

United States Republic Constitution 1789: Amendment - 1: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. United Nations - Universal Declaration of Human Rights 1948: Article 19 - Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. United Nations - Declaration on the Rights of Indigenous People 2007 (Signed by President Barack Obama in 2010): Article 16 - Sections 1 & 2: 1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination. 2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity. & Articles - 1, 3, 4, 6, 8, 9 & 37 sections 1 & 2

PERSONAL RIGHTS

United States v. Bishop, 412 U.S. 346 (1973)

If you have relied on prior decisions of the Supreme Court, you have the perfect defense for willfulness.

United States v. Minker, 350 US 179

“Because of what appears to be a lawful command on the surface, many citizens, because of their respect for what only appears to be a law, are cunningly coerced into waiving their rights, due to ignorance.”

Brady v. U.S 116 U.S 616

“Waivers of constitutional rights not only must they voluntary, they must be knowingly intelligent acts done with sufficient awareness.”

Zeigler v. Railroad Co., 58 Ala. 599.

“If any question of fact or liability be conclusively presumed against him, this is not due process of law.”

Sherer v. Cullen 481F. 945

“For a crime to exist, there must be an injured party (Corpus Delicti). There can be no sanction or penalty imposed on one because of this Constitutional Right.”

Marbury v. Madison, 5 US 137

“The Constitution of these United States is the supreme law of the land. And any law that is repugnant to the Constitution is null and void of law.”

Mulgar v. Kansas 1213 US 623,659-60

Under the United States Republic’s Constitutional system of government and upon the individuality and intelligence of the citizen, the state does not claim to control one’s conduct to other, leaving one the sole judge as to all that affects oneself.

Miller v. Kansas 230 F 2nd 486,489

“The Claim and exercise of Constitutional rights cannot be converted into a crime.”

Miranda v. Arizona 384 US 436, 125

“Where Rights secured by the Constitution are involved, there can be no rule-making or legislation, which would abrogate them.”

Definition of “abrogate”

1. To abolish, do away with, or annul, especially by authority.
2. To annul by an authoritative act; to abolish by the authority of the maker or his successor; to repeal; -- applied to the repeal of laws, decrees, ordinances, the abolition of customs, etc.
3. To put an end to; to do away with.

Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

“No state Legislator or Executive or Judicial officer can war against the constitution without violating his undertaking to support it.”

Ibid; gibbons v. Ogen 9 Wheat 1; 5 Cond. Rep. 562 Re-read, particularly, Article 1 Section 8.1 and 9.1

“Persons are not the subjects of commerce, and not being imported goods, they do not fall within the meaning founded upon the constitution, of a power given to congress, to regulate commerce, and the prohibition of the states for imposing a duty on imported goods.

Penhallow v. Doane’s

Administrator’s defined government succinctly. “Governments are corporations”. In as much as every government is an artificial person, an abstraction, a creature of the mind only, a government can deal only with artificial persons. The imaginary, having no reality or substance cannot create or attain parity with the real.

Murdock v. Penn

“No state shall convert a liberty into a privilege, license it and attach a fee to it.”

Shuttlesworth v. Birmingham

“If the state converts a liberty into a privilege, the citizen can engage in the right with impunity.”

Owens v. City

The state is prohibited from violating Substantive Rights. **Owens v. City, 445 US 662 (1980)**; and it cannot do by one power (*eg. Police Power*) that which is, for example, prohibited expressly to any other such power (*eg. Taxation/Eminent Domain*) as a matter of law. **US and UT v. Daniels, 22 p. 159**, nor indirectly that which is prohibited to it directly. **Fairbanks v. US 181, US 283, 294, 300:**

COURTS, OFFICERS & POLICE

Hoffsomer v. Hayes, 92 Okla 32, 227 F 417

“The courts are not bound by an officer’s interpretation of the law under which he presumes to act.”

Rodney-Dale; Class v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Police department is not an agency of the STATE.”

Owen v. Indepandence. 100 S.C.T 1398, 445 US 622

“Officers of the court have no immunity when violating a Constitutional right from liability. For they are deemed to know law!”

Sapp v. Tallahasee, 348 So. 2nd. 363, Reiff v. City of Phiadelphia, 477 F.Supp. 1262, Lynch v. N.C. Dept of Justice 376 S.E. 2nd. 247.”

“It is not the duty of the police to protect you. Their job is to protect the Corporation and arrest code breakers.”

Michigan v. Duke

State Police Power extends only to immediate threat to public safety, health, welfare, etc.,

Michigan v. Duke 266 US, 476 Led. At 449: which driving and speeding are **not**. **California v. Farley Ced. Rpt. 89,20 CA3rd 1032 (1971)**

Kolender v. Lawson (461 U.S. 352, 1983)

In which the United State Supreme Court ruled that a police officer could not arrest a citizen merely for refusing to present identification.

State v. Robinson, 145 ME. 77, 72 ALT. 260

“An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right to use force in defending himself as he would in any other assault and battery.”

Adam v. State, 121 Ga. 16, 48 S.E 910

“One may come to the aid of another being unlawfully arrested, just as he may where one is being assaulted, molested, raped or kidnapped. Thus it is not an offense to liberate one from the lawful custody of an officer, even though he may have submitted to such custody, without resistance.”

TRAFFIC, TRAVEL & ENFORCEMENT

California v. Farley, 98 Cal. Rep. 89 20 CA 3d 1032

“Speeding, driving without a license, wrong plates or no plates, no registration, no tags, etc., have been held to be “non-arrestable offenses.”

People v. Battle, 50 Cal. App. 3, step 1,123 Cal. Rptr.636,639

“Traffic infractions are not a crime.”

Kent v. Dulles 357 US 116. 125:

“The right to park or travel is part of the liberty of which the natural person, citizen cannot be deprived without “due process of law’ under the 5th Amendment of the United States Constitution.

State v. Armstead , 60 s.778,779 and 781

“The right to Travel, The right to mode of conveyance; The right to locomotion are all absolute rights, and the police cannot make void the exercise of rights.”

Thompson v. Smith 154 SE 579

“The right of a citizen to travel upon the public highways and to transport one’s property thereon, either by carriage or automobile, is not a mere privilege, which a city may prohibit or permit at will, but a common right, which he/she has under the right to life, liberty, and the pursuit of happiness.”

Chicago Motor Coach v. Chicago 337 Illinois 200, 169 NE 22, ALR, Ligare v. Chicago 139 ill. 46, 28 HE 934, Boone v. Clark 214 SW 607, 25 AM jur (1st) highways

“The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common and fundamental right which the public and Natural people cannot be deprived.”

Christy v. Elliot

Traveling in an automobile on the public roads was not a threat to the public safety or health and constituted no hazard to the public, and such a traveler owed no other duty to the public (eg. The State); he/she and his/her auto, having equal right to and on the roadways / highways as horses and wagons, etc.; this same right is still Substantive Rule, in that speeding, running stop signs, traveling without license plates, or registration, are not threats to the public safety, and thus, are not arrestable offenses.

IN THE COURTS

Boyd v. U.S., 116 U.S 616

“The Courts is to protect against any encroachment of constitutionally secured liberties.”

Griffin v. Matthews, 310 F Supra 341, 342 (1969) Industrial Addition Association v C.I.R 323 US 310,313 –

"Lack of Federal Jurisdiction cannot be waived or overcome by agreement of parties. And want of jurisdiction may not be cured by consent of parties.”

Louisville v. Motley 211 US 149, 29S. CT 42 -"

If any tribunal (court) finds absence of proof of jurisdiction over a person and subject matter, the case must be dismissed. The accuser bears the burden of proof beyond a reasonable doubt."

Burns v. Sup., Ct., SF 140 Cal. I. -

"Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities."

ASIS v. US, 568 F2d 284 -

"A judge ceases to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments and rational for that of the agency. Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation, or rational.

US v. WilL, 449 US 200,216, 101 S Ct, 471 66 Led2nd 392, 406 (1980) Cohens v. Virginia, 19 US (6 Wheat) 264, 404, SLed 257 (1821) -

When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.

Bonacci v. Massachusetts-

"A writing is 'void ab initio' in the case of fraud in the inception, and it need not be formally rescinded as a prerequisite to right of avoidance"