet Respondents have stolen/taken and are continuing to take (trespass upon), and restrict/restrain the liberty of the use of Petitioner's property. Petitioner contends that true due process of law (law of the land), is strictly a Judicial function; and CANNOT be provided by Respondents, therefore until Respondents have filed a Complaint against Petitioner in a Court of justice, where Petitioner can answer said Complaint (notice and opportunity to be heard), be tried under the common law, and convicted of an offense or crime; they are barred from the taking (trespassing) of life, liberty, or property from Petitioner, as they have NO jurisdiction without it (due process).

The court stated in Johnson v. Zerbst, 304 U.S. 458 (1938) that; "The...right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel."..."The Sixth Amendment withholds from federal courts, in all criminal proceedings, the power and authority to deprive an accused of his life or liberty unless he has or waives..." ... "courts indulge every reasonable presumption against waiver" of fundamental constitutional rights and that we "do not presume acquiescence in the loss of fundamental rights." A waiver is ordinarily an intentional relinquishment or abandonment of a known right or privilege."... "The constitutional right of an accused...invokes, of itself, the protection of a trial court, in which the accused —whose life or liberty is at stake—...This protecting duty imposes the serious and weighty responsibility upon the trial judge..."

"...These principles, however, must be construed and applied so as to preserve—not destroy—constitutional safeguards of human life and liberty."... "If these contentions be true in fact, it necessarily follows that no legal procedural remedy is available to grant relief for a violation of constitutional rights, ..."..."Since the Sixth Amendment constitutionally entitles one charged with crime..., compliance with this constitutional mandate is an essential jurisdictional prerequisite to a federal court's authority to deprive an accused of his life or liberty."

"If the accused, however, is not represented by counsel and has not competently and intelligently waived his constitutional right, The Sixth Amendment stands as a jurisdictional bar to a valid conviction and sentence depriving him of his life or his liberty. A court's jurisdiction at the beginning of trial may be lost "in the course of proceedings" due to failure to complete the court..."

17. Petitioner contends that, just as the Sixth Amendment "stands as a jurisdictional bar to a valid conviction and sentence depriving one of his life or liberty", and is but one element of due process; so to, is the right of Petitioner to be heard in a Court of justice, where Petitioner can present evidence in his favor, face their accusers, know the nature and character of the co-called charges against them, and have the opportunity to call for witnesses, and be afforded the opportunity to cross examine said witnesses. That without due process of law, there can be NO taking of life, liberty or property, and that such lack of due process also stands as a jurisdictional bar against Respondents.

The right(s) mentioned in the Sixth Amendment are found in: the Virginia Statutes At Large, (1785), Chapter LXXXI, and the Code of Virginia 1860 pg. 825 Chapter CCIV (Examination or trial before justice). 12. "The justice, before whom any person is brought for an offence, shall, as soon as may be, in the presence of such person, examine on oath the witnesses for and against him, and he may be assisted by counsel." Petitioner is NOT requesting or pointing to federal protection of the Sixth Amendment, but rather the state's protection of the same rights.

18. Furthermore, in the event that Respondents are a constitutionally created office, Petitioner has NOT received remedy (notice and opportunity to be heard), through the Administrative Procedure, as it is "special" and/or "private law," which does NOT apply to Petitioner, and which is a;

"Branch of law governing the creation and operation of administrative agencies. Of special importance are the powers granted to administrative agencies, the substantive rules that such agencies make, and the legal relationships between such agencies, other government bodies, and the public at large." "Administrative law encompasses laws and legal principles governing the administration and regulation of government agencies (both federal and state) ..." "Generally, administrative agencies are created to protect a public interest rather than to vindicate private rights."

"Governmental agencies must act within Constitutional parameters."

http://topics.law.cornell.edu/wex/administrative_law It is clear by the above language; that an Administrative Agency is NOT created to: "vindicate private rights" but rather, they are there to: "protect a public interest..." Which "public interest" are they referring to? Is it the State (federal government)? See "public" defined below as;

Public. "Pertaining to a state, nation, or whole community; proceeding from,

relating to, or affecting the whole body of people or an entire community. Open to all; notorious. Common to all or many; general; open to common use..."

"...As a noun, the word "public" denotes the whole body politic, or the aggregate of the citizens of a state, district, or municipality." Black's Law Dictionary First Edition 1891.

Public. "The whole body politic, or the aggregate of the citizens of a state, nation, or municipality. The inhabitants of a state, county, or community. In one sense, everybody, and accordingly the body of the people at large; the community at large, without reference to the geographical limits of any corporation like a city, town, or county; the people. In another sense the word does not mean all the people, nor most of the people, nor very many of the people of a place, but so many of them as contradistinguishes them from a few. Black's Law Dictionary; Third, Fourth, Fifth and Sixth Edition(s).
Petitioner is at a loss as to what "public" is being referenced here; as "the word (public), does

not mean all the people, nor most of the people, nor very many of the people of a place,..."

19. Petitioner reminds the Court, that both the Official Seal and Flag of the Commonwealth of Virginia, which was adopted on April 30, 1861 almost two weeks after Virginia voted, on April 17, 1861, to repeal its 1788 ratification of the Constitution of the United States, bears the Motto; ""Sic Semper Tyrannis" ("Thus Always to Tyrants"). Virginia's history is one of resistance to Tyrants who would come into her borders to dictate to her and who would take from her and her citizenry, (i.e. a Virginia citizen), without due process. (See Attachment(s)).

20. Petitioner does expressly reserve and retain any and all rights which are or may be his, and does not waive any such rights unless and until he shall waive a right or rights by written, informed declaration of such waiver, naming specifically the right or rights to be so waived.

Dated this _____ day of ____________, 20__ Respectfully Submitted,

______________________________________ [your name], In Propria Persona

[your name]

[address]

[city, state, zip]

FOOTNOTES: *Federal as defined before the civil war, and up to the 1863

Webster's Dictionary, in the Great Dictionary Conspiracy by

Joel Rorie. (See Attached).

*Due Process as defined before the civil war (See Authorities Attached).

*The term United used before the word States is understood as an adjective and not as a pronoun determines this to be understood as a Confederacy not a National form of government.

Henry Guajardo and 35 others 39 Comments 41 Shares

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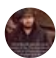


Thomas Maddux Read up on this amazing work for this Friday evening lesson. The Silver Bullet!

Imagine this in court records all over the states.

Hmm.

Like · Reply · 1y · Edited 5

JD Price So how can I download/copy that??

My phone doesn't seem to want to cooperate...

1

Like · Reply · 1y

Vanessa Perry try box in menu for desktop setting
Like · Reply · 1y 1

Thomas Maddux Did you get this JD?
Like · Reply · 1y

Thomas Maddux JD Price and get a PC.
Like · Reply · 1y

Write a public reply...

Thomas Maddux Mylene Grimm, this is the actual writ of prohibition. It can be tweaked and changed for any unlawful fraud the cabal is trying to pull you into court for.
Like · Reply · 1y 3

Thomas Maddux Juan Hill, copy, read and absorb this writ.
Like · Reply · 1y 1

Juan Hill Once again thank you for your insights.
Like · Reply · 1y 1

Thomas Maddux Jim Clapp Sr., this is the silver bullet. This very writ defeated the IRS that was days away from taking the Virginian's home.
Like · Reply · 1y 2

Robert Burke

Like · Reply · 1y

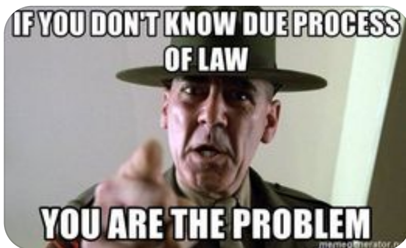
Robert Burke A-1
Like · Reply · 1y

Thomas Maddux Deborah Gillette
Like · Reply · 44w

Thomas Maddux This Writ is your beginning to stop the unlawful cabal. If you have not read this you are missing one of the main foundations of the Marion C. Metts School of Common law.

Fact is, most in this group haven't read this writ and haven't a clue what's going on.

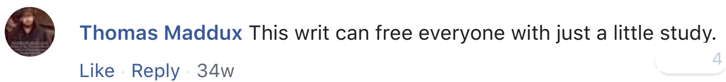
This writ assures Due Process of Law in the court you are in:



Like · Reply · 43w · Edited 4

Greg Stanbro I've started studying due process and this writ and I'm looking forward to being able to protect my rights. Thank you for everythin, Thomas Maddux and Joseph Rorie
Like · Reply · 43w 3

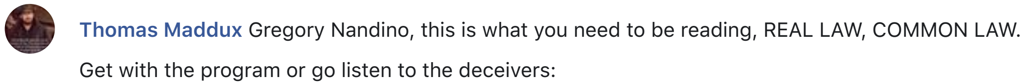
Joseph Rorie Greg Stanbro You are welcomed.
Like · Reply · 43w


Thomas Maddux This writ can free everyone with just a little study.

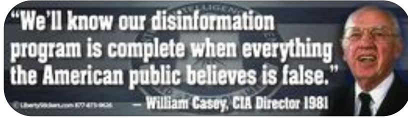
Like · Reply · 34w 4

Thomas Maddux This is THE writ!

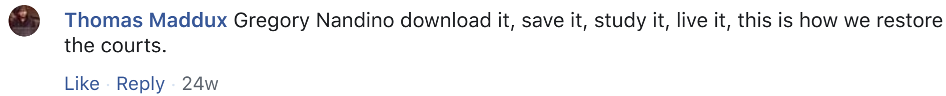
Like · Reply · 34w 1


Thomas Maddux Gregory Nandino, this is what you need to be reading, REAL LAW, COMMON LAW.

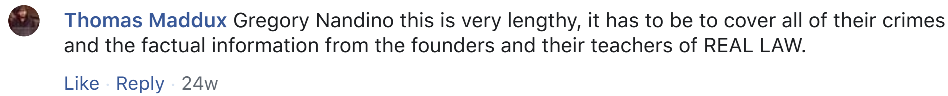
Get with the program or go listen to the deceivers:



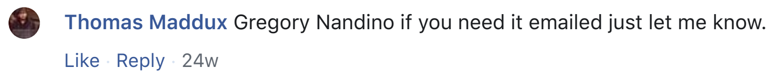
Like · Reply · 24w 2


Thomas Maddux Gregory Nandino download it, save it, study it, live it, this is how we restore the courts.

Like · Reply · 24w

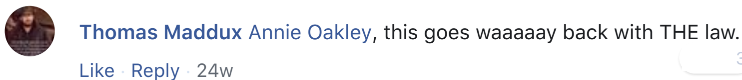

Thomas Maddux Gregory Nandino this is very lengthy, it has to be to cover all of their crimes and the factual information from the founders and their teachers of REAL LAW.

Like · Reply · 24w

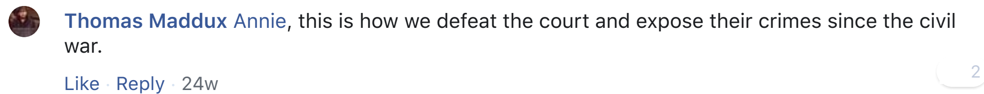

Thomas Maddux Gregory Nandino if you need it emailed just let me know.

Like · Reply · 24w

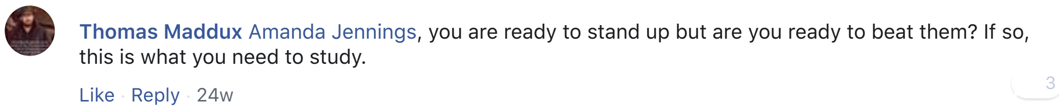
Write a public reply...


Thomas Maddux Annie Oakley, this goes waaaaay back with THE law.

Like · Reply · 24w 3

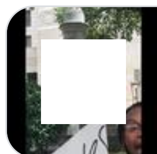

Thomas Maddux Annie, this is how we defeat the court and expose their crimes since the civil war.

Like · Reply · 24w 2


Thomas Maddux Amanda Jennings, you are ready to stand up but are you ready to beat them? If so, this is what you need to study.

Like · Reply · 24w 3

Amanda Jennings Thomas Maddux https://youtu.be/C6JDj7cyBOE


YOUTUBE.COM

What's Next?!

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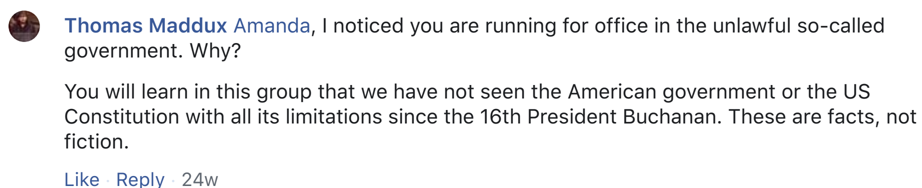
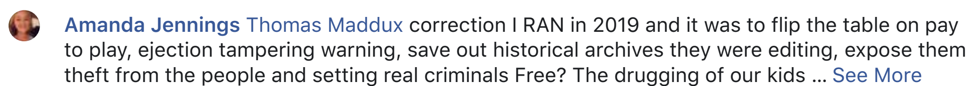
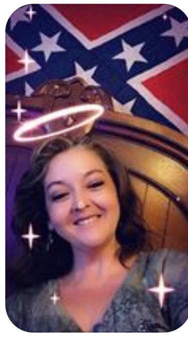

Thomas Maddux Amanda, I noticed you are running for office in the unlawful so-called government. Why?

You will learn in this group that we have not seen the American government or the US Constitution with all its limitations since the 16th President Buchanan. These are facts, not fiction.

Like · Reply · 24w 2


Amanda Jennings Thomas Maddux correction I RAN in 2019 and it was to flip the table on pay to play, ejection tampering warning, save out historical archives they were editing, expose them theft from the people and setting real criminals Free? The drugging of our kids ... See More



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Thomas Maddux Amanda Jennings all of this is due to the unlawful Nation-alist government that people are ignoring. We can't vote for/run for and participate with cancer and make it go away.

I would like for you to read this and take it serious:

"They meant to change the form of the American commonwealth" (a criminal act so huge, hardly anyone can believe or comprehend it)

"The real vital element of the [Fourteenth] Amendment lay in section one. The revolutionary doctrines therein contained were couched in vague and general terms. When read by the average voter it meant little or nothing. Nobody understood section one...The first section of the Amendment was generally supposed to have no other effect than to uplift and protect the freedmen. In so far as the masses comprehended the measure, this was their interpretation.

The Amendment was written in general terms, making use of constitutional phrases long known to all English-speaking peoples. The Republican Party expected to interpret these clauses so that they would become the concrete embodiment of a new national ideal. The radical wing of this party was willing to go to great lengths in making changes in the governmental system. They knew what they intended by the vague terms of section one of the Amendment. They knew that it could it be interpreted so as to extend far out beyond the negro race question. They desired to nationalize all civil rights; to make the Federal power supreme; and to bring the private life of every citizen directly under the eye of Congress. This intention of the Radicals, though too much involved for the people in general to comprehend, was quite generally understood by the leading editors in the North and in the South and by the party leaders on both sides.

The Congressional ideal of the purpose and of the enforcement of the Amendment at this time was simply an expression of the aims of the Radicals who were in full control. We are thus enabled to see what was the Congressional interpretation of the Fourteenth Amendment. The same force in the Republican Party which secured the adoption of the Amendment has also given us its ideal of the purpose and scope of that constitutional measure by the laws thereunder enacted. They meant to change the form of the American Commonwealth.

The States were to exist only in name. Their legislatures and their courts were to be reduced to impotency. The citizens of the States were now to live directly under the surveillance of the Federal Government, looking to it for protection in his private affairs and fearing its avenging power should he transgress the least of its commandments. Into the hands of Congress we placed the sovereign power of the Nation. No longer was the National Government to be one of delegated powers, and no part of the sovereign power was to be held any longer by the States. Section one of the Fourteenth Amendment was intended ultimately to create out of the former Union one centralized consolidated government with the supreme power vested in the Federal authorities in Washington." —The Fourteenth Amendment and the States, Introduction p 7-20, Charles Wallace Collins (1912)

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Thomas Maddux Cricketts?

Like · Reply · 24w

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Annie Oakley What I will be reading soon.

Like · Reply · 24w 2

Thomas Maddux Annie Oakley

Q. Is this so-called modern law our real system of law?... See More

Like · Reply · 24w 1

Teesha Brik Annie Oakley you keep going back to fraud like its a good thing. You clearly aren't about change at all.

Like · Reply · 24w 1

Thomas Maddux Annie, I have heard for decades, if we want to understand the constitutions/laws we have to go back to that time period and use the books of the day.

Today's books have no truth in them about THE law or THE constitutions/US or States.
... See More

Like · Reply · 24w 3

Annie Oakley Thomas Maddux At one time I wanted to go to the library of congress. There are also records like that dating back in pre-england times. May do these both soon.

Like · Reply · 24w 1

Thomas Maddux Annie, we can read the congressional record online: The 1860s is very telling in how they unlawfully changed government from limited to unlimited.

"A Century of Lawmaking for a New Nation"

"https://memory.loc.gov/ammem/amlaw/

Like · Reply · 24w 2

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