

Take the

5

*th*

*without assistance  
of  
Counsel*

## Class 13

# WHO AM I

I am a living, breathing soul created by a Supreme Being. The Creator gave me inalienable rights that cannot be transferred to another or taken away. These rights belong to me because I am "me".

What are my Rights???

Life, Liberty and the Pursuit of Happiness!!!

These rights are intangible. I can't see, hear, touch, taste or smell my rights. They are inherent. They are an integral part of me.

My rights are so basic – that the founding fathers embodied them into the earliest documents written for this new country – the united states of America. So I am guaranteed the freedom to love God with my whole being and love my neighbor as myself which is encompassed in the "Unwritten Law", "Maxims of Law", "Common Law" and "Treaty Law".....the laws that are my guide to a fruitful and good life.

On October 4, 1982 Congress declared the Bible "The Word of God", That's Public Law 97-280, the 97<sup>th</sup> Congress, 96 Stat. 1211.

Minority No. 1956, 49<sup>th</sup> Cong. 2<sup>nd</sup> Sess, Feb. 25, 1887 and found in the 1938 Cong. Record Vol. 83 – Pt. 1 – Jan 3 – Jan 27, 1938 (p. 1-1186) "The Court...holding that there were 2 citizenships in our system...and one of the state...that the rights, privileges and immunities of such a person as a citizen of the United States were separate and distinct from his rights, privileges and immunities as a citizen of a State;" "All rights are secured to citizens by treaties with foreign nations". (You have) "The right to become a citizen of a State by residing in it."

This is who I am

## WHAT HAPPENED???

Title 28 USC 3002 Section 15A states that the United States is a Federal Corporation and not a Government...

## HOW IS A LAW MADE ?

A provision for uniformity was first agreed upon when the founding fathers created the Articles of Confederation and the Constitution For the United States of America. It was called an enacting clause. In order to make a law binding, it has to have an enacting clause which consists of three parts. 1. A Title, 2. The Enactment Clause, 3. A Main Body. One and three are evident.

What is an enacting clause= that portion of the statute which gives it jurisdictional identity and constitutional authenticity. So every statute MUST have an enacting clause and any statute that has none, or has an enacting clause that does not conform EXACTLY to the one required by the constitution of the state – is NULL and VOID.

The Articles of Confederation were written in 1777 and all 13 Colonies had ratified by 1781. BUT the state constitutions and seals were never brought forward, an act of, for and by the people to establish a lawful standing.

In 1787, the Articles were replaced with the Constitution For the United States of America. Many of the Colony delegates did not agree with this new constitution and in order to make it appear lawful and that it was UNANIMOUS, the framers signed it “Done in Convention, by the unanimous consent of the states present”, but not all states were present. 74 delegates were named, but only 55 attended and 39 signed. Of the 39, only 13 may have been in office at the time of the signing. To be lawful, all 13 states and all delegates must sign. Thus fraud was committed.

A new **corporate** Constitution “of” the United States which is the supreme law of the United States, was written and ratified in 1788.

The Judiciary Act of 1789 gave Congress the authority to create lower federal courts, Article I and II courts of the United States. The de jure people were left with one Article III court, namely the Supreme Court according to Article III of the Constitution.

On August 9, 1790; Article ONE of the U.S. Statutes at Large, pages 138-178, abolished States of the Republic and created federal Districts. In the same year the former States of the Republic reorganized as Corporations and their legislatures wrote new State Constitutions, absent defined boundaries, which they presented to the people of each State for a vote.

Why did they ratify now? Because the new State Constitutions fraudulently made the people “Citizens of the United Sates” of the new Corporate States.

WHAT'S THE PROOF???

There is an enacting clause --- Be it...the clause gives this Act authority. Congress guaranteed protection to ALL Americans, naturalized or natural born, regardless of where they dwell, both inside the Federal zone, and in foreign States like Alaska or Mississippi, and in foreign countries like France of Italy.

There is no enacting clause in the Federal Constitution.

Every statute must have an enacting clause and any statute that has none, or has an enacting clause that does not conform exactly to the one required by the constitution of the state – is null and void. The lack of an enacting clause means that every traffic ticket and tax bill issued is null and void for lack of a valid statute. But they use code citations when they issue tickets and tax bills. True, but behind the code citations there is always a statute on which the code is based and if the statute is void, so is the Code section it applies to.

Since the statute is the basis of the courts jurisdiction to hear the case, if the statute is void, then there was no violation of law. **THIS QUESTION IS THE VERY FOUNDATION OF THE COURTS SUBJECT MATTER JURISDICTION AND WHERE THERE IS NO SUBJECT MATTER JURISDICTION THERE IS NO CASE TO BE HEARD BECAUSE THERE IS NO VALID STATUTE FOR THE COURT TO ADJUDICATE.**

NO codes, statutes, rules, regulations, or ordinances are law for the dejure, only for the corporate citizens and agencies.

22 CFR 92.12 – 92.31 states that an oath is required to take office.

Title 8 USC 1481 states once an oath is taken, citizenship is relinquished, thus that person becomes a foreign entity, agency or state (no longer private or dejure ) This means every public office is a foreign state as well as New Mexico's county commissioners. How do you think this affects each and every Magistrate judge, clerk, bailiff, district and Supreme Courts?

On December 26, 1933 --- while many of the legislators and senators were on holiday, a few mischievous members passed 49 Statute 3097, Treaty Series 881 entitled Convention on Rights and Duties of States, stating that Congress replaced STATUTES with International law, placing all states under international law. Why would Congress want to place the states under international law? Maybe, it is a part of a bigger plan ---

Then on December 9, 1945, four months after the U.S. dropped an atomic bomb to end WWII, Congress initiated the International Organization Immunities Act which in essence relinquished EVERY PUBLIC OFFICE in the United States to the

United Nations. What public offices are they talking about? Well, for example, the Georgia Secretary of State; The California State Troopers; Mississippi County Recorders; West Virginia's Supreme Court; North Dakota's Department of Motor Vehicles; The alphabet people=CIA, FBI, Secret Service, Department of Homeland Security; Every Sheriff's Department, and prison, jail, child protection, WIC program, Welfare, DNR, Corp of Engineers, Guardian ad litem, Probation Officers, Police Officers, Park Police, U.S. President, his Cabinet, the Senators, Legislators -----are you

getting this picture? 52% of our population work in a government capacity – who MUST take an oath to the State and Federal Constitution – which places them under the U.N. .

Ask yourself how does this affect who I am? You have remained a living, breathing man and woman of the soil – They changed – they are foreign entities to the American people. Foreign means: according to the law dictionary, “Not within the jurisdiction of the same government”.

So, how does one plead??? Guilty, Not guilty, No Contest??? To plead ANYTHING is to jump into the defacto system. Taking the 5<sup>th</sup> and no assistance of counsel is the dejure man or woman's inalienable right. We have that right!!

It is suggested that each one of us create a folder. Please study the class material for the particulars on how to file with correct time and procedure.

1. In it, place the habeas corpus typed with the corresponding state's codes. Give family and friends a copy. (One phone call asking a person to serve it upon the warden in the facility one is being incarcerated after 72 hours is simple.)
2. It is suggested that one has in the folder an informa pauperis
3. and a judicial notice, ready to be filled in if and when necessary.
4. It is suggested that one have the assistance of counsel form
5. A contract for the public defender to contract with you.
6. It is suggested that one demands, in writing, from the public defender, the enacting clause that lawfully supports the “law” they claim you have violated (Please be aware that ALL CODES, STATUTES, RULES, REGULATIONS AND ORDINANCES, all 60 million of them, having NO enacting clause, are unlawful for American Nationals.) (All corporate entities must follow the codes, statutes, rules, regulations and ordinances as they are bound to them by taking their oath of office, to the state as well as to the federal constitution. )
- 7 It is suggested that one demands, that the public defender, in writing, challenges subject matter jurisdiction.

Title 28 USC 1602-1611 (Foreign Sovereign Immunities Act) allows the jurisdiction of a court to be challenged and a demand of proper jurisdiction to be stated.

July 27, 1868 15 Statute at Large Chapter 249, Sec. 1 “Acts Concerning American Citizens in a Foreign State”, expatriation is what is broken when jurisdiction is demanded, and it is not met with an answer -

Babcock & Wilcox Co. v. Parsons Corp. 430 F 2d 531 (1970) “Subject matter jurisdiction cannot be waived by parties, conferred by consent, or ignored by court”.

In re Turner, 29 B.R. 419 reversed 724 F 2d 338 (D.C.N.Y. 1983): “Defense of lack of subject matter jurisdiction NEVER CAN BE CURED or waived by consent of parties and may be presented by any interested party at any time – *including on appeal.*”

Wells v. Wells, 376 So. 2D 750 (1979) “Question of jurisdiction is always fundamental, and if there is absence of jurisdiction over either the person or subject matter, court has no power to act.”

Jurisdiction can not be assumed. Owen v City of Independence Missouri, 100 S.Ct. 1398 1401 (1980).

Once challenged, jurisdiction must be answered. Hagans v. Lavine, 99 S. Ct. 1372, 1377, 78 N. 5 (1973).

Once the existence of subject matter jurisdiction is challenged, the burden of establishing it always remains on the party asserting jurisdiction... “Jama v. USINS 22 F SUPP. 2D 353 (D.N.J. (1998)

Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with the asserter. The court is only to rule on the sufficiency of the proof rendered. See McNutt v. GMAC. 298 US 178.

The United States Supreme Court and numerous federal courts have ruled that when jurisdiction is challenged, it must be proven, on the record, or the case must be dismissed. See: Melo v. U.S. 505 F 2d, 1026 “Once jurisdiction has been challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction.

8. It is suggested that one demands the public defender file an Affidavit of Denial of Corporate Status.

The **presumption** of government and the courts is that we are juristic, corporate beings and NOT living, breathing souls. But that is a rebuttable presumption.

We are Sovereign over the government agencies of which we, the living, breathing people collectively, are co-creators. California Government Code Section 100

states "The people of this state did not give up their Sovereignty over the agencies which they created." That is true in every State because each state came in on an equal footing.

Rule 5 FRCP If name on document and NOT dishonored, you have a (contract) agreement.

9. FRCP Sec. III, Motions and Pleadings, Rule 9(a) states in pertinent part:

"When an issue is raised as to the legal existence of a named party's capacity to be sued, or the authority of a party to be sued, the party desiring to raise the issue shall do so by specific negative averment, which shall include supporting particulars."

10. It is suggested that one includes the Maxims of Law in each case. The law for the dejure.

11. Meet with the public defender and inform him/her that in order for one to defend oneself, the public defender must file with the plaintiff's attorney and the clerk of the court, these above named documents, thereby guaranteeing your rights. ALL OF THIS MUST BE DONE BEFORE THE ARRAIGNMENT (motions hearing). It is the duty of the public defender to help defend you and if he/she refuses, fire them. Of course, one has the option to fire any number of lawyers/attorneys. One can always take the 5<sup>th</sup> and without assistance of counsel.

If the judge is acting in insurrection and rebellion against the U.S. Constitution, and the judge shows no signs of mending his/her ways or correcting his/her court procedure, it is usually best to file a notice of criminal malpractice (malfeasance) with the court administrator and with the bonding company in person, or by fax to immediately establish reversible error and civil damage in the case.

Go in person to the clerk of court and obtain the bond and the name of the bonding company for which the judge is insured.

Send Complaint (against the judge) to the Bonding Company and notice the prosecuting attorney, judge, clerk of court and judicial review board also by sending a copy of the complaint.

**YOU DETERMINE IF YOU ARE THE KING OR QUEEN**

You make that determination by your actions.

Time and Procedure are critical.

There is no reason to be in a court case.

No one should be in jail.

Only YOU can be that KING or QUEEN

No one can do it for you.

It's better NOT to dance with the defacto.

*November 7, 2017 nunc pro tunc November 14, 2017*

## A CONTRACT

A Contract has three components:

1. Presentment
2. Acceptance
3. Disclosure & Substance

All contracts must have all three components in order to be valid. Class 13 listed numerous actions on the part of the 'first formers' where a presentment was made, we the people accepted the presentment BUT there was NO substance and NO disclosure. (ss#, B.C., DL, April 15th)

It starts with the Articles of Confederation. A valid contract was written and presented, the people ratified it and it provided for the people enumerated rights. The 'government' was also given constraints which protected the people. The major constraint is the Oath Of Office. Each and every person who acts in a government capacity MUST take an oath of office to follow the laws secured in the contract (Articles of Confederation).

A corporation submits guidelines. It's called a corporate charter or a constitution. These guidelines must be followed. If a person goes rogue, the agency or state is liable for the mistakes of its employees. Varified by:

Erie Railroad Co. v. Thompkins, 304 U.S. 64 decision states that there must be a contract in order to give a remedy.

The Clearfield Doctrine also states the necessity of a contract.

**All LEGISLATION is a CONTRACT !!! A CORPORATE Contract !!!**

It all boils down to: There MUST be a contract to be lawful. The 'first formers' did not follow the law from the beginning, therefore, everything they did after the beginning, is unlawful. Codes, statutes, rules, regulations, ordinances and public policy ARE NOT LAW for the dejure man and woman of the soil because of the fraud in the beginning. But the codes, rules, regulations, ordinances and public policy must be followed by the people who work for the government because they take an oath of office to the state and federal constitutions (corporations). We MUST hold them to their oath of office.

## Notes

Rule 5 FRCP If name on document and NOT dishonored, you have a (contract) agreement.

9. FRCP Sec. III, Motions and Pleadings, Rule 9(a) states in pertinent part:

“When an issue is raised as to the legal existence of a named party's capacity to be sued, or the authority of a party to be sued, the party desiring to raise the issue shall do so by specific negative averment, which shall include supporting particulars.”

10. It is suggested that one includes the Maxims of Law in each case. This is the law for the dejure.

11. Meet with the public defender and inform him/her that in order for one to defend oneself, the public defender must file with the plaintiff's attorney and the clerk of the court, these above named documents, thereby guaranteeing your rights. ALL OF THIS MUST BE DONE (3 days) **BEFORE** THE ARRAIGNMENT (motions hearing). It is the duty of the public defender to help defend you and if he/she refuses, fire them. You are free to fire all lawyers/attorneys that do not contract to assist you. If one must appear in court, bring the denied “attorney contract” with the attorney's name on the top and an x by the signature line, WHICH HE/SHE DID NOT SIGN - for the judge. One can always take the 5<sup>th</sup> and without assistance of counsel.

If the judge is acting in insurrection and rebellion against the U.S. Constitution, and the judge shows no signs of mending his/her ways or correcting his/her court procedure, it is usually best to file a notice of criminal malpractice (malfeasance) with the court administrator and with the bonding company in person, or by fax to immediately establish reversible error and civil damage in the case.

Go in person to the clerk of court and obtain the bond and the name of the bonding company for which the judge is insured.

## Notes

Send the Complaint (against the judge) to the Bonding Company and notice the prosecuting attorney, judge, clerk of court and judicial review board also by sending a copy of the complaint.

Be certain to keep all envelopes (correspondence sent to you) as the Post Office (UPU) can be a witness.

A. Articles of Confederation created a lawful Republic

B. Constitution For the United States of American

Wasn't unanimous – only 13 signed

Signers not qualified to signature

Never ratified – no seals )

no constitutions ) brought forward to the people to ratifying

*Whatever happened after this was NOT binding on the de jure*

C. Constitution of the United States --- is corporate

for corporate people

binding on corporate people

contracts link the corporate – Drivers license, Social Security

Tax day, on (labor, home, food, gas, clothing)

D. Remedies Provided by the Corporation:

citizen of one of the several states

Bible is the Word of God

Minority Report

Expatriation

FOIA –Freedom of Information Act

FARA – Foreign Agents Registration Act

(to protect the men and women of the soil)

California Code 100

Minnesota Rule 220

Enacting Clauses